

## CACHE COUNTY COUNCIL

December 5, 2023 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**MEMBERS PRESENT:** Chair David Erickson, Vice-Chair Barbara Tidwell, Councilmember Karl Ward, Councilmember Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Mark Hurd, Councilmember Kathryn Beus.

**MEMEBERS EXCUSED:**

**STAFF PRESENT:** Bartt Nelson, David Benson, Jeris Kendall, Rod Hammer, Maggie McInerney, Mike McGinnis, Brittany Kingston, Chad Jensen, Terryl Warner, Scott Bodily, Amy Adams, Bart Esplin, David Zook.

**OTHER ATTENDENCE:**

### Council Meeting

1. **Call to Order 5:00p.m.** – Council Chair David Erickson [0:04](#)
2. **Opening Remarks and Pledge of Allegiance** – Councilmember Barbara Tidwell [0:29](#)
3. **Review and Approval of Agenda APPROVED [2:50](#)**  
**Action:** Motion made by Councilmember Sandi Goodlander to approve the agenda; seconded by Councilmember Kathryn Beus. [2:55](#)  
**Motion passes.**  
**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd  
**Nay:** 0
4. **Review and Approval of Minutes APPROVED [3:03](#)**  
**Action:** Motion made by Councilmember Karl Ward to approve the November 28, 2023 minutes; seconded by Councilmember Barbara Tidwell. [3:08](#)  
**Motion passes.**  
**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd  
**Nay:** 0
5. **Report of the County Executive [3:29](#)**  
David Zook spoke to the council. [3:32](#); Giving thanks for the help to support the homeless effort and the set-up of the interim warming center. [3:35](#); Met with the new staff for the new warming center. [4:57](#); Talked about the PIT count of the homeless population on 25<sup>th</sup> of January. [5:10](#); Gave an update on the receiving center and that there are some requests to rezone property. [6:10](#); Talked about the home Builder’s association meeting. [6:45](#); There was a green waste meeting about the new waste collection for the cities. [7:31](#); Talked about a few updates regarding the Airport. [8:18](#); Talked about the approval of the raises and the bonuses for staff. [8:55](#)
  - A. **Appointment/Discussion**  
  
**Action:** Motion made by Councilmember \* to approve; seconded by Councilmember \*.  
**Motion passes.**  
**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd  
**Nay:** 0
  - B. **Appointment/Discussion**

**Action:** Motion made by Councilmember \* to approve; seconded by Councilmember \*.

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

**Nay:** 0

6. **Items of Special Interest** [9:46](#)

7. **Department or Committee Reports** [9:46](#)

8. **Public Hearings** [9:46](#)

9. **Pending Action** [9:51](#)

**A. Ordinance 2023-28**

**Graham Addition Rezone** [9:55](#)

A request to rezone ~ 125 Acres located at 11432 North 2300 East, near Richmond, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone. Planning Commission recommended denial.

Stephan Nelson spoke to the council about the rezone request. [10:06](#); The Council discussed on whether they should make a decision now to approve or deny the rezone. [12:12](#);

**Discussion:**

**Action:** Motion made by Councilmember Nolan Gunnell to deny Ordinance 2023-28 – Graham Additional Rezone; seconded by Councilmember Barbara Tidwell. [13:34](#)

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

**Nay:** 0

**B. Resolution 2023-18**

**Adopting the 2024 Cache County Budget** [1:42:46](#)

Brittany Kingston spoke to the council on the Resolution. [1:43:13](#); Councilmember David Erickson talked about the budget to the council and the possible changes to the resolution. [1:43:28](#); Councilmember Sandi Goodlander asked a question about tax admin percentages. [1:49:07](#); Councilmember David Erickson answered Councilmember Sandi Goodlander's question. [1:49:20](#); Councilmember Karl Ward spoke to the council on the resolution. [1:52:41](#); Councilmember Nolan Gunnell spoke to the council on the Resolution. [1:53:11](#); Councilmember Karl Ward Spoke to the council. [1:57:05](#); County Executive David Zook spoke to the council. [2:03:17](#); Councilmember David Erickson spoke to the council. [2:12:44](#); Amy Adams spoke to the council on their miscellaneous budget. [2:13:41](#); Brittany Kingston Spoke to the council about the buildings and grounds budget. [2:15:12](#); Councilmember David Erickson talked about helping those who do good things and about the loss of part time employees. [2:16:36](#); Patrick Jenkins spoke to the council about the budget for the Economic Development department. [2:19:19](#); Councilmember David Erickson asked about different accounts and money that is being spent. [2:25:20](#); Micah Safsten answered Councilmember David Erickson's question. [2:27:23](#); Councilmember Barbara Tidwell asked a question about indigent expenses. [2:28:31](#); County Executive David Zook answered the councils question about Indigent Expenses and other expenses. [2:28:40](#); Councilmember David Erickson talked about the miscellaneous expenses and talked about the engineering allocation. [2:29:50](#); Brittany Kingston answered Councilmember David Erickson's question. [2:30:53](#); Councilmember David Erickson asked a question about a proposed surveyor. [2:31:07](#); Matt Philips answered Councilmember David Erickson's question. [2:32:13](#); Councilmember David Erickson with Councilmember Nolan Gunnell Seconded, proposed to the council to eliminate the newly created Surveyor Position in the engineering department. [2:32:33](#); Councilmember Karl ward asked about the motion. [2:33:44](#); Councilmember David Erickson removed motion to eliminate the newly created surveyor position. [2:33:50](#); Councilmember David Erickson asked a question about the \$100,000 for trail development. [2:36:01](#); Stephen Nelson answered David Erickson's question. [2:39:29](#); Councilmember David Erickson asked a question about another miscellaneous amount of \$9,600. [2:38:10](#); Stephen Nelson answered Councilmember David Erickson's question. [2:38:38](#); Councilmember David Erickson asked a question about approving the increase to the Bear River health department.

[2:40:13](#); Brittany Kingston answered councilmember David Erickson's question. [2:40:53](#); Councilmember David Erickson shared some thoughts about the budget. [2:42:30](#); Brittany Kingston talked about the building and grounds budget. [2:42:42](#); Councilmember Nolan Gunnell talked about the council's miscellaneous budget. [2:44:15](#); The Council discussed the topic of getting rid of overtime and what expenses come out of the miscellaneous budget. [2:48:06](#); The Council discussed the budget for the Executive office and the different expenses in the Executive office and also discussed the role the County Executive plays in the county and the responsibilities the County Executive holds. [2:57:12](#); The County Council will discuss the proposed changes and move the rest of the budget discussion to next council meeting. [3:52:11](#);

**Discussion:**

**Action:** Motion made by Councilmember Karl ward to accept the amendments to Resolution 2023-18; seconded by Councilmember Barbara Tidwell. [1:51:08](#)

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

**Nay:** 0

**Action:** Motion made by Councilmember Karl Ward to approve the amended 2024 council budget; seconded by Councilmember Sandi Goodlander. [2:56:02](#)

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

**Nay:** 0

**C. Ordinance 2023-37 Amending Title 16 Subdivision Regulations to comply with SB174 Local Land Use and Development Revisions [14:55](#)**

Stephan Nelson spoke to the council. [15:08](#); Stephan Nelson discussed that this Ordinance is supposed to update our subdivision code to be compliant with the new state standards. [16:21](#); Ordinance outlined the proper steps for the review process of plots of land undergoing construction for new buildings and approval of construction drawings. [17:09](#); Councilmember David Erickson asked a question about the review process and the time frame given to complete the review process. [18:51](#); Stephan Nelson answered Councilmember David Erickson's question. [19:11](#); Councilmember Nolan Gunnell asked about the hourly fees and why we need to charge an hourly fee. [21:05](#) Stephan Nelson answered Councilmember Nolan Gunnell's question. [21:28](#); Councilmember Nolan Gunnell asked if other counties have hourly fees. [23:26](#); Stephan Nelson answered Councilmember Nolan Gunnell's question. [23:29](#); Councilmember David Erickson asked if the planning department will be able to give an estimate of how long they will probably take to work on a project beforehand. [23:49](#); Stephan Nelson answered Councilmember David Erickson's question. [23:56](#); Councilmember Sandi Goodlander talks with Councilmember Nolan Gunnell about the hourly fees and how they can affect some projects. [24:16](#); Councilmember Barbara Tidwell asked if the shortened time to get projects done will increase the amount of overtime their department has. [26:06](#); Stephan Nelson answered Councilmember Barbara Tidwell's question. [26:24](#);

**Discussion:**

**Action:** Motion made by Councilmember Sandi Goodlander to approve Ordinance 2023-37; seconded by Councilmember Karl Ward. [27:51](#)

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

**Nay:** 0

**10. Initial Proposals for Consideration of Action [28:22](#)**

**A. Approval of Refined Ventures Annexation, Creating an Unincorporated Peninsula [28:25](#)**

Stephan Nelson spoke to the council. [28:34](#); Councilmember Nolan Gunnell asked a question about the applicant. [32:05](#); Councilmember David Erickson asked a question about the plots of land. [32:26](#); Stephan Nelson answered Councilmember David Erickson's Question. [32:32](#); Jodi Robins, with refined ventures, answered Councilmember Nolan Gunnell's question. [32:55](#); Councilmember Sandi Goodlander asked a question about the plots of land and development. [33:19](#); Jodi Robins answered Councilmember Sandi Goodlander's question. [33:22](#); Stephan Nelson spoke to the council

about the project. [33:35](#); Councilmember Sandi Goodlander asked a question about other places in the county were we own half of the road. [34:35](#); Matt Philips Spoke to the council about the initial proposal. [34:50](#); Councilmember David Erickson talked about the annexation of half of the 1500 road in Nibley. [38:28](#); Councilmember David Erickson asked Stephan Nelson a question about what the council is approving. [39:48](#); Stephan Nelson answered Councilmember David Erickson's question. [40:03](#);

**Discussion:**

**Action:** Motion made by Councilmember Barbara Tidwell to approve The Refines Ventures Annexation, with stipulation that Nibley annexes both sides of the roads of the annexed properties and connecting into Nibley, and creating an unincorporated Peninsula; seconded by Councilmember Sandi Goodlander. [42:55](#)

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

**Nay:** 0

**B. Ordinance 2023-41            An Ordinance Updating the Cache County Fee Schedule to Amend the Fees Associated with the Fairgrounds [44:52](#)**

Bart Esplin, Spoke to the council. [45:08](#); Councilmember Karl Ward asked a question about the stall spaces available. [48:47](#); Bart Esplin answered Councilmember Karl Wards question. [48:53](#); Councilmember Nolan Gunnell asked a question about the bleachers and the fees for the stage. [49:14](#); Bart Esplin answered Councilmember Nolan Gunnell's question. [49:31](#); Councilmember Kathryn Beus asked a question about the process to rent a stall for a horse and a stall to store hay on sight. [52:53](#); Bart Esplin answered Councilmember Kathryn Beaus question. [53:25](#);

**Discussion:**

**Action:** Motion made by Councilmember Karl Ward to suspend the rules to approve Ordinance 2023-41; seconded by Councilmember Mark Hurd. [54:25](#)

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

**Nay:** 0

**C. Ordinance 2023-43            An Ordinance Amending Section 3.56.060 of Cache County Code to Update the fund Balance Limits for the General Fund [55:19](#)**

Micah Safsten spoke to the council. [55:32](#); Councilmember Nolan Gunnell asked a question about how this will affect us in the future if we ever have an emergency and we have use those funds. [58:11](#); Micah Safsten answered Councilmember Nolan Gunnell's question. [58:22](#); Councilmember Sandi Goodlander asked a question one what the process would be if we have a natural disaster and we have to use the funds. [1:00:23](#); Micah Safsten answered Councilmember Sandi Goodlander's question. [1:00:33](#); **(Put on hold until Council meeting on December 12, 2023)** [1:04:51](#)

**D. Ordinance 2023-44            An Ordinance Dissolving the Senior Citizens Board of Cache County Established Under Cache County Code 2.52 and Creating the Cache County Senior Center as a Department Under the Office of the County Executive [1:05:23](#)**

Jeris Kendall spoke to the council. [1:05:32](#);

**Discussion:**

**Action:** Motion made by Councilmember Barbara Tidwell to suspend the rules and approve Ordinance 2023-44; seconded by Councilmember Sandi Goodlander. [1:08:12](#)

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

**Nay:** 0

**E. Resolution 2023-25            Setting Preliminary Salaries for County Clerk and County Auditor Beginning January 6, 2025 [1:08:53](#)**

