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17.18.010 Purpose

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

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

17.18.020: Definitions

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

17.18.030 Review Process

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

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

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

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

17.18.040 Sensitive Areas Analysis

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

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

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

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

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

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

- reduced, if necessary, as determined by the Planning Commission to reasonably address the possibility of any stream or water pollution.
- b.** Any work within 30 feet of the top of bank shall obtain a state or federal approval and/or permit.
 - c.** The ordinary high water mark as determined by Cache County shall be the point of reference as to the edge of the waterway.
 - d.** The introduction of concentrated sources of pollution into the waterways is prohibited including, but not limited to, septic tanks, untreated sewage, commercial and residential garbage, manure, dead animals, waste, and other hazardous materials.
- B. Potentially Developable**
- 1. Moderate Slopes:** Any development proposed for areas identified as a moderate slope shall require a geotechnical report as defined by this chapter.
 - 2. Ridgelines:** No structure, accessory structure, satellite dish, deck, patio or removal of significant vegetation shall occur in the ridgeline setback, except as provided below:
 - a.** If any portion of a legal existing parcel of record falls within the ridgeline setback, any development on that parcel shall make every effort to place all development on the most suitable portion of the lot taking into consideration the standards of this title.
 - b.** All disturbance and development shall stay out of the ridgeline setback to the maximum extent possible. If, due to the location, size and configuration of the parcel, that is not possible, the land use authority may approve an exception in keeping with the purpose and standards of this chapter.
 - 3. Floodplain, Floodway, and/or Manmade Water Conveyance Systems:** See §15.28 of the County Code. Areas that are shown to have the potential for flooding originating from a manmade water conveyance system (canal) shall follow the standards identified in §15.28.540 for AO/AH Zones.
 - 4. Important Habitat Areas:** Strategies that preserve important habitat and prevent fragmentation are encouraged. When new development is proposed within important habitat areas, mitigation methods shall be designed and implemented, including, but not limited to, those listed below.
 - a.** Construction shall be organized and timed to minimize disturbance of federally listed species occupying or using on-site and adjacent habitat areas.
 - b.** If the development site contains or is within five hundred feet (500') of a habitat area, and the Sensitive Areas Analysis shows the existence of a federally listed species, the Development Plan shall include provisions to ensure that any habitat contained in any such area shall not be disturbed or diminished, and to the maximum extent feasible, such habitat shall be enhanced.
 - c.** If the development site contains existing habitat areas that connect to other off-site habitat areas, to the maximum extent feasible the development plan shall preserve such habitat area connections. If habitat areas lie adjacent to the development site, but such habitat areas are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between habitat areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.
 - d.** If federally listed wildlife or flora that may create conflicts for future occupants of the development is known to exist in areas adjacent to or on the development site, then

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

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

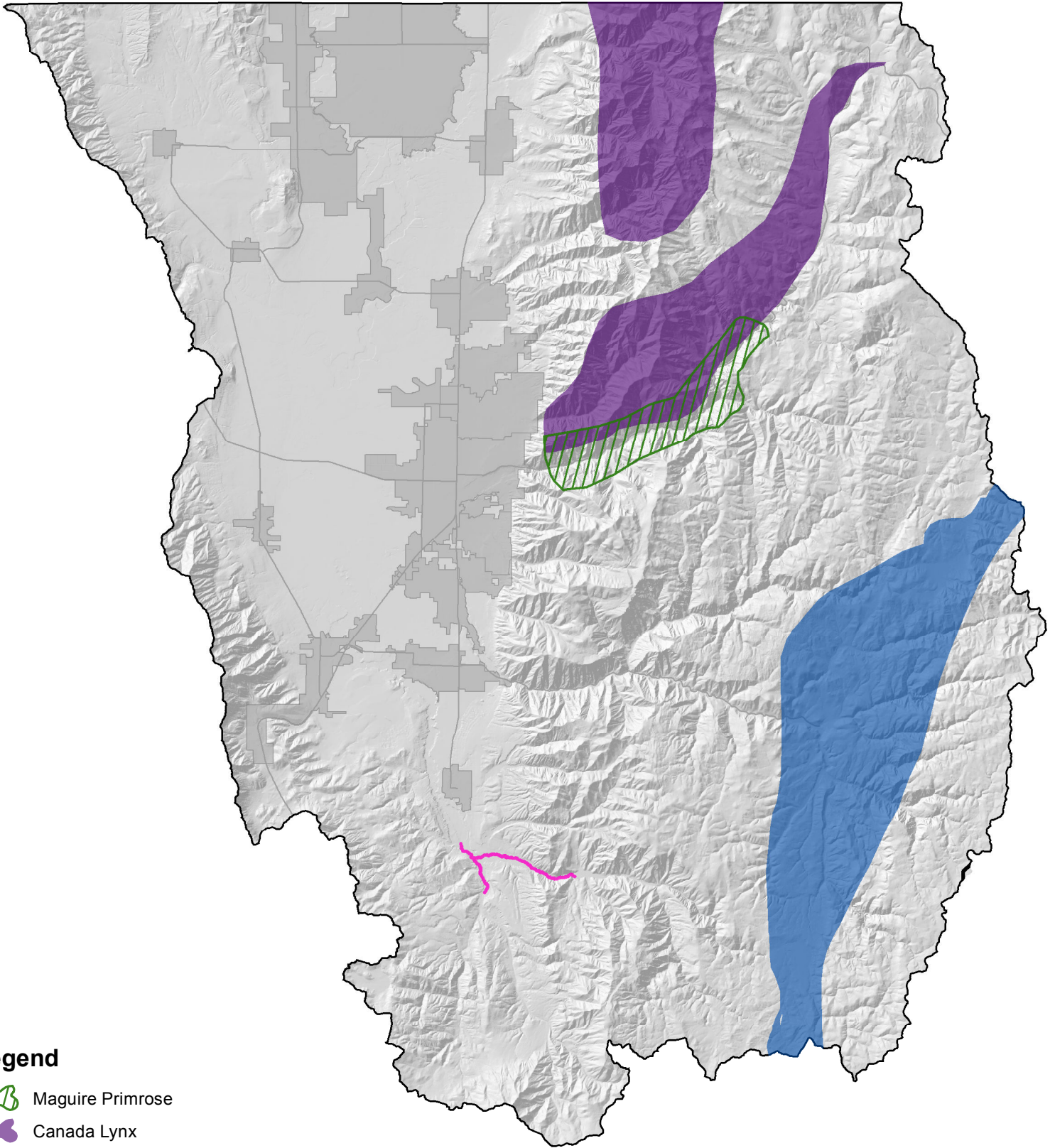
17.18.060 Geotechnical Report Minimum Standards

