

CRAIG W BUTTARS
COUNTY EXECUTIVE / SURVEYOR

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



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

April 11, 2016

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, APRIL 12, 2016**

AMENDED AGENDA

- 5:00 p.m.
1. **CALL TO ORDER**
 2. **OPENING / PLEDGE** – Jon White
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (March 29, 2016)
 5. **MINUTES FOLLOW-UP**
 6. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
 7. **CONSENT AGENDA**
 8. **ITEMS OF SPECIAL INTEREST**
 9. **UNIT OR COMMITTEE REPORTS**
 - a. Senior Citizens Center – Kristine Johnson
 10. **BUDGETARY MATTERS**
 11. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - a. **Set Public Hearing for April 26, 2016 at 5:30 p.m. – Resolution 2016-10**
Authorizing Conveyance of Real Property
 - b. **Set Public Hearing for May 10, 2016 at 5:30 p.m. – Resolution 2016-11**
Vacating a Public Street, Right-of-Way, or Easement
 - c. **Public Hearing – Ordinance 2016-02 – Esplin Andersen Rezone**
Request for Approval for a Rezone of 5 Acres from the Agriculture (A10) Zone to the Commercial (C) Zone at 4600 North 400 West, southwest of Smithfield City
 - d. **Public Hearing – Ordinance 2016-03 – Code Amendments, Title 16**
Amendments on Subdivision Requirements and Review
 - e. **Public Hearing – Resolution 2016-08 – Open 2016 Budget**
 - f. **Public Hearing – Ordinance 2016-04 – Code Amendments, Title 17**
Miscellaneous Land Use Updates and Revisions
- 5:30 p.m.*
- 5:50 p.m.*
- 6:00 p.m.*
- 6:10 p.m.*

12. **PENDING ACTION**

- a. **Resolution 2016-07 – Implementing the 2016 Weed Control Policy for Cache County**

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

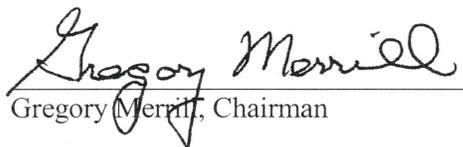
- a. **Ordinance 2016-05 – Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power**
b. **Resolution 2016-08 – Amendments to 2016 Budget**
c. **Resolution 2016-09 – Authorizing the County Executive to Sign an Interlocal Agreement with Franklin County, Idaho to House Inmates**
d. **Resolution 2016-12 – Initiation of the Creation of a Water Conservancy District**
e. Property Tax Relief Request

14. **OTHER BUSINESS**

- a. UAC Management Conference – April 13-15 at the Davis Conference Center
Craig Buttars
- b. Tax Exemption Hearing – Intermountain Health Care, Logan Regional Hospital
Wednesday, April 20, 2016 at 3:00 p.m.
Val Potter, Kathy Robison
- c. Tax Exemption Hearing – Midtown Community Health Center, Inc.
Thursday, April 21, 2016 at 11:00 a.m. (Council Conference Room)
- d. Tax Exemption Hearing – Cache Valley Community Health Center
Thursday, April 21, 2016 at 2:00 p.m.
Cory Yeates, David Erickson
- e. Tax Exemption Hearing – Sunshine Terrace
Monday, April 25, 2016 at 2:00 p.m.
Jon White, David Erickson
- f. Budget Workshop – Tuesday, April 26, 2016 at 3:00 p.m. – Council Chambers
- g. County Employees Day of Service – Thursday, April 28, 2016 1-5 p.m. at the Family Place
- h. Health Days Parade – Saturday, May 14, 2016 at 10:00 a.m.
- i. Richmond Black & White Days Parade – Saturday, May 21, 2016 at 5:00 p.m.

15. **COUNCIL MEMBER REPORTS**

16. **ADJOURN**


Gregory Merrill, Chairman

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

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

**CACHE COUNTY
RESOLUTION 2016 – 10**

RESOLUTION AUTHORIZING CONVEYANCE OF REAL PROPERTY

WHEREAS, real property has been struck off to Cache County at a tax sale pursuant to Utah Code Annotated Section 59-2-1351.3 more fully described in Exhibit “A”; and

WHEREAS, Utah Code Ann. Section 17-50-312 provides that the county legislative body shall provide by ordinance, resolution, rule or regulation for the manner in which property shall be acquired, managed, and disposed of and hold a public hearing prior to disposition; and

WHEREAS, the property was declared surplus by the Cache County Council on November 10, 2015 by resolution number 2015 - 25; and

WHEREAS, the disposition of this property was made by sale upon public advertisement by sealed bid for fair market value; now

THEREFORE, the Cache County Council finds as follows:

That the disposition of this property was made by sale upon public advertisement by sealed bid for fair market value.

THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in “Exhibit A” may be disposed of by the County Executive by executing an appropriate deed to Two Brothers Inc. This resolution takes effect immediately upon adoption.

Dated this 26th day of April 2016.

ATTESTED TO:

CACHE COUNTY COUNCIL

Jill N. Zollinger
Cache County Clerk/Auditor

Greg Merrill
Council Chair

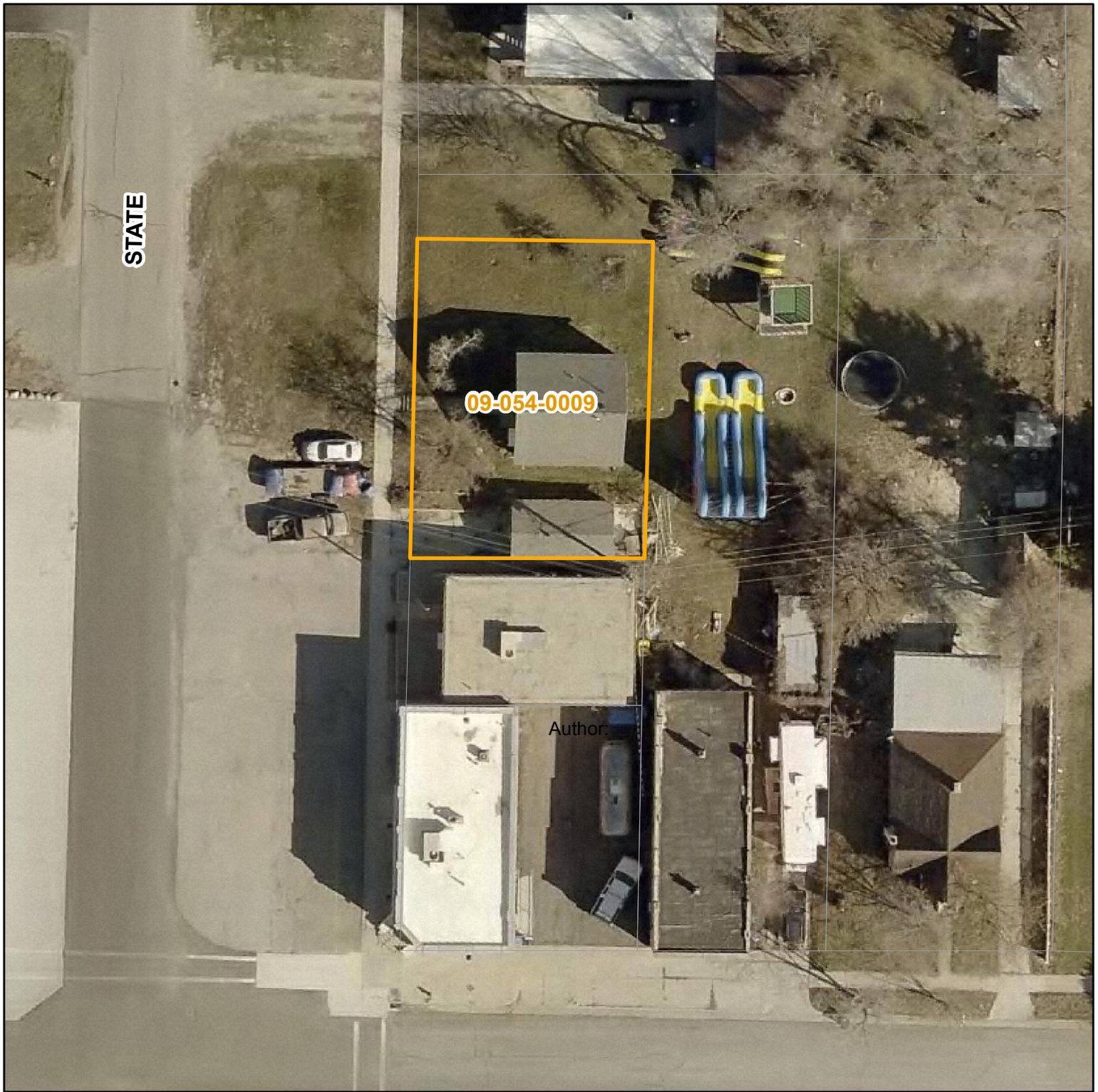
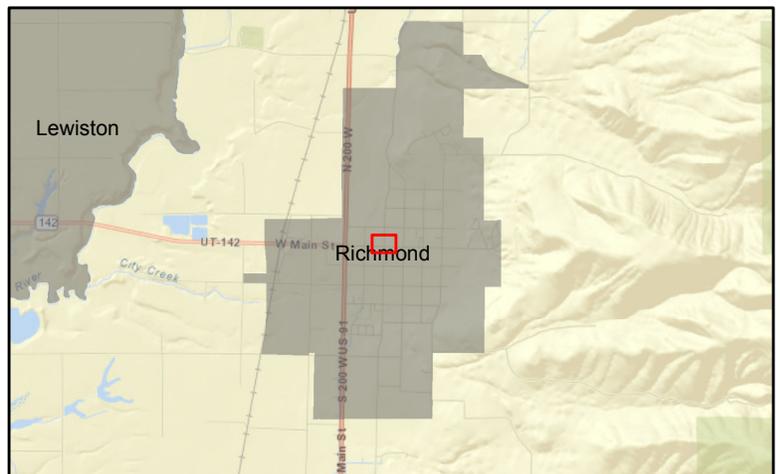


Exhibit A

Parcel #: 09-054-0009

Legal Description: BEG 100 FT N OF SW COR LOT 4
 BLK 24 PLAT A RICHMOND CITY SVY, E 60 FT N 81.5
 FT W 60 FT S 81.5 FT TO BEG SW/4 SEC 26 T 14N R



STAFF REPORT: ESPLIN ANDERSON REZONE 03 March 2016

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

Agent: Jeremiah Esplin and Dennis Anderson

Parcel ID#: 04-013-0001

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

Acres: 5

Surrounding Uses:

4600 N 400 W

North – Agricultural

West of Smithfield

South – Agricultural

Current Zoning:

Proposed Zoning:

East – Agricultural

Agricultural (A10)

Commercial (C)

West – Agricultural



PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

To review the proposed Esplin Anderson Rezone, a request to rezone the 5 acre parcel 04-013-0001 currently zoned Agricultural (A10) to the Commercial (C) Zone.

Ordinance:

Current Ordinance does not specify appropriate locations for the Commercial (C) Zone but does contain general guidelines for its implementation. County Land Use Code §17.08.030[E] identifies the purpose of the Commercial (C) Zone and includes the following:

“E. Commercial Zone (C):

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

Any impacts related to permitted and conditional uses allowed within the Commercial (C) Zone will be addressed as part of each respective approval process required prior to site development activities.

Summary:

Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the following text:

Property Context: The property proposed to be rezoned is the pending Esplin Anderson Subdivision that, when recorded, will divide 04-013-0001 into two parcels. This subdivision has been approved by the County Council with the condition that the proponents improve 400 West to a gravel width of 24 feet where needed after an accurate measurement of road width can be made.

Land Use Context: Under the current County Land Use Code, the Commercial Zone allows for a variety of uses, including the following uses that are allowed as a conditional use in the Commercial Zone but are not permitted in the current A10 Zone:

- Self-service Storage Facility
- Retail and Commercial Sales
- Professional and Personal Services—Professional Services and Offices, Medical and Human Care Services, General Vehicle Repair, Restaurant, Mobile Food Truck (as a permitted use), Hotels, and Transient Lodging.
- Educational Facility
- Telecommunication Facilities
- Commercial Kennels/Animal Shelters

Zone Placement: The majority of the land surrounding the subject property is currently used for agricultural uses. There are six other undeveloped properties that are zoned Commercial approximately three quarters of a mile away from the subject property; however, these are along the Highway 91 corridor between Smithfield and Hyde Park and would likely require annexation in order to provide the public services needed for commercial development. A self-service mini-storage facility sited less than 500 feet to the west of the subject property was approved in 2011 as a conditional use in the Agricultural (A10) zone; subsequent changes to the County Land Use Code prohibit self-storage in the A10 zone. The Logan-Cache Airport runway is also within three quarters of a mile of the subject property.

The subject property is within a quarter mile of Smithfield City’s municipal boundary and is within their stated annexation area. Nearby city parcels are zoned as Agricultural and Light Industrial. Smithfield City has submitted a letter requesting the county deny the rezone based on a lack of utilities and a lack of water for fire protection (see Exhibit A). Utilities may be extended to the subject property if and when it is annexed into Smithfield City.

Road Access: Table 2.2, Note 6 in the County Road Manual states that “No commercial or industrial development shall be permitted” on gravel roads. Both lots of the proposed subdivision are currently accessed from 400 West (a gravel road); they both must access 4600 North (a paved road) or 400 West must be paved if the property is rezoned. To do so, the southern lot must obtain an access easement across the northern lot.

The County Road Manual requires paved roads to have 22 feet of paved width with 1 foot wide gravel shoulders. 4600 North currently has 20 feet of paved width and 2 foot wide gravel shoulders, and 400 West is a gravel road of currently unknown (but likely substandard) width.

At this time both 4600 North and 400 West do not meet the county standards. While the proponents have written that they intend to make necessary improvements to 400 West to provide access to the two lot subdivision, these improvements do not account for the paving of 400 West and/or improvements to 4600 North. A design exception was granted for 4600 North for the two lot subdivision based on the adequate total width of the road and the infeasibility of paving a 2 foot wide strip. However, a similar design exception for the Commercial Zone request is not recommended due to the higher traffic impact of commercial activity. Any access from 4600 North will require an encroachment permit to install a culvert and fill material as the property is about 3 feet lower than the road.

Road Maintenance Capability: Both 4600 North (a paved road) and 400 West (a gravel road) currently receive winter maintenance. Under County Resolution 2015-20 (Exhibit B), the county is not presently extending services on any new paved roads.

Fire Service: Access for fire protection and emergency services is adequate. There is currently no water supply for fire protection; a rezone to Commercial will require an adequate water supply.

Utilities and Public Services Provision: As noted above, the proposed zone must “have access to the necessary water and utilities, and have adequate provision of public services.” The applicant has approached Smithfield City in the past about extending utilities to the property; Smithfield denied this request until the property is annexed into the City. Solid waste services are provided through Logan City.

Public Comment:

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

STAFF DETERMINATION AND FINDINGS OF FACTS (2)

It is staff’s determination that the Esplin Anderson request to rezone 5 acres of property located at 4600 North and 400 West, parcel number 04-013-0001, is not in conformance with the Cache County Land Use Code and should be recommended for denial to the Cache County Council. This determination is based on the following findings of fact:

1. The subject property is not appropriately served by public services.
 - a. The subject property does not have adequate road access for commercial development as neither 4600 North nor 400 West meet the requirement of 22 feet of paved width with 1 foot wide gravel shoulders.
 - b. If 400 West were improved to meet the minimum county road standard, the expansion of services for a paved road from a gravel road is not allowed as per Resolution 2015-20. An exception to this resolution is unlikely to be made as it would not improve the health and/or safety of existing legal subdivisions, homes, or businesses.
 - c. The subject property is within Smithfield City’s annexation area. Smithfield City has requested denial based on a lack of both utility services and water for fire protection and has stated they shall not extend services until the subject property is annexed into the city.
2. The subject property is not currently in a compatible location for commercial activities.
 - a. None of the adjacent properties are zoned Commercial. The only properties zoned Commercial in the vicinity are undeveloped parcels approximately ¾ of a mile away along the Highway 91 corridor that would likely require annexation to provide the needed public services.

SMITHFIELD CITY CORPORATION

96 South Main Street - P.O. Box 96
Smithfield, Utah 84335
Phone (435) 563-6226
FAX (435) 563-6228

OFFICIALS

DARRELL G. SIMMONS
MAYOR
CRAIG GILES
CITY MANAGER
JUSTIN B. LEWIS
CITY RECORDER
JANE PRICE
CITY TREASURER
TERRY K. MOORE
JUSTICE COURT JUDGE

COUNCIL MEMBERS

JEFFREY H. BARNES
DEON HUNSAKER
BARBARA S. KENT
KRIS MONSON
CURTIS WALL

February 22, 2016

Cache County Planning
179 North Main Street
Logan, UT 84321

Dear Jacob Adams,

The Smithfield City Staff has reviewed the rezone application for the property located at 4600 N. and 400 W.

Smithfield City's General Plan addresses the closest City Parcels as zoning classification A5 (Agricultural 5-Acre) and Lite Industrial.

Smithfield City requests denial of the application based on the following:

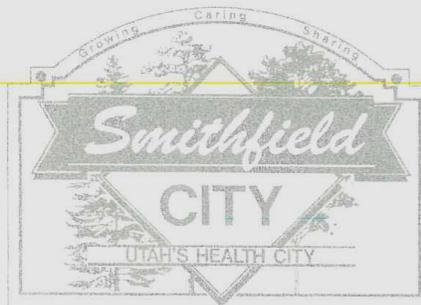
1. There are no public utility's available. The city has denied a request for city utilities at this property, unless the property is annexed into the Smithfield that position would not change.
2. Fire Chief Jay Downs requested a denial based on the lack of water for fire protection for the business and surrounding area. The closest fire hydrant is located over 2,000 feet to the East or 3,700 feet to the North.

Smithfield City asks the County to take our concerns into consideration as they make the decision on the rezone request.

Sincerely,



Craig Giles
City Manager



RESOLUTION NO. 2015-20
CACHE COUNTY, UTAH

SERVICE PROVISION ON COUNTY ROADS

A RESOLUTION OUTLINING THE COUNTY COUNCIL'S POLICY REGARDING THE EXPANSION OR CONTINUATION OF SERVICES ON COUNTY ROADS

Whereas, Cache County has reviewed the impact of new development along unimproved roadways on the safety and welfare of citizens of Cache County, and;

Whereas, Cache County has determined that within the existing budget constraints funding is not sufficient for the existing network of roadways to be properly maintained and that additional road length is a net cost to the county even considering existing Class B allocations from the State and property tax rates, and;

Whereas, it is not in the best interest for the safety and/or welfare of existing or future residents of Cache County to diminish services on existing roadways to maintain new roads or to provide substandard service on new roadways, and;

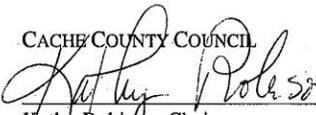
Whereas, there are nearly 200 miles of existing paved road in Cache County that can accommodate development with little to no impact on the County's ability to serve said development.

NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to hereby adopt the following resolution:

- 1) There shall be no further expansion of road services on substandard roads that do not already serve existing homes including:
 - a. No expansion of winter maintenance activities (snow plowing).
 - b. No gravel roads be paved or "Chip Sealed".
 - c. No acceptance of new roadways, gravel or paved.
- 2) The County Council may grant exceptions to this policy if proposed road improvements improve the health and/or safety of existing subdivisions, homes, or businesses.

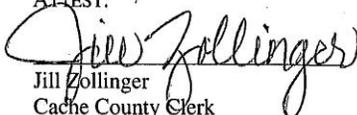
APPROVED AND ADOPTED this 25th day of August, 2015.

CACHE COUNTY COUNCIL

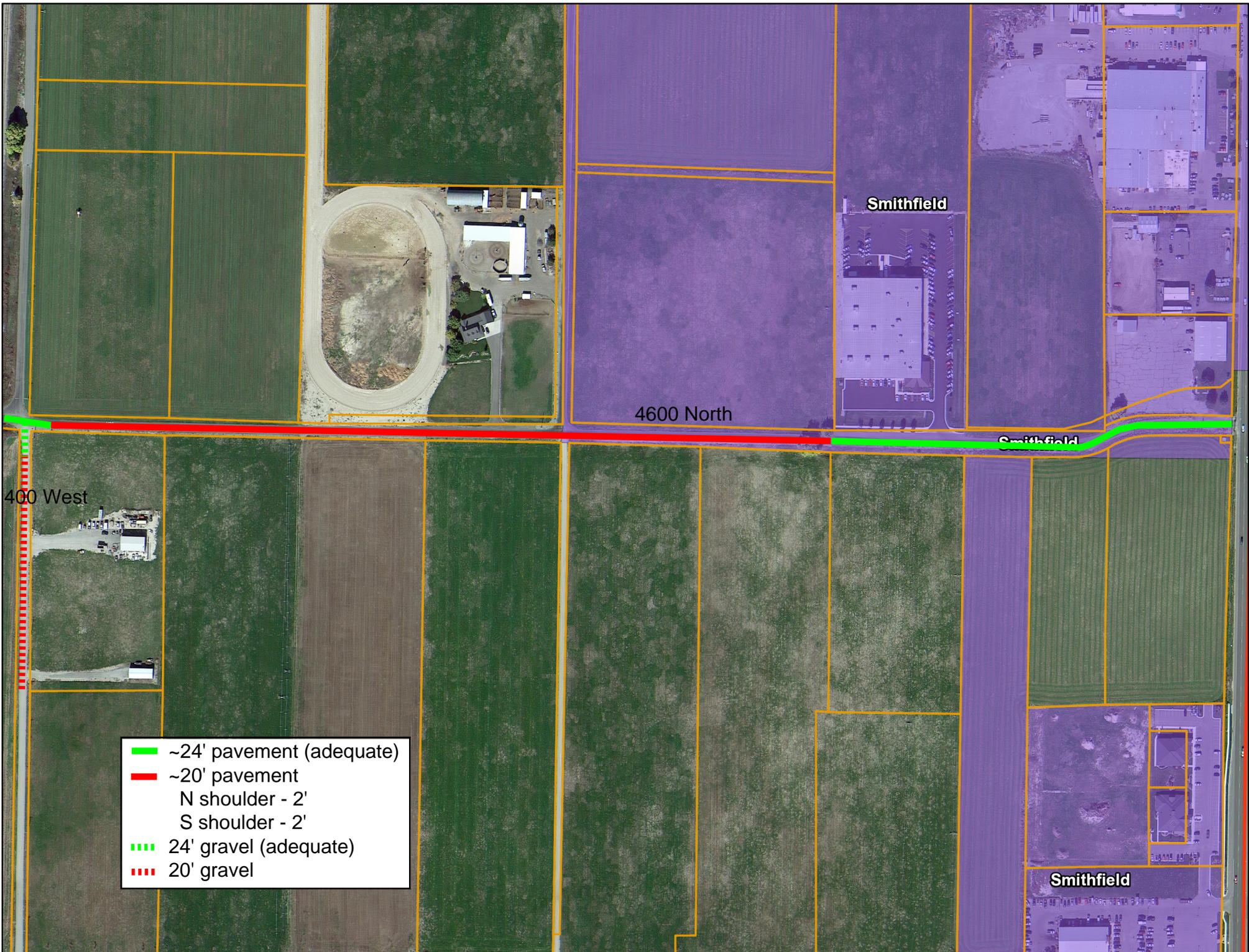

Kathy Robison, Chair
Cache County Council



ATTEST:


Jill Zollinger
Cache County Clerk

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



Smithfield

4600 North

Smithfield

400 West

- ~24' pavement (adequate)
- ~20' pavement
N shoulder - 2'
S shoulder - 2'
- 24' gravel (adequate)
- 20' gravel

Smithfield

Regular Action Items

#2 Public Hearing (5:40 PM): Esplin Anderson Rezone (Jeremiah Esplin and Dennis Anderson)

Adams reviewed Mr. Jeremiah Esplin and Mr. Dennis Anderson's request for a recommendation of approval to the County Council for a rezone of 5 acres of property from the Agricultural (A10) zone to the Commercial (C) zone at 4600 North 400 West, southwest of Smithfield City. This rezone would allow the application to apply for a conditional use permit for an existing business operating on the property. The only county commercial zones near this property are on Highway 91 and would probably require annexation into either Smithfield or Hyde Park to provide the public services need for commercial development. There are storage units near this property but storage units are no longer allowed within the Agricultural Zone. There are issues with access for this property. 4600 North is a paved road with 20 feet of pavement and 2 foot wide gravel shoulders; 400 West is a gravel road of currently unknown (but likely substandard) width. Staff would recommend a design exception for 4600 north if the properties were going to remain a residential subdivision however because the intent is to rezone to commercial staff would not recommend a design exception due to the higher traffic impact. Any access from 4600 North will require an encroachment permit to install a culvert and fill material as the property is about 3 feet lower than the road; also the county will not allow 400 West to be paved as the county is not paving new roads. Access for fire protection and emergency services is adequate however there is no current water supply for fire protection; a rezone to Commercial will require an adequate water supply. As for utilities and public service provisions, the applicant has approached Smithfield City in the past about extending utilities to the property but that request has been denied until the property is annexed into the City. Staff is recommending a denial.

The property has been before the Commission in the past due to an enforcement issue. Commission and Staff also discussed the possibility of annexation. Cities are not usually willing to jump parcels to annex and Smithfield City has indicated that annexing this property is not in their interests at this time.

5:41:00

Olsen motioned to open the public hearing for the Esplin Anderson Rezone; Sands seconded; Passed 5, 0.

Mr. Jeremiah Esplin I have moved the business and have rented a space in Smithfield. I talked to Smithfield about annexation and it comes down to land values. The neighbor to the north is not interested in annexing and I don't have enough land value to have them jump those parcels and annex. However, he did say in 15 years the plan is to annex this area and have it be commercial. He has nothing against this and ultimately it is supposed to be commercial. I suggested building a home there so I could use the property and he said we would end up like Cox Honeyland with a home in the commercial area. We talked with the fire department and if we have a water storage tank that could be used for fire suppression that would satisfy them. We've fixed the issue with the road being declined for them and they approved that. As for the road usage for the subdivision, whatever we need to do we are willing to do.

Sands even with moving the business, you would still like to pursue this?

Mr. Esplin if we can. This is going to be a commercial for sure in the future and we would really like to use the property because we are already invested here. 4600 North is being used by Paragon, and they have 1500 employees using that road. So the road won't handle my 15 vehicles a month? However, I'm not in the road department.

John Forsgren I talked to Smithfield City on a similar annexation issue but the problem is they can't do an island. However, part of their master plan and UDOTs master plan is to develop that whole section and

down to Hyde Park. None of those roads meet state code, 4600 is already against state code for the current use. I'm having some similar issues for a project down the road. I'm trying to figure out how everyone thinks about the development of that area and how they see it working out. When I talked to Smithfield it seems that the Esplin issue is a temporary issue for the County.

Mr. Esplin what is required now to move forward with the subdivision process?

Harrild I have a letter from the road department that I will send to you. They have concerns with how soft the shoulders are.

Mr. Esplin I was just paying attention to that 660 feet in front of the property and I measured 20 feet wide. I had a friend talk to the road department and he was told that it is 19 to 20 feet all along or property. It might go down to 16 but that is out of where we were looking at and what we were told is that it is between 19.5 and 20.

Harrild that 19.5' includes the shoulder, not just the pavement.

Mr. Esplin he talked like that was just the flat part, not including the shoulder.

Harrild what I have from the road department submitted in writing is that it is 20 feet with the shoulder. Once you get down to the north end, its 24 feet and that's right as you coming out of the intersection and not as big of an issue.

Runharr we need to stick to this process.

Mr. Esplin how different is the process for a rezone than a conditional use permit?

Harrild a rezone looks at the big picture and what the area looks like and what fits. A conditional use narrows down to the property and we have to look at impacts for the surrounding area of that use.

Mr. Esplin so we were talking about visual impact and road usage.

Harrild those are the most likely but there might be more but that is a separate process and is very specific. This rezone would allow multiple different uses where the conditional use permit is for one use.

Mr. Esplin with the rezone, where Cache County is not going to be here eventually but going to be Smithfield City at least to 4th west, do we not fit in from the Master Plan like you just said?

Harrild from a rezone standpoint there is nowhere in the county identified as potential commercial zoning.

Mr. Esplin right, but in Smithfield City's master plan when this is annexed it is supposed to be commercial.

Harrild right, they might have indicated that.

Mr. Esplin that's what he showed me in his office yesterday.

Harrild but we aren't looking at what just Smithfield wants but what the County needs.

Mr. Esplin but they have a big say?

Harrild they are a large influence here and they have a big part in communicating that. But if the County's roads are currently inadequate we cannot increase use there. Putting a commercial zone out there isn't a good idea. There is no guarantee that Smithfield will annex this. We have to address it based on if it fits what the code identifies and that is very focused on adequate access and public service utilities. The fire issues are things that you can work around and fix. But is this an appropriate place for the county to have a commercial zone and from what we have seen it doesn't fit here in that context.

Mr. Esplin just for clarification, what is the biggest problem? Utilities, roads, and fire suppression, right?

Harrild correct.

Mr. Esplin we can fix the fire issue.

Runhaar there is also a philosophical discussion on if this is a compatible use for the area. We've received information from cities in the past and we have a long history of making land use choices on the doorsteps of cities and then when they do annex it breaks their pattern and their flow of what they are trying to do. We've had the issue with trying to drop commercial zones here and there and this is relatively close but how much is there of a commercial corridor? It's not four blocks wide, in most places it's 1 maybe 2 blocks wide off that highway. When you look at how much space we are really talking about until this would be conforming? Annexation is going to be slow but pieces that are already built, don't annex well. Because there is a new code requirement and issues related to that. A lot of it is a timing issue. You may not see commercial zoning come that way for the next 25 years. Or it could be 5 and you'd be fine but looking at the history of how Smithfield has grown, watching all these areas. If you were next to Nibley your chances of being incorporated are much better. The north end isn't growing at the same rate.

Mr. Esplin a lot of these are large acreage pieces and this was a 5 acreage chunk. I believe the farmer even contacted Chris about this. I've talked to a lot of the farmers around there and the one person that did have something to say about it and is on the fence he is trying to sell his land and saying that there is a potential for a commercial zone in this area. I think a lot of the agriculture in this area is starting to go this direction. The thing that does raise a huge concern in my mind is the storage sheds. They are still zoned Commercial but just have a CUP?

Runhaar they are zoned Ag.

Smith it was a permitted use in the Ag zone at one point.

Runhaar that partially led to the change in the ordinance.

Mr. Esplin what would you like to see?

Parker widen the roads; the roads are the biggest hang up.

Mr. Esplin the roads are going to be repaired and widen eventually but that's something I can't do.

Parker at that point you are going to sit on the ground until that happens. I know what that's like. But it will come around; it's taken me 20 years but maybe in 20 years maybe there will be money in the county budget to help you.

Mr. Esplin right, but we can't even maintain the roads we have now.

Parker that is why it is up for denial now because it is years away.

Mr. Esplin is there something that we can do with the property?

Smith this body is limited in that we can look at the application that comes before us but it sounds like there are some possibilities there

Mr. Esplin it comes back to this body? That's why I'm asking you guys.

Harrild the reason you are here is because you built a business without a permit. So in order for you to continue operating the business you have to rezone. So our direction is not that you should rezone but if you want to operate the business you have to rezone. So to clarify that there is a distinction. We aren't coaching you to go through the process and take your time. Our job is to help you fix the problem that is there; we didn't create that. We are trying to assist you that. If you want to do something different that meets the code requirements, you could pursue that and see what use is qualified. Your current business does not meet the requirements and not allowed there. It would have to be rezone for that current use. There are other uses that are allowed there and you would have to figure out what you want to do there but we can't guide you on what you might want to do.

Mr. Esplin you are the ones that say yes or no but you can't guide me? Isn't that a contradiction?

Harrild no it is not; if you wanted to come to the Planning Commission and ask for a specific request that the code allows you made the determination of what you were going to do. You have to make that determination and if that works, you can pursue that.

Smith if people want to talk they need to come up here and then we need to move on with the public hearing. Thank you for your comments Mr. Esplin. Mr. Forsgren do you have a question you wanted to ask?

Mr. Forsgren one question, in your zoning ordinance it talks about the different zones and what is in there. The list on the board had more information then what is listed there.

Harrild that was 17.07 which is all the definitions and related items. That also corresponds with 17.09 which is a use chart. The information on the board was put together by Jake and he pulled all the corresponding information out of the code for this.

06:07:00

Parker motioned to close the public hearing; **Sands** seconded; **Passed 5, 0.**

White in the past, the Council has gone along with the requests of cities. In the past if a City has asked for denial, the Council has typically gone along with that recommendation. I can't guarantee that that will happen here, but that is the way that we have been going.

Smith and that is an important thing to note; this body makes a recommendation to the County Council but is not the final say.

Staff and Commission discussed roads. For a commercial business to be located here road improvements would have to occur. However, once again the County is not accepting new roads to be built in the County.

Parker** motioned to recommend denial for the Esplin Anderson Rezone to the County Council with the stated conditions and findings of fact; **Olsen** seconded; **Passed 5, 0.

06:13:00

Smith a rezone is a fairly aggressive land use decision and the Commission does look at the surrounding cities that could be affected and for this application Smithfield City's recommendation is going to weigh pretty heavily on that decision.

DRAFT

Amendments to Title 16 Subdivision Regulations

16.04 General Requirements for all Subdivisions

General updates applicable to all subsections

- The term Land Use Authority replaces specific land use authority titles

.010: Subdivision Layout

- Conforming language clarified
- Language regarding roads clarified/updated

.020: Commencement of Site Development

- Language regarding the commencement of site development clarified/updated

.030: Lots

- Updated to reflect the other sections of the current County Code

.040: Streets

- Name of subsection changed to Roads.
- All sections redundant with Road Manual removed

.060: Landscaping

- Removed and reserved – conflicts with State Code; also overlaps with storm water requirements

.070: Utilities and Easements; now section .060

- Minor change to reflect State Code

.080: Storm Drainage Requirements; now section .070

Removed and reserved – Redundant with storm water requirements

.090: Evidence and Availability of Water ; now section .080

- .090 and .100 combined and renamed to “Suitability Requirements for Subdivisions”
- Specifics regarding suitability clarified/updated to reflect current code and policy

.100: Suitability of Area for a Subdivision; now section .080

- .090 and .100 combined and renamed to “Suitability Requirements for Subdivisions”
- See previous comments

.100: Redesign; now section .090

- Moved from .100 as it is not a suitability requirement

.110: Completion of Development Improvements; now section .100

- Language clarified/updated

.120: ~~Financial~~ Improvement Surety; now section .110

- Name of subsection updated
- Language updated to reflect county policy and State Code

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16.04.010: Subdivision Layout:

- A. The subdivision layout shall conform to the Cache Countywide Comprehensive Plan, this title, and all other requirements of State and County Code.
- B. Where trees, groves, waterways, scenic points, historic spots or other county assets and landmarks, as determined by the Land Use Authority, are located within a proposed subdivision, every practical means shall be provided to preserve these features. Staff may provide recommendations from qualified organizations to aid in the determination of these features.
- C. Whenever a tract to be subdivided adjoins or embraces any part of an existing road as claimed by the County or a proposed road designated within the Countywide Comprehensive Plan, such part of the public way shall be platted and dedicated to the County. .

16.04.020: Commencement of Site Development:

The Development Services Department shall have the authority to authorize the initiation of construction activities (altering the terrain or vegetation) on the proposed subdivision site. Any site development shall only commence after receiving all required permits and reviews and meeting the requirements of this title and County Code.

16.04.030: Lots:

- A. All subdivisions shall result in the creation of lots which are developable and capable of being built upon with the exception of agricultural remainders. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, or access grades, or other physical conditions.
- B. All lots or parcels created by the subdivision shall have reasonable access as defined within County Code. C. The minimum area, dimensions, and density of all lots shall conform to the requirements of Title 17 of this code for the zoning district in which the subdivision is located.
- C. A lot shall not be divided by an incorporated town or county limit line. No permits shall be issued on any lot/parcel that is divided by a municipal jurisdictional line except for agricultural buildings.

D. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used.

16.04.040: Roads:

- A. All roads shall be designed and constructed in accordance with the specifications found within Title 12 .
- B. Private roads shall be identified on the subdivision plat with the appropriate subdivision notes.
- C. Road patterns in the subdivision shall be in conformity with the most advantageous development of adjoining areas. The following principles shall be observed:
 - 1. Where appropriate to the design and terrain, proposed roads shall be continuous and in alignment with existing planned or platted roads with which they are to connect and based on the grid system common to Cache County. Where dead end roads are proposed, the Land Use Authority may require that a road and/or right-of-way be extended to the subdivision boundary to provide road connectivity and access alternatives for current, proposed, and future development.
 - 2. Proposed roads shall intersect one another at right angles, or as near to as topography and other limiting factors of good design permit.

16.04.050: Protection Strips:

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

16.04.060: Utilities and Easements:

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

16.04.070: Storm Drainage Requirements:

All subdivision plats shall be required to meet all state and county stormwater permitting requirements.

16.04.080: Suitability Requirements for Subdivisions:

The following information is required as part of a subdivision review to establish the availability of basic services required to provide for the public health, safety, and welfare.

A. Water Requirements:

- 1. Domestic water rights are required for all subdivided lot(s). The land use authority may also require culinary water systems on any subdivision. The required water rights shall be as approved by the State Division of Water Quality and in conformance with Utah Administrative Code R309-510.
 - a. Subdivisions may be approved with a single dry lot. Any dry lot approved shall be labeled clearly on the plat as "Dry Lot - Restricted for development until an approved domestic water right is provided". In addition to the plat notation, a certificate shall be recorded on each new dry lot created stating that the lot has been approved, but that domestic water shall be required prior to the issuance of a zoning clearance. The plat

notation may be removed by the Director of Development Services upon evidence that an approved water right has been assigned to the lot.

2. If a water source being utilized for a lot is not located within that lot, appropriate easements and rights of way shall be provided and recorded with the plat, or at such time that development occurs.
 3. The land use authority may require that secondary (irrigation) water rights for a subdivided lot(s) be established as a condition of any subdivision approval. The amount of water required shall be in conformance with Utah Administrative Code R309-510.
 4. Any secondary water presented to fulfill the requirements of this title shall indicate the source of the water, proof of water rights, and the equivalent amount of acre feet.
- B. Sewage Requirements:
1. Subdivision applications, proposing individual on site wastewater disposal systems, shall include feasibility reports meeting the requirements of the Bear River Health Department or Utah Department of Environmental Quality, as applicable, for each lot proposed. All applicants for a subdivision where on site wastewater systems are proposed shall provide a septic tank permit or septic tank feasibility letter from the applicable authority for the entire subdivision and/or each lot proposed. The minimum lot size, as determined in each base zoning district, may be increased as required to ensure that each lot will be able to provide adequate on site sewer treatment.
 2. If a subdivision requires that off site facilities be provided, appropriate easements and rights of way shall be required. Additionally, any engineering, site studies, or other requirements by the health department shall be conditions of approval for the proposed subdivision.
 3. Alternative sewage treatment may be required in conformance with Title 17.10.050 (4)(b).
- C. Fire Control: A review provided by the Cache County Fire District identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services including but not limited to:
1. Ability to meet the requirements of the International Fire code
 2. Suitable equipment access based on the needs of the proposed use including but not limited to sufficient roadway improvements (minimum width, structural stability, turn-around capabilities, year round maintenance, and other legal requirements.)
 3. Access to suitable water supply for fire protection (water tenders, hydrants, storage tanks, or as otherwise required)
- D. School Bus Service: A review provided by the Cache County School District, identifying any items related to the provision of school bus services.
- E. Roads and Access: A review provided by the Development Services Department that identifies the following:
1. Basic layout of the existing road(s) proposed to service the subdivision
 2. A basic analysis, to the extent possible, outlining if the existing roads meet current standards as outlined within Title 12.
 3. A review of the existing maintenance efforts, both summer (pavement preservation vs. grading) and winter (snow removal services).
 4. Additional information that would impact access issues related to the proposed subdivision or the traveling public.

Alternatively, if the proposed subdivision is accessed directly from a state highway, an access permit as required by the state of Utah Department of Transportation. A UDOT review

through the Cache Access Management Program shall be provided prior to Planning Commission review of the plat.

- F. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of Service Area #1, a garbage or refuse plan shall be provided for review by the County Council.
- G. Other Information And Materials: The Land Use Authority may require, with the reasons for such request being identified as either code requirements or items of concern as specified on the record, the applicant to provide additional information including but not limited to feasibility studies and/or evidence indicating suitability of the area for the proposed subdivision.

16.04.090 Redesign:

The County Council may require that a subdivision be redesigned based on a recommendation from either staff or the Planning Commission. The redesign may be required based on either site constraints that may include, but are not limited to: topography, floodplain or waterways, historic or culturally significant elements, access issues, or other natural features. A redesign of a subdivision may also be required based on land use planning external to the site.

16.04.100: Completion of Development Improvements:

- A. Improvements: The County Council may require on-site and off-site improvements as outlined within County Code or as otherwise determined necessary by the Land Use Authority based on the record as required to protect the public health, safety, and welfare
- B. No development shall be recorded until all of the conditions for approval have been met and all required improvements have been completed to the standards and specifications established by the county or other codes, laws, or regulations unless an improvement agreement is in place as defined by 17.07.040. The following minimum requirements also apply:
 - 1. Construction within the subdivision shall conform to all federal and state regulations.
 - 2. Construction drawings and construction within the subdivision shall conform to the Cache County Ordinance and Manual of Roadway Design and Construction Standards.
- C. Permits must be obtained for construction of the infrastructure facilities within the subdivision.
- D. Issuance of Permits: No permits for structures shall be issued within a development that has not completed all improvements and/or conditions. However, the Director of Development Services may, upon review of health, safety, and/or access concerns, issue permits for non-combustible construction only.

16.04.110: Improvement Surety:

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

- A. The Director is authorized to accept financial surety and to enter into development agreements to the completion of improvements and/or conditions imposed by ordinance or by a land use authority.

- B. The following types of financial surety reflecting 110% of the average of the bid estimates may be accepted:
 - 1. Irrevocable letter of credit issued by a federally insured financial institution.
 - 2. Performance bond issued by a financial institution, insurance company, or surety company with a A.M. Best Rating of not less than A-:IX.
- C. Estimating the Cost of Improvements:
 - 1. The developer shall present the county with a firm construction bid for the improvements and/or conditions to be addressed. The bid must be valid for a reasonable period of time from the date of the bid.
 - 2. The bid shall be reviewed by the Director or the Director's designee prior to acceptance.
 - 3. Upon the Director's approval of the bid amount, the developer may provide financial surety of not less than 110% of the bid amount.
 - 4. If the Director does not accept the bid, the developer shall obtain an additional firm bid for the work to be secured with prices valid for at least six (6) months. The county shall accept the average of the two (2) submitted bids as the base amount for improvement security.
- D. As applicable, improvements as identified in the improvement agreement must be completed three months prior to the expiration of the financial surety or said surety shall be required to be extended.
- E. Upon completion of improvements, the County will inspect said facilities to ensure conformance with all requirements and accept the facilities based on said conformance. Upon acceptance of the improvements, the county shall retain 10% of the bond amount for a period of not less than 1 year and no longer than allowed by State Code.

16.04.120: Coordination with Municipalities and other Service Providers:

- A. Cache County fully supports access management along all state roads and shall work with all applicants of subdivisions through the Cache access management policy to work with the Utah department of transportation to coordinate access, capacity, and safety issues.
- B. Cache County will work fully with applicants of subdivisions and adjacent/nearby municipalities to ensure that the information is available to applicants and the municipalities in terms of service provision, development, and annexation in conformance with this title, the land use ordinance, and state code section 10.2, part 4, annexation.

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16.04.010: Subdivision Layout:

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

16.04.020: Commencement of Site Development:

The Development Services Department, ~~after receiving the final subdivision plat,~~ shall have the authority to authorize indicate to the developer whether the initiation of construction activities (altering the terrain or vegetation) on the proposed subdivision site may begin in preparation for development of the proposed subdivision. Any site development ~~may commence after the recordation of the final subdivision plat.~~shall only commence after receiving all required permits and reviews and meeting the requirements of this title and County Code.

16.04.030: Lots:

- A. All subdivisions shall result in the creation of lots which are developable and capable of being built upon with the exception of agricultural remainders. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location

of watercourses, problems of sewerage, ~~or driveway access~~ grades, or other physical conditions.

- B. All lots or parcels created by the subdivision shall have reasonable access as defined within County Code. ~~to a dedicated street improved to standards within Title 12. Private streets shall be permitted if the County Council finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein.~~
- C. The minimum area, ~~and~~ dimensions, and density of all lots shall conform to the requirements of Title 17 of this code for the zoning district in which the subdivision is located.
- ~~D. The side lines of all lots, so far as possible, shall be at approximate right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. The Planning Commission may allow exceptions to this requirement.~~
- EC. A lot shall not be divided by an incorporated town or county limit line. No permits shall be issued on any lot/parcel that is divided by a municipal jurisdictional line except for agricultural buildings.
- FD. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used.

16.04.040: StreetsRoads:

- A. All streets roads shall be designed and constructed in accordance with the specifications found within Title 12 ~~of this code~~.
- ~~A. For all developing parcels where there exists a gap in road services, the owner of the developing parcel may be required by the County Council to acquire rights-of-way and/or improve roadways as necessary to provide the required road access.~~
- BB. ~~For rPrivate roads~~ roads and streets that are interior to the proposed subdivision and which are ~~not dedicated or accepted by the county for dedication, such road(s) or street(s) shall be identified on the subdivision plat or survey as a private road with the appropriate subdivision notes.~~
- ~~C. Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography, or street layout, a transportation impact study may be required by staff, Planning Commission, or the County Council.~~
- D. The following principles shall govern street names in a subdivision:
 - ~~1. The primary identification of all roads and streets, whether public or private, shall be numerical and based on the county grid system as established.~~
 - ~~2. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the County Council to be surveyed, opened, widened or improved, the street shall be given the name established in said council order.~~
 - ~~3. The names of newly created streets of a discontinuous or divided nature shall not duplicate or nearly duplicate the name of any streets in the unincorporated areas of Cache County.~~
 - ~~4. The words "Street", "Avenue", "Boulevard", "Place", "Way", "Court", or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the Planning Commission. Any street name incorporating one of the terms used above shall conform to the definition of that term as specified in the transportation and public ways~~

~~ordinance. Any named street shall also have the proper north or south or east or west coordinate as approved by the County Road Department.~~

~~EC. StreetRoad~~ patterns in the subdivision shall be in conformity with ~~the plan for~~ the most advantageous development of adjoining areas. The following principles shall be observed:

- ~~1. Where appropriate to the design and terrain, proposed streetroads shall be continuous and in alignment with existing planned or platted streetroads with which they are to connect and based on the grid system common to Cache County. Where eul-de-saes dead end roads are proposed, the County Council Land Use Authority may require that a road and/or a road right-of-way shall be extended to the edge of the property subdivision boundary to provide road connectivity and access alternatives for current, proposed, and future development.~~
- ~~2. Proposed streets may be required to extend to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the County Council, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.~~
- ~~3. Dead end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With County Council approval, any dead end streets longer than one lot depth shall have a minimum of a fifty foot (50') radius temporary turnaround area with an all-weather surface and shall meet the minimum requirements of the Cache County Road and Fire Departments.~~
- ~~4. Whenever a dead end street is terminated at the boundary of property proposing to be subdivided, the street shall be extended and incorporated into the design of the subdivision, unless the county shall determine that:
 - ~~a. Extension of the dead end street is not necessary for either the harmonious flow of traffic in the neighborhood and district, or to adequately provide water and sewer services, and storm drainage, and~~
 - ~~b. Extension of the dead end street would unduly harm the character of the residential neighborhood or district.~~~~
- ~~5. Proposed streets-roads shall intersect one another at right angles, or as near to as topography and other limiting factors of good design permit.~~

~~F. Subdivisions adjacent to a collector or larger street(s) or on other roads as determined by the County Council, access shall be designed to reduce the impact of the development on the roadway and vice versa utilizing the following principles:~~

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

~~street, the road is planned to handle a greater level of traffic, or is planned to be improved to a collector or larger road.~~

~~5. Subdivisions may be required to further limit access onto roadways as determined by the County Council where subdivisions can provide a common access, or private road that can provide access for all lots within a subdivision or where alternative access is available.~~

16.04.050: Protection Strips:

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

16.04.060: Landscaping:

~~A. Whenever, in the opinion of the County Council, the cuts and fills in a hillside subdivision are of sufficient size, visibility, or slope to demand special treatment, the developer may be required to revegetate and to provide for their maintenance.~~

~~B. The subdivision may be required to be designed as to preserve or provide for on-site vegetation.~~

16.04.070060: Utilities and Easements:

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

16.04.080070: Storm Drainage Requirements:

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

16.04.0890: ~~Evidence and Availability of Water and Sewage;~~ Suitability Requirements for Subdivisions:

The following information is required ~~to be presented~~ as part of a subdivision ~~application review,~~ as necessary to establish the availability of basic services required to provide for the public health, safety, and welfare. ~~to the proposed subdivision.~~

A. Water Requirements:

1. Domestic water rights are required for all subdivided lot(s). The land use authority may also require culinary water systems on any subdivision. The required water rights shall be as approved by the State Division of Water Quality and in conformance with Utah Administrative Code R309-510.
 - a. Subdivisions may be approved with a single dry lot. Any dry lot approved shall be labeled clearly on the plat as "Dry Lot - Restricted for development until an approved domestic water right is provided". In addition to the plat notation, a certificate shall be recorded on each new dry lot created stating that the lot has been approved, but that domestic water shall be required prior to the issuance of a zoning clearance. The plat notation may be removed by the Director of Development Services upon evidence that an approved water right has been assigned to the lot.
2. If a water source being utilized for a lot is not located within that lot, appropriate easements and rights of way shall be provided and recorded with the plat, or at such time that development occurs.
3. The land use authority may require that secondary (irrigation) water rights for a subdivided lot(s) be established as a condition of any subdivision approval. The amount of water required shall be in conformance with Utah Administrative Code R309-510.
4. Any secondary water presented to fulfill the requirements of this title shall indicate the source of the water, proof of water rights, and the equivalent amount of acre feet.

B. Sewage Requirements:

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

16.04.100: Suitability of Area for a Subdivision:

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

AC. Fire Control: A review provided by the Cache County Fire District identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services including but not limited to:

1. Ability to meet the requirements of the International Fire code

2. Suitable equipment access based on the needs of the proposed use including but not limited to sufficient roadway improvements (minimum width, structural stability, turn-around capabilities, year round maintenance, and other legal requirements.)
3. Access to suitable water supply for fire protection (water tenders, hydrants, storage tanks, or as otherwise required)

BD. School Bus Service: A review provided by the Cache County School District, identifying any items related to the provision of school bus services.

CE. ~~County Road Department or Utah Department of Transportation~~ Roads and Access: A ~~clearance review~~ provided by the ~~County Road~~ Development Services Department ~~that identifies the following~~:

1. Basic layout of the existing road(s) proposed to service the subdivision ~~including any items related to providing adequate access to the proposed subdivision.~~
2. A basic analysis, to the extent possible, outlining if the existing roads meet current standards as outlined within Title 12.
3. A review of the existing maintenance efforts, both summer (pavement preservation vs. grading) and winter (snow removal services).
4. Additional information that would impact access issues related to the proposed subdivision or the traveling public.

Alternatively, if the proposed subdivision will be ~~is~~ accessed directly from a state ~~or federal~~ highway, an ~~appropriate~~ access permit as required by the state of Utah ~~department~~ Department of Transportation. A UDOT review through the Cache Access Management Program shall be provided ~~with the application materials~~ prior to Planning Commission review of the plat.

DE. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of ~~service~~ Service district Area #1, a garbage or refuse plan shall be provided for review by the County Council.

EG. Other Information And Materials: ~~When the The Planning Commission or County Council~~ Land Use Authority deem necessary may require, with the reasons for such request being identified as either code requirements or items of concern as specified on the record, the applicant ~~may be required~~ to provide ~~other additional~~ information including but not limited to ~~letters of feasibility, conduct studies, and/or provide~~ evidence indicating suitability of the area for the proposed subdivision, including, but not limited to, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, and any other physical or environmental matters necessary to fully identify the suitability of the area for the proposed subdivision.

F.16.04.090 Redesign:

The County Council may require that a subdivision be redesigned based on a recommendation from either staff or the Planning Commission. The redesign may be required based on either site constraints that may include, but are not limited to: topography, floodplain or waterways, historic or culturally significant elements, access issues, or other natural features. A redesign of a subdivision may also be required based on land use planning external to the site.

G. ~~Improvements: The County Council may require on-site and off-site improvements, facilities and amenities, as determined necessary by the Planning Commission and County Council to~~

~~protect the public health, safety, and welfare of anticipated residents of the subdivision or the existing residents of the county including, but not limited to:~~

~~1. Road improvements including grading, hard surfacing, bridges, culverts, curbs, gutters, road signs, and lighting;~~

~~2. Flood control areas and facilities;~~

~~3. Sidewalk or trail systems to accommodate non-motorized traffic or to link regional trail systems;~~

~~4. Electrical power and telephone facilities;~~

~~5. Fencing and livestock guards;~~

~~6. Any easements or rights of way that may be required for roads or utilities;~~

~~7. Culinary water facilities;~~

~~8. Sanitary sewer facilities;~~

~~9. Fire protection facilities, including, but not limited to, fire hydrants, water storage facilities, and residential sprinkler systems;~~

~~10. Parks or open space areas and facilities.~~

16.04.110: Completion of Development Improvements:

A. Improvements: The County Council may require on-site and off-site improvements as outlined within County Code or as otherwise determined necessary by the Land Use Authority based on the record as required to protect the public health, safety, and welfare

B. No development shall be recorded until all of the conditions for approval have been met and all required improvements have been completed to the standards and specifications established by the county or other codes, laws, or regulations unless an development improvement agreement is in place as defined by 17.07.040. The following minimum requirements also apply:

1. Construction within the subdivision shall conform to all federal and state regulations.
2. Construction drawings and construction within the subdivision shall conform to the Cache County Ordinance and Manual of Roadway Design and Construction Standards.

~~BC. Permits must be obtained for construction of the infrastructure facilities within the subdivision. This includes but is not limited to a zoning clearance as designated by the Director of Development Services, an encroachment permit for work in a County right-of-way, and approval by the appropriate authority for all other infrastructure facilities required of the development.~~

- ~~C. There shall be a schedule of fees for all services required for the review of infrastructure in the office of the Director of Development Services. All fees within the schedule of fees shall be passed by a resolution of the County Council.~~
- ~~D. The contractor shall notify the Development Services Department not less than forty eight (48) hours prior to the commencement of construction and following completion of improvements.~~
- ~~E. Within thirty (30) days of the completion of improvements, the developer shall submit "as built" drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the state of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.~~
- FD.** Issuance of Permits: No permits for structures shall be issued within a development that has not completed all improvements and/or conditions. However, the Director of Development Services may, upon review of health, safety, and/or access concerns, issue permits for non-combustible construction only.

16.04.1210: Financial Improvement Surety:

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

- A. The Director is authorized to accept financial surety and to enter into development agreements to the completion of improvements and/or conditions imposed by ordinance or by a land use authority.
- B. The following types of financial surety reflecting 110% of the average of the bid estimates may be accepted:
 - ~~1. Certificate of deposit, cash, cashier's check, or savings account in favor of Cache County.~~
 - 21. Irrevocable letter of credit issued by a federally insured financial institution.
 - ~~3. Escrow, drawdown, or performance account to which the county is a signatory and the escrow agent guarantees payment.~~
 - 42. Performance bond issued by a financial institution, insurance company, or surety company with a A.M. Best Rating of not less than A-:IX.
- C. Estimating the Cost of Improvements:
 - 1. The developer shall present the county with a firm construction bid for the improvements and/or conditions to be addressed. The bid must be valid for a reasonable period of time from the date of the bid.
 - 2. The bid shall be reviewed by the Director or the Director's designee prior to acceptance.
 - 3. Upon the Director's approval of the bid amount, the developer may provide financial surety of not less than 110% of the bid amount.
 - 4. If the Director does not accept the bid, the developer shall obtain an additional firm bid for the work to be secured with prices valid for at least six (6) months. The county shall accept the average of the two (2) submitted bids as the base amount for improvement security.
- D. As applicable, improvements as identified in the development improvement agreement must be completed three months prior to the expiration of the financial surety or said surety shall be required to be extended.-

E. Upon completion of improvements, the County will inspect said facilities to ensure conformance with all requirements and accept the facilities based on said conformance. Upon acceptance of the improvements, the county shall retain 10% of the bond amount for a period of not less than 1 year and no longer than allowed by State Code.

16.04.1320: Coordination with Municipalities and other Service Providers:

- A. Cache County fully supports access management along all state roads and shall work with all applicants of subdivisions through the Cache access management policy to work with the Utah department of transportation to coordinate access, capacity, and safety issues.
- B. Cache County will work fully with applicants of subdivisions and adjacent/nearby municipalities to ensure that the information is available to applicants and the municipalities in terms of service provision, development, and annexation in conformance with this title, the land use ordinance, and state code section 10.2 part 4, annexation.

Amendments to Title 17 Land Use Regulations

General updates applicable to all sections

- The term “land use” replaces references to “zoning” when describing the ordinance as a reflection of State Code
- The term “Land Use Authority” replaces specific land use authority titles
- General updates to State Code references or to reflect State Code language/definitions
- Minor organization updates

17.01 General Requirements

.050: Permits Required

- Language clarified/updated
- Reference to Zoning Clearance moved to 17.06.050

17.02 Administration

.060: Establishment of Land Use Authority [B] Authority to Hear and Act

- Language clarified/updated to be compatible with other code sections
- One item added to the items considered as a “Minor Variance”, that would allow the Director to review variance requests for a single, non-resident employee at a Home Based Business; related amendment in 17.07.030 – 1200 Home Based Business

17.03 Review of Constitutional Takings Issues

.010: Policy Considerations

- State Code reference updated

17.06 Uses

General updates applicable to this subsection

- The existing code does not make a distinction between those uses permitted by right and requiring no permit, and those uses that are permitted and require a permit. This subsection has been updated to include that distinction.

.010: Uses Identified

- Language clarified/updated

.020: Application Required

- Uses permitted by right removed – no application required

.030: Burden of Proof

- Uses permitted by right removed – no application required

.040: Permitted Uses

- Updated to reflect that permitted use are allowed as a matter of right
- Zoning clearance requirements moved to next section and updated

.050: Conditional Uses

- Land use applications and requirements for zoning clearance added
- Language for all conditional uses updated to reflect State Code requirements

Amendments to Title 17 Land Use Regulations

17.07 Definitions

General updates applicable to this section

- The existing code does not make a distinction between those uses permitted by right and requiring no permit, and those uses that are permitted and require a permit. This section has been updated to include that distinction.

.030: Use Related Definitions

- 1200 Home Based Business amendments include:
 - Recognizing volunteers as a type of worker
 - The addition of a minor variance to allow the Director to review variance requests for a single, non-resident employee at a Home Based Business; related amendment in 17.02.060 Establishment of Land Use Authority
 - Combining item #2 Outside Sales with item #1 Home Office as the land use function and use type is the same
 - Amending item #3 Home Daycare to clarify language and to account for a caregiver's children
 - Amending item #5 to clarify language and resolve use conflicts within itself and with 4500 General Vehicle Repair – OR revise definition of 4500
- 1400 Seasonal Cabin amended to identify that only one seasonal cabin is allowed per legal lot/parcel
- 1500 Residential Living Facility updated to reflect State Code; item #1 Residential Facility for Elderly Persons moved to 4400 Human Care Services item #8 and renamed to “Long Term Care Facility” as named in State Code.
- 7220 Home Based Kennel amended to include details for the sound level impact and assessment report
- 7230 Commercial Kennel/Animal Shelter amended as noted above

.040: General Definitions

- Added “Appeal Authority”
- Clarified “Approval”
- Removed “Earthquake Fault” as it is presently addressed under the definition for “Geologic Hazard”
- Updated “Financial Surety” to reflect changes to §16.04
- Clarified “Improvement Agreement”
- Added “Land Use Authority”
- Clarified “Lot/Parcel, Restricted”
- Clarified “Planning Commission”
- Added “Use, Permitted”
- Amended “Use, Prohibited”
- Amended “Zoning Clearance”

Amendments to Title 17 Land Use Regulations

17.09 Schedule of Zoning Uses

General updates applicable to this subsection

- The existing code does not make a distinction between those uses permitted by right and requiring no permit, and those uses that are permitted and require a permit. This section has been updated to include that distinction.

.010: Purpose

- Small business reference removed

.020: Permitted and Conditional Uses by Zone

- Permitted uses permitted by right – not review/permitting required
- Zoning Clearance considered a conditional use
- Language for Zoning Clearance and Conditional Use Permit updated to reflect State Code
- Other language clarified/updated

.030: Schedule of Uses by Zoning District

- Use chart updated to reflect changes in .020.

17.01.010 Title1
17.01.020 Authority and Purpose1
17.01.030 Exemptions1
17.01.040 Applicability1
17.01.050 Permits Required1
17.01.060 Severability (Effect)1

17.01.010: Title

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

17.01.020: Authority and Purpose

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

17.01.030: Exemptions

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

17.01.040: Applicability

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

17.01.050: Permits Required

- A. All development shall be required to obtain proper review and approvals from the Land Use Authority as outlined in County Code.

17.01.060: Severability (Effect):

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

17.01 GENERAL PROVISIONS

17.01.010 Title1
17.01.020 Authority and Purpose1
17.01.030 Exemptions1
17.01.040 Applicability1
17.01.050 Permits Required1
17.01.060 Severability (Effect)1

17.01.010: Title

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

17.01.020: Authority and Purpose

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

17.01.030: Exemptions

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

17.01.040: Applicability

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

17.01.050: Permits Required

A. All ~~construction development~~ shall be required to obtain proper ~~permits, zoning clearances, review~~ and approvals from the ~~appropriate IL~~ and ~~u~~Use a ~~A~~Authority as outlined in County Code.

~~B. Zoning Clearance: A land use review to insure compliance with Titles 16 and 17 shall be reviewed and approved by the Director of Development Services for all business license applications, buildings and structures, utility facilities, and any other development as identified in this title.~~

17.01.060: Severability (Effect):

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

17.02.010 Planning Commission1
17.02.020 Board of Adjustments.....1
17.02.030 Director of Development Services2
17.02.040 Notice of Meetings2
17.02.050 General Plan, Land Use, and Subdivision Ordinance Amendments2
17.02.060 Establishment of Land Use Authority.....2
17.02.070 Effective Period for a Land Use Authority Approval.....5

17.02.010: Planning Commission

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

17.02.020: Board of Adjustments

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

17.02.030: Director of Development Services

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

17.02.040: Notice of Meetings

- A. Notice of meetings of the Planning Commission and BOA shall be given as required by the open and public meetings provisions of Utah Code Annotated (1953, as amended) 52-4, and within Utah Code Annotated (1953, as amended) 17-27a-2. The Planning Commission shall determine by its policies and procedures such additional notice requirements as it determines necessary and appropriate.
- B. Notice of the time, place, and subject matter of a meeting shall be given to the person making a request, the Land Use Authority or official, and all parties in interest, including adjoining property owners within a three hundred foot (300') radius of the property affected.

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

- A. General Plan: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-4.
- B. Land Use Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-5.
- C. Subdivision Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-6.

17.02.060: Establishment of Land Use Authority

- A. Purpose: The purpose of this section is to establish the Land Use Authority for decisions applying to the Land Use Ordinance, establish the Appeal Authority to hear and decide requests for variances from the terms of the Land Use Ordinance, and to establish the Appeal Authority to hear and decide appeals from decisions applying to the Land Use Ordinance.
- B. Authority To Hear And Act:
 - 1. Director of Development Services: The Director or designee shall be the Land Use Authority to hear and act on the following:
 - a. Zoning Clearance applications;
 - b. Home Based Business application;
 - c. Minor Variance requests:
 - i. Building height, setback distance from lot lines or other buildings, or other similar requests;
 - ii. A single, non-resident employee at a Home Based Business.
 - d. Determination of the location of the boundary of a zoning district or an overlay map. The Director shall take into consideration the following criteria in rendering such determination:
 - i. The policies and development standards pertaining to such zoning district or overlay.
 - ii. Where a zoning district or overlay map boundary is shown following a road, right of way line, interstate highway, public utility right of way, railroad line, a

stream or watercourse, or a line located midway between the main track of a railroad, the zoning district or overlay map boundary shall be deemed to be changed automatically whenever such centerline is changed by natural or artificial means;

- e. Interpretation of authorized permitted or conditional uses of the applicable zoning district as contained in chapter 17.09, "Schedule of Zoning Uses", of this title. The Director shall consider the following in rendering such interpretation:
 - i. Consistency with the purpose and intent of the policies and development standards pertaining to such district as described in this title.
 - ii. Whether the proposed use is substantially similar to other uses allowed in the zoning district.
 - iii. The determination and all information pertaining thereto shall be filed classifying it as an administrative determination and shall become a permanent public record in the county community development department. Such use shall become a permitted or conditional use in the zoning district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification;
 - f. Natural barrier determinations;
 - g. Boundary line adjustment between three (3) or fewer property owners within or amending the boundaries of a legally recorded subdivision;
 - h. Single lot subdivisions, and;
 - i. Those uses specifically delegated to the Director by the Cache County Council.
2. Planning Commission:
- a. The Cache County Planning Commission shall be the Land Use Authority to hear and act on the following land use applications:
 - i. Conditional use permits, except those listed for the County Council;
 - ii. Items delegated to the Planning Commission by the Cache County Council;
 - iii. Requests for reasonable accommodations made by residential facilities for up to eight (8) occupants; and
 - iv. Items listed for the Director of Development Services approval when the Director determines that a public meeting should be held to ensure that citizens have the opportunity to comment on the application or in the event that a conflict of interest arises;
 - b. The Planning Commission shall be a recommending body to the Cache County Council for all land use applications for which the Cache County Council is the Land Use Authority.
 - c. The Planning Commission shall have the powers and duties as assigned by this chapter and Utah Code Annotated (1953, as amended) section 17-27a-302.
3. Board of Adjustments: The Cache County Board of Adjustments shall be the Land Use Authority to hear and act on the following land use applications:
- a. Variance requests, except those listed for the Director of Development Services review; and
 - b. Determinations regarding the existence, expansion or modification of nonconforming uses, lots, or structures.
4. County Council: The Cache County Council shall be the Land Use Authority to hear and act on the following land use applications:

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

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

G. Procedure for Requesting a Variance or Appeal:

1. Time Limit: A request for a variance or a notice of appeal must be commenced within ten (10) business days of the adverse order, requirement, decision or determination by filing a written notice of a request for a variance, or notice of appeal with the Cache County Director of Development Services at the Cache County Development Services Department. The notice must indicate the decision being appealed and identify the parties making the appeal.
2. Fee: A request for a variance, or a notice of appeal, shall be accompanied by a fee established by the Cache County Council, which amount shall be used to defray the costs of administering the request for a variance, or appeal, including, but not limited to, costs of mailing and publishing notice.
3. Notice of a Hearing: When a request for a variance or a notice of appeal is filed, notice shall be given as required by this chapter. The Appeal Authority shall hear that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties. The Appeal Authority may require such written briefs or memorandum of the parties, as the Appeal Authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
4. Burden of Proof: The appellant has the burden of proving that the Land Use Authority erred.
5. In the case of an appeal the Appeal Authority may require written briefs or memorandum of the parties as the appeal authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
6. Standard of Review – Substantial Evidence: The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a Land Use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed.
7. Final Decision: The Appeal Authority will issue a decision in writing within fifteen (15) business days of the hearing, which constitutes a final decision under Utah Code Annotated (1953, as amended) 17-27a-8.
8. Judicial Review of Appeal Authority's Decision: Any person adversely affected by a final decision of the Appeal Authority may petition the district court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the Appeal Authority's decision is final in compliance with Utah Code Annotated (1953, as amended) section 17-27a-801(2). The Appeal Authority may order its decision stayed pending district court review if the Appeal Authority finds it to be in the best interest of the county.

17.02.070 Effective Period for Land Use Authority Approval

- A. The approval of any permit, subdivision, subdivision amendment, variance, or other approval issued by a Land Use Authority within Titles 16 and/or 17 shall be effective for a period of one year from the date of approval. The Director of Development Services shall issue a notice to the applicant/agent of a project no less than 30 calendar days prior to the end of the effective period of approval. Any approval that has lapsed beyond its effective period shall

be void and any new application shall be required to conform to the ordinance currently in effect. No refunds shall be issued for void applications or permits.

- B. Where an appeal of an approval has been made, the effective period for the approval shall not begin until the conclusion of all appeal processes.

17.02.010 Planning Commission1
17.02.020 Board of Adjustments.....1
17.02.030 Director of Development Services2
17.02.040 Notice of Meetings2
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17.02.060 Establishment of Land Use Authority.....2
17.02.070 Effective Period for a Land Use Authority Approval.....5

17.02.010: Planning Commission

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

17.02.020: Board of Adjustments

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

17.02.030: Director of Development Services

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

17.02.040: Notice of Meetings

- A. Notice of meetings of the Planning Commission and BOA shall be given as required by the open and public meetings provisions of Utah Code Annotated (1953, as amended) 52-4, and within Utah Code Annotated (1953, as amended) 17-27a-2. The Planning Commission shall determine by its policies and procedures such additional notice requirements as it determines necessary and appropriate.
- B. Notice of the time, place, and subject matter of a meeting shall be given to the person making a request, the Hand uUse aAuthority or official, and all parties in interest, including adjoining property owners within a three hundred foot (300') radius of the property affected.

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

- A. General Plan: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-4.
- B. Zoning-Land Use Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-5.
- C. Subdivision Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-6.

17.02.060: Establishment of Land Use Authority

- A. Purpose: The purpose of this section is to establish the Hand uUse aAuthority for decisions applying to the Hand uUse eOrdinance, establish the aAppeal aAuthority to hear and decide requests for variances from the terms of the Hand uUse eOrdinance, and to establish the aAppeal aAuthority to hear and decide appeals from decisions applying to the Hand uUse eOrdinance.
- B. Authority To Hear And Act:
 1. Director of Development Services: The Director or designee shall be the Hand uUse aAuthority to hear and act on the following:
 - a. Zoning Clearance applications ~~for permitted uses~~;
 - b. Home Based~~Small~~ bBusiness applications;
 - c. Application for minor variances~~Minor Variance requests~~:
 - i. Building height, setback ~~s and~~ distances from lot lines or other buildings, or other similar requests;
 - ii. A single, non-resident employee at a Home Based Business.
 - iii. ~~Building heights~~;
 - iii. ~~Fence adjustments~~;
 - iv. ~~Other similar requests~~;

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

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

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

- a. Land use decisions made by either the Director of Development Services or the Planning Commission shall be appealed to the Board of Adjustments.
- b. Land use decisions made by the Board of Adjustments shall be appealed to the County Council.
- c. Land use decisions made by the County Council shall be appealed to district court.
- d. Any further appeal of a decision made in subsections a or b shall be made to district court.

G. Procedure for Requesting a Variance or Appeal:

1. Time Limit: A request for a variance or a notice of appeal must be commenced within ten (10) business days of the adverse order, requirement, decision or determination by filing a written notice of a request for a variance, or notice of appeal with the Cache County Director of Development Services at the Cache County Development Services Department. The notice must indicate the decision being appealed and identify the parties making the appeal.
2. Fee: A request for a variance, or a notice of appeal, shall be accompanied by a fee established by the Cache County Council, which amount shall be used to defray the costs of administering the request for a variance, or appeal, including, but not limited to, costs of mailing and publishing notice.
3. Notice of a Hearing: When a request for a variance or a notice of appeal is filed, notice shall be given as required by this chapter. The Appel aAuthority shall hear that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties. The appel aAuthority may require such written briefs or memorandum of the parties, as the appel aAuthority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
4. Burden of Proof: The appellant has the burden of proving that the Land use aAuthority erred.
5. In the case of an appeal the appel aAuthority may require written briefs or memorandum of the parties as the appeal authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
6. Standard of Review – Substantial Evidence: The appel aAuthority shall determine the correctness of a decision of the Land use aAuthority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a Land use aAuthority has applied a land use ordinance to a particular application, person, or parcel may be appealed.
7. Final Decision: The appel aAuthority will issue a decision in writing within fifteen (15) business days of the hearing, which constitutes a final decision under Utah Code Annotated (1953, as amended) 17-27a-8.
8. Judicial Review of Appeal Authority's Decision: Any person adversely affected by a final decision of the appel aAuthority may petition the district court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the appel aAuthority's decision is final in compliance with Utah Code Annotated (1953, as amended) section 17-27a-801(2). The appel aAuthority may order its

decision stayed pending district court review if the ~~a~~Appeal ~~a~~Authority finds it to be in the best interest of the ~~C~~county.

17.02.070 Effective Period for Land Use Authority Approval

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

17.03 REVIEW OF CONSTITUTIONAL TAKING ISSUES

17.03.010 Policy Considerations1
17.03.020 Review of Final County Decision; Procedures1
17.03.030 Reviewing Guidelines.....2
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17.03.010: Policy Considerations

Pursuant to Utah State Code 63L904, there is an underlying policy in the county favoring the serious and careful consideration of matters involving constitutional taking claims. There is a desire for fairness to the owner of private property bringing the claim in view of the uncertainty and expense involved in defending lawsuits alleging such issues. At the same time, the legitimate role of the county in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the constitution. Consistent with this policy, this chapter establishes procedures for the review of actions that may involve constitutional takings, as well as providing guidelines for such considerations.

17.03.020: Review of Final County Decision; Procedures

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

The following are specific procedures established for such a review:

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

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17.06.010: Uses Identified

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

17.06.020: Application Required

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

17.06.030: Burden of Proof

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

17.06.040: Permitted Uses

Permitted uses are allowed as a matter of right; however they are required to comply with any requirements of the County Code and the State of Utah as adopted and as applicable. Permitted uses are identified in chapter 17.09, "Schedule of Zoning Uses", of this title.

17.06.050: Land Use Applications

Complete land use applications are entitled to substantive land use review as identified in this section, County Code, and State Code.

- A. Zoning Clearances: A Zoning Clearance must be reviewed by the Director as provided by this title for any of the uses for which a Zoning Clearance is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Director is authorized to approve, impose reasonable conditions, and/or may deny a Zoning Clearance request as provided for in this

section, County Code, or other agency requirements. Zoning Clearance must be issued to ensure compliance with the conditions established by the Land Use Authority for the following:

1. Conditional Use Permits
2. Building Permits
3. Business Licenses
4. Accessory and agricultural structures

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

1. Conditional Use Permits must be reviewed by the appropriate Land Use Authority as provided by this title for any of the uses for which a Conditional Use Permit is required as identified in Chapter 17.09, "Schedule of Zoning Uses". The Land Use Authority is authorized to approve, impose reasonable conditions, and/or may deny a Conditional Use Permit request as provided for in this section, County Code, or other agency requirements.

2. The Land Use Authority shall review a Conditional Use Permit request with the following standards and criteria:

- a. Health, Safety, and Welfare:

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

- i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
- ii. It unreasonably interferes with the lawful use of surrounding property.

- b. Compliance with Law:

- i. The proposed conditional use complies with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
- ii. The proposed conditional use is consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity

- c. Adequate Service Provision:

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

- d. Impacts and Mitigation:

Reasonably anticipated detrimental effects of the proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to

- achieve compliance with applicable standards. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by this code, and/or disruption of agricultural practices.
- C. If the Land Use Authority determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the Land Use Authority may deny the request for a Conditional Use Permit.
 - D. In approving a Conditional Use Permit, the Land Use Authority may impose such reasonable conditions as deemed necessary for the protection of adjacent properties and the public interest. The Land Use Authority may require guarantees or other evidence that such conditions will be met and complied with.
 - E. If there is cause to believe that grounds exist for revocation of an approved Conditional Use Permit, the Land Use Authority shall schedule the item for consideration at a public meeting. A minimum notice of thirty (30) days prior to the meeting shall be provided to the property owner at the location of the approved Conditional Use Permit.
 - 1. A Conditional Use Permit may be revoked by the Land Use Authority if the Land Use Authority finds that one or more of the following conditions exist:
 - a. The Conditional Use Permit was obtained in a fraudulent manner.
 - b. The use for which the Conditional Use Permit was granted has ceased for a minimum of twelve (12) consecutive calendar months.
 - c. The nature of the use for which the Conditional Use Permit was granted has changed or the intensity of use has increased beyond that originally approved.
 - d. The use constitutes a nuisance as defined by County Code.
 - e. One or more of the conditions of the Conditional Use Permit have not been met.
 - F. All Conditional Use Permits authorized and approved as required by this title are determined to run with the land.

17.06.060: Nonconforming Use

- A. A nonconforming use may continue provided that it:
 - 1. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
 - 2. Has been continuously maintained.
- B. Alteration of a Nonconforming Use:
 - 1. A nonconforming use shall not be enlarged upon, expanded, or intensified.
 - 2. A nonconforming use may be maintained, however, for any work that requires a building permit, a Zoning Clearance shall be issued that identifies the following: The nonconformity, the legally nonconforming status, and that the use is not being enlarged, expanded, or intensified.

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17.06.010: Uses Identified

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

- 1. ~~Permitted-use.~~
- ~~1-2.~~ Zoning Clearance.
- ~~2-3.~~ Conditional-use.
- ~~3-4.~~ Nonconforming-use.

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

17.06.020: Application Required

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

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

17.06.030: Burden of Proof

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

17.06.040: Permitted Uses

~~As required by the county code, requests for a permitted use shall also provide an application for a building permit and/or application for a business license, as applicable. The Director is authorized to impose reasonable conditions in compliance with this section. A permitted use shall not become effectual until:~~

~~A zoning clearance is issued, and as required:~~

~~A building permit is issued, and/or;~~

~~A business license is issued.—~~

Permitted uses are allowed as a matter of right; however All applications for a permitted use they are required to comply with the any requirements of the County Code and the State of Utah this title, the requirements of the county building codes, and the county business license codes as

adopted and as applicable. Permitted uses are identified in chapter 17.09, "Schedule of Zoning Uses", of this title.

~~A. Permitted use applications shall be reviewed in accordance with the following general standards and criteria:~~

~~B. The Director shall review the permitted use request and determine if the request meets the following requirements:~~

- ~~a. The use is identified as a permitted use within the zoning district as identified in chapter 17.09, "Schedule of Zoning Uses", of this title.~~
- ~~b. The use complies with the requirements as defined and specified by this title.~~
- ~~c. The use complies with the Cache County roadway standards and/or requirements of the Utah Department of Transportation (UDOT).~~
- ~~d. The use meets all applicable requirements of the state.~~
- ~~1. Upon finding that the proposed use, building, or structure complies with the standards and requirements of this title, the Director shall issue a zoning clearance.~~
- ~~2. The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes.~~
- ~~3. If the request for a permitted use complies with the requirements of this title, the adopted county building codes, and the applicable requirements of the Bear River Health Department or the Utah Department of Environmental Quality, the permitted use shall be authorized.~~

17.06.050: Conditional Uses Land Use Applications

Complete land use applications are entitled to substantive land use review as identified in this section, County Code, and State Code.

A. Zoning Clearances: A Zoning Clearance must be reviewed by the Director as provided by this title for any of the uses for which a Zoning Clearance is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Director is authorized to approve, impose reasonable conditions, and/or may deny a Zoning Clearance request as provided for in this section, County Code, or other agency requirements. Zoning Clearance must be issued to ensure compliance with the conditions established by the Land Use Authority for the following:

- 1. Conditional Use Permits
- 2. Building Permits
- 3. Business Licenses
- 4. Accessory and agricultural structures

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

A.1. Conditional Use Permits may be approved must be reviewed by the Planning Commission appropriate Land Use Authority as provided by this title for any of the

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uses for which a ~~C~~onditional ~~U~~se ~~P~~ermit is required as identified in Chapter 17.09, "Schedule of Zoning Uses", ~~of this title~~. The ~~Planning Commission~~ Land Use Authority is ~~also~~ authorized to approve, impose ~~such other~~ reasonable conditions, and/or may deny a Conditional Use Permit request as provided for in this section, County Code, or other agency requirements.

~~B.2.~~ The Land Use Authority shall review a ~~C~~onditional ~~U~~se ~~P~~ermit request with the following ~~general~~ standards and criteria:

~~1.a.~~ Health, Safety, and Welfare:

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

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

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

~~2.b.~~ Compliance with Law:

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

~~b.ii.~~ The proposed conditional use is consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and ~~Zoning~~ land use, and/or compatible with existing uses in the immediate vicinity

~~3.c.~~ Adequate Service Provision:

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

~~4.d.~~ Impacts and Mitigation:

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

~~5.C.~~ If the ~~planning commission~~ Land Use Authority determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the ~~Land Use Authority may~~ Land Use Authority may deny the request for a ~~e~~Conditional ~~U~~se ~~P~~ermit.

~~C.D.~~ In approving a ~~e~~Conditional ~~U~~se ~~P~~ermit, the ~~Land Use Authority~~ Land Use Authority ~~Planning Commission~~ may impose such reasonable conditions as deemed necessary for the protection of adjacent properties and the public interest. The Land Use Authority ~~Planning Commission~~ may require guarantees or other evidence that such conditions will be met and complied with.

~~D.E.~~ If there is cause to believe that grounds exist for revocation ~~or modification~~ of an approved ~~e~~Conditional ~~U~~se ~~P~~ermit, the ~~Land Use Authority~~ Land Use Authority ~~Planning Commission~~ shall schedule the item for consideration at a regular-public meeting. A minimum notice of thirty

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(30) days prior to the meeting shall be provided to the property owner at the location of the approved ~~e~~Conditional ~~u~~Use ~~p~~Permit.

1. A ~~e~~Conditional ~~u~~Use ~~p~~Permit may be ~~modified or~~ revoked by the Land Use Authority Planning Commission if the ~~Land Use Authority Planning Commission~~ finds that one or more of the following conditions exist:
 - a. The ~~e~~Conditional ~~u~~Use ~~p~~Permit was obtained in a fraudulent manner.
 - b. The use for which the ~~e~~Conditional ~~u~~Use ~~p~~Permit was granted has ceased for a minimum of twelve (12) consecutive calendar months.
 - c. The nature of the use for which the ~~e~~Conditional ~~u~~Use ~~p~~Permit was granted has changed or the intensity of use has increased beyond that originally approved.
 - d. The use constitutes a nuisance as defined by County Code.
 - e. One or more of the conditions of the ~~e~~Conditional ~~u~~Use ~~p~~Permit have not been met.

~~E.F.~~ All ~~e~~Conditional ~~u~~Use ~~p~~Permits authorized and approved as required by this title are determined to run with the land.

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17.06.060: Nonconforming Use

A. A nonconforming use may continue provided that it:

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

B. Alteration of a Nonconforming Use:

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

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 17.07.020 Other Terms Defined.....1
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17.07.010: Purpose

The purpose of this chapter is to provide the definitions for terms specific to this title and Title 16.

17.07.020: Other Terms Defined

- A. Whenever any words or phrases used in this title are not defined herein, but are defined in related sections of the Utah Code, County Subdivision Ordinance, or the family of international building codes, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Words not defined in any code shall have their ordinarily accepted meanings within the context in which they are used.
- B. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this title shall have the respective meanings hereinafter set forth.

17.07.030: Use Related Definitions

- A. Terms used within Title 17.09 to identify specific uses regulated within the Cache County Land Use Ordinance.

RESIDENTIAL USES

1100 SINGLE FAMILY DWELLING: A building containing only one dwelling unit. Accessory kitchens may be approved as long as there is no ability to serve as a second dwelling unit. The building may be a manufactured home, a mobile home, or other permitted structure on a permanent foundation. Only one dwelling unit is allowed per legal lot/parcel.

1110 FOSTER HOME: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.

1120 ACCESSORY APARTMENT: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit located within an existing primary dwelling unit. An accessory apartment must comply with the following requirements:

- 1. Be located within an existing single-family dwelling which has been designated, built, or converted to accommodate an independent housing unit.
- 2. Must be approved by the Bear River Health Department and County Building Department with respect to sanitation, water, drainage, and all applicable health

codes and requirements and must also comply with all applicable land use, building, and safety codes, including the obtaining of a building permit.

3. Only one accessory apartment is allowed per legal lot.
4. The existing primary single-family dwelling unit or the accessory apartment must remain owner occupied.

1200 HOME BASED BUSINESS: A use incidental and secondary to a property's primary residential use which does not significantly alter the exterior of the property or affect the residential character of the site as determined by the Development Services Director. The only employees and/or volunteers working at the home shall be the residents of the home. One non-resident employee may work in the residence if it can be demonstrated that there are not significant impacts due to the increase. A minor variance is required as specified in §17.02.060. Typical uses include:

1. Home Office: A business which is comprised of an office in the home, consulting services, internet based business, or service activities that are managed from the home and occur away from the residential property. This includes sales activities where the business proprietor makes the primary sales transaction at another location such as demonstration sales or sales parties (i.e. cosmetics, cutlery, vacuums, etc.).
2. Home Day Care/Preschool: A program providing care in an occupied dwelling operated by residents of that dwelling in which lessons and/or care are provided for not more than eight (8) children. The state licensed and/or reviewed capacity must include all children less than four (4) years of age of any caregiver when their children are present in the residence. Preschool sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one preschool session in any twenty four (24) hour period. Refer to UCA §26-39 Utah Child Care Licensing Act for state licensing requirements.
3. Minor Service Provision: Typically includes professional services where client meetings may occur at the home.
4. Minor Production: Production of goods that can be completed within the existing home typically including food goods, arts/crafts, or woodworking.

1300 MULTI-FAMILY DWELLING: A building or portion thereof containing two or more dwelling units. Excludes single family dwellings with accessory apartments.

1400 SEASONAL CABIN: A dwelling used for recreational or leisure purposes with the occupancy period for such dwelling limited to a maximum of one hundred eighty (180) days, or less, for each calendar year. A seasonal cabin cannot be utilized as a primary residence. Only one seasonal cabin is allowed per legal lot/parcel.

1500 RESIDENTIAL LIVING FACILITY: A general term for the following types of facilities:

1. Residential Facility for Persons with a Disability: A single-family dwelling unit in which more than one person with a disability resides and which is licensed or certified by the Utah department of human services under Utah Code Annotated 62A-2-101 et seq., as amended, or the Utah Department of Health under Utah Code Annotated Section 26-21-3 et seq., as amended. Treatment is not a

necessary component of a residential facility for persons with a disability, but may be provided upon request. Any treatment provided shall be clearly ancillary to the use of the facility as a residence.

MANUFACTURING INDUSTRIES:

- 2100 GENERAL MANUFACTURING:** The manufacture, processing, and assembling of products by mechanical or chemical processes. Typically includes the manufacturing rock products (including concrete/asphalt plants); metal products; wood products (including saw mills and pulp factories); plastic components; and the commercial processing of animal products (meat, dairy, eggs, etc.).
- 2110 AGRICULTURAL MANUFACTURING:** The processing of agriculturally based products where 75% or more of the goods are grown directly on the property or on adjacent property that is operated by the owner of the Agricultural Manufacturing business. Includes any value added agricultural processing including but not limited to: honey processing, juice production from orchards or berries, meat or fish processing (smoking, jerky, cured meats, etc.), processing of vegetables, etc.
- 2200 STORAGE AND WAREHOUSING:** A structure(s) containing storage space(s) of varying sizes that are affiliated with a commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business. Also includes the following specific uses:
1. **Storage Yard:** The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.
 2. **Salvage Yard:** A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products which can be returned to a condition in which they may again be used for production.
- 2210 SELF SERVICE STORAGE FACILITY:** A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated or climate controlled facilities.
- 2300 TRANSPORT SERVICES:** An establishment engaged primarily in the loading and unloading of freight onto tractor trucks or the dispatch of tractor trucks which will be used to haul freight. May also include services for the fueling, servicing, repair, or parking of trucks or similar heavy commercial vehicles. Excludes the parking of a single truck by an owner/operator at their place of residence and trucks owned and operated by

an agricultural entity engaged in the transport of 75% or more of that owners agricultural products.

TRADE, WHOLESALE, AND RETAIL:

3100 RETAIL & COMMERCIAL SALES: An establishment that provides goods, wares, or merchandise directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

3110 PRODUCE STAND: A temporary building or structure, not to exceed a gross floor area of 250 square feet, from which agricultural products are sold. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold.

SERVICES, PROFESSIONAL, AND PERSONAL:

4100 PROFESSIONAL SERVICES: A business that offers any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. Professional services typically include, but are not limited to, services rendered by: certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents.

4200 PROFESSIONAL OFFICE: A building for administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal use.

4300 MEDICAL SERVICES/FACILITIES: A general term for the following uses:

1. Secure Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
2. Substance Abuse Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
3. Outpatient Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
4. Day Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
5. Healthcare Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
6. Hospital: As licensed by the State of Utah and defined within Utah State Code 26-36a-103.
7. Veterinary Clinic: A facility for the diagnosis, treatment, and hospitalization of animals, and which may include boarding and outdoor holding facilities.

- 4400 HUMAN CARE SERVICES:** A general term for the following uses:
1. Domestic Violence Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
 2. Assisted Living Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
 3. Day Care, Adult: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
 4. Daycare/Preschool, Commercial: Any facility, at a nonresidential location, operated by a person qualified by the State of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all state standards and licensing.
 5. Nursing Care Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
 6. Residential Support: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
 7. Residential Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
 8. Youth Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
 9. Long Term Care Facility: As licensed by the State of Utah and defined within Utah State Code 62A-3-202.
- 4500 GENERAL VEHICLE REPAIR:** Any building, structure, improvements, or land used for the repair and maintenance of small engines, automobiles, motorcycles, trucks, trailers, tractors, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, but excludes dismantling or salvage.
- 4600 RESTAURANT:** A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.
- 4610 MOBILE FOOD TRUCK:** A temporary food service establishment, which has a duration limited to six (6) months at any single location, that is a vehicle mounted food service establishment designed to be readily movable.
- 4700 TRANSIENT LODGING:** A general term for the following uses:
1. Motel: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
 2. Hotel: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

4710 BED AND BREAKFAST INN: An owner occupied dwelling offering transient lodging accommodations where meals may be provided. A bed and breakfast inn may have no more than four (4) guestrooms.

CULTURAL, ENTERTAINMENT, AND RECREATION:

5100 RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than 30 days per year. May also include incidental hotel/motel accommodations for up to 15 rooms.

1. **Campground:** Any area with more than three (3) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.

5200 RESORT: A facility which serves as a destination point for visitors, and has recreational facilities for the use of guests, and may include residential accommodations for guests. Typical uses within a resort include but are not limited to: Ski facilities, Golf Courses, or other recreational facilities and overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, and restaurant/retail uses which are customarily appurtenant to such uses.

1. **Ski Facility:** A recreational use, with associated facilities and improvements, for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort.
2. **Golf Course:** A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

5300 SEXUALLY ORIENTED BUSINESSES: Seminude entertainment businesses, sexually oriented outcall services, adult businesses, and seminude dancing agencies, as defined by Title 5, and also addressed by 17.24.

INSTITUTIONAL, PUBLIC, AND UTILITY USES:

6100 PUBLIC/INSTITUTIONAL FACILITY: Includes the following specific uses:

6110 CEMETERY: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums, and meeting all applicable local, state, and federal requirements and regulations.

6120 PUBLIC USES: A use operated exclusively by a public entity over which the county has no jurisdiction in compliance with §17-27a-304, Utah Code Annotated, 1953, as amended.

6130 RELIGIOUS MEETING HOUSE: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

6140 CORRECTIONAL FACILITY: Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, by way of illustration, a prison, jail, or probation center.

6150 RESERVED

6160 EDUCATIONAL FACILITY: Any building or part thereof which is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool centers. Includes the following uses:

1. Boarding School: As licensed by the State of Utah and defined within Utah Code Annotated, 1953, as amended, §62A-2-101.
2. Therapeutic School: As licensed by the State of Utah and defined within Utah Code Annotated, 1953, as amended, §62A-2-101.

6200 UTILITIES: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, telecommunication and telephone cables and the generation of power as further defined herein.

6210 UTILITY FACILITY, TRANSMISSION: A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of one hundred and forty thousand (140,000) volts (140 kV), or greater, and that may provide for interstate power transmission, power transmission between substations, or to provide power to customers or areas located outside of the county.
2. Gas Pipeline Right Of Way: A gas transmission pipeline of twelve inches (12") or larger diameter that may provide for interstate gas transmission, or to provide gas to customers or areas located throughout the county.
3. Wind or Water Energy System: A wind or water energy conversion system consisting of one or more turbines and/or towers and associated control and/or conversion electronics and providing generated electrical power to be used for off-site consumption.
4. Petroleum Pipeline: A petroleum or oil transmission pipeline of four inches (4") or larger in diameter and that provides for interstate petroleum or oil transmission,

or to provide petroleum or oil to customers or areas located throughout the county.

5. Electric Substation: A power regulating facility designed to regulate power for distribution at voltages of one hundred forty thousand (140,000) volts (140 kV) or greater.
6. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along major utility facilities.

6220 UTILITY FACILITY, DISTRIBUTION: A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of less than one hundred and forty thousand (140,000) volts (140 kV) but more than thirty thousand (30,000) volts (30kV).
2. Gas Pipeline: A gas transmission pipeline of less than twelve inches (12") in diameter.
3. Water/Waste Water Transmission Line: A transmission line for water (culinary or irrigation water) or wastewater greater than 18" in diameter. Open canals and barrow pits are exempt from this requirement.
4. Electric Substation: A power regulating facility designed to regulate power for distribution to customers at voltages less than one hundred forty thousand (140,000) volts (140 kV).
5. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along minor utility facilities.

6230 UTILITY FACILITY, SERVICE: Electric, gas, communication, water, sewer, irrigation, drainage lines, or other utility facilities that provide local delivery or collection services from either Utility Facility Distribution or Transmission services. This includes home based geothermal, wind, solar, or water powered facilities limited to the production capacity required to service a single family dwelling.

6240 TELECOMMUNICATION FACILITY: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located. See §17.20 for additional requirements.

6300 PUBLIC AIRPORT: A site licensed by the State for the takeoff or landing of aircraft, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are required at the time of application:

1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - a. The current FAA Form 7480-1, and;
 - b. FAA response to Form the 7480-1 submission.

- c. A copy of the Airport Master Record.
- 2. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.
- 3. A copy of the State of Utah license as issued by the Utah Division of Aeronautics.

6310 PRIVATE AIRPORT: Any area for the takeoff or landing of aircraft and that is not open to the public, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are required at the time of application:

- 1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - a. The current FAA Form 7480-1, and;
 - b. FAA response to the Form 7480-1 submission.
 - c. A copy of the Airport Master Record.
- 2. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.

Permitting is not required for temporary or intermittent airports as defined by the Federal Aviation Administration (FAA) under Title 14 of the Code of Federal Regulations Part 157 Notice of Construction, Alteration, Activation, and Deactivation of Airports.

6400 SOLID WASTE FACILITY: A facility engaged in solid waste management, including:

- 1. A landfill;
- 2. A processing system, including:
 - a. A resource recovery facility;
 - b. A facility for reducing solid waste volume;
 - c. A plant or facility for compacting, composting, or pyrolyzation of solid waste;
 - d. A solid waste disposal, reduction, or conversion facility.
- 3. Composting Facility: A facility where organic materials are converted into a humus like material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to farming operations are exempted from this use.
- 4. Sewage Treatment Works: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area. Includes sewage lagoons and sewage treatment plants. Excludes septic systems.

6410 NUCLEAR WASTE FACILITY: A facility for the disposal or transfer of high-level nuclear waste or greater than class C radioactive nuclear waste, as defined within Utah Code Annotated, 1953, as amended, §19-3-303, as “Waste(s)”, that is located wholly or partially within the county.

RESOURCE PRODUCTION AND EXTRACTION:

- 7100 AGRICULTURAL PRODUCTION:** The production, keeping, or maintenance, for sale, lease, or personal use of plants useful to man, including crops and products such as vegetables, fruit trees, harvestable and ornamental trees, hay, sod, grain, honey, milk, cheese, and any other agricultural or horticultural products and their storage; wholesale fruits of all kinds, including grapes, nuts, and berries; wholesale vegetables; wholesale nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Also includes the following specific uses:
1. **Horticultural Production:** The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.
 2. **Aquiculture:** The commercial cultivation of aquatic life, such as fish, shellfish, and seaweed.
 3. **Agricultural Building:** A structure used solely in conjunction with agriculture use, not for human occupancy, and complying with the requirements of §15A-1-202, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building, the structure must be located outside of a residential area, as defined by §15A-1-204, Utah Code Annotated, 1953, as amended.
 4. **Agricultural Products Storage:** The storage of raw agricultural products. This use does not include the commercial slaughtering, the processing and packaging of meat and poultry, or the processing of food stuffs.
 5. **Livestock Production:** An agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit and mink farms, apiaries, and aviaries.
 6. **Grazing:** The feeding of livestock or horses where more than fifty percent (50%) of the feed is produced on the immediate parcel and available to the animals as in-place vegetation to sustain life.
- 7110 CONCENTRATED ANIMAL FEEDING OPERATION (CAFO):** A lot or facility as defined by the EPA as meeting or exceeding the standards of a Large CAFO.
- 7120 LIVESTOCK AUCTION FACILITY:** A structure or structures with associated pens, yards, corrals, and loading and unloading facilities used for the sale of livestock.
- 7200 BOARDING FACILITY:** A series of stables, barns, paddocks, and/or other shelters and 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 the use of the property is 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, Leq) above the existing ambient noise levels at the property line at any time of day or night. 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, Leq) above the existing ambient noise levels at the property line at any time of day or night. 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.

7300 FORESTRY ACTIVITIES: The felling and transportation of commercially harvested trees. Forestry activities do not include the harvesting of firewood or trees for private use. Excludes sawmills or the production/finishing of lumber.

7400 MINERAL EXTRACTION: The extraction of metallic and nonmetallic minerals or materials; including the accessory uses of rock crushing, screening, and the storage of explosives; except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property. Includes stone quarries and sand/gravel pits.

7410 TOPSOIL EXTRACTION: Extraction activities limited to the removal and sale of topsoil, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property.

7420 SITE GRADING: The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property in preparation for the

construction of a building, but not including normal cultivation associated with an agricultural operation. Excavation shall be less than 1,500 cubic yards per parcel. Additional excavation may only be permitted with a variance.

17.07.040: General Definitions

ACCESS: The provision of vehicular and/or pedestrian ingress and egress to buildings, structures, facilities, or property.

AGENT: The person with written authorization to represent an owner or owners.

AGRICULTURAL BUILDING: As defined within 15A-1-204(7) of Utah Code Annotated, 1953, as amended.

AGRICULTURAL REMAINDER

- 1) The minimum size of any remainder must be in conformance with §59-2-5 of Utah Code Annotated, 1953, as amended.
- 2) Any remainder shall require a deed restriction to be recorded stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.
- 3) Does not count as a "lot" for development density as described in §17.10.030 of this code.
- 4) Must be reviewed and approved by the land use authority to ensure the promotion and/or preservation of agriculture in terms of the layout and design of the agricultural remainders.

APPEAL: A review by the identified appellate body of a final decision of the approving body.

APPEAL AUTHORITY: A person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or variance.

APPLICANT: The owner of title or agent for property that is the subject of an application.

APPLICATION: The necessary form and all accompanying documents and other materials required by the Land Use Authority for development review purposes.

APPROVAL: A decision signed and issued by the Land Use Authority stating that a proposed use complies with the current County Code.

AVERAGE DAILY TRAFFIC (ADT): The average of one-way vehicular trips that use a road during a twenty-four (24) hour period.

BOARD OF ADJUSTMENTS (BOA): The officially constituted and appointed body of Cache County, as authorized by the laws of the State of Utah, to perform those duties, as allowed by state law and this title.

BOARD OF TRUSTEES: As provided for in Title 8.20.040, "Board of Trustees".

BOUNDARY LINE ADJUSTMENT: The relocation of the property line between two (2) or more adjoining lots or parcels.

BUILDABLE AREA: The portion of a parcel of land which is within the envelope formed by the required setbacks of the zoning district in which the parcel is located and as limited by any sensitive areas as defined in this title.

BUILDING: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, processing, equipment, goods, materials, or property of any kind.

BUILDING CODE: The most recently adopted family of International Building Code used to regulate the construction of buildings and structures located within Cache County.

BUILDING HEIGHT, MAXIMUM: The vertical measure from the average elevation of that portion of a lot or parcel covered by the building to the roof beams in a flat roof; to the highest point on the deck of a mansard roof; to a level midway between the level of the eaves and highest point of pitched, hip, or gambrel roofs.

BUILDING PERMIT: Legal authorization, as required by the adopted building code(s) of Cache County, authorizing the erection, alteration, or extension of a structure.

BUILDING, PUBLIC: For purposes of this title only, a public building is a building owned and operated, or owned and intended to be operated by the county, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:

1. Properties owned by the State of Utah or the United States government which are outside of the jurisdiction of the County Land Use Authority as provided under §17-27a-304, Utah Code Annotated, 1953, as amended, and;
2. The ownership or use of a building which is immune from the County Land Use Authority under the supremacy clause of the United States constitution.

CACHE COUNTY, UNINCORPORATED: All unincorporated areas, lying within the boundaries of the county, and outside any corporate boundary of a municipality.

CACHE COUNTYWIDE COMPREHENSIVE PLAN: The general plan as authorized by the laws of the State of Utah for the unincorporated areas of the county, as may be adopted and amended from time to time by the Cache County Council.

CARETAKER'S RESIDENCE: A single family dwelling unit accessory to a commercial or industrial use for occupancy by the person who oversees the nonresidential operation, and his or her family.

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

CERTIFICATE OF OCCUPANCY: A certificate issued by the County Building Official after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable county codes, permits, requirements, and approved plans.

CLUSTERING: A development or subdivision design that concentrates buildings or lots on a part of the site to allow the remaining land to be used for agriculture, recreation, common open space, and/or preservation of environmentally sensitive areas.

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CODES, COVENANTS, AND RESTRICTIONS (CC&Rs): An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.

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

DEVELOPABLE ACREAGE: The land area within a subdivision excluding: Areas defined as undevelopable under Chapter 17.18, "Sensitive Areas ", of this title, and areas dedicated to the public, such as parks and public rights-of-way.

DEVELOPMENT: The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property, including grading, clearing, grubbing, mining, excavating, or filling of such property. Also includes the improvement or subdivision of land for the purpose of building.

DISABILITY: As defined within §57-21-2 (10) of the Utah Code Annotated, 1953, as amended.

DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste into or on any land or water so that such waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters, including groundwater.

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

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

DWELLING UNIT: One or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping, sanitary facilities, kitchen or set of fixed cooking facilities, all for exclusive use by a single family maintaining a household.

EASEMENT: One or more of the property rights granted by the property owner to and/or for the use by another person or entity for a specified use or purpose.

FAMILY: One individual, or two (2) or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household, or no more than four (4) nonrelated persons living together. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club or institutional group.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured materials or combination of materials erected to enclose, screen, or separate areas.

IMPROVEMENT SURETY: A form of security that is posted in favor of Cache County that may include a letter of credit and/or a bond in an amount and form satisfactory to the county. Letters of Credit must be issued by a federally insured financial institution. Bonds must be issued by a financial institution, insurance company, or surety company with an A.M. Best rating of not less than A-:IX.

FINDINGS: Statements of the Land Use Authority identifying the reasons and basis for the action taken. Also referred to as findings of fact.

FLOODPLAIN: An area adjoining a river, stream, watercourse, or body of standing water in which a potential flood hazard exists when the area experiences a 100-year storm, including any area designated as a floodplain by the Federal Emergency Management Agency (FEMA) of the United States government. These areas have additional regulations located within Title 15.28 of the Cache County Code.

GEOLOGIC HAZARD: A hazard inherent in the crust of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faults, landslides, and rock fall.

GRADE: The ground surface elevation(s) of a parcel of land.

GRADE, EXISTING: The grade of a property prior to any proposed development or construction activity.

GRADE, FINAL: The finished or resulting grade after completion of the proposed development activity.

GRADING: Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

GUEST HOUSE: An attached or detached building that provides living quarters for guests and (a) contains no kitchen or cooking facility; (b) is clearly subordinate and incidental to the principal residence on the same building site; and (c) is not rented or leased, whether compensation be direct or indirect.

IMPROVEMENTS: Buildings, structures, facilities, and site work including, but not limited to, grading, surfacing, paving, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations.

IMPROVEMENT AGREEMENT: An agreement between a developer and the county, reviewed and issued by the Director of Development Services that clearly establishes the developer's responsibility(ies) regarding project phasing, the provision of public and private facilities, improvements and/or conditions as imposed by ordinance and/or by a Land Use Authority, and any other mutually agreed to terms and requirements.

INTENSITY: The concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, numbers of buildings, numbers of livestock, etc.

JUNK: Any scrap copper, brass, rope, rags, batteries, paper, trash, wood, rubber debris, waste, or junked, dismantled, or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

KITCHEN: An area for the preparation of food and containing a sink and stove.

LAND USE AUTHORITY: A person, board, commission, agency, or body, designated by the local legislative body to act upon a land use application; or, if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

LOT/PARCEL COVERAGE: The percentage of the area of a lot/parcel which is occupied by all buildings, other impervious surfaces, or other covered structures.

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

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

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

LOT/PARCEL SIZE: The total area of a lot, parcel, or tract of land.

MANUFACTURED HOME: A transportable, factory built housing unit constructed on or after June 15, 1976. According to the federal home construction and safety standards act of 1974

(HUD code), in one or more sections, and when erected on site, the home must be at least twenty feet (20') in width at the narrowest dimension, have exterior and roofing materials in conformance with adopted building codes, have a minimum roof pitch of two to twelve (2:12), and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A manufactured home shall be identified as real property on the property assessment rolls of Cache County. All manufactured homes constructed on or after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

MOBILE HOME: A transportable, factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code). Said unit must be placed on a permanent foundation and meet adopted building codes. The following are excluded from this definition: travel trailers, motor homes, camping trailers, or other recreational vehicles.

NUISANCE: Any use or activity which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.

OFF PREMISE: Located outside the lot or parcel lines of the principal use.

OFFICIAL ZONING MAP: The map adopted by the County Council showing the geographical distribution of the zoning districts of the county.

ON PREMISE: Located within the lot or parcel lines of the principal use.

OPEN SPACE: Any area of a lot that is completely free and unobstructed from any manmade structures or parking areas.

OWNER: Any person, group of persons, or entity, having record title to the property.

PARKING ANALYSIS: An analysis that demonstrates sufficient accommodation for the safe and efficient flow of vehicles and pedestrians, and that minimizes the impact to public streets and environmental resources due to the proposed use. This analysis must include:

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

PARKING, OFF STREET: An area adjoining a building providing for the parking of automobiles which does not include a public street but has access to it.

PERMIT: Written permission issued by the Land Use Authority, empowering the holder thereof to proceed with some act not forbidden by law.

PLANNING COMMISSION: An official body of Cache County as authorized by the laws of the

State of Utah, to perform those duties, as allowed by State Law and this title.

PROPERTY FRONTAGE: The length of the property line abutting the road, street, or highway right-of-way or a line drawn parallel to the road, street, or highway right of way line and located at the front yard setback.

PROPERTY LINE: The boundary line of a lot, parcel, or tract of land.

PUBLIC HEARING: As defined by §17-27a-103, of Utah Code Annotated, 1953, as amended..

PUBLIC IMPROVEMENT: Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off street parking area or other facility or amenity.

PUBLIC MEETING: As defined by §17-27a-103, of Utah Code Annotated, 1953, as amended.

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

1. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing land use regulations, notwithstanding the benefit that the accommodation would provide to a person with a disability.
2. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
3. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

RECLAMATION: Actions performed during and after excavation operations to shape, stabilize, revegetate or otherwise treat the land affected in order to achieve a safe, stable, ecological condition. The excavated lands will be rehabilitated to a usable condition which is readily adaptable to alternate land uses and creates no danger to public safety. The rehabilitation process may extend to affected lands surrounding the excavated lands and may require backfilling, grading, recoiling, revegetation, soil compaction, stabilization and other measures.

RESIDENCE: A dwelling unit where an individual is actually living at a given point in time and intends to remain for more than half of the calendar year, and not a place of temporary sojourn or transient visit.

RIGHT-OF-WAY: Land occupied or intended to be occupied by a public or private trail, street, road, highway, railroad, other public transportation use or other utility uses.

ROAD, PRIVATE: As defined within the Cache County Manual of Roadway Design and Construction Standards.

ROAD, PUBLIC: Any highway, road, street, alley, lane, court, place, viaduct, tunnel, culvert or

bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in an action for the partition of real property, and includes the entire areas within the public right of way.

SENSITIVE AREA:

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

SETBACK: The minimum required distance between any structure and the property lines of the lot in which it is located. The front, rear, and side setbacks are illustrated in §17.10 of this title and defined as follows:

Front: The area of a lot or parcel of land extending across the frontage and being the minimum horizontal distance between a street or road right-of-way/easement line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front setback of a corner lot is the area adjacent to the designated front lot line.

Rear: The area of a lot or parcel of land extending across the rear width and being the minimum horizontal distance between the primary building, or any projection thereof other than steps, unenclosed balconies and unenclosed porches, and the rear lot line.

Side: An area of a lot or parcel of land extending between the side lot line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.

Other: Any distance required between a structure or site improvement and a set feature (i.e. floodplain, geologic hazard, etc.)

SIGN: Any device for visual communication, including any structure or natural object or part thereof that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization.

SITE PLAN: An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development including, but not limited to: topography; vegetation; drainage; floodplains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; rights-of-way or easements; utility services; structures and buildings; lighting; berms, buffers, and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

SITE SUITABILITY ANALYSIS: A comprehensive site analysis for a public infrastructure utility. This analysis shall consider data and provide findings, conclusions, and recommendations including but not limited to: public involvement including key concerns, issues, and comments, geologic hazard areas as defined by this title, archeological, ecological, and culturally important areas, jurisdictional wetlands as defined by the U.S. Army Corps of Engineers, crucial wildlife habitat as identified by the State Division of Wildlife Resources and species of special concern, drinking water source protection areas, groundwater depth and recharge areas, structures and developed areas including existing dwellings, residential and commercial zones, schools, and churches, wildfire hazard areas, floodplains, national, state, or county parks, monuments, or recreation areas, prime, unique, and statewide importance farmlands, State and National Historic Register sites, airports, national forests, visual analysis, cost comparisons, and site alternatives.

SLOPE: The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

SOLID WASTE: All putrescible and non-putrescible solid and semi-solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and shall include other discarded material classified as solid waste by state and federal law or regulation. This does not include sewage or another highly diluted water carried material or substance and those in gaseous form.

STREAM OR CANAL BANK, TOP OF: The land area immediately above and regularly confining a river, stream, canal, or wetland. The bank has a notably steeper slope than the surrounding landscape. The first major break in the slope between the top of the bank and the surrounding landscape shall be the top of the bank.

SUBDIVISION: Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of land after August 21, 1970, for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

SUBDIVISION ORDINANCE: Title 16 of the Cache County Code, as adopted.

USE, ACCESSORY: A use or a structure subordinate to the primary use of a lot, or of a primary building on the same lot, and serving a purpose clearly incidental to a permitted primary use of the lot or of the building and which accessory use or structure is compatible with the primary permitted uses or structures authorized under land use regulations applicable to the property.

1. **RESIDENTIAL ACCESSORY USES:** Include uses such as recreational activities, raising of pets, parking of occupants' vehicles, garage or carport, accessory buildings for home hobbies, storage buildings of not more than 500 square feet, fences/patios/decks, and gardens.
2. **COMMERCIAL/MANUFACTURING ACCESSORY USES:** Includes uses such as the onsite sale of manufactured goods, offices, parking, storage, and a caretaker's residence.

USE, PERMITTED: A use allowed in the district involved, without review by the Land Use Authority, and complying with the provisions of this title, County Code, and other applicable ordinances and regulations.

USE, PRIMARY: An individual use, located on a parcel or lot, that is subject to the requirements of the regulations of this title, the Cache County Code, and any other applicable state and federal requirements, and to which all other uses are accessory, conditional, or nonconforming. Only one primary use per legal lot/parcel is allowed.

USE, PROHIBITED: Any use, whether accessory or primary, not identified as either a permitted use, zoning clearance, conditional use, or nonconforming use, as provided by this title.

VARIANCE: As defined by §17-27a-702, of Utah Code Annotated, 1953, as amended.

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

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

WETLANDS: Any area of Cache County under the regulatory authority of the United States Army Corps of Engineers.

WILDLIFE HABITAT: Areas identified by the Utah Division of Wildlife Resources and/or the United States Fish and Wildlife Service occupied and necessary for the support of fish and fauna.

ZONING CLEARANCE: A land use review to insure compliance with the County Code, provided, reviewed, and acted upon by the Director of Development Services, or designee, identifying that the proposed use, building, structure, or facility complies with the requirements of this title.

ZONING DISTRICT, BASE: The classification of all land as reflected in the Cache County Zoning Map wherein development regulations are in place to uniformly govern the use, placement, and size of land and structures. In the instance of conflicting or multiple base zoning districts on a single parcel, the more restrictive zone shall be applied across the entire parcel. base zoning districts may be combined with an overlay zoning district on all or a portion of a parcel to alter, restrict, or allow specific development regulations.

ZONING DISTRICT, OVERLAY: The classification of land as reflected in the Cache County Zoning Map wherein additional development regulations are applied to the regulations of the base zoning district.

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17.07.010: Purpose

The purpose of this chapter is to provide the definitions for terms specific to this title and Title 16.

17.07.020: Other Terms Defined

- A. Whenever any words or phrases used in this title are not defined herein, but are defined in related sections of the Utah Code, County sSubdivision QOrdinance, or the family of international building codes, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Words not defined in any code shall have their ordinarily accepted meanings within the context in which they are used.
- B. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this title shall have the respective meanings hereinafter set forth.

17.07.030: Use Related Definitions

- A. Terms used within Title 17.09 to identify specific uses regulated within the Cache County Zoning-Land Use Ordinance.

RESIDENTIAL USES

1100 SINGLE FAMILY DWELLING: A building containing only one dwelling unit. Accessory kitchens may be approved as long as there is no ability to serve as a second dwelling unit. The building may be a manufactured home, a mobile home, or other permitted structure on a permanent foundation. Only one dwelling unit is allowed per legal lot/parcel.

1110 FOSTER HOME: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.

1120 ACCESSORY APARTMENT: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit located within an existing primary dwelling unit. An accessory apartment must comply with the following requirements:

- 1. Be located within an existing single-family dwelling which has been designated, built, or converted to accommodate an independent housing unit.
- 2. Must be approved by the Bear River Health Department and County Building Department with respect to sanitation, water, drainage, and all applicable health

codes and requirements and must also comply with all applicable zoning and use, building, and safety codes, including the obtaining of a building permit.

3. Only one accessory apartment is allowed per legal lot.
4. The existing primary single-family dwelling unit or the accessory apartment must remain owner occupied.

1200 HOME BASED BUSINESS: A use incidental and secondary to a property's primary residential use which does not significantly alter the exterior of the property or affect the residential character of the site as determined by the Development Services Director. The only employees and/or volunteers working at the home shall be the residents of the home. One non-resident employee may work in the residence if it can be demonstrated that there are not significant impacts due to the increase. A minor variance is required as specified in §17.02.060. Typical uses include:

1. Home Office: A business which is comprised of an office in the home, consulting services, internet based business, or service activities that are managed from the home and occur away from the residential property. This includes ~~Outside Sales: Sales activities where the business proprietor makes the primary sales transaction at another location. This includes businesses that may rely on such as~~ demonstration sales or sales parties (i.e. cosmetics, cutlery, vacuums, etc.).
2. Home Day ~~Care/Preschool:~~ A program providing care ~~for not more than eight (8) children at one time in an occupied dwelling operated by residents of that dwelling in which lessons and/or care are provided for not more than eight (8) children for a period less than twelve (12) hours in duration.~~ The state licensed and/or reviewed capacity must include all children less than four (4) years of age of any caregiver when their children are present in the residence. Preschool sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one preschool session in any twenty four (24) hour period. Refer to UCA §26-39 Utah Child Care Licensing Act for state licensing requirements.
~~Home Based Preschool: A preschool program complying with all state standards and licensing for nonfamily members in an occupied dwelling operated by residents of that dwelling in which lessons are provided for not more than eight (8) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one preschool session in any twenty four (24) hour period.~~
3. Minor Service Provision: Typically includes ~~salons,~~ professional services ~~where most of the business activity is conducted offsite but~~ where occasional client meetings may occur at the home, ~~other services where there is little to no customer traffic to the home, or small engine repair.~~
4. Minor Production: Production of goods that can be completed within the existing home typically including food goods, arts/crafts, or woodworking.

1300 MULTI-FAMILY DWELLING: A building or portion thereof containing two or more dwelling units. Excludes single family dwellings with accessory apartments.

1400 SEASONAL CABIN: A dwelling used for recreational or leisure purposes with the occupancy period for such dwelling limited to a maximum of one hundred eighty (180) days, or less, for each calendar year. A seasonal cabin cannot be utilized as a primary residence. Only one seasonal cabin is allowed per legal lot/parcel.

1500 RESIDENTIAL LIVING FACILITY: A general term for the following types of facilities:

~~1. Residential Facility for Elderly Persons: A single-family dwelling unit that meets the requirements of Utah Code Annotated 17-27a-515 to 518, as amended.~~

2.1. Residential Facility for Persons with a Disability: A single-family dwelling unit in which more than one person with a disability resides and which is licensed or certified by the Utah department of human services under Utah Code Annotated 62A-2-101 et seq., as amended, or the Utah Department of Health under Utah Code Annotated Section 26-21-3 et seq., as amended. Treatment is not a necessary component of a residential facility for persons with a disability, but may be provided upon request. Any treatment provided shall be clearly ancillary to the use of the facility as a residence.

MANUFACTURING INDUSTRIES:

2100 GENERAL MANUFACTURING: The manufacture, processing, and assembling of products by mechanical or chemical processes. Typically includes the manufacturing rock products (including concrete/asphalt plants); metal products; wood products (including saw mills and pulp factories); plastic components; and the commercial processing of animal products (meat, dairy, eggs, etc.).

2110 AGRICULTURAL MANUFACTURING: The processing of agriculturally based products where 75% or more of the goods are grown directly on the property or on adjacent property that is operated by the owner of the Agricultural Manufacturing business. Includes any value added agricultural processing including but not limited to: honey processing, juice production from orchards or berries, meat or fish processing (smoking, jerky, cured meats, etc.), processing of vegetables, etc.

2200 STORAGE AND WAREHOUSING: A structure(s) containing storage space(s) of varying sizes that are affiliated with a commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business. Also includes the following specific uses:

1. Storage Yard: The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.
2. Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other

products which can be returned to a condition in which they may again be used for production.

2210 SELF SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated or climate controlled facilities.

2300 TRANSPORT SERVICES: An establishment engaged primarily in the loading and unloading of freight onto tractor trucks or the dispatch of tractor trucks which will be used to haul freight. May also include services for the fueling, servicing, repair, or parking of trucks or similar heavy commercial vehicles. Excludes the parking of a single truck by an owner/operator at their place of residence and trucks owned and operated by an agricultural entity engaged in the transport of 75% or more of that owners agricultural products.

TRADE, WHOLESALE, AND RETAIL:

3100 RETAIL & COMMERCIAL SALES: An establishment that provides goods, wares, or merchandise directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

3110 PRODUCE STAND: A temporary building or structure, not to exceed a gross floor area of 250 square feet, from which agricultural products are sold. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold.

SERVICES, PROFESSIONAL, AND PERSONAL:

4100 PROFESSIONAL SERVICES: A business that offers any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. Professional services typically include, but are not limited to, services rendered by: certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents.

4200 PROFESSIONAL OFFICE: A building for administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal use.

4300 MEDICAL SERVICES/FACILITIES: A general term for the following uses:
1. Secure Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.

2. Substance Abuse Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
3. Outpatient Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
4. Day Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
5. Healthcare Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
6. Hospital: As licensed by the State of Utah and defined within Utah State Code 26-36a-103.
7. Veterinary Clinic: A facility for the diagnosis, treatment, and hospitalization of animals, and which may include boarding and outdoor holding facilities.

4400 HUMAN CARE SERVICES: A general term for the following uses:

1. Domestic Violence Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
2. Assisted Living Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
3. Day eCare, Adult Facility: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
4. Daycare/Preschool, Commercial: Any facility, at a nonresidential location, operated by a person qualified by the State of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all state standards and licensing.
5. Nursing Care Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
6. Residential Support: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
7. Residential Treatment FacilityProgram: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
8. Youth Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
- 8.9. Long Term Care Facility: As licensed by the State of Utah and defined within Utah State Code 62A-3-202.

4500 GENERAL VEHICLE REPAIR: Any building, structure, improvements, or land used for the repair and maintenance of small engines, automobiles, motorcycles, trucks, trailers, tractors, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, but excludes dismantling or salvage.

4600 RESTAURANT: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

4610 MOBILE FOOD TRUCK: A temporary food service establishment, which has a duration limited to six (6) months at any single location, that is a vehicle mounted food service establishment designed to be readily movable.

4700 TRANSIENT LODGING: A general term for the following uses:

1. Motel: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
2. Hotel: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

4710 BED AND BREAKFAST INN: An owner occupied dwelling offering transient lodging accommodations where meals may be provided. A bed and breakfast inn may have no more than four (4) guestrooms.

CULTURAL, ENTERTAINMENT, AND RECREATION:

5100 RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than 30 days per year. May also include incidental hotel/motel accommodations for up to 15 rooms.

1. Campground: Any area with more than three (3) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.

5200 RESORT: A facility which serves as a destination point for visitors, and has recreational facilities for the use of guests, and may include residential accommodations for guests. Typical uses within a resort include but are not limited to: Ski facilities, Golf Courses, or other recreational facilities and overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, and restaurant/retail uses which are customarily appurtenant to such uses.

1. Ski Facility: A recreational use, with associated facilities and improvements, for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort.
2. Golf Course: A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

5300 SEXUALLY ORIENTED BUSINESSES: Seminude entertainment businesses, sexually oriented outcall services, adult businesses, and seminude dancing agencies, as defined by

Title 5, [and also addressed by 17.24.](#)

INSTITUTIONAL, PUBLIC, AND UTILITY USES:

- 6100 PUBLIC/INSTITUTIONAL FACILITY:** Includes the following specific uses:
- 6110 CEMETERY:** A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums, and meeting all applicable local, state, and federal requirements and regulations.
- 6120 PUBLIC USES:** A use operated exclusively by a public entity over which the county has no jurisdiction in compliance with [§17-27a-304](#), Utah Code Annotated, 1953, as amended.
- 6130 RELIGIOUS MEETING HOUSE:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
- 6140 CORRECTIONAL FACILITY:** Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, by way of illustration, a prison, jail, or probation center.
- 6150 RESERVED**
- 6160 EDUCATIONAL FACILITY:** Any building or part thereof which is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool centers. Includes the following uses:
1. Boarding School: As licensed by the State of Utah and defined within [Utah Code Annotated, 1953, as amended, Utah State Code §62A-2-101](#).
 2. Therapeutic School: As licensed by the State of Utah and defined within [Utah Code Annotated, 1953, as amended, Utah State Code §62A-2-101](#).
- 6200 UTILITIES:** All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, telecommunication and telephone cables and the generation of power as further defined herein.
- 6210 UTILITY FACILITY, TRANSMISSION:** A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.
1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of one hundred and forty thousand (140,000) volts (140 kV), or greater, and that may provide for

interstate power transmission, power transmission between substations, or to provide power to customers or areas located outside of the county.

2. Gas Pipeline Right Of Way: A gas transmission pipeline of twelve inches (12") or larger diameter that may provide for interstate gas transmission, or to provide gas to customers or areas located throughout the county.
3. Wind or Water Energy System: A wind or water energy conversion system consisting of one or more turbines and/or towers and associated control and/or conversion electronics and providing generated electrical power to be used for off-site consumption.
4. Petroleum Pipeline: A petroleum or oil transmission pipeline of four inches (4") or larger in diameter and that provides for interstate petroleum or oil transmission, or to provide petroleum or oil to customers or areas located throughout the county.
5. Electric Substation: A power regulating facility designed to regulate power for distribution at voltages of one hundred forty thousand (140,000) volts (140 kV) or greater.
6. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along major utility facilities.

6220 UTILITY FACILITY, DISTRIBUTION: A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of less than one hundred and forty thousand (140,000) volts (140 kV) but more than thirty thousand (30,000) volts (30kV).
2. Gas Pipeline: A gas transmission pipeline of less than twelve inches (12") in diameter.
3. Water/Waste Water Transmission Line: A transmission line for water (culinary or irrigation water) or wastewater greater than 18" in diameter. Open canals and barrow pits are exempt from this requirement.
4. Electric Substation: A power regulating facility designed to regulate power for distribution to customers at voltages less than one hundred forty thousand (140,000) volts (140 kV).
5. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along minor utility facilities.

6230 UTILITY FACILITY, SERVICE: Electric, gas, communication, water, sewer, irrigation, drainage lines, or other utility facilities that provide local delivery or collection services from either Utility Facility Distribution or Transmission services. This includes home based geothermal, wind, solar, or water powered facilities limited to the production capacity required to service a single family dwelling.

6240 TELECOMMUNICATION FACILITY: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot

size requirement for the district in which it is located. [See §17.20 for additional requirements.](#)

6300 PUBLIC AIRPORT: A site licensed by the State for the takeoff or landing of aircraft, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are required at the time of application:

1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - a. The current FAA Form 7480-1, and;
 - b. FAA response to Form the 7480-1 submission.
 - c. A copy of the Airport Master Record.
2. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.
3. A copy of the State of Utah license as issued by the Utah Division of Aeronautics.

6310 PRIVATE AIRPORT: Any area for the takeoff or landing of aircraft and that is not open to the public, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are required at the time of application:

1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - a. The current FAA Form 7480-1, and;
 - b. FAA response to the Form 7480-1 submission.
 - c. A copy of the Airport Master Record.
2. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.

Permitting is not required for temporary or intermittent airports as defined by the Federal Aviation Administration (FAA) under Title 14 of the Code of Federal Regulations Part 157 Notice of Construction, Alteration, Activation, and Deactivation of Airports.

6400 SOLID WASTE FACILITY: A facility engaged in solid waste management, including:

1. A landfill;
2. A processing system, including:
 - a. A resource recovery facility;
 - b. A facility for reducing solid waste volume;
 - c. A plant or facility for compacting, composting, or pyrolization of solid waste;
 - d. A solid waste disposal, reduction, or conversion facility.
3. Composting Facility: A facility where organic materials are converted into a humus like material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to farming operations are exempted from this use.
4. Sewage Treatment Works: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service

area. Includes sewage lagoons and sewage treatment plants. Excludes septic systems.

6410 NUCLEAR WASTE FACILITY: A facility for the disposal or transfer of high-level nuclear waste or greater than class C radioactive nuclear waste, as defined within [Utah Code Annotated, 1953, as amended, State Code §19-3-303, as “Waste\(s\)”](#), that is located wholly or partially within the county.

RESOURCE PRODUCTION AND EXTRACTION:

7100 AGRICULTURAL PRODUCTION: The production, keeping, or maintenance, for sale, lease, or personal use of plants useful to man, including crops and products such as vegetables, fruit trees, harvestable and ornamental trees, hay, sod, grain, honey, milk, cheese, and any other agricultural or horticultural products and their storage; wholesale fruits of all kinds, including grapes, nuts, and berries; wholesale vegetables; wholesale nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Also includes the following specific uses:

1. Horticultural Production: The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.
2. Aquiculture: The commercial cultivation of aquatic life, such as fish, shellfish, and seaweed.
3. Agricultural Building: A structure used solely in conjunction with agriculture use, not for human occupancy, and complying with the requirements of [section ~~58-56-4~~§15A-1-202](#), Utah Code Annotated, 1953, as amended. To qualify as an agricultural building, the structure must be located outside of a residential area, as defined by [section ~~§15A-1-20458-56-4\(1\)~~](#), Utah Code Annotated, 1953, as amended.
4. Agricultural Products Storage: The storage of raw agricultural products. This use does not include the commercial slaughtering, the processing and packaging of meat and poultry, or the processing of food stuffs.
5. Livestock Production: An agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit and mink farms, apiaries, and aviaries.
6. Grazing: The feeding of livestock or horses where more than fifty percent (50%) of the feed is produced on the immediate parcel and available to the animals as in-place vegetation to sustain life.

7110 CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): A lot or facility as defined by the EPA as meeting or exceeding the standards of a Large CAFO.

- 7120 LIVESTOCK AUCTION FACILITY:** A structure or structures with associated pens, yards, corrals, and loading and unloading facilities used for the sale of livestock.
- 7200 BOARDING FACILITY:** A series of stables, barns, paddocks, and/or other shelters and 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 the use of the property is 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, Leq) above the existing ambient noise levels at the property line at any time of day or night. 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, Leq) above the existing ambient noise levels at the property line at any time of day or night. 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.
- 7300 FORESTRY ACTIVITIES:** The felling and transportation of commercially harvested trees. Forestry activities do not include the harvesting of firewood or trees for private use. Excludes sawmills or the production/finishing of lumber.
- 7400 MINERAL EXTRACTION:** The extraction of metallic and nonmetallic minerals or materials; including the accessory uses of rock crushing, screening, and the storage of

explosives; except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property. Includes stone quarries and sand/gravel pits.

7410 TOPSOIL EXTRACTION: Extraction activities limited to the removal and sale of topsoil, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property.

7420 SITE GRADING: The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property in preparation for the construction of a building, but not including normal cultivation associated with an agricultural operation. Excavation shall be less than 1,500 cubic yards per parcel. Additional excavation may only be permitted with a variance.

17.07.040: General Definitions

ACCESS: The provision of vehicular and/or pedestrian ingress and egress to buildings, structures, facilities, or property.

AGENT: The person with written authorization to represent an owner or owners.

AGRICULTURAL BUILDING: As defined within ~~Utah State Code~~ 15A-1-204(7) of Utah Code Annotated, 1953, as amended.

AGRICULTURAL REMAINDER

- 1) The minimum size of any remainder must be in conformance with ~~§59-2-5 of Utah Code Annotated, 1953, as amended.~~of State Code.
- 2) Any remainder shall require a deed restriction to be recorded stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.
- 3) Does not count as a "lot" for development density as described in ~~section §~~17.10.030 of this code.
- 4) Must be reviewed and approved by the land use authority to ensure the promotion and/or preservation of agriculture in terms of the layout and design of the agricultural remainders.

APPEAL: A review by the identified appellate body of a final decision of the approving body.

APPEAL AUTHORITY: A person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or variance.

APPLICANT: The owner of title or agent for property that is the subject of an application.

APPLICATION: The necessary form and all accompanying documents and other materials required by ~~an approving authority~~ the Land Use Authority for development review purposes.

APPROVAL: A decision ~~for final approval signed and issued~~ by the ~~appropriate IL~~ and ~~U~~ Use Authority stating that a proposed use complies with the current County Code.

AVERAGE DAILY TRAFFIC (ADT): The average of one-way vehicular trips that use a road during a twenty-four (24) hour period.

BOARD OF ADJUSTMENTS (BOA): The officially constituted and appointed body of Cache County, as authorized by the laws of the State of Utah, to perform those duties, as allowed by state law and this title.

BOARD OF TRUSTEES: As provided for in Title 8.20.040, “Board of Trustees”.

BOUNDARY LINE ADJUSTMENT: The relocation of the property line between two (2) or more adjoining lots or parcels.

BUILDABLE AREA: The portion of a parcel of land which is within the envelope formed by the required setbacks of the zoning district in which the parcel is located and as limited by any sensitive areas as defined in this title.

BUILDING: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, processing, equipment, goods, materials, or property of any kind.

BUILDING CODE: The most recently adopted family of ~~i~~ International ~~b~~ Building ~~e~~ Codes used to regulate the construction of buildings and structures located within Cache County.

BUILDING HEIGHT, MAXIMUM: The vertical measure from the average elevation of that portion of a lot or parcel covered by the building to the roof beams in a flat roof; to the highest point on the deck of a mansard roof; to a level midway between the level of the eaves and highest point of pitched, hip, or gambrel roofs.

BUILDING PERMIT: Legal authorization, as required by the adopted building code(s) of Cache County, authorizing the erection, alteration, or extension of a structure.

BUILDING, PUBLIC: For purposes of this title only, a public building is a building owned and operated, or owned and intended to be operated by the city/county, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:

1. Properties owned by the State of Utah or the United States government which are outside of the jurisdiction of the cityCounty zoning-Land Use Authority as provided under §17-27a-304, Utah Code Annotated, 1953, as amended, and;
2. The ownership or use of a building which is immune from the Ceounty zoning-aLand Use Authority under the supremacy clause of the United States constitution.

CACHE COUNTY, UNINCORPORATED: All unincorporated areas, lying within the boundaries of the county, and outside any corporate boundary of a municipality.

CACHE COUNTYWIDE COMPREHENSIVE PLAN: The general plan as authorized by the laws of the State of Utah for the unincorporated areas of the county, as may be adopted and amended from time to time by the Cache County Council.

CARETAKER’S RESIDENCE: A single family dwelling unit accessory to a commercial or industrial use for occupancy by the person who oversees the nonresidential operation, and his or her family.

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

CERTIFICATE OF OCCUPANCY: A certificate issued by the County Building Official after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable county codes, permits, requirements, and approved plans.

CLUSTERING: A development or subdivision design that concentrates buildings or lots on a part of the site to allow the remaining land to be used for agriculture, recreation, common open space, and/or preservation of environmentally sensitive areas.

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CODES, COVENANTS, AND RESTRICTIONS (CC&Rs): An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.

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

DEVELOPABLE ACREAGE: The land area within a subdivision excluding: aAreas defined as undevelopable under Chapter 17.18, "Sensitive Areas ", of this title, and areas dedicated to the public, such as parks and public rights-of-way.

DEVELOPMENT: The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property,

including grading, clearing, grubbing, mining, excavating, or filling of such property. Also includes the improvement or subdivision of land for the purpose of building.

DISABILITY: As defined within §57-21-2 (910) of the Utah Code Annotated, 1953, as amended.

DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste into or on any land or water so that such waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters, including groundwater.

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

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

DWELLING UNIT: One or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping, sanitary facilities, kitchen or set of fixed cooking facilities, all for exclusive use by a single family maintaining a household.

~~EARTHQUAKE FAULT: Locations identified as active or potential earthquake fault areas. (Included in definition of Geologic Hazard)~~

EASEMENT: One or more of the property rights granted by the property owner to and/or for the use by another person or entity for a specified use or purpose.

FAMILY: One individual, or two (2) or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household, or no more than four (4) nonrelated persons living together. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club or institutional group.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured materials or combination of materials erected to enclose, screen, or separate areas.

~~FINANCIAL IMPROVEMENT SURETY: A form of security that is posted in favor of Cache County that can may include cash, a letter of credit, and/or a bond, or an escrow agreement in an amount and form satisfactory to the county. Letters of Credit must be issued by a federally insured financial institution. Bonds must be issued by a financial institution, insurance company, or surety company with an A.M. Best rating of not less than A-:IX.~~

FINDINGS: Statements of the HL and uUse aA Authority identifying the reasons and basis for the action taken. Also referred to as findings of fact.

FLOODPLAIN: An area adjoining a river, stream, watercourse, or body of standing water in which a potential flood hazard exists when the area experiences a 100-year storm, including any area designated as a floodplain by the Federal Emergency Management Agency (FEMA) of the

United States government. These areas have additional regulations located within Title 15.28 of the Cache County Code.

GEOLOGIC HAZARD: A hazard inherent in the crust of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faults, landslides, and rock fall.

GRADE: The ground surface elevation(s) of a parcel of land.

GRADE, EXISTING: The grade of a property prior to any proposed development or construction activity.

GRADE, FINAL: The finished or resulting grade after completion of the proposed development activity.

GRADING: Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

GUEST HOUSE: An attached or detached building that provides living quarters for guests and (a) contains no kitchen or cooking facility; (b) is clearly subordinate and incidental to the principal residence on the same building site; and (c) is not rented or leased, whether compensation be direct or indirect.

IMPROVEMENTS: Buildings, structures, facilities, and site work including, but not limited to, grading, surfacing, paving, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations.

IMPROVEMENT AGREEMENT: An agreement between a developer and the county, **approved reviewed and issued** by the Director of Development Services that clearly establishes the developer's responsibility(ies) regarding project phasing, the provision of public and private facilities, improvements and/or conditions as imposed by ordinance and/or by a **L**and **U**se **a**uthority, and any other mutually agreed to terms and requirements.

INTENSITY: The concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, numbers of buildings, numbers of livestock, etc.

JUNK: Any scrap copper, brass, rope, rags, batteries, paper, trash, wood, rubber debris, waste, or junked, dismantled, or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

KITCHEN: An area for the preparation of food and containing a sink and stove.

LAND USE AUTHORITY: A person, board, commission, agency, or body, designated by the local legislative body to act upon a land use application; or, if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

LOT/PARCEL COVERAGE: The percentage of the area of a lot/parcel which is occupied by all buildings, other impervious surfaces, or other covered structures.

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

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

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

LOT/PARCEL SIZE: The total area of a lot, parcel, or tract of land.

MANUFACTURED HOME: A transportable, factory built housing unit constructed on or after June 15, 1976. According to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, and when erected on site, the home must be at least twenty feet (20') in width at the narrowest dimension, have exterior and roofing materials in conformance with adopted building codes, have a minimum roof pitch of two to twelve (2:12), and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A manufactured home shall be identified as real property on the property assessment rolls of Cache County. All manufactured homes constructed on or after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

MOBILE HOME: A transportable, factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code). Said unit must be placed on a permanent foundation and meet adopted building codes. The following are excluded from this definition: travel trailers, motor homes, camping trailers, or other recreational vehicles.

NUISANCE: Any use or activity which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.

OFF PREMISE: Located outside the lot or parcel lines of the principal use.

OFFICIAL ZONING MAP: The map adopted by the County Council showing the geographical distribution of the zoning districts of the county.

ON PREMISE: Located within the lot or parcel lines of the principal use.

OPEN SPACE: Any area of a lot that is completely free and unobstructed from any manmade structures or parking areas.

OWNER: Any person, group of persons, or entity, having record title to the property.

PARKING ANALYSIS: An analysis that demonstrates sufficient accommodation for the safe and efficient flow of vehicles and pedestrians, and that minimizes the impact to public streets and environmental resources due to the proposed use. This analysis must include:

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

PARKING, OFF STREET: An area adjoining a building providing for the parking of automobiles which does not include a public street but has access to it.

PERMIT: Written permission issued by ~~the~~ HL and ~~u~~ Use aA Authority, empowering the holder thereof to proceed with some act not forbidden by law.

PLANNING COMMISSION: ~~The An~~ official body of ~~the~~ Cache County ~~Planning Commission,~~ as authorized by the laws of the State of Utah, to perform those duties, as allowed by ~~s~~ State HL Law and this title.

PROPERTY FRONTAGE: The length of the property line abutting the road, street, or highway right-of-way or a line drawn parallel to the road, street, or highway right of way line and located at the front yard setback.

PROPERTY LINE: The boundary line of a lot, parcel, or tract of land.

PUBLIC HEARING: As defined by ~~Utah State Code §17-27a-103,~~ of Utah Code Annotated, 1953, as amended.

PUBLIC IMPROVEMENT: Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off street parking area or other facility or amenity.

PUBLIC MEETING: As defined by ~~Utah State Code §17-27a-103,~~ of Utah Code Annotated, 1953, as amended.

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

1. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning-land use regulations, notwithstanding the benefit that the accommodation would provide to a person with a disability.
2. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
3. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

RECLAMATION: Actions performed during and after excavation operations to shape, stabilize, revegetate or otherwise treat the land affected in order to achieve a safe, stable, ecological condition. The excavated lands will be rehabilitated to a usable condition which is readily adaptable to alternate land uses and creates no danger to public safety. The rehabilitation process may extend to affected lands surrounding the excavated lands and may require backfilling, grading, recoiling, revegetation, soil compaction, stabilization and other measures.

RESIDENCE: A dwelling unit where an individual is actually living at a given point in time and intends to remain for more than half of the calendar year, and not a place of temporary sojourn or transient visit.

RIGHT-OF-WAY: Land occupied or intended to be occupied by a public or private trail, street, road, highway, railroad, other public transportation use or other utility uses.

ROAD, PRIVATE: As defined within the Cache County Manual of Roadway Design and Construction Standards.

ROAD, PUBLIC: Any highway, road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in an action for the partition of real property, and includes the entire areas within the public right of way.

SENSITIVE AREA:

- A. Non-Developable: The following sensitive areas shall not be considered developable. Any acreage encumbered by said areas shall not be considered when calculating development density and no development shall occur therein except for required public utilities and/or facilities.
 1. Wetlands: As defined by the U.S. Army Corps of Engineers.
 2. Steep slopes: The rise or fall of the land is equal to or exceeds thirty (30) percent over a horizontal distance of twenty (20) feet or greater.
 3. Natural waterways: As defined by this title.
- B. Potentially Developable: The following areas are determined to be sensitive areas of Cache County and are subject to the requirements of this Chapter. Development may occur in these

areas in compliance with this section and any other applicable County, State, and/or Federal requirements.

1. Moderate Slopes: The rise or fall of the land is equal to or exceeds twenty (20) percent over a horizontal distance of twenty (20) feet or greater and is less than thirty (30) percent.
2. Ridgelines: 100 vertical feet on either side of the crest of a significant ridge line or hill top.
3. Floodplain and/or Floodway: As identified and defined by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), and areas of shallow ground water susceptibility as identified by the Utah Geological Survey (UGS).
4. Important Habitat Areas: As identified in the Important Habitat Areas map.
5. Geologic Hazards: Major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential slide and other high hazard areas such as mine shafts and avalanche paths.
6. Wildfire Hazards: Areas of the county designated as Wildland-Urban Interface.
7. Historic, Prehistoric, and Cultural Resources: Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah. This includes properties eligible for the National Register of Historic Places.

SETBACK: The minimum required distance between any structure and the property lines of the lot in which it is located. The front, rear, and side setbacks are illustrated in ~~section §~~ 17.10 of this title and defined as follows:

Front: The area of a lot or parcel of land extending across the frontage and being the minimum horizontal distance between a street or road right-of-way/easement line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front setback of a corner lot is the area adjacent to the designated front lot line.

Rear: The area of a lot or parcel of land extending across the rear width and being the minimum horizontal distance between the primary building, or any projection thereof other than steps, unenclosed balconies and unenclosed porches, and the rear lot line.

Side: An area of a lot or parcel of land extending between the side lot line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.

Other: Any distance required between a structure or site improvement and a set feature (i.e. floodplain, geologic hazard, etc.)

SIGN: Any device for visual communication, including any structure or natural object or part thereof that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization.

SITE PLAN: An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development including, but not limited to: topography; vegetation; drainage; floodplains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; rights-of-way or easements; utility services; structures and buildings; lighting; berms, buffers, and screening devices; development on adjacent property;

and any other information that may be required to make an informed decision.

SITE SUITABILITY ANALYSIS: A comprehensive site analysis for a public infrastructure utility. This analysis shall consider data and provide findings, conclusions, and recommendations including but not limited to: public involvement including key concerns, issues, and comments, geologic hazard areas as defined by this title, archeological, ecological, and culturally important areas, jurisdictional wetlands as defined by the U.S. Army Corps of Engineers, crucial wildlife habitat as identified by the State Division of Wildlife Resources and species of special concern, drinking water source protection areas, groundwater depth and recharge areas, structures and developed areas including existing dwellings, residential and commercial zones, schools, and churches, wildfire hazard areas, floodplains, national, state, or county parks, monuments, or recreation areas, prime, unique, and statewide importance farmlands, State and National Historic Register sites, airports, national forests, visual analysis, cost comparisons, and site alternatives.

SLOPE: The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

SOLID WASTE: All putrescible and non-putrescible solid and semi-solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and shall include other discarded material classified as solid waste by state and federal law or regulation. This does not include sewage or another highly diluted water carried material or substance and those in gaseous form.

STREAM OR CANAL BANK, TOP OF: The land area immediately above and regularly confining a river, stream, canal, or wetland. The bank has a notably steeper slope than the surrounding landscape. The first major break in the slope between the top of the bank and the surrounding landscape shall be the top of the bank.

SUBDIVISION: Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of land after August 21, 1970, for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

| **SUBDIVISION ORDINANCE:** Title 16 of [the](#) Cache County Code, as adopted.

USE, ACCESSORY: A use or a structure subordinate to the primary use of a lot, or of a primary building on the same lot, and serving a purpose clearly incidental to a permitted primary use of the lot or of the building and which accessory use or structure is compatible with the primary permitted uses or structures authorized under [zoning-land use](#) regulations applicable to the property.

1. RESIDENTIAL ACCESSORY USES: Include uses such as recreational activities, raising of pets, parking of occupants' vehicles, garage or carport, accessory buildings for home hobbies, storage buildings of not more than 500 square feet, fences/patios/decks, and gardens.
2. COMMERCIAL/MANUFACTURING ACCESSORY USES: Includes uses such as the onsite sale of manufactured goods, offices, parking, storage, and a caretaker's residence.

USE, PERMITTED: A use allowed in the district involved, without review by the Land Use Authority, and complying with the provisions of this title, County Code, and other applicable ordinances and regulations.

USE, PRIMARY: An individual use, located on a parcel or lot, that is subject to the requirements of the regulations of this title, the Cache County Code, and any other applicable state and federal requirements, and to which all other uses are accessory, conditional, or nonconforming. Only one primary use per legal lot/parcel is allowed.

USE, PROHIBITED: Any use, whether accessory or primary, not identified as either a permitted use, zoning clearance, conditional use, or temporary-nonconforming use, as provided by this title.

VARIANCE: As defined by Utah State Code §17-27a-702, of Utah Code Annotated, 1953, as amended.

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

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

WETLANDS: Any area of Cache County under the regulatory authority of the United States Army Corps of Engineers.

WILDLIFE HABITAT: Areas identified by the Utah Division of Wildlife Resources and/or the United States Fish and Wildlife Service occupied and necessary for the support of fish and fauna.

ZONING CLEARANCE: A land use review to insure compliance with the County Code, provided, reviewed, and acted upon An acknowledgment, provided by the Director of Development Services, or designee, identifying that the proposed use, building, structure, or facility complies with the requirements of this title.

ZONING DISTRICT, BASE: The classification of all land as reflected in the Cache County Zoning Map wherein development regulations are in place to uniformly govern the use, placement, and size of land and structures. In the instance of conflicting or multiple base zoning districts on a single parcel, the more restrictive zone shall be applied across the entire parcel. base zoning districts may be combined with an overlay zoning district on all or a portion of a parcel to alter, restrict, or allow specific development regulations.

ZONING DISTRICT, OVERLAY: The classification of land as reflected in the Cache County Zoning Map wherein additional development regulations are applied to the regulations of the base zoning district.

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17.09.020 Permitted Uses and Land Use Applications by Zoning District.....1
17.09.030 Schedule of Uses by Zoning District.....1

17.09.010: Purpose:

The purpose of this chapter is to define the types of uses permitted by right, requiring a land use application, and prohibited within all zoning districts.

17.09.020: Permitted and Land Use Applications by Zone:

Table 17.09.030 of this chapter lists the primary uses within all Cache County zoning districts. All of the use categories listed in the table are defined in Chapter 17.07 of this title.

- A. Uses Permitted by Right:**
 - 1. A "P" indicates that a use type is allowed without Land Use Authority review/permitting in the respective zoning district.
- B. Land Use Applications:**
 - 1. A "ZC" indicates that a use type is allowed as a Zoning Clearance, and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code.
 - 2. A "C" indicates that a use type is allowed as a Conditional Use Permit and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code.
- C. Uses Prohibited:**
 - 1. An "N" indicates that a use type is prohibited in the respective zoning district.
 - 2. Any uses not specifically permitted or conditionally permitted are prohibited.
- D. Overlay Zone Uses:**
 - 1. A " - " indicates that any applicable overlay zone does not impose any additional requirements on the use beyond the base zone requirements.
- E. Additional Compliance:** All uses must comply with all applicable local, state, and federal requirements and licensing and must provide evidence or documentation compliance to the appropriate land use authority.

17.09.030: Schedule of Uses by Zoning District

Base Zoning Districts	
RU2	Rural 2 Zone
RU5	Rural 5 Zone
A10	Agricultural Zone
FR40	Forest Recreation Zone
RR	Resort Recreation Zone
C	Commercial Zone
I	Industrial Zone

Overlay Zoning Districts	
ME	Mineral Extraction and Excavation
PI	Public Infrastructure

Index	Description	Base Zone							Overlay Zone	
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
1000	Residential									
1100	Single Family Dwelling	ZC	ZC	ZC	N	ZC	N	N	N	-
1110	Foster Home	P	P	P	N	P	N	N	N	-
1120	Accessory Apartment	ZC	ZC	ZC	N	ZC	N	N	N	-
1130	Accessory/Agriculture Structures	ZC	ZC	ZC	ZC	ZC	ZC	ZC	-	-
1200	Home Based Business	ZC	ZC	ZC	N	ZC	N	N	N	-
1300	Multi-Family Dwelling	N	N	N	N	C	N	N	N	-
1400	Seasonal Cabin	ZC	ZC	ZC	ZC	ZC	N	N	N	-
1500	Residential Living Facilities	ZC	ZC	ZC	N	ZC	N	N	N	-
2000	Manufacturing Industries									
2100	General Manufacturing	N	N	N	N	N	N	C	N	-
2110	Agricultural Manufacturing	N	N	C	N	N	C	C	N	-
2200	Storage and Warehousing	N	N	N	N	N	N	C	N	-
2210	Self-service Storage Facility	N	N	N	N	N	C	C	N	-
2300	Transport Services	N	N	N	N	N	N	C	N	-
3000	Trade, Wholesale and Retail									
3100	Retail and Commercial Sales	N	N	N	N	C	C	N	N	-
3110	Produce Stand	ZC	ZC	ZC	N	ZC	ZC	N	N	-
4000	Services, Professional and Personal									
4100	Professional Services	N	N	N	N	C	C	N	N	-
4200	Professional Office	N	N	N	N	C	C	N	N	-
4300	Medical Services	N	N	N	N	C	C	N	N	-
4400	Human Care Services	N	N	N	N	C	C	N	N	-
4500	General Vehicle Repair	N	N	N	N	C	C	C	N	-
4600	Restaurant	N	N	N	N	C	C	N	N	-
4610	Mobile Food Truck	N	N	N	N	ZC	ZC	ZC	N	-
4700	Transient Lodging	N	N	N	N	C	C	N	N	-
4710	Bed and Breakfast	C	C	C	C	C	C	N	N	-
5000	Cultural, Entertainment, and Recreation									
5100	Recreational Facility	N	N	C	C	C	C	N	N	-
5200	Resort	N	N	N	N	C	N	N	N	-

5300	Sexually-oriented Businesses	N	N	N	N	N	N	C	N	-
6000	Public, Institutional, and Utility Uses	RU2	RU5	A10	FR40	RR	C	I	ME	PI
6100	Public/Institutional Uses									
6110	Cemetery	N	N	C	N	N	N	N	N	-
6120	Public Uses	P	P	P	P	P	P	P	N	-
6130	Religious Meeting House	C	C	C	N	C	C	N	N	-
6140	Correctional Facility	N	N	N	N	N	N	N	N	-
6150	Reserved									
6160	Educational Facility	N	N	N	N	N	C	N	N	-
6200	Utilities									
6210	Utility Facility, Transmission	N	N	N	N	N	N	N	N	C
6220	Utility Facility, Distribution	C	C	C	C	C	C	C	C	C
6230	Utility Facility, Service	P	P	P	P	P	P	P	P	P
6240	Telecommunication Facility	N	N	N	N	N	C	C	N	C
6300	Public Airport	N	N	N	N	N	N	N	N	C
6310	Private Airport	N	N	C	C	C	C	C	-	-
6400	Solid Waste Facilities	N	N	N	N	N	N	N	N	C
6410	Nuclear Waste Facility	N	N	N	N	N	N	N	N	N
7000	Resource Production and Extraction	RU2	RU5	A10	FR40	RR	C	I	ME	PI
7100	Agricultural Production	P	P	P	P	P	P	P	P	-
7110	Concentrated Animal Feed Op.	N	N	C	N	N	N	N	N	-
7120	Livestock Auction Facility	N	N	C	N	N	C	C	N	-
7200	Boarding Facility	C	C	C	N	C	C	N	-	-
7210	Household Pet	P	P	P	P	P	P	P	-	-
7220	Home Based Kennel	C	C	C	N	C	C	N	-	-
7230	Comm. Kennel/Animal Shelter	N	N	N	N	N	C	C	-	-
7300	Forestry Activities	N	N	N	C	C	N	N	N	-
7400	Mineral Extraction	N	N	N	N	N	N	N	C	-
7410	Topsoil Extraction	N	N	C	N	N	N	N	C	-
7420	Site Grading	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	-

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17.09.010: Purpose:

The purpose of this chapter is to define the types of uses permitted by right, requiring a land use application, conditionally permitted, permitted as small businesses, and prohibited within all zoning districts.

17.09.020: Permitted and ~~Conditional Uses~~Land Use Applications by Zone:

Table 17.09.030 of this chapter lists the primary uses within all Cache County zoning districts. All of the use categories listed in the table are defined in Chapter 17.07 of this title.

A. Uses Permitted ~~b~~By Right:

1. A "P" indicates that a use type is allowed without Land Use Authority review/permitting in the respective zoning district.

B. Land Use Applications~~Conditional Uses~~:

1. A "ZC" indicates that a use type is allowed as a Zoning Clearance, and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code.
- ~~1.2.~~ A "C" indicates that a use type is allowed as a Conditional Use Permit and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code only if reviewed and approved as a conditional use in accordance with this title.

C. Uses ~~Not Allowed~~Prohibited:

1. An "N" indicates that a use type is not allowed/prohibited in the respective zoning district.
2. Any uses not specifically permitted or conditionally permitted are prohibited.

D. Overlay Zone Uses:

1. A " - " indicates that the any applicable overlay zone does not impose any additional requirements on the use than beyond the base zone requirements.

E. Additional Compliance: All uses must comply with all applicable local, state, and federal requirements and licensing and must provide evidence or documentation compliance to the appropriate land use authority.

Base Zoning Districts	
RU2	Rural 2 Zone
RU5	Rural 5 Zone
A10	Agricultural Zone
FR40	Forest Recreation Zone
RR	Resort Recreation Zone

C	Commercial Zone
I	Industrial Zone

17.09.030: Schedule of Uses by Zoning District

Index	Description	Base Zone							Overlay Zone	
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
1000	Residential									
1100	Single Family Dwelling	PZC	ZCP	ZCP	N	PZC	N	N	N	-
1110	Foster Home	P	P	P	N	P	N	N	N	-
1120	Accessory Apartment	EZC	EZC	EZC	N	EZC	N	N	N	-
1130	Accessory/Agriculture Structures	ZC	ZC	ZC	ZC	ZC	ZC	ZC	-	-
1200	Home Based Business	ZCP	ZCP	ZCP	N	PZC	N	N	N	-
1300	Multi-Family Dwelling	N	N	N	N	C	N	N	N	-
1400	Seasonal Cabin	ZCP	ZCP	ZCP	ZCP	PZC	N	N	N	-
1500	Residential Living Facilities	ZCP	ZCP	ZCP	N	PZC	N	N	N	-
2000	Manufacturing Industries									
2100	General Manufacturing	N	N	N	N	N	N	C	N	-
2110	Agricultural Manufacturing	N	N	C	N	N	C	C	N	-
2200	Storage and Warehousing	N	N	N	N	N	N	C	N	-
2210	Self-service Storage Facility	N	N	N	N	N	C	C	N	-
2300	Transport Services	N	N	N	N	N	N	C	N	-

Overlay Zoning Districts	
ME	Mineral Extraction and Excavation
PI	Public Infrastructure

3000	Trade, Wholesale and Retail	RU2	RU5	A10	FR40	RR	C	I	ME	PI
		3100	Retail and Commercial Sales	N	N	N	N	C	C	N
3110	Produce Stand	EZC	EZC	ZCP	N	PZC	ZCP	N	N	-
4000	Services, Professional and Personal									
		RU2	RU5	A10	FR40	RR	C	I	ME	PI

4100	Professional Services	N	N	N	N	C	C	N	N	-
4200	Professional Office	N	N	N	N	C	C	N	N	-
4300	Medical Services	N	N	N	N	C	C	N	N	-
4400	Human Care Services	N	N	N	N	C	C	N	N	-
4500	General Vehicle Repair	N	N	N	N	C	C	C	N	-
4600	Restaurant	N	N	N	N	C	C	N	N	-
4610	Mobile Food Truck	N	N	N	N	PZC	ZCP	ZCP	N	-
4700	Transient Lodging	N	N	N	N	C	C	N	N	-
4710	Bed and Breakfast	C	C	C	C	C	C	N	N	-
5000	Cultural, Entertainment, and Recreation	RU2	RU5	A10	FR40	RR	C	I	ME	PI
5100	Recreational Facility	N	N	C	C	C	C	N	N	-
5200	Resort	N	N	N	N	C	N	N	N	-
5300	Sexually-oriented Businesses	N	N	N	N	N	N	C	N	-
6000	Public, Institutional, and Utility Uses	RU2	RU5	A10	FR40	RR	C	I	ME	PI
6100	Public/Institutional Uses									
6110	Cemetery	N	N	C	N	N	N	N	N	-
6120	Public Uses	P	P	P	P	P	P	P	N	-
6130	Religious Meeting House	C	C	C	N	C	C	N	N	-
6140	Correctional Facility	N	N	N	N	N	N	N	N	-
6150	Reserved									
6160	Educational Facility	N	N	N	N	N	C	N	N	-
6200	Utilities									
6210	Utility Facility, Transmission	N	N	N	N	N	N	N	N	C
6220	Utility Facility, Distribution	C	C	C	C	C	C	C	C	C
6230	Utility Facility, Service	P	P	P	P	P	P	P	P	P
6240	Telecommunication Facility	N	N	N	N	N	C	C	N	C
6300	Public Airport	N	N	N	N	N	N	N	N	C
6310	Private Airport	N	N	C	C	C	C	C	-	-
6400	Solid Waste Facilities	N	N	N	N	N	N	N	N	C
6410	Nuclear Waste Facility	N	N	N	N	N	N	N	N	N
7000	Resource Production and Extraction	RU2	RU5	A10	FR40	RR	C	I	ME	PI
7100	Agricultural Production	P	P	P	P	P	P	P	P	-
7110	Concentrated Animal Feed Op.	N	N	C	N	N	N	N	N	-
7120	Livestock Auction Facility	N	N	C	N	N	C	C	N	-
7200	Boarding Facility	C	C	C	N	C	C	N	-	-
7210	Household Pet	P	P	P	P	P	P	P	-	-

7220	Home Based Kennel	C	C	C	N	C	C	N	-	-
7230	Comm. Kennel/Animal Shelter	N	N	N	N	N	C	C	-	-
7300	Forestry Activities	N	N	N	C	C	N	N	N	-
7400	Mineral Extraction	N	N	N	N	N	N	N	C	-
7410	Topsoil Extraction	N	N	C	N	N	N	N	C	-
7420	Site Grading	<u>ZCP</u>	<u>ZCP</u>	<u>ZCP</u>	<u>ZCP</u>	<u>PZC</u>	<u>ZCP</u>	<u>ZCP</u>	<u>ZCP</u>	-

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17.10.010: Purpose

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

17.10.020: General Requirements

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

G. Nonconforming Lot/Parcel

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

H. Nonconforming Structure

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

17.10.030: Development Density and Standards Specific to Base Zoning Districts

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

1. Screening and Landscaping:
 - a. Where any commercial or industrial lot shares a common boundary with property zoned A10, RU5, or RU2, a screen shall be provided at least six feet (6') in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.
 - b. All mechanical equipment related to the building, including heating and air conditioning units and trash dumpsters, shall be completely screened from surrounding properties by use of a solid screening fence or wall six feet (6') in height or shall be enclosed within a building. Trash dumpsters shall be located a minimum twenty five feet (25') from any property zoned A10, RU5, or RU2.
 - c. Wherever off street parking areas are situated across the roadway from property zoned A10, RU5, or RU2, a berm or retaining wall in conjunction with a berm, three feet (3') in height shall be constructed within the required setback to adequately screen the parking.
 - d. Landscaping shall be required on ten percent (10%) of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right of way dedication.
 - e. All landscaping shall be maintained in a healthy, neat, and orderly condition free of weeds and litter. All paved areas, walls, or fences shall be in good repair without broken parts, holes, potholes, or litter.
 - f. The planning commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.
2. General Provisions: The land use authority may limit the hours of operation of a business located within the Commercial (C) and Industrial (I) zoning districts. This limitation may be a requirement of obtaining or renewing a business license. Any limitation on the hours of operation of an existing business shall require the land use authority to provide factual findings for the limitation.

17.10.040: Site Development Standards

Table 17.10.040 of this section lists the site development standards that apply within all zoning districts. These are "base" standards, not entitlements. Other regulations of the Land Use Ordinance, the subdivision ordinance, other applicable county ordinances and policies, requirements imposed as conditions of permitting, or requirements from other local, state, and federal agencies may impose other development standards.

Table 17.10.040 Site Development Standards

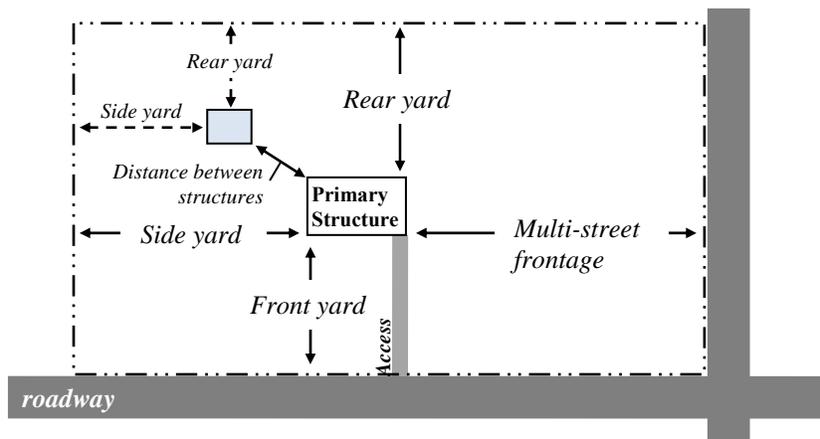
Use Setback Distances (in feet):	Use type: Primary								Accessory		Both	
	RU2		RU5		A10		FR40		C		I	
Front yard	30		30		30		50		30		30	
Multi-street frontage	30		30		30		50		30		30	
Side yard	12	5	12	5	12	5	20	5	30 ¹		30 ¹	
Rear yard	30	5	30	5	30	5	30	5	30 ¹		30 ¹	
Structures on same lot	10		10		10		10		10		10	
From the top of a recognized irrigation canal bank to any structure or fence.	16.5		16.5		16.5		16.5		16.5		16.5	
Other Standards:												
Maximum structure height ²	35		35		35		35		40	35	40	35
Minimum lot size	½ acre		½ acre		½ acre		1 acre		½ acre		1 acre	
Maximum density ⁴	1U/2A		1U/5A		1U/10A ³		1U/40A		2U/A		N/A	
Maximum lot coverage	60%		60%		60%		10,000 sf.		50%		50%	
Minimum lot frontage	90'		90'		90'		150'		150'		150'	

¹ Setback may be reduced to 15 feet with a conditional use permit if the adjoining parcel is zoned Commercial or Industrial.

² Maximum height for agricultural structures is 45 feet. Also see §17.07.040 General Definitions; Building Height, Maximum.

³ The density standard has an exception for the A10 zone located in subsection 17.10.030 [A] of this chapter.

⁴ The Land Use Authority shall have the authority to determine the total number of acres eligible for residential density (developable acreage).



17.10.050: Supplemental Standards

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

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

Structures built within 100 feet of the floodplain as identified on the current FIRM maps and identified on the County Sensitive Area Map must show a minimum of 1 foot of freeboard above the Base Flood Elevation (BFE).
 - c. Measurement of Setback:

17.10.010 Purpose.....1
17.10.020 General Requirements.....1
17.10.030 Development Density and Standards Specific to Base Zoning Districts.....2
17.10.040 Site Development Standards3
17.10.050 Supplemental Standards5
17.10.060 Improvement Agreements.....6

17.10.010: Purpose

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

17.10.020: General Requirements

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

G. Nonconforming Lot/Parcel

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

H. Nonconforming Structure

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

17.10.030: Development Density and Standards Specific to Base Zoning Districts

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

1. Screening and Landscaping:
 - a. Where any commercial or industrial lot shares a common boundary with property zoned A10, RU5, or RU2, a screen shall be provided at least six feet (6') in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.
 - b. All mechanical equipment related to the building, including heating and air conditioning units and trash dumpsters, shall be completely screened from surrounding properties by use of a solid screening fence or wall six feet (6') in height or shall be enclosed within a building. Trash dumpsters shall be located a minimum twenty five feet (25') from any property zoned A10, RU5, or RU2.
 - c. Wherever off street parking areas are situated across the roadway from property zoned A10, RU5, or RU2, a berm or retaining wall in conjunction with a berm, three feet (3') in height shall be constructed within the required setback to adequately screen the parking.
 - d. Landscaping shall be required on ten percent (10%) of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right of way dedication.
 - e. All landscaping shall be maintained in a healthy, neat, and orderly condition free of weeds and litter. All paved areas, walls, or fences shall be in good repair without broken parts, holes, potholes, or litter.
 - f. The planning commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.
2. General Provisions: The land use authority may limit the hours of operation of a business located within the Commercial (C) and Industrial (I) zoning districts. This limitation may be a requirement of obtaining or renewing a business license. Any limitation on the hours of operation of an existing business shall require the land use authority to provide factual findings for the limitation.

17.10.040: Site Development Standards

Table 17.10.040 of this section lists the site development standards that apply within all zoning districts. These are "base" standards, not entitlements. Other regulations of the [zoning-Land Use Ordinance](#), the subdivision ordinance, other applicable county ordinances and policies, requirements imposed as conditions of permitting, or requirements from other local, state, and federal agencies may impose other development standards.

Table 17.10.040 Site Development Standards

Use Setback Distances (in feet):	Use type: Primary								Accessory		Both	
	Base zoning districts:		RU2	RU5	A10	FR40	C	I				
Front yard			30	30	30	50	30	30				
Multi-street frontage			30	30	30	50	30	30				
Side yard	12	5	12	5	12	5	20	5	30 ¹	30 ¹		
Rear yard	30	5	30	5	30	5	30	5	30 ¹	30 ¹		
Structures on same lot			10	10	10	10	10	10				
From the top of a recognized irrigation canal bank to any structure or fence.			16.5	16.5	16.5	16.5	16.5	16.5				
Other Standards:												
Maximum structure height ^{2,5}			35	35	35	35	40	35	40	35		
Minimum lot size			½ acre	½ acre	½ acre	1 acre	½ acre	1 acre				
Maximum density ⁴			1U/2A	1U/5A	1U/10A ³	1U/40A	2U/A	N/A				
Maximum lot coverage			60%	60%	60%	10,000 sf.	50%	50%				
Minimum lot frontage			90'	90'	90'	150'	150'	150'				

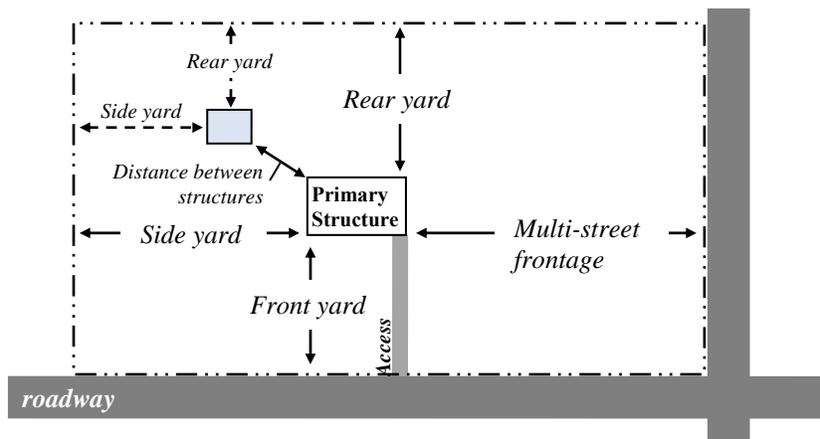
¹ Setback may be reduced to 15 feet with a conditional use permit if the adjoining parcel is zoned Ceommercial or Industrial.

² Maximum height for agricultural structures is 45 feet. Also see §17.07.040 General Definitions; Building Height, Maximum.

³ The density standard has an exception for the A10 zone located in subsection 17.10.030 [A] of this chapter.

⁴ The Hand Use authority shall have the authority to determine the total number of acres eligible for residential density (developable acreage).

⁵ ~~Height restrictions exceptions may be granted in compliance with section 17.10.050[A][6] of this title.~~



17.10.050: Supplemental Standards

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

1. Parking Standards:

- a. Parking for each use shall conform to chapter 17.22 of this title.
- b. No required parking shall be permitted in any required setback area.

2. Agricultural Restrictive Covenant:

- a. Any person who chooses to site a nonagricultural use will be required to record a signed agricultural declaration against their property making it subject to a restrictive covenant in favor of all agricultural uses that may occur within the zone they are presently located or within an adjacent zone.
- b. The form of the declaration shall be substantially as follows and it may be incorporated verbatim or by reference:
 - i. **AGRICULTURAL DECLARATION:** The property described herein is subject to all adjacent Agricultural Uses allowed within or adjacent to this zone, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural uses now existing or which may exist in the future in an Agricultural zone. By this Declaration the undersigned, and their successors in interest, hereby waive any claim for nuisance or otherwise arising from regular and customary agricultural operations. Agricultural operations that are consistent with sound agricultural practices are declared reasonable and shall not constitute a nuisance. Agricultural operations that are in conformity with federal, state, and local laws and regulations are presumed to be operating within sound agricultural practices.

3. Water and Sewage Requirements:

- a. All proposed uses and/or buildings needing the use of water and sewage facilities shall comply with the requirements of the Bear River Health Department, the Utah Department of Environmental Quality, and the Office of the State Water Engineer. These agencies shall be considered the county experts in evaluating the proposed sewage and culinary water supply system.
- b. No proposed septic system shall be permitted within a zone 1 or zone 2 as defined by the current drinking water source protection plan for any public culinary water system.

4. Setbacks:

a. Setbacks and Open Space for One Building Only:

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

b. Floodplain:

Structures built within 100 feet of the floodplain as identified on the current FIRM maps and identified on the County Sensitive Area Map must show a minimum of 1 foot of freeboard above the Base Flood Elevation (BFE).

b.c. Measurement of Setback:

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

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

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

~~5.—Exceptions to Height Limitations:~~

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

- B. Supplemental development standards specific to the Mineral Extraction and Excavation (ME) zoning district are located within Chapter 17.13 of this title.
- C. Supplemental development standards specific to the Resort Recreation (RR) zoning district are located within Chapter 17.14 of this title.
- D. Supplemental development standards regarding sensitive areas for all zoning districts are located within Chapter 17.18 of this title.

17.10.060: Improvement Agreements

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

#4 Public Hearing (6:30PM): Code Amendments, Title 17

Harrild reviewed the Code Amendments to Title 17. The general updates that are applicable to all the sections are the term “land use” replaces references to “zoning” when describing the ordinance as a reflection of State Code 17.02 Administration the main changes are under section B. One major change is that one non-resident employee may work in the residence if it can be demonstrated by the applicant that potential impacts due to the increase are non-existent; a minor variance is required as specified in §17.02.060. This allows a review at the administrative level to look at the application and intent. In section 17.06 Uses the existing code does not make a distinction between those use permitted by right and requiring no permit, and those uses that are permitted and require a permit. This subsection has been updated to include that distinction. This means the use has been updated to reflect a p for permitted and a zc for needing a zoning clearance. For Conditional Uses the language was cleaned up to be more in line with state code. The code has been cleaned up to reflect what needs to happen so the County doesn't get in trouble with how uses are handled. 17.09: Use Chart was discussed. Single family homes have to have a zoning clearance as do accessory apartments, seasonal cabins, and residential living facilities. Accessory apartments will now be handled as part of the zoning clearance process.

Staff and Commission discussed 17.07.1200 Home Based Business. The language regarding outside sales was removed. There were questions regarding a home daycare. Staff will clarify the age requirements for home daycares and preschools. For Home Based Business new section 4 shall be Minor Service Provision: Typically includes professional services where client meetings may occur at the home. In section 1500 Residential Facility for Elderly Persons was removed due to a change in State code.

In section .040 of 17.07 appeal authority was added and approval was clarified. Earthquake Fault was removed as it is presently addressed under the definition for Geologic Hazard.

07:01:00

Sands motioned to open the public hearing for Code Amendments for Title 17; **Parker** seconded; **Passed 5, 0.**

Carry Higgly I was just wondering about this process because we are looking at having a home based business and our daughter would come to work for us.

Sands and these changes will allow for that.

Smith we can't make a decision without an application in front of us but please talk to staff about this.

Harrild we have been contacted. This will go to Council next and they will hold a public hearing there probably in about 3 weeks.

Ms. Higgly thank you.

07:02:00

Olsen motioned to close the public hearing; **Sands** seconded; **Passed 5, 0.**

Staff and Commission discussed 17.07.1500. If family is taking another family member into their house they don't require anything to be able to do that. This is for a single-family dwelling in which more than one unrelated person with a disability resides.

Sands motioned to recommend approval to the County Council for the code amendments Title 17 as amended noted in the discussion; **Parker** seconded; **Passed 5, 0.**

**CACHE COUNTY
RESOLUTION 2016-07**

**A RESOLUTION IMPLEMENTING THE 2016 WEED CONTROL POLICY
FOR CACHE COUNTY**

WHEREAS, the State of Utah Noxious Weed Act requires that counties establish methods to control noxious weeds, and;

WHEREAS, Title 8.28 establishes a Weed Control Ordinance for Cache County, and;

WHEREAS, County Code 8.28 requires that a policy be established annually to determine the noxious weeds targeted for control, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the county to adopt a Weed Control Policy.

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

The 2016 Cache County Weed Control Policy, attached as Exhibit A, is hereby approved, superseding all prior Noxious Weed Control Policies.

APPROVED AND ADOPTED this 12th day of April, 2016.

Cache County Council

Gregory Merrill, Chairman

Attest:

Jill N. Zollinger, County Clerk/Auditor

2016 CACHE COUNTY WEED CONTROL POLICY

A. STATEMENT OF INTENT

The Cache County weed control program will function and enforce in accordance with the Noxious Weed Act and Cache County code section 8:28 to organize, supervise, and coordinate a noxious weed control plan for Cache County including chemical and biological control practices.

B. ANNUAL COORDINATION MEETINGS

The County Weed Board shall hold an annual coordination meeting each year prior to the start of the weed season. All organizations concerned with weed control will be invited to have a representative in attendance including the following agencies: Utah Department of Transportation, U.S. Forest Service, Utah Division of Wildlife Resources, State Trust Lands, Utah Department of Agriculture and Food, Cache County Extension, Union Pacific Railroad, PacifiCorp, Questar, irrigation companies and municipalities. Cache County personnel including Weed Department staff, the Road/Weed Foreman, and the Director of Development Services should be in attendance. Notice of the meeting shall be posted in compliance with County code and State Law.

The purpose of this meeting will be to inventory and record current problem areas, discuss and record any new infestations, discuss effective weed control efforts, discuss and coordinate county priorities with the Cooperative Weed Management Area (CWMA) priorities, and plan and organize the year's weed control program.

In addition to the annual coordination meeting, midyear meetings may be held to discuss pressing weed control issues such as new weed discoveries, weed law violations, and enforcement. A final meeting shall be held in the fall to inform the Weed Board of the activities of the Weed Department for the past weed season and to discuss possible county priorities for the CWMA the following year. The *Annual Weed Progress Report* with a summary of the results of the summer's activities shall be provided to the Weed Board.

C. WEED CONTROL SERVICE AREA

Any individual, corporation, municipality, governmental agency, or organization owning, leasing, or controlling property within Cache County may request the services of the County Weed Department in accordance with weed control priorities established and approved by the Weed Board and the Cache County Council. All requests for agricultural crop spraying and residential yard and/or garden spraying will be referred to commercial applicators.

Property owners are encouraged to participate in weed control activities by locating, identifying, and controlling specific infestations on their individual properties. The County shall conduct weed control activities where required throughout the County. In the case of weed control adjacent to organic farms, the County shall actively spray up to the property boundaries including all County road rights-of-way and easements. The responsibility to provide a "no-spray" buffer remains on the property owner. If noxious weeds are present on organic farms, the property owner can opt to control said weeds in compliance with this policy, County code, and State law with non-chemical applications if the control is effective.

However, if the property owners are unable to control weeds in an appropriate manner, the property may be declared a public nuisance in compliance with County code and the weeds controlled accordingly.

D. WEED CONTROL PRIORITIES

1. Control of noxious weeds or any plant deemed a nuisance or hazard on property within the county.
2. Control of noxious weeds on steams, drainage, and irrigation systems. Also, control of non-noxious plants which impede the water flow in irrigation systems when that control can be accomplished as part of the noxious weed application.
3. Control of noxious weeds on non-crop land areas such as rangeland, wet pastures, fence lines, vacant land, right-of-ways, easements, county road sides, etc.

E. CATEGORIES OF WEEDS

For the purpose of organizing efforts and funding weed control programs, noxious and invading weeds are classified as follows:

CLASS 1A EDRR WATCH LIST

Qualifications for this class include. Common Crupina, African Rue, Small Bugloss, Mediterranean Sage, Spring Millet, Syrian Beancaper, North African Grass, Plumeless Thistle, Malta Thistle.

CLASS 1B EARLY DETECTION

Qualifications for this class include: Camelthorn, Garlic Mustard, Purple Starthistle, Goatsrue, African Mustard, Giant Reed, Japanese Knotweed, Vipers Bugloss, Elongated Mustard, Common St. Johnswort, Oxeye Daisy, Cutleaf Vipergrass.

CLASS 2 CONTROL

Qualifications for this class include: Leafy Spurge, Medusahead, Rush Skeletonweed, Spotted Knapweed, Purple Loosestrife, Squarrose Knapweed, Dyers Woad, Yellow Starthistle, Yellow Toadflax, Diffuse Knapweed, Blackhenbane, Dalmation Toadflax.

CLASS 3 CONTAIN

Qualifications for this class include: Russian Knapweed, Houndstounge, Broad-leaved Peppergrass (Tall Whitetop), Phragmites, Tamarisk (Salt Cedar), Hoary Cress, Canada Thistle, Poison Hemlock, Musk Thistle, Quackgrass, Jointed Goatgrass, Bermudagrass, Perennial Sorghyum ssp. (including but not limited to Johnson Grass, Scotch Thistle (Cotton Thistle), Field Bindweed, Puncturevine.

CLASS 4 PROHIBITED

Qualifications for this class include: Cogongrass (Japanese Blood Grass), Myrtle Spurge, Dame's Rocket, Scotch Broom, Russian Olive.

F. NOXIOUS WEED SEED RESTRICTIONS

It shall be unlawful for any individual or company to sell, offer, or expose for sale or distribute in the State of Utah any agricultural, vegetable, flower, tree and shrub seeds, or seeds for sprouting for seeding purposes which contain, either in part or in whole, any prohibited noxious weed seeds. "Prohibited" noxious weed seeds are the seeds of any plant determined by Utah Commissioner of Agriculture and food to be injurious to public health, crops, livestock, land, or other property. (Utah Seed Law, R68-8)

G. WEED CONTROL FEE SCHEDULE

The following charges* will be effective for the 2015 spraying season.

- 1) Early Detection Rapid Response (EDRR) Grant Projects** – Projects where the Weed Department treats a State/County declared noxious weed and has received specific grant funding for the treatment of such. Cost of \$50.00 per Acre with a \$50.00 minimum charge.
- 2) Goatsrue Grant Projects** – Treatment of any areas invested with Goatsrue while grant funding is available. Cost of \$25.00 per acre with a \$50.00 minimum charge.
- 3) Non-Grant Qualifying or Enforcement Work** - Labor and Equipment at fully loaded and audited rates and Herbicide at full purchase price with a \$50.00 minimum charge.

*Requests for services or contracts with Cache County Weed Department which; due to distance, terrain, special equipment/control requirements, or particular personnel needs; create expenses not anticipated in the above guidelines may be negotiated on an individual basis with the County.

**CACHE COUNTY
ORDINANCE NO. 2016-05**

**AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE
AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER**

WHEREAS, Rocky Mountain Power, is a regulated public utility that provides electric power and energy to the citizens of Cache County (the “County”) and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the County;

WHEREAS, the County, pursuant to the provisions of Utah Code Ann. § 17-50-306 has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a general utility easement for the use thereof;

WHEREAS, the County desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the County;

NOW, THEREFORE, be it ordained by the County:

SECTION 1. Grant of Franchise and General Utility Easement. The County hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as “Electric Facilities”) in, under, along, over and across the present and future streets, alleys, public ways and public places (collectively referred to herein as “Public Ways”) within the County, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the County and persons and corporations beyond the limits thereof.

SECTION 2. Term. The term of this Franchise and General Utility Easement is for Ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

SECTION 3. Acceptance by Company. Within sixty (60) days after the passage of this ordinance by the County, Rocky Mountain Power shall file an unqualified written acceptance thereof, with the County Clerk otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the County shall be nonexclusive and the County reserves the right to use the Public Ways for itself or any other entity that provides service to County residences; provided, however, that such use

shall not unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein.

SECTION 5. County Regulatory Authority. In addition to the provision herein contained, the County reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or County Ordinance.

SECTION 6. Indemnification. The County shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the County harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power's use of the Public Ways within the County, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The County shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the County seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the County harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the County or any of its officers or employees.

SECTION 7. Annexation.

7.1 Extension of County Limits. Upon the annexation of any territory to the County, the rights granted herein shall extend to the annexed territory to the extent the County has such authority. All Electrical Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Notice of Annexation. When any territory is approved for annexation to the County, the County shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the County's ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power Customer Contact Center
Attn: Annexations
P.O. Box 400
Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power
Attn: Office of the General Counsel
1407 West North Temple, Room 320
Salt Lake County, UT 84116

SECTION 8. Plan, Design, Construction and Installation of Company Facilities.

8.1 All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and county laws, codes and regulations.

8.2 Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the public way or street or other public places, apply for a permit from the County which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the County, and the County may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency services prior to the work being done.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the County and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the County.

8.4 If, during the course of work on its Electrical Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the County) replace and restore it in as good a condition as existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by County ordinance.

8.6 The County shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for County wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the County for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the County shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or

alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. County attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, County attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the County's expense, such attachments to ensure compliance with this Section 8.6 and to require the County to remedy any defective attachments.

8.7 Rocky Mountain Power shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the County. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the County of such work by written notice and shall allow the County, at its own expense, (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the County will not unreasonably interfere with Rocky Mountain Power's Electrical Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the County shall give written notice to Rocky Mountain Power.

SECTION 9. Relocations of Electric Facilities.

9.1 The County reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the County. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the County shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the County. The County shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of Rocky Mountain Power to obtain reimbursement.

9.2 Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development.

SECTION 10. Subdivision Plat Notification. Before the County approves any new subdivision and before recordation of the plat, the County shall send a copy of the proposed plat

to Rocky Mountain Power for the Company's review and comment as to the adequacy of plat provisions for Electrical Facilities, including underground facilities to be installed by the developer, and associated rights of way depicted on the plat. The County shall take into consideration comments provided by Rocky Mountain Power. A copy of the plat shall be mailed or emailed to:

Rocky Mountain Power
Attn: Estimating Department
780 N Main St
Smithfield, Utah 84335

Or,

SubdivisionPlatNotification@pacificorp.com

SECTION 11. Vegetation Management. Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

SECTION 12. Renewal. At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the County either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the County as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

SECTION 13. No Waiver. Neither the County nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 14. Transfer of Franchise. Rocky Mountain Power shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the County shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (1) has obligations for borrowed money

or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

SECTION 15. Amendment. At any time during the term of this Franchise, the County through its County Council, or Rocky Mountain Power may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the County and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

SECTION 16. Notices. Unless otherwise specified herein, all notices from Rocky Mountain Power to the County pursuant to or concerning this Franchise shall be delivered to the County Recorder's Office. Unless otherwise specified herein, all notices from the County to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Customer Services Vice President, Rocky Mountain Power, 201 South Main, Suite 2400, Salt Lake County, Utah 84111, and such other office as Rocky Mountain Power may advise the County of by written notice.

SECTION 17. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 18. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

PASSED by the County Council of the County of _____, Utah this _____ day of _____, 2016.

ATTEST:

COUNTY COUNCIL

Jill N. Zollinger, County Clerk/Auditor

Gregory Merrill, Council Chair

RESOLUTION NO. 2016 – 08

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2016 are reasonable and necessary; that the said budget has been reviewed by the County Finance Director with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that the County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2016 budget for Cache County:

See attached

Section 2.

Other than as specifically set forth above, all other matters set forth in the 2016 budget shall remain in full force and effect.

Section 3.

This resolution shall take effect immediately upon adoption and the County Finance Director and other county officials are authorized and directed to act accordingly.

This resolution was duly adopted by the Cache County Council on the 12th day of April, 2016.

ATTESTED TO:

CACHE COUNTY COUNCIL

Jill N. Zollinger, Cache County Clerk/Auditor

Greg Merrill, Council Chair



BUDGET OPENING

Resolution: 2016-08

Hearing: April 12, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
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GENERAL FUND

Adopted Budget: \$24,254,634

Proposed Budget: \$24,558,593

Revenues

CHARGES FOR SERVICES	100-34-23115	JAIL - ANKLE MONITORS	Ankle Bracelet - Work Release Payments	30,000
MISCELLANEOUS	100-36-90000	SUNDRY REVENUE	Sheriff - Motorcycle Trade-In Value	12,000
CONTRIB./TRANSFERS	100-38-90500	APP FUND BAL - PO CARRY OVER	2015 PO Carry Over to 2016	346,258

Total Revenue Adjustment: 388,258

Expenditures

WATER DEVELOP.	100-4115-310	PROFESSIONAL & TECHNICAL	2015 PO 26405 Attorneys	4,850
WATER DEVELOP.	100-4115-310	PROFESSIONAL & TECHNICAL	2015 PO 26839 Attorneys For Water Conserv Di	25,000
WATER DEVELOP.	100-4115-310	PROFESSIONAL & TECHNICAL	2015 PO 26840 Professional/Technical For Wat	19,399
WATER DEVELOP.	100-4115-481	WATER BROKERNG; AQUA STOR/RC'	2015 PO 26416 Aquifer Storage & Recovery Gre	27,000
GIS	100-4135-720	BUILDING IMPROVEMENTS	2015 PO 26826 Cubicle Walls & Desks - Gis	11,000
ITS	100-4136-115	OVERTIME PAY	Transfer with IT Staff	6,500
ITS	100-4136-250	SUPPLIES & MAINTENANCE	2015 PO 26808 Software Supports & Updates Fi	2,700
RECORDER	100-4144-110	SALARY	Reorganize Staffing	(5,000)
RECORDER	100-4144-120	TEMPORARY EMPLOYEES	Reorganize Staffing	5,000
ATTORNEY	100-4145-251	NON-CAPITALIZED EQUIPMENT	2015 PO 26848 Office Furniture - Attorney	4,034
ATTORNEY	100-4145-311	SOFTWARE PACKAGES	2015 PO 26842 Court E-Filing Configuration Just	11,500
ATTORNEY	100-4145-311	SOFTWARE PACKAGES	2015 PO 26844 Justware Licenses (2) - Attorney	5,133
ATTORNEY	100-4145-740	CAPITALIZED EQUIPMENT	2015 PO 25964 Rough - In Shower - Attorney	2,530
ATTORNEY	100-4145-740	CAPITALIZED EQUIPMENT	2015 PO 25965 Finish Shower And Bathroom In	1,729
BLDGS & GROUNDS	100-4160-720	BUILDINGS	2015 PO 26589 Replace, Upgrade & Service Ac	4,374
PATROL	100-4210-251	NON-CAPITALIZED EQUIPMENT	2015 PO 26833 Furnishings For Hyrum Substati	3,338
PATROL	100-4210-740	CAPITALIZED EQUIPMENT	Sheriff - Motorcycle Trade-In Value	12,000
PS ADMIN / SUPPORT	100-4211-115	OVERTIME PAY	Transfer with IT Staff	(6,500)
PS ADMIN / SUPPORT	100-4211-311	SOFTWARE PACKAGES	2015 PO 26809 Appraisal Module Development	4,500
FIRE	100-4220-255	WILDLAND FIRE EQUIP & SUPPLIES	2015 PO 26807 Wildland Fire Equipment	3,086
FIRE	100-4220-720	BUILDINGS	2015 PO 26717 Metal Building For Training Cen	43,831
FIRE	100-4220-720	BUILDINGS	2015 PO 26810 Balance Of Training Building - Fi	33,468
FIRE	100-4220-740	CAPITALIZED EQUIPMENT	2015 PO 26818 Vehicle Bed, Steps Bumper Gua	3,213
FIRE	100-4220-740	CAPITALIZED EQUIPMENT	2015 PO 26819 2016 Ford F250 Pickup 4X4 3/4	29,861
FIRE	100-4220-740	CAPITALIZED EQUIPMENT	2015 PO 26821 Emergency Lighting Package 20	3,615
COUNTY JAIL	100-4230-200	INMATE SUPPLIES	2015 PO 26608 (5) C Computers To Fix Video Sy	13,457
COUNTY JAIL	100-4230-251	NON-CAPITALIZED EQUIPMENT	2015 PO 26797 (13) Glock Generation 4 Pistols	5,382
COUNTY JAIL	100-4230-255	PRISONERS SUPPLIES - W/RELEASE	Ankle Bracelet - Work Release Rent	30,000
COUNTY JAIL	100-4230-450	SPECIAL JAIL SUPPLIES	2015 PO 26834 Less-Lethal Supplies For Sert - Ja	5,142
COUNTY JAIL	100-4230-740	CAPITALIZED EQUIPMENT	2015 PO 26794 Refinish Showers & Redo Showe	37,085
COUNTY JAIL	100-4230-740	CAPITALIZED EQUIPMENT	2015 PO 26814 Cabinets - Jail	7,803
COUNTY JAIL	100-4230-740	CAPITALIZED EQUIPMENT	2015 PO 26831 Rewiring On 3Rd Floor And Wiri	1,665
ANIMAL CONTROL	100-4253-110	SALARY	2 Part Time to 1 Full Time Employee	20,000
ANIMAL CONTROL	100-4253-120	TEMPORARY EMPLOYEES	2 Part Time to 1 Full Time Employee	(20,000)
FAIRGROUNDS	100-4511-250	EQUIPMENT SUPPLIES & MAINT	2015 PO 26785 Bison 5 Shank Ripper - Fairgrou	2,850
FAIRGROUNDS	100-4511-730	IMPROVEMENTS	2015 PO 26030 Sand For Roping Arena - Fairgro	3,431
FAIRGROUNDS	100-4511-740	CAPITALIZED EQUIPMENT	2015 PO 26812 (120) Chairs For Pavillion - Fairg	10,440
FAIR	100-4620-290	PRIZE MONEY & TROPHY	2015 PO 26845 Ribbons & Rosettes For County	3,000
AG PROMOTION	100-4630-586	WEATHER MODIFICATION	2015 PO 26547 2014-205 Cloud Seeding Project	11,842



BUDGET OPENING

Resolution: 2016-08

Hearing: April 12, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
Total Expenditure Adjustment:				388,258

ASSESSING & COLLECTING FUND

Adopted Budget: \$3,619,701

Proposed Budget: \$3,621,851

Revenues

CONTRIB./TRANSFERS	150-38-90000	APPROPRIATED FUND BALANCE	Surety Bond - Treasurer	2,150
Total Revenue Adjustment:				2,150

Expenditures

TREASURER	150-4143-510	INSURANCE	Surety Bond - Treasurer	2,150
Total Expenditure Adjustment:				2,150

MUNICIPAL SERVICES FUND

Adopted Budget: \$6,130,424

Proposed Budget: \$6,606,923

Revenues

CHARGES FOR SERVICES	200-34-56000	ANIMAL CTRL FEES - PRED MATCH	Contributions for Predator Control - State Matc	7,000
MISCELLANEOUS	200-36-90000	SUNDRY REVENUE	Gravel Sold in January and February	6,250
CONTRIB./TRANSFERS	200-38-20000	CONTRIBUTIONS - MISC PUBLIC	Contributions for Predator Control	7,000
CONTRIB./TRANSFERS	200-38-90500	APP FUND BAL - CLASS B - PO	2015 PO Carry Over to 2016	247,327
CONTRIB./TRANSFERS	200-38-92000	APPROP FUND BALANCE - MSF	Contributions for Predator Control	(14,000)
CONTRIB./TRANSFERS	200-38-92500	APP FUND BAL - MSF - PO CARRY	2015 PO Carry Over to 2016	222,922
Total Revenue Adjustment:				476,499

Expenditures

ZONING	200-4180-310	PROF & TECHNICAL - ZONING	2015 PO 26828 Road Standards & Infrastructure	16,672
ZONING	200-4180-324	PROF & TECH - SECTION CORNERS	2015 PO 26829 Section Corner, Monument Per	33,750
CLASS - B ROADS	200-4415-120	TEMPORARY EMPLOYEES	Additional Temp Hours	3,195
CLASS - B ROADS	200-4415-130	EMPLOYEE BENEFITS	Additional Temp Hours	305
CLASS - B ROADS	200-4415-290	ROAD SIGNING	2015 PO 26575 Road Signs - Road Cl B	9,647
CLASS - B ROADS	200-4415-290	ROAD SIGNING	2015 PO 26575 Reduce Total Of Po Per Tamara	(1,956)
CLASS - B ROADS	200-4415-310	PROF & TECH -ENGINEER. & ADMIN	2015 PO 26823 Design & Eng County Roadshed	24,121
CLASS - B ROADS	200-4415-251	NON-CAPITALIZED EQUIPMENT	Small Equipment - Compactor	2,750
CLASS - B ROADS	200-4415-720	BUILDINGS	2015 PO 26823 Design & Eng County Roadshed	11,000
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	2015 PO 26780 163 Grader Rebuild - Road Cl B	110,000
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	2015 PO 26815 Additional Cost Grader Repair P	18,000
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	2015 PO 26820 2016 Chevrolet Silverado 3500	33,150
CLASS - B ROADS	200-4415-760	NEW ROAD CONSTRUCTION-CAPITA	2015 PO 26425 Engineering Serv 500 East Millvi	9,365
CLASS - B ROADS	200-4415-760	NEW ROAD CONSTRUCTION-CAPITA	2015 PO 26822 Design Support 3 Bridges Projec	15,000
CLASS - B ROADS	200-4415-760	NEW ROAD CONSTRUCTION-CAPITA	2015 PO 26822 R.O.W. Documentation 3 Bridge	9,000
CLASS - B ROADS	200-4415-760	NEW ROAD CONSTRUCTION-CAPITA	2015 PO 26830 500 E (Coyote Farm D) Permittir	10,000
STORM WATER MGMT	200-4475-310	PROFESSIONAL & TECHNICAL	2015 PO 26827 Stormwater Permitting & Ordin.	15,000
PARKS & TRAILS	200-4780-482	HIGHLINE CANAL TRAIL	2015 PO 26824 Trail Improvement Highline Can	86,500
PARKS & TRAILS	200-4780-482	HIGHLINE CANAL TRAIL	2015 PO 26825 Construction Engineering Highli	11,000
PARKS & TRAILS	200-4780-730	IMPROVEMENTS	2015 PO 26705 2015 Rapz - South Logan Trail C	60,000
Total Expenditure Adjustment:				476,499



BUDGET OPENING

Resolution: 2016-08

Hearing: April 12, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
VISITORS BUREAU FUND		Adopted Budget: \$522,530		Proposed Budget: \$528,432
Revenues				
CONTRIB./TRANSFERS	230-38-90500	APP FUND BAL - PO CARRY OVER	2015 PO Carry Over to 2016	5,902
Total Revenue Adjustment:				5,902
Expenditures				
VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	2015 PO 26498 2015-2016 Advertising W/Aggie	2,124
VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	2015 PO 26570 Advertising Vsl Fall/Winter 2015	2,273
VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	2015 PO 26587 Advertising On Cvtd Bus - Trave	1,505
Total Expenditure Adjustment:				5,902
CAPITAL PROJECTS - MISCELLANEOUS PROJ		Adopted Budget: \$0		Proposed Budget: \$2,372
Revenues				
CONTRIB./TRANSFERS	390-38-90500	APP FUND BAL - PO CARRY OVER	2015 PO Carry Over to 2016	2,372
Total Revenue Adjustment:				2,372
Expenditures				
STORAGE BUILDING	390-4710-720	BUILDINGS	2015 PO 26085 Asphalt For Fairgrounds Storage	2,372
Total Expenditure Adjustment:				2,372
CAPITAL PROJECTS - ROADS		Adopted Budget: \$3,570,000		Proposed Budget: \$6,492,913
Revenues				
CONTRIB./TRANSFERS	460-38-90500	APP FUND BAL - PO CARRY OVER	Prior Years PO Carry Over to 2016	2,922,913
Total Revenue Adjustment:				2,922,913
Expenditures				
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25306 2012 CCCOG Funding Hwy 89/91 Corr	465,000
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25767 4200 N Highway 91 (Intersection Imp	46,500
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25768 3200 South Highway 89-91 (Intersect	79,870
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25769 100 West, South Extension (Engineeri	63,985
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25770 3200 S Highway 165 (Intersection Eng	186,000
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25783 Services For 1700 South Improvemen	16,271
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25783 Services For 1700 South Improvemen	343
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 25784 Services For 1700 South Improv - Dev	176,394
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 26190 2014 CCCOG Maughan'S Corner - Cap	32,550
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 26191 2014 CCCOG 2600 S Hwy 165 Intersec	200,000
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 26192 2014 CCCOG Funding 1400 N 600 W I	200,000
ROAD CONSTR.	460-4420-760	NEW ROAD CONSTRUCTION	PO 26195 2014 CCCOG 3200 S Highway 89/91 -	1,456,000
Total Expenditure Adjustment:				2,922,913

**CACHE COUNTY
RESOLUTION NO. 2016-09**

**A RESOLUTION APPROVING THE INTERLOCAL AND
INTERGOVERNMENTAL AGREEMENT BETWEEN CACHE COUNTY, UTAH,
AND FRANKLIN COUNTY, IDAHO, REGARDING THE HOUSING OF
INMATES AT THE CACHE COUNTY JAIL.**

WHEREAS, Utah Code Annotated § 11-13-101 *et seq.* allows for interlocal agreements to be made between governmental units of this State and another state, so as to permit the governmental units to make the most efficient use of their powers and resources; and

WHEREAS, Franklin County and Cache County have negotiated the attached “Interlocal and Intergovernmental Agreement between Cache County (Utah) and Franklin County (Idaho) Regarding the housing of Inmates at the Cache County Jail” (“Interlocal Agreement”), Exhibit A, whereby Cache County will house arrested or convicted persons for Franklin County, and Franklin County will pay Cache County agreed-upon fees for this service pursuant to the terms set forth therein; and

WHEREAS, The Interlocal Agreement provides the benefits of economy of scale and mutual advantage by providing Franklin County with space to house its inmates in exchange for cash flow for the Cache County Sheriff’s Office; and

WHEREAS, it is in the best interest of Cache County that the County enter into the Interlocal Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH, that the Interlocal Agreement be approved and adopted. This resolution takes effect immediately upon adoption.

Dated this 12th day of April, 2016.

CACHE COUNTY COUNCIL

Greg Merrill
Council Chairman

ATTEST:

Jill Zollinger
Cache County Clerk-Auditor

**INTERLOCAL AND INTERGOVERNMENTAL HOUSING AGREEMENT
BETWEEN CACHE COUNTY (UTAH) AND FRANKLIN COUNTY (IDAHO)
REGARDING THE HOUSING OF INMATES AT THE CACHE COUNTY JAIL**

This agreement, entered into this ____ day of _____, 2016, is between CACHE COUNTY, a political subdivision of the State of Utah, and FRANKLIN COUNTY, a political subdivision of the State of Idaho. The purpose of this agreement is to allow for the suitable, temporary housing and care of inmates committed to the Franklin County Sheriff's Office by utilizing the facilities and services of the Cache County Jail, which is located in Logan, Utah and operated under the authority of the Cache County Sheriff's Office.

RECITALS

WHEREAS, Franklin County has determined that this agreement is in the best interest of Franklin County, is empowered by Idaho Revised Statute 67-2328 to enter into this agreement, and has resolved by a Resolution of its Board of County Commissioners to enter into this Interlocal Agreement;

AND;

WHEREAS, Cache County has determined that this agreement is in the best interest of Cache County, is empowered by Utah Code Ann 11-13-101, et seq. (1953, as amended), to enter into this agreement, and has resolved by a Resolution of the Cache County Council to enter into this Interlocal Agreement;

THE PARTIES AGREE AS FOLLOWS:

A. THE CACHE COUNTY SHERIFF'S OFFICE SHALL:

1. Provide housing in the Cache County Jail for any persons arrested by a certified law enforcement officer, who is currently employed by the Franklin County Sheriff's Office, and for any persons convicted in a Franklin County Court at a cost to Franklin County of Fifty Two dollars (\$52.00) per day for each inmate. This cost shall be fixed for the current contract year. Daily rates will be reviewed yearly and will be based on the State of Utah daily inmate rate. The Cache County Sheriff, and/or his designee, reserve the right to return custody or decline to house any particular inmate.
2. Permit any certified law enforcement officer currently employed by the Franklin County Sheriff's Office, upon reasonable request and without significant disruption of regular facility operations, to enter the Cache County Jail to interview a Franklin County inmate or otherwise carry out any legitimate law enforcement purposes.
3. Maintain orderly, accessible and accurate records concerning the incarceration of persons housed under this agreement, including charging, booking, housing and procedural records, and make such records available to Franklin County or the Franklin County Sheriff's Office upon request.
4. Maintain records to reflect the times, days, months, and years of each period of incarceration, as well as any subsequent release and/or transfer from the Cache County Jail to the Idaho Department of Corrections or any other Jail. Such records shall be made

available to Franklin County or the Franklin County Sheriff's Office upon request, and in their original form if specifically requested.

5. Provide basic medical care, psychological treatment and psychiatric treatment necessary for the health, safety and well-being of persons incarcerated in the Cache County Jail under the terms of this agreement. The Cache County Sheriff's Office will submit, in a timely fashion, an itemized bill reflecting any additional cost incurred by the Cache County Jail for any medical services rendered to Franklin County inmates which are not considered as basic or routine care. As such, the medical staff at the Cache County Jail should consult and obtain approval from the Franklin County Sheriff's Office before providing any care other than routine or emergency care.
6. Provide and pay for all food, clothing and bedding necessary for the health, safety and well-being of persons incarcerated in the Cache County Jail under the terms of this agreement.
7. Provide the Franklin County Sheriff's Office with an itemized statement showing individual inmate's names, date of initial incarceration, number of inmate days charged to each prisoner and the date of release or transfer. The Cache County Sheriff's Office will provide such billing statements to the Franklin county Sheriff's Office on or before the 15th day of each month for any charges incurred during the previous month. However, failure to provide a billing statement by this date does not waive Franklin County's responsibility of paying the amounts shown as due on accurate billing statements.
8. Provide the Franklin county Sheriff's Office, upon request, reasonable access to any documents used in the calculation of inmate days.
9. Give precedence to Franklin County inmates over Utah Department of Corrections inmates for housing space and will not require a minimum number of inmates be housed with Cache County. Cache County will, however, cap the maximum number of Franklin County inmates housed at any one time at eighty (80).
10. Conduct the initial booking procedure of Franklin County inmates in the Spillman Jail module.

B. THE FRANKLIN COUNTY SHERIFF'S OFFICE SHALL:

1. Provide all transportation for Franklin County inmates housed in the Cache County Jail.
2. Pay Fifty Two Dollars (\$52.00) per day for each person incarcerated under this agreement within thirty (30) calendar days of receiving a monthly itemized statement from the Cache County Sheriff's Office. The Franklin County Sheriff's Office shall pay all undisputed charges and submit an itemized objection for any disputed charges within ten (10) days of making an incomplete payment. This cost shall be fixed for the duration of this contract.
3. In addition to any other charges incurred under this agreement, the Franklin County Sheriff's Office will reimburse the Cache County Sheriff's Office for the additional costs of any medical, psychological and/or psychiatric care incurred by the Cache County Jail on behalf of Franklin County inmates during the administering of any routine or

emergency care deemed necessary by the medical staff at the Cache County Jail. In addition, the Franklin County Sheriff's Office will reimburse the Cache County Sheriff's Office for the cost of any non-routine or non-emergency care administered, provided that it has been consulted and has approved such care for one of its inmates. The Franklin County Sheriff's Office's approval of all non-routine/non-emergency care will be based upon reasonable medical necessity and will not be unreasonably withheld or delayed.

C. INMATE DAY CALCULATIONS DEFINED:

1. "Inmate Day" calculations shall be defined as follows:
 - a. Regardless of the time an inmate is booked into the Cache County Jail, the date of arrival shall count as a full inmate day when determining the total inmate days to be charged.
 - b. Regardless of the time an inmate is released from the Cache County Jail, the date of release shall count as a full inmate day when determining the total inmate days to be charged.

D. ADDITIONAL TERMS:

1. This agreement shall commence on _____, 2016, and shall terminate at the end of the day on _____, 2017. Upon termination, the agreement shall automatically renew for the same length periods and upon the same terms unless either party gives written notice to the other, at least 30 days prior to the end of the contract period that it does not wish to renew.
2. This agreement may be extended at any time with a written agreement between both parties.
3. This agreement shall be filed with the necessary government entities and in accordance with both Idaho and Utah law.
4. Either party may cancel this agreement, without cause, by providing thirty (30) days written notice to the other party, or with cause by providing ten (10) days written notice to the other party.
5. All books, accounts, reports, files and other records relating to this agreement shall be subject at all times to inspection and audit by either party for a period of five years after the completion of the contract.
6. This agreement shall be interpreted pursuant to the laws of the State of Utah, except as otherwise specifically provided herein.
7. In satisfaction of the requirements of the Utah Interlocal Cooperation Act, and in connection with this agreement, the parties agree as follows:
 - a. This agreement shall be authorized by the Legislative Body of each party by resolution.

b. This agreement shall be reviewed as to proper form and compliance with applicable laws by a duly authorized attorney of behalf of each party, pursuant to Section 11-13-202.5 of the Utah Interlocal Cooperation Act;

c. This agreement will take effect upon being filed with the keeper of records of each party, pursuant to Section 11-13-209 of the Utah Interlocal Cooperation Act;

d. Except as otherwise specifically provided herein, each party shall be responsible for its own costs of any action done pursuant to this agreement, and for any financing of such costs.

e. No separate legal entity is created by the terms of this agreement. To the extent that this agreement requires administration other than as expressly set forth herein, the administrator of this joint and cooperative undertaking shall be determined by the parties on a case-by-case basis. No real or personal property shall be acquired jointly by the parties as a result of this agreement. To the extent that a party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this agreement, such party shall do so in the same manner that it deals with other property of such party.

8. This agreement may be amended, changed, modified or altered only by an instrument in writing which shall be (a) approved by the legislative body of each party, (b) executed by a duly authorized official of each party, (c) submitted to an attorney for each party that is authorized to represent said party for reviews as to proper form and compliance with applicable law, pursuant to Section 11-13-202.5 of the Utah Interlocal Cooperation Act, and (d) filed in the official records of each party.
9. This agreement contains the entire agreement between the parties, with respect to the subject matter hereof, and no statements, promises, or inducements made by either party or agents for either party that are not contained in this written agreement shall be binding or valid.
10. If any portion of this agreement shall be held invalid or inoperative, then insofar as is reasonable and possible, the remainder of this agreement shall be considered valid and operative.
11. This agreement has been negotiated and drafted by all parties hereto and the general rule of contract construction that 'ambiguities shall be construed against the draftsman' shall have no application to this agreement.
12. The waiver by any party to this agreement of a breach of any provision of this agreement shall not be deemed to be a continuing waiver or a waiver of any subsequent breach, whether of the same or any other provision of this agreement. Any waiver shall be in writing and signed by the waiving party.
13. This agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
14. Time is of the essence with regard to this agreement as to each covenant, term, condition, representation, warranty and provision hereof.

15. In the event that either or both of the legislative bodies required to authorize this agreement fail to do so for any reason, the agreement shall not take effect regardless of whether any officer of such legislative body, elected official, or any other person has signed this agreement.
16. All notices or demands upon any party to this agreement shall be made in writing and distributed as follows:

Cache County Corporation
Attention: Craig W. Buttars, County Executive
Address: 199 North Main
Logan, Utah 84321

Franklin County
Attention: Board of Commissioners
Address: 39 West Oneida St
Preston, Idaho 83263

Cache County Sheriff's Office
Attention: Sheriff D. Chad Jensen
1225 W Valley View
Logan, Utah 84321

Franklin County Sheriff's Office
Attention: Sheriff Dave Fryer
Address: 39 West Oneida St.
Preston, Idaho 83263

E. LIABILITY:

Cache County shall indemnify and hold Franklin County and the Franklin County Sheriff's Office harmless from any and all liability, loss, costs, damage or any other expenses which may accrue to be incurred by Franklin County and/or Franklin County Sheriff's Office as a result of injury or damage to any person or property occasioned by any negligent action or omission by the Cache County Sheriff's Office, its employees or its agents in the performance of the terms of this agreement. In the event that legal fees and related expenses are incurred, Cache County shall provide representation of its choosing and pay all related costs. However, if Franklin County selects its own representation, it shall bear those costs and related expenses.

Franklin County shall indemnify and hold Cache County and the Cache County Sheriff's Office harmless from any and all liability, loss, costs, damage or any other expenses which may accrue to or be incurred by Cache County and/or the Cache County Sheriff's Office as a result of injury or damage to any person or property occasioned by any negligent action or omission by the Franklin County Sheriff's Office, its employees or its agents in the performance of the terms of this agreement. In the event that legal fees and related expenses are incurred, Franklin County shall provide representation of its choosing and pay all related costs. However, if Cache County selects its own representation, it shall bear those costs and related expenses.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this agreement as outlined and in all good faith.

CACHE COUNTY (UTAH)

FRANKLIN COUNTY (IDAHO)

Craig W. Buttars
Cache County Executive

Chairman
Franklin County Board of Commissioners

ATTEST:

ATTEST:

Jill Zollinger
Cache County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Tony C. Baird
Cache County Attorney's Office

**CACHE COUNTY
RESOLUTION NO. 2016 - 12**

A RESOLUTION TO INITIATE THE CREATION OF THE CACHE WATER DISTRICT

WHEREAS, Cache County is referred to herein as the “County”; and

WHEREAS, Amalga Town, Clarkston Town, Cornish Town, Hyde Park City, Hyrum City, Lewiston City, Logan City, Mendon City, Millville City, Newton Town, Nibley City, North Logan City, Paradise Town, Providence City, Richmond City, River Heights City, Smithfield City, Trenton Town, and Wellsville City are referred to herein collectively as the “Municipalities”; and

WHEREAS, pursuant to the Bear River Development Act, Utah Code Ann. § 73-26-101, *et seq.* (the “Act”), the Utah Division of Water Resources is directed to develop the surface waters of the Bear River and its tributaries through the planning and construction of reservoirs and associated facilities that are authorized and funded by the Legislature; and

WHEREAS, water resources developed by the Division of Water Resources pursuant to the Act may be made available by contract exclusively to the existing water conservancy districts that serve Box Elder, Salt Lake, and Weber Counties, as well as to Cache County and any water conservancy district that may be formed in Cache County—by law, this developed water cannot be made directly available to municipalities in Cache County, and there is currently no water conservancy district in Cache County whose mission is to serve all of the municipalities and unincorporated areas within the County; and

WHEREAS, the creation of a water conservancy district in Cache County will allow for the full implementation of the Cache County Water Master Plan prepared by J-U-B Engineers, Inc. dated August 2013 and will allow the district to plan and manage a system that protects and conserves the County’s long-term agricultural, environmental, and municipal water interests with an emphasis on securing its Bear River allocation entitlements pursuant to the Act; and

WHEREAS, the County and some or all of the Municipalities desire to create a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-1001 *et seq.*, as provided in this Resolution, to plan for and facilitate the long-term conservation, development protection, distribution, management and stabilization of water rights and water resources for domestic, irrigation, power, manufacturing, municipal, recreation and other beneficial uses at a reasonable cost to meet the needs of the residents and growing population of Cache County and to provide any services enumerated in the Water Conservancy District Act; and

WHEREAS, once created, the local district will be governed by an eleven member board of trustees, ten of whom will be elected by the voters of Cache County; and

WHEREAS, to have a functioning board of trustees pending elections, the Cache County Council will appoint trustees who will serve until their successors are elected by the voters; and

WHEREAS, Cache County currently imposes a property tax that is budgeted and utilized for the development of water resources; and

WHEREAS, the proposed local district will have taxing authority, but will not implement that authority until a majority of the members of the board of trustees of the district are officials elected by the voters; and

WHEREAS, the Cache County Council intends to reduce the portion of the County-wide property tax that is utilized for water development by an amount equal to any property tax imposed by the new local district, which will result in a combined county and local district property tax rate that is revenue neutral and will not increase the property tax burden on any property for at least four (4) years; and

WHEREAS, Utah Code Ann. § 17B-1-203 provides that the process to create a local district may be initiated by a resolution adopted by the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the proposed local district; and

WHEREAS, the proposed local district will be created only after its creation has been approved by the voters residing within the district; and

WHEREAS, Cache County desires to join with the Municipalities in formally proposing the creation of the local district.

NOW THEREFORE, be it resolved and enacted by the Cache County Council as follows:

1. In order to allow the citizens of the unincorporated portions of Cache County to vote on the creation of a water conservancy district, Cache County, concurrently with some or all of the Municipalities, proposes the creation of a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-1001 *et seq.*, which may include all of the incorporated and unincorporated areas within the boundary of Cache County, Utah, as depicted in the map which is attached as Exhibit “A” to and incorporated as part of this Resolution, conditioned upon each Municipality located within the proposed boundary of the district passing a similar Resolution. If the legislative body of any Municipality fails to adopt a similar Resolution, that Municipality may be excluded from the district.

2. The district that is proposed to be created will be known as the “Cache Water District,” a water conservancy district located in a county of the third class.

3. The service proposed to be provided by the Cache Water District is the operation of a system, or one or more components of a system, for the collection, storage, retention, control, conservation, treatment, supplying, distribution, or reclamation of water, including storm, flood, irrigation, and culinary water, whether the system is operated on a wholesale or retail level or both, as provided in Utah Code Ann. § 17B-1-202(1)(a)(xii).

4. The type of specialized local district that is proposed to be created is a water conservancy district, as provided in the Water Conservancy District Act, Utah Code Ann. § 17B-2a-1001 *et seq.*

5. The anticipated method of paying the costs of providing the proposed service is through the collection of ad valorem property taxes, service fees and charges, and/or levied assessments. It may be some time before the district will be able to provide water service and collect fees and charges for that service. Consequently, the district initially will be funded

through Cache County, until the district establishes its own property tax assessment, at which time Cache County is to reduce its property tax rate by an equivalent amount as stated in the foregoing recitals.

6. The maximum property tax levy a water conservancy district can impose is 0.0001 per dollar before certain activities are commenced, 0.0002 per dollar after certain activities are commenced, and 0.0003 per dollar if an additional levy is necessary to pay maturing bonds or debts. The average home value in Cache County is \$201,182, but the fair market value of residential property is allowed an exemption equal to a 45% reduction in the value of the property for property tax purposes. Taking these factors into consideration, the estimated average annual financial impact on a household within the proposed district will be as follows: the tax on a \$201,182 residence would be \$11.07 using a tax rate of 0.0001, \$22.13 using a tax rate of 0.0002, and \$33.20 using a tax rate of 0.0003. However, for at least the first four (4) years after the creation of the District, the net financial impact on a household may be zero if Cache County reduces its property tax rate by an amount equal to the new rate assessed by the district. Service fees and levied assessments cannot be estimated, and will be charged based upon actual water deliveries or contractually agreed upon amounts.

7. The number of members of the board of trustees of the proposed water conservancy district, consistent with Utah Code Ann. § 17B-1-302(2), will be eleven. The board of trustees will consist of ten elected trustees and one appointed trustee who will be elected or appointed, respectively, pursuant to the procedures set forth in Utah Code Ann. Title 17B, Chapter 1, Part 3 and § 17B-2a-1005. Seven of the elected Trustees will be elected from districts, with one trustee to be elected to represent each of the seven Cache County Council districts, as those districts may be established and modified from time-to-time pursuant to applicable law. The three remaining elected trustees will be elected County-wide. The one Trustee who is appointed by the Cache County Council will, pursuant to Utah Code Ann. § 17B-2a-1005(2)(d), be a person who owns irrigation rights and uses those rights as part of that person's livelihood. Regarding the ten elected trustee positions, the initial trustees will be appointed by the Cache County Council pursuant to Utah Code Ann. §§ 17B-1-303 and 20A-1-512, with staggered terms and subsequent trustees to otherwise be elected as provided herein.

Approved and passed as of the date set forth below.

CACHE COUNTY

Dated: _____

By: _____
Gregory Merrill, County Council Chair

Attest:

Jill N. Zollinger, County Clerk / Auditor

EXHIBIT "A"
Map Depicting the Boundaries of the
Cache Water District