Amy Adams spoke to the council. [1:09:39](#); Councilmembers discuss the cost of the two elected officials and the cost of government. [1:13:22](#); Councilmember Karl Ward Spoke to the council about the cost of living and the cost of government. [1:14:25](#); Amy Adams spoke to the council about the salaries of the auditor and the clerk and what the income would need to be to get a professional in their field. [1:17:42](#); Councilmember David Erickson asked David Benson about the responsibilities of the clerk and auditor. [1:18:41](#); David Benson answered Councilmember David Erickson's question. [1:18:56](#); Councilmember Nolan Gunnell asked Amy Adams a question about how much the salary would need to be to attract a professional auditor. [1:20:13](#); Amy Adams answered Councilmember Nolan Gunnell's question. [1:20:29](#); Councilmember Nolan Gunnell spoke to the council about the salary of the new elected Auditor. [1:20:45](#); Councilmembers discussed the salary of the previous finance director and that salary of the new Auditor. [1:21:00](#); Councilmember Barbara Tidwell Suggested keeping the Salaries for the Clerk and Auditor the same at \$112,157.54. [1:22:38](#);

**Discussion:**

**Action:** Motion made by Councilmember Barbara Tidwell to amend Resolution 2023-25 and make the Clerk and Auditors salaries at \$112,157.54 and approve Resolution 2023-25; seconded by Councilmember Sandi Goodlander. [1:23:13](#)

**Motion Fails.**

**Aye:** 3 David Erickson, Barbara Tidwell, Sandi Goodlander

**Nay:** 2 Mark Hurd, Kathryn Beus,

**Abstain:** 2 Nolan Gunnell, Karl Ward

**F. Resolution 2023-26      A Resolution Terminating the May 1, 2022 Consulting Agreement with Lincoln Hill Partners**  
[1:26:35](#)

Micah Safsten Spoke to the council on the Resolution. [1:27:15](#); Kerry Gibson spoke to the council on the Resolution. [1:28:32](#); Councilmember Mark Hurd talked about looking to prevent getting rid of things that we could need in the future if we get rid of things because of budget. [1:33:34](#); Councilmember Barbara Tidwell talked to the council about discussing this Resolution further with Kerry Gibson. [1:35:52](#); Councilmember Nolan Gunnell talked about also talking with Kerry Gibson about this Resolution and discussing what we need to keep or get rid of to avoid issues in the future. [1:36:17](#); Councilmember talked about discussing another strategy. [1:37:05](#); Kerry Gibson spoke to the council on the Resolution. [1:37:59](#); Councilmember David Erickson asked a question about the correlation Lincoln hill has with UACC and with the County Council. [1:39:00](#); Kerry Gibson answered Councilmember David Erickson's question. [1:40:00](#); **(Postponed until next council meeting).**

**Discussion:**

**Action:** Motion made by Councilmember \* to approve Ordinance/Resolution; seconded by Councilmember \*.

**Motion passes.**

**Aye:** 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

**Nay:** 0

**11. Other Business** [3:53:06](#)

**A. Employee Christmas Dinner**

**December 13, 2023 – Cache County Event Center**

**12. Councilmember Reports** [3:53:20](#)

**David Erickson –**

**Sandi Goodlander –**

**Karl Ward –**

**Barbara Tidwell –**

**Kathryn Beus –**

**Nolan Gunnell –** Talked about the garbage meeting and to think about green waste management. He also talked about having a spring cleanup or having a green waste roll off bin scattered around the county. [3:56:21](#)

**Mark Hurd** – Talked about the cache county economic opportunity advisory board meeting and promoting awareness to help AG users with water systems. Talked about rural opportunities grant and how the port can be utilized in cache county. [3:53:23](#)

**Adjourn: 9:00 PM** [4:00:10](#)

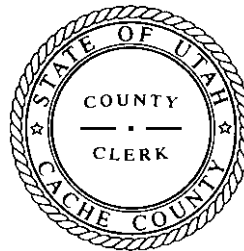


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**APPROVAL: David Erickson, Chair**  
**Cache County Council**

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**ATTEST: David Benson, Clerk**  
**Cache County Council**



**Ordinance No. 2023-28**  
**Cache County, Utah**  
**Graham Addition Rezone**

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An ordinance amending the County Zoning Map by rezoning ~125 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone

**Whereas**, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 et seq., as amended (the “Act”), provides that each county may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**Whereas**, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the county’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county; and

**Whereas**, the Planning Commission caused notice of a public hearing for the rezone to be posted at least ten (10) days before the date of the public hearing; and

**Whereas**, on July 6, 2023, the Planning Commission held a public hearing, accepted all comments, and recommended denial of the proposed amendments to the County Council for final action; and

**Whereas**, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance and zoning map for the county; and

**Whereas**, following proper notice, the County Council held a public hearing on August 8, 2023, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

**Whereas**, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement this ordinance.

**Now, therefore**, the County Legislative Body of Cache County ordains as follows:

**1. Statutory Authority**

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 part 2(1953, as amended to date).

**2. Adoption of amended Zoning Map**

The County Council hereby amends the County’s Zoning Map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended Zoning Map with the amendment identified as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

### **3. Conclusions**

- A.** The location of the subject property is compatible with the purpose of the Agricultural (A10) Zone as identified under §17.08.030[A] of the Cache County Code as it:
- i.** The location of the subject properties is compatible with the purpose of the proposed A10 Zone.
  - ii.** The proposed A10 Zone is consistent with the zoning of the approved subdivision in which they are located and will eliminate the split zoning of the subject properties.
  - iii.** The historic and current use of the properties is agricultural and is suitable for development within the A10 Zone without increasing the need for variances or special exceptions within this zone.

### **4. Prior ordinances, resolutions, policies, and actions superseded**

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

### **5. Exhibits**

- A.** Exhibit A: Rezone summary and information & Planning Commission recommendation
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

### **6. Effective date**

This ordinance takes effect on \_\_\_\_\_, 2023. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.



**7. Council Vote and Final Action**

Date: <u>12 / 05 / 2023</u>	Council Votes			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus		X		
Dave Erickson		X		
Sandi Goodlander		X		
Nolan Gunnell		X		
Mark Hurd		X		
Barbara Tidwell		X		
Karl Ward		X		
<b>Total:</b>	0	7	0	0
<b>Final action:</b>	<input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Reject			

Cache County Council:

  
 \_\_\_\_\_  
 David Erickson, Chair

Attest:

  
 \_\_\_\_\_  
 David Benson, Clerk  
 Cache County

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**Action of the County Executive**

Regarding Ordinance 2023-28, the Graham Addition Rezone

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove (A Statement of Objection is attached)

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David Zook, Executive  
Cache County

Date

1 **Ord 2023-028**  
2 **Graham Addition Rezone**  
3 **Amending the Cache County Zoning Map by rezoning**  
4 **~125 acres of property from the Forest Recreation (FR40) Zone**  
5 **to the Agricultural (A10) Zone.**

6  
7 **County Council action**

8 Hold a public hearing on August 8, 2023.

9 If approved, the rezone will take effect 15 days from the date of approval.  
10

11 **Planning Commission action**

12 Denial (5-yea; 0-nay; 1-abstention).

13 Public hearing held on July 6, 2023.

14 Conclusion: Based on the findings of fact noted [in the staff report], the Graham Addition Rezone is  
15 hereby recommended for approval to the County Council as follows:

- 16 1. The area is not conducive to residential development due to the presence of sensitive  
17 areas including, but not limited to, steep slopes and moderate to extreme Wildfire Hazard  
18 Areas.
- 19 2. The majority of the subject properties located in the FR40 Zone has not historically been  
20 used for agricultural purposes and is not compatible with the purpose of the proposed A10  
21 Zone.
- 22 3. It is not consistent with the recently adopted Cache County General Plan that identifies the  
23 future land use of this area as "Mountain Rural and Conservation" as well as "Forest and  
24 Natural Resources" which specifies the preferred land uses as: forestry, grazing, outdoor  
25 recreation, watershed protection, hazard mitigation (i.e., floodplain management, steep  
26 slopes, and high wildfire hazard) and conservation easements. Additionally, these future  
27 land use areas specifically discourage residential uses (Forest and Natural Resources) and  
28 residential development at a density greater than one unit per 40 acres (Mountain Rural  
29 and Conservation.  
30

31 **Staff Report review by Development Services Director**

32 Stephen Nelson  
33

34 **Staff Report by County Planner**

35 Angie Zetterquist  
36

37 **General Description**

38 This ordinance amends the County Zoning Map by rezoning ~125 acres from the Forest Recreation  
39 (FR40) Zone to the Agricultural (A10) Zone.  
40

41 **Additional review materials included as part of Exhibit A**

42 Staff Report to Planning Commission

**Staff Report: Graham Addition Rezone**

6 July 2023

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:** Michael Graham

**Parcel ID#:** 18-053-0010, -0011

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

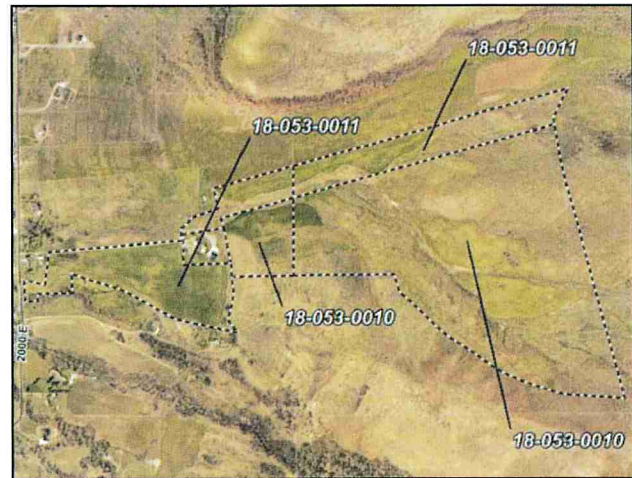
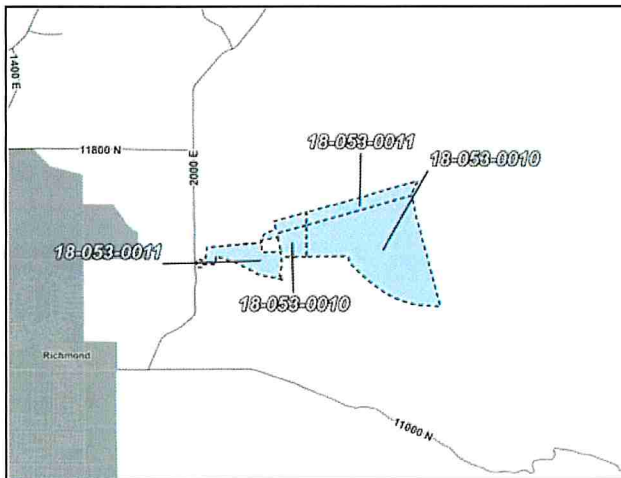
**Project Address:** 11432 North 2300 East

near Richmond

**Current Zoning:** Forest Recreation (FR40)  
**Proposed Zoning:** Agricultural (A10)

**Surrounding Uses:**

North – Agricultural/Residential/FR40  
 South – Agricultural/Residential/FR40  
 East – Agricultural/FR40  
 West – Agricultural/Residential