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








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

Important Habitat Areas

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



Legend

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

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

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

SENSITIVE AREA:

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

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

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

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17.18.10 17.18.010 Purpose

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

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

17.18.020: Definitions

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

17.18.030 Review Process

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

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

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

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

17.18.020 Non-Developable Sensitive Areas Defined

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

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

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

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

17.18.040 Sensitive Areas Analysis

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

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

1. Non-Developable

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

2. Potentially Developable Areas

- a. Moderate Slopes: Development may be permitted upon county review and approval of a geotechnical report. The analysis should also include:
 - i. The location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics and a copy of the Soil Conservation Service soil survey for the site.
 - ii. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
 - iii. The identification of measures proposed for soil and sediment control, including a schedule of the sequence for the installation of planned erosion and sediment control measures, including anticipated starting and completion dates.
 - iv. Plans for the proposed vegetation of all disturbed site areas.
- b. Ridgelines: A map depicting the crest and 100 foot vertical buffer of any significant ridge lines or hill tops within the parcel boundary. Development within this area may be permitted upon county review and approval in keeping with the purpose and standards of this chapter.
- c. Floodplain, Floodway, and/or areas impacted by Manmade Water Conveyance Systems: A hydrological report including information on groundwater levels, natural and manmade drainage channels and systems (canals), and/or base floodplain elevations.
- d. Important Habitat Areas: A Habitat Management Plan prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant disciplines, that identifies the areas inhabited and/or frequently used by any federally listed flora and/or wildlife species (threatened and/or endangered) and includes the following:
 - i. The ecological and wildlife use characterization of the property explaining the species of wildlife using the areas, the times or seasons the area is used by those species, and the value (e.g. feeding, watering, cover, nesting, roosting, or perching) that the area provides for such wildlife species.

- ii. Wildlife movement corridors.
- iii. The general ecological functions provided by the site and its features.
- iv. An analysis of how proposed development activities impact the Important Habitat Areas and associated species.
- e. Geologic Hazards: A geotechnical report in compliance with 17.18.060.
- f. Wildfire Hazards: A fire protection report that identifies potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the Utah Wildland Interface Code (See §15.08 of the County Code).
- g. Historic, Prehistoric, and Cultural Resources: Identify any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah. This includes properties eligible for the National Register of Historic Places.
- h. Additional information including input from any of the State of Utah agencies shall be required as determined by the county land use authority.

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

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

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

- iv. Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and habitat areas.
 - f. Mimic features of the local natural landscape in developed areas by:
 - i. Retaining pre-development, high quality habitat, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;
 - ii. Minimizing levels of disturbance to trees, the under-story vegetation, and other structural landscape features during construction;
 - iii. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation.
 - iv. Reclaiming disturbed areas, such as degraded landscapes, roadsides, and other infrastructure disturbances by using seed and other selective plantings.
- 5. Geologic hazards: For those areas determined by review to contain geologically unstable conditions, development may be permitted by the county upon the review and approval of a geotechnical report identifying the following:
 - a. The accurate location of all geologic hazards including, but not limited to, faults, landslides, steep slopes, unstable soils, etc.
 - b. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
 - c. The identification of measures and actions proposed to mitigate the risks from earthquake, landslides, and soil disturbance including a schedule of the sequence for the installation of planned mitigation actions, including anticipated starting and completion dates.
 - d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults or structures) designed for human occupancy shall be built astride a geologic hazard. The Planning Commission may increase building setback requirements where information from a geotechnical report indicates conditions warrant a greater setback distance.
- 1. Wildfire hazards: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact and/or be impacted by wildfire hazards on the property. Measures to mitigate wildfire hazards and risks may be required based on the recommendation and review of the Cache County Fire District.
- 6.
- 7. Historic, Prehistoric, and Cultural Resources: Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah shall require the review of, and comment from, the State Historic Preservation Office (SHPO). This includes properties eligible for the National Register of Historic Places.

~~17.18.040 Sensitive Areas Overlay Map~~

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

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

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

~~Because of the environmental conditions existing in sensitive areas, all developments proposed within an area determined to be a sensitive area shall be considered a conditional use and shall be reviewed and considered consistent with the procedures for the review of a conditional use as provided in this Title.~~

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

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

~~17.18.070 Supplementary Development Standards~~

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

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

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

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

C. ~~Mapped Floodplain~~

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

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

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

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

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

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

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

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

~~G. Wildfire Hazards~~

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

17.18.080060 — ~~Engineering Geotechnical Report~~ Minimum Standards

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

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

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

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

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

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

effects of the natural hazard(s).

17.18.100 Areas of Potential Sand and Gravel Deposits

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

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