

**CRAIG W BUTTARS**  
COUNTY EXECUTIVE / SURVEYOR

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



**Cache  
County**  
1857

**COUNTY COUNCIL**

KATHY ROBISON, COUNCIL CHAIR  
GREG MERRILL, COUNCIL VICE CHAIR  
DAVID L. ERICKSON  
VAL K. POTTER  
JON WHITE  
CORY YEATES  
GORDON A. ZILLES

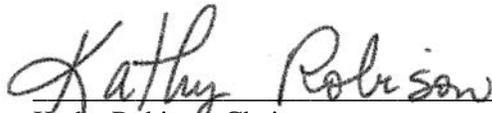
**January 9, 2015**

**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, JANUARY 13, 2015**

## **AGENDA**

- 5:00 p.m.**
1. **CALL TO ORDER**
  2. **OPENING / PLEDGE** – Craig W Buttars
  3. **REVIEW AND APPROVAL OF AGENDA**
  4. **REVIEW AND APPROVAL OF MINUTES** (December 9, 2014)
  5. **REPORT OF COUNTY EXECUTIVE**
    - a. Appointments
    - b. Warrants
    - c. Other Items
  6. **CONSENT AGENDA**
  7. **ITEMS OF SPECIAL INTEREST**
    - a. Bear River Mental Health Annual Financial Audit Report – Robert Johnson, Reed Ernstrom
  8. **UNIT OR COMMITTEE REPORTS**
    - a. Cache County Library – Cheri Mickelson
  9. **BUDGETARY MATTERS**
  10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
    - a. **Set Public Hearing for January 27, 2015 at 5:30 p.m. – Armor Storage Rezone to Commercial Zone**  
Erik Merkley requesting a rezone of 25 acres from Agriculture (A10) Zone to Commercial (C) Zone located approximately 4400 South Hwy 165, Nibley
    - b. **Set Public Hearing for January 27, 2015 at 6:00 p.m. – Open 2015 Budget**
  11. **PENDING ACTION**

12. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
  - a. **Ordinance 2014-14 – Amendments to the County Code**
    - Title 17.06 – Uses**
    - Title 17.10 – Development Standards**
  - b. **Resolution 2015-01 – Approving the Re-appointment of a Trustee to the Cache Mosquito Abatement District Board of Directors**
  - c. Property Tax Hardship Applications
  - d. Property Tax Military Exemption Request
  - e. Property Tax Widow Abatement Request
  - f. **Fox Hollow Subdivision** – Duane Williams requesting approval of a 4-Lot Subdivision with one Remainder Parcel on 49.6 acres in the Agricultural (A10) Zone located approximately 320 North 6000 West, north of Mendon
13. **OTHER BUSINESS**
  - a. Council Members Goals for 2015
  - b. 2015 Council Member Boards and Committees Assignments
  - c. 2015 Council Member Department Assignments
  - d. County Council Winter Social – January 20, 2015 at 6:00 p.m. – Logan Country Club
  - e. Meetings with Legislators during 2015 Legislative Session – Saturdays from 7:30 a.m. to 9:30 a.m. Beginning January 31, 2015 and running through March 7, 2015  
Cache County Administration Building Multipurpose Room
14. **COUNCIL MEMBER REPORTS**
15. **ADJOURN**

  
Kathy Robison, Chair

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

**BEAR RIVER  
MENTAL HEALTH SERVICES, INC.**

**AUDITED FINANCIAL STATEMENTS**

**JUNE 30, 2014 AND 2013**

**Davis  
& Bott**

Certified Public Accountants, L.C.  
50 West Forest, Suite 101  
P.O. Box 369  
Brigham City, Utah 84302  
435-723-5224

**BEAR RIVER MENTAL HEALTH SERVICES, INC.  
ANNUAL FINANCIAL REPORT  
JUNE 30, 2014 AND 2013**

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October 13, 2014

Office of the State Auditor  
Utah State Capitol Complex  
Senate Office Building, Suite E310  
P.O. Box 142310  
Salt Lake City, UT 84114

Gentlemen:

The financial statement report of Bear River Mental Health Services, Inc. (Center), a not-for-profit organization, for the fiscal years ended June 30, 2014 and 2013, is submitted herewith. Responsibility for both the accuracy of the data, and the completeness and fairness of the presentation, including all disclosures, rests with the Center. To the best of our knowledge and belief, the enclosed data is accurate in all material respects and is reported in a manner designed to present fairly the financial position and results of operations of the various funds of the Center. All disclosures necessary to enable the reader to gain an understanding of the Center's financial activities have been included.

The financial report is presented in three sections: introductory, financial and supplemental. The introductory section includes this transmittal letter, organizational chart and a list of principal officials. The financial section includes the auditor's report and the June 30, 2014 and 2013, financial statements. The supplemental section consists of a comparative detail statement of activities, the auditor's reports in accordance with government auditing standards and communication with those charged with governance.

The Center contracts with the state of Utah, which dictates that programs be considered for compliance with the requirements governing types of services. Management of the Center is responsible for establishing and maintaining an internal control structure designed to ensure the assets of the Center are protected from loss, theft or misuse; and to ensure that adequate accounting data is compiled to allow for the preparation of financial statements in conformity with accounting principles generally accepted in the United States of America.

The internal control structure is designed to provide reasonable, but not absolute, assurance that these objectives are met. The concept of reasonable assurance recognizes that: (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Office of the State Auditor  
October 13, 2014  
Page Two

As a recipient of federal, state and county financial assistance, the Center also is responsible for ensuring that an adequate internal control structure is in place to ensure compliance with applicable laws and regulations related to those programs. The internal control structure is subject to a periodic evaluation by management. As demonstrated by the statements and schedules included in the financial section of this report, the Center continues to meet its responsibility for sound financial management.

The preparation of the financial statements and supplemental information was made possible by the dedicated services of the Bear River staff, who assisted with the audit process. Additionally, the excellent work accomplished by the staff from the firm of Davis & Bott made this an extremely useful review and summary for management purposes.

Due credit also should be given to the governing board of the Center for their interest and support in planning and conducting the operations in a responsible and progressive manner.