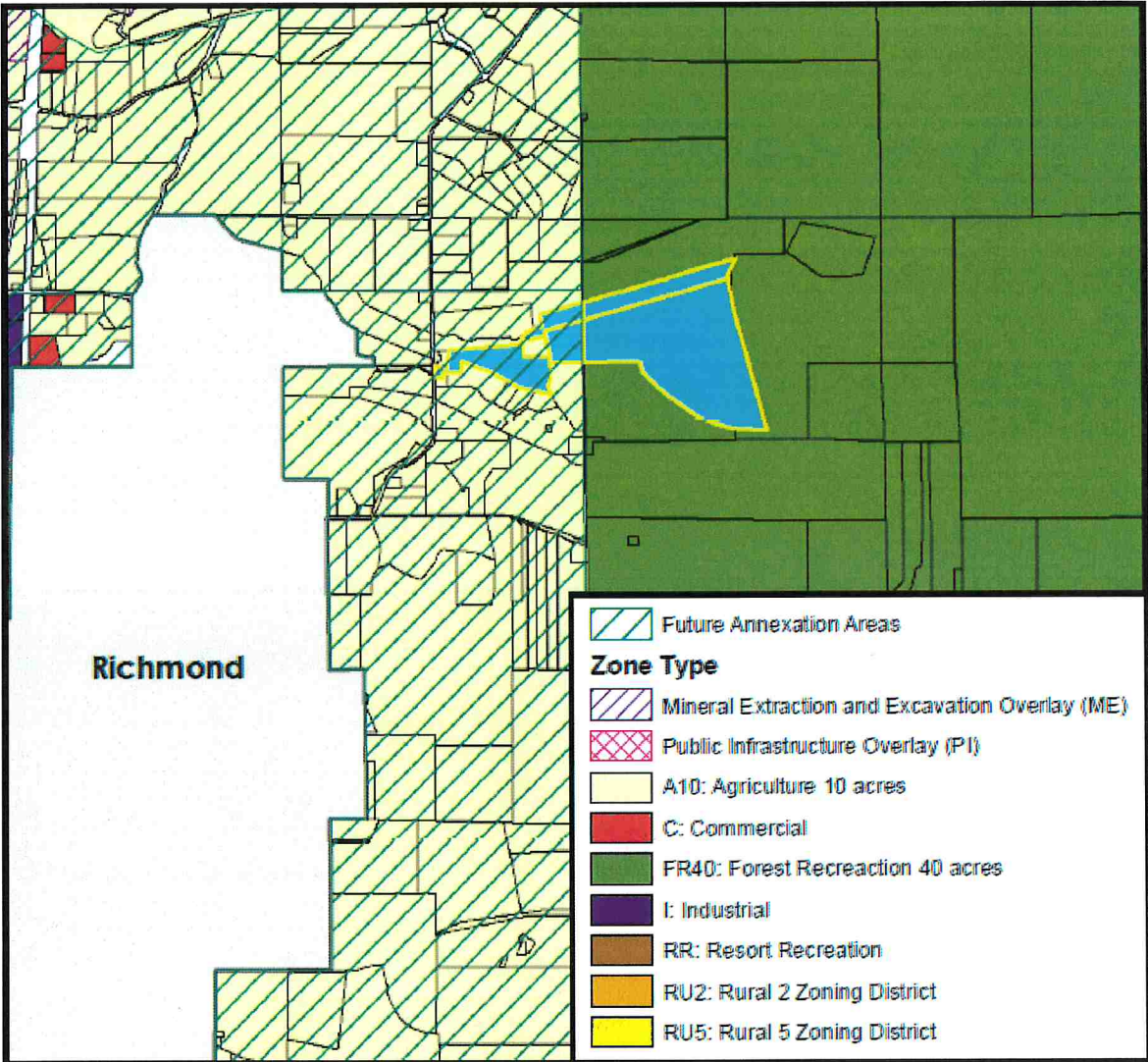
**Findings of Fact**

**A. Request description**

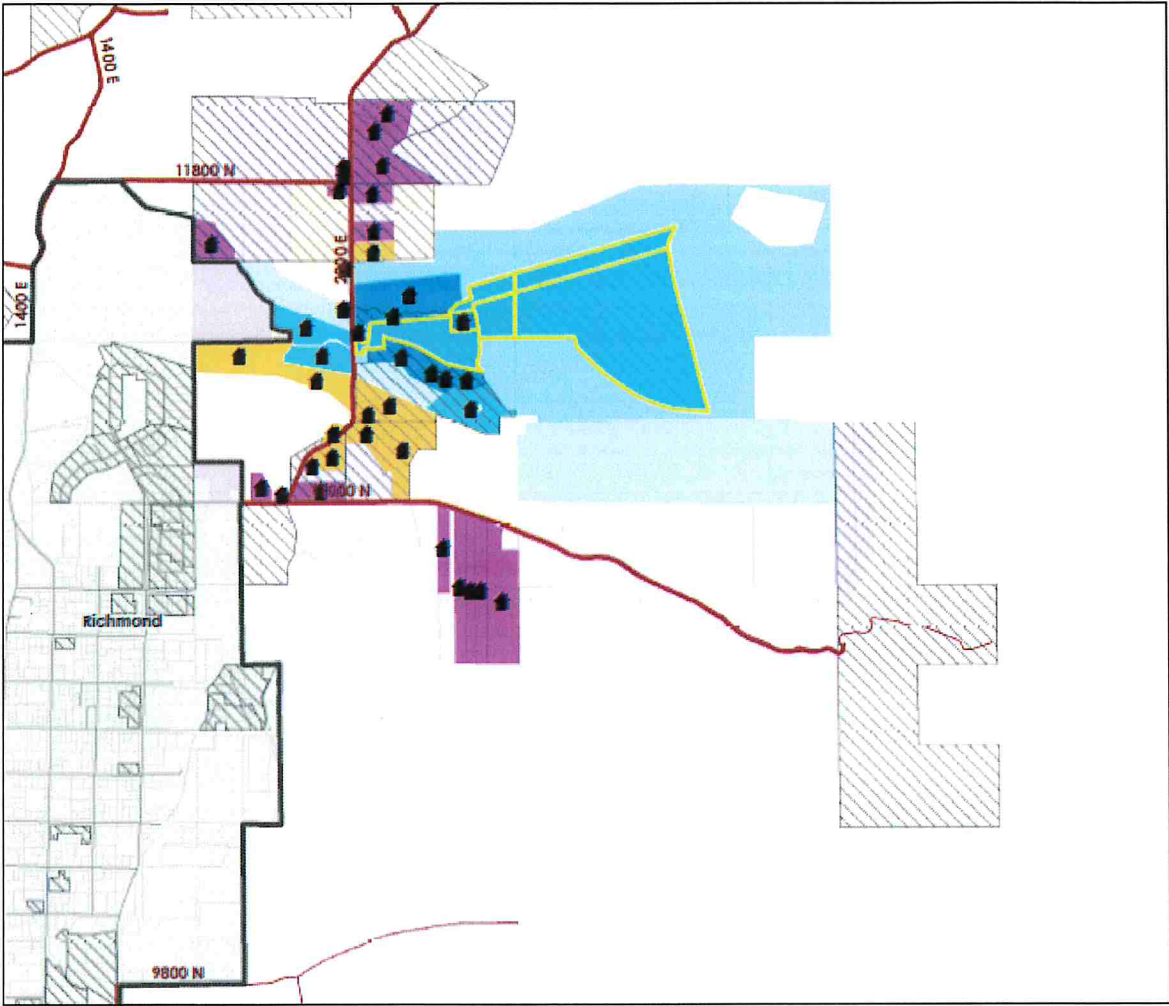
1. A request to rezone approximately 125.0 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Agricultural (A10) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the A10 Zone will be addressed as part of each respective approval process required prior to site development activities.
3. 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 attached map (Attachment A) and in the following text:

**a. Land Use Context:**

- i.** Parcel status: Both parcels are legal as they located within an approved subdivision, the Housely Minor Subdivision recorded in 2003, and are identified as agricultural remainders within that subdivision. At the time the subdivision was approved, and it is still currently the case, portions of these agricultural remainders had a split zone with part of the parcels being in the A10 Zone and the larger, eastern sections were located in the FR40 Zone. The split zoning makes it difficult to calculate the overall density of the subdivision, and, per the Code, the two subject properties can only be developed in accordance with the most restrictive zone (i.e., FR40).

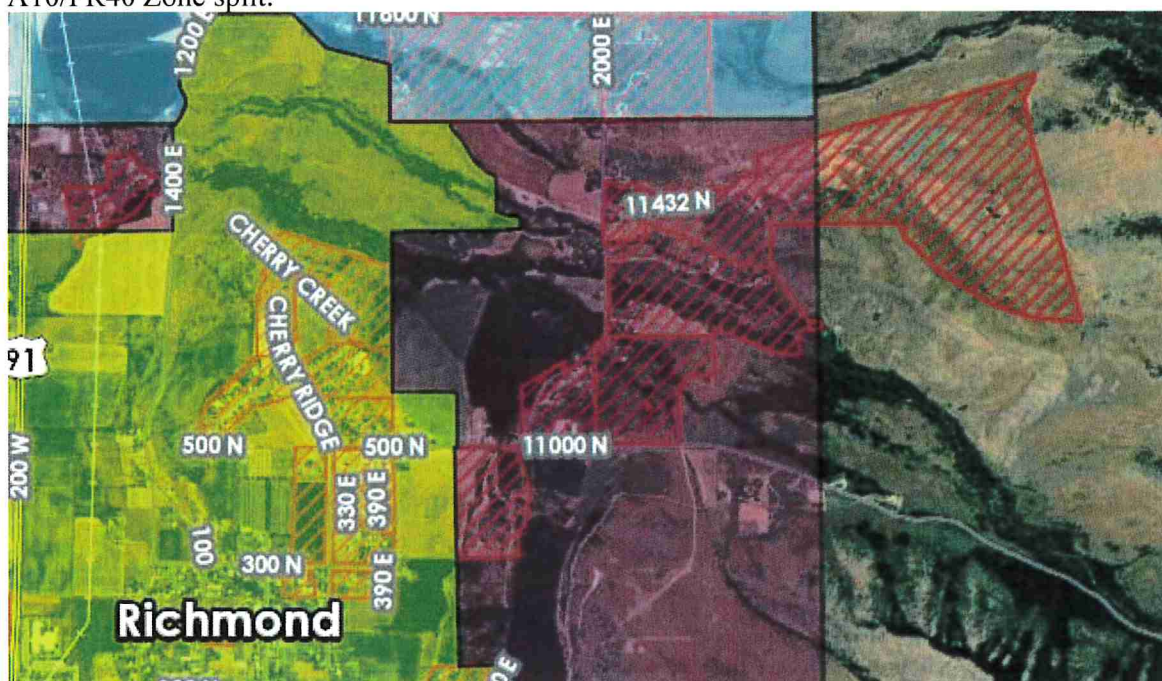


ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
<b>Adjacent Parcels</b>	With a Home: 5.5 Acres (8 Parcels)
	Without a Home: 60 Acres (11 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 7.2 Acres (22 Parcels)
	Without a Home: 46.2 Acres (30 Parcels)
	Without a Home in Richmond City: 1.1 Acres (1 Parcel)
<b>1/2 Mile Buffer</b>	With a Home: 7 Acres (40 Parcels)
	Without a Home: 52.1 Acres (59 Parcels)
	Without a Home in Richmond City: 14.7 Acres (3 Parcels)

- iii. The proposed A10 zone allows a maximum density of 1 lot for every 10 acres, whereas the current FR40 zone allows a maximum density of 1 lot for every 40 net developable acres. With approximately 42.0 acres of property, the subject property could be divided into a maximum potential of 4 buildable lots under the current A10 Zone standards, including the parcel with an existing single-family dwelling. A rezone to RU5 may allow up to a maximum potential of 8 buildable lots, including one lot with the existing single-family dwelling.
- iv. Schedule of Zoning Uses: The Agricultural (A10) Zone allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses, that are not permitted in the current Forest Recreation (FR40) Zone:
  - Single Family Dwelling
  - Accessory Apartment
  - Home Based Business
  - Residential Living Facilities
  - Agricultural Manufacturing
  - Cemetery/Crematorium
  - Religious Meeting House
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Boarding Facility
  - Topsoil Extraction
- v. Adjacent uses: The properties adjacent to the subject rezone are primarily forest recreation, agriculture, and residential uses. The nearest Richmond City boundary is located about 1,100 feet west, as the crow flies, of the subject properties, but about 0.68 miles via 2000 East.
- vi. Annexation Areas: The subject properties are not located within the Richmond City future annexation area. The future annexation boundary stops at the current A10/FR40 Zone split.



**B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [C]**

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Agricultural (A10) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [C] identifies the purpose of the Agricultural Zone and includes the following:
  - a. 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.
  - b. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.”
6. The future land use map (Attachment B) adopted as part of the recently approved Cache County General Plan identifies the area where the subject property is located as “Mountain Rural and Conservation” as well as “Forest and Natural Resources.” *Cache County General Plan, Chapter 4, pg. 24 & 25*

**FOREST AND NATURAL RESOURCES**

Location:	Publicly owned and conserved private lands in the mountains and canyons.
Example Areas:	<ul style="list-style-type: none"> <li>• U.S. Forest Service lands</li> <li>• State lands</li> </ul>
Purpose and Character:	Resource conservation and uses/products (i.e. forestry, ranching) on federal, state, and local government-owned lands. Some public lands are open to public access and recreation. Private lands under conservation easements (no public access). If public land is sold for private development that is not compatible with the Natural Resource category, the property should default to the Mountain Rural and Conservation future land use category.
Preferred Land Uses:	<ul style="list-style-type: none"> <li>• Multiple Resource Uses (i.e. forestry, grazing)</li> <li>• Outdoor recreation on publicly accessible lands</li> <li>• Watershed Protection</li> <li>• Hazard Mitigation (i.e. floodplain management, steep slopes, and high wildfire hazard)</li> <li>• Conservation Easements</li> </ul>
Secondary Land Uses:	<ul style="list-style-type: none"> <li>• Residential uses where permitted in a conservation easement</li> <li>• Research and public institutions</li> </ul>
Discouraged Uses:	<ul style="list-style-type: none"> <li>• Residential</li> <li>• Commercial</li> <li>• Industrial</li> <li>• Heavy industrial and mining</li> </ul>



**MOUNTAIN RURAL AND CONSERVATION**

Location:	The majority of privately-owned mountain and foothill areas.
Example Areas:	<ul style="list-style-type: none"> <li>• FR-40 zone that is not public land</li> </ul>
Purpose and Character:	Forestry, recreation, and multiple resource uses on private lands. Forestry and recreation land uses are expected to continue. Maintaining the environmental quality of steep slopes, canyons, and forests with minimal residential development conserves watershed resources and improves resiliency from wildfire, geological, and flood hazards.
Preferred Land Uses:	<ul style="list-style-type: none"> <li>• Forestry</li> <li>• Agriculture</li> <li>• Conservation Easements (CEs) and conserved public lands</li> <li>• Watershed Protection</li> <li>• Hazard Mitigation (i.e. floodplain management, steep slopes, and high wildfire hazard)</li> <li>• Outdoor recreation and tourism</li> </ul>
Secondary Land Uses:	<ul style="list-style-type: none"> <li>• Seasonal residential housing at one unit per 40 acres</li> <li>• Clustered subdivision developments</li> <li>• Resorts, recreation business, and public institutions</li> </ul>
Discouraged Uses:	<ul style="list-style-type: none"> <li>• Residential development at a density greater than one unit per 40 acres</li> <li>• Industrial</li> <li>• Commercial Office</li> <li>• Commercial Retail</li> <li>• Heavy Industrial</li> </ul>

**CHAPTER 4: FUTURE LAND USE PLAN**

The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines—in large measure—the future of Cache County. The Future Land Use Map represents the County’s collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.

