

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

March 6, 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, MARCH 10, 2015**

AGENDA

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING / PLEDGE** – Greg Merrill
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (February 24, 2015)
 5. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
 6. **CONSENT AGENDA**
 7. **ITEMS OF SPECIAL INTEREST**
 - a. Workers' Compensation Benefits Protection Contract with URS – Cory Wood
 - b. *Proclamation* – Child Abuse Prevention Month – Child and Family Support Center
 8. **UNIT OR COMMITTEE REPORTS**
 - a. Capital Improvement Projects – Josh Runhaar
 9. **BUDGETARY MATTERS**
 10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - a. **Board of Equalization**
 1. Property Tax Exemption Requests
 - b. **Public Hearing – Ordinance 2015-03**
Amendments to Title 17 of the Cache County Ordinance regarding Kennels
Titles 17.07 Definitions, 17.09 Uses, and 17.10 Development Standards
- 5:30 p.m.***

11. **PENDING ACTION**

12. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**

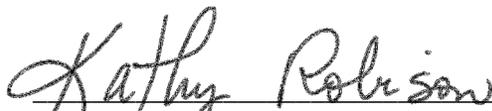
- a. **Ordinance 2015-04** – Amending **Ordinance 2014-10**
- b. **Resolution 2015-05** – **Authorizing the Cache County Executive to Execute an Interlocal Agreement with Logan City for a Cache Valley Fire and Rescue Indoor Training Facility**
- c. **Resolution 2015-06** – **Approving the Removal of Property from an Agriculture Protection Area**
- d. Approval of 2014 Backtax, Penalty, and Interest Cancellation Report

13. **OTHER BUSINESS**

- a. Council Member Assignments for Exemption Hearings:
 - Bear Lake Community Health Center – March 17th at 11:00 a.m. **Kathy Robison**
 - Sunshine Terrace – March 18th at 1:30 p.m.
 - IHC Logan Regional Hospital – March 18th at 3:00 p.m.
- b. Joint Council Meeting with Logan City – Tuesday, March 31, 2015 at 5:30 p.m. – Logan City Council Chambers
- c. 2015 UAC Management Conference – April 29, 30, May 1, 2015 – Utah Valley Convention Center
Craig Butters, Cory Yeates
- d. Health Days Parade – Saturday, May 9, 2015 at 10:00 a.m.

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**

CHILD ABUSE PREVENTION MONTH PROCLAMATION

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

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

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

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

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

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

THEREFORE; WE, THE CACHE COUNTY COUNCIL, do hereby proclaim April 2015 as Child Abuse Prevention Month. We support child abuse prevention efforts and education, and we encourage all citizens to actively help protect our children and work to create strong families within this community.

In witness whereof, I hereunto set my hand on this 10th day of March 2015

Kathy Robison, Cache County Council Chair





Cache
County
1857

DEVELOPMENT SERVICES DEPARTMENT

BUILDING | COUNTYWIDE PLANNING | ENGINEERING | GIS | PLANNING & ZONING

To: Cache County Council
From: Chris Harrild, Planner II, Development Services,
Subject: Development Services agenda items for March 10, 2015

PUBLIC HEARING

- 1. Ordinance 2015-03 - 5:30 p.m.: Amendments to Title 17 of the Cache County Ordinance regarding kennels – Titles 17.07 Definitions, 17.09 Uses, and 17.10 Development Standards**
Planning Commission Recommendation: Approval (5, 0)

17.07.030: Use Related Definitions

7200 BOARDING FACILITY: A series of stables, barns, paddocks, and/or other shelters and exercise facilities in which livestock including cattle, sheep, goats, swine, horses, mules, poultry, etc. are fed, exercised, and/or cared for on a short or long term basis for a fee.

7210 HOUSEHOLD PET: Animals ordinarily kept in a dwelling for personal use and not for commercial purposes. This includes up to six (6) adult dogs.

7220 HOME BASED KENNEL: Any establishment, accessory to a dwelling unit and/or adjacent to a neighboring parcel under the same ownership, at which seven (7) or more adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes a single, incidental litter in a 12 month period. A home based kennel must comply with the following requirements:

1. A home based kennel shall consist of no more than 12 adult dogs. More than 12 dogs may be permitted as a home based kennel if it is otherwise shown by the applicant that:
 - a. Impacts can be mitigated by distance, vegetation, geography, and/or structures.
 - b. The kennel is secondary to the home and not primarily for commercial purposes.
2. All kennel facilities must be a minimum of 50 feet from the property boundary.
3. Noise levels from the kennel shall not exceed 10 decibels (dBA) above the ambient noise levels at the property line. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

7230 COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment at which the boarding, grooming, breeding, raising, and/or otherwise keeping of 13 or more adult dogs or cats is the primary use of a legal parcel as determined by the Director or Planning Commission, or the requirements of a home based kennel cannot be met. A commercial kennel/animal shelter must comply with the following requirements:

1. All kennel facilities must be a minimum of 50 feet from the property boundary and a minimum of 20 feet from a Caretaker's Residence.
2. Noise levels from the kennel shall not exceed 10 decibels (dBA) above the ambient noise levels at the property line. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

17.10.050 [A][2]: Supplemental Standards – To be deleted

2. Animal Confinement:

- a. All areas used for animal confinement shall be set back fifty feet (50') from any natural waterway. (Setback is set by 17.18.050 [A][3][a])
- b. All areas used for animal confinement shall be set back twenty feet (20') from any dwelling unit. (Added to 7230 Commercial Kennel/Animal Shelter)

17.07.040: General Definitions

Add:

DOG, ADULT: A dog is considered an adult when it is six (6) months of age or older.

CAT, ADULT: A cat is considered an adult when it is six (6) months of age or older.

Delete:

ANIMAL CONFINEMENT: Any structure used to house animals or restrict their habitation to a particular area. (This term is only used in 17.10.050[A][2] which is to be deleted)

DRAFT

Amendments to 17.09 | SCHEDULE OF ZONING USES RE: Kennels

Index	Description	Base Zone							Overlay Zone	
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
6150	Animal Shelter	N	N	N	N	N	C	C	N	-
7200	Boarding Facility	C	C	C	N	C	C	N	N	-
7210	Household Pet	P	-	-						
7220	Home Based Kennel	C	C	C	N	C	C	N	-	-
7230	Commercial Kennel/Animal Shelter	N	N	N	N	N	C	C	-	-

DRAFT

Setback Analysis and Findings

- As per §17.10.050 [2] Animal Confinement
 - “ a. All areas used for animal confinement shall be set back fifty feet (50') from any natural waterway.
 - b. All areas used for animal confinement shall be set back twenty feet (20') from any dwelling unit.”

- As per §17.07.030 Animal Confinement
 - “Any structure used to house animals or restrict their habitation to a particular area.”

- Nuisance issues: Noise and odor
 - Noise/Decibel (dBA) measure - Typical dBA range for a multi-dog kennel: 110-124 dBA
 - Safe levels – See attached chart from the CDC

<u>Setback Distance</u>	<u>Correlating Acreage (ac)</u>	<u>Correlating dBA (based on 110 dBA at source)</u>
50 feet	0.35	90
100 feet	0.92	84
150 feet	1.98	80
500 feet	13.68	70
¼ mile	85.45	60
½ mile	331.54	53
1 mile	1,303.1	45

- When considering a nuisance as opposed to a safety concern, what is an appropriate setback based on impacts from a noisy kennel?

- Possible solution:
 - 50 foot setback to address impacts from nuisance odor with a performance standard to address the impacts from nuisance noise

- Language for performance standard:
 - See attached amendments to 17.07 Use Related Definitions

Kennel Ordinance by County - Cache, Box Elder, Davis, Salt Lake, Utah, Washington, and Weber

	Cache Existing	Cache Proposed	Box Elder	Davis	Salt Lake	Utah	Washington	Weber
Min. # of Dogs	4 (-)	4 (6 mos)	4 (-)	3 (4 mos)	3 (4 mos)	5 (4mos)	3 (-)	4 (4 mos) and 3
Max # of Dogs	n/a	A10 - 12 C, I - 13+	n/a	n/a	5 (Sportsman's Kennel)	Private - 10 Comm - n/a Rescue - n/a	n/a	A-3 - 10 (10 wks) M-1 - n/a
Kennel allowed as a permitted use - by zone	no	no	no	No/No	C-3, M-2	RA-5, CE-1, M&G-1, A-40(acc),	no	A-3, M-1
Kennel allowed as a conditional use - by zone	RU2, RU5, A10, RR, C	Proposed: A10, C, I	MU160, 80, 40, A20, 1, 1/2, RR10, 5, 5 Mod., 2, 1	A-1, A-5	Kennel: A-2, A-5, A-10, A-20 Sportsman's Kennel: R-1-3 - R-1-43, R-2-6.5, R-2-8, R-2-10, R-2-10-C, R-4-8.5, R-M, A-1	RA-5, M&G-1 (commercial)	RA-10	AV-3, RE-15 and RE-20 (non-comm.),
Min. Lot Size (ac.)	1/2	reflected by zone minimum	reflected above	1, 5	Kennel: 1 Sportsman's Kennel: 1	10, 50, 50, 40	10	5, 3 (primary), 2 (accessory)
Min. Setback	existing zone	50'	existing zone	150'	existing zone	existing zone	500' RA-10 comm., 100' Open Space	3 acres: 100' - public street 50' - property line 2 acres and acc.: 40' res., 70' adj res.
Ordinance section for kennel requirements	No	No	No	Yes	Yes	Yes	No	Yes
Nuisance/enforcement ordinance is part of land use	No/Yes	No/Yes	No/No	No/No	No/Yes	No/No	Yes/Yes	No/No

From a health, safety, and welfare viewpoint, noise exposure impacts are related by the CDC as follows:

“Based on the recommended exposure limits identified in [the National Institute for Occupational Safety and Health \(NIOSH\) Revised Criteria for a Recommended Standard: Occupational Noise Exposure](#), the table below provides some common sound sources, their corresponding sound intensities (in decibels), and the duration of exposure limits before hearing damage begins.”

Table 1: Sound, Sound Intensity, and Recommended Exposure Limits

Safe Sound Level			
Sound Source Examples	Sound Intensity (Decibels)	Recommended Exposure Limits For Repeated Exposures*	Comments
Quietest sound heard by person with normal healthy hearing	0	Any duration	None
Quiet empty classroom that meets U.S. acoustical standard†	35–40	Any duration	None
Typical library sound levels	40	Any duration	None
Typical unoccupied classroom	46	Any duration	None
Normal conversational speech	60	Any duration	None
Battery-powered pencil sharpener	71	Any duration	None
Potentially Hazardous Sound Level			
Sound Source Examples	Sound Intensity (Decibels)	Recommended Exposure Limits For Repeated Exposures*	Comments
School cafeteria	85	8 hours	Prolonged exposures might cause slight hearing loss. Hearing protection should be used if regularly exposed to this sound level beyond the exposure limit.‡
Band class	90	2 hours	Hearing protection should be used if regularly exposed to this sound level beyond the exposure limit.‡
Wood or metal shop, power tools, snowmobile	100	15 minutes	Hearing protection should be used if exposed to this sound level beyond the exposure limit.‡
Hazardous Sound Level			
Sound Source Examples	Sound Intensity (Decibels)	Recommended Exposure Limits For Repeated Exposures*	Comments
Personal stereo system at high volume	105	5 minutes	Hearing protection should be used if exposed to this sound level beyond the exposure limit.‡
Chainsaw, loud rock concert	110	1.5 minutes	Hearing protection should be used if exposed to this sound level beyond the exposure limit.‡
Ambulance siren	120	9 seconds	Hearing protection should be used if exposed to this sound level beyond the exposure limit.‡
Firecrackers, firearms	140-165	Immediate hearing damage possible	Hearing protection should be used whenever exposed to this sound level.‡
*NIOSH Recommended Exposure Limits (RELs) are based on repeated exposures occurring over a period of years. For example, repeated			

exposure to 85 decibels during an 8-hour workday over a period of years or repeated exposure to 90 decibels during a 2-hour period over a period of years are potentially hazardous. Hearing damage from noise adds up over time. Single, one-time exposures do not pose an immediate risk of hearing loss unless sound levels equal or exceed 140 decibels.

† American National Standards Institute (ANSI) S12.60 (2002).

‡ Hearing protection devices include earplugs and earmuffs that are made to reduce the loudness of sound. Earplugs are placed in the ear canal so that they totally block the canal, reducing the loudness of sound. Earmuffs fit completely over both ears, fitting tightly to reduce the sound loudness. It is recommended that earplugs and earmuffs be used together when noise exposure is particularly high. Cotton in the ears, winter ear warmers, and audio headphones are not appropriate hearing protection devices.⁶

References

1. CDC/NIOSH. *Noise and Hearing Loss Prevention*. Cincinnati, OH: U.S. Department of Health and Human Services; 1998.
2. National Institute on Deafness and Other Communication Disorders. *Noise Induced Hearing Loss*. Bethesda, MD: April 2007. NIH Pub No. 97-4233.
3. Lass NJ, Woodford CM, Lundeen C, Lundeen DJ, Everly-Myers DS. The prevention of noise-induced hearing loss in the school-aged population: a school educational hearing conservation program. *Journal of Auditory Research* 1986;26:247–254.
4. American Speech-Language-Hearing Association. [Noise and Hearing Loss](#)⁵. Rockville, MD: American Speech-Language-Hearing Association.
5. Fligor BJ, Cox LC. Output levels of commercially available portable compact disc players and the potential risk to hearing. *Ear and Hearing* 2004;25(6):513–527.
6. CDC/NIOSH. [What Does the Hearing Loss Program Do?](#) Cincinnati, OH: U.S. Department of Health and Human Services.

Taken from the Centers for Disease Control and Prevention (CDC) website
@ <http://www.cdc.gov/Healthyouth/noise/signs.htm>

6:28:00

#3 Discussion – Title 17.07.030 – Kennels

Harrild reviewed the information for a kennel ordinance that staff has been working on. The proposed language identifies the following:

- 4820 KENNEL:** Any establishment at which four (4) or more adult dogs are bred or raised for sale, boarded, or cared for. Additional definitions regarding kennels are as follows:
- a.** A dog is considered an adult when it is six (6) months of age or older.
 - b.** Up to four (4) adult dogs may be allowed per acre, but a kennel shall consist of no more than 12 adult dogs.
 - c.** Kennels consisting of 13 or more adult dogs shall be considered equivalent to the use type “6150 Animal Shelter” as indicated by this title, and must seek approval under those requirements.

Runhaar commented that the animal shelter definition would need to be re-written to work with the kennel section. Most of the current facilities in the valley would be fine with the 12 adult dog cap. The county has never received complaints regarding grooming facilities; the complaints are always regarding boarding. The county has never received a complaint regarding the Humane Society because they are located in the appropriate area; they are in a commercial zone right off the highway. In the recent past the commission has approved up to 15 dogs for one facility, but that was a grooming facility not a boarding facility. In the Ag Zone a business that makes more than \$600 is required to have a business license and would have to have a home connected to it.

#4 Discussion – Title 17.06 – Uses

This discussion was moved to October’s meeting.

#5 Discussion – Title 17.13 – Mineral Extraction and Excavation

This section will come back to the Planning Commission at some point in the future after it has been cleaned up.

6:50:00

Staff Report

The resort recreation code needs to be re-written because it doesn’t work the way it is written currently. The road standards section also needs to be cleaned up and gone through. The county is now also going through the requirements for storm water permitting and staff will work on putting something together on how the new requirements will affect development. Storm water permitting hits the county particularly hard because the county is now responsible for making sure the process is done correctly or the county will be heavily fined by the state and the EPA.

6:55:00

Adjourned

Mr. Williams the water person will have to decide whether they will allow the transfer of water and if they determine there is water they will transfer. You can oppose the transfer if you want to. It's transferred to a well and it is designated for a specific purpose. I have shares out of the Bear River and that is further north. This will be a transfer of water. If I can purchase Wellsville/Mendon water it will be better.

Larson just a note on the water, that will not come before this board. That goes before the state water board and all we check is that they have water there.

6:06:00

Larson motioned to close the public hearing; Watterson seconded; Passed 7, 0.

The Planning Commission discussed the issues with the road. The county can't absorb and maintain these new roads and private roads are terrible for planning because people don't realize what the private designation really means. Many of the commissioners expressed concern for prospective buyers regarding the road and water issues. There has been some rezones done in the Petersboro area but all the services were already in place. The county does not do maintenance/snow removal on Highway 23 because it is a state road. A denial does not make the property unusable; it does mean there is no expansion of the current use of the property.

Larson motioned to recommend denial for the Fox Hollow Rezone to the County Council with the following findings of fact:

- 1. The proposed density is not consistent with the existing density of the surrounding area.*
- 2. The county is unable to bear the short and long term cost to serve and maintain access to residential areas in the unincorporated county. The property is also not contiguous to other existing developed areas requiring service.*

Smith seconded; Passed 7, 0.

6:19:00

#2 Public Hearing – 6:00 – Title 17.06 – Uses

Larson motioned to open the public hearing for Title 17.06 – Uses; Watterson seconded; Passed 7, 0.

6:23:00

Watterson motioned to close the public hearing; Smith seconded; Passed 7, 0.

6:24:00

#3 Public Hearing – 6:15 – Title 17.07.030 – Kennels

Harrild reviewed the kennels ordinance and the changes that have been discussed at previous meetings. As recognized by the Commission and staff, the Commission's previous decisions reflect that if an application requests more than a certain number of dogs a denial is generally

issued; the exception being a kennel for 15 dogs. As directed by the Commission, the new language for the kennel ordinance would now allow up to four (4) adult dogs may be allowed per acre but a home based kennel shall consist of no more than 12 adult dogs. This count does not include puppies younger than 6 months old. The intent is to distinguish between home based kennels and commercial or professional kennels. Home based kennels tend to be small and have less of an impact but would still require a conditional use permit (CUP). That would allow for mitigation possible impacts and/or nuisances to be addressed. A professional kennel is identified more as a commercial entity. This means the primary use is not the dwelling, but the kennel. Also, on the use chart an animal shelter would now be considered a professional kennel. Staff still needs some direction for what zones kennels will be allowed in. One argument for separating kennels out of the agricultural zone is because dogs, as defined by the state and county ordinance, are not an agricultural use. However, cows, mink, farming, etc., are all agricultural uses. The other issue is whether the kennel facility needs to be expanded to deal with cats also. Past discussions have included the possibility of writing a condition in the CUP limiting the breed but a state law will go into effect January 2015 prohibiting that action.

Commissioners expressed concerns on limiting the number of dogs in the ordinance when large amounts of dogs can possibly be mitigated. Some commissioners expressed concern with using a number. Numbers are very arbitrary. Maybe the county needs to move towards a performance based ordinance. If the kennel isn't performing in the way it's supposed to then it can be dealt with through criminal/nuisance laws. There is no process/regulation in place currently to deal with nuisances right now. It would require that a nuisance ordinance be drafted and approved. Currently to claim a nuisance there must be minimum of 3 property owners that lodge a formal complaint. The majority of the counties referenced have an ordinance with a specific nuisance component. Cache County does not. Staff can look into building that component but that does not reflect the county's approach to compliance. The county currently has two shelters/kennels in the unincorporated area, the Humane Society and Four Paws Rescue. The county has never received a complaint regarding the Humane Society but has received several complaints for Four Paws. The nuisance ordinance does become part of the criminal code and can be used that way if one is written.

The Commission also noted that the reason to specify a maximum number of dogs is to differentiate between a commercial kennel and a home based kennel. The other thing to note is that the average dog owner today is different than 20 years ago. Many see dogs as their children and take care of them as such.

6:57:00

Larson motioned to open the public hearing for Title 17.07.030 – Kennels; **Parker** seconded; **Passed 7, 0.**

Roland Bringham I am the director of the Cache Humane Society. I dislike being lumped in with the new definition of professional kennel. That doesn't seem to fit what the humane society and other groups taking in stray animals and re-homing them do. I can see how we would fit but I don't feel that is what we are about. I would like to see the definition of animal shelter stay in there and the table. As to the numbers, I have never been a proponent of an artificial number specifying the number of animals allowed. I agree that it should be more of a performance based

standard. If someone can have six animals in their house and take care of them and not bother the neighbor then they should have that many, but the artificial number of animals a person can have is not something I've ever agreed with.

Larson what kind of nuisance regulations would you propose that would help guard against the issues that people are worried about?

Mr. Bringhurst enforcement is very difficult. I never got a nuisance violation through the courts when I worked that side of enforcement. When you need to have 2 or 3 neighbors that need to testify you are never going to get that. Nuisance is very hard to prove and very hard to go after. Smell and sound are the biggest complaints with dogs and cats. Doing a performance based system is very hard to do and right now the county animal control officers are stretched very thin.

Sands the existing ordinance is up to 3 dogs?

Harrild up to three dogs per property. After three dogs it falls into the category of a kennel.

Carry Burton I have lived in Cache County for 14 years and am a dog breeder for 7 of those years. As far as regulations, the USDA is going to absolutely inspect us. They are extremely picky, you have to have a certain amount of space inside and outside per dog. The local vet will be required to inspect your facility two times per year. The animal control officer I've talked to say if you get three complaints then you are in trouble. As far as conditional use, a conditional use permit has conditions. I have 40 to 55 dogs and they don't run through my house, I have one dog that is in my house. I have a room for my mom dogs and for my puppies and they have access to outside to go to the bathroom. No my dogs are not running around my house. I consider myself a home based business. When you say professional kennel for lack of a better term, I guess that is what I am. But I don't believe that animal shelters should be lumped in with the kennel definition, we are not the same. I have clientele all over the world. We do guarantee our puppies and if they can't keep them they come back to me. Most of our dogs are sold as pets; the others go to breeders that I know will take care of them. As far as the home based thing, I am a small home based business. My dogs are little and my place is fenced. Dogs don't usually bark if they can't see other people or things and they can be trained not to bark. Our dogs are like our children and I can give you specifics regarding each dog. We retire our dogs at a young age and find good homes for them when they are retired. As for regulations I don't see why you can't come up with a conditional thing and do away with the number. I have never had complaint in all the years that I have done this. I don't understand why you can't look at a conditional thing and as long as it goes along with AKC regulations and the new USDA regulations, then why can't you go ahead and approve that? If you get complaints then shut it down. We have to be really strict with our dogs for AKC registration and to meet the new USDA regulations. As far as I'm concern this ordinance takes away my rights. Dr. Watkins is one of my main vets, and he has seen my place and I don't feel like he would agree with this either. I don't know how you can differentiate between professional and home based kennels.

Larson you mentioned that the veterinarians come out twice a year to inspect you?

Ms. Burton the USDA requires that a local veterinarian come out and inspects your place with no prior notification and then they submit a letter to the USDA.

Christensen who pays for that?

Ms. Burton it's going to cost me about \$1,000 a year for my license.

Smith is that just to be AKC registered?

Ms. Burton no, that is for any dogs. Anybody who sells dogs is subject to this law. This is to do away with bad breeders and puppy mills. Whenever I send a puppy international I have to go down to the USDA office in Salt Lake to get their approval. When you say dogs aren't agricultural I don't know how you say that when the USDA regulates that.

Sands you sound like an excellent example, and probably the lion share of breeders are like you or they wouldn't be in business, right?

Ms. Burton and this law is made to cut out the bad breeders. A lot of breeders have 60 to 100 dogs and are fine. But there are a lot of breeders selling out because of this new law because they can't meet the new regulations.

Sands there are a lot of different government agencies that regulate businesses in the county, but we're only talking about what we can regulate. We've talked a little bit about how we don't have the resources to enforce our ordinances. I'm not sure the federal agencies are going to regulate nuisance complaints. They aren't there to care about the welfare of the neighbors, but the animals. And it sounds like we don't have the tools to regulate what you are suggesting that is what we are trying to look at. We have a series of past decisions that we made that we are trying to reflect in our current code.

Ms. Burton you do have some with the animal control officers. If they get a complaint they go out.

Sands it would be interesting to hear what tools they feel they have to enforce a nuisance law.