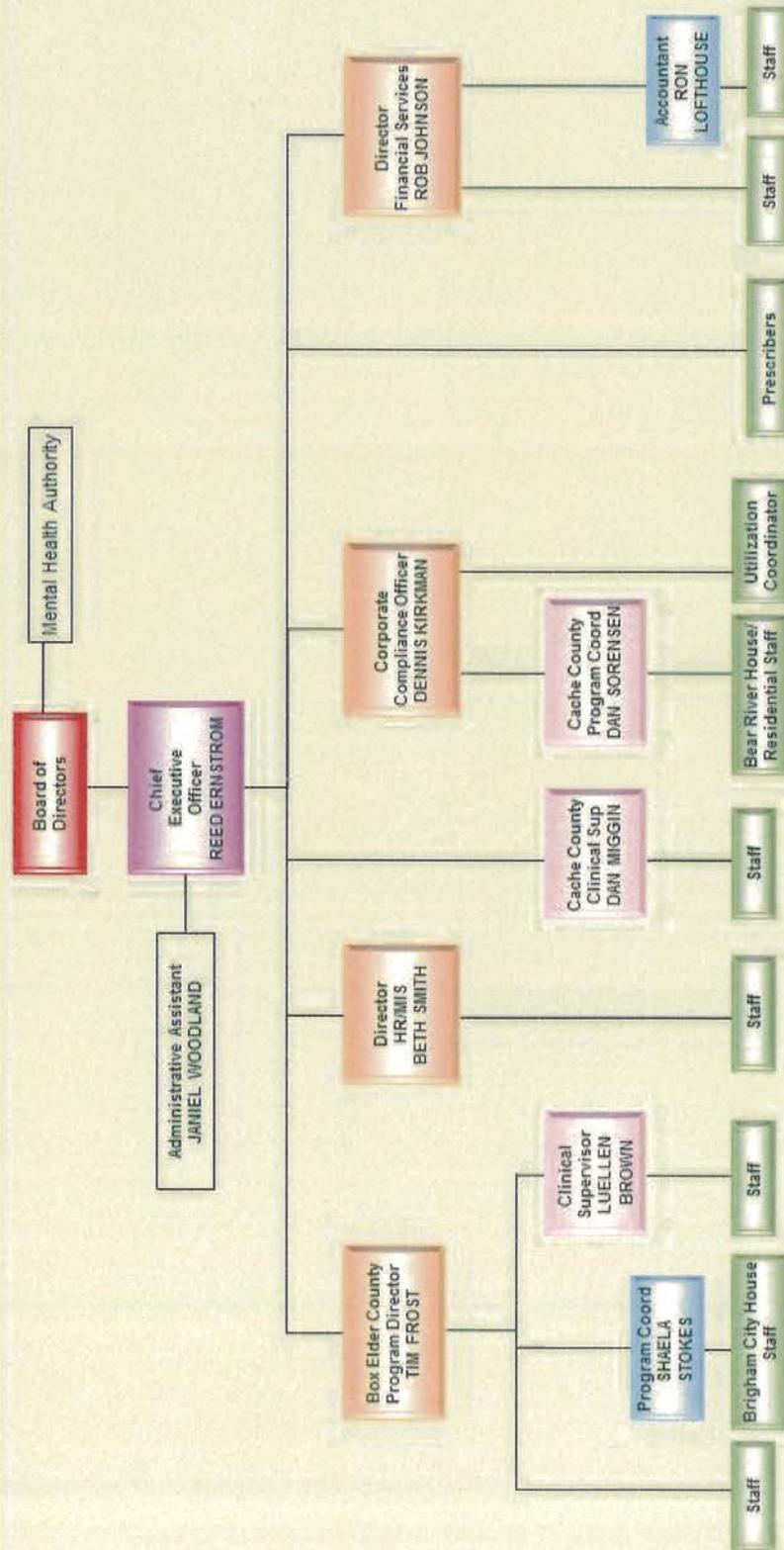
Respectfully submitted,



C. Reed Ernstrom  
President/CEO

# Bear River Mental Health - Organizational Chart

as of 06/30/2014



**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**LIST OF PRINCIPAL OFFICIALS**  
**JUNE 30, 2014**

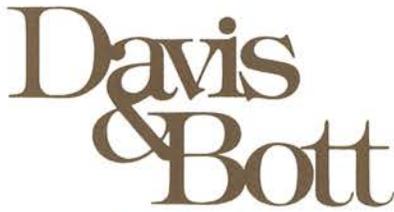
Executive Committee:

President/CEO .....	C. Reed Ernstrom
Director of HR/MIS .....	Beth A. Smith
Director of Financial Services .....	Robert B. Johnson
Box Elder County Program Director .....	Tim Frost
Corporate Compliance Officer .....	Dennis Kirkman

Board of Directors:

Chair .....	Steve L. Stowers
Vice Chair .....	M. Lynn Lemon
Member .....	Steve Vincent
Member .....	William Cox
Member .....	Jeff Scott
Member .....	Kirk Allen
Member .....	Wendy Simmons
Member .....	Brad Mortensen
Member .....	Jared Taylor
Member .....	Jeff Simmons
Member .....	Gail Godfrey

**FINANCIAL SECTION**



Certified Public Accountants, L.C.

50 West Forest, Suite 101  
P.O. Box 369  
Brigham City, Utah 84302  
435-723-5224

## INDEPENDENT AUDITORS' REPORT

Governing Board  
Bear River Mental Health Services, Inc.  
Logan, Utah 84321

We have audited the accompanying financial statements of Bear River Mental Health Services, Inc. (a nonprofit organization), which comprise the statements of financial position as of June 30, 2014 and 2013, and the related statements of activities, functional expenses and cash flows for the years then ended, and the related notes to the financial statements.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are

**INDEPENDENT AUDITORS' REPORT**  
**(Continued)**

appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Opinion**

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Bear River Mental Health Services, Inc. as of June 30, 2014 and 2013, and the changes in its net assets, functional expenses and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated October 13, 2014, on our consideration of Bear River Mental Health Services, Inc.'s internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grants. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and important for assessing the results of our audit.

Our audits were conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The accompanying detail statement of activities listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.



\_\_\_\_\_  
Davis & Bott  
Certified Public Accountants, L.C.

Brigham City, Utah  
October 13, 2014

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**STATEMENTS OF FINANCIAL POSITION**  
**JUNE 30, 2014 AND 2013**

	<u>2014</u>	<u>2013</u>
<u>ASSETS</u>		
Current assets:		
Cash and cash equivalents	\$ 5,673,039	\$ 5,250,573
Accounts receivable	868,472	762,282
Prepaid expenses	3,683	223,563
Total current assets	<u>6,545,194</u>	<u>6,236,418</u>
Property and equipment (net)	3,110,789	2,697,438
Investments	<u>306,683</u>	<u>306,968</u>
Total assets	<u>\$ 9,962,666</u>	<u>\$ 9,240,824</u>
<u>LIABILITIES</u>		
Current liabilities:		
Accounts payable	\$ 418,182	\$ 257,787
Accrued liabilities	839,485	813,206
Unexpended county funds	108,912	144,057
Deferred revenue	6,587	8,373
Medicaid match payable	132,619	-
Other current liabilities	<u>2,450</u>	<u>2,081</u>
Total current liabilities	1,508,235	1,225,504
Mortgage payable	<u>309,935</u>	<u>309,935</u>
Total liabilities	<u>1,818,170</u>	<u>1,535,439</u>
<u>NET ASSETS</u>		
Unrestricted net assets		
Operating appropriation	\$ 2,762,495	\$ 2,690,960
Net investment in fixed assets	3,110,789	2,697,438
Fixed asset appropriation	<u>2,271,212</u>	<u>2,316,987</u>
Total unrestricted net assets	8,144,496	7,705,385
Total net assets	<u>8,144,496</u>	<u>7,705,385</u>
Total liabilities and net assets	<u>\$ 9,962,666</u>	<u>\$ 9,240,824</u>

The accompanying notes are an integral part of these statements.

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**STATEMENTS OF ACTIVITIES**  
**FOR THE YEARS ENDED JUNE 30, 2014 AND 2013**

<u>UNRESTRICTED NET ASSETS</u>	<u>2014</u>	<u>2013</u>
Support and revenues:		
Government support:		
Federal	\$ 219,579	\$ 135,275
State	1,925,410	1,800,771
County	339,566	272,864
Total support	<u>2,484,555</u>	<u>2,208,910</u>
Revenues:		
Medicaid (net)	5,812,775	5,191,277
Service fees	430,265	373,605
Investment income	36,657	36,171
Client living fees	65,956	65,322
Miscellaneous income	7,993	7,881
Total revenue	<u>6,353,646</u>	<u>5,674,256</u>
Total unrestricted support and revenues	<u>8,838,201</u>	<u>7,883,166</u>
Expenses:		
Administration	1,215,992	1,166,540
Outpatient	4,940,146	5,058,884
Adult intensive	2,246,452	1,959,770
Total expenses	<u>8,402,590</u>	<u>8,185,194</u>
Increase (decrease) in unrestricted net assets before non-operating revenue	<u>435,611</u>	<u>(302,028)</u>
Non-operating revenue		
Gain (loss) on sale of assets	<u>3,500</u>	<u>369,338</u>
Increase (decrease) in unrestricted net assets	<u>439,111</u>	<u>67,310</u>
Net assets at beginning of year	<u>7,705,385</u>	<u>7,638,075</u>
Net assets at end of year	<u>\$ 8,144,496</u>	<u>\$ 7,705,385</u>