The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.

7. Consideration of impacts related to uses allowed within the A10 Zone will be addressed as part of each respective approval process required prior to site development activities.

**C. Access—16.04.040 [A], 16.04.080 [E], Road Manual**

8. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
9. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
10. §17.07.040 General Definitions – 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
11. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
12. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
13. A basic review of the access to the subject properties identifies the following:
  - a. Primary access to the subject properties is from 2000 East (upper High Creek Road), a County road, via a private road, 11432 North.
14. 11432 North, Private Road:
  - a. Approved as part of the Housely Minor Subdivision in 2003.
  - b. Is paved and approximately 12-14 feet wide.
  - c. Is substandard as to the current Road Manual requirements for a Minor Private Road.

**Table B-6 Typical Cross Section Minimum Standards**

Roadway Classification	Right-of-way (ft)	Travel Lane Width (ft)	Total Shoulder Width (ft)	Paved Shoulder Width (ft)	Gravel Shoulder Width (ft)	Design Limits Based on ADT	Road Surface
Minor Arterial	100	12	10	8	2	-	(A)
Major Collector	80	12	8	4	4	-	(A)
Minor Collector	66	11	6	4	2	2000	(B)
Major Local	66	10	6	2	4	1500	(B)
Minor Local	66	10	4	0	4	400	(B)
Major Private	66	10	2	0	0	200	(B)
Minor Private	33	10	0	0	0	50	(B)
Seasonal/Recreation	33	10	0	0	0	-	(B)
Agricultural Access	33	10	0	0	0	-	(C)

**15. 2000 East:**

- a. Is an existing county facility serves other lower classified County Roads, single family dwellings, and agricultural parcels.
- b. Is classified as a Major Local Road.
- c. Is paved and is approximately 20 feet wide.
- d. Is maintained year round by the County.
- e. Is considered substandard as to right-of-way, paved and gravel shoulder width, and clear zone.

**Analysis of Existing Roadway – 2000 East**

<b>Roadway Element</b>	<b>Existing Width (ft)</b>	<b>Major Local Width (ft) Requirements</b>	<b>Comments or Findings</b>
Travel Lanes	20	20	<b>OK</b>
Right-of-Way	varies	66	<b>Substandard</b>
Paved Shoulder	0	2	<b>Substandard</b>
Gravel Shoulder	2-3	4	<b>Substandard</b>
Clear Zone (4:1)	varies	10	<b>Substandard</b>
Material	Paved	Paved	<b>OK</b>
Structural			<b>Visually OK</b>

**Access Management – 2000 East**

<b>Classification</b>	<b>Min. Spacing Standard (Feet)</b>		
	<b>Road Access</b>	<b>Commercial</b>	<b>Residential/Farm Access</b>
Major Local	300	150	10

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line

**D. Service Provisions:**

- 16. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
- 17. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides refuse collection in this area. The refuse containers will need to be placed on the East side of 2000 East for collection. Sufficient shoulder space along the road for all refuse and recycling containers must be provided allowing the containers to be placed 3 to 4 feet apart and far enough off the road so they do not interfere with passing traffic. An encroachment permit is required for any work done in the public right-of-way.

**E. Public Notice and Comment—§17.02.040 Notice of Meetings**

- 18. Public notice was posted online to the Utah Public Notice Website on 23 June 2023.
- 19. Notices were posted in three public places on 23 June 2023.
- 20. Notices were mailed to all property owners within 300 feet on 23 June 2023.
- 21. At this time, no written public comments regarding this proposal have been received by the Development Services Office.

## **Conclusion**

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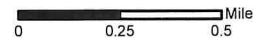
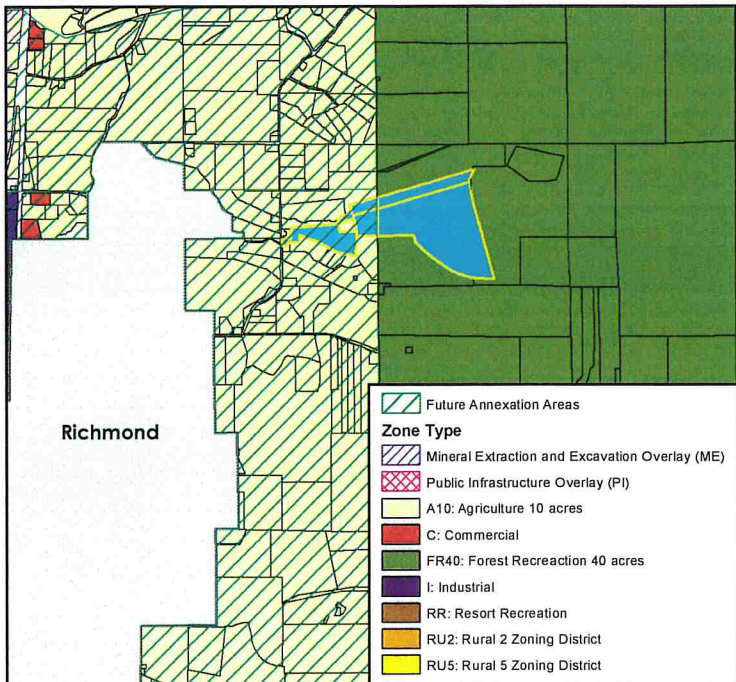
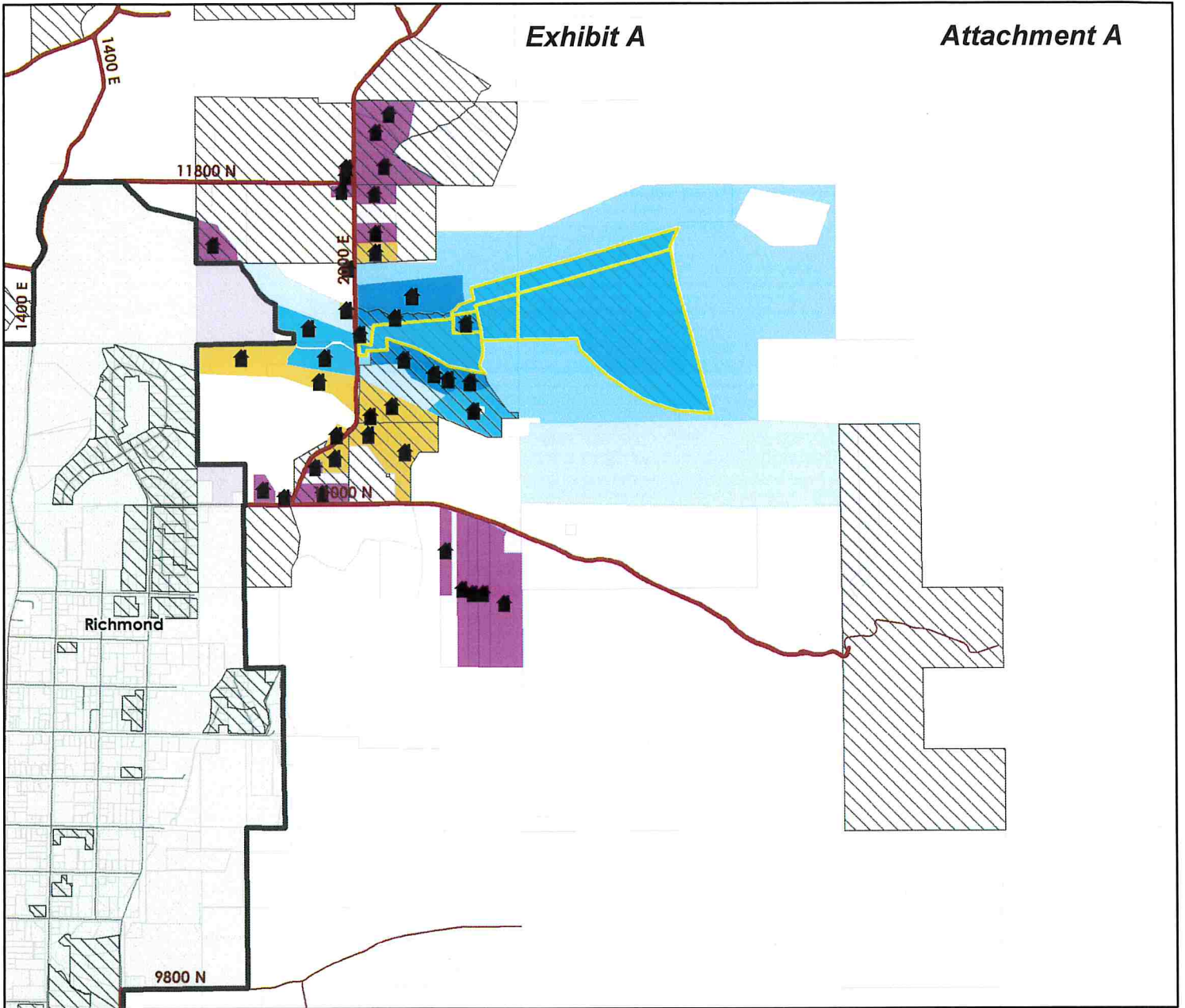
The Graham Addition Rezone, a request to rezone approximately 125 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

## **Planning Commission Conclusion**

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Based on the findings of fact noted herein, the Graham Addition Rezone is hereby recommended for denial to the County Council as follows:

1. The area is not conducive to residential development due to the presence of sensitive areas including, but not limited to, steep slopes and moderate to extreme Wildfire Hazard Areas.
2. The majority of the subject properties located in the FR40 Zone has not historically been used for agricultural purposes and is not compatible with the purpose of the proposed A10 Zone.
3. It is not consistent with the recently adopted Cache County General Plan that identifies the future land use of this area as “Mountain Rural and Conservation” as well as “Forest and Natural Resources” which specifies the preferred land uses as: forestry, grazing, outdoor recreation, watershed protection, hazard mitigation (i.e., floodplain management, steep slopes, and high wildfire hazard) and conservation easements. Additionally, these future land use areas specifically discourage residential uses (Forest and Natural Resources) and residential development at a density greater than one unit per 40 acres (Mountain Rural and Conservation