Ms. Burton all I ask as a breeder from a breeder's point of view is that you know how we operate. That is the whole point of my letter. I think it's great to come up with a kennel ordinance but it has to be fair and I feel like this ordinance takes away my rights. I don't want my rights taken away.

Christensen how close is your closest neighbor?

Ms. Burton we just moved from Paradise and I think the closest house to our new place is 300 yards.

Christensen that is the house or property boundary?

Ms. Burton the house. We have 10 acres and we have neighbors on both sides and we haven't had a complaint. Dogs can be trained not to bark and it's not the same thing as a kennel. You can't put us in a commercial place. Dogs bark when they hear noise and people.

Sands most veterinary clinics are in a commercial zone and they board dogs and are kennel type operation.

Ms. Burton but they aren't a breeder. I am a home based business. They feel safe because they are in a home environment.

Sands but the law says if you have more than 3 dogs you have to have a permit. You have to request those privileges, you aren't granted rights automatically.

Ms. Burton I just want this to be fair. This is my way of making an income.

Caryn Mullin I have a home based kennel in Casper, Wyoming and we are trying to relocate to Cache County. The dogs, pugs, they don't bark unless they see someone or a stranger. They don't bark all night, they are small. They are like our kids and our nearest neighbor is 150 yards away and she wrote a letter for me stating that unless the dogs are outside she doesn't hear them. I'm sure you could get a good reliable breeder to help animal control with inspections. We know what to look for; they have to have a clean friendly environment. I would volunteer and I'm sure Carry would and there are two respectable witnesses. As far as a conditional use permit, why couldn't that be regulated? Why can't we surrender the permit when we move, why should the new owner get it?

Sands that is a manner of state law.

Ms. Mullin that can be changed can't it?

Harrild It can but not by the county.

Ms. Mullin a conditional use means a conditional use and if you're not following the laws then it can be taken away.

Sands yes, it can be revoked. But it runs with the property so if you get a kennel for pugs and then you sell that property the next owner can still operate under that CUP and raise different dogs.

Ms. Mullin why can that not be surrendered when the property is sold?

Runhaar I can't require that by state law and it is completely unenforceable by us.

Ms. Mullin why can't the person who has the CUP sign something that when they move they surrender the CUP?

Runhaar I can't require that. I can't accept you surrendering the CUP. State law won't let me accept that.

Larson it's just the way the law works. The problem is resolved if someone else moves in and they don't meet the conditions. Then you send out law enforcement and revoke the permit. But if they continue to operate the same way you do, then they get to keep the permit and run their kennel.

Sands if the use ceased to exist for a period of time it goes away?

Runhaar Yes, after 12 months.

Larson if you expand the use or cease to operate for a year then you have to get a new permit.

Ms. Mullin I don't understand why it is a CUP if it's not conditional.

Runhaar we operate within the confines that the state allows.

Kelly Wright I am new to Cache County but a few things to point out is that there are a lot of animals here. I live in a residential area and to one side of me there is a lot of dogs and the other side has a lot of chickens. Those chickens by far are so much louder than the dogs could ever be at 4 or 5 o'clock in the morning. We have a dairy farm behind us and the stink from those cows is more than the dogs. I hate to see the breeders get punished for that type of a thing. It doesn't make sense or logical to me and it doesn't seem lawful or right. Breeders love their dogs and I come from a city where free enterprise is wildly embraced. Home based businesses are big. The problem with that is that the products put out for consumers are often not reputable or good and you end up with a lot of dissatisfaction. I think I would rather see a dog breeder business rather than a lot of the other businesses I have been around. Dog breeders tend to be more responsible, honest, and are upstanding citizens. They have some roots that are set out in their community. They are licensed and can be regulated where you can't do that with other home businesses. I think the dog breeder business is a boost. I think that the type of business dog breeders bring is a very particular type of business. The buyer seeks out the breeder, whatever the type of dog. The buyer seeks out the breeder so the tendency to have more satisfaction in that realm goes way up. That buyer didn't just happen to buy something from someone and have buyers remorse and they are going to take revenge, no they are satisfied. Breeders love their dogs and buyers love the dogs they buy from breeders. They've been waiting for the dog for a long time. One other point is that my sister in Las Vegas about the mini schnauzer business and she was really impressed that Cache Valley had this type of offering.

7:26:00

Larson motioned to close the public hearing; **Watterson** seconded; **Passed 7, 0.**

Staff and the Commission noted that staff is not looking for a decision on this issue tonight. Many commissioners discussed trying to make the ordinance more performance based than number based and look at nuisance laws to see what would be enforceable. Cache County has good animal control officers and they work hard for the county and it would be a good idea to reach out to them and see what they think about a performance based standard. Some commissioners felt that there needs to be a differentiation between a commercial enterprise and

someone who has a few dogs they work with. There are only a handful of breeders in the county, not one in every neighborhood. The reason for this coming before the commission is because there have been problems with professional kennels in the Ag Zone, and if the commission wants to deal with them on a case by case basis then the ordinance is not needed. Rural counties don't care about things like kennels because there is enough land in between but that isn't the case in Cache Valley. Cache Valley has several homes dotted around the unincorporated area and when you bring this type of use in contact with people that is when the problems happen. The county currently has no tools for enforcing nuisance violations. If a nuisance law is what the commission wants to do then it has to have the teeth to be enforceable. Staff will look at performance based standards, enforcement/nuisance laws, and also look at other options available for this type of ordinance.

7:45:00

#2

Harrild reviewed the criteria considerations for conditional use permits (CUP). There are six considerations: health, safety, and welfare, compliance with law, compliance with intent of General Plan and Zone, Adequate service provision, impacts and mitigation, compatibility with character of the vicinity. The consideration that is the most problematic regards compatibility with the character of the vicinity. Staff would like to see consideration 6 taken out for consideration of CUPs as it is too subjective.

Commission and staff discussed that it may be best to revise Item 3 to deal with compatibility rather than keeping item 6. Item 3 will be reworded to include "and/or compatible with existing uses in the immediate vicinity."

8:00:00

Watterson** motioned to extend the meeting 4 minutes; **Smith** seconded; **Passed 5, 2 (Olsen and Larson voted nay).

Watterson asked about considering traffic in the criteria but traffic itself cannot be regulated. You can help regulate the problem with conditioning the number of employees or the route they are allowed to take.

Staff Updates

DD Auto has been given an extra two years to come into compliance. Storm Water will be on the Council's agenda on Oct. 14 and the Commission will be kept in the loop for storm water. Storm water will not be an action item for the Commission but informational only. Autonomous Solutions is still trying to work out the issues there.

8:03:00

Adjourned

Present: Stephanie Nelson, Chris Harrild, Josh Runhaar, Jason Watterson, Chris Sands, Rob Smith, Lane Parker, Leslie Larson, Jon White, Megan Izatt, Tony Baird

Start Time: 05:30:00 (Time not shown on DVD)

Sands welcomed and **Smith** gave opening remarks

05:32:00

Agenda

Approved with no changes.

Minutes

Approved with no changes.

05:33:000

Consent Agenda:

#1 Rasmussen Farms Subdivision (Brian G. Lyon)

Harrild Brian G. Lyon is requesting a recommendation of approval to the County Council for a two lot subdivision with two agricultural remainders on 104.14 acres of property in the Agricultural (A10) Zone located at approximately 5011 North Highway 23, Cache Junction.

Watterson** motioned to approve the consent agenda with the written findings of facts and conditions; **Larson** seconded; **Passed 5, 0.

05:35:00

Regular Action Items

#2 Title 17.07.030 – Kennels.

Harrild reviewed the changes to the proposed kennel ordinance. A handout with the other counties ordinance information was handed out. Most places do not allow a kennel as a permitted use and they are required to have a conditional use permit (CUP) for most zones. Most counties that staff, looked at in the State, require at least 1 acre for a kennel; some require 3 acres and two counties require at least 10 acres. The minimum number of dogs for most counties is 4, some are set at 3. 3 of the 7 counties do not have a maximum number of dogs limit. Salt Lake County is set at a maximum of 5 dogs; Utah County is set at a maximum of 10 dogs depending on the zone; Weber County is 3 to 10 dogs depending on the age of the dog. As for enforcement, Salt Lake and Washington Counties are the only counties that staff looked at were nuisance and enforcement is included in the ordinances for land use. There were concerns about the setback requirements and staff has left that section open in the proposed ordinance for Commission to decide. Staff has talked to the County animal control officer and their response is that enforcement isn't easy. Usually what happens is they respond to the call and usually there is nothing happening. If something was happening there is a warning given but it can happen again. Staff did express that pushing everything to the enforcement side won't work very well.

Commissioners asked about the nuisance ordinance. The ordinance is very out of date and currently the nuisance officer is the Fire Chief and a nuisance is only considered a nuisance if three reasonable people complain. That doesn't work if there are only two neighbors. The ordinance also currently only deals with noxious weeds and derelict buildings. If the nuisance ordinance were to be re-written to include kennels it would probably need to be turned over to the county attorney's to be done. There are some things that could possibly be handled administratively. If they are not a breeder and have 6 dogs or less that could possibly be turned over to staff to handle administratively instead of forcing them to go through the whole CUP process. Staff stated that if the commission wanted to approach kennels from the nuisance angle then it would probably be better to leave the ordinance how it is. By doing that it comes before the Commission for the CUP process and can regulate it through conditions. This also causes neighbors to be the enforcement and staff doesn't really like that option. Performance based standards can be possible as long as sight, sound, and smells are addressed.

The new ordinance would include language stating that all kennels would need a CUP to operate in the county. There will be no minimum lot size but kennels will be required to have a certain setback from the property and staff will diagram some examples out to help decide that distance.

Staff doesn't want to tie a nuisance ordinance to Titles 17 and 16. Nuisance complaints would still be routed through the Sheriff's office and the County Attorney's office.

Val Rasmussen we have new neighbors across the street because they didn't meet the town ordinance for the number of dogs they have. But the current ordinance is they can have 4 or was it 13?

Runhaar the current ordinance is if they have 4 or more dogs they have to have a kennel license.

Mr. Rasmussen I'm not against them having dogs at all or against kennels. But this does affect everybody out there when people let their dogs loose and you can hear them for quite a ways.

Caryn Mullin I have the pugs and we have not moved down here because of this ordinance. A responsible breeder will only breed their females once a year because it is too hard on them. Are you restricting it to 12 females?

Runhaar 12 adult dogs.

Ms. Mullin our animal control in Wyoming does yearly visits and I have never been cited. I would rather see a performance based standard. If you do a performance based standard I would be more than willing to help with that.

Runhaar we are talking about land use; not the sanitation and health. We are looking at the surrounding characteristics of the land and setbacks and things like that.

Ms. Mullin Okay. I'm not sure what the issue is because Lamar Clements, our neighbor in Cache Junction, doesn't have a problem with us moving there. However, the White's, our other neighbors do but yet they let their dogs roam out there all the time. Do I need to call animal control about that?

Runhaar yes because I don't have anything to do with enforcement.

Larson yes, if you have a problem you have to call animal control. They will issue a citation or whatever needs to happen. There is two separate issues here. One is people being able to enjoy their property without infringement from surrounding property owners and the other is with animal control because of an infringement on your property rights because of their dogs.

07:39:00

#6 Red Spur Camp Conditional Use Permit (Aaron Bleak)

Harrild reviewed Mr. Aaron Bleak's request for an approval of a conditional use permit (CUP) to allow the expansion and operation of a recreational facility on 960 acres of property in the Forest Recreation (FR40) Zone located east of Hardware Ranch near Rich County. The applicant would like to add a 650 square foot shower facility; a new septic system is also proposed to be constructed with the shower facility to treat all waste water, and the addition of a 200 square foot enclosed space on an existing pavilion

Aaron Bleak there are two ways to access this property. One is from Randolph and it is 20 miles west of Randolph. The other way is to go north from the Monte Cristo guard station.

Smith do you have the water rights approved?

Mr. Bleak yes, everything is secure and functioning.

*Larson motioned to approve the Red Spur Camp Conditional Use Permit with the stated conditions and findings of fact; **Smith** seconded; **Passed 5, 0.***

#7 Title 17.07.030 – Kennels

Harrild reviewed the information regarding setbacks for kennels. Using setbacks to address the noise issue doesn't work. The best way to handle noise is to use a performance standard based on sound proofing and a study done by a sound engineer. That would mean any increase in noise levels created by a kennel above the ambient noise would need to be very minimal by the time you hit the property line. The commissioner's need to review the provided information in order to discuss the proposed amendments regarding kennels at the January meeting.

Staff and Commission members discussed animal confinement. Staff's concern is that animal confinement has only been vaguely defined.

07:53:00

Adjourned

1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Rob Smith, Leslie Larson, Jason Watterson,
2 Lane Parker, Brady Christensen, Jon White, Tony Baird

3
4 **Start Time:** 05:30:00

5
6 **Smith** welcomed and **Watterson** gave opening remarks

7
8 **05:31:00**

9
10 **Agenda**

11 Approved with no changes.

12
13 **Minutes**

14 Approved with no changes.

15
16 **05:33:000**

17
18 **Consent Agenda**

19
20 **#1 Ronald Jenson Subdivision 2nd Amendment (Susanne Moore)**

21
22 Susanne Moore is requesting a recommendation of approval to the County Council to separate an existing
23 residence from agricultural property and an adjustment of the subdivision boundary on 77.22 acres of
24 property in the Agricultural (A10) Zone located at approximately 2207 South Highway 23, south of
25 Mendon.

26
27 **Paul Pierson** I just want to know what is going on because this is right in our back yard and what the
28 plan is.

29
30 **Harrild** there are two things happening, first, they are going to divide this piece so it is separate from the
31 larger agricultural piece. Second, all the legal descriptions for the parcels were inaccurate and drawn
32 incorrectly on the original plat so they are also correcting those boundaries. There will be no additional
33 homes.

34
35 *Larson motioned to approve the consent agenda; Christensen seconded; Passed 5, 0.*

36
37 **05:38:00**

38
39 **Regular Action Items**

40
41 **#2 Title 17.07.030 – Kennels**

42
43 **Harrild** reviewed the changes to Title 17.07.030 – Kennels with the Commissioners. Setbacks were
44 discussed. Based on the information staff was able to identify that a kennel has a typical loudness of 110-
45 124 decibels. From a distance of 50 feet, the corresponding loudness of the kennel is 90 decibels. This
46 decrease continues the farther you get from the site. The provided chart references typical occupational
47 noise levels that pose a safety risk. When talking about sound pollution for neighborhoods/residential
48 areas it is approached as a nuisance and not strictly a safety issue. However, the activities identified
49 provide an idea of how loud certain items may be. For example, a chain saw, rock concerts/concerts, etc.
50 At 500 feet it would be 70 decibels – the approximate maximum level where hearing damage is not likely
51 to occur. The calculations also do not account for vegetation, screening, or other obstructions.

1 In pursuing the use of setbacks as a method to address impacts, a likely minimum based on noise levels of
2 approximately 70 decibels would require a minimum of 13.68 acres for a kennel. It became apparent that
3 while that may work, it doesn't appear to be a fair or appropriate measure and so staff started looking for
4 other ways to mitigate reasonably expected impacts. Following a multi-county and city review, the
5 approach of both a setback and performance standard was considered. Currently there is a setback
6 requirement of 50 feet for animal confinement from natural water ways and 20 feet away from any
7 dwellings.

8 The current definition of Animal Confinement is vague enough to include pigs, other livestock, or dogs,
9 and it may be best to revise it.

10 The intent in amending this piece of ordinance is to improve the consistency of Planning Commission
11 decisions. There is a history of the Planning Commission denying large kennel requests. It would be
12 helpful for all involved if the ordinance reflected the existing pattern evident in the decisions of the
13 Commission. Initially the Commission considered limiting the number of dogs allowed, however, that
14 also appeared to be an inadequate measure. With the proposed amendment, staff suggests that noise
15 levels from a kennel shall not exceed 10 decibels above the ambient noise levels at the property line. This
16 allows applicants consider mitigation measures and identify a plan to mitigate impacts. A minimum 50
17 foot setback is also recommended to help with mitigation of odor issues. Additionally, a home based
18 kennel must be secondary to a single family dwelling. That is in contrast to a commercial kennel, which
19 would be a primary use, but still allow a caretakers residence if necessary.

20 There is also language in the ordinance that provides flexibility to the Commission and to staff in
21 determining if the application qualifies as a home based kennel or a commercial kennel. If the applicant
22 does not like staff's determination then they can come before the Planning Commission. A commercial
23 kennel is something like Four Paws and is usually located in a commercial zone. A home based kennel is
24 located in the agricultural or residential area. Staff rarely gets a complaint about a family that has 5 to 6
25 dogs but does receive complaints regularly for people who have 30 to 40 dogs. Staff is starting to see a
26 slow uptick in the number of applications for kennels because cities are really starting to crack down on
27 animals within city limits.

28 It appears that a performance based system will best help to deal with the nuisance issue. For some
29 people 1 dog is a nuisance but for others 20 dogs might not be a nuisance. Applications would require a
30 sound assessment to help determine how the kennel is going to impact or not impact the neighbors.
31 Perhaps we can raise the limit of the number of dogs that can be permitted administratively so that those
32 with a smaller number of dogs don't have to go to an extreme length to prove they are not a nuisance.
33 However, there still needs to be a nuisance component to the ordinance. The performance based standard
34 focuses back on the impacts and how to best mitigate them. There is a separate piece of code that
35 requires a kennel license has to be for 4 dogs. Staff would suggest that up to 6 dogs, Household Pets,
36 may be approved administratively. As long as there is no overnight boarding at the home it could be
37 approved administratively. If they are over 6 dogs, that is when a sound study must be completed and
38 Commission approval obtained. If you put an administrative level of authority in to the ordinance then it
39 allows those who have 4 to 6 dogs a way to be able to actually do the kennel permit for a home based
40 business. If they want more dogs then that, then the burden of proof is on the applicant and they need to
41 show that there are no more detrimental effects that can't be mitigated. All the applications will depend
42 on context. Staff will make the necessary revisions for review at the next meeting.

43
44 **06:37:00**

45
46 **Staff Reports**

47
48 **Harrild** there will be a webinar on conditional use permits. Jason Watterson can address the specifics.

49
50 **Watterson** my company is actually holding the webinar for most of the local governments in the state.
51 There will be quarterly land use webinars. They are recorded and can be viewed at other times if you

1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Rob Smith, Leslie Larson, Jason Watterson,
2 Lane Parker, Brady Christensen, Jon White, Tony Baird

3
4 **Start Time:** 05:30:00

5
6 **Smith** welcomed and **Parker** gave opening remarks

7
8 **05:33:00**

9
10 **Agenda**

11
12 Approved with the removal of item #3.

13
14 **Minutes**

15
16 Approved with no changes.

17
18 **05:34:000**

19
20 **#1 Title 17.07.030 – Kennels**

21
22 **Harrild** reviewed the changes discussed from the last meeting. There are definitions for boarding
23 facilities, household pet, homes based kennel, and commercial kennel/animal shelter. For a home based
24 kennel they may have up to twelve (12) adult dogs that are boarded, groomed, bred, raised, and/or
25 otherwise kept but will also require that the applicant have a setback minimum of 50 feet, noise levels
26 shall not exceed 10 decibels above the ambient noise levels at the property line. For a commercial
27 kennel/animal shelter they may have 13 or more adult dogs or cats. They will be required to have a
28 minimum of 50 feet setback and a minimum of 20 feet from a Caretaker's residence, and noise levels
29 from the kennel shall not exceed 10 decibels above the ambient noise levels at the property line.
30 Definitions for a adult dogs and adult cats were added. The sections to be deleted are 17.10.050[A][2]
31 animal confinement.

32
33 **Watterson** motioned to recommend approval to the County Council for the proposed changes to the
34 kennel ordinance; **Parker** seconded; **Passed 5, 0.**

35
36 **05:44:00**

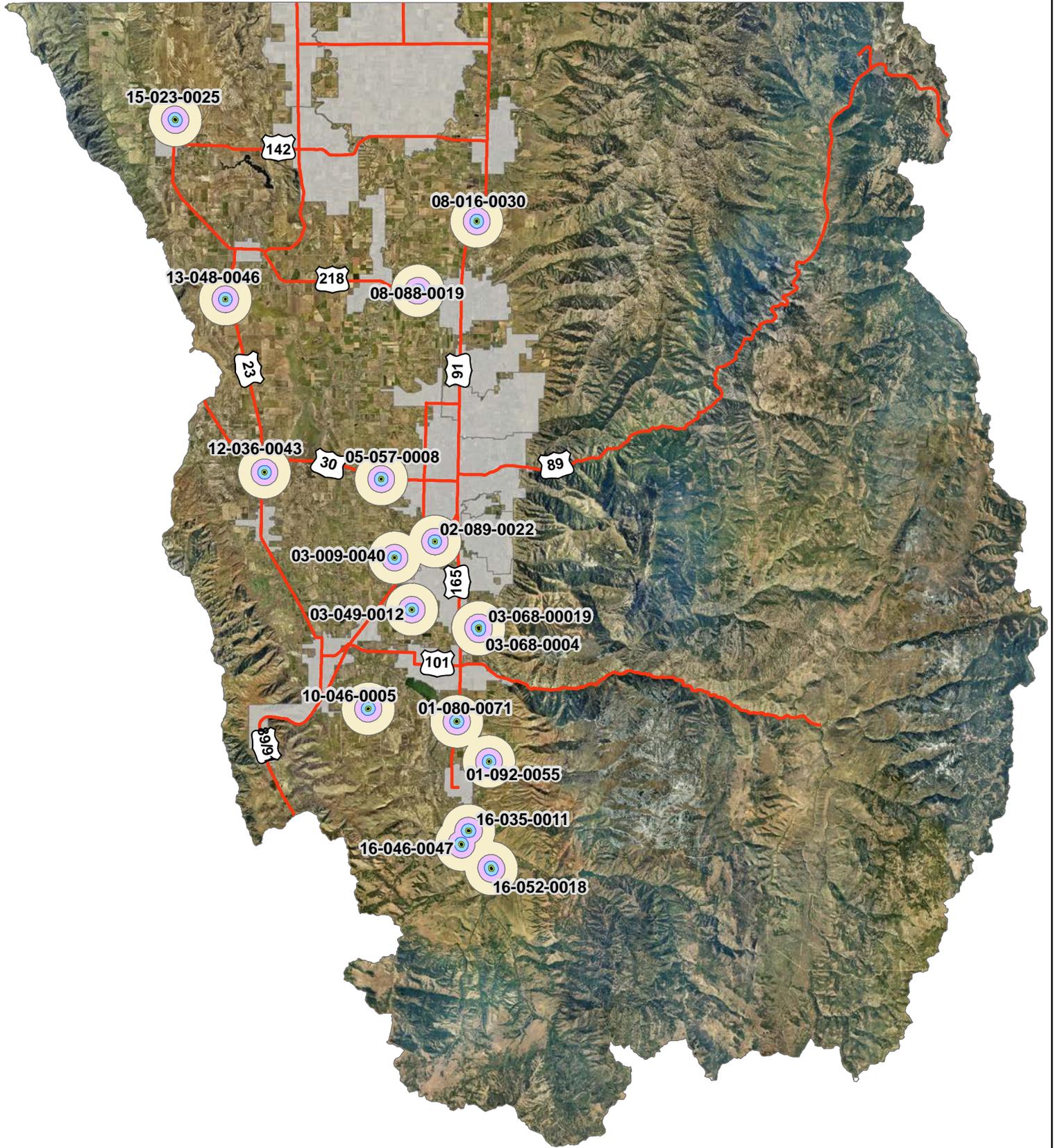
37
38 **#2 Discussion: Title 17.23 – Signs**

39
40 **Harrild** reviewed section 17.23 of the signage ordinance. Things marked in red are a violation of the 1st
41 amendment and needs to be changed so the county doesn't get sued over the ordinance.

42
43 **05:45:00**

44
45 **Pine Canyon Gravel Pit**

46
47 **John Sather** I'm with Whitaker Constructions and I wanted to discuss an addendum to the permit for the
48 Pine Valley Gravel Pit. We would like to use the aggregate from our pit to do the road improvements.
49 We would not open for business before those improvements were completed and the canal company is
50 fine with the widening of the road.



01-080-0071

Boarding, grooming, breeding
15 dogs

01-092-0055 (not built)

Application withdrawn
Breeding
10 dogs

02-089-0022

Boarding and training
40 dogs

03-009-0040 (not built)

Request denied (PJM Animal Care)
80 dogs

03-049-0012

Four Paws (Animal shelter)
50 Animals

03-068-0004, 0019

Boarding (sled dogs)
25 dogs

05-057-0008 (Commercial Zone)

Humane Society (Animal shelter)
Number not specified

08-016-0030

Household pets
>4 dogs

08-088-0019

Breeding and boarding
20 dogs

10-046-0005

Grooming
Number not specified

12-036-0043 (not built)

Breeding - Application submitted
12 dogs

13-048-0046 (not built)

Breeding (Wild Bunch Kennel – request denied)
42 dogs

15-023-0025

Breeder
20 dogs

16-035-0011

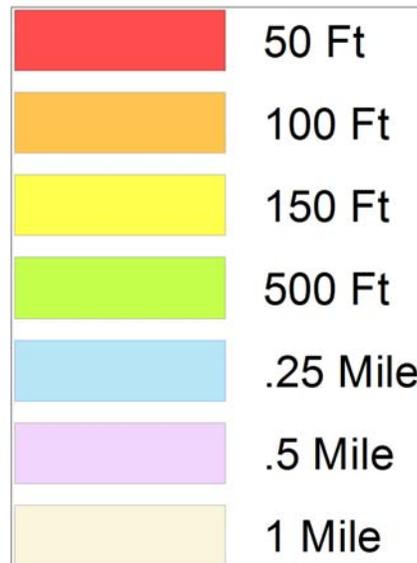
Breeder
Number not specified

16-046-0047

Boarding (Sled dogs) 100 for setback required
10 dogs

16-052-0018

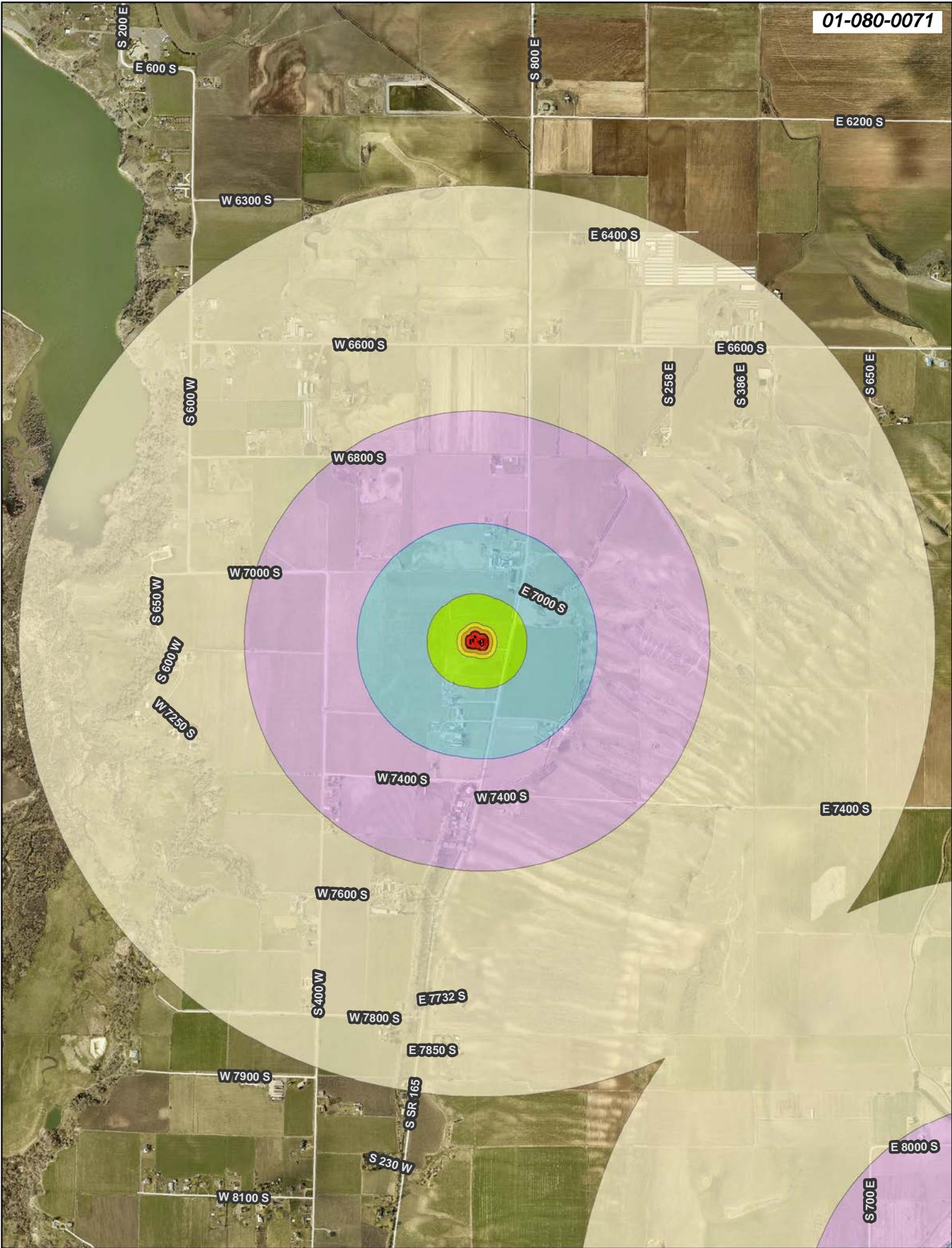
Grooming and boarding
18 dogs

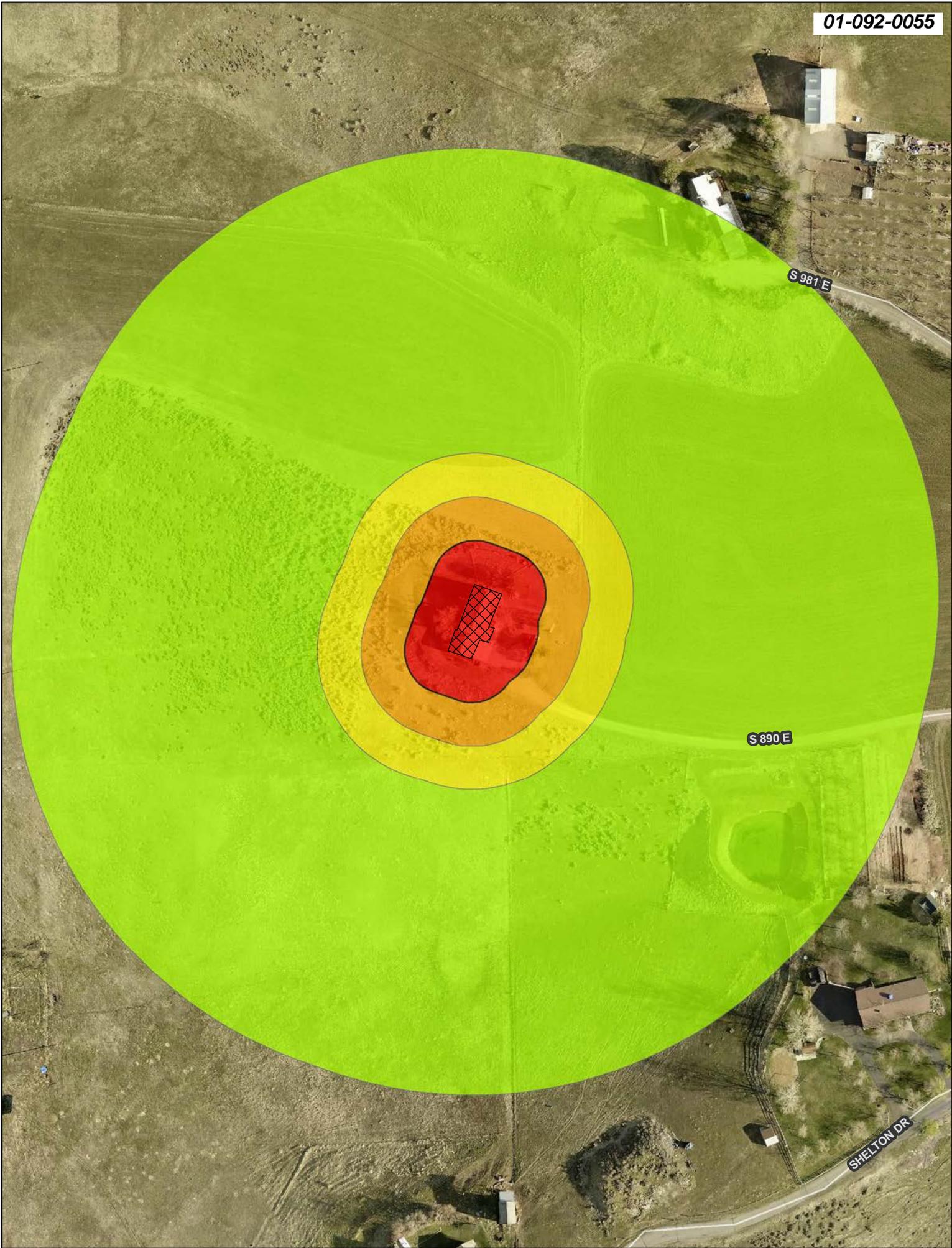


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S SR 165



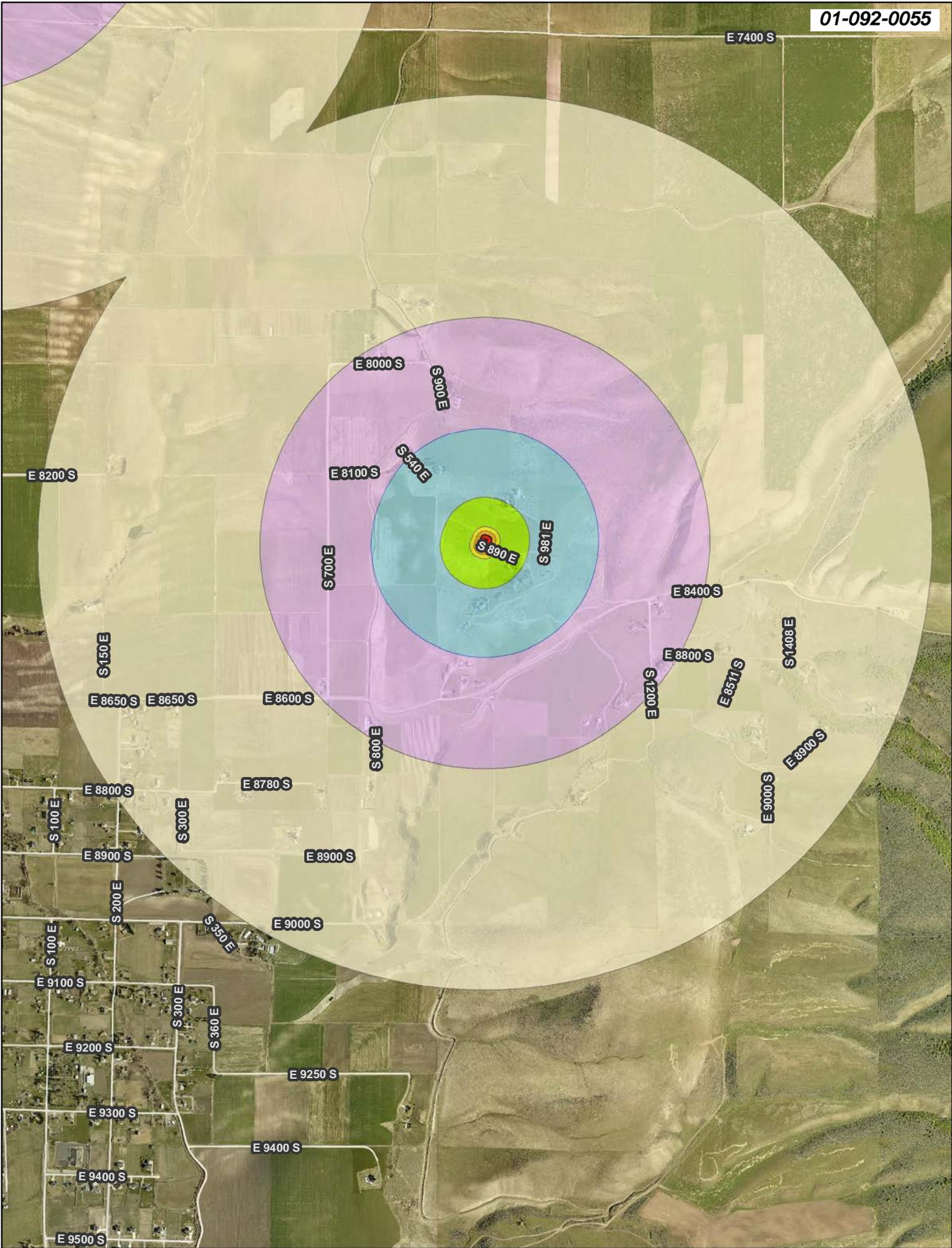


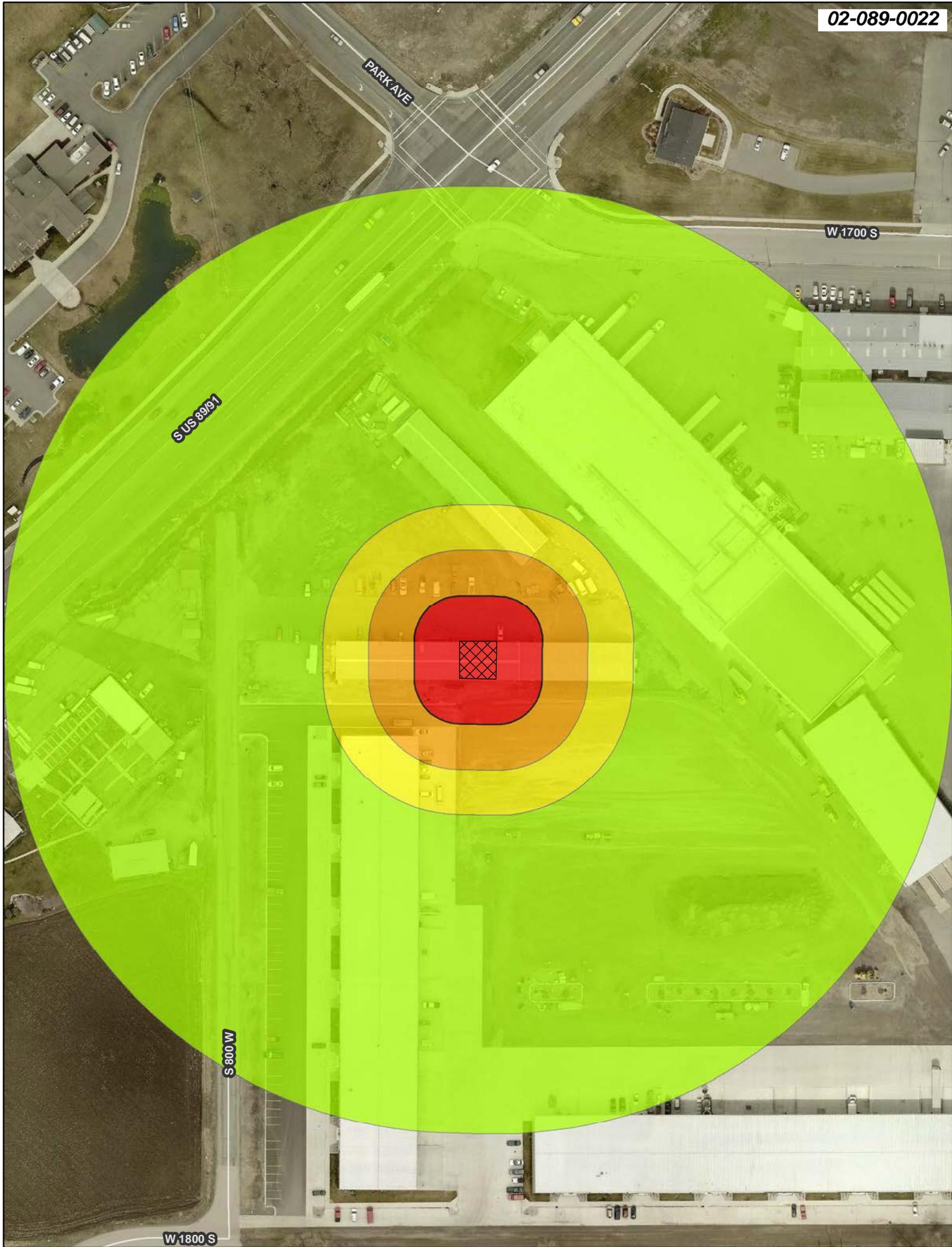


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S 890 E

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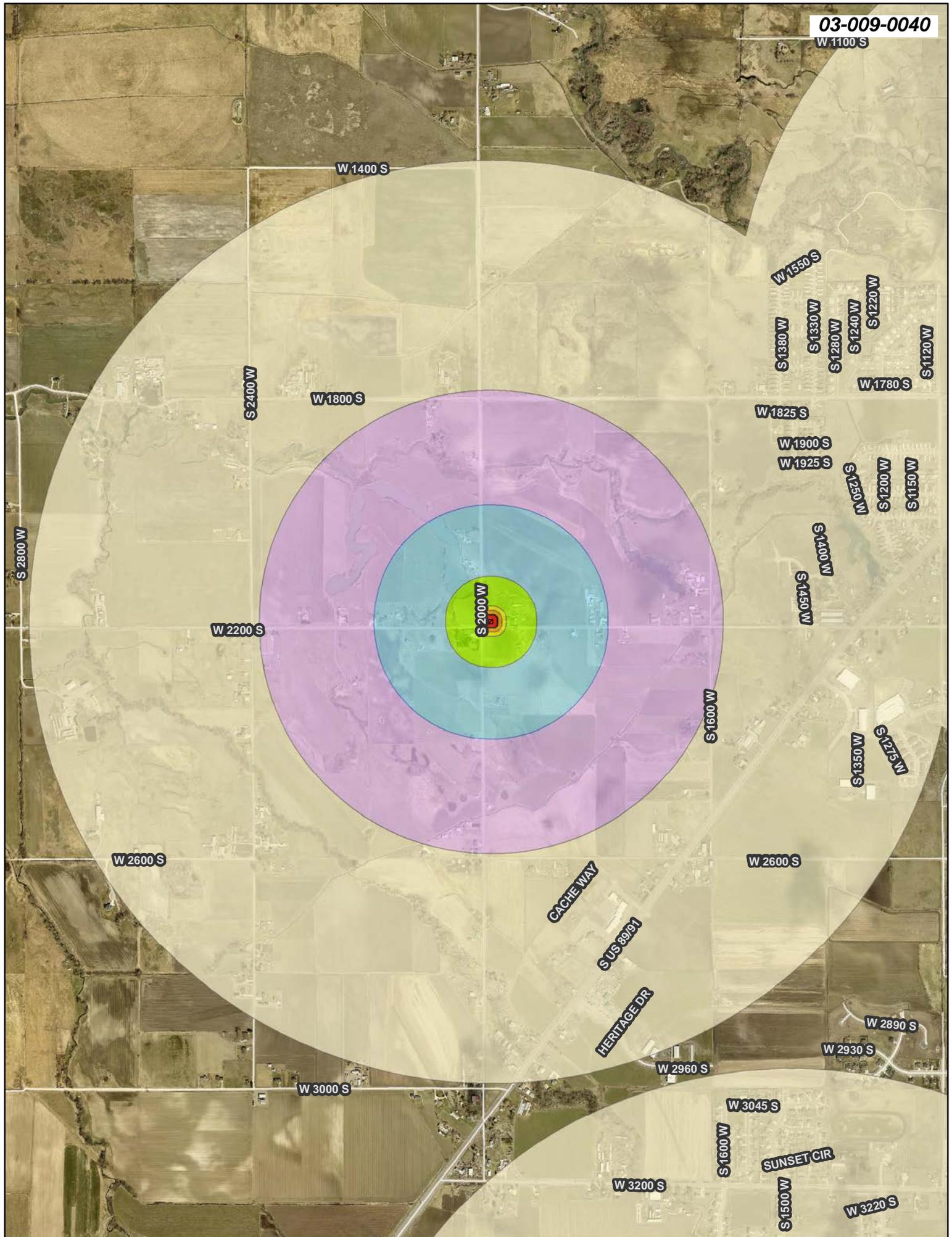
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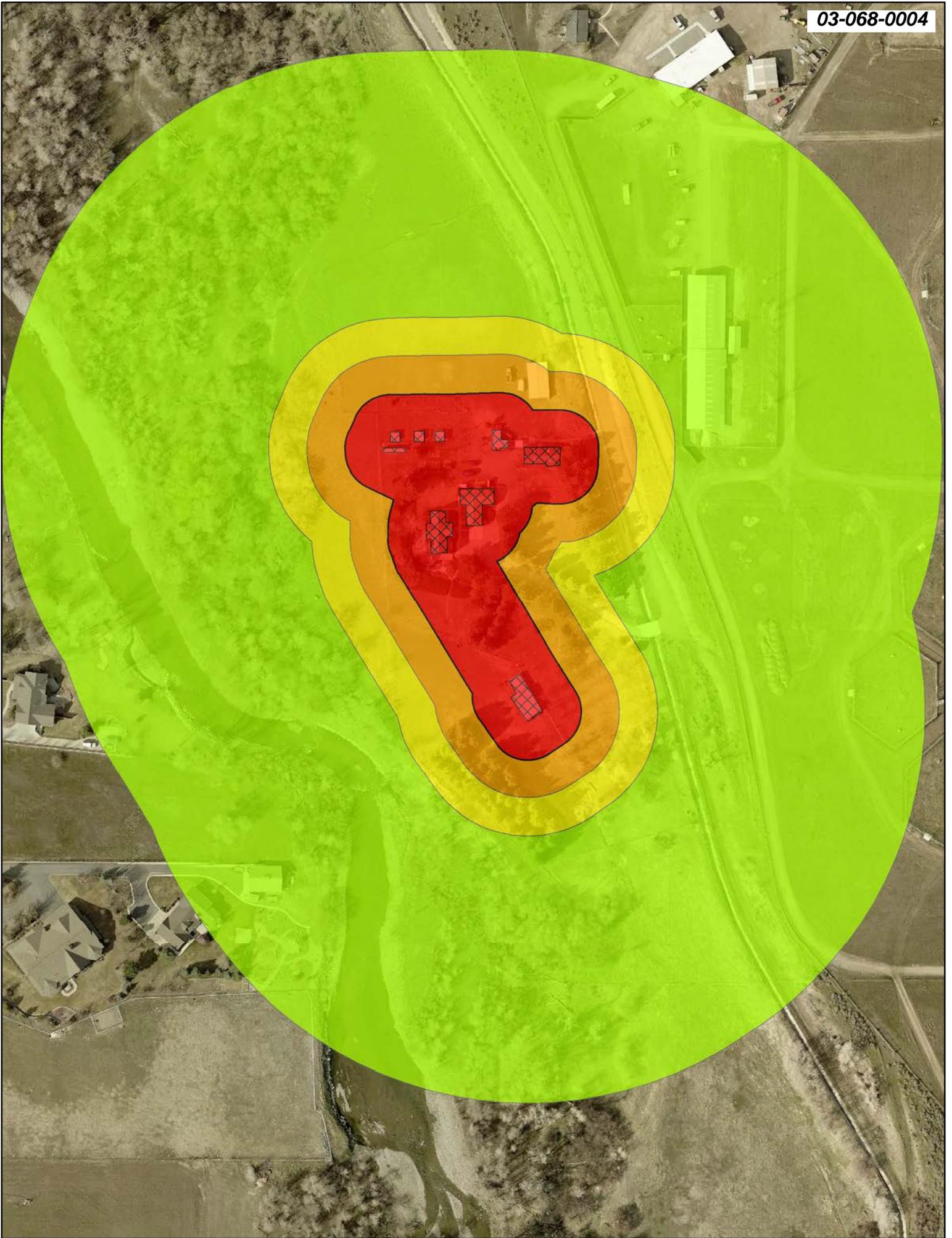
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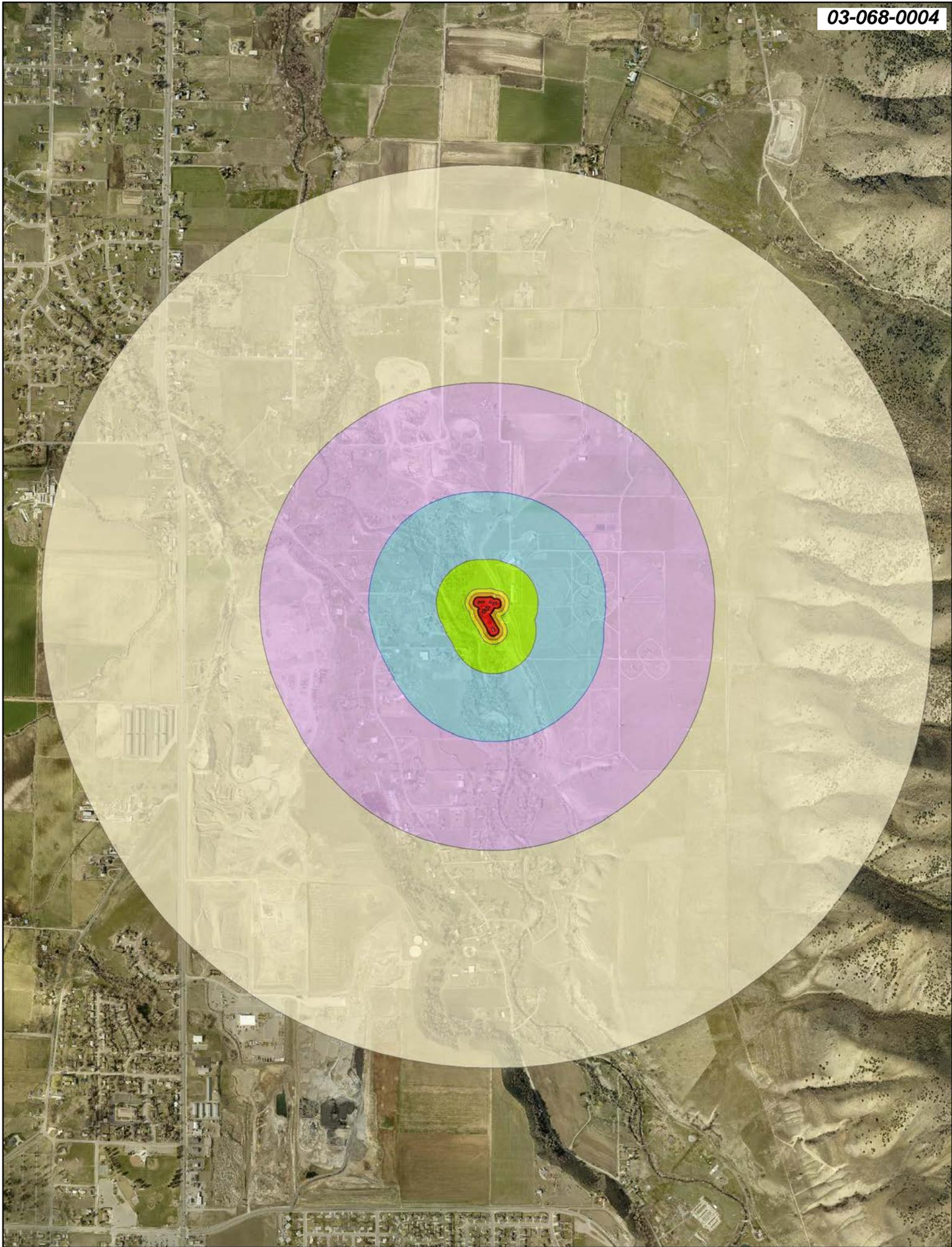