*The accompanying notes are an integral part of these statements.*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**STATEMENTS OF FUNCTIONAL EXPENSES**  
**FOR THE YEARS ENDED JUNE 30, 2014 AND 2013**

Functional expenses for the fiscal year ended June 30, 2014, were as follows:

	<u>Admin.</u>	<u>Outpatient</u>	<u>Adult Intensive</u>	<u>June 30, 2014</u>
Personnel	1,117,036	\$4,308,543	\$ 831,786	\$6,257,365
Travel/auto	9,948	73,920	33,125	116,993
Office maintenance	3,319	20,111	9,382	32,812
Occupancy	18,518	165,726	179,821	364,065
Professional	15,119	115,784	997,790	1,128,693
Staff support	32,582	58,509	14,195	105,286
Data processing	5,433	40,444	13,884	59,761
Program activities	-	17,324	80,736	98,060
Depreciation	8,902	133,479	85,514	227,895
Other	5,135	6,306	219	11,660
	<u>1,215,992</u>	<u>4,940,146</u>	<u>2,246,452</u>	<u>8,402,590</u>
Total expenses	<u>\$1,215,992</u>	<u>\$4,940,146</u>	<u>\$2,246,452</u>	<u>\$8,402,590</u>

Functional expenses for the fiscal year ended June 30, 2013, were as follows:

	<u>Admin.</u>	<u>Outpatient</u>	<u>Adult Intensive</u>	<u>June 30, 2013</u>
Personnel	\$1,044,461	\$4,279,456	\$ 813,077	\$6,136,994
Travel/auto	11,406	90,140	24,012	125,558
Office maintenance	10,592	33,775	13,343	57,710
Occupancy	19,649	268,124	137,863	425,636
Professional	15,527	98,658	774,885	889,070
Staff support	27,938	63,333	11,451	102,722
Data processing	22,507	85,835	23,704	132,046
Program activities	-	14,160	78,149	92,309
Depreciation	8,902	122,850	82,714	214,466
Other	5,558	2,553	572	8,683
	<u>1,166,540</u>	<u>5,058,884</u>	<u>1,959,770</u>	<u>8,185,194</u>
Total expenses	<u>\$1,166,540</u>	<u>\$5,058,884</u>	<u>\$1,959,770</u>	<u>\$8,185,194</u>

*The accompanying notes are an integral part of these statements.*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**STATEMENTS OF CASH FLOWS**  
**FOR THE YEARS ENDED JUNE 30, 2014 AND 2013**

	<u>2014</u>	<u>2013</u>
Cash flow from operating activities:		
Excess of revenues and support over expenses	\$ 439,111	\$ 67,310
Adjustments to reconcile change in net assets to net cash provided by (used in) operating activities:		
Depreciation/amortization	227,895	214,466
(Gain)/loss on sale of assets	(3,500)	(369,338)
(Gain)/loss on investment in LLC	285	240
(Increase) decrease in operating assets:		
Accounts receivable	(106,190)	227,944
Prepaid assets	219,880	302,936
Increase (decrease) in operating liabilities:		
Accounts payable	160,398	(126,030)
Accrued liabilities	(8,494)	(57,265)
Deferred revenue	(1,786)	(15,283)
Medicaid match payable	<u>132,619</u>	<u>-</u>
Net cash provided by (used in) operating activities	<u>1,060,217</u>	<u>244,979</u>
Cash flows from investing activities:		
Sale of building	3,500	373,334
Purchase of buildings/equipment	<u>(641,245)</u>	<u>(474,237)</u>
Net cash provided by (used in) investing activities	<u>(637,745)</u>	<u>(100,903)</u>
Net increase (decrease) in cash and cash equivalents	422,472	144,076
Cash and cash equivalents at beginning of year	<u>5,250,567</u>	<u>5,106,491</u>
Cash and cash equivalents at end of year	<u>\$ 5,673,039</u>	<u>\$ 5,250,567</u>

*The accompanying notes are an integral part of these statements.*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**NOTES TO FINANCIAL STATEMENTS (Continued)**  
**JUNE 30, 2014 AND 2013**

**NOTE 1. NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES**  
**(Continued)**

Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reported period. Actual results could differ from those estimates.

Property and Equipment

Fixed assets are stated at historical cost. All capital items greater than \$5,000 are classified as capitalized assets. Donated fixed assets are valued at their estimated fair market value on the date donated. A physical inventory of fixed assets is taken periodically and adjustments made to the books to reflect the results. Estimated costs are used when actual costs are not available. Depreciation is computed on the straight-line basis over the estimated useful lives of the assets, as follows:

Buildings .....	25 years
Furniture and fixtures .....	5-10 years
Equipment .....	3-10 years
Automobiles .....	5 years

Deposits

The Center collects refundable deposits for certain monthly living accommodations provided to eligible patients. This liability represents amounts received and held as of June 30, 2014.

Accrued Leave Payable

Unused personal leave that is expected to be liquidated with expendable available resources and paid upon termination has been accrued.

Cash and Cash Equivalents

For purposes of the statement of cash flows, all highly liquid investments (including restricted assets) with a maturity of three months or less when purchased are considered to be cash equivalents.

*See Independent Auditors' Report*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**NOTES TO FINANCIAL STATEMENTS (Continued)**  
**JUNE 30, 2014 AND 2013**

**NOTE 1. NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES**  
**(Continued)**

Income Taxes

The Center is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code and, therefore, has made no provision for federal income taxes in the accompanying financial statements. In addition, the Center has been determined by the Internal Revenue Service not to be a "private foundation" within the meaning of Section 509(a) of the Internal Revenue Code. There was no unrelated business income for fiscal year ended June 30, 2014.

Subsequent Events

Subsequent events have been evaluated through October 13, 2014, which is the date the financial statements were available to be issued.

**NOTE 2. CASH**

Custodial Credit Risk

Custodial credit risk for deposits is the risk that, in the event of a bank failure, the Center's deposits may not be recovered. The Center follows the Utah Money Management Act. The Act requires all deposits of an entity to be in a qualified depository, defined as any financial institution whose deposits are insured by an agency of the federal government and which has been certified by the Commissioner of Financial Institutions as meeting the requirements of the Act and adhering to the rules of the Utah Money Management Council. All of the Center's checking and savings account were covered by FDIC as of June 30, 2014 and 2013.

Credit Risk

Credit risk is the risk that the counterparty to an investment will not fulfill its obligations. The Center's policy for limiting the credit risk of investments is to comply with the Money Management Act.

The Center is authorized to invest in the Utah Public Treasurer's Investment Fund (PTIF), an external pooled investment fund managed by the Utah State Treasurer and subject to the Act and council requirements. The PTIF is not registered with the SEC as an investment company and deposits in the PTIF are not insured or otherwise guaranteed by the state of Utah.

*See Independent Auditors' Report*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**NOTES TO FINANCIAL STATEMENTS (Continued)**  
**JUNE 30, 2014 AND 2013**

**NOTE 2. CASH (Continued)**

The PTIF operates and reports to participants on an amortized cost basis. The income, gains and losses, net of administration fees, of the PTIF are allocated based upon the participants' average daily balances.

The Center had investments with the PTIF of \$5,545,707 and \$5,046,455 as of June 30, 2014 and 2013, respectively. The entire balance had a maturity of less than one year. The PTIF pool has not been rated.

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates of debt investments will adversely affect the fair value of an investment. The Center manages its exposure to declines in fair value by investment mainly in the PTIF and by adhering to the Money Management Act. The Act requires that the remaining term to maturity of investments may not exceed the period of availability of the funds to be invested.

**NOTE 3. ACCOUNTS RECEIVABLE**

Accounts receivable represent grants and contracted support from federal, state and local governments due to the Center at June 30, 2014 and 2013, as follows:

	<u>2014</u>	<u>2013</u>
Grants:		
Federal	\$ 45,921	\$ 37,359
State	<u>660,817</u>	<u>374,661</u>
Counties:		
Cache	56,479	185,552
Rich	3,750	5,000
Box Elder	<u>31,435</u>	<u>86,812</u>
Total grants	<u>798,402</u>	<u>689,384</u>
Other:		
Title XIX	65,719	53,219
Sales tax	1,834	1,131
Miscellaneous	<u>2,517</u>	<u>18,548</u>
Total other	<u>70,070</u>	<u>72,898</u>
Total accounts receivable	<u>\$ 868,472</u>	<u>\$ 762,282</u>

*See Independent Auditors' Report*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**NOTES TO FINANCIAL STATEMENTS (Continued)**  
**JUNE 30, 2014 AND 2013**

**NOTE 4. PREPAID EXPENSES**

Medicaid requires that the state's portion of the Medicaid match be prepaid before Medicaid funds may be received by the Center. The match is estimated on a quarterly basis. Occasionally, the estimated match isn't sufficient to cover the actual match amount. As of June 30, 2014, the Center owed an additional \$132,618 in Medicaid match, which is recorded as Medicaid match payable on the balance sheet. As of June 30, 2013, the balance in the prepaid Medicaid match account was \$200,278.

**NOTE 5. INVESTMENTS**

Investment in Bear River Valley Mental Health, LLC

On December 28, 2000, the Center entered into an agreement with Utah Non-Profit Housing Corporation (UNP) and First Security Bank (subsequently purchased by Wells Fargo Bank) to own .50 percent of Bear River Valley Mental Health, LLC. The Center donated land with a historical cost of \$96,351 and proceeds of a Community Development Block Grant of \$200,000 to the LLC for the ownership interest. Per agreement with UNP, after 15 years the entire interest in the project will be transferred to the Center for a fee not to exceed \$10. This investment is accounted for on the books of the Center according to the equity method, meaning that on a yearly basis the investment is increased for net income and decreased for net loss or dividends received. The current carrying amount of this investment is \$286,683.

Subsequent to year end, Bear River Mental Health agreed to pay for its portion of prior losses for the LLC. The payment will be recorded as a loan to the LLC. The expectation is that this loan will never be repaid because the LLC will never make any profit. The Center intends to not exercise its option to purchase the entire interest in this project because they feel managing apartments isn't in line with their stated purpose. If the Center chooses not to exercise the option, the entire carrying amount of the investment, plus the amount loaned to the LLC would be written off.

Mental Health Risk Retention Group

In 1984, the Center joined an association to provide liability insurance coverage. The association required that stock be purchased in a corporation by all mental health centers participating in the insurance plan. On January 12, 1988, 40 shares of class "C" common stock were issued to the Center in consideration of \$20,000 paid as a deposit in 1984. The market value of this investment is not available due to the nature of the corporation.

*See Independent Auditors' Report*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**NOTES TO FINANCIAL STATEMENTS (Continued)**  
**JUNE 30, 2014 AND 2013**

**NOTE 6. FIXED ASSETS**

Fixed asset activity is as follows at June 30:

	June 30, <u>2013</u>	<u>Additions</u>	<u>Deletions</u>	June 30, <u>2014</u>
Land	\$ 457,429	\$ -	\$ -	\$ 457,429
Buildings	5,024,755	598,845	-	5,623,600
Equipment and furnishings	353,000	45,000	(30,520)	367,480
Construction in progress	<u>2,600</u>	<u>-</u>	<u>(2,600)</u>	<u>-</u>
Total	5,837,784	643,845	(33,120)	6,448,509
Accumulated depreciation	<u>(3,140,346)</u>	<u>(197,374)</u>	<u>-</u>	<u>(3,337,720)</u>
Net property and equipment	<u>\$ 2,697,438</u>	<u>\$ 446,471</u>	<u>\$ (33,120)</u>	<u>\$ 3,110,789</u>

On June 20, 2013, the Center sold their Logan residential facility to Bridgerland Square Retail LLC for \$375,000 with a resulting gain on sale of \$369,338. Bear River Mental Health rented the building until January 31, 2014. A new residential facility was built during the year for \$598,845 and was placed in service on June 6, 2014.

**NOTE 7. ACCOUNTS PAYABLE / ACCRUED LIABILITIES**

Accounts payable and accrued liabilities consist of amounts incurred and due, which have not yet been paid are as follows at June 30:

	<u>2014</u>	<u>2013</u>
Accounts payable	\$ 418,182	\$ 257,787
Accrued liabilities:		
Accrued payroll and taxes payable	429,870	422,429
Accrued leave payable	338,365	349,022
Other accrued liabilities	<u>71,250</u>	<u>41,755</u>
Total accrued liabilities	<u>839,485</u>	<u>813,206</u>
Total accounts payable/accrued liabilities	<u>\$ 1,257,667</u>	<u>\$ 1,070,993</u>

*See Independent Auditors' Report*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**NOTES TO FINANCIAL STATEMENTS (Continued)**  
**JUNE 30, 2014 AND 2013**

**NOTE 8. MORTGAGE PAYABLE**

The Center purchased a building in Brigham City, Utah, to use in their mental health services. This purchase was made with loan proceeds available from the Department of Housing and Urban Development (HUD) through the State of Utah Housing Trust Fund at 0 percent interest. Repayment of the loan is to be made when the project is sold, transferred to another entity or changes use. The amount due at June 30, 2014, was \$309,935, which was for the purchase and renovation of the building.

**NOTE 9. UNRESTRICTED NET ASSETS**

The Board of Directors has appropriated an amount to be set aside for normal operations of the Center. The operating appropriation has been calculated at 120 days of expenditures, based on 2013/2014 fiscal year expenses. Net investment in fixed assets represents the amount of assets held at year end. The fixed asset appropriation has been appropriated for the future acquisition of fixed assets.

**NOTE 10. RETIREMENT**

The Center contributes to the Local Governmental Noncontributory Retirement System, a cost-sharing multiple-employer defined benefit pension plan administered by the Utah Retirement Systems (Systems). The Systems provide retirement benefits, annual cost of living allowances, death benefits and refunds to plan members and beneficiaries in accordance with retirement statutes established and amended by the State Legislature.

The Systems are established and governed by the respective sections of Chapter 49 of the Utah Code Annotated 1953 (Chapter 49), as amended, which also establishes the Utah State Retirement Office (Office) for the administration of the Utah Retirement Systems and plans. Chapter 49 places the Systems, the Office and related plans and programs under the direction of the Utah State Retirement Board (Board) whose members are appointed by the Governor. The Systems issue a publicly available financial report that includes financial statements and required supplementary information for the Systems and Plans. A copy of the report may be obtained by writing to the Utah Retirement Systems, 540 East 200 South, Salt Lake City, UT 84102 or by calling 1-800-365-8772.

*See Independent Auditors' Report*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**NOTES TO FINANCIAL STATEMENTS (Continued)**  
**JUNE 30, 2014 AND 2013**

**NOTE 10. RETIREMENT (Continued)**

The Center was required to contribute a percentage of covered salaries to the respective systems: 17.29 percent to the Tier 1 Noncontributory Retirement System, and 13.99 percent to the Tier 2 Contributory Hybrid Retirement System. The contribution rates are actuarially-determined rates and are approved by the Board as authorized by Utah Code Title 49.

The Center's contributions to the Tier 1 Noncontributory Retirement System for June 30, 2014, 2013 and 2012 were \$598,973, \$574,348, and \$479,169, respectively. The Center's contributions to the Tier 2 Contributory Hybrid Retirement System for June 30, 2014, 2013 and 2012 were \$36,016, \$19,315 and \$5,774, respectively. The contributions were equal to the required contributions for each year.

