

**M. LYNN LEMON**  
COUNTY EXECUTIVE / SURVEYOR

199 NORTH MAIN  
LOGAN, UTAH 84321  
TEL: 435-755-1850  
FAX: 435-755-1981



**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

**December 5, 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, DECEMBER 9, 2014**

## **AMENDED AGENDA**

**5:00 p.m.**

1. **CALL TO ORDER**
2. **OPENING / PLEDGE** – Cory Yeates
3. **REVIEW AND APPROVAL OF AGENDA**
4. **REVIEW AND APPROVAL OF MINUTES** (November 25, 2014)
5. **REPORT OF COUNTY EXECUTIVE**
  - a. Appointments
  - b. Warrants
  - c. Other Items
6. **CONSENT AGENDA**
7. **ITEMS OF SPECIAL INTEREST**
  - a. Special Presentation
8. **UNIT OR COMMITTEE REPORTS**
9. **BUDGETARY MATTERS**

**5:30 p.m.\***

10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

a. **Public Hearing – Resolution 2014-24 - Storm Water Management Plan**

**5:45 p.m.\***

b. **Public Hearing – Ordinance 2014-14 - Amendments to the County Code  
Title 17.06 Uses; Title 17.10 Development Standards**

**6:00 p.m.\***

c. **Public Hearing – Open 2014 Budget**

11. **PENDING ACTION**

a. **Ordinance 2014-12 – Adoption of 2015 Salaries for Elected Officials**

b. **Ordinance 2014-13 – Adoption of 2015 Salaries for Cache County Council**

c. **Resolution 2014-23 – Adoption of 2015 Cache County Budget**

12. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
  - a. ***Resolution 2014-24 – Storm Water Management Plan***
  - b. ***Resolution 2014-25 – Amendments to 2014 Budget***
  - c. ***Resolution 2014-26 – Amending the Cache County Corporation Personnel Policy and Procedure Manual Section X: Grievances and Appeals and Adding an Americans with Disabilities Act (ADA) Policy***
  - d. Property Tax Deferral Requests
  - e. Cancellation of Delinquent Taxes, Penalties, and Interest Request
  - f. MS4 Storm Water Permitting / Storm Water Management Plan
  - g. Election of Council Chair and Vice Chair for 2015 Cache County Council
  
13. **OTHER BUSINESS**
  - a. Cache County Employees Christmas Dinner – Wednesday, December 10, 2014 at 6:30 p.m.  
Riverwoods Conference Center
  - b. County Council Winter Social
  
14. **COUNCIL MEMBER REPORTS**
  
15. **ADJOURN**



Val K. Potter, Chairman

\* Citizens desiring to be heard at a public hearing are encouraged to submit their messages in writing prior to or during 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.

**17.06.010 Uses Identified .....1**  
**17.06.020 Application Required.....1**  
**17.06.030 Burden of Proof.....1**  
**17.06.040 Permitted Uses.....1**  
**17.06.050 Conditional Uses.....2**  
**17.06.060 Nonconforming Uses .....3**

**17.06.010: Uses Identified**

- A. All uses allowed by this title shall be identified as:
  - 1. Permitted use.
  - 2. Conditional use.
  - 3. Nonconforming use.
- B. Prohibited Use: Any use which is not identified by this title as either a permitted, conditional, or nonconforming use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.

**17.06.020: Application Required**

- A. All requests for a permitted or conditional use shall be made on an application form provided by the Development Services Department.
- B. No use approved as a permitted or conditional use may be modified, enlarged or expanded, without obtaining an approved modification to the permit. The application for modification shall be processed as a new permit application under this ordinance. The issuance of a permit may require that the existing development site be brought into substantial conformance with the terms of the Cache County Code in effect on the date the use permit is approved, including but not limited to: landscaping, screening, parking, and storm water retention.

**17.06.030: Burden of Proof**

- A. The applicant has the burden of proving that the application meets the ordinance requirements for any permitted or conditional use.

**17.06.040: Permitted Uses**

- A. As required by the county code, requests for a permitted use shall also provide an application for a building permit and/or application for a business license, as applicable. The Director is authorized to impose reasonable conditions in compliance with this section. A permitted use shall not become effectual until:
  - 1. A zoning clearance is issued, and as required;
  - 2. A building permit is issued, and/or;
  - 3. A business license is issued.
- B. All applications for a permitted use are required to comply with the requirements of this title, the requirements of the county building codes, and the county business license codes as adopted and as applicable. Permitted use applications shall be reviewed in accordance with the following general standards and criteria:
  - 1. The Director shall review the permitted use request and determine if the request meets the following requirements:

- a. The use is identified as a permitted use within the zoning district as identified in chapter 17.09, "Schedule of Zoning Uses", of this title.
  - b. The use complies with the requirements as defined and specified by this title.
  - c. The use complies with the Cache County roadway standards and/or requirements of the Utah Department of Transportation (UDOT).
  - d. The use meets all applicable requirements of the state.
2. Upon finding that the proposed use, building, or structure complies with the standards and requirements of this title, the Director shall issue a zoning clearance.
  3. The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes.
  4. If the request for a permitted use complies with the requirements of this title, the adopted county building codes, and the applicable requirements of the Bear River Health Department or the Utah Department of Environmental Quality, the permitted use shall be authorized.

**17.06.050: Conditional Uses**

- A. A conditional use allows the consideration of special uses that may be essential or desirable to a particular community, but are not allowed as a matter of right. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The purpose of the conditional use permit application process is to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval. If adverse impacts cannot be appropriately resolved, the use is not appropriate in that location or configuration.
- B. Conditional use permits may be approved by the Planning Commission as provided by this title for any of the uses for which a conditional use permit is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Planning Commission is also authorized to impose such other reasonable conditions as provided in this section.
- C. The Planning Commission shall review a conditional use request with the following general standards and criteria:
  1. Health, Safety, and Welfare:  
The proposed conditional use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
    - a. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
    - b. It unreasonably interferes with the lawful use of surrounding property.
  2. Compliance with Law:  
The proposed conditional use complies with the regulations and conditions specified in this title and other applicable agency standards for such use.
  3. Compliance with Intent of General Plan, Ordinance, and Zone and/or compatible with existing uses in the immediate vicinity:  
The proposed conditional use is consistent with the intent, function, and policies of the applicable zone, the current general plan, and existing uses in the immediate vicinity.
  4. Adequate Service Provision:

The proposed conditional use does not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

**5. Impacts and Mitigation:**

Reasonably anticipated detrimental effects of the proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by this code, and/or disruption of agricultural practices.

6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the Planning Commission may deny the request for a conditional use permit.

D. In approving a conditional use permit, the Planning Commission may impose such reasonable conditions as deemed necessary for the protection of adjacent properties and the public interest. The Planning Commission may require guarantees or other evidence that such conditions will be met and complied with.

E. If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the Planning Commission shall schedule the item for consideration at a regular meeting. A minimum notice of thirty (30) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.

1. A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:

- a. The conditional use permit was obtained in a fraudulent manner.
- b. The use for which the conditional use permit was granted has ceased for a minimum of twelve (12) consecutive calendar months.
- c. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.
- d. The use constitutes a nuisance as defined by County Code.
- e. One or more of the conditions of the conditional use permit have not been met.

F. All conditional use permits authorized and approved as required by this title are determined to run with the land.

**17.06.060: Nonconforming Use**

A. A nonconforming use may continue provided that it:

1. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
2. Has been continuously maintained.

B. Alteration of a Nonconforming Use:

1. A nonconforming use shall not be enlarged upon, expanded, or intensified.
2. A nonconforming use may be maintained, however, for any work that requires a building permit, a zoning clearance shall be issued that identifies the following: The nonconformity, the legally nonconforming status, and that the use is not being enlarged, expanded, or intensified.

<u>17.06.010 Uses Identified</u> .....	<u>1</u>	
<u>17.06.020 Application Required</u> .....	<u>1</u>	
<u>17.06.010030</u> .....	<u>Burden of Proof</u>	<u>1</u>
<u>17.06.020 Prohibited Uses</u> .....		
<u>17.06.030040</u> .....	<u>Permitted Uses</u>	<u>1</u>
<u>17.06.040050</u> .....	<u>Application Required</u>	<u>12</u>
<u>17.06.050 Standards and Criteria for Permitted Use</u> .....	<u>Conditional Uses</u>	
<u>17.06.060 Nonconforming Uses</u> .....	<u>Permitted Uses</u>	
<u>17.06.070 Standards and Criteria for Conditional Use</u> .....		<u>23</u>
<u>17.06.080 Revocation or Modification of a Conditional Use Permit</u> .....		<u>2</u>
<u>17.06.090 Conditional Use Permit to Run with the Land</u> .....		<u>3</u>
<u>17.06.100 Temporary Uses</u> .....		<u>3</u>
<u>17.06.110 Standards and Criteria for Temporary Uses</u> .....		<u>3</u>
<u>17.06.120 Repealed</u> .....		<u>4</u>
<u>17.06.130 Nonconforming Uses, Lots, and Structures</u> .....		<u>4</u>
		<u>5</u>

**17.06.010: Uses Identified**

A. All uses allowed by this title shall be identified as:

- 1. Permitted use.
- 2. Conditional use.
- 3. Nonconforming use.

B. Prohibited Use: Any use which is not identified by this title as either a permitted, conditional, or nonconforming use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.

**17.06.020: Application Required**

A. All requests for a permitted or conditional use shall be made on an application form provided by the Development Services Department.

B. No use approved as a permitted or conditional use may be modified, enlarged or expanded, without obtaining an approved modification to the permit. The application for modification shall be processed as a new permit application under this ordinance. The issuance of a permit may require that the existing development site be brought into substantial conformance with the terms of the Cache County Code in effect on the date the use permit is approved, including but not limited to: landscaping, screening, parking, and storm water retention.

**17.06.030: Burden of Proof**

A. The applicant has the burden of proving that the application meets the ordinance requirements for any permitted or conditional use.

**17.06.010: Uses Identified**

All uses allowed by this title shall be identified as:

- A. Permitted use.
- B. Conditional use.
- C. Temporary use.

~~D. Nonconforming use.~~

~~E. Small business use.~~

#### **17.06.020: Prohibited Uses**

~~Any use which is not identified by this title as either a permitted use, a conditional use, a small business use or a temporary use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.~~

#### **17.06.030: Application Required**

~~All requests for a permitted use or a conditional use, a small business use or a temporary use shall be made on an application form provided by the zoning administrator.~~

#### **17.06.040: Permitted Uses**

~~A. The zoning administrator is authorized to issue all required zoning clearances for a permitted use. As required by the county building codes, all requests for a permitted use shall also provide an application for a building permit and/or application for a business license, as applicable. The Director is authorized to impose reasonable conditions in compliance with this section. No permitted use shall not become effective until:~~

- ~~1. a zoning clearance is received from issued, zoning administrator and as required;~~
- ~~2. a building permit is issued, -and/or;~~
- ~~3. A business license, as required, is issued. \_\_\_\_ The zoning administrator is also authorized to impose such other reasonable conditions as provided in section 17.06.050 of this chapter.~~

#### **17.06.050: Standards and Criteria for Permitted Use**

~~B. All applications for a permitted use are required to comply with the requirements of this title, the requirements of the county building codes, and the county business license codes (title 5 of this code) as adopted and as applicable. A permitted use applications shall be reviewed in accordance with the following general standards and criteria:~~

- ~~A1. The Director zoning administrator shall review the permitted use request and determine if the request meets the following requirements:~~
  - ~~1a. The use is identified as a permitted use within the zoning district as identified in chapter 17.09, "Schedule of Zoning Uses", of this title.~~
  - ~~2b. The use complies with the requirements for the zoning district as defined and specified by this title, with respect to minimum area, setback requirements, height, buffer and landscape standards, maximum coverage, parking, unloading, and all other requirements applicable to the district.~~
  - ~~3. The use does not have an adverse effect on any sensitive areas, as defined by this title.~~
  - ~~4c. The use complies with the Cache County roadway standards and/or requirements of the Utah Department of Transportation (UDOT).  
all road dedication requirements of the county and provides necessary infrastructure as required and recommended by the County Road Department and/or Utah Department of Transportation.~~
  - ~~5d. The use meets all applicable requirements of the state Bear River Health Department and Utah Department of Environmental Quality as required and applicable.~~
- ~~B2. Upon finding that the proposed use, building, or structure complies with the standards and requirements of this title, the zoning administrator Director shall issue a zoning clearance.~~

- ~~3. With the receipt of a zoning clearance, t~~The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes,~~as adopted.~~
- ~~4. If the request for a permitted use complies with the requirements of this title, the~~ adopted county building codes, ~~as adopted,~~ and the applicable requirements of the Bear River Health Department or the Utah Department of Environmental Quality, ~~as applicable,~~ the permitted use shall be authorized.

#### **17.06.~~0600~~50: Conditional Uses**

- A. ~~A conditional use allows the consideration of special uses that may be essential or desirable to a particular community, but are not allowed as a matter of right. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The purpose of the conditional use permit application process is to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval. If adverse impacts cannot be appropriately resolved, the use is not appropriate in that location or configuration.~~

~~The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of those uses which may be suitable in specific locations or if such uses are designed, arranged or conducted on the site in a particular manner.~~

- B. Conditional use permits may be approved by the Planning Commission as provided by this title for any of the uses for which a conditional use permit is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Planning Commission is also authorized to impose such other reasonable conditions as provided in this ~~section 17.06.070 of this~~ ~~chapter.~~

#### **17.06.070: Standards and Criteria for Conditional Use**

AC. The Planning Commission shall review a conditional use request with the following general standards and criteria:

1. Health, Safety, and Welfare:

The proposed conditional use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:

- a. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;

- b. It unreasonably interferes with the lawful use of surrounding property.

2. Compliance with Law:

The proposed conditional use complies with the regulations and conditions specified in this title and other applicable agency standards for such use.

3. Compliance with Intent of General Plan, Ordinance, and Zone and/or compatible with existing uses in the immediate vicinity:

The proposed conditional use is consistent with the intent, function, and policies of the applicable zone, the current general plan, and existing uses in the immediate vicinity.

4. Adequate Service Provision:

The proposed conditional use does not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and access for emergency vehicles and residents, fire protection,

law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

**5. Impacts and Mitigation:**

Reasonably anticipated detrimental effects of the proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by this code, and/or disruption of agricultural practices.

- ~~1. The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the area and the county;~~
- ~~2. Compatibility of the proposed use with the intent, function and policies established in the Cache Countywide Comprehensive Plan;~~
- ~~3. Compatibility of the proposed use with the character of the site, adjacent properties and other existing and proposed development;~~
- ~~4. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation;~~
- ~~5. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;~~
6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the planning-Planning commission-Commission may deny the request for a conditional use permit.

~~**B.D.** In approving a conditional use permit, the planning-Planning commission-Commission may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, flood control, time limits, and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning Commission may require guarantees or other evidence that such conditions will be met and complied with.~~

**~~17.06.080: Revocation or Modification of a Conditional Use Permit~~**

~~**A.E.** If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning-Planning commission-Commission shall schedule the item for consideration at a regular meeting. A minimum notice of fourteen-thirty (1430) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.~~

~~**B.1.** A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:~~

- ~~1a.~~ The conditional use permit was obtained in a fraudulent manner.
- ~~2b.~~ The use for which the conditional use permit was granted has ~~now~~ ceased for a minimum of twelvet-least-eighteen (1812) consecutive calendar months.
- ~~3c.~~ The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.
- ~~4d.~~ The use constitutes a nuisance as defined by County Code.
- ~~5e.~~ One or more of the conditions of the conditional use permit have not been met.

### **17.06.090: Conditional Use Permit to Run with the Land**

**F.** All conditional use permits authorized and approved as required by this title are determined to run with the land.

### **17.06.100: Temporary Uses**

**A.** ~~The purpose of the issuance of a temporary use is to allow the establishment of a use on a temporary basis which will not create an undue risk to the public health, welfare and safety, and which will not create a nuisance. Such uses may include, but are not limited to, construction offices, or the storage of materials and equipment necessary for construction, and seasonal activities such as a corn maze, pumpkin patch/stand, fireworks stand, and Christmas tree lot.~~

**B.** ~~A temporary use shall be approved by the zoning administrator, as provided by this title, for any of the uses for which a temporary use is identified in chapter 17.09, "Schedule of Zoning Uses", of this title. A temporary use shall only be authorized by the zoning administrator for a period of up to six (6) months. As required by the county building codes, all requests for a temporary use shall also provide application for a building permit and/or application for a business license, as required by the county. No temporary use shall become effective until approval is received from the zoning administrator and a building permit and/or business license, if required, is issued by the county building official and/or county clerk. The zoning administrator is also authorized to impose such other reasonable conditions as provided in section 17.06.110 of this chapter.~~

### **17.06.110: Standards and Criteria for Temporary Uses**

~~In approving a temporary use, the zoning administrator may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, time limits, and other items for the temporary use as deemed necessary for the protection of adjacent properties and the public interest. The zoning administrator may require guarantees or other evidence that such conditions will be met and complied with.~~

**A.** ~~The zoning administrator shall review a temporary use request with the following general standards and criteria:~~

- ~~1. The property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that it will not be materially detrimental to adjoining and surrounding properties.~~
- ~~2. The use will cease within a maximum of six (6) months from the date of issuance of the temporary use permit.~~
- ~~3. The use will comply with all requirements of the Bear River health department, sheriff's department, county building codes, county business ordinance, and all other requirements as applicable.~~

**B.** ~~In approving a temporary use, the zoning administrator may impose such reasonable conditions or restrictions as deemed necessary to secure the purposes of this title. These conditions may include:~~

- ~~1. That the site will be suitably maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect, preserve and/or enhance the appearance and character of the area.~~

- ~~2. The provision of parking facilities, including vehicular ingress and egress, loading and unloading areas, and the surfacing of parking areas and driveways to specified standards.~~
- ~~3. The provision of an adequate water supply, sewage disposal, flood control and fire protection.~~
- ~~4. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.~~
- ~~5. Does not have an adverse effect on any sensitive areas, as defined by this title.~~
- ~~6. The regulation of operating hours for activities affecting normal schedules and functions.~~
- ~~7. The regulation of signs as per chapter 17.23, "Sign Standards", of this title.~~
- ~~8. The provision of a reasonable guarantee, bond or other surety, as determined by the zoning administrator, that the proposed temporary use will be maintained and operated in compliance with all conditions and requirements.~~
- ~~9. Such other reasonable conditions determined necessary by the zoning administrator to allow the establishment and operation of the proposed temporary use in an orderly and efficient manner.~~

**17.06.120: Appeal of Permitted Use, Conditional Use, or Temporary Use Decision<sup>†</sup>**

(Rep. by Ord. 2008-07, 9-23-2008)

<sup>†</sup>See section 17.02.070 of this title.

**17.06.013060: Nonconforming Use, Lot, or Structure**

A. A nonconforming use, lot, or structure may continue provided that it:

1. -Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entitys, and;
2. Has been continuously maintained on or before the effective date hereof or at the time of an amendment, or by some action by a federal, state, or local government entity may continue provided that the use, lot, or structure has been maintained continuously.

AB. Alteration of a Nonconforming Use, Lot, or Structure:

1. A nonconforming use, lot, or structure shall not be enlarged upon, expanded, or intensified.
2. A nonconforming use, lot, or structure may apply to the board of adjustment to be enlarged or modified by meeting the following criteria:
  - a. The change is in harmony with the surrounding neighborhood and in keeping with the intent of the comprehensive plan and this title.
  - b. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity.
- ~~3-2. c. Reasonable conditions may be attached to the approval in order to assure compatibility with the surrounding properties.~~ A nonconforming use or structure may be maintained, however, and repaired. On for any work being completed that requires a building permit, a zoning clearance shall be issued that identifies the following: the The nonconformity,; itsthe legally nonconforming status,; and that the use, lot, or structure is not being enlarged, expanded, or intensified.
3. Any reconstruction or restoration of a nonconforming structure shall comply with both this title and with Utah State Code Section 17-27a-510(3).

~~B. Abandonment: The determination of an abandonment of a nonconforming use, lot, or structure shall comply with Utah State Code Section 17-27a-510(4).~~

~~C. Nonconforming Lot:~~

- ~~1. Parcels not meeting the minimum density or lot size requirements for a zone:
  - ~~a. Legal lots not meeting the minimum lot size or density requirements shall be entitled to be developed as a lot, but not to be further subdivided.~~
  - ~~b. Restricted lots not meeting the minimum lot size or density requirements may apply to the Board of Adjustments for a variance as provided in subsection A of this section. If the Board of Adjustments approves the variance, the lot owner may then apply for a subdivision to the Planning Commission and County Council.~~~~
- ~~2. Illegal A rlot meeting the minimum lot size and/or density requirements of a zone may apply to the Planning Commission and County Council for a subdivision of that lot from the original 1970 parcel. If the parcel is large enough to support multiple lots that meet the lot size and/or density limits, a subdivision from the 1970 parcel will be required in conjunction with the subdivision of the parcel in question.~~

*Portions of 17.06.060 regarding structures moved to 17.10.020 [H] and amended  
Entirety of 17.06.060 [C] amended and moved to 17.10.020 [F] and [G]*

17.10.010 Purpose.....1  
17.10.020 General Requirements.....1  
17.10.030 Development Density and Standards Specific to Base Zoning Districts.....2  
17.10.040 Site Development Standards .....3  
17.10.050 Supplemental Standards .....5  
17.10.060 Improvement Agreements.....6

**17.10.010: Purpose**

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

**17.10.020: General Requirements**

- A. Every Single Family Dwelling to be on a Legal Lot:
  - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
  - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29<sup>th</sup>, 2013.
  - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
  - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.
- D. Sale or Lease of Required Space:
  - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
  - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
  - 1. No permits or licenses will be issued for a use on any restricted lot.
  - 2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.
  - 3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

### **G. Nonconforming Lot/Parcel**

1. Legal lots not meeting the minimum lot size or density requirements of the applicable zone shall be entitled to be developed as a lot, but shall not be entitled to further subdivision in that nonconforming configuration.

### **H. Nonconforming Structure**

1. Existence: A nonconforming structure may continue provided that it:
  - a. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
  - b. Has been continuously maintained.
2. Alteration: A nonconforming structure may be altered, maintained, and/or repaired as follows:
  - a. Minor: Minor changes that do not increase the nonconformity are permitted provided that:
    - i. Necessary permits are obtained, and on any work being completed that requires a building permit a zoning clearance shall be issued that identifies the following:
      - 1) The legally nonconforming status, and;
      - 2) The nonconformity, and;
      - 3) That the nonconformity of the structure is not being increased.
    - ii. Any reconstruction or restoration of a nonconforming structure shall comply with state and county code.
  - b. Major: Requests for major changes that increase a nonconformity may be made to the Cache County Board of Adjustments and must meet state code requirements for a variance.
3. Abandonment: A nonconforming structure may be determined to be abandoned in compliance with state and county code.

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

- A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):
  1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the density of one lot per ten (10) acres.
    - a. 1970 parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.
    - b. 1970 parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.
- B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):
  1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.
- C. Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:

17.10.010 Purpose.....1  
17.10.020 General Requirements.....1  
17.10.030 Development Density and Standards Specific to Base Zoning Districts.....12  
17.10.040 Site Development Standards .....3  
17.10.050 Supplemental Standards .....45  
17.10.060 Improvement Agreements.....56

**17.10.010: Purpose**

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

**17.10.020: General Requirements**

- A. Every Single Family Dwelling to be on a Legal Lot:
  - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
  - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29<sup>th</sup>, 2013.
  - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
  - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.
- D. Sale or Lease of Required Space:
  - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
  - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
  - 1. No permits or licenses will be issued for a use on any restricted lot.
  - 2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.
  - 3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

### **G. Nonconforming Lot/Parcel**

- 1. Legal lots not meeting the minimum lot size or density requirements of the applicable zone shall be entitled to be developed as a lot, but shall not be entitled to further subdivision in that nonconforming configuration.**

### **H. Nonconforming Structure**

- 1. Existence: A nonconforming structure may continue provided that it:**
  - a. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;**
  - b. Has been continuously maintained.**
- 2. Alteration: A nonconforming structure may be altered, maintained, and/or repaired as follows:**
  - a. Minor: Minor changes that do not increase the nonconformity are permitted provided that:**
    - i. Necessary permits are obtained, and on any work being completed that requires a building permit a zoning clearance shall be issued that identifies the following:**
      - 1) The legally nonconforming status, and;**
      - 2) The nonconformity, and;**
      - 3) That the nonconformity of the structure is not being increased.**
    - ii. Any reconstruction or restoration of a nonconforming structure shall comply with state and county code.**
  - b. Major: Requests for major changes that increase a nonconformity may be made to the Cache County Board of Adjustments and must meet state code requirements for a variance.**
- 3. Abandonment: A nonconforming structure may be determined to be abandoned in compliance with state and county code.**

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

- A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):**
  - 1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the density of one lot per ten (10) acres.**
    - a. 1970 parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.**
    - b. 1970 parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.**
- B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):**
  - 1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.**
- C. Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:**

**CACHE COUNTY  
ORDINANCE NO. 2014-12**

**AN ORDINANCE PROVIDING FOR CHANGES OF SALARIES FOR CACHE COUNTY OFFICERS FOR 2015 AND SUPERSEDING PRIOR RESOLUTIONS AND ORDINANCES.**

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that a public hearing regarding the proposed county budget for 2015 including the change of salaries for the Cache County Officers for 2015 was conducted on November 25, 2014, in accordance with Section 17-16-14, *Utah Code Annotated*, upon lawful notice; that the *Organic Act for the Government of Cache County, Utah, as approved on November 6, 1984*, authorizes the modification of the salaries for all elected county officers by ordinance; that the budget for Cache County officers has been adopted by the Cache County Council in accordance with the applicable law; and that an ordinance providing for a salary change for the elected county officers is appropriate for carrying into effect the approved salary changes.

Now therefore, the Cache County Council ORDAINS as follows:

**SECTION 1: OFFICER'S SALARIES**

The salaries for county officers for the period January 1, 2015 through December 31, 2015 shall be as follows:

County Executive/Surveyor	\$ 98,157
County Assessor	\$ 75,753
County Attorney	\$ 111,395
County Clerk/Auditor	\$ 75,753
County Recorder	\$ 75,753
County Sheriff	\$ 86,109
County Treasurer	\$ 75,753

**SECTION 2: REPEALER**

The salary provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with this ordinance, are hereby repealed and superseded by this ordinance to the extent of such conflict. Otherwise such resolutions and ordinances shall remain in full force and effect.

**SECTION 3: EFFECTIVE DATE**

This ordinance shall take effect immediately upon approval and publication in the manner by law.

This ordinance was adopted by the Cache County Council on the 9th day of December, 2014 upon the following vote:

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
POTTER				
ROBISON				
BUTTARS				
MERRILL				
WHITE				
YEATES				
ZILLES				
TOTAL				

CACHE COUNTY COUNCIL

By: \_\_\_\_\_  
Val K. Potter, Chairman

ATTESTED:

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

Publication date: \_\_\_\_\_

**CACHE COUNTY  
ORDINANCE NO. 2014-13**

**AN ORDINANCE PROVIDING FOR SALARIES FOR MEMBERS OF THE CACHE COUNTY COUNCIL FOR 2015 AND SUPERSEDING PRIOR RESOLUTIONS AND ORDINANCES.**

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that a public hearing regarding the proposed county budget for 2015 including the establishment and change of salaries for members of the Cache County Council for 2015 was conducted on November 25, 2014, in accordance with Section 17-16-14, *Utah Code Annotated*, upon lawful notice; that the *Organic Act for the Government of Cache County, Utah, as approved on November 6, 1984*, authorizes the modification of the salaries of the members of the Cache County Council only by ordinance; and that the County Council deems it appropriate and reasonable to establish salaries for members of the Cache County Council for the period commencing January 1, 2015 and ending December 31, 2015.

Now therefore, the Cache County Council ORDAINS as follows:

**SECTION 1: COUNTY COUNCIL SALARIES**

The salaries earned for members of the Cache County Council for the period January 1, 2015 through December 31, 2015 shall be as follows:

COUNCIL MEMBER – Regular salary or equivalent benefit for each member	\$ 12,500
COUNCIL CHAIR (in addition to regular salary)	\$ 1,800

**SECTION 2: REPEALER**

The salary provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with this ordinance, are hereby repealed and superseded by this ordinance to the extent of such conflict. Otherwise such resolutions and ordinances shall remain in full force and effect.

**SECTION 3: EFFECTIVE DATE**

This ordinance shall take effect immediately upon approval and publication in the manner by law.

This ordinance was adopted by the Cache County Council on the 9th day of December, 2014 upon the following vote:

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
POTTER				
ROBISON				
BUTTARS				
MERRILL				
WHITE				
YEATES				
ZILLES				
TOTAL				

CACHE COUNTY COUNCIL

By: \_\_\_\_\_  
Val K. Potter, Chairman

ATTESTED:

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

Publication date: \_\_\_\_\_

# RESOLUTION NO. 2014-24

CACHE COUNTY, UTAH

## STORM WATER MANAGEMENT PLAN

---

THE ADOPTION OF THE CACHE COUNTY STORM WATER MANAGEMENT PLAN AS REQUIRED BY THE U.S. EPA AND THE STATE OF UTAH TO ADDRESS STORM WATER RUNOFF TO MUNICIPAL STORM SEWER SYSTEMS (MS4s) IN URBANIZED AREAS

WHEREAS, the U.S. Environmental Protection Agency (EPA) has established storm water management requirements under 40 C.F.R 122.32 (a)(1) State of Utah, for jurisdictions within urban areas, and;

WHEREAS, all or part of Cache County has been identified as an urbanized area according to the 2010 U.S. Census, and;

WHEREAS, the proposed Storm Water Management Plan has been reviewed by the Cache County Council, and;

WHEREAS, the Cache County Council has determined that it is necessary for the County to adopt the Storm Water Management Plan;

NOW, THEREFORE, BE IT RESOLVED that the Cache County Council hereby adopts the following resolution:

The Cache County Storm Water Management Plan  
(On file in the Cache County Development Services Office or online at  
<https://www.cachecounty.org/devserv/storm-water.html> )

APPROVED AND ADOPTED this 9<sup>th</sup> day of December, 2014.

CACHE COUNTY COUNCIL

ATTEST:

\_\_\_\_\_  
Val Potter, Chair  
Cache County Council

\_\_\_\_\_  
Jill Zollinger  
Cache County Clerk

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

**CACHE COUNTY  
RESOLUTION 2014-26**

**A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION  
PERSONNEL POLICY AND PROCEDURE MANUAL  
SECTION X: *GRIEVANCES AND APPEALS*  
AND ADDING AN AMERICANS with DISABILITIES ACT (ADA) POLICY**

WHEREAS, the Cache County Council on November 25, 2014, in a regular meeting of which lawful notice had been given, considered amending Section X of the Cache County Corporation Personnel Policy and Procedure Manual which describes Rules and Regulations; and

WHEREAS, on November 25, 2014, the Cache County Council approved the proposed amendments to Section X of the Cache County Corporation Personnel Policy and Procedure Manual and the proposed addition of an Americans with Disabilities Act (ADA) Policy; and

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

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

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

Adopted by the County Council of Cache County, Utah, this 9th day of December, 2014.

CACHE COUNTY COUNCIL

By: \_\_\_\_\_  
Val K. Potter, Chairman

ATTEST:

By: \_\_\_\_\_  
Jill N. Zollinger, County Clerk

CACHE COUNTY

# EXHIBIT A



## SECTION X -- GRIEVANCES AND APPEALS

### A. DEFINITION

A grievance is defined as any dispute or complaint arising between an employee and the County. A grievance includes but is not limited to acts of discrimination as defined in Title VII of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, or the Age Discrimination in Employment Act of 1967 (ADEA), which address race, color, religion, sex, national origin, political affiliation, disability or age.

### B. POLICY

It is Cache County's policy to address employee's grievances promptly and fairly. The grievance and appeals procedure is available to non-probationary merit employees in the event of dismissal, demotion, suspension or transfer for any reason.

1. There may be circumstances in which an employee believes that he or she has been treated unfairly or when an employee feels dissatisfied with some aspect of his or her employment over which he or she has no control and for which he or she desires action. Employees who have grievances created by work situations have the right to submit such grievances for orderly disposition.
2. It is the policy of Cache County that the grievance and appeals policy and procedures set forth herein be used in conjunction with the performance improvement policy described in Section VII. Employees shall not be discriminated against, coerced, restrained nor retaliated against in any way for using the grievance procedure as set forth herein.
3. *Timeframe for Resolution: To any and all timeframes noted within this section, Human Resources shall have the authority to grant extensions based on staff availability or other extenuating circumstances.*

### C. STEPS FOR RESOLVING GRIEVANCES

#### 1. **STEP 1: VERBAL TO DEPARTMENT HEAD**

- a. The employee should verbally communicate any complaint or grievance to the department head. The employee should clearly identify the problem and suggest possible solutions to the department head.
- b. All grievances shall be communicated within five (5) working days after the incident occurs or situation arises so that the grievance can be appropriately considered.
- c. After receipt of verbal communication of grievance, the department head shall respond within five (5) working days to the employee with a solution or other response.
- d. The employee, after having received a solution or an answer back from the department head, has ten (10) working days to appeal if not satisfied with the results.

#### 2. **STEP 2: WRITTEN TO DEPARTMENT HEAD**

- a. If the grievance is not satisfactorily resolved with the verbal communication to the department head or within the time allowed for in **Step 1**, a written grievance on the county's Grievance Form (available from the Director of Human Resources) with a

clear, detailed statement of the grievance and supporting facts should be hand-carried to the department head and a copy to the Director of Human Resources.

- b. The department head and the Director of Human Resources have ten (10) working days to review and respond to the written grievance. The response to the employee from the department head and the Director of Human Resources shall be in written form.
- c. The employee, after having received a response to the written grievance from the department head and the Director of Human Resources, has ten (10) working days to appeal to the grievance committee chair with a copy to the Director of Human Resources if they are not satisfied with the results.

### 3. **STEP 3: APPEAL TO GRIEVANCE COMMITTEE**

If not satisfied with the written response of the department head and Director of Human Resources and the grievance remains unresolved or the department head and the Director of Human Resources failed to respond within the time allowed for in **Step 2**, an appeal to the grievance committee may be submitted by the employee.

- a. ***All pertinent information (written, photo, video, audio, list of witnesses, witness statements, etc.) is to be provided to the Chair of the Grievance Committee at the time of the filing of the grievance. Documents not provided in a timely manner may not be considered by the Grievance Committee.***

## D. THE GRIEVENCE COMMITTEE

The grievance committee shall consist of five members, recommended by the Director of Human Resources, appointed by the County Executive, and confirmed by the County Council. The committee shall consist of:

- One elected official or One Department Head within Cache County.
  - Two merit employees in a supervisory capacity (e.g. Lieutenant, Sergeant, Foreman, etc.).
  - Two other merit employees, who are not elected or appointed and not in a supervisory capacity.
  - Alternate members for each category shall also be recommended, appointed and confirmed.
1. The Director of Human Resources or HR staff may not serve on the grievance committee. The County Attorney, or designee, will serve as legal counsel to the grievance committee and chair. If any member of the grievance committee has a direct conflict of interest with an appeal or is from the same department as the appealing employee, that member must so state after notification of a pending appeal and an alternate member shall be appointed to replace that member for the specific appeal only.
    - a. If the employee believes that a conflict of interest exists with a member of the grievance committee, the employee may request that that member of the grievance committee be replaced by an alternate member. In that event, an alternate member shall be appointed for that appeal only. Under no circumstances shall more than one alternate member be required to be appointed to replace an original member of the grievance committee.
    - b. The appeal shall include the signed written grievance on the county's Grievance

Form with a clear statement of relevant facts and any applicable rules, policies, or laws, along with copies of any supporting documentation (written, photo, video, audio, list of witnesses, witness statements, etc.) and the employee's recommendations or request for a solution.

- c. *The grievance committee shall have ten (10) working days to meet and determine if a hearing should be held.*
  - i. If the grievance committee determines that a hearing is not justified, it will explain the decision and recommend a solution in writing to the employee and the department head. The recommendation of the grievance committee is final.
  - ii. If the grievance committee determines that a hearing is justified, it shall convene a hearing within ten (10) working days.
2. The procedure for the hearing before the grievance committee shall be as follows:
  - a. At the hearing the employee or their representative shall establish the basis of the employee's grievance.
  - b. The department head will also review his or her findings with the grievance committee.
  - c. Parties to the grievance may call witnesses who shall be sworn in before testifying.
  - d. All information to be presented should be in writing and provided to the Grievance Committee before the hearing
  - e. The grievance committee may ask questions and gather relevant information as it deems appropriate.
  - f. Upon completion of the hearing, the grievance committee shall render a written decision to the employee and the department head within ten (10) working days of the conclusion of the hearing. The decision of the committee shall be final.
  - g. Only the grievance committee shall make a record of the hearing and its decision and may do so by using an audio recorder but no recording shall be made of the deliberations of the committee. *No other recordings of the proceedings will be allowed.* Grieving parties may make a written request of an official copy of the record or any recordings.
  - h. ***Neither the hearing, the deliberations, nor other proceedings before the grievance committee constitute an open or public meeting and therefore shall be closed. All documents and associated support materials including, but not limited to, the grievance form, evidence, and committee decisions are to be classified as PRIVATE for purposes of the Government Records Access Management Act.***

#### E. TERMINATION AND TRANSFER APPEALS

In those cases where a non-probationary merit employee is discharged through involuntary termination, suspended, or transferred through demotion from one position to another with less remuneration for any reason, the non-probationary merit employee has the right to a hearing before the grievance committee in accordance with the following procedures.

1. Within ten (10) working days of the discharge, suspension, transfer or demotion, a non-probationary employee requesting an appeal hearing shall submit a written grievance on the county's Grievance Form (available from the Director of Human Resources) with a clear, detailed statement of the grievance and supporting facts. The Director of Human Resources shall then immediately forward the request and all supportive facts to the grievance committee.

- a. The employee's request for a hearing shall set forth the action being appealed and include a statement by the employee stating in detail the facts of the case, the reasons why the appeal is being taken and what remedial action the employee desires.
- b. Within ten (10) working days after receipt of the request for a hearing, the grievance committee shall meet and determine if a hearing is justified and if so, establish a hearing date and give written notice of the hearing to the employee not less than five (5) working days before the hearing.
  - i. The written notice should include:
    - The hearing date, time and location;
    - A statement that the employee shall be entitled to appear in person at the hearing to present evidence on their behalf and question witnesses and examine all evidence to be considered by the grievance committee, and that the employee may be represented by a person or legal counsel of the employee's choice and expense;
    - A statement to the effect that the committee will conduct the hearing informally and that:
      - The strict rules of evidence shall *not* apply;
      - That all witnesses will nevertheless be placed under oath by the Committee Chair;
      - That the grievance committee may request that the County Attorney act as counsel for the grievance committee;
      - That the aggrieved employee shall proceed first with the presentation of such facts and issues deemed relevant; and
      - That all witnesses shall be subject to cross-examination and questioning by the members of the grievance committee and the employee.
- c. The committee shall make a written report of its findings and decision. The report should contain the material facts brought out in the hearing upon which the committee bases its decision and a copy should be provided to the department head, Human Resources, and the employee within ten (10) working days from conclusion of the hearing.
- d. Only the grievance committee shall make a record of the hearing and its decision and may do so by using an audio recorder but no recording shall be made of the deliberations of the committee. *No other recordings of the proceedings will be allowed.* Grieving parties may make a written request of an official copy of any recordings.
- e. *Neither the hearing, the deliberations, nor other proceedings before the grievance committee constitute open and public meetings and therefore shall be closed.*
  - i. *All documents and associated support materials including, but not limited to, the grievance form, evidence, and committee decisions are to be classified as PRIVATE for purposes of the Government Records Access Management Act.*

#### F. GRIEVANCE PROCEDURE FOR HARASSMENT

All county employees are entitled to a work environment free from harassment based on



race, color, religion, age, sex, national origin, disability, status as a veteran, or any other protected status.

1. DEFINITIONS

a. “Sexual Harassment” is defined as follows: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

b. “Harassment” includes but is not limited to:

- Epithets (e.g. nicknames, labels, etc.)
- Slurs,
- Derogatory comments or jokes,
- Intimidation,
- Negative stereotyping,
- Physical aggression such as pinching or patting,
- Verbal sexual abuse disguised as humor,
- Obscene gestures,
- Harassment may also include written or graphic material placed on walls, bulletin boards or elsewhere on the County’s premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group.
- Threats,
- Assault,
- Verbal sexual abuse disguised as humor,
- Horseplay or bantering of a sexual or off-color nature,
- Any physical interference with an employee’s normal work or movement, directed at individual employees, their relatives, friends or associates,
- Critical or negative remarks made about an employee’s performance and not based on characteristics outlined above are not Harassment.

2. POLICY and PROCEDURE

It is the policy of Cache County that harassment of any person based on race, color, religion, age, sex, national origin, disability, status as a veteran, or any other protected status is strictly prohibited, whether directed at an employee, a vendor, or member of the public. County administrators and supervisory personnel are required to immediately report it so that it may be investigated and remedied with appropriate disciplinary action taken against any County employee who engages in harassment. The County encourages the prompt reporting of instances of harassment and will ensure that reporting employees' rights are protected. Confidentiality will, to the extent practical under the law and under the necessities of disciplinary action, be protected. Employees may bring good faith complaints without fear of retaliation.

a. Employees of the County who are the victim(s), or are otherwise aware of harassment by or against a county employee are encouraged to report such

harassment as soon as possible. Anyone who believes they have been discriminated against or harassed has a duty to come forth and report such incidents. Employees may, at their choice, make a report of harassment to any of the following:

- Any supervisor in the employee's chain of command
  - Any employee in Human Resources
  - The County Attorney or their designee
- b. An employee of the County who believes that he/she has been harassed as defined by the policy should:
- i. Report the incident(s) to his/her department head immediately; an initial report of harassment need not be in writing.
  - ii. Once an incident has been reported, the employee is to submit a signed, written description of the incident(s) to their immediate department head or supervisor within five (5) working days of the most recent incident. The signed written description shall include a clear statement of relevant facts and any applicable supporting documentation (written, photo, video, audio, witnesses, etc.)
  - iii. If the alleged offending party is the department head, functions assigned to the department head under these procedures shall transfer to the Director of Human Resources.
- c. The department head or supervisor shall send a copy of the written complaint and all applicable supporting documentation to the Director of Human Resources.
- d. *If, prior to filing a complaint under these procedures, the offended party seeks resolution of the matter in another form, whether administrative or judicial, the department head or Director of Human Resources shall have no obligation to proceed further with the matter pursuant to this grievance procedure.*
- e. The complainant has the responsibility of demonstrating that the accusation is valid. If the department head and the Director of Human Resources feel an investigation is warranted, they may contact the county attorney (or designee), to assist with an appropriate course of action to the complaint prior to conducting an investigation.
- f. All matters relating to the investigation shall be kept confidential.
- g. If the department head, HR, and the county attorney (or designee), determine further examination of the case is warranted, the department head and HR shall conduct an investigation to ascertain the pertinent facts and make a good faith effort to resolve the complaint through an informal process.
- i. The alleged offending employee should have the opportunity to respond to the charges prior to the implementation of any disciplinary action.
- h. In examining the evidence, the department head and HR shall consider all of the circumstances including, but not limited to, the nature of the harassing advances and the context in which the alleged incident(s) occurred.
- i. In the event that the department head and HR believes that the complaint is not supported by sufficient evidence, they may dismiss the complaint.
- a. The claimant employee may appeal the decision to dismiss the complaint to the grievance committee.
- j. The grievance committee will then review the complaint, supportive documentation, and the findings of the investigation and the rational of the

- department head and HR as to why the complaint was dismissed.
- k. Upon concluding their review, if the grievance committee finds the department head and HR have acted prudently in their investigation, the decision to dismiss will stand.
  - l. If the grievance committee feels the department head and HR did not conduct a fair, thorough investigation, they may direct the department head and HR to seek additional information surrounding the accusations.
  - m. If, after preliminary investigation, the department head and HR determine the accusations to be valid, and if informal resolution has failed, the department head shall take immediate and appropriate disciplinary action as determined by the department head, the Director of Human Resources, and the county attorney (or designee).
  - n. Any retaliatory action of any kind by any employee against any other employee, as a result of this procedure, is prohibited and shall be regarded as a separate complaint under these procedures.
  - o. Any employee, who knowingly files a false complaint or knowingly misrepresents facts or evidence, shall be subject to disciplinary action.
  - p. *Neither the investigation findings, hearing, the deliberations, nor other proceedings before the grievance committee constitute open and public meetings and therefore shall be closed.*
    - i. *All documents and associated support materials including, but not limited to, the grievance form, evidence, and committee decisions are to be classified as PRIVATE for purposes of the Government Records Access Management Act.*

#### G. DISCIPLINARY ACTION

Harassment is an unlawful activity that violates County employment principles and policies, and such activity is prohibited as a form of discrimination under Title VII of the Civil Rights Act. Any employee who engages in such activity shall be subject to disciplinary action, which may include but is not limited to, disciplinary counseling, probation, suspension without pay, or termination of employment.

CACHE COUNTY

# EXHIBIT B

## **Americans with Disabilities Act (ADA)**

### **PURPOSE:**

To define and provide procedures to:

- Ensure compliance with the Americans with Disabilities Act.
- Ensure that the employment and promotion system is free from discrimination based on disability.
- To address reasonable accommodation requests and make appropriate decisions regarding undue hardship in regard to public accommodations and telecommunications.

### **STATEMENTS OF POLICY:**

The American's with Disabilities Act prohibits discrimination against disabled applicants and employees in hiring, discharge, promotions, compensation, training and other terms and conditions of employment.

The ADA requires an accommodation of an employee with a disability for purposes of employment, public accommodation, public service, unless the proposed accommodation would create an undue hardship on the employer. Cache County does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Individuals with disabilities are responsible for reporting and supplying documentation verifying their disability. Request for accommodations must be initiated through Human Resources (HR).

### **ADA DEFINITION OF DISABLED:**

The ADA's protection applies primarily, but not exclusively, to "disabled" individuals. An individual is "disabled" if he or she meets at least one of the following tests:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. He or she has a record of such an impairment
3. He or she is regarded as having such impairment.

Persons with disabilities in the County are encouraged to contact HR to obtain proper documents to apply for and identify suitable accommodations and services. Any questions, difficulties, or concerns should be referred to Human Resources.

### **POLICY & PROCEDURE DEFINITIONS:**

**Qualified Individual:** An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position held or sought.

**Reasonable Accommodation:** A change or adjustment to a job or work environment which does not impose an undue hardship or direct threat on an employer, or which permits a qualified applicant or employee with a disability to participate in the job application process, perform essential functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. Reasonable accommodation may include, but is not limited to:

- Making existing facilities readily accessible to and usable by person(s) with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position.

- Acquiring or modifying equipment or devices.
- Adjusting or modifying examinations, training materials, or policies.
- Providing qualified readers or interpreters.

Undue Hardship: Factors to be considered in determining whether an accommodation would impose an undue hardship on the county may include:

- The nature and cost of the requested accommodation.
- The impact on the resources and business operations of the county.
- The impact on other employees to perform their duties.

Direct Threat: A significant risk to the health or safety of the applicant or employee with a disability, or to others, which cannot be eliminated or reduced to an acceptable level by reasonable accommodation.

Essential Functions of the Job: Those duties and activities in the position description, which establish the major factors of the job, eliminating non-essential functions.

Major Life Activities: May include but not limited to walking, seeing, speaking, breathing, learning and working.

## **PROCEDURES:**

An employee or applicant must:

1. Notify the Director of Human Resources that an accommodation is needed.  
The employee must complete the county's *Employee Accommodation Request Form* along with the following information:
  - a. The county's *Accommodation Medical Certificate* completed by the employee's physician documenting the disability. The diagnosis must reflect the present level of functioning of the major life activity affected by the disability.
    - i. As required by federal law, this medical information will be kept confidential and will only be disclosed to department heads or supervisors and designated first aid and safety personnel on a "need to know" basis, and only to the extent necessary to serve that need.
  - b. Specifics of accommodation requested.
  - c. Duration of request.
2. Requests for an accommodation under the ADA shall be reviewed by the Director of Human Resources, the County Executive, and the County Attorney before a final determination of whether to provide or deny the request is made.
3. If the request is approved, HR will work directly with the employee and their department head to make every reasonable effort to provide an appropriate accommodation.
4. If an accommodation cannot be provided, HR shall meet with the employee and their department head to explain the county's decision and discuss possible alternatives.



**Americans with Disability Act**  
**Employee Accommodation Request Form**

Employee Name: \_\_\_\_\_ Department: \_\_\_\_\_  
(print name)

The Americans with Disabilities Act (ADA) requires that reasonable accommodations be provided to a qualified employee with disabilities. The law defines disabilities as physical or mental impairments that substantially limit one or more of a person's major life activities such as speaking, hearing, walking, seeing, reading, or writing.

**INSTRUCTIONS:** To qualify for accommodations, please submit this form along with current written supporting documentation (ADA Accommodation Medical Certification) from a qualified health professional which addresses the issues you list below. This completed form along with supporting documentation must be submitted to be considered for the ADA.

**Please answer these questions to help determine disability and reasonable accommodation.**

1. Please specify accommodation being requested under the Americans with Disabilities Act of 1990.

---

---

---

---

2. Identify your specific physical or mental disability that requires the above accommodation(s).

---

---

---

---

Signature of Employee: \_\_\_\_\_

Date: \_\_\_\_\_  
(mm / dd / yyyy)



## ADA

# Accommodation Medical Certification

Dear Physician,

A request for a reasonable accommodation has been made by our employee, \_\_\_\_\_ . In order to assist with the interactive process, we are requesting you provide feedback to the following questions based on your medical expertise.

### Background

An employee has a disability if he or she has an impairment that substantially limits one or more major life activities or a record of such an impairment.

The ADA provides examples of “major life activities,” including “caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, such as functions of the immune system, normal cell growth and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.”

### Please answer these questions to help determine disability and reasonable accommodation.

1. Please review the attached job description. (If no job description is attached, please discuss the position with the employee to determine essential job duties.) Is the employee able to perform the essential job functions of this position with or without reasonable accommodation?

Yes If *yes*, please continue to next question.

No If *no*, how long do you anticipate the employee will be unable to perform these job duties?

\_\_\_\_\_ # of weeks    \_\_\_\_\_ # of months    \_\_\_\_\_ permanently

2. Does the employee have a physical or mental impairment?

Yes If *yes*, what is the impairment? \_\_\_\_\_

\_\_\_\_\_

No

3. If the employee has a physical or mental impairment, what limitation(s) is interfering with job performance, and how does it interfere with the employee's ability to perform the job function(s)?
  
4. What adjustments to the work environment or position responsibilities might you suggest to enable the employee to perform the essential functions of that position?
  
5. The employee's typical schedule is \_\_\_\_\_.  
What, if any, adjustment(s) need to be made to the employee's work schedule to enable the employee to perform the essential functions of that position?
  
6. How would your suggestions improve the employee's job performance?
  
7. How long will the employee need the reasonable accommodation? If unable to provide date, when will he or she be medically reevaluated?
  
8. Any additional comments or suggestions:

Signature of physician  
completing form:

\_\_\_\_\_

Date:

\_\_\_\_\_



## CACHE COUNTY

### *Office of the County Assessor*

179 NORTH MAIN • LOGAN, UTAH 84321

(435) 755-1590 • Fax (435) 755-1989

KATHLEEN C. HOWELL

December 1, 2014

It has come to our attention there are some unpaid taxes owing on the Personal Property accounts. All attempts to collect these taxes have been unsuccessful. Please review and consider a cancellation of tax for the following businesses.

These 3 Businesses have closed, left no forwarding information and have not renewed their business license with Logan city.

Parson & West PC Taxes \$32.01 Int. \$1.98 Penalty \$25.00  
Total \$58.99

PHD Acoustics & Drywall Taxes \$166.52 Int. \$5.15 Penalty  
\$25.00 Total \$196.67

Onyx Nail Spa Taxes \$37.50 Int. \$ 2.34 Penalty \$25.00  
Total \$64.84

Thank you for your time and consideration in this matter.

Sincerely,

Kathleen C. Howell  
Cache County Assessor