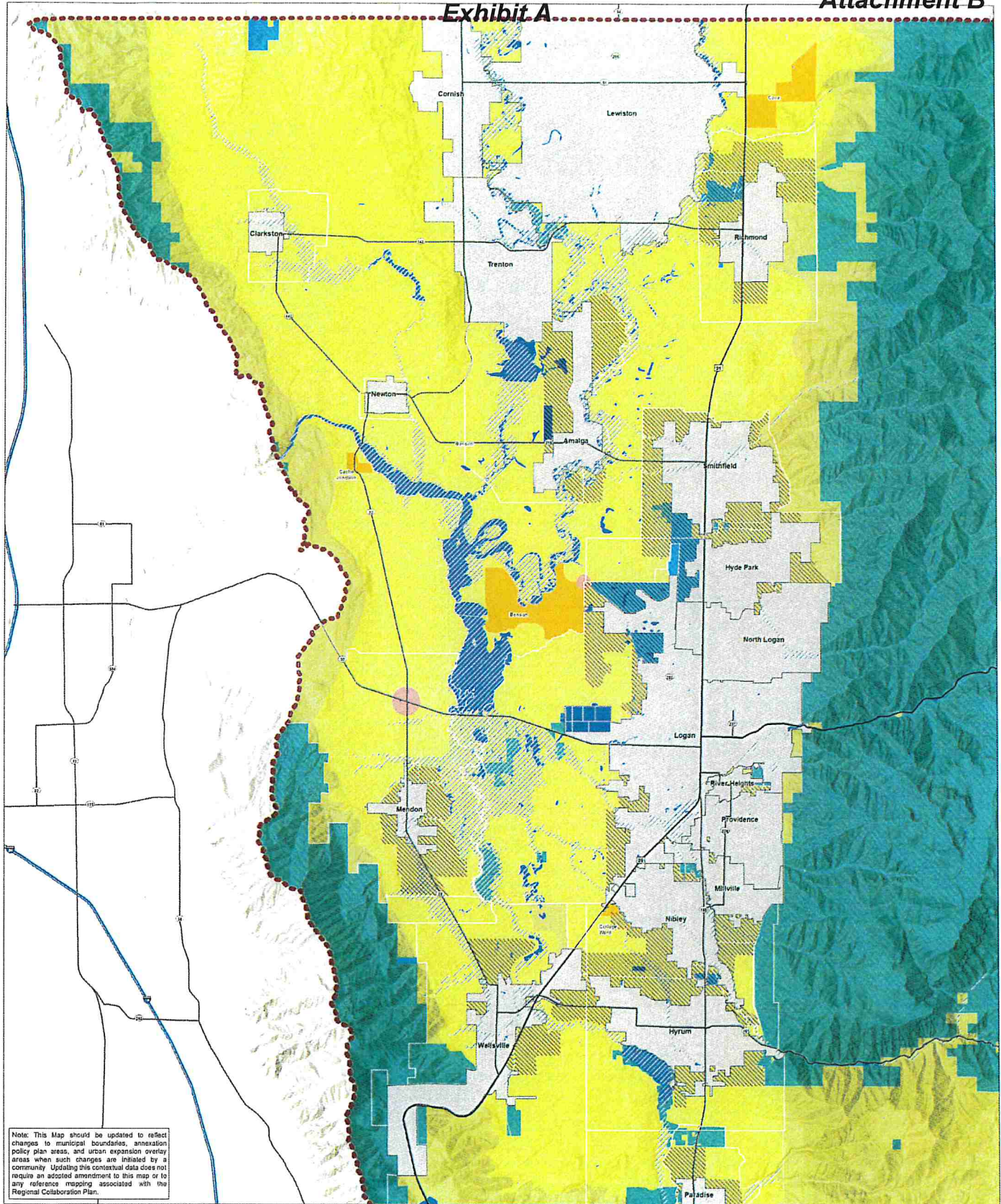
**Legend**

- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

**Average Parcel Size**

<b>Adjacent Parcels</b>	With a Home: 5.5 Acres (8 Parcels)
	Without a Home: 60 Acres (11 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 7.2 Acres (22 Parcels)
	Without a Home: 46.2 Acres (30 Parcels) Without a Home in Richmond City: 1.1 Acres (1 Parcel)
<b>1/2 Mile Buffer</b>	With a Home: 7 Acres (40 Parcels)
	Without a Home: 52.1 Acres (59 Parcels) Without a Home in Richmond City: 14.7 Acres (3 Parcels)





Note: This Map should be updated to reflect changes to municipal boundaries, annexation policy plan areas, and urban expansion overlay areas when such changes are initiated by a community. Updating this contextual data does not require an adopted amendment to this map or to any reference mapping associated with the Regional Collaboration Plan.

- Water Bodies
- 100 Year Floodplain
- Municipalities
- Urban Expansion Overlay
- Retail Commercial
- Rural Community
- Industrial and Mineral Extraction
- Agriculture and Ranching
- Mountain Rural and Conservation
- Forest and Natural Resource

## Cache County Future Land Use Map

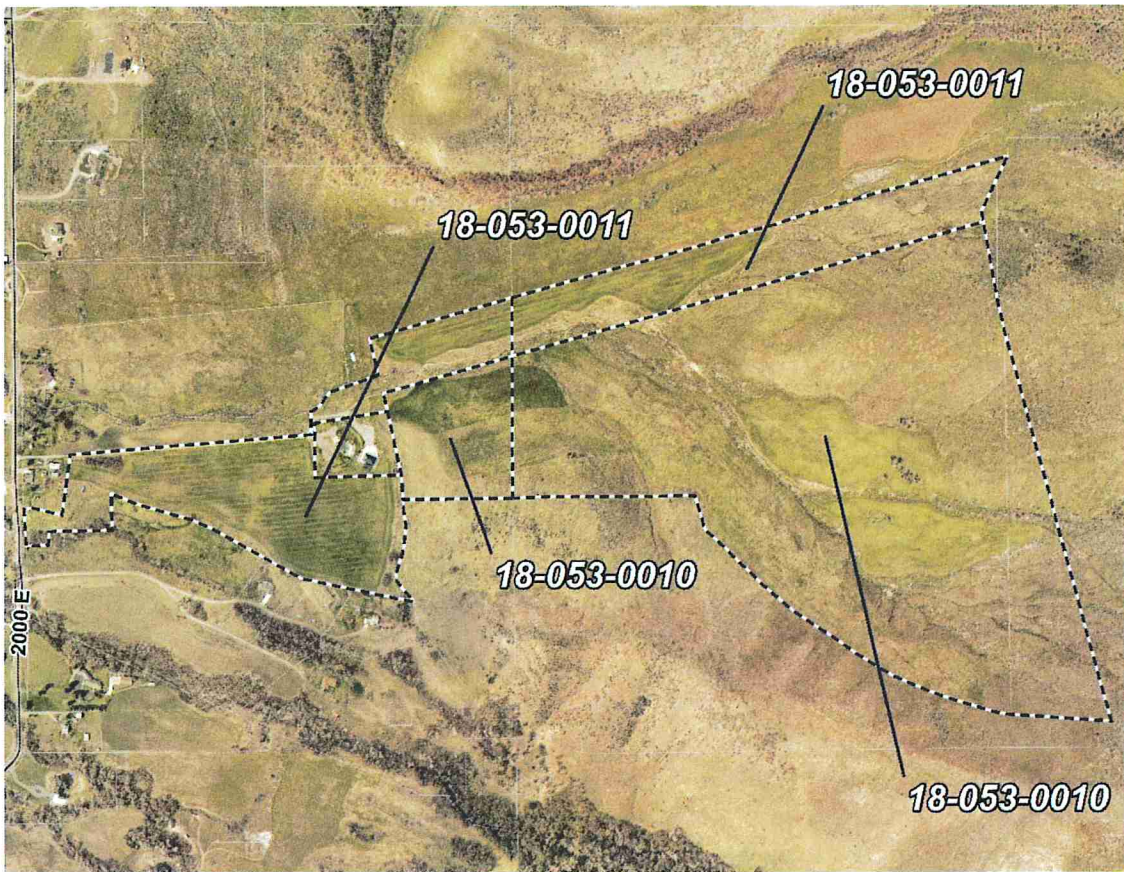
Disclaimer: This map is illustrative and for advisory purposes only. This is not a regulatory or zoning document, and locations are generalized to illustrate concepts.



Date: February 28, 2023

**Exhibit B: Ordinance 2023-28**

Zoning Map of Cache County – Affected Portion  
Graham Addition Rezone



The portion of the following legal descriptions located within the Forest Recreation (FR40) Zone properties above are to be rezoned from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone:

**18-053-0010**

REMAINDER PARCEL 2 HOUSLEY MINOR SUBD CONT 118.0 AC

**18-053-0011**

REMAINDER PARCEL 1 HOUSLEY MINOR SUBD CONT 46.52 AC

ALSO: BEG AT NW COR LT 4 CHERRY CREEK RIDGE SUBD AMENDED & TH S 34\*49'15" W 17.84 FT TH N 57\*48'25" W 341.27 FT TH S 60\*47'19" E 342.55 FT TO BEG CONT 0.07 AC CONT 46.59 AC IN ALL

# CACHE COUNTY

## ORDINANCE NO. 2023-37

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An ordinance amending the County Land Use Code as required by the adoption of Ord. 2023-37 amending Title 16 Subdivision Regulations to comply with SB174 Local Land Use and Development Revisions, recently passed State legislation that requires updates to the code and a more streamlined review process. Associated sections of Title 17 will also be amended to ensure consistency, including 17.02 Administration.

**Whereas**, Utah Legislature approved SB174 in 2023 requiring political subdivision to update the process in reviewing and approving subdivision applications; and

**Whereas**, Cache County seeks to provide an excellent level of service to residents in the County while providing a process for the County to review land use applications to ensure they comply with County code requirements; and

**Whereas**, on September 7, 2023, the Planning Commission held a public hearing, accepted all comments; and

**Whereas**, on October 5, 2023, the Planning Commission recommended the approval of the proposed amendments to the County Council for final action; and

**Whereas**, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance; and

**Whereas**, following proper notice, the County Council held a public hearing on November 28, 2023, to consider any comments regarding the proposed amendments. The County Council accepted all comments; and

**Now, therefore**, the County Legislative Body of Cache County ordains as follows:

### **1. Statutory Authority**

The statutory authority for acting on this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 part 2(1953, as amended to date).



## 2. Amendment to Title 16 Subdivision Regulation

**TITLE 16 SUBDIVISION**  
**REGULATIONS CHAPTER 16.01 GENERAL**  
**PROVISIONS AND ADMINISTRATION CHAPTER**  
**16.02 TYPE AND PROCESS CHAPTER**  
**16.03 REQUIREMENTS CHAPTER 16.04**  
**GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS**

### **CHAPTER 16.01 GENERAL PROVISIONS AND ADMINISTRATION**

**16.01.010: TITLE**  
**16.01.020: PURPOSE AND AUTHORITY**  
**16.01.030: DEFINITIONS AND APPLICABILITY**  
**16.01.040: JURISDICTION AND PENALTY**  
**16.01.050: SEVERABILITY (EFFECT)**  
**16.01.060: GENERAL RESPONSIBILITIES**  
**16.01.070: SITE PREPARATION WORK PROHIBITED**  
**16.01.80 : INCOMPLETE APPLICATION**

#### **16.01.010: TITLE**

This title shall be known as the *CACHE COUNTY SUBDIVISION ORDINANCE*, hereinafter, "this title". (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### **16.01.020: PURPOSE AND AUTHORITY**

The Cache County Council adopts this title pursuant to the county land use development and management act, title 17, chapter 27a, Utah Code Annotated, 1953, 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 to implement the goals and policies of the Cache countywide comprehensive plan.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### **16.01.030: DEFINITIONS AND APPLICABILITY**

For the purposes of this title, all terms shall have the same definitions as provided by section 17-27a- 103, Utah Code Annotated, 1953, as amended or as in sections 17.07.030 and 17.07.040 of this code.

"Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application;
- (ii) the County's review of that subdivision land use application;
- (iii) the County's response to that subdivision land use application, in accordance with this title; and
- (iv) the applicant's reply to the County's response that addresses each of the municipality's required modifications or requests for additional information.
- (v) the subdivision applications shall be limited to four review cycles.

"Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and County controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by a county to verify that a subdivision land use application meets the criteria of the county's subdivision ordinances.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### **16.01.040: JURISDICTION AND PENALTY**

This title shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of Cache County, Utah.

- A. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of Cache County, except in compliance with this title, the Cache County zoning ordinance, and all applicable state and federal laws.
- B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit, as required by section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended. Any owner or agent of the owner of any land located in a "subdivision", as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, in the office of the Cache County recorder, consistent with the requirements of this title, and applicable state and federal requirements is guilty of a violation of this title, and section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.
- C. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land 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 does not exempt the transaction from the requirements of this title and such

action from the penalties or remedies provided by this title, the Cache County zoning ordinance, or the laws of the state of Utah.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

**16.01.50 0: 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.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

**16.01.060: GENERAL RESPONSIBILITIES**

- A. The developer shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The county shall process said plats in accordance with the regulations set forth herein.
- B. The Development Services Department shall review the plats for design; for conformity to the Cache Countywide Comprehensive Plan and to the Cache County Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.
- C. Proposed subdivisions shall be referred by the Development Services Department to such county departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Cache County Development Services Office is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivisions to.
- D. The County Public Works Department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Development Services Department.
- E. The Development Services Department shall approve the form of the final plat, that the developer dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.
- F. The Planning Commission has final jurisdiction in the approval of preliminary subdivision plats. The County Council has the final jurisdiction for the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

**16.01.070: SITE PREPARATION WORK PROHIBITED**

No excavation, grading or regrading, or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Planning Commission and the subdivision has been recorded in the office of the Cache County Recorder, as required herein.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020)

**16.01.080: INCOMPLETE APPLICATION**

The lack of any information required by this title, or improper information supplied by the applicant shall be cause for the director of development services to find a subdivision application incomplete. The director shall allow sixty (60) days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the director. If the application remains incomplete after sixty (60) days from the date of notification of an incomplete application, the director shall return the entire incomplete application to the applicant accompanied by application fees paid less any administrative expenses incurred by the development services department to process the application.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

**CHAPTER 16.02 TYPE AND PROCESS**

**16.02.010: STANDARDS AND LOT SIZE**

**16.02.020: NATURAL BARRIER**

**16.02.030: AGRICULTURAL SUBDIVISION**

**16.02.040: APPROVAL PROCESS**

**16.02.050: SUBDIVISION PLAT AMENDMENT**

**16.02.060: CLUSTER SUBDIVISION OPTION**

**16.02.070: BOUNDARY LINE ADJUSTMENTS**

**16.02.80 : SINGLE LOT SUBDIVISIONS**

**16.02.010: STANDARDS AND LOT SIZE**

All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County zoning ordinance and within this title.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

**16.02.020: NATURAL BARRIER**

- A. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions in conformance with this title and the Zoning Ordinance.
- B. An application may be made for any lot that is clearly - - separated by a natural or

manmade barrier within the Agricultural Zone.

1. Natural barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.
2. Natural barrier determinations that do not meet the minimum density requirements for the zone within which the parcel is located may apply to the Board of Adjustments for a variance to the density requirement.
  - a. The Board of Adjustments shall consider any such request in compliance with state and county code requirements.
3. The Planning Commission is the land use authority for natural barrier determinations. In the event that the Planning Commission or applicant requires further review of a proposed natural barrier, the County Council shall be the land use authority. Any appeal of the Planning Commission's decision must be reviewed by the Land Use Hearing Officer.
4. Parcels created through the natural barrier process are allowed further subdivision in accordance with the standards of the Cache County ordinance currently in effect.

C. Each parcel created by a natural barrier determination may be allowed to be further divided in compliance with this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

### **16.02.030: AGRICULTURAL SUBDIVISION**

Agricultural parcels may be subdivided without requiring a plat or specific approvals from the director, planning commission, or county council in conformance with state code 17-27a-605 with the following conditions:

- A. The lot qualifies as land in agricultural use under state code 59-2-5 of the farmland assessment act.
- B. The lot meets the minimum size requirements of applicable land use ordinances.
- C. The lot is not used and will not be used for any nonagricultural purpose.
- D. Lots having been subdivided by this process may obtain clearance for the construction of agricultural buildings, but shall not be permitted to construct residential or commercial structures. In the event that an agriculturally subdivided lot requests nonagricultural development, the lot will require a legal subdivision from the most recent legal parcel size and configuration, as defined by this title, prior to the issuance of any permits.
- E. Any requirements, conditions, stipulations, or restrictions on the use or development of a parent parcel shall apply to all lots that have been or are subdivided from a parent parcel, whether they are subdivided through an agricultural subdivision process or

otherwise, unless specifically cleared by the Director of Development Services or Planning Commission with findings of fact.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### **16.02.040: APPROVAL PROCESS**

Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Director of Development Services):

- A. Pre Application: Upon completing a concept plan, applicants may request that the Director and/or the Planning Commission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.
- B. Preliminary Plat: Applicants must submit to the Director a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this code or by the Director. This information shall be reviewed by the Planning Commission. The Planning Commission shall establish a reasonable deadline for applications to be heard for each meeting. The Planning Commission shall be the land use authority and may approve, approve with conditions, or deny a Preliminary Plat Application.
- C. Final Plat: The Director of Development Services must review the application, proposed plat, and any recommendations by staff. The Director of Development Services may approve, approve with conditions, or deny any final subdivision plat.
- D. Final Plat Recordation: The final step in the review and approval process is the recordation of the final plat of the proposed subdivision in the office of the Cache County Recorder. It shall be the responsibility of the Director to ensure that all stipulations/alterations have been completed and that the plat meets all applicable codes prior to recordation.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

#### **16.02.050: SUBDIVISION PLAT AMENDMENT**

- A. Amending a recorded subdivision plat shall comply with Utah Code 17-27a-608 as amended. The County shall publish notices in compliance with Utah Code 17-27a-207 as amended.
- B. Amending A Legally Recorded Subdivision Plat: Any fee owner, as shown on the last County assessment rolls, of land within a subdivision may, in writing, petition the Land Use Authority to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.
  1. The Planning Commission shall be the Land Use Authority for a Subdivision Plat Amendment unless the amendment proposes to amend, vacate, or alter a County right-of-way or easement, in which case the Planning Commission shall make a recommendation to the County Council that will serve as the Land Use Authority.

- C. Approved With A Conditional Use Permit: The division of any property previously approved through the conditional use permit process shall be considered, for the purpose of this title and title 17 of this Code, a legally recorded subdivision if a subdivision plat for that division was recorded at the time of approval.
- D. Consideration Of Amendment: The Land Use Authority may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat in compliance with section 17-27a-608 and 609, Utah Code Annotated, 1953, as amended.
- E. Request For Amendment: A request for a subdivision amendment must include the following material:
  - 1. For The Adjustment Of Boundary Lines Between Existing, Legal Lots: A record of survey showing the parcels or lots identifying the existing lot line dividing the parcels and the proposed new lot line(s) after the adjustment including the legal description for each amended lot or parcel.
  - 2. For The Creation Of A New Lot/Parcel: Any division of property that results in the creation of a developable lot must meet the minimum lot and development standards as outlined in each base zone of the Cache County zoning ordinance and within this title.
- F. Amending An Approved Subdivision Plat Prior To Recordation: An approved, unrecorded subdivision plat may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the Director of Development Services. The final plat must contain all necessary signatures and be recorded in compliance with this title.

(Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

**16.02.060: CLUSTER SUBDIVISION OPTION**

The cluster subdivision option is provided by Cache County to encourage creativity in subdivision design, to encourage the achievement of the goals and policies of the Cache Countywide Comprehensive Plan, and to allow for the protection of natural features and the provision of features and amenities for the subdivision site and Cache County. Full compliance with all the provisions of this title and all other applicable state and federal requirements is required.

- A. An application for a cluster subdivision shall be submitted to the Director of Development Services and shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply; and the application requirements for either a preliminary subdivision plat application, final subdivision plat application, or lot split subdivision application, as applicable, shall apply.
- B. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land(s) used for other uses

shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any sensitive areas overlay requirements that may be applicable to the development site as identified in chapter 17.18 of this code.

- C. The land(s) proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by all owners.
- D. A "cluster" is a designed grouping of residential lots of two (2) or more lots which may be used as a repetitive motif to form a series of clusters. Each cluster grouping shall be separated by either an agricultural area or natural open space to form the larger cluster subdivision.
- E. Total open space areas for a cluster subdivision must be fifty percent (50%) or greater of the total area of the subdivision.
- F. All roads developed within the cluster subdivision shall be designed and constructed in accordance with the county's road standards, and shall also be designed in a manner as to limit the amount of impact on the open space areas of the subdivisions.
- G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the Planning Commission. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.
- H. The maximum density, or number of lots allowed, is based on the total amount of developable land. "Developable land" is defined as land that is not restricted by hill slopes (grades greater than twenty percent (20%)), wetlands, floodplains, natural water features, or other lands that may be deemed undevelopable in conformance with chapter 17.18 of this code or as determined by the Planning Commission.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

#### **16.02.070: BOUNDARY LINE ADJUSTMENTS**

- A. Within A Legally Recorded Subdivision: An agreement to adjust property lines between adjoining properties within or affecting the boundary of a legally recorded subdivision requires the approval of the land use authority and must be executed upon the approval and completion of a subdivision amendment (see section 16.02.050 of this chapter).
- B. Outside A Legally Recorded Subdivision: In compliance with sections 17-27a-522 and 523, Utah Code Annotated, 1953, as amended, an agreement to adjust property lines between adjoining properties must meet the standards of, and shall be recorded in the office of the Cache County recorder, and is not subject to the review of the Cache County land use authority.
- C. Compliance With Code: All properties amended by a boundary line adjustment are subject to the regulations of this code. Where boundaries, including subdivision



amendments, are adjusted between properties that do not share the same zone, the zoning designation does not adjust with the adjusted property lines. Base and/or overlay zoning districts shall not be amended except through the formal process as identified in this code and by the state.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### 16.02.080: SINGLE LOT SUBDIVISIONS

A division of land resulting in the creation of a single developable lot and a single agricultural remainder parcel. Can only be created on an existing legal lot and is not required to conform with the density standards of title 17, chapter 17.10 of this code. This subdivision process must conform to all other requirements of this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

### **CHAPTER 16.03 REQUIREMENTS**

#### 16.03.010: APPLICATION

#### 16.03.020: CONCEPT PLAN

#### 16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

#### 16.03.40 : FINAL SUBDIVISION PLAT REQUIREMENTS

#### **16.03.010: APPLICATION**

The director of development services shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by staff, the planning commission, and the county council to make a decision on the proposed subdivision.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### **16.03.020: Pre Application Meeting**

To promote efficiency and an understanding of the subdivision review and approval process of Cache County and to allow applicants to present their initial subdivision proposals to the county, all applicants for subdivision approval may present a concept plan of the proposed subdivision to the Director of Development Services or the Planning Commission. This process is not required, but it is highly recommended.

- A. The conceptual development plan is an informal discussion document designed to allow the identification of policies, procedures, standards and other items that may be considered in the subdivision review and approval processes of Cache County once a subdivision application is received. To achieve these objectives and to promote the identification of all items necessary for consideration, the applicant should provide at a minimum a map, plat, and/or other scale drawing of the area. The following applicable information may also be submitted to provide further information on the nature and

intent of the subdivision:

1. The configuration, size and number of lots in the proposed development;
  2. Potential locations of hazards and sensitive lands as defined by title 17, chapter 17.18, "Sensitive Areas", of this code or other features which may impose peculiar construction requirements;
  3. Potential open space;
  4. The way in which the proposed development will fit into the context of the surrounding area;
  5. The present and planned surrounding roads and utilities;
  6. Access points and limiting of access, if required;
  7. Existing and proposed trail system;
  8. The anticipated time schedule for the development;
  9. Plans and needs for water, sewer, roads, and sanitation disposal;
  10. The development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
  11. Any planned phasing or future development of adjacent land;
  12. Any other information available or pertinent to the proposed subdivision or as required by the director.
- B. A conceptual development plan shall not constitute an application for subdivision approval, as provided by this title, and is in no way binding on the county or the applicant. Any discussion that occurs at the concept plan phase shall not be considered as an indication of subdivision approval or denial, either actual or implied.
- C. The director shall determine if a concept plan has sufficient detail and meets the basic requirements of this title and the zoning ordinance prior to presenting any concept plan to the planning commission.
- D. The County shall provide feedback on the concept plan and shall provide or have available on the county website the following:
1. Copies of applicable land use regulations.
  2. A complete list of standards required for subdivision applications.
  3. Preliminary and final application checklist.
  4. Deadlines and timelines for applications.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

### **16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS**

The following information is required for the subdivision of all lands located within Cache County. The applicant may be required to provide other information as required by the Director of Development Services, Planning Commission, and/or County Council necessary to evaluate the proposed subdivision.

- A. An application for a subdivision, provided by the Director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- B. A preliminary subdivision plat shall be prepared by a licensed land surveyor in pen and the sheets shall be numbered in sequence if more than one sheet is used or required by the Director.
- C. The preliminary subdivision plat shall show the following:
  1. The layout or configuration of the proposed subdivision at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Director;
  2. Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median, and county of its location;
  3. A title block, placed on the lower right hand corner of the plat showing:
    - a. Name and address of owner(s) of record; and
    - b. Name and address of the licensed land surveyor responsible for preparing the preliminary plat; and
    - c. Date of preparation of the preliminary subdivision plat, and any revision dates;
  4. Signature blocks prepared, as required and provided by the county, for the dated signatures of the Planning Commission Chair, Deputy County Surveyor, County Attorney, County Recorder and Bear River Board of Health Director;
  5. North arrow, graphic and written scale, and the basis of bearings used;
  6. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre;
  7. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
  8. A vicinity map of the site at a minimum scale of one inch equals two thousand feet (1" = 2,000');
  9. Surveyed boundary of the proposed subdivision; accurate in scale, dimension, and bearing; giving the location of and ties to the nearest two (2) existing government control monuments. This information shall provide data sufficient

to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners shall be shown;

10. A legal description of the entire subdivision site boundary;
11. All existing monuments found during the course of the survey (including a physical description such as "brass cap");
12. Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of one hundred (100) year floods, all water bodies, floodways including floodplains identified by FEMA and drainage ways, slopes exceeding twenty percent (20%) and slopes exceeding thirty percent (30%), and any other natural features as required by the Director or Planning Commission, for the entire or a portion of the subdivision site, including a tabulation of the acres in each. Subdivisions impacted by sensitive lands shall submit a Sensitive Area Analysis as required by Cache County Code 17.18
13. Identification of known manmade features including, but not limited to, high voltage power lines, high-pressure gas lines, hard-surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site as required by the Director or Planning Commission, for the entire or a portion of the subdivision site;
14. The location and dimensions of all existing buildings, existing property lines and fence lines;
15. The location with name and parcel number of all existing platted lots within, or contiguous to the subdivision site;
16. All lots, rights-of-way, and easements existing or created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, shall be given. The addresses of all lots shall be shown. All proposed new roads, whether public or private, shall be numbered, as provided by the Development Services Department, with the coordinates to proposed connections to existing county roads being shown;
17. Shall provide draft Subdivision Improvement Plans, including, but not limited to, the following:
  - a. All existing and proposed roadway locations and dimensions, including the width of the driving surface and the rights-of-way, with cross sections of all proposed roads. All proposed roads shall be designed to comply with the adopted road standards of Cache County;
  - b. Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities if proposed as required by the Director or

Planning Commission for the entire or a portion of the subdivision site shall be shown;

- c. Proposed stormwater drainage system that comply with County design standard and code for both surface and flood water, including any drainage easements and natural drainage ways, indicating how the flow will be altered with the proposed development;
  - d. Layout of proposed power lines, including the source and connection to the existing power supply, together with the location of existing and proposed bridges, culverts, utilities, utility easements, and any common space or open space areas including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation;
  - e. All other plans required to construct the subdivision.
- 18. Located on the preliminary plat, or separate map, the identification of the minimum building setback lines for each lot shall be shown;
  - 19. An indication of the use for all proposed lots including required plat notes identifying agricultural protection areas, and other proposed or required protective and restrictive covenants;
  - 20. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
  - 21. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;
  - 22. A letter or other written form of consent by the owner including a reference to the named subdivision and the dedication of public ways or spaces, as required. This shall be signed, dated, and notarized;
  - 23. A surveyor's certificate showing the name and registration number of the land surveyor responsible for making the final plat, and certifying to the plat's accuracy. A simple subdivision may not require a full survey, but instead may be completed through a metes and bounds determination. A waiver form shall be approved by the Cache County Recorder, the County Surveyor (or their representative), and the Director;
  - 24. Any subdivision notes as required by the Director. An approved list of all possible notes and their applicability shall be maintained by staff.
- D. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.
  - E. A development phasing schedule (if applicable) including the sequence for each

phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.

- F. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- G. The names and addresses of all owners of record of real property within three hundred feet (300') of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.
- H. Payment of the non-refundable administrative processing fee, and a refundable preliminary plat application fee. See Consolidated Fee Schedule for amount of fee.
- I. No later than 15 business days after the day on which a complete application was submitted, county staff shall complete and provide an initial review report to the applicant and the Planning Commission.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

#### **16.03.040: FINAL SUBDIVISION PLAT AND SUBDIVISION IMPROVEMENT PLANS REQUIREMENTS**

Following approval or approval with conditions of a Preliminary Plat and the draft Subdivision Improvement Plan, the applicant shall submit a Final Plat and Subdivision Improvement Plans application with the Development Services Office. The final subdivision plat is required for the recordation of a subdivision plat as approved by the Development Services Director. The final plat shall reflect any changes to the proposed plat required by the Planning Commission conditions during the preliminary plat approval and must be reviewed and approved by the Director of Development Services for completeness prior to recordation.

- A. Final Subdivision Plat: A final subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Cache County Recorder for recordation. The final subdivision plat shall contain all of the information required in the preliminary subdivision plat and shall be presented to the Director in the following form: one twenty-four inches by thirty-six inches (24" x 36") in ink on reproducible mylar copy of the final subdivision plat along with one digital copy (type to be specified by the Director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps). All revision dates must be shown as well as the following:
  - 1. Notation of any self-imposed restrictions, or other restrictions, if required by the Planning Commission in accordance with this title or title 17 of this code;
  - 2. Other final subdivision plat notes, as required by Cache County or State Code or as required by the Planning Commission.
- B. Subdivision Improvement Plans: Subdivision Improvement Plans shall be prepared by a licensed engineer and conform to current engineering, public works, and International Fire Code standards and all other applicable County and State Code Requirements

provided in a form acceptable to the Cache County Engineer and Fire District.

1. The Subdivision Improvement Plans shall address conditions within the initial preliminary plat report and any conditions of approval by the Planning Commission.
2. Improvement Plans shall comply with Cache County Requirements for all Subdivisions found in this chapter, in addition to adopted design standards, master plans, Manual of Roadway Design & Construction Standards (Road Manual), stormwater standards as adopted by the County and State, and any other applicable standards adopted by the County.
3. The County Engineer and Fire Marshall shall be the Land Use Authority for Subdivision Improvement Plans.

C. Review of proposed Final Plat and Subdivision Improvement Plans: Cache County Development Services, County Engineer, and Fire District shall review and provide reports to the applicant in compliance with State Code 17-27a-604.2 as amended.

1. The subdivision plat and improvement plans shall be subject to four Review Cycles, as defined in this chapter.
  - a. The County shall have 20 business days to review and provide an indexed report to the applicant with all required changes. This report shall cite and reference adopted code, design standards, and master plans that would require the change.
    - i. The County may require additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for the construction of public improvements; and
    - ii. Modification to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.
  - b. The Review Cycle limitation does not apply to property containing sensitive lands and geological hazard areas.
2. If an applicant makes a material change to a plan set, the County Engineer has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially affects.
3. The applicant shall submit revised plans and shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and any reasons for declining to make a revision.
  - a. If the applicant does not submit a revised plan within 20 business days after the County requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.

D. If on the fourth and final review, the County fails to respond within 20 business days, the County shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with State Code 17-27a-604.2, to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the

County, the panel shall consist of the following three experts:

- a. one licensed engineer, designated by the County;
  - b. one licensed engineer, designated by the land use applicant; and
  - c. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in this section.
2. The members of the appeal panel assembled by the County may not have an interest in the application that is the subject of the appeal.
  3. The subdivision applicant shall pay 50% of the cost of the panel and the County's published appeal fee.
  4. For a dispute arising from a subdivision ordinance review, the County shall advise the applicant to file an appeal with the Land Use Hearing Officer.
- E. All of the required signature blocks shall be signed prior to the recordation of the final plat.
- F. All other requirements of this title, title 17 of this code, or of the Planning Commission shall be met prior to the recordation of the final plat.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

## **CHAPTER 16.04 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS**

### **16.04.010: SUBDIVISION LAYOUT**

### **16.04.020: COMMENCEMENT OF SITE DEVELOPMENT**

### **16.04.030: LOTS**

### **16.04.040: ROADS**

### **16.04.050: PROTECTION STRIPS**

### **16.04.060: UTILITIES AND EASEMENTS**

### **16.04.070: STORM DRAINAGE REQUIREMENTS**

### **16.04.080: SUITABILITY REQUIREMENTS FOR SUBDIVISIONS**

### **16.04.090: REDESIGN**

### **16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS**

### **16.04.110: IMPROVEMENT SURETY**

### **16.04.120 COORDINATION WITH MUNICIPALITIES AND OTHER SERVICE PROVIDERS**

#### **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 code and this 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. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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 this code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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 this 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.
- D. 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.
- E. 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **16.04.040: ROADS**

- A. All roads shall be designed and constructed in accordance with the specifications found within title 12 of this code.
- 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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 as determined by the land use authority.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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 Planning Commission and/or utility providers.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

#### **16.04.070: STORM DRAINAGE REQUIREMENTS**

All subdivision applications shall be required to meet all state and county stormwater permitting requirements. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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) with the exception of subsection A1a of this section. 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 section 17.10.050A4b.

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 versus 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 shall be provided with the application materials. A UDOT review through the Cache Access Management Program shall be provided prior to the 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 Planning Commission.

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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

#### **16.04.090: REDESIGN**

The Planning Commission 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

**16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS**

- A. Improvements: The Planning Commission, as part of the Preliminary Plat Application, 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 section 17.07.040. The following minimum requirements also apply:
  - 1. Construction within the subdivision shall conform to all federal and state regulations.
  - 2. Subdivision Improvement Plans 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

**16.04.110: IMPROVEMENT SURETY**

A subdivider shall guarantee improvements in accordance with the following:

- A. Completion of improvements before recordation. If an applicant desires to construct improvements as shown on approved subdivision improvement plans prior to recordation:
  - 1. Recordation of the plat shall not occur until the improvements required in connection with the subdivision have been completed and accepted.
  - 2. An applicant shall provide improvement surety of conditionally accepted improvements in a form acceptable to the County as shown in this Title in the following amount:
    - a. Ten percent of the total cost of all the required improvements shall be retained by the County during the 12-month (24-month if applicable) warranty period.
- B. Recordation before completion of improvements. An applicant who desires to record

any subdivision plat prior to the completion of subdivision improvements shall provide a financial guarantee for the completion of the improvements.

C. Authorization To Accept Surety: The Public Works is authorized to accept improvement surety to the completion of improvements and/or conditions imposed by ordinance or by a land use authority.

D. Acceptable Types Of Surety: The following types of improvement surety reflecting one hundred ten percent (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 an A.M. Best rating of not less than A-:IX.

E. 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 improvement surety of not less than one hundred ten percent (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.

F. Completion Of Improvements: As applicable, improvements as identified in the Subdivision Improvement Plans must be completed three (3) months prior to the expiration of the improvement surety or said surety shall be required to be extended.

G. Inspection: 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 ten percent (10%) of the bond amount for a period of not less than one year and no longer than allowed by state code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

**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, capaCounty,

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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

### **3. Amendment to Title 17.02 Administration**

#### **CHAPTER 17.02 ADMINISTRATION**

##### **17.02.010: PURPOSE**

##### **17.02.020: RULES OF PROCEDURE**

##### **17.02.030: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS**

##### **17.02.040: REQUEST A VARIANCE**

##### **17.02.050: EFFECTIVE PERIOD OF LAND USE AUTHORITY APPROVAL**

##### **17.02.060: APPEAL A LAND USE AUTHORITY DECISION**

##### **17.02.070 NOTICE FOR PUBLIC MEETINGS**

#### **17.02.010: PURPOSE**

A. The purpose of this chapter is to:

1. Establish the Land Use Authority for Cache County land use ordinance decisions; and
2. Establish the Appeal Authority for Cache County land use ordinance variance and appeal decisions; and
3. Provide direction for the process of land use review and appeal.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

#### **17.02.020: RULES OF PROCEDURE**

The Development Services Department shall adopt rules of procedure establishing the application and decision making process for required permits and approvals. These policies and procedures, including preparation of applications, must reflect the requirements of this

code. Permitting fees must be approved by resolution by the County Council. The collected fees must be used to defray the costs of administering land use requests or appeals.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

### **17.02.30 0: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS**

#### A. Director:

1. The Cache County Director of Development Services is established and functions as specified in chapter 2.40 of this code and in this chapter;
2. The Director must be appointed by the Cache County Executive, with the advice and consent of the County Council;
3. The Director has the duties, authority, and powers as set forth in this chapter.
4. The Director must:
  - a. Adopt procedures for land use application processes;
  - b. Administer and enforce the Land Use Ordinance, the Cache County Subdivision Ordinance, and any associated policies or procedures;
  - c. Determine the mapped location of a base or overlay zoning district boundary in instances where the location may be unclear. The Director must consider the following criteria in reaching a decision:
    - (1) The policies and development standards that apply to the base or overlay zoning district; and
    - (2) Where a base or overlay zoning district 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 base or overlay zoning district map boundary is deemed to be changed automatically whenever such centerline is changed by natural or artificial means; and
  - d. Interpret the use related definitions in the applicable base or overlay zoning district as contained in chapter 17.09 Schedule of Zoning Uses, of this title; and
5. Designee: The Director may assign a designee to act as the land use authority in the place of the Director. Any designee must be identified in writing by the Director prior to any land use decision by the designee.

#### B. Planning Commission:



1. The Cache County Planning Commission is established as required by Utah Code Annotated section 17-27a-301, and has the duties, authority, and powers as found in Utah Code Annotated section 17-27a-302, as amended, and in this chapter; and
2. The Executive must appoint a Planning Commission with the advice and majority consent of the Council; and
3. The Planning Commission must be composed of seven (7) members. All members serve a term of three (3) years; and
4. The Executive, with the advice and consent of the Council, may remove a member of the Planning Commission with or without cause; and
5. No fewer than five (5) members of the Planning Commission shall either maintain a permanent residency or own real property in an unincorporated area of the County. The Executive shall, when nominating any person to the Planning Commission, verify whether or not that person meets these requirements and shall inform the Council when presenting the name.
6. The Planning Commission must 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 bylaws and rules of procedure must be approved by the Council; and
7. The Planning Commission must provide land use review to the Council in the following:
  - a. Preparing and recommending a General Plan and amendments to the General Plan; and
  - b. Recommending land use ordinances and maps, and amendments to land use ordinances and maps; and
  - c. On other items as the Council directs.

C. Land Use Hearing Officer:

1. Procedures: The land use hearing officer may administer oaths and compel the attendance of witnesses.
  - a. All hearings before the land use hearing officer shall comply with the requirements of Chapter 4, Title 52, Utah Code, Open and Public Meetings.
  - b. The land use hearing officer shall:
    - (1) Keep minutes of his or her proceedings; and
    - (2) Keep records of his or her examinations and other official actions.
  - c. The land use hearing officer shall file his or her records in the office

of the development services division. All such records are public records.

- d. Decisions of the land use hearing officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

## 2. Qualifications:

- a. The land use hearing officer shall be appointed by the County Executive with the advice and consent of the County Council. The Executive shall appoint more than one hearing officer, but only one hearing officer shall consider and decide upon any matter properly presented for hearing officer review.
- b. A hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

## 3. Conflict Of Interest And Removal:

- a. The hearing officer shall not participate in any appeal in which the hearing officer has a conflict of interest.
- b. The hearing officer may be removed by the Executive with advice and consent of the Council for violation of this title or any policies and procedures adopted by the Development Services director following receipt by the Executive of a written complaint filed against the hearing officer.

## 4. Powers And Duties:

- a. The land use hearing officer shall:
  - (1) Act as the appeal authority for administrative decisions by the Development Services Director and decisions by the planning commission; and
  - (2) Hear and decide variances from the terms of the zoning ordinance; and
  - (3) Hear and decide applications for the expansion or modification of nonconforming uses.

## D. County Council:

- 1. The Cache County Council is established as found in Utah Code Annotated section 17- 52a-504 as amended, and in title 2, chapter 2.12 of this Code, and

has the land use duties, authority, and powers as represented in title 2, chapter 2.12 of this Code, Utah Code Annotated section 17-53 part 2 as amended, and this chapter.

E. Authority For Land Use Actions:

1. The Land Use Authority is responsible for the land use actions as noted in the table below:

**TABLE 17.02.030**

**AUTHORITY FOR LAND USE ACTIONS**

Land Use Authority	Land Use Action
Director	Zoning clearance
	Floodplain permit
	Final Subdivision Plat
	Variance for maximum structure height or minimum setback distances
County Engineer and Fire Marshall	Subdivision Improvement Plans
Planning Commission	Preliminary Subdivision Plat
	Subdivision amendment
	Conditional use permit
Land Use Hearing Officer	Variance (except as listed under Director)
	Appeal
Council	Ordinance or ordinance amendment
	Rezone
	Modifications of County rights-of-way and easements
	General Plan or General Plan amendment
	Annexation/disconnection

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

HISTORY

*Amended by Ord. 2 023-24 on 8/10/2023*

**17.02.040: REQUEST A VARIANCE**

- A. 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 must be filed with the Cache County Development Services Department for a variance from the terms of this title. The designated Appeal Authority may grant a variance if the requirements of Utah Code Annotated section 17-27a-702 as amended have been met; and
- B. A request for a variance must:
  - 1. Be filed with the Development Services Department; and
  - 2. When a request for a variance is filed, notice is given as required by this chapter. The Appeal Authority hears that issue at the next regularly scheduled meeting, unless such time is extended for good cause or stipulation of the parties; and
- C. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

**17.02.050: EFFECTIVE PERIOD OF LAND USE AUTHORITY APPROVAL**

- A. Administrative land use decisions of approval are effective for a period of one year from the date of Land Use Authority approval; and
- B. The Director must issue a notice of expiration to the agent of a project no less than ninety (90) calendar days prior to the end of the effective period of approval; and
- C. All final documents required to record a permit or subdivision must be submitted to the Development Services Office no less than four (4) weeks before the approval deadline; and
- D. Any approval that has lapsed beyond its effective period is void and any new application must conform to the ordinance currently in effect; and
- E. No refunds are issued for void applications or permits; and
- F. At the discretion of the Land Use Authority, the effective period of approval may be extended for up to six (6) months beyond the one year period of the original approval. Within that extension no development or active use of the site is allowed until the permit or subdivision plat has been recorded and all conditions have been met.
  - 1. To request an extension an applicant must submit an application to the Development Services Office a minimum of six (6) weeks prior to the expiration of the original one year period of approval.

2. Extension requests must be reviewed by the Land Use Authority. The Land Use Authority may approve an extension request only if:
  - a. The reason for the extension is not economic.
  - b. The applicant has shown a clear pattern of working to record the plat or permit throughout the entirety of the approval period.
3. The applicant bears the burden of proving that the conditions justifying an extension have been met.

G. Where an appeal of an approval has been made, the effective period for the approval does not begin until a final decision has been issued by the Appeal Authority or Judge of the First District Court.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2023-13, 5-9-2023)

**17.02.060: APPEAL A LAND USE AUTHORITY DECISION**

A. The Appeal Authority for Land Use Authority actions is assigned as noted in the table below:

**TABLE 17.02.060 APPEAL A LAND USE AUTHORITY DECISION**

Acting Authority	Appeal Authority
Director	Land Use Hearing Officer
Planning Commission	Land Use Hearing Officer
Land Use Hearing Officer	First District Court
Council	First District Court

- a. Appeals for Subdivision Improvement Plans and Final Subdivision Plats shall be reviewed by an appeal panel as detailed in Cache County Code 16.03.40 as amended.

B. Land use decisions may be appealed:

1. By a person with standing that is adversely affected as a result of a Land Use Authority's decision by alleging that any order, requirement, decision, or determination of the Land Use Authority is arbitrary, capricious or illegal; and
2. Only if it is the final decision issued by the proper Land Use Authority. The appeal of decisions made by supporting staff must be reviewed by the Land Use Authority that issued the final decision; and
3. If commenced within ten (10) business days of the adverse order, requirement, decision, or determination by filing a written notice of appeal with the Cache County Development Services Department. The notice of appeal must identify

the decision being appealed and parties making the appeal; and

- a. The appellant has the burden of showing the evidence and proving that the decision of the Land Use Authority is arbitrary, capricious (unsupported by the evidence or facts of record), or illegal; and
- C. When a notice of appeal is filed, notice must be given as required by this chapter. The Appeal Authority then hears that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties; and
- D. The Appeal Authority may require written briefs or memorandum of the parties as the Appeal Authority deems necessary. At the hearing, the appellant must appear in person or by agent; and
- E. Using substantial evidence as the standard of review, the Appeal Authority determines 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; and
- F. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended; and
- G. Any person adversely affected by a final decision of the Appeal Authority may petition the First 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 section 17-27a-801(2) as amended; and
  1. 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. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

#### **17.02.070: NOTICE FOR PUBLIC MEETINGS**

- A. Notice for public meetings and public hearings must comply with the Open and Public Meetings Act, Utah Code Annotated chapter 52-4 and Utah Code Annotated section 17-27a-2 as amended. At the discretion of the Land Use Authority additional notice requirements may be applied; and
- B. Notice of the time, place, and subject matter of a meeting must be given to the person making a request, the Land Use Authority or official, other affected parties as directed by law, and all adjoining property owners within a three hundred foot (300') radius of the boundary of the subject property.  
(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

**4. Amends and Supersedes**

This ordinance amends and supersedes applicable portions of Chapter 7 of Title 17 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the County Legislative Body of Cache County to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

**5. Effect**

The ordinance amendments will take effect no sooner than 15 days from the date of approval. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

Approved and Adopted this 05<sup>th</sup> day of December, 2023.

	In Favor	Against	Abstained	Absent
Beus	X			
Erickson	X			
Goodlander	X			
Gunnell	X			
Hurd	X			
Tidwell	X			
Ward	X			
Total	7	0	0	0

Cache County Council:



David Erickson, Chair  
Cache County Council

Attest:



David Benson  
Cache County Clerk

Publication Date: \_\_\_\_\_, 2023

**Action of the County Executive**

Regarding Ordinance 2023-37

  8   Approve

       Disapprove (A Statement of Objection is attached)

 \_\_\_\_\_

David Zook, Executive  
Cache County

Date



**APPENDIX 1**  
**Redline Version**

<b>TITLE</b>	<b>16</b>	<b>SUBDIVISION</b>	<b>REGULATIONS</b>
CHAPTER	16.01	GENERAL PROVISIONS AND ADMINISTRATION	
CHAPTER	16.02	TYPE AND PROCESS	
CHAPTER	16.03	REQUIREMENTS	
CHAPTER	16.04	GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS	

**CHAPTER 16.01 GENERAL PROVISIONS AND ADMINISTRATION**

- 16.01.010: TITLE
- 16.01.020: PURPOSE AND AUTHORITY
- 16.01.030: DEFINITIONS AND APPLICABILITY
- 16.01.040: JURISDICTION AND PENALTY
- 16.01.050: SEVERABILITY (EFFECT)
- 16.01.060: GENERAL RESPONSIBILITIES
- 16.01.070: SITE PREPARATION WORK PROHIBITED
- 16.01.80 : INCOMPLETE APPLICATION

**16.01.010: TITLE**

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

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

**16.01.020: PURPOSE AND AUTHORITY**

The Cache County council adopts this title pursuant to the county land use development and management act, title 17, chapter 27a, Utah Code Annotated, 1953, 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 to implement the goals and policies of the Cache countywide comprehensive plan.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

**16.01.030: DEFINITIONS AND APPLICABILITY**

For the purposes of this title, all terms shall have the same definitions as provided by section 17-27a-103, Utah Code Annotated, 1953, as amended or as in sections 17.07.030 and 17.07.040 of this code.

"Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application;
- (ii) the County's review of that subdivision land use application;
- (iii) the County's response to that subdivision land use application, in accordance with this title;  
and
- (iv) the applicant's reply to the County's response that addresses each of the municipality's

required modifications or requests for additional information.

(v) the subdivision applications shall be limited to four review cycles.

"Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and County controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by a county to verify that a subdivision land use application meets the criteria of the county's subdivision ordinances.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### **16.01.040: JURISDICTION AND PENALTY**

This title shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of Cache County, Utah.

- A. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of Cache County, except in compliance with this title, the Cache County zoning ordinance, and all applicable state and federal laws.
- B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit, as required by section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended. Any owner or agent of the owner of any land located in a "subdivision", as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, in the office of the Cache County recorder, consistent with the requirements of this title, and applicable state and federal requirements is guilty of a violation of this title, and section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.
- C. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land 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 does not exempt the transaction from the requirements of this title and such action from the penalties or remedies provided by this title, the Cache County zoning ordinance, or the laws of the state of Utah.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### **16.01.50 0: 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.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### **16.01.060: GENERAL RESPONSIBILITIES**

- A. The developer shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The county shall process said plats in accordance with the regulations set forth herein.

- B. The Development Services Department shall review the plats for design; for conformity to the Cache Countywide Comprehensive Plan and to the Cache County Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.
- C. Proposed subdivisions shall be referred by the Development Services Department to such county departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Cache County Development Services Office is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivisions to.
- D. The County ~~Public Works Surveyors Office and County Road~~ Department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Development Services Department.
- E. The Development Services Department shall approve the form of the final plat, that the developer dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.
- F. The Planning Commission has final jurisdiction in the approval of preliminary subdivision plats. The County Council has the final jurisdiction for the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

#### **16.01.070: SITE PREPARATION WORK PROHIBITED**

No excavation, grading or regrading, or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Planning Commission and the subdivision has been recorded in the office of the Cache County Recorder, as required herein.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020)

#### **16.01.080: INCOMPLETE APPLICATION**

The lack of any information required by this title, or improper information supplied by the applicant shall be cause for the director of development services to find a subdivision application incomplete. The director shall allow sixty (60) days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the director. If the application remains incomplete after sixty (60) days from the date of notification of an incomplete application, the director shall return the entire incomplete application to the applicant accompanied by application fees paid less any administrative expenses incurred by the development services department to process the application.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

### **CHAPTER 16.02 TYPE AND PROCESS**

**16.02.010: STANDARDS AND LOT SIZE**

**16.02.020: NATURAL BARRIER**

**16.02.030: AGRICULTURAL SUBDIVISION**

**16.02.040: APPROVAL PROCESS**

**16.02.050: SUBDIVISION PLAT AMENDMENT**

[16.02.060: CLUSTER SUBDIVISION OPTION](#)

[16.02.070: BOUNDARY LINE ADJUSTMENTS](#)

[16.02.80 : SINGLE LOT SUBDIVISIONS](#)

### **16.02.010: STANDARDS AND LOT SIZE**

All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County zoning ordinance and within this title.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

### **16.02.020: NATURAL BARRIER**

- A. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions in conformance with this title and the Zoning Ordinance.
- B. An application may be made for any lot that is clearly separated by a natural or manmade barrier within the Agricultural Zone.
  1. Natural barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.
  2. Natural barrier determinations that do not meet the minimum density requirements for the zone within which the parcel is located may apply to the Board of Adjustments for a variance to the density requirement.
    - a. The Board of Adjustments shall consider any such request in compliance with state and county code requirements.
  3. The Planning Commission is the land use authority for natural barrier determinations. In the event that the Planning Commission or applicant requires further review of a proposed natural barrier, the County Council shall be the land use authority. Any appeal of the Planning Commission's decision must be reviewed by the **Land Use Hearing Officer-Board of Adjustments**.
  4. Parcels created through the natural barrier process are allowed further subdivision in accordance with the standards of the Cache County ordinance currently in effect.
- C. Each parcel created by a natural barrier determination may be allowed to be further divided in compliance with this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

### **16.02.030: AGRICULTURAL SUBDIVISION**

Agricultural parcels may be subdivided without requiring a plat or specific approvals from the director, planning commission, or county council in conformance with state code 17-27a-605 with the following conditions:

- A. The lot qualifies as land in agricultural use under state code 59-2-5 of the farmland assessment act.
- B. The lot meets the minimum size requirements of applicable land use ordinances.
- C. The lot is not used and will not be used for any nonagricultural purpose.
- D. Lots having been subdivided by this process may obtain clearance for the construction of

agricultural buildings, but shall not be permitted to construct residential or commercial structures. In the event that an agriculturally subdivided lot requests nonagricultural development, the lot will require a legal subdivision from the most recent legal parcel size and configuration, as defined by this title, prior to the issuance of any permits.

- E. Any requirements, conditions, stipulations, