

**The entirety or portions of the following titles are to be amended and have been identified in the following exhibits A-I:**

**Exhibit A:** 17.05

**Exhibit B:** 17.08

**Exhibit C:** 17.09

**Exhibit D:** 17.10

**Exhibit E:** 17.13

**Exhibit F:** 17.15

**Exhibit G:** 17.17

**Exhibit H:** 17.18

**Exhibit I:** 17.19

**Chapter 17.05: RESERVED**

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**Chapter 17.08: ZONING DISTRICTS**

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**17.08.010 General.....1**  
**17.08.020 Base Zoning Districts Established .....1**  
**17.08.030 Purpose of Established Base Zoning Districts.....1**  
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**17.08.010: General:**

This chapter contains regulations for the zoning districts of Cache County. It includes a list of base and overlay districts and a brief explanation of each district's purpose. The provisions of this chapter are supplemented by other regulations of the zoning ordinance that apply to particular uses and development types and to development within certain zoning districts.

**17.08.020: Base Zoning Districts Established:**

The following are the base zoning districts:

- Agricultural (A10)
- Rural 2 (RU2)
- Rural 5 (RU5)
- Forest Recreation (FR40)
- Commercial (C)
- Industrial (I)
- Resort Recreation (RR)

**17.08.030: Purpose of Base Zoning Districts:**

The following provide the purpose(s) of each of Cache County's established base zoning districts:

- A. Agricultural Zone (A10):
  1. To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.
  2. To implement the policies of Cache countywide comprehensive plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.
- B. Rural 2 Zone (RU2):
  1. To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  2. To implement the policies of Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
  3. 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.

C. Rural 5 Zone (RU5):

1. To allow for residential estate development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
2. To implement the policies of Cache countywide comprehensive plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
3. 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.

D. Forest Recreation Zone (FR40):

1. To permit the proper use of the forest areas of Cache County for grazing, forestry, mining, recreation, and other activities to the extent compatible with the protection of the natural and scenic resources of the forests for the benefit of present and future generations.

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.

F. Industrial Zone (I):

1. To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well being of the citizens and to broaden the 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.

G. Resort Recreation Zone (RR):

1. To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
  - a. Provide new recreation opportunities in northern Utah and create destination resort options for the county;
  - b. Promote interesting, creative, and indigenous mountain landscaping, design, and architecture that blends in with natural surroundings and follows project specified design guidelines;
  - c. Stimulate the local economy and increase the tax base of the county;
  - d. Protect the county's environment; and
  - e. Regulate and control development.

**17.08.040: Overlay Zoning Districts Established:**

The following are the overlay zoning districts:

- Mineral Extraction and Excavation Overlay (ME)
- Public Infrastructure Overlay (PI)

**17.08.050: Purpose of Overlay Zoning Districts:**

The following provide the purpose(s) of each of Cache County's established overlay zoning districts:

- A. Mineral Extraction and Excavation (ME) Overlay Zone:
  1. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.
  2. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.
- B. Public Infrastructure (PI) Overlay Zone:
  1. To provide for the siting and operation of public infrastructure in an environmentally sound and economically competitive manner.
  2. To inform current and potential residents of the county of the possible location of future public infrastructure locations.
  3. To ensure that any public infrastructure be designed, constructed, and operated in a safe and efficient manner, and in compliance with all Federal, State, and local laws and regulations for the protection of the general health, welfare, and safety of the citizens of the county.



**Chapter 17.10: DEVELOPMENT STANDARDS**

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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 November 29<sup>th</sup>, 2012.
  - 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. (Ord. 2004-10)
- 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.

**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 minimum 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 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

Setbacks		Base Zoning Districts					
		RU2	RU5	A10	FR40	C	I
Primary Use	Front yard	30'	30'	30'	50'	30'	30'
	Lots with multiple street frontage other than a declared "front"	30'	30'	30'	50'	30'	30'
	Side yard	12'	12'	12'	20'	30' <sup>1</sup>	30' <sup>1</sup>
	Rear yard	30'	30'	30'	30'	30' <sup>1</sup>	30' <sup>1</sup>
	Distance between two structures on same lot	10'	10'	10'	10'	10'	10'
	Maximum Height <sup>5</sup>	35' <sup>2</sup>	35' <sup>2</sup>	35' <sup>2</sup>	35'	40'	40'
	Distance required between any structure and/or fence and top of recognized irrigation canal bank.	16.5'	16.5'	16.5'	16.5'	16.5'	16.5'
Accessory Use	Front yard	30'	30'	30'	50'	30'	30'
	Side yard	5'	5'	5'	5'	30' <sup>1</sup>	30' <sup>1</sup>
	Rear yard	5'	5'	5'	5'	30' <sup>1</sup>	30' <sup>1</sup>
	Maximum Height <sup>5</sup>	35'	35'	35'	35'	35'	35'
	Distance between two structures on same lot	10'	10'	10'	10'	10'	10'

Distance required between any structure and/or fence and top of recognized irrigation canal bank.	16.5'	16.5'	16.5'	16.5'	16.5'	16.5'
Minimum Residential Lot Size	0.5A	0.5A	0.5A	1A	0.5A	1A
Maximum Residential Density <sup>4</sup>	1U/2A	1U/5A	1U/10A <sup>3</sup>	1U/40A	2U/A	NA
Maximum Lot Coverage	60%	60%	60%	10,000 sq. ft.	50%	50%
Minimum Lot Frontage	90'	90'	90'	150'	150'	150'

**Notes:**

- <sup>1</sup> Setback may be reduced to 15 feet with a conditional use permit if the adjoining parcel is zoned commercial or industrial.
- <sup>2</sup> Maximum height for agricultural structures is 45 feet.
- <sup>3</sup> The density standard has an exception located in subsection 17.10.030 [A] of this chapter.
- <sup>4</sup> The land use authority shall have the authority to determine the total number of acres eligible for residential density (developable acreage).
- <sup>5</sup> 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. Animal Confinement:

- a. All areas used for animal confinement shall be set back fifty feet (50') from any natural waterway.
- b. All areas used for animal confinement shall be set back twenty feet (20') from any dwelling unit.

3. 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.

4. 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.

5. 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. This section shall be construed to mean only one main building may be permitted on one lot, unless otherwise hereinafter provided.

b. 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.

c. 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.

6. 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.

**Chapter 17.13: MINERAL EXTRACTION AND EXCAVATION (ME) OVERLAY**

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**17.13.060 Mineral Extraction and Excavation Master Plan.....2**  
**17.13.070 Minimum Requirements .....2**  
**17.13.080 Development and Reclamation Agreement .....3**  
**17.13.090 Compliance by Existing Operations.....3**

**17.13.040: Site Development Standards:**

Site development standards for any mineral extraction or excavation operation shall conform to the base zoning district requirements as listed in Table 17.10.040 of this title. 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.

**17.13.050: Operation Categories:**

**17.13.060: Mineral Extraction and Excavation Master Plan:**

All applications for a mineral extraction and excavation master plan shall be accompanied by the following materials:

- A. A completed application form for a conditional use permit;
- B. Evidence of ownership or control over the land and a legal description of the property where the extraction operation will be located;
- C. A site plan showing the following:
  - 1. Dimensions of the excavation site and of the parcel;
  - 2. Locations of clearances, rights of way, easements, utility lines, existing watercourses and drainage;
  - 3. Property lines with names and parcel tax identification numbers of adjoining property owners;
  - 4. Proposed ingress and egress; and
  - 5. A contour map based on the USGS 7.5 minute quadrangle and estimate of materials to be removed.
  - 6. The location of the sand and gravel overlay area on the site.

**17.13.070: Minimum Requirements:**

**17.13.080: Development and Reclamation Agreement:**

**17.13.090: Compliance by Existing Operations:**

**Chapter 17.15: RESERVED**

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**Chapter 17.17: AIRPORT LIMITATION AREAS**

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**17.17.010: Purpose:**

The airport limitation areas are intended to establish standards assuring the long range, safe, and beneficial use of the Logan-Cache County airport.

**Chapter 17.18: SENSITIVE AREAS**

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**17.18.100 Areas of Potential Sand and Gravel Deposits .....5**

**17.18.030 Potentially 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.

- A. 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.
- B. Floodplains: As identified and defined by Federal Emergency Management Agency (FEMA) – Flood Insurance Rate Maps (FIRM).
- C. Crucial Wildlife Habitat: As identified by the State Division of Wildlife Resources (DWR).
- D. 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).
- E. 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).

**17.18.070 Supplementary Development Standards**

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.

- A. Steep Slopes
- B. Mapped Floodplain
- C. Wildfire Hazards

**17.18.080 Engineering Geotechnical Report**

- A. An engineering geotechnical report shall be prepared by a licensed geotechnical engineer or licensed geologist. The report shall be signed and dated by the preparer and shall also include the qualifications of the preparer.

**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.



## **Chapter 17.19: PUBLIC INFRASTRUCTURE (PI) OVERLAY**

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### **B. Utility Facilities:**

1. Cache County requires no minimum lot area or width for utility facilities.
2. Setbacks: The setback requirement for a major utility corridor from property lines, rights of way, easements, natural and manmade water features, fault lines, built structures, or other features shall be determined by the land use authority based on the proposed facility type, size, and routing. The determination of a setback requirement shall be based on what is reasonable and necessary to preserve the ability to locate a utility corridor while preserving private property rights and access to community facilities.
3. Design Standards: The design and construction of major utility corridors and facilities shall be done to minimize the visual impact of the facility on surrounding residents and the community. Major utility corridors shall demonstrate that all structures or easements will not result in undesirable impacts and that they can be authorized as a conditional use, complying with the requirements of this title.  
Additionally, the land use authority shall consider the following when acting upon a major utility corridor:
  - a. Hydrologic impacts of surface and ground water systems,
  - b. Wildlife habitat areas and migration patterns,
  - c. Erosion control plans,
  - d. Vegetation plans,
  - e. Reclamation, decommissioning, and abandonment plans as applicable,
  - f. Construction plans, including phasing plans and the location of staging areas and traffic control plans, and
  - g. Other issues and impacts as may be applicable.
4. Fire Protection: Any development of a major utility corridor shall comply with the requirements of the wildland-urban interface code where applicable.
5. Land Use Application: All applications for major utility facilities must contain the following information in addition to the application materials required within chapter 17.06 of this title:
  - a. Engineered drawings of the proposed facility which include:
    - i. The exact location of any and all rights of way or easements, identifying the proposed width and alignment centerline, and
    - ii. Specific information on the facilities to be installed, including all above and below grade facilities and improvements,
    - iii. Coverage plans for the proposed tower and including neighboring towers providing coverage for the area.
    - iv. Phasing plans,
    - v. Any other necessary improvements or alterations including public and private infrastructure, grading or drainage alterations, removal of vegetation, etc.
  - b. Emergency and normal shutdown procedures.
  - c. Emergency response plans.