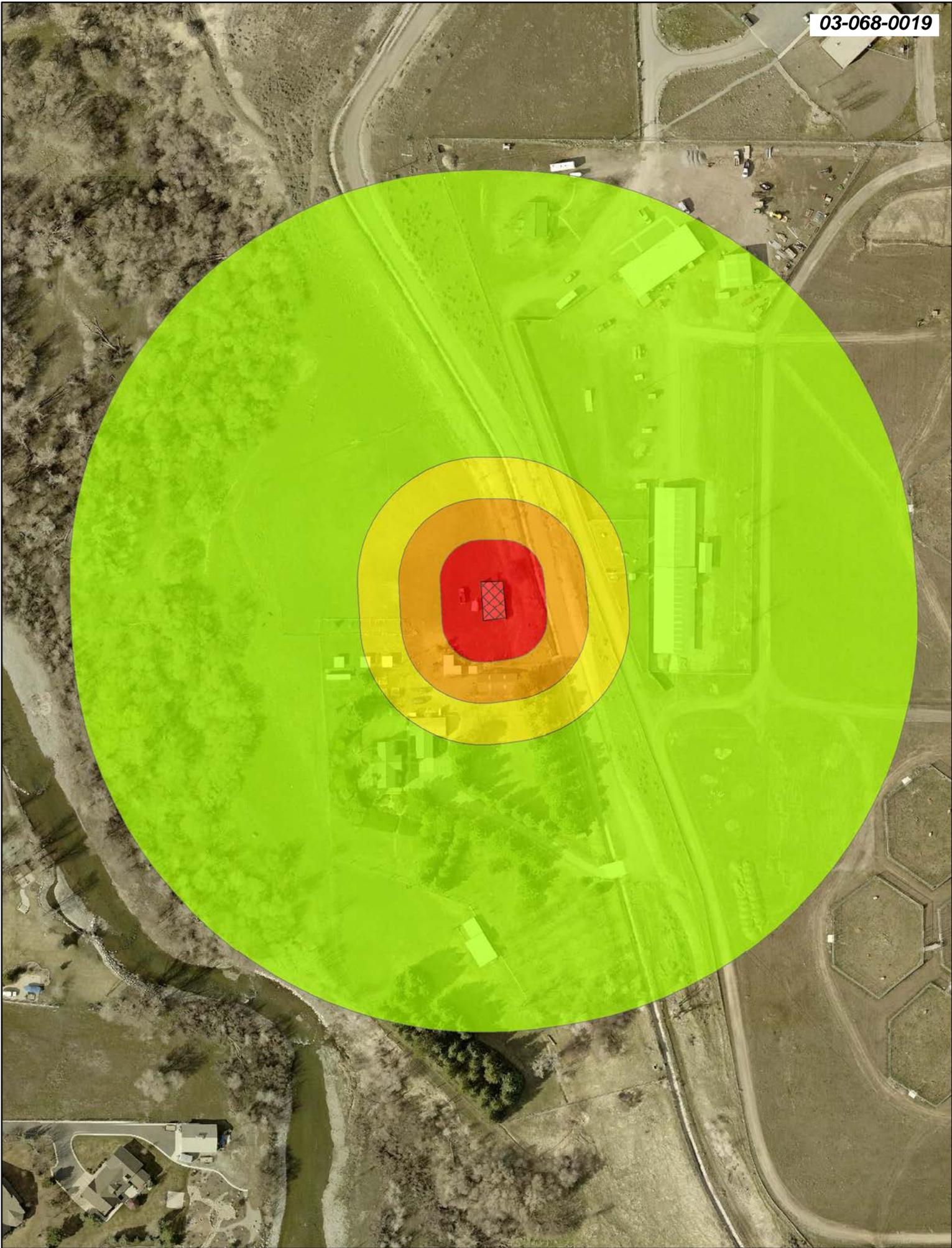


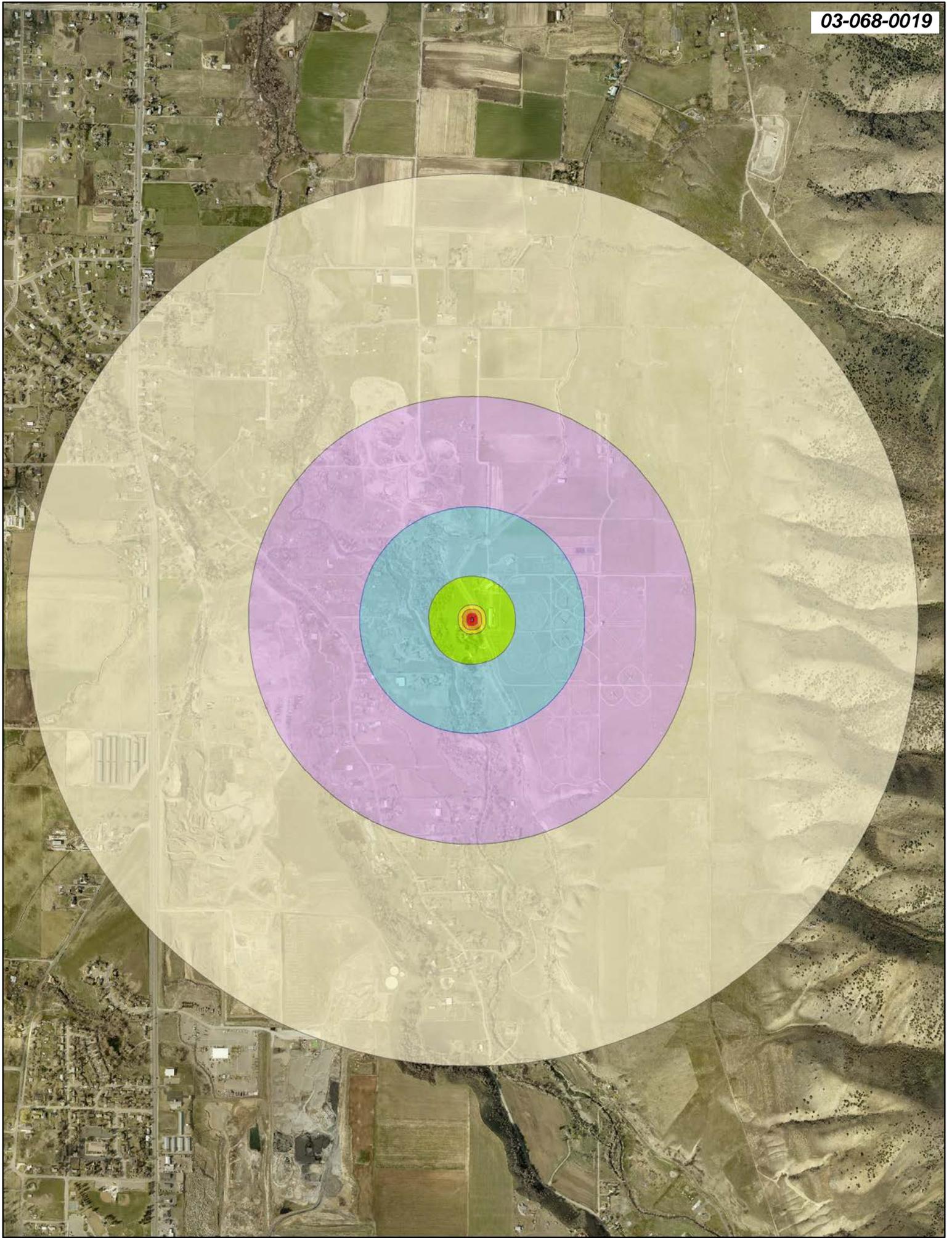


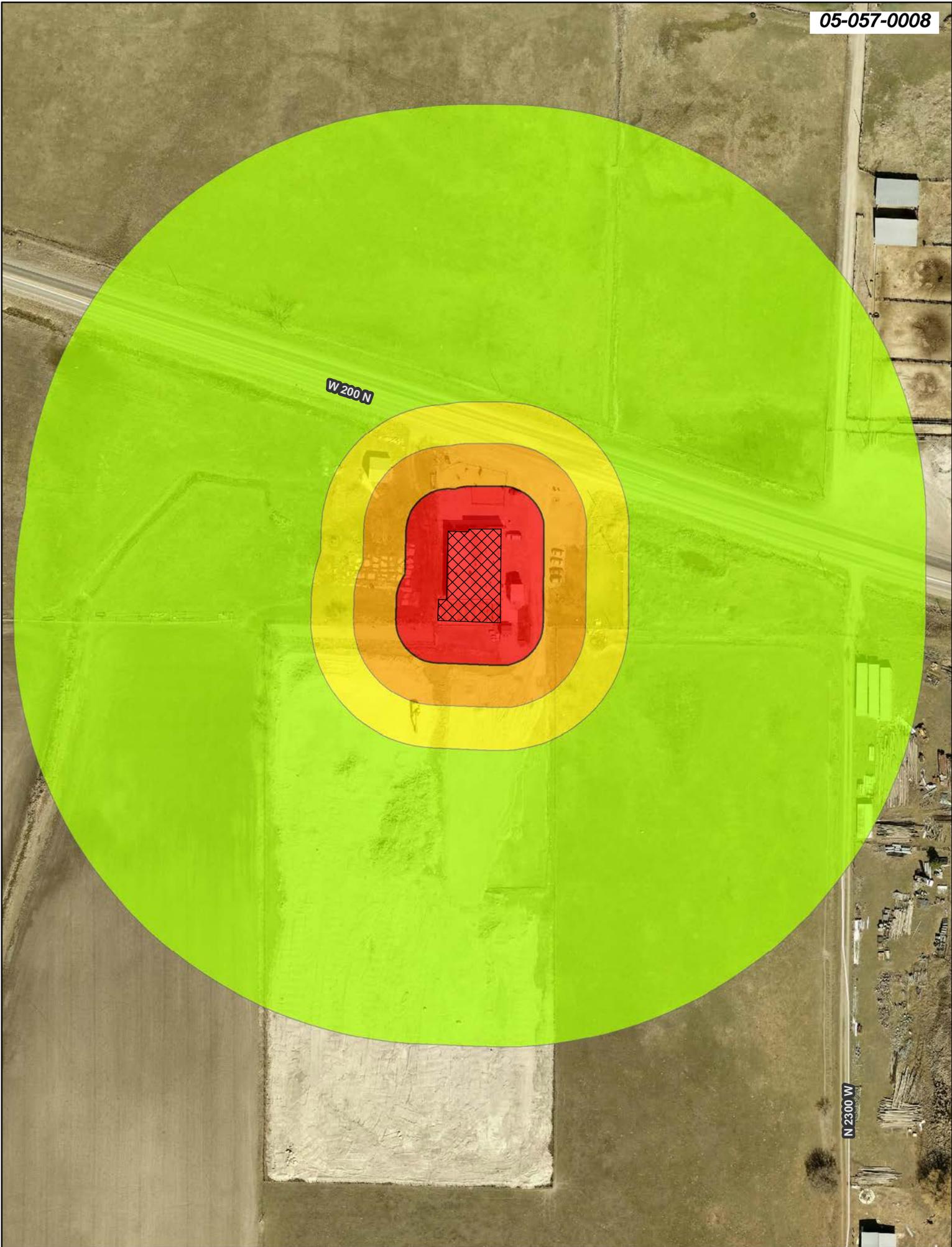
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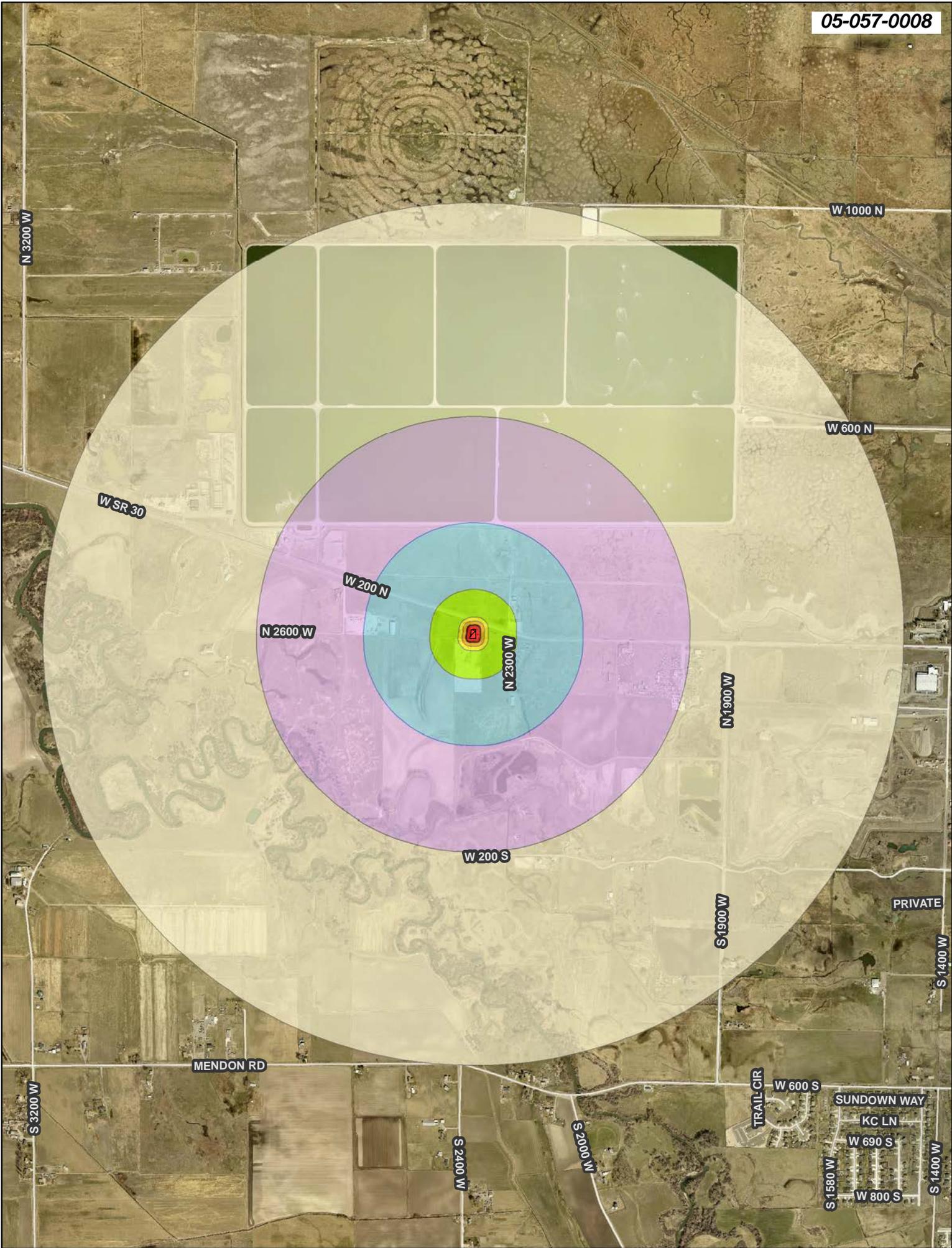


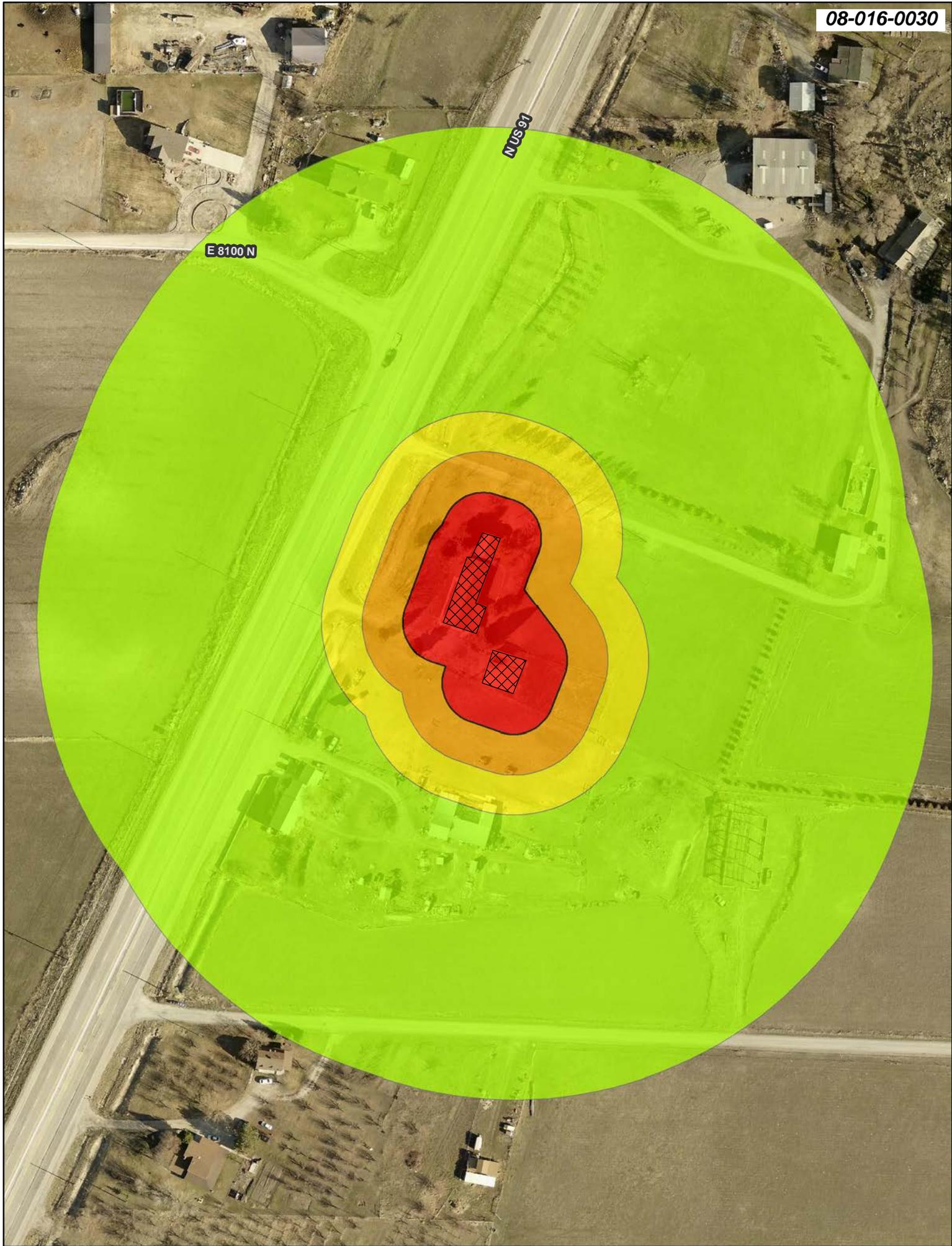




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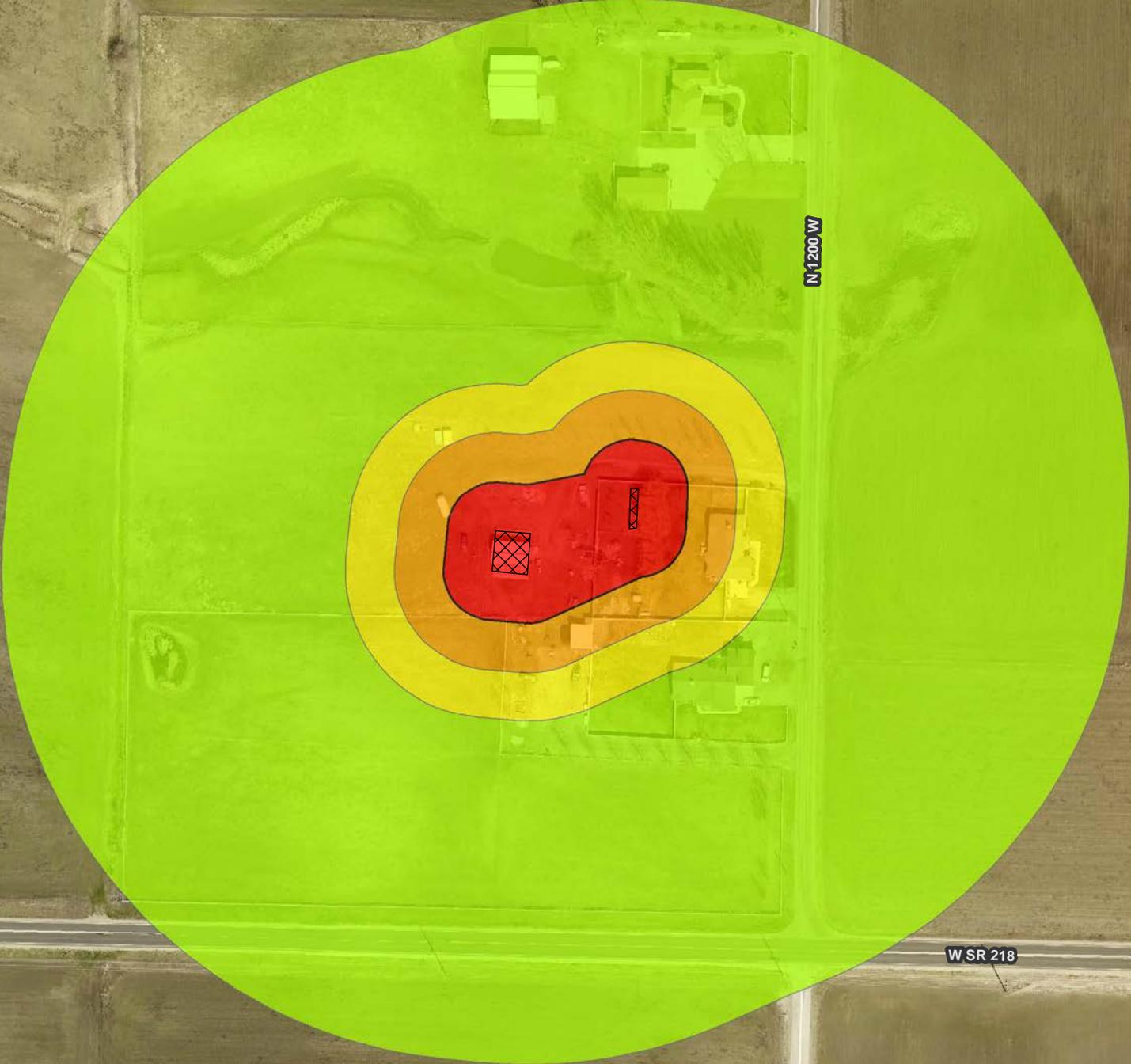


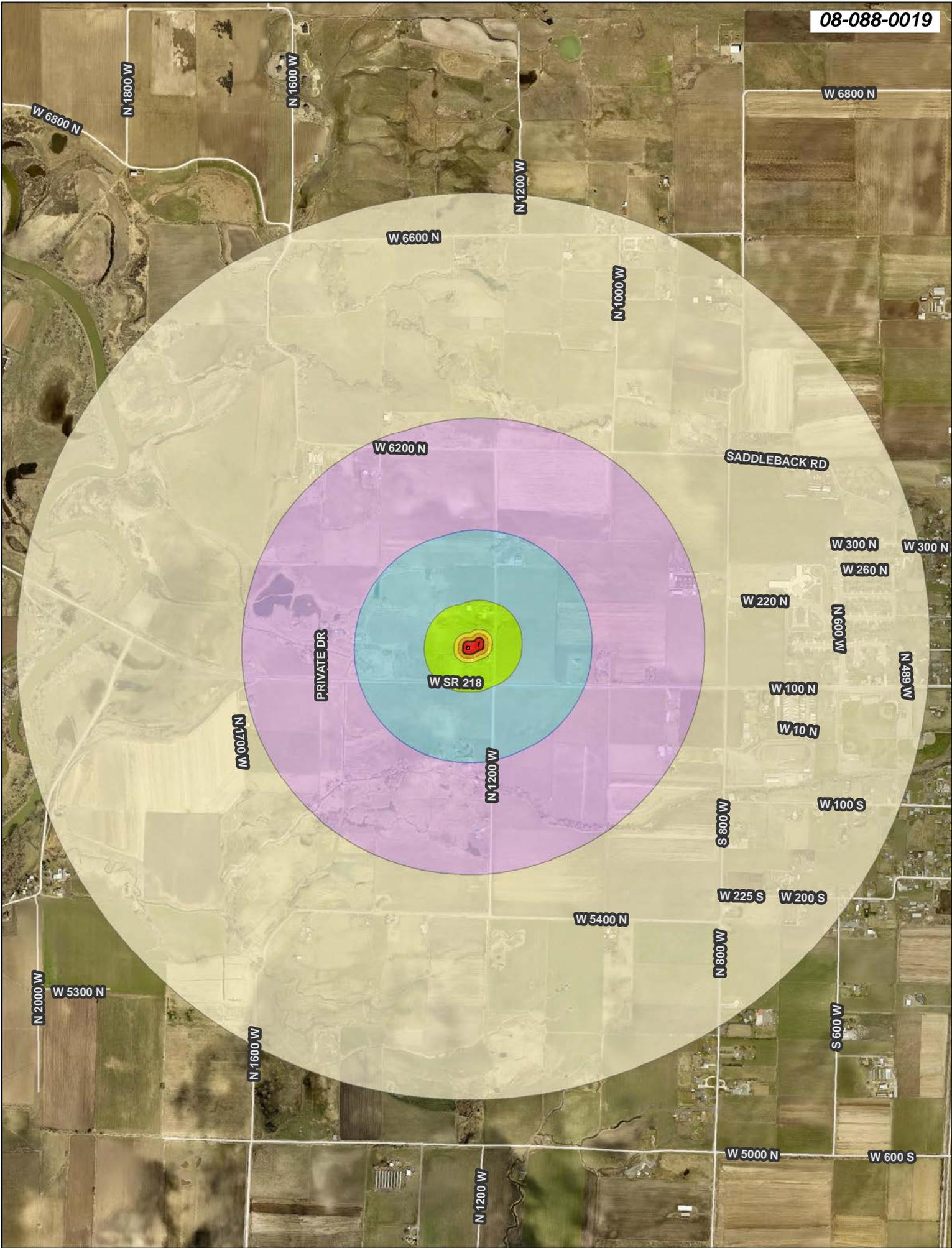
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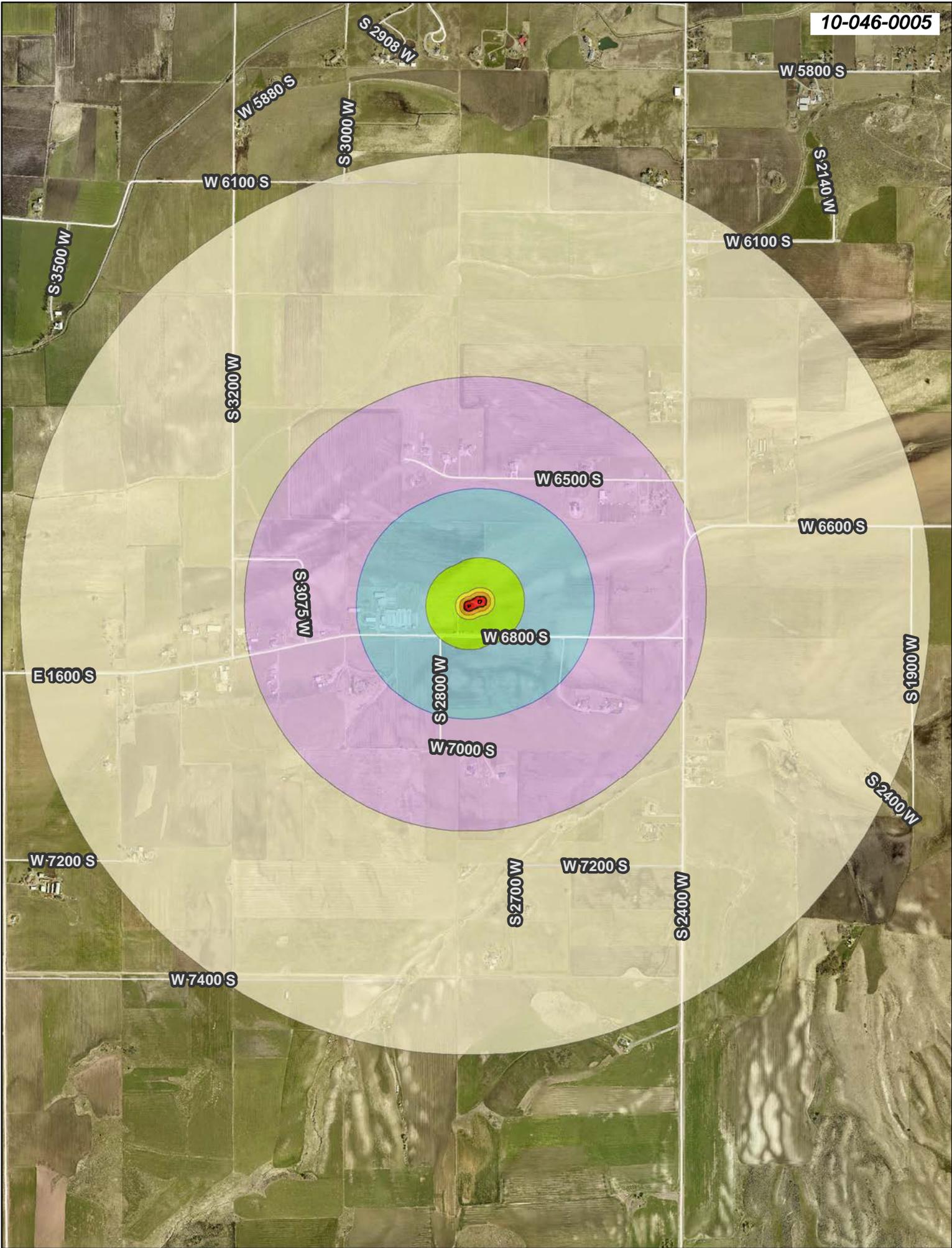




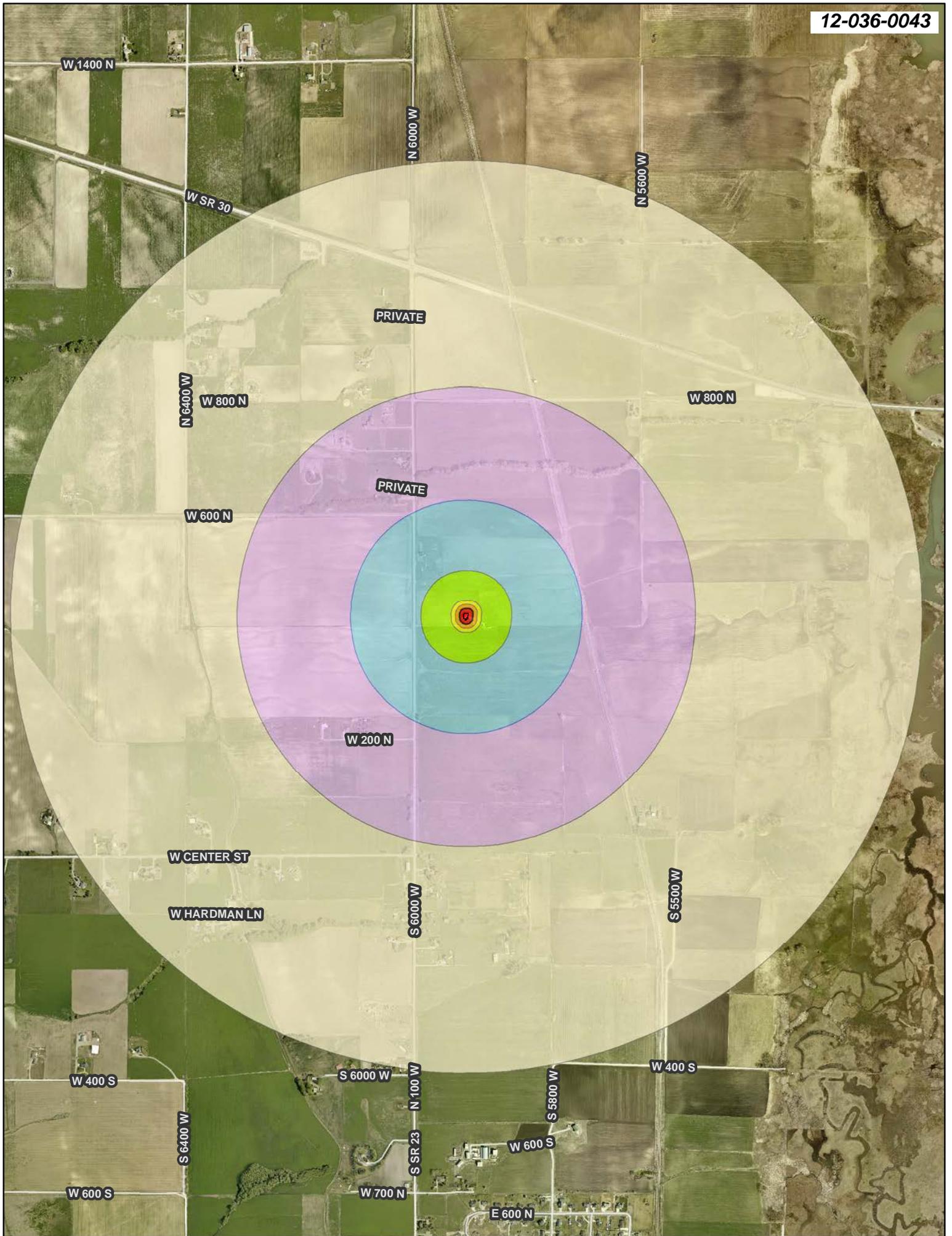


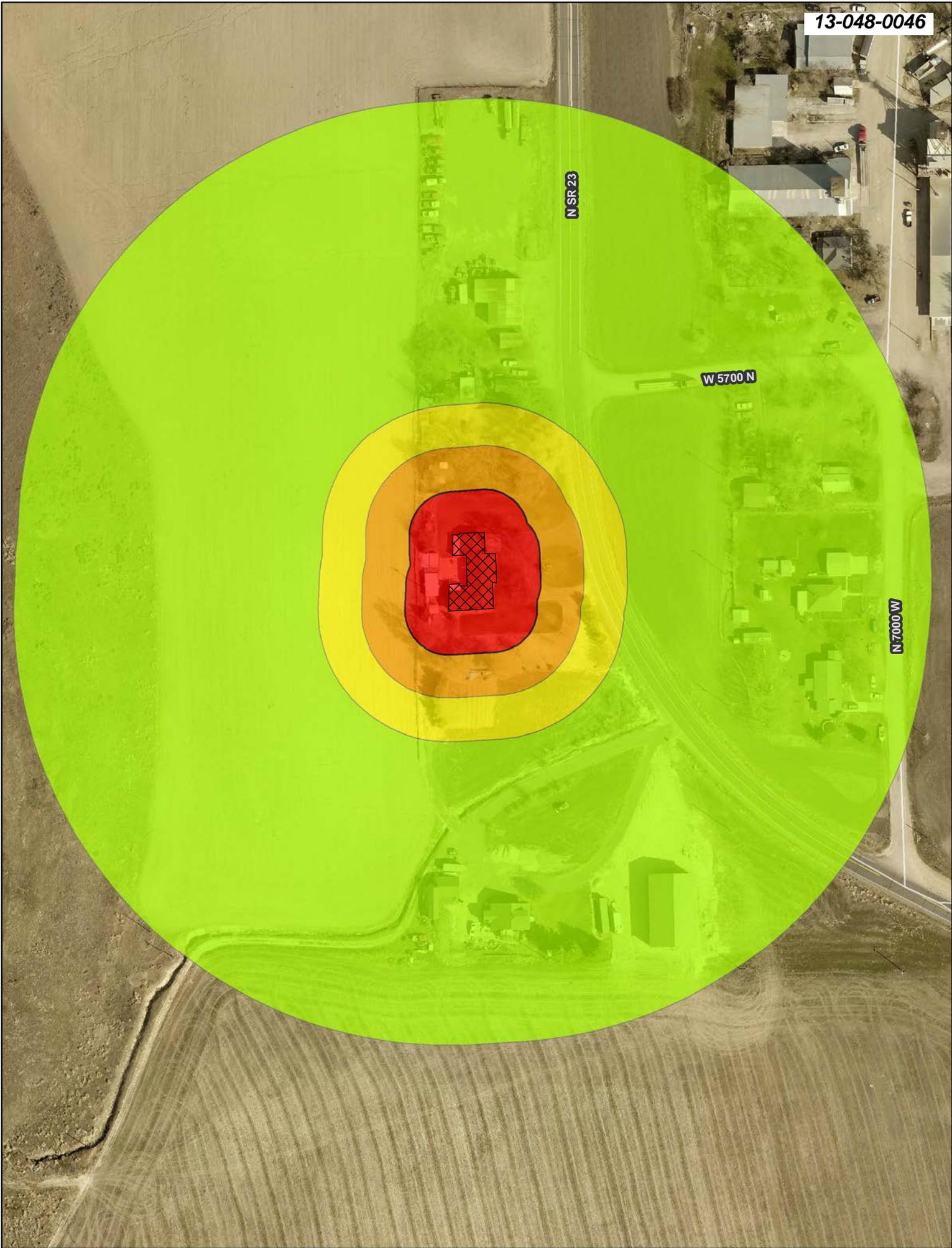
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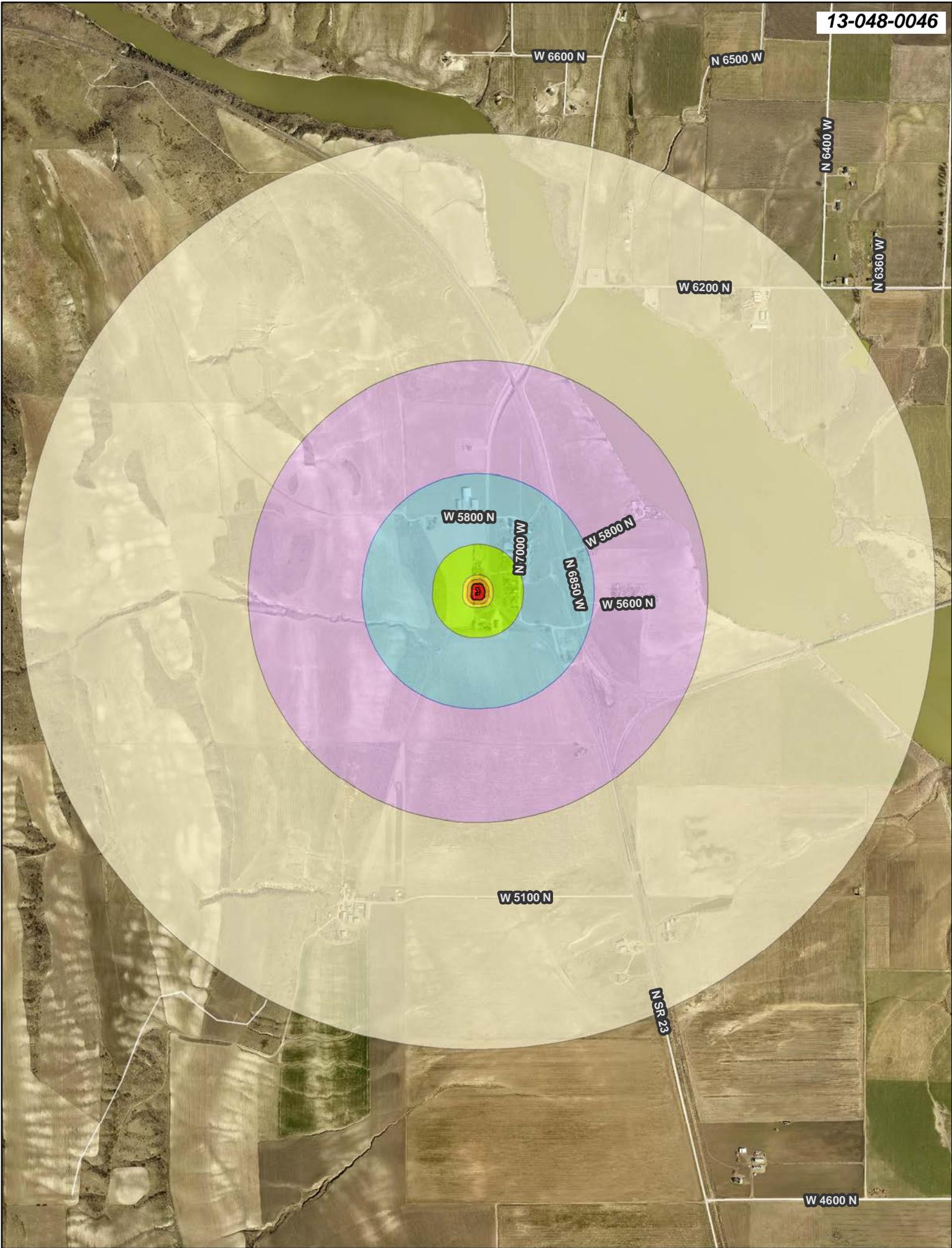
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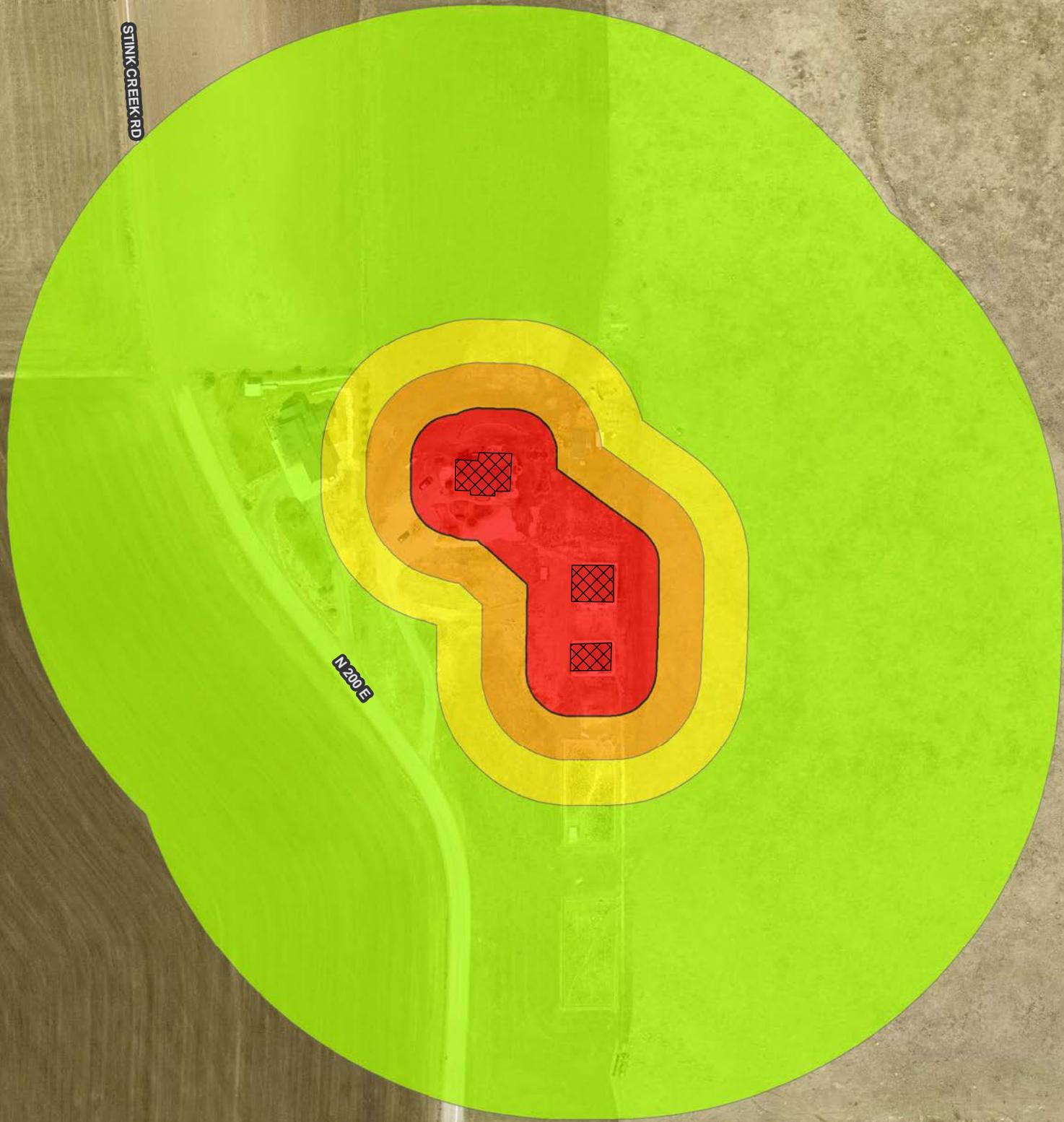


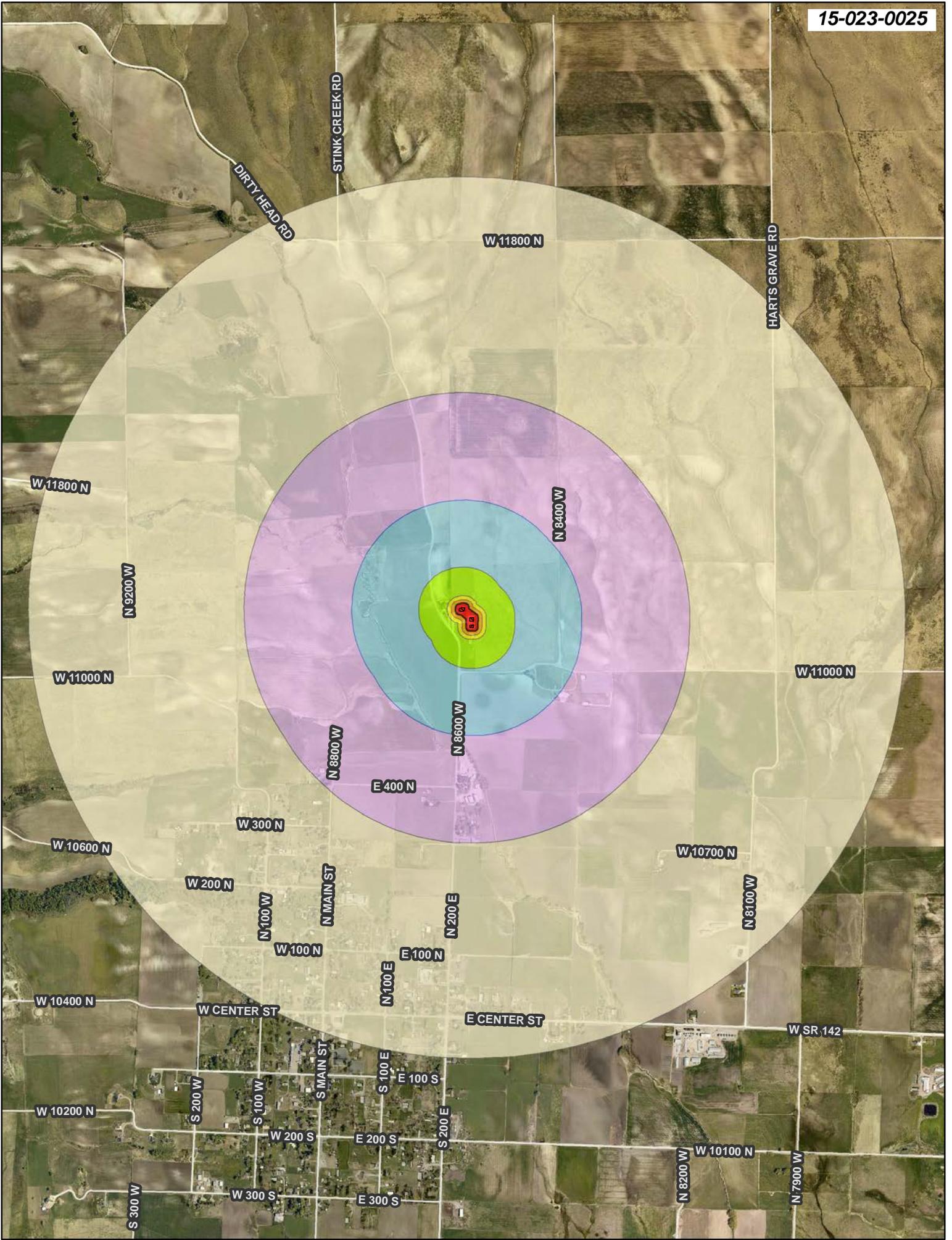
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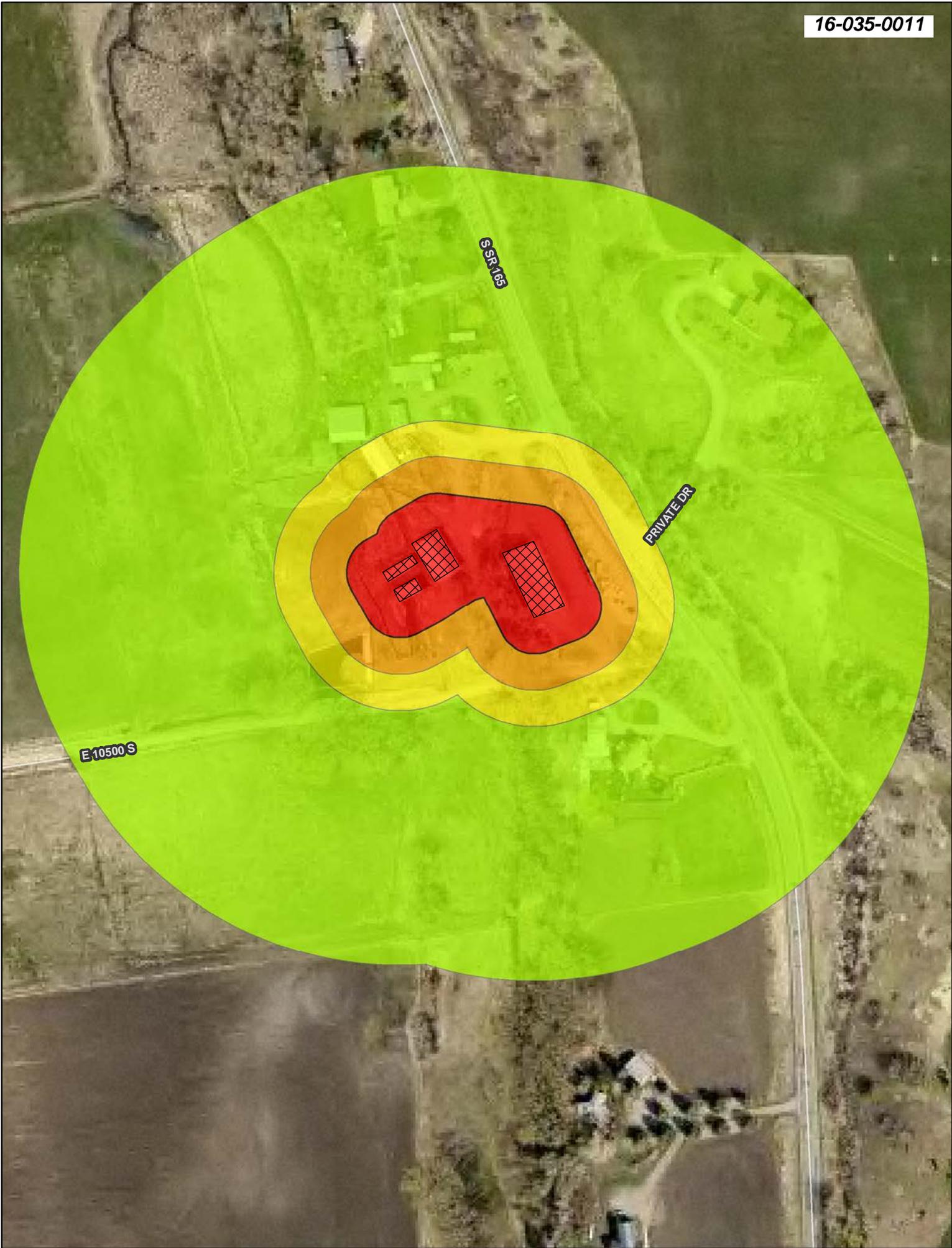
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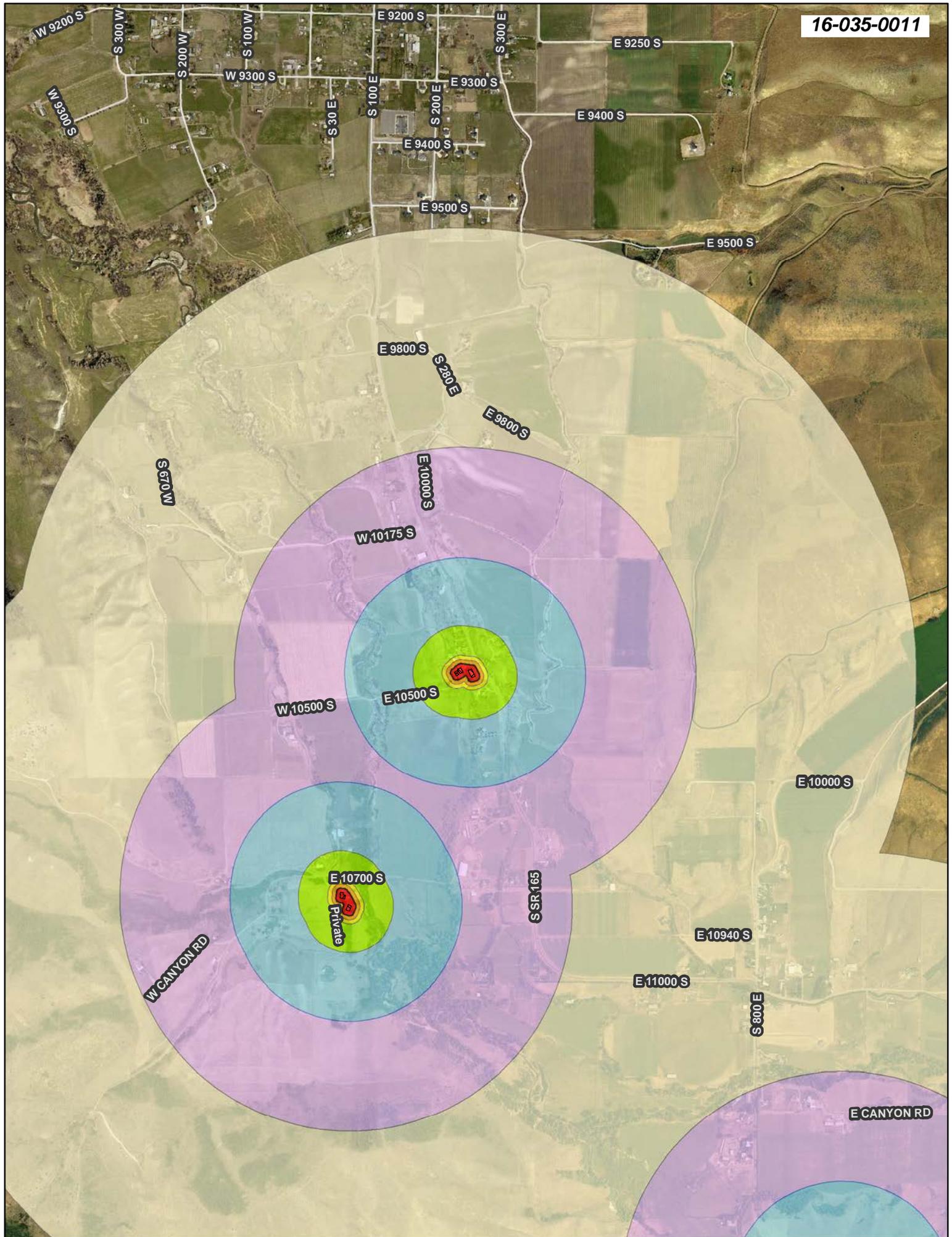




SR 165

PRIVATE DR

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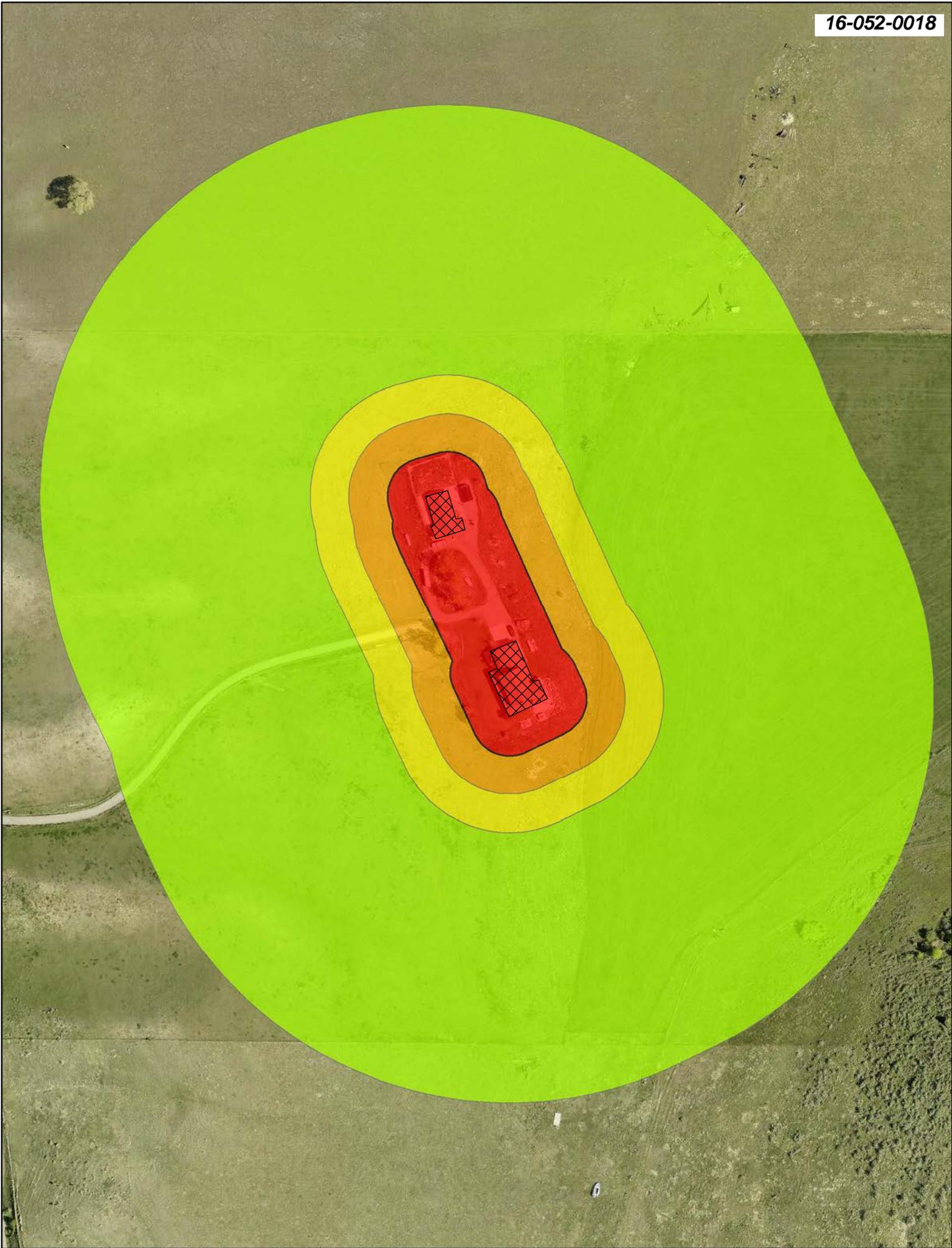
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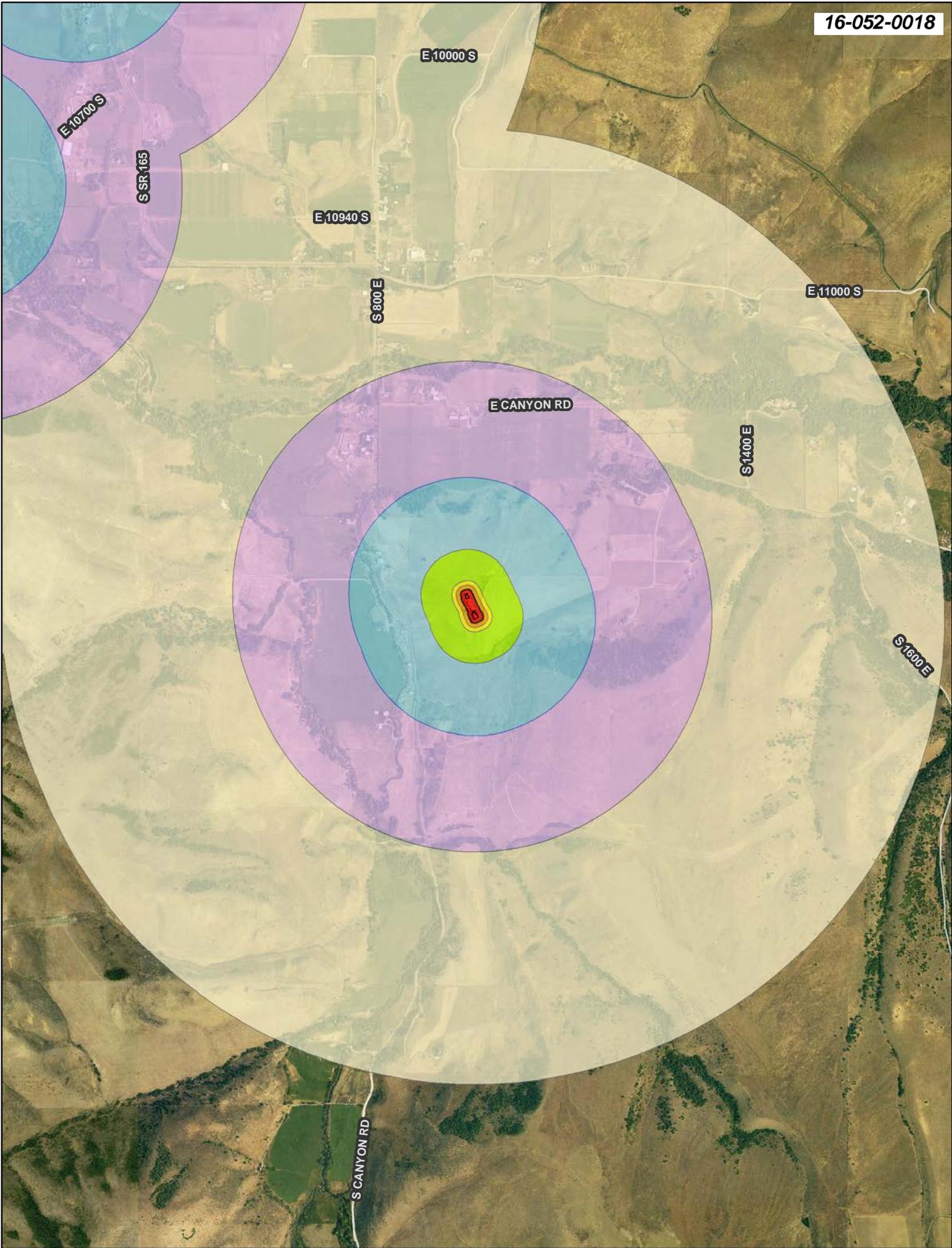
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Private







Blacksmith Fork Veterinary Clinic

Aldon T. Watkins, D.V.M.

Andrea Russell, D.V.M.

16 East 6200 South

Hyrum, Utah 84319

(435) 245-4710

September 30, 2014

Dear Cache County Council and/or Zoning Committee:

I have received correspondence from concerned clients the past few days about proposed changes and implementation of regulations regarding dog ownership. I think it is important to understand the changing face of dog ownership. When I started practicing in Cache Valley 20 years ago, the average dog was in the 50-100 lb range, lived outdoors, barked outdoors, and ran loose outdoors, which I'm sure is the reason for many city and county regulations about dogs. Now the great majority of dogs I see are in the 2-20 lb range and rarely leave the house.

The modern, more responsible generation of dog owners, are emotionally dependent upon their pets and will defend them, protect them, and care for them as they would their own children. It has been interesting to me to observe this change. Everyday in my practice people refer to their pets as "their children."

I appreciate the County's efforts in encouraging responsible animal ownership. It is wrong to assume that people with multiple or many animals are the ones that are irresponsible owners.

Limiting the number of dogs seems as absurd to the modern dog owner as limiting the number of children would seem to parents wanting large families. It has been my experience that cities with ordinances limiting the number of dogs people own, are simply making liars out of their citizens. I frequently hear people tell me that the number of dogs they own above the city's limits are simply kept inside and hidden.

I am also concerned about limiting dogs based on acreage owned. This will simply encourage the wealthy to be multiple dog owners, rather than those who cannot afford property in Cache county. Thankfully for those of us from large families, such regulations are not in place for people.

My recommendation is to be cautious when limiting numbers and focus on regulating specific issues such as noise and odors, which are not always number related. Thanks for your time and consideration.

Sincerely,


Aldon T. Watkins, DVM

Mr. Runhaar

I recommend that you **not allow** looser restrictions on kennels in terms of numbers of dogs or nuisance conditions. It is my direct observation that many dog owners simply do not care that their dogs bark at inopportune times or roam freely. Filing complaints with the Cache County animal control office requires that a neighbor complain about a neighbor, and most folks don't want to do that. Talking directly with the dog owner usually results in acerbic disagreement and hostile relations. Most of the investigations lead to short-term improvements only and violations return.

The opinion of the veterinarian is a conflict of interest. His business is providing service to pets, including dogs, and therefore more dogs would be better for his business.

Several years ago I became fed up with free-roaming dogs and constant barking during early morning, evening, and night-time hours. One neighbor operated a puppy mill with small, yappy dogs while another neighbor kenneled lion hounds. They could be heard from 100 yards away. This is a serious problem for working folks who try to sleep at night. The sound and smells of these operations crosses property lines and adversely affects the quality of life of neighbors, especially on warm summer evenings when folks open their windows. I discussed the issue with the Town Council and found that there were no rules regarding control of dogs or kennels. I joined the Newton Planning Commission and called every community in Cache Valley and learned it is a universal problem. I wrote rules for controlling dogs and the Town Council adopted them into Town code. A Conditional Use permit is required to kennel 3 or more dogs and the OWNER is held responsible for controlling the animals. It is reviewed annually. It is not the responsibility of neighbors to put up with offending dogs. Conditions in Newton have improved a lot since then, and many residents are grateful for the change.

Most people do not want unreasonable government intrusion into their personal lives, but government has the responsibility to maintain order within its borders. Kennels should be allowed but they must be **effectively regulated** to protect neighborhood harmony. This means restrictions to minimize adverse impact on neighbors.

Please do not allow a kennel problem to develop in someone's neighborhood.

Sincerely,

Jeff Watkins
Newton, Utah



All of this is to
prove that some
kennels are very
nice and we do
not deserve to be
punished with
this ordinance

please visit my
website to see
my dogs and
facility

www.paradisvalley Schnauzers.com

RECEIVED
SEP 15 2014

Dear Council members

BY.....

First I would like to thank each council member for your service and hard work in helping to make Cache County so great, we do appreciate it! I would also ask that each of you please take a few minutes and read this entire letter, it is very important to us.

My name is Karie Burton and I have been breeding teacup and toy schnauzers now for over 7 years, the whole time in Cache Valley. Most of those years we have lived in Paradise, in the county. I have always had quite a few dogs, in the last 3 years I have had between and 40-50 breeding dogs and in this entire time have never had one complaint except for one right after we moved and this came from an anonymous person so we are not even sure it was my dogs that they were reporting.

Anyway, it has come to my attention that the council is about to approve a new ordinance that will allow only 4 dogs per acre and only 12 dogs total and they will have to be moved to a commercial zone if we have over 13.

Here is my concern and correct me if I am wrong but when the council comes up with a new ordinance is it not supposed to be well thought through and researched from all points of view and with everyone that is affected by it consulted with or at least considered as far as fairness and equality in the matter? Shouldn't there be some education involved so that the council or person making the new law is knowledgeable about everyone that is affected by the new law so the law is fair? I am sure you all must realize how critical any law is to a person's life and can be life changing.

When Josh and Chris came up with this very unfair and biased ordinance did they actually research anything about kennels and breeders? Obviously not or they never would have come up with a number out of a hat like this and the worst part about this is trying to force us to take our dogs and leave them in a commercial zone? This is honestly shocking that they would even consider such a thing, this is inhumane and terrible! Where is the Humane Society on an issue like this or were they even consulted either? For sure they will be notified on this issue because it is really horrible to think of leaving my dogs alone in a commercial zone with all the traffic, people and noise.

I sincerely hope that there will be more discussion on this issue before you go any farther with this approval of this ridiculous ordinance.

I actually took about an hour today and did some research on each county in Northern Utah to find out what their ordinances were concerning kennels and breeders and none of them have anything close to this one your members are proposing...none of them limit the amount of dogs a breeder can have, they can have any number they choose as long as they are cared for and open to inspections, etc....so simple to just go online and make a few phone calls to see what these other counties require...why didn't Josh and or Chris do this simple homework so they could come up with a fair and balanced ordinance instead of just picking a number like 12 dogs along with the other quite ridiculous ideas they have proposed?

I have called and/or printed off the kennel/breeder ordinances from Salt Lake, Utah, Davis, Weber, Utah and Box Elder counties and included them here for you to look at...even Salt Lake county with all of it's

people have a simple and clear and FAIR kennel/breeder ordinance...all are much the same, any number of dogs as long as they are well cared for, available of inspection from the county animal control and abide by local laws and ordinances as far as noise, zoning etc...so simple and fair to everyone so why is Cache county proposing such an unfair new ordinance?

NONE of the other counties would ever dream of putting dog kennels in a commercial zone! Why would YOU want to put dogs in the most congested zone there is? This would cause them to bark and be a nuisance!

Just some background on how we as breeders operate...our dogs are loved and cared for 24/7, they need to be where we can see them at all times, this is what a good breeder does, we want to be good neighbors and not cause noise, smells or distractions...we need to be out in the country so we can be a good neighbor and a good breeder. I do sell my puppies mostly off my website, I sell all over the country and also internationally so yes I guess I would be considered a commercial breeder, but to me this is a small home business, my dogs are in my home and also in my kennel, my dogs are tiny HOUSE DOGS...they do not require a lot of space at all, they spend most of their time indoors...all my dogs are tiny, all 3 to 8 pounds...we do not need an acre of ground at all, all of my 42 dogs are fine in our big back yard, they have lots of grass to run and play on and a nice comfortable kennel to live in...my dogs sleep on childrens toddler beds with lots of blankets...it is insulated and heated and cooled...they have fresh water and food 24/7...my kennel is like a big bedroom actually and my girls are in my home when they give birth and nurse their litters...all of our puppies also live in my home until they go to their new homes, they do not go outside at all so there is no noise from puppies.

My dogs are taught to not bark and because I am home all the time I can teach and reinforce this, so this is why I do not get complaints because of noise, we live out away from others, we have a fence all the way around our yard and we teach our dogs to not bark...most people would never even know I have dogs.

Our home in Paradise was on 10 acres however my dogs only used about a half acre if even that, but we like to have a little more property so we can be good neighbors. We only have 3-5 visitors a year to see our puppies so there is no need for parking issues, etc.

So here again, how is it fair to say only 4 dogs per acre? Are you going to break this down into sizes? How can you compare my tiny dogs to a large dog like a shepard? 8-10 of my tiny dogs would be the same as one shepard! Are you also going to make ordinances then for all animals? My neighbor has chickens and his rooster makes ten times more noise than all 42 of my dogs! What about all the people who sell other animals, they are also commercial then, are you going to require dairies, sheep, chickens, cats, pigs, lama's etc. to all have to move their business to a commercial zone? Isn't this why we have an ag zone to keep animals in to keep noise, smells, etc. down and be good neighbors? Isn't this why we put people in residential zones, animal operations in ag zones and business in commercial zones? A commercial zone is absolutely no place for a kennel of any kind unless you are rescue, then yes that is a good place because they have so much traffic and people coming in and out...we do not have very many

visitors at all so do not require parking, etc. What about the USU coyote farm in Nibely, they are so loud and can be heard for miles, are you going to make them go to a commercial zone?

I have a high respect for rescues such as Four Paws and also for the Humane Society, however we are absolutely not in the same category at all! We do not even own cages like they do, we do not have strays like they do, so to say you are going to rewrite the law to put us as breeders in the same category will not work and it is wrong.

I have included here a list of some of the schnauzer breeders that I deal with and know personally here in Utah, the number of dogs they have, etc...I know there are many, many more breeders of all kinds but my point being you need to realize how many dogs they all have, there does not need to be a limit on how many dogs a breeder has, it is all about how they are cared for...it is silly and unfair to come up with a number like Josh has done when he has no idea about kennels or breeders and he did not do homework at all on any of this or he would not have come up with this. I have also included a list of other schnauzer breeders across the country that I know are excellent breeders, the point being I am proving to you all that it is not hard to care of 5 or 60 dogs or even 100 dogs, just like you would not tell a dairy farmer or any animal business how many they can have when you do not understand how they operate and do business until you actually do it.

Also want to make a few more points in hopes that you can all see that this ordinance needs to be rethought and started over...this ordinance is taking away my rights along with any other breeders who have worked so hard to do everything right, to produce healthy, happy purebred puppies for others to enjoy and now with this ordinance we feel we are being punished! Everywhere we go there are dogs roaming around or dogs tied to posts laying in the dirt, this is heart breaking...this is exactly the opposite of what a good breeder does to care for their dogs...we keep our dogs in a clean, sanitary home/kennel, they are NEVER allowed to roam loose...they are cared for medically with the best of everything they need to be healthy...we do not over breed, we retire our dogs when they are young...we sell 98% of our dogs as pets only...we have a 5 year health guarantee and we always will take back any pup/dog that someone does not want or cannot keep, we never want any of our dogs to be abandoned or left alone...we stand behind every pup/dog we have and we have never had one dissatisfied customer!

We have always paid our taxes on our dog business, kept our dogs licensed, have a business license, got inspections done timely, everything we are required to do and no complaints!

Last year we spent over \$10,000 in veterinary expenses to local vets here not to mention thousands to local business for supplies, including Walmart, Petsmart, IFA, printers, grocery stores, etc, etc....we are contributors to lots of businesses here in Cache Valley along with other breeders, but with this new ordinance you are going to force us to take our dogs and go to Idaho or Box Elder county...is this what you want? I am sure if and when the vets here in Cache Valley hear about this ordinance they will also be willing to voice their complaints as they will lose substantial business if all breeders are forced to go elsewhere.

Cache Valley is a big place and there is room for anyone who wants to operate a legitimate business, even one that has to do with animals like breeders of any animals...so why are dog breeders being

singled out here? Why can't we come up with a more fair ordinance similar to every other county in the state to be fair to breeders and to those who do not care for breeders which seems to be the case with Josh and Chris? If they are truly doing their jobs and want what is best for everyone then why haven't they done the simple homework I just did that took an hour of my time to research other county ordinances and also to maybe get an understanding of how good breeders operate? How could they even think it is humane to leave dogs in a commercial zone without their owners? I just cannot wrap my brain around this ordinance at all and it needs to be redone.

Another point is that I listened to the meetings online where you have discussed this issue and I am at a loss to understand why again Josh has come up with this stuff...he actually spoke and said they have had very little complaints about dog kennels from people but lots of complaints about Four Paws, so then why he is proposing to limit the amount of dogs breeders can have and punishing us??? Can he not see that the dogs that are in commercial zones like the Humane Society and I assume Four Paws are the ones that are getting complaints? Then why would he propose and why would you all agree to put more dogs in commercial zones to make more noise? Just does not make sense! Kennels need to be out in the country! Also he is proposing to put kennels under the same classification as rescues and Humane Society, please do not let him push you into such an ordinance! We are nothing like these businesses are! We are in fact the opposite, we do not have stray dogs, we do let our dogs bark endlessly like they do, our dogs are our family and each one is an individual, their dogs are mostly strays which is heartbreaking but they are not breeders and we should not be categorized with them at all, this is not right! None of the other counties do this, they have them separated as it should be.

I am sorry this is long but these obvious points need to be brought up...there is no reason for such an ordinance at all and the proof comes from the other counties that do fine with kennels and breeders and we should have a dog ordinance that is similar, one that is fair to everyone and were written by people who researched the issues and came together with a fair and balanced ordinance...we contribute a lot to the local economy and work hard to be good neighbors and get along.

Another very important point that you are probably not aware of...we as breeders get inspected by AKC on a regular basis, we have to keep our places and dogs in excellent condition to stay in good standing with AKC and most dogs are registered with AKC or we cannot register our dogs.

Also the USDA has passed a new law in 2012 where they will be doing yearly inspections of all dog breeders starting very soon...they have a very strict set of rules including having enough space for each dog...they require our local vets to inspect us annually, we have to keep excellent records, etc. so there is no need again for such an ordinance...both of these organizations will make sure that all breeders go by the rules or they will be shut down...I have also included the new USDA packet here for you to look at and see their strict requirements for us dog breeders...they are doing this to shut down bad breeders and puppy mills so it is a good thing and yes it will be more cost for us. So as you can see there is no need here for the county to police, you have an animal control officer that takes care of this along with AKC and now with the USDA inspectors no one who sells dogs will be able to avoid being inspected.

So bottom line, I know you are all trying to do what is best for our great county, and I know you have the best interests of the people in mind, but please reconsider this ordinance, It is seriously flawed and extremely unfair and was obviously not researched like it should have been...others are saying it is because of the issues with Mullins and this is why Josh is trying to push it through so fast, I do not know his reasons and how he came up with his numbers, but it is just not right at all and I am a very fair and reasonable person and whether I am a dog breeder or not it is plain to see this is just not right.

This is America where everyone has the right to do what they want with their families, their business and their animals and property as long as they are good neighbors and as long as they abide by fair rules and laws...we do not need more government telling us how many dogs we can have or not and where they need to be by someone who does not understand the business of being a breeder...all we ask is to have some say in such an ordinance where this will be such a life changing situation...all we want is for all of us to work together on this issue and make a good decision and a fair decision based on facts, not just pulling a number out of hat.

We love it here in Cache Valley, our family is here and my husband works here...we have lived here for 14 years now and have always been good citizens, etc. and are just asking you all to think about this and do not approve such an ordinance for the sake of the dogs especially...please do not force us to move to Idaho or Box Elder, we want to stay here and be good neighbors as always.

Sincerely,

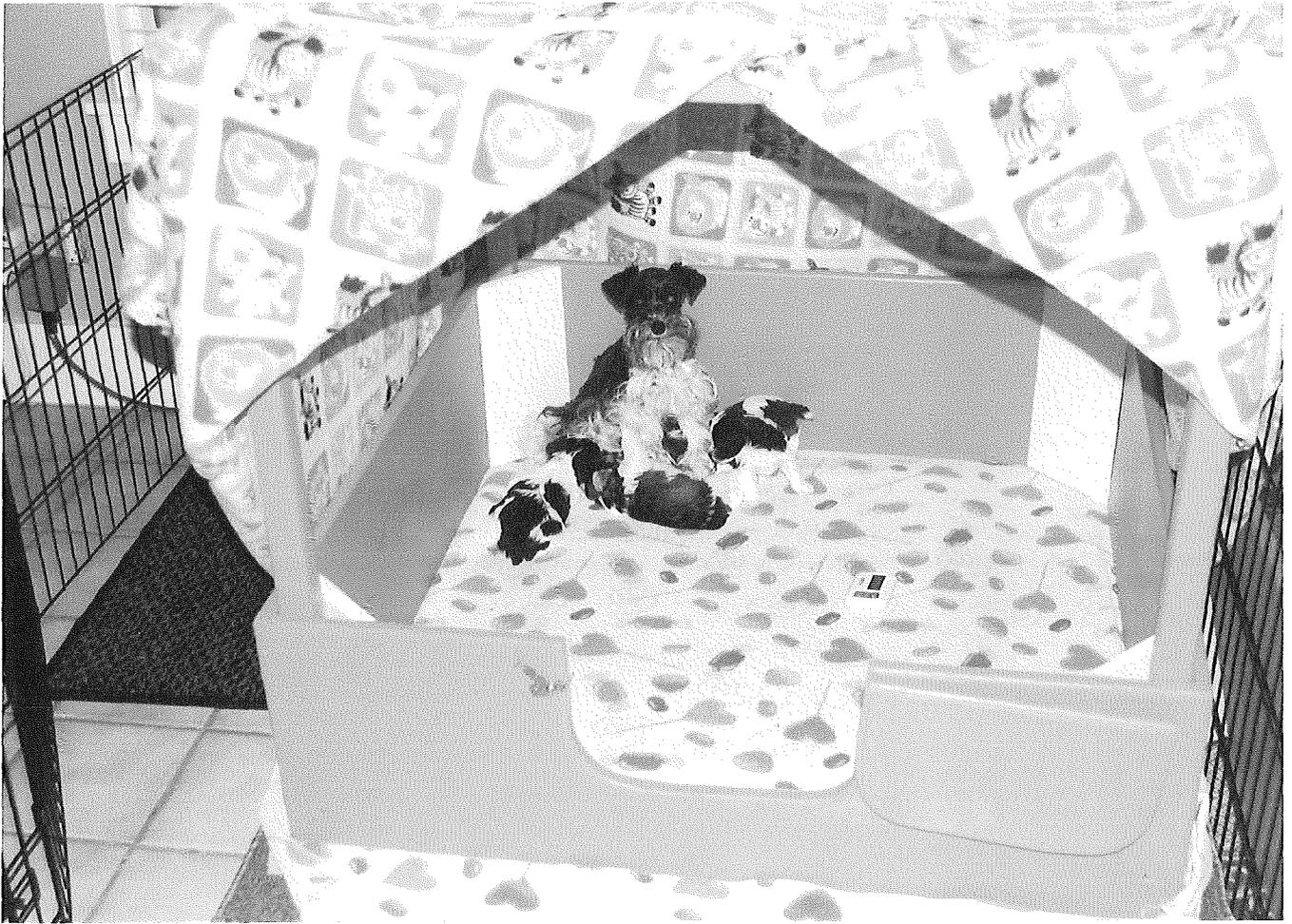
Karie Burton



Indoor Kennel



Indoor Kennel



whelping bed in my home



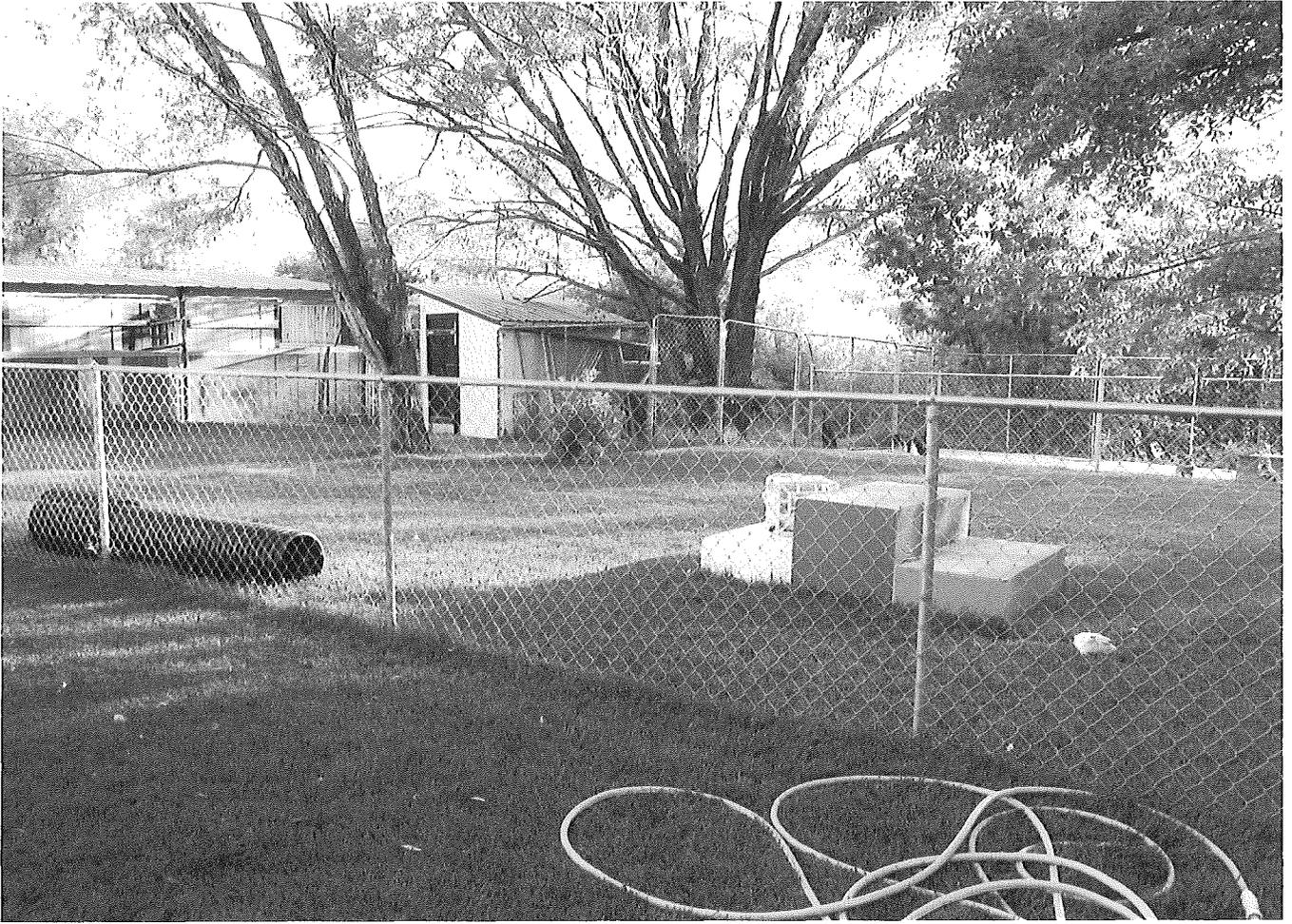
Nursery in my house



Nursery inside my house



nursery inside my house



dog yard



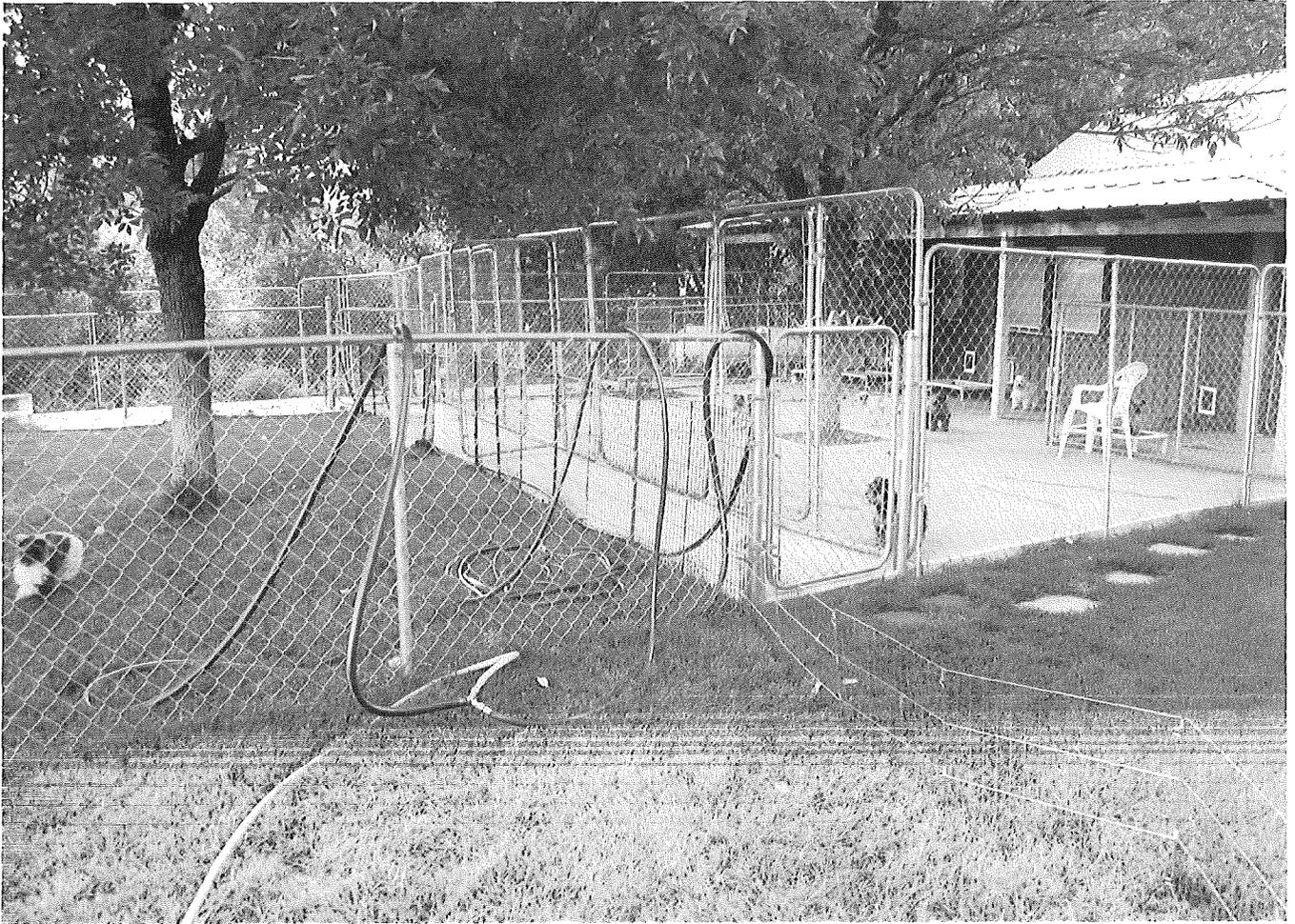
Dog Yard



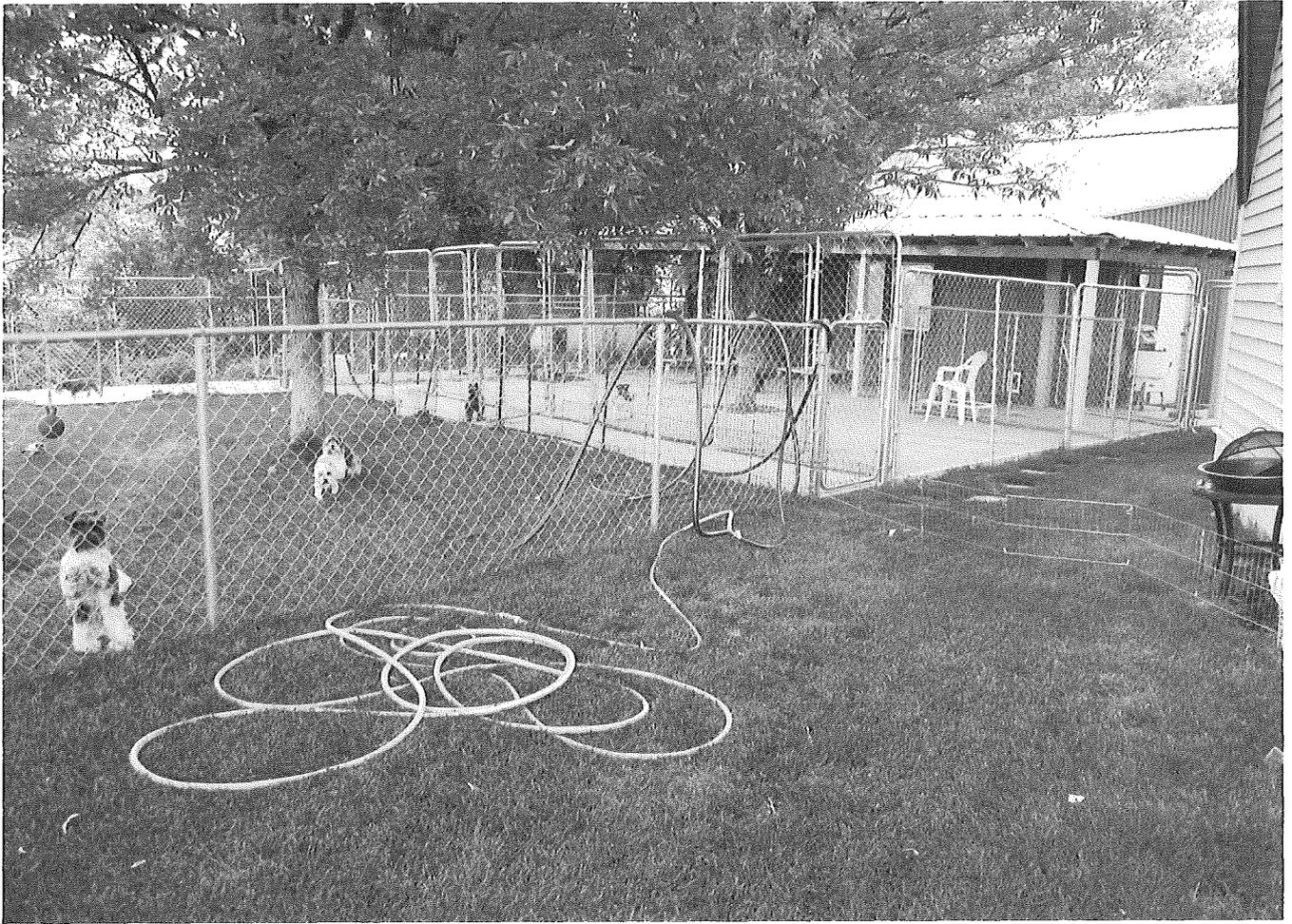
dog yard



dog yard



Outdoor Kennel



dog yard



PROOF THAT NUMBER OF DOGS IS NOT THE ISSUE AND SHOULD NOT BE LIMITED

Included are ordinances concerning dog kennels and breeders from Salt Lake, Davis and Weber counties...they are mostly similar, no limits on how many dogs a breeder has as long as they are open to inspections and abide by local laws, etc.

Box Elder county does not have an online post for their ordinances but I did call them and they have no ordinances except for licensing and to go to the Planning Commission to get a kennel license.

Some require certain fences some don't.

All require licenses and some break down the kennel license fees according to how many dogs you have from 1-100 or more dogs...number of dogs do not matter it is how you care for them.

BELOW IS A LIST OF BREEDERS FIRST FROM UTAH AND THEN ALSO ACROSS THE COUNTRY TO PROVE THAT NUMBER OF DOGS IS NOT THE ISSUE THAT THEY CAN BE CARED FOR AND THIS IS NORMAL FOR BREEDERS TO HAVE BIG NUMBERS OF DOGS. ALL OF THESE BREEDERS I HAVE DEALT WITH AND SOME I HAVE VISITED AND THEY TAKE EXCELLENT CARE OF THEIR DOGS.

Also have listed websites and years they have been doing this so you can look yourself.

www.onesmallschnauzer.com	20 dogs, Corrine, breeder for 12 years.
www.lucky7schnauzers.com	18 dogs, Honeyville, 8 years.
www.royal-schnauzers.com	36 dogs, Thatcher, 15 years
www.spoiledrottenschnauzers.com	21 dogs, Orem, 7 years
www.schnauzerlover.com	60+ dogs, Texas, over 25 years
www.toyschnauzer.com	30+ dogs, Texas, over 30 years
www.dreammakerspuppies.com	55+ dogs, Texas, over 20 years
www.blairstoy Schnauzers.com	30+ dogs, Florida, over 25 years.
www.preciousdreamsdoghouse.com	10 dogs, Michigan, over 25 years.
www.toyschnauzercottage.com	8 dogs, California, over 20 years
www.dreamweaverkennel.com	15 dogs, Arkansas, over 20 years
www.cartmellkennels.com	30+ dogs, Oklahoma, over 20 years.

**CACHE COUNTY
RESOLUTION NO. 2015-05**

**A RESOLUTION AUTHORIZING THE CACHE COUNTY EXECUTIVE TO
EXECUTE AN INTERLOCAL AGREEMENT WITH LOGAN CITY FOR A CACHE
VALLEY FIRE AND RESCUE INDOOR TRAINING FACILITY**

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into an Interlocal Agreement with Logan City for a Cache Valley Fire and Rescue Indoor Training Facility.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute an Interlocal Agreement with Logan City for a Cache Valley Fire and Rescue Indoor Training Facility as shown in "Addendum A" attached hereto and made a part hereof.

This Resolution shall take effect immediately upon adoption.

DATED this 10th day of March, 2015

CACHE COUNTY COUNCIL

By: _____
Kathy Robison, Chair

ATTEST:

By: _____
Jill N. Zollinger, County Clerk / Auditor

CACHE COUNTY

ADDENDUM A

**CACHE VALLEY FIRE AND RESCUE INDOOR TRAINING FACILITY
INTERLOCAL AGREEMENT**

**BETWEEN
LOGAN CITY
AND
CACHE COUNTY**

THIS AGREEMENT is made and entered into this _____ day of _____ 2015 by and between LOGAN CITY of Logan, Utah, and CACHE COUNTY of Cache County, Utah, for the construction of an indoor training facility at the Logan City Fire training grounds.

The purpose of this Agreement is to provide cooperation between the Logan City Fire Department and the Cache County Fire District, for the mutual benefit of each entity and their respective constituencies for the construction of an indoor training facility.

WHEREAS, Logan City Fire Department has the responsibility to provide certain education and training to its employees, and;

WHEREAS, Cache County Fire District also has the responsibility to provide education and training to its members and member departments (including volunteer), and;

WHEREAS, Logan City Fire Department and Cache County Fire District have previously entered into an agreement to provide these services as part of the Cache Valley Fire and Rescue Training Consortium with the agreement to design, develop, build, operate, and maintain fire and rescue training facilities for the mutual benefit of the parties so as to avoid duplicating training facilities needed to accomplish the training needs of the parties, and;

WHEREAS, Logan City Fire Department and Cache County Fire District desire to construct an indoor training facility at the Logan City Fire training grounds;

NOW, Therefore, the parties mutually agree to the following terms and conditions:

A. DESCRIPTION AND LOCATION OF BUILDING

1) **Site Location.** The indoor training facility shall be constructed on the south portion of the training grounds.

2) **Size of building.** The indoor training facility shall be constructed as a steel building that measures 40' x 60' with (2) bay doors on the west end. An upstairs classroom mezzanine shall be 30' x 40' and shall be constructed at a future date.

3) **Construction.**

- a) Excavation of footings and foundation of the building site will be funded and completed by Logan City.
- b) Excavation and installation of utilities including: electrical, water, and sewer will be completed by Logan City.
- c) Funding and construction of footings, foundation, and flatwork shall be completed by Cache County Fire District.
- d) Funding and construction of the steel building will be completed by Cache County.
- e) This construction project shall be completed by October 1, 2015.
- f) Interior construction of classroom, bathroom, laundry, and shower facilities and other improvements shall be completed at such time as funds are made available by either party.

B. **Ownership.**

- 1) Whereas the indoor training facility is located on property owned by Logan City; therefore, Logan City shall be responsible for ongoing costs associated with power, sewer, and water.
- 2) Whereas the building was funded by Cache County; therefore, the indoor training facility shall be controlled and managed by Cache County. Cache County Fire District shall be responsible for ongoing costs associated with heating the Facility and other maintenance and repair costs.

C. **Scheduling and use of the indoor training facility.**

- 1) The use of the indoor training facility shall be governed by the Cache Valley Fire and Rescue Training Consortium guidelines. All use shall be scheduled by the Cache County Fire District.

D. **Insurance and Allocation of Liability.**

- 1) Each party to the Agreement, at their own expense, shall carry and maintain adequate liability and workers compensation insurance to cover its students and/or members.
- 2) Each party to the Agreement shall pay its share of the property insurance to cover the property, including when such property may be in use by any party to the Agreement.
- 3) Property and/or material assets owned jointly by the Logan City and Cache County shall meet the stipulations under items 1 & 2 above in pertaining to liability and property insurance, the cost of which shall be born equitably among the parties to this agreement.
- 4) In the event that a court of competent jurisdiction makes a final determination in a case that the members of the Consortium share the liability for all or part of any injury, loss, or claim for damages by a third party (or an agent or employee of the parties hereto), each party shall bear its respective comparative negligence share of the damages, and each party shall also pay its own respective costs and expenses incurred as a co-defendant. Where such claims are settled out of court, with no determination of comparative negligence, the parties agree to mediate their comparative negligence.

E. **Term.** This Agreement shall continue in force and effect from the day and date first above written unless terminated by any party. Each party may terminate their involvement in the Agreement at any time upon at least one year's written notice. The remaining parties to the agreement continue to be bound by the provisions of the agreement.

- 1) **Distribution of Assets.** Written notice of termination shall be sent by the termination party to the other party at their normal place of business. Individual entities voluntarily withdrawing from this agreement forfeit their fair share of the assets jointly owned by Logan City and Cache County, unless otherwise approved.

F. **Amendment.** This Agreement may be amended, changed, waived, discharged, or terminated only by an instrument in writing signed by both the parties to the agreement against which enforcement of the amendment, change, waiver, discharge, or termination is sought.

G. **Assignment.** Neither this Agreement nor the performance of any party under this Agreement may be assigned by any party (whether in connection with a merger, consolidation, sale, or otherwise) without the written consent thereto of the other parties. This Agreement shall be binding upon the successors and assigns of the parties whether or not consent to an assignment has been obtained.

H. **Attachments, Exhibits.** The attachments and exhibits referred to in this Agreement are incorporated by reference as if fully set forth in this Agreement.

I. **Authorization to Make Agreement.** Each person signing this Agreement on behalf of a party personally

represents and warrants to the other party that the execution and performance of this Agreement is duly authorized by the party's governing board or other body or individual authorized to make or authorize Agreements on behalf of the party, that this Agreement is not in conflict with any prior contract of the party, and that this Agreement constitutes a valid obligation of each party, enforceable according to its terms.

- J. **Equal Opportunity.** The parties agree to abide by the provisions of Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. Sec. 2000e et seq., as amended), which prohibit discrimination against any employee or applicant for employment or recipient of services on the basis of race, religion, color, sex, or national origin; the parties further agree to abide by Executive Order No. 11246, as amended, which prohibits discrimination on the basis of sex; the Age Discrimination in Employment Act, 29 U.S.C. Sec. 621 et seq., as amended, and 45 C.F.R. 90, which prohibits discrimination on the basis of age; and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., which prohibits discrimination on the basis of disability; and, the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq., and 29 C.F.R. 1630, which provides that no qualified individual with a disability, by reason of such disability, be denied employment, be excluded from participation in, or be denied the benefits of services, programs, or activities.
- K. **Compliance with Applicable Law; Licenses, Etc.** The parties will each comply with all applicable statutes, laws, rules, regulations, licenses, certificates, and authorization of any governmental body or authority in the performance or carrying out of its obligations under this Agreement. This Agreement shall be subject to amendments in the applicable laws and regulations relating to the subject matter of this Agreement, but only to the extent that any inconsistency is thereby created, and the parties shall use their best efforts to accommodate both the terms and intent of this Agreement and of such amendments.
- Each party will obtain and maintain current and in force all licenses, certifications, authorizations, and/or permits (and will pay the fees therefor) necessary to carry out its duties and responsibilities under this Agreement.
- L. **Entire Agreement, Binding Effect.** This Agreement contains the entire Agreement and understanding between the parties and it supersedes all prior Agreements, understandings, and representations relating to the subject matter of this Agreement. This Agreement shall be binding upon the parties and their representatives, successors, and assigns.
- M. **Force Majeure.** None of the parties to this agreement shall incur any liability to the other party, nor shall they be entitled to terminate this Agreement if the performance by any party of its obligations under this Agreement is prevented or delayed by act of God, the public enemy, earthquakes, fires, epidemics, civil insurrections, curtailment of or failure to obtain sufficient electrical power, strikes, lockouts, or similar unforeseen and unusual circumstances beyond the control and without the fault of such party. Any party claiming any such excuse for non-performance shall use its best efforts to avoid or remove such cause, shall continue performance to the degree possible and as soon as possible, and shall give prompt written notice to the other party of the situation.
- N. **Good Faith.** Each party agrees to carry out all its responsibilities, duties, and activities under this Agreement in good faith.
- O. **Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the State of Utah.
- P. **No Rights in Third Parties.** Unless otherwise expressly stated herein, this Agreement shall not create any rights in or inure to the benefit of any third parties.
- Q. **Notices.** All notices or other communications under this Agreement shall be in writing and shall be either hand delivered or delivered by registered or certified first class U.S. Mail, postage prepaid, addressed to the party affected at the address listed below with the signatures of the signing officials.
- R. **Section Headings.** The section headings and paragraph designations used in this Agreement are for convenience of reference only, and shall not in any way be construed to modify or restrict any of the terms or

provisions hereof.

- S. **Severability**. In the event that any provision of this Agreement is rendered invalid or unenforceable by any proper act of the federal, state, or local government, or declared null and void or unenforceable by any court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect and shall continue to bind the parties, except to the extent the major purposes of this Agreement would be frustrated by such a continuation.

- T. **Waiver**. No failure by either party to insist upon the strict performance of any term hereof or to exercise any right, power, or remedy following a breach of this Agreement or any term or condition hereof, shall constitute a waiver of any such term or of any such breach. No waiver of any particular breach shall affect or alter this Agreement, which shall continue in full force and effect with respect to any other then existing or subsequent breach.

- U. **Disclaimer of Partnership**. Logan City Fire Department and the Cache County Fire District, do not, in any way or for any purpose, by this Agreement become a partner of any other party to the Agreement for the conduct of its business or otherwise, or joint venture or a member of a joint enterprise with the other parties to the Agreement. The respective parties to the Agreement shall have no authority, expressed or implied, to bind any other party to the Agreement in any agreement or contract of any kind.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and date first above written.

Signed:

Logan City
290 North 100 West
Logan, UT 84321
435-716-9004

By: _____ Date: _____

H. Craig Petersen

Its: Mayor

Attorney: _____

Attest:

Teresa Harris
City Recorder

Cache County
199 N Main Street
Logan, UT 84321
435-755-1850

By: _____

Craig W. Buttars

Date: _____

Its: Executive/Surveyor

Attorney _____

Attest:

Jill Zollinger
County Clerk

**CACHE COUNTY
RESOLUTION NO. 2015-06**

**A RESOLUTION APPROVING THE REMOVAL OF PROPERTY FROM AN
AGRICULTURE PROTECTION AREA**

The Cache County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that the legal requirements for the removal of property from an Agriculture Protection Area have been met; and, therefore, that the petition filed by Jay Rinderknecht should be approved.

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

BE IT RESOLVED that:

The petition filed with Cache County by Jay Rinderknecht on February 27, 2015 to remove parcels 02-004-0013, 02-004-0014, and 02-005-0003 from an Agriculture Protection Area on 20.8 acres of real property located at:

See "EXHIBIT A" Attached hereto and made a part hereof
is hereby approved.

This resolution shall become effective immediately upon adoption

DATED this 10th Day of March, 2015

CACHE COUNTY COUNCIL

By: _____
Kathy Robison, Chair

ATTEST TO:

By: _____
Jill N. Zollinger, Cache County Clerk / Auditor

CACHE COUNTY

EXHIBIT A

17-41-306 Adding land to or removing land from an agriculture protection area or industrial protection area -- Removing land from a mining protection area.

- (1)
 - (a) Any owner may add land to an existing agriculture protection area or industrial protection area, as the case may be, by:
 - (i) filing a proposal with:
 - (A) the county legislative body, if the agriculture protection area or industrial protection area and the land to be added are within the unincorporated part of the county; or
 - (B) the municipal legislative body, if the agriculture protection area or industrial protection area and the land to be added are within a city or town; and
 - (ii) obtaining the approval of the applicable legislative body for the addition of the land to the area.
 - (b) The applicable legislative body shall comply with the provisions for creating an agriculture protection area or industrial protection area, as the case may be, in determining whether or not to accept the proposal.
- (2)
 - (a) Any owner of land within an agriculture protection area or industrial protection area may remove any or all of the land from the agriculture protection area or industrial protection area, respectively, by filing a petition for removal with the applicable legislative body.
 - (b)
 - (i) The applicable legislative body:
 - (A) shall:
 - (I) grant the petition for removal of land from an agriculture protection area or industrial protection area, as the case may be, even if removal of the land would result in an agriculture protection area or industrial protection area of less than the number of acres established by the applicable legislative body as the minimum under Section 17-41-301; and
 - (II) in order to give constructive notice of the removal to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area or industrial protection area and the land removed from the agriculture protection area or industrial protection area, file a legal description of the revised boundaries of the agriculture protection area or industrial protection area with the county recorder of deeds and the affected planning commission; and
 - (B) may not charge a fee in connection with a petition to remove land from an agriculture protection area or an industrial protection area.
 - (ii) The remaining land in the agriculture protection area or industrial protection area is still an agriculture protection area or industrial protection area, respectively.
- (3)
 - (a) If a municipality annexes any land that is part of an agriculture protection area or industrial protection area located in the unincorporated part of the county, the county legislative body shall, within 30 days after the land is annexed, review the feasibility of that land remaining in the agriculture protection area or industrial protection area according to the procedures and requirements of Section 17-41-307.
 - (b) The county legislative body shall remove the annexed land from the agriculture protection area or industrial protection area, as the case may be, if:
 - (i) the county legislative body concludes, after the review under Section 17-41-307, that removal is appropriate; and

- (ii) the owners of all the annexed land that is within the agriculture protection area or industrial protection area consent in writing to the removal.
- (c) Removal of land from an agriculture protection area or industrial protection area under this Subsection (3) does not affect whether that land may be:
 - (i) included in a proposal under Section 17-41-301 to create an agriculture protection area or industrial protection area within the municipality; or
 - (ii) added to an existing agriculture protection area or industrial protection area within the municipality under Subsection (1).
- (4) A mine operator that owns or controls land within a mining protection area may remove any or all of the land from the mining protection area by filing a notice of removal with the legislative body of the county in which the land is located.

Amended by Chapter 376, 2009 General Session

February 27, 2015

Hand Delivered

Cache County Council
199 North Main St.
Logan UT, 84321

**RE: Removal of Agriculture Protection for Parcel Numbers 02-004-0013,
02-004-0014, 02-005-0003**

Dear Cache County Council:

I am requesting that Parcel Numbers 02-004-0013, 02-004-0014, 02-005-0003 be removed from agriculture protection. The property is located in Cache County. The property is owned by my siblings, some of their spouses, and me. An offer to purchase the property has been made and accepted. I have attached a plat map of the property and highlighted the above mentioned parcels.

I anticipate the sales transaction will occur within the next two months. It is my understanding that removal of the agriculture protection needs to be put on the County Council's agenda. I am requesting that this be done for the next available date.

If you have any questions, feel free to contact me at 435-512-8455.

Best Regards,


Jay Rinderknecht

Cache County Corporation Tax Roll Information

Thursday, March 05, 2015 8:37 PM

02-004-0013

Owner's Name & Address	
Parcel	02-004-0013 Entry 958718
Name	RINDERKNECHT, JAY TR
C/O Name	
Address	PO BOX 11
City, ST Zip	PARADISE, UT 84328-0011
District	028 COUNTY OUTSIDE
Year	2015 Status TX

Owners List	
1 RINDERKNECHT, JAY TR	958718 1490/522
2 BALDWIN, MARK & JUDY	0 0/0
3 RINDERKNECHT, JOSEPH O`DELL aka J ODELL	615486 641/996
4 WILLIAMS, MICHAEL & SUSAN	0 0/0
5 RINDERKNECHT, KIM & ANNETTE C TRS	1073668 1736/81

Property Address	
Address	
City	
Tax Rate	0.010280 (Tax Rate Proposed For 2015)

LEGAL DESCRIPTION FOR 2015

BEG AT PT .25 CH W OF PT 14.48 CH SOF NE COR OF SW/4 SEC 2 T 11N R 1E [MAG.-VAR.17*E] 9.85 CH W 3.20 CH SWLY 11.40 CH TO PT 9.50 CH W OF/4 SEC LINE N 80*W 4 CH NELY TO INTERSEC OF S LINE OF ST [4 RDS WIDE] WITH E BANK OF CANAL AT PT 9.25 CH W OF BEG E 9.25 CH TO BEG 13.30 AC B775

PROPERTY INFORMATION

Property Type	Acres	2014		Proposed 2015 Values		
		Market	Taxable	Acres	Market	Taxable
LG LAND GREENBELT	13.30	299,250	6,090	13.30	299,250	6,090

BUILDING & TAX INFORMATION

2014 Taxes:	62.61	(Certified Rate: 0.010280)
2015 Taxes:	62.61	(Proposed Rate: 0.010280)
Special Tax: +	0.00	
Abatements: -	0.00	
Payments: -	0.00	
2015 Balance Due:	62.61	

BACK TAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

GREENBELT INFORMATION

Class	Description	Acres	Market Value	Taxable Value
IT	IRRIGATION TILLABLE III	13.30	299,250	6,090 * Proposed Values

Cache County Corporation Tax Roll Information

Thursday, March 05, 2015 8:42 PM

02-004-0014

Owner's Name & Address

Parcel	02-004-0014	Entry	465745
Name	WILLIAMS, MICHAEL H & SUSAN R		
C/O Name			
Address	1775 E 1080 N		
City, ST Zip	LOGAN, UT 84341-3013		
District	028 COUNTY OUTSIDE		
Year	2015	Status	TX

Owners List

1	WILLIAMS, MICHAEL H & SUSAN R
	465745 328/302
2	BALDWIN, MARK & JUDY R

Property Address

Address	
City	
Tax Rate	0.010280 (Tax Rate Proposed For 2015)

PARCEL HISTORY

328/303

LEGAL DESCRIPTION FOR 2015

BEG AT PT .25 CH W OF PT 10.18 CH NOF SE COR OF SW/4 OF SEC 2 T 11N R 1E N 5.65 CH W 3.20 CH SWLY 6.20 CH TO A PT 6 CH W OF BEG E 6 CH TO BEG 2.60 AC B776

PROPERTY INFORMATION

Property Type	Acres	2014		Proposed 2015 Values		
		Market	Taxable	Acres	Market	Taxable
LG LAND GREENBELT	2.60	58,500	1,190	2.60	58,500	1,190

BUILDING & TAX INFORMATION

2014 Taxes:	12.23	(Certified Rate: 0.010280)
2015 Taxes:	12.23	(Proposed Rate: 0.010280)
Special Tax: +	0.00	
Abatements: -	0.00	
Payments: -	0.00	
2015 Balance Due:	12.23	

BACK TAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

Cache County Corporation Tax Roll Information

Thursday, March 05, 2015 8:42 PM

02-005-0003

Owner's Name & Address

Parcel	02-005-0003	Entry	465745
Name	WILLIAMS, MICHAEL H & SUSAN R		
C/O Name			
Address	1775 E 1080 N		
City, ST Zip	LOGAN, UT 84341-3013		
District	028 COUNTY OUTSIDE		
Year	2015	Status	TX

Owners List

1	WILLIAMS, MICHAEL H & SUSAN R
	465745 328/302
2	BALDWIN, MARK & JUDY R

Property Address

Address	
City	
Tax Rate	0.010280 (Tax Rate Proposed For 2015)

PARCEL HISTORY

328/303

LEGAL DESCRIPTION FOR 2015

BEG AT A PT 950 FT S OF NW COR OF SE/4 OF SEC 2 T 11N R 1E; E 295 FT TO W BANK OF CANAL SW'LY FOLL SD CANAL TO A PT 1069 FT S OF BEG N 1069 FT TO BEG 4.90 ACRES B769A

PROPERTY INFORMATION

Property Type	Acres	2014		Proposed 2015 Values		
		Market	Taxable	Acres	Market	Taxable
LG LAND GREENBELT	4.90	110,250	2,245	4.90	110,250	2,245

BUILDING & TAX INFORMATION

2014 Taxes:	23.08	(Certified Rate: 0.010280)
2015 Taxes:	23.08	(Proposed Rate: 0.010280)
Special Tax: +	0.00	
Abatements: -	0.00	
Payments: -	0.00	
2015 Balance Due:	23.08	

BACK TAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