The Center provides supplemental pension benefits for all of its full-time employees through a defined contribution plan, Section 401(k). Benefits depend solely on amounts contributed to the plan plus investment earnings. Employees are eligible to participate in the plan from the date of employment. Employee contributions are optional within prescribed limits. The Board of Directors authorizes the Center to contribute 2 percent of the Tier 1 and Tier 2 employees' retirement salary. The Center's 2 percent contribution is fully vested upon deposit into the plan. The Center made contributions totaling \$110,882, \$102,464 and \$65,089 for 2014, 2013 and 2012. Employees made \$72,035, \$73,600 and \$116,734 in optional contributions for the same periods.

The Center also offers its employees deferred compensation plans created in accordance with Internal Revenue Service Code. The plans, available to all employees eligible for benefits, permit them to defer a portion of their salary until future years. Employees are eligible to voluntarily participate from the date of employment and are vested immediately upon that date. Employee contributions to the Section 457 plan totaled \$7,509, \$9,738 and \$10,934 and the Roth IRA plan totaled \$7,931, \$8,856 and \$12,621 for the years ending June 30, 2014, 2013 and 2012. The Center did not make any contribution to either plan.

*See Independent Auditors' Report*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**NOTES TO FINANCIAL STATEMENTS (Continued)**  
**JUNE 30, 2014 AND 2013**

**NOTE 11. CAFETERIA PLAN**

The Center has set up a cafeteria plan to enable employees to have amounts excluded from their income under Section 125(a) and other applicable sections of the Internal Revenue Service Code of 1986, as amended. The plan is to provide contributions from the employees to cover benefits paid. The plan is administered by an independent agency with assets maintained in separate bank accounts.

**NOTE 12. LEASES**

The Center leased office space in Tremonton, Utah until December 2012. The Tremonton lease was classified as an operating lease with the initial term terminating May 1, 2009. A new lease was not signed, but the Center leased the office space on a month-to-month basis until the new building in Tremonton was completed (see Note 6). The Center also rented back the residential treatment center that it sold in June of 2013 through January of 2014. Rent expense for this period was \$20,000. Rent expense for the fiscal years ending June 30, 2014 and 2013, was \$23,292 and \$15,150.

*See Independent Auditors' Report*

**SUPPLEMENTAL SECTION**

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**DETAILED STATEMENTS OF ACTIVITIES**  
**FOR THE YEARS ENDED JUNE 30, 2014 AND 2013**

	Memorandum Only	
	<u>2014</u>	<u>2013</u>
Government Support and Revenues:		
Government support:		
Federal		
Federal block grant	\$ 133,229	\$ 135,275
Meaningful use	86,350	-
Total federal	<u>219,579</u>	<u>135,275</u>
State		
State operating grant	1,248,244	1,144,532
State children's grant	232,772	213,433
State Medicaid replacement	179,173	179,769
Early intervention	215,164	212,329
System of care grant	-	1,484
PASRR	38,710	31,655
Family resource facilitator	5,950	7,515
Community outplacement grant	5,397	10,054
Total state	<u>1,925,410</u>	<u>1,800,771</u>
County		
County match	339,566	272,864
Total county	<u>339,566</u>	<u>272,864</u>
Total government support	<u>2,484,555</u>	<u>2,208,910</u>
Revenues:		
Medicaid (net)		
Medicaid disability determination	12,434	9,151
Medicaid capitation	7,950,256	7,076,309
Medicaid FFS	97,785	124,860
Medicaid/Medicare crossovers	70,835	69,190
Medicaid match contra revenue	(2,227,884)	(1,995,946)
Medicaid Admin Fee	(90,651)	(92,287)
Total medicaid (net)	<u>5,812,775</u>	<u>5,191,277</u>

*The accompanying notes are an integral part of these statements.*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**DETAILED STATEMENTS OF ACTIVITIES (Continued)**  
**FOR THE YEARS ENDED JUNE 30, 2014 AND 2013**

	Memorandum Only	
	<u>2014</u>	<u>2013</u>
Service fees		
Personal payment	\$ 11,230	\$ 41,362
Debt recovery	1,173	1,820
Insurance	81,511	61,234
Medicare	191,974	155,370
Juvenile court	3,350	1,608
Head start	1,260	2,258
Schools	121,187	86,016
Consult fees	5,302	7,598
Logan Caps/Nucov grant	5,581	8,138
Rainbow Club/New Discovery	7,697	8,201
Total service fees	<u>430,265</u>	<u>373,605</u>
Investment income		
Interest income	<u>36,657</u>	<u>36,171</u>
Total investment income	<u>36,657</u>	<u>36,171</u>
Client living fees		
24-hour supervised living fees	6,927	14,634
Semi-independent living fees	<u>59,029</u>	<u>50,688</u>
Total client living fees	<u>65,956</u>	<u>65,322</u>
Miscellaneous income		
Miscellaneous	886	440
Day treatment lunch program	<u>7,107</u>	<u>7,441</u>
	<u>7,993</u>	<u>7,881</u>
Total revenues	<u>6,353,646</u>	<u>5,674,256</u>
Total government support and revenues	<u>8,838,201</u>	<u>7,883,166</u>

*The accompanying notes are an integral part of these statements.*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**DETAILED STATEMENTS OF ACTIVITIES (Continued)**  
**FOR THE YEARS ENDED JUNE 30, 2014 AND 2013**

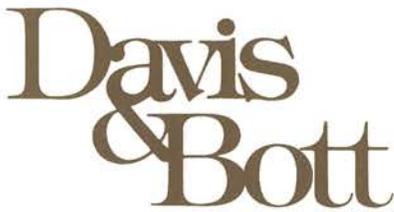
	Memorandum Only	
	<u>2014</u>	<u>2013</u>
Expenses:		
Salaries	\$ 4,160,358	\$ 4,102,627
Employee benefits	2,097,008	2,034,369
Total personnel	<u>6,257,365</u>	<u>6,136,996</u>
Travel - in state	69,881	85,556
Travel - out of state	2,890	3,335
Total travel	<u>72,771</u>	<u>88,891</u>
Office supplies	19,086	35,731
Postage	5,160	6,197
Printing and publications	8,198	13,826
Maintenance	368	1,957
Total office maintenance	<u>32,812</u>	<u>57,711</u>
Rent	23,292	15,150
Utilities	120,897	114,739
Telephone	45,488	50,791
Insurance	34,517	33,835
Janitorial	52,796	51,908
Maintenance	87,075	159,213
Total occupancy	<u>364,065</u>	<u>425,636</u>
Contract services	131,531	115,113
Inpatient	997,162	773,958
Total professional services	<u>1,128,693</u>	<u>889,071</u>
Books and journals	823	903
License and memberships	16,308	14,759
Education and training	44,611	45,354
Liability insurance	43,544	41,706
Total support staff	<u>105,286</u>	<u>102,722</u>
Data processing services	4,863	9,880
Data processing supplies/equipment	23,893	87,565
Data processing maintenance	31,005	34,601
Total data processing	<u>59,761</u>	<u>132,046</u>

*The accompanying notes are an integral part of these statements.*

**BEAR RIVER MENTAL HEALTH SERVICES, INC.**  
**DETAILED STATEMENTS OF ACTIVITIES (Continued)**  
**FOR THE YEARS ENDED JUNE 30, 2014 AND 2013**

	Memorandum Only	
	<u>2014</u>	<u>2013</u>
Gas and oil	\$ 19,864	\$ 19,169
Maintenance	13,295	6,321
Insurance	11,063	11,176
Total auto expense	<u>44,222</u>	<u>36,666</u>
Advertising	7,264	3,094
Miscellaneous	2,892	3,118
Board of directors	1,504	2,470
Total other expenses	<u>11,660</u>	<u>8,682</u>
Materials	4,938	5,251
Medical supplies	2,330	894
Total professional supplies	<u>7,268</u>	<u>6,145</u>
Patient activities	90,792	86,163
Total transitional	<u>90,792</u>	<u>86,163</u>
Equipment and furnishings	45,000	-
Total capital outlay	<u>45,000</u>	<u>2,600</u>
Total expenditures before adjustment	8,219,695	7,973,328
Total capital outlay	(45,000)	(2,600)
Depreciation	227,895	214,466
Total expenditures	<u>8,402,590</u>	<u>8,185,194</u>
Net income (loss) before non-operating revenue	<u>435,611</u>	<u>(302,028)</u>
Non-operating revenue	<u>3,500</u>	<u>369,338</u>
Net income	<u>\$ 439,111</u>	<u>\$ 67,310</u>

*The accompanying notes are an integral part of these statements.*



Certified Public Accountants, L.C.

50 West Forest, Suite 101  
P.O. Box 369  
Brigham City, Utah 84302  
435-723-5224

REPORT ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING AND ON COMPLIANCE AND OTHER  
MATTERS BASED ON AN AUDIT OF FINANCIAL  
STATEMENTS PERFORMED IN ACCORDANCE WITH  
GOVERNMENT AUDITING STANDARDS

Governing Board  
Bear River Mental Health Services, Inc.

In planning and performing our audit of the financial statements of Bear River Mental Health Services, Inc. (Center) as of and for the years ended June 30, 2014 and 2013, in accordance with auditing standards generally accepted in the United States of America, we considered the Center's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Center's internal control. Accordingly, we do not express an opinion on the effectiveness of the Center's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis.

Our consideration of the internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING  
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF  
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH  
GOVERNMENT AUDITING STANDARDS

(Continued)

Compliance and Other Matters

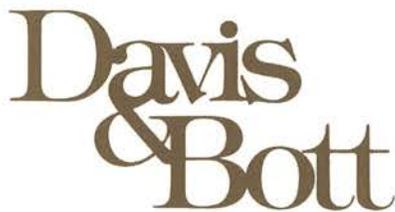
As part of obtaining reasonable assurance about whether the Center's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This communication is intended solely for the information and use of management and others within the organization and the various state and federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.



\_\_\_\_\_  
Davis & Bott  
Certified Public Accountants, L.C.

Brigham City, Utah  
October 13, 2014



Certified Public Accountants, L.C.

50 West Forest, Suite 101  
P.O. Box 369  
Brigham City, Utah 84302  
435-723-5224

COMMUNICATION WITH THOSE  
CHARGED WITH GOVERNANCE

Governing Board  
Bear River Mental Health Services, Inc.  
Logan, Utah 84321

We have audited the financial statements of Bear River Mental Health Services, Inc. (Center), a not-for-profit organization, for the years ended June 30, 2014 and 2013, and have issued our report thereon dated October 13, 2014. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated November 20, 2013. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Center are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the fiscal year ended June 30, 2014. We noted no transactions entered into by the Center during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events.

**COMMUNICATION WITH THOSE**  
**CHARGED WITH GOVERNANCE**  
**(Continued)**

Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

Depreciation

The financial statements are prepared in accordance with "generally accepted accounting principles" (GAAP). As such, assets are depreciated using the straight line method of depreciation.

The financial statement disclosures are neutral, consistent, and clear.

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

*Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. There were no such misstatements.

*Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated October 13, 2014.

**COMMUNICATION WITH THOSE**  
**CHARGED WITH GOVERNANCE**  
**(Continued)**

*Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Center's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

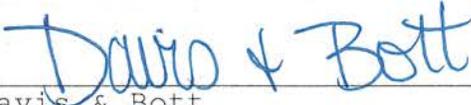
*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Center's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with U.S. generally accepted accounting principles, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the information and use of management, the Governing Board and others within the organization, and is not intended to be and should not be used by anyone other than these specified parties.

  
\_\_\_\_\_  
Davis & Bott  
Certified Public Accountants, L.C.

Brigham City, Utah  
October 13, 2014

**USES – AMENDMENT ITEMS**

**17.06**

**Change throughout**

Remove “Temporary Use” and “Small Business” from language

Replace “Zoning Administrator” with “Director”

Reformat organization of uses and their standards as necessary

Clean up language and reference directing code sections

Rewrite for clarity

**17.06.070 - Standards and Criteria for Conditional Use**

Rewrite for clarity – a specific concern regarding the broad language in the standards and criteria (1-5) has been noted by the Planning Commission on several occasions when considering CUP’s. Criteria have been updated/revised.

**17.06.080 – Revocation or Modification of a Conditional Use Permit**

Change the expiration timeline for CUPs from 18 mos. to 12 mos. – reflects the timeline for subdivision approval.

**17.06.100 – Temporary uses, 17.06.110 – Standards and Criteria for Temporary Uses**

Delete – Uses are no longer recognized as temporary

**17.10**

**17.10.020 [H]** - Portions of 17.06.060 regarding structures moved to 17.10.020 [H] and amended.

**17.10.020 [F] and [G]** - Entirety of 17.06.060 [C] amended and moved to 17.10.020 [F] and [G]

# ORDINANCE NO. 2014-14

## CACHE COUNTY, UTAH

### AMENDMENTS TO TITLES 17.06 AND 17.10

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AN ORDINANCE AMENDING AND SUPERSEDING THE ENTIRETY OF CHAPTER 6 AND PORTIONS OF CHAPTER 10 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING USES

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

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

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

WHEREAS, on October 2, 2014 at 6:00 P.M., the Planning Commission held a public hearing for the amendments to Title 17, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on October 2, 2014, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Ordinance to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on December 9, 2014, at 5:45 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Ordinance. The County Council accepted all comments, and;

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

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that the noted portions of Chapters 6 and 10 of Title 17 of the Cache County Ordinance are hereby amended and superseded as follows:

#### 1. STATUTORY AUTHORITY

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

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

**2. PURPOSE OF PROVISIONS**

The purpose of this ordinance is to amend and supersede the entirety of Chapter 6 and portions of Chapter 10 of Title 17 of the Cache County Ordinance regarding permitted, conditional, and prohibited uses, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

**3. FINDINGS**

- A. The amendments to Title 17 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Ordinance are necessary to establish accurate standards for permitted, conditional, and prohibited uses.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Ordinance be approved.

**4. EXHIBITS**

- A. Title 17, Chapters 6 and 10 of the Cache County Ordinance are amended as follows: See Exhibit A

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

This ordinance amends and supersedes the entirety of Chapter 6 and portions of Chapter 10 of Title 17 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the applicable provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

**6. EFFECTIVE DATE.**

This ordinance takes effect on January 28<sup>th</sup>, 2015. Following its passage but prior to the effective date, a copy of the ordinance amendments shall be deposited with the County Clerk and a short summary of the same shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 13<sup>th</sup> day of January, 2015.

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

CACHE COUNTY COUNCIL:

ATTEST:

---

Kathy Robison, Chair  
Cache County Council

---

Jill Zollinger  
Cache County Clerk

Publication Date:

\_\_\_\_\_, 2015

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

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.

#### **17.06.06050: 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 pPlanning Ceommission 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~~ the 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]*

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17.10.020 General Requirements.....1  
17.10.030 Development Density and Standards Specific to Base Zoning Districts.....2  
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**17.10.010: Purpose**

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

**17.10.020: General Requirements**

- A. Every Single Family Dwelling to be on a Legal Lot:
  - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
  - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated 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:

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**17.10.010: Purpose**

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

**17.10.020: General Requirements**

- A. Every Single Family Dwelling to be on a Legal Lot:
  - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
  - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated 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  
RESOLUTION 2015-01**

**A RESOLUTION APPROVING THE RE-APPOINTMENT OF A TRUSTEE TO THE  
CACHE MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES**

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(5) of the Utah Code, the Cache County Executive shall appoint an individual to serve on the Cache Mosquito Abatement District.

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

BE IT RESOLVED, that the following individual has been recommended by the Cache County Executive to serve on the Cache Mosquito Abatement District Board of Trustees.

**Section 1: Appointment**

Appointment of Jeff Ricks – 4275 North 3200 West, Benson, Utah 84335  
Telephone – 435-752-8916

**Section 2: Authorization**

The Cache County Council hereby ratifies the above appointment to the Cache Mosquito Abatement District Board of Trustees pursuant to the recommendation of the Cache County Executive.

**Section 3: Terms**

The term of this appointment shall be for a period of four years, expiring on December 31, 2016

**Section 4: Effective Date**

This appointment shall become effective immediately upon the adoption of this resolution.

This resolution was adopted by the Cache County Council on the 13th day of January, 2015

Cache County Council

By: \_\_\_\_\_  
Kathy Robison, Chair

Attest:

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

**STAFF REPORT: FOX HOLLOW SUBDIVISION**

04 December 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:** Duane Williams

**Parcel ID#:** 12-036-0005

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Council

**LOCATION**

*Reviewed by: Stephanie Nelson - Planner I*

**Project Address:**

320 North Highway 23

Petersboro

**Current Zoning:**

Agricultural (A10)

**Acres:** 49.6

**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



**PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY**

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed Fox Hollow Subdivision.

**Ordinance:**

As per the Cache County Zoning Ordinance Table §17.10.030 Development Density and Standards Specific to Base Zoning Districts, this proposed subdivision qualifies for a development density of one (1) unit per ten (10) acres.

**Summary:**

This proposal is to divide parcel number 12-036-0005 into four (4) developable lots and one (1) agricultural remainder. The total developable acreage for this subdivision is 49.6 acres. The maximum development potential is four (4) lots.

**Access:**

- Highway 23 is an adequate access route. UDOT has reviewed and identified requirements for access from Highway 23. At a minimum this includes paving the throat of the access within the UDOT right-of-way.
- The access road to the proposed lots must meet the minimum county requirements, specifically, a 22' wide paved surface with 1' wide gravel shoulders from Highway 23.
- The Cache County Manual of Roadway Design and Construction Standards Section 2.5 specifies that the maximum length of terminal roads shall not be longer than 500 feet from the centerline of the adjoining road to the center of the cul-de-sac. The proposed private road 320 North is 398' long.
- The county road standard required that this be considered a county road once built to the county standard. However, staff proposes that a design exception be granted to allow this roadway to function as a private road as it is not contiguous to other county roadways.

**Water & Septic:**

- An adequate, approved, domestic water right must be in place for all buildable lots prior to final plat recordation.
- The proposed lots are feasible for an on-site septic tank system.

**Service Provision:**

- Residential refuse and recycling collection:
  - a. The proponent must provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane on Highway 23. A UDOT permit may be required, or;
  - b. If collection is to be on 320 North, the road and the turnaround must meet county specifications to provide all weather access for large collection trucks. A liability waiver must also be submitted to Logan City before they can begin collection on the private road.
- A school bus stop is located at the intersection of 320 North and Highway 23.
- Any driveways shall meet all applicable requirements of the current International Fire Code, minimum county standards, and any other applicable codes.
- Water supply for fire suppression will be provided by the Mendon City Fire Department. Access for emergency services will require further review following the construction of the private road.

**Sensitive Areas:**

- Wetlands may be located within the subdivision boundary, but do not appear to be located on the proposed development lots.
- A fault line crosses this property, but the specific location is not known. A geotechnical report shall be required as specified B §17.18.060 to determination the location of said fault line.
- The existing drainage ditch, and flow, through the center of the property must be maintained.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet and municipalities within one mile of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

## STAFF DETERMINATION AND FINDINGS OF FACT (5)

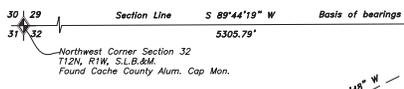
It is staff's determination that the Fox Hollow Subdivision, a 4-lot subdivision for property located at approximately 320 North Highway 23 in Petersboro with parcel number 12-036-0005, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The Fox Hollow Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Fox Hollow Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Fox Hollow Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Fox Hollow Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. A design exception is granted, to allow 320 North to function as a private roadway, and shall not be maintained by the county as it not contiguous to existing county roadways.

## CONDITIONS OF APPROVAL (8)

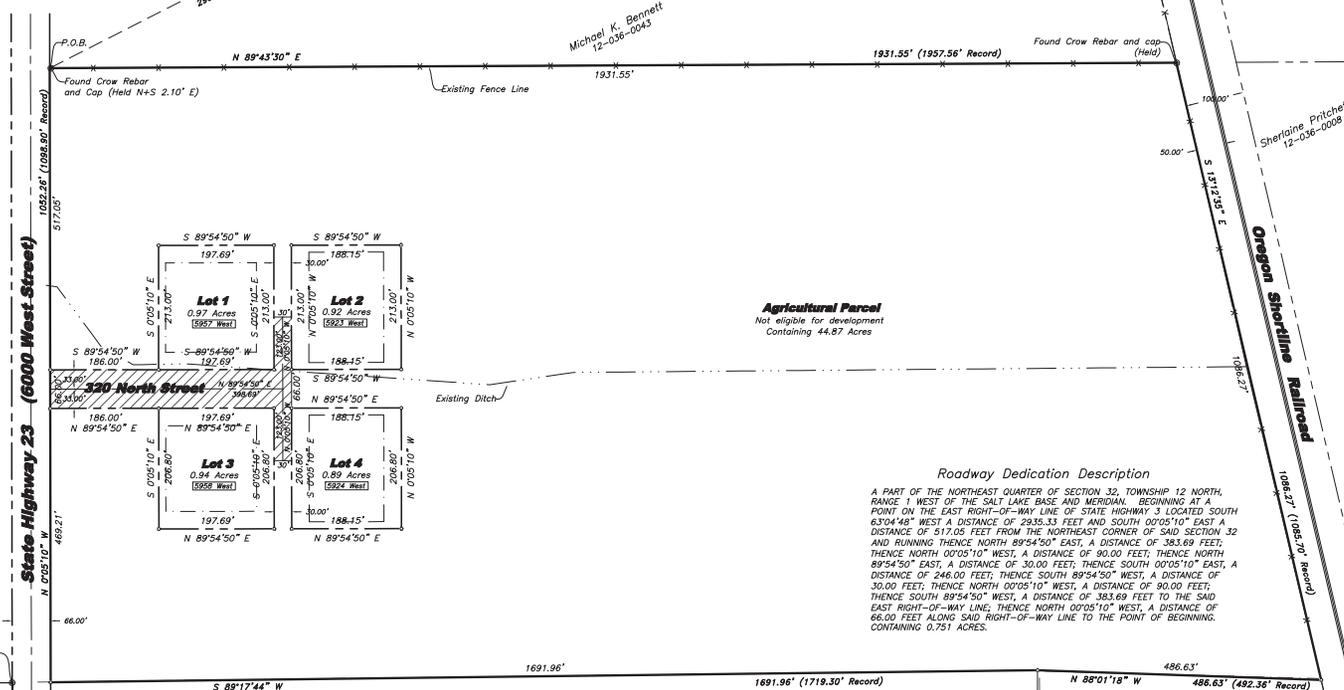
The following conditions must be met prior to recordation for the developments to conform to the County Ordinance and the requirements of county service providers.

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. An adequate, approved, domestic water right shall be in place for all building lots within the subdivision.
3. Residential refuse and recycling collection:
  - a. The proponent must provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane on Highway 23. A UDOT permit may be required. Or;
  - b. If collection is to be on 320 North, the road and the turnaround must meet county specifications to provide all weather access for large collection trucks. A liability waiver must also be submitted to Logan City before they can begin collection on the private road.
4. The design of all roads providing access to the development shall be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans shall be submitted and shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. Fees for any engineering review shall be borne by the proponent.
5. The private road 320 North shall be built to meet and/or exceed county roadway standards, including but not limited to:
  - a. 22' wide paved surface with 1' wide gravel shoulders to the specifications of the Cache County Roadway Construction Manual.
  - b. Costs for any and/or all engineering review shall be borne by the proponent.
  - c. Evidence of UDOT approval and acceptance of work required to connect the private road 320 North to Highway 23.
6. The applicant shall post MUTCD compliant signage to indicate that the road is private and there shall be no county maintenance or snow removal on 320 North.
7. A geotechnical report shall be required on the proposed development to determine the location of said fault line.
8. The existing drainage ditch, and flow, through the center of the property must be maintained.



# Fox Hollow

A PART OF THE NORTHEAST QUARTER OF SECTION 32, T12N, R1W, S.L.B.&M.  
MENDON, CACHE COUNTY, UTAH



CSEPP Partnership IV LLC  
12-036-0022

Michael K. Bennett  
12-036-0043

Weaver Farms LLC  
12-036-0004

Sheraine Pritchett TR  
12-036-0008

157°12'35\"/>

108°27' (Dist to Record)

### Roadway Dedication Description

A PART OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 3 LOCATED SOUTH 63°04'48\"/>

### GENERAL NOTES:

1. Cache County has not determined the availability and adequacy of culinary water to any of the lots identified; all owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of any building permits.
2. Storm Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction. Standards of the State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways or the alteration of any existing ditches, or natural drainage without prior written authorization provided by the affected party or entity (may include but is not limited to: adjacent property owners, ditch or canal company, Cache County, or the State Water Engineers Office.)
3. Current and future property owners must be aware that they will be subject to the sights, smells, and sounds associated with agricultural activities which are the permitted uses in the Agricultural Zone and Forest Recreation Zone.
4. Setback lines are for primary buildings only:  
12.00' on sidewalk  
30.00' on frontyard  
30.00' on backyard  
30.00' on sidewalk along roadway.

Record Owners: Duane L. Williams  
73 South 300 West  
Smithfield, Utah 84333  
Phone: (435) 757-0436



2005 North 600 West Suite D  
Logan, Utah 84321  
(435) 753-1810 Office  
(435-755-3213 Fax

14-53 July 31, 2014

### SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152861 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: FOX HOLLOW SUBDIVISION AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

### Subdivision Boundary

A PART OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 23 LOCATED SOUTH 63°04'48\"/>



SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

### OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHOLE TO BE HEREAFTER KNOWN AS THE "FOX HOLLOW SUBDIVISION". FURTHER WE DEDICATE AND/OR QUIT CLAIM AS APPROPRIATE THE PORTION OF PROPERTY OF PARCEL NUMBER 12-036-0005 FOR 320 NORTH STREET AS SHOWN ON THIS PLAT, TO CACHE COUNTY, FOR THE USE OF THE PUBLIC FOREVER, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SAID ROADWAY.

Date \_\_\_\_\_ Duane L. Williams

### STATE OF UTAH ACKNOWLEDGMENT

COUNTY OF CACHE ) SS.  
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_

### STATE OF UTAH, COUNTY RECORDER

COUNTY OF CACHE.  
THIS PLAT HAS BEEN DULY ACKNOWLEDGED, CERTIFIED, AND APPROVED AND MAY LAWFULLY BE RECORDED IN CACHE COUNTY, UTAH.

FILED AND RECORDED:  
FILING NO.: \_\_\_\_\_  
DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
BOOK: \_\_\_\_\_  
PAGE: \_\_\_\_\_  
REQUEST OF: \_\_\_\_\_

CACHE COUNTY RECORDER

### CACHE COUNTY COUNCIL

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON \_\_\_\_\_ 2014.  
DATED THIS DAY OF \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BY: \_\_\_\_\_ CHAIRMAN  
ATTESTED TO: \_\_\_\_\_

CACHE COUNTY CLERK

### DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DATE \_\_\_\_\_ DEPUTY CACHE COUNTY SURVEYOR

### CACHE COUNTY PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014. DATED THIS DAY OF \_\_\_\_\_ DAY OF \_\_\_\_\_.

BY: \_\_\_\_\_ CHAIR

### COUNTY ATTORNEY APPROVAL

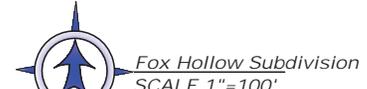
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE \_\_\_\_\_ CACHE COUNTY ATTORNEY

### BEAR RIVER HEALTH DEPT. APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_



Fox Hollow Subdivision  
SCALE 1" = 100'

GRAPHIC SCALE  
( IN FEET )  
1 inch = 100 ft.

### LEGEND:

- PROPOSED LINE
- EXISTING LINE
- SETBACK LINE
- OTD/L
- FOUND REBAR AND CAP
- SECTION CORNER
- SET 5/8" REBAR W/ CAP
- 320 North Street Dedication



Vicinity Map

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1 **#4 Fox Hollow Subdivision (Duane Williams)**  
2

3 **Harrild** reviewed Mr. Duane Williams request for a recommendation of approval to the County  
4 Council of a 4-lot subdivision with one agricultural remainder parcel on 49.6 acres of property in  
5 the Agricultural (A10) Zone located at approximately 320 North 6000 West, north of Mendon.  
6 There was a previous application that came before the commission for a rezone and it was  
7 denied. The applicant has come back to seek a subdivision under the current zone. Access is  
8 from a state highway and the applicant has met with UDOT regarding the road and will work  
9 with UDOT to meet those requirements. Typically the road standard would require that this  
10 road, once built, be taken over by the county. Staff recommends that a design exception be  
11 granted to allow this roadway to function as a private road as it is not contiguous to other county  
12 roadways. There are wetlands that have been identified within the subdivision boundary but do  
13 not appear to be located on the proposed development lots. There is also a fault line that crosses  
14 this property but the specific location is not known. A geotechnical report shall be required as  
15 specified by §17.18.060 to determine the location of the fault line. There is an existing drainage  
16 ditch, and flow, through the center of the property that must be maintained.  
17

18 **Mr. Williams** that drainage ditch will run on the side of the road and the lots that are impacted  
19 by that will have to have a culvert but other than it will not affect those homes.  
20

21 **White** was there a specification on the size of the culvert?  
22

23 **Runhaar** it's a private road so we wouldn't have a specified culvert side.  
24

25 **Mr. Williams** I will have an engineer look at it and recommend a culvert size.  
26

27 **Harrild** the only thing we can require is that the flow of the ditch not be impacted.  
28

29 **Mr. Williams** the houses are located high and won't be affected by the ditch but we will  
30 maintain it. It runs a little bit to the west there and last time we had a neighbor complain about  
31 the water flowing well there. Thanks to Josh's contacts, I saw a road grader from the state that  
32 was cleaning that out. So it is clean now and the flow is good.  
33

34 **White** I'm just worried about the runoff from the homes but if you use the barrow pits as a  
35 buffer, so to speak, it should take care of it.  
36

37 **Staff and Commission** discussed the geotechnical report condition. As long as there are no red  
38 flags, meaning the fault runs through the buildable area of the lots, there should be no problems.  
39 If there was an issue as to the location of the fault, the lots would have to be adjusted. Signage  
40 was also discussed. There will be a stop sign and a private road indicator on the road sign. The  
41 HOA will be required to place a stop sign and be responsible for the upkeep of the private road.  
42 At the developer requests, the county can install the sign at the cost of the developer.  
43

44 **Larson** motioned to recommend approval to the County Council with the stated conditions and  
45 findings of fact; **Watterson** seconded; **Passed 5, 0.**  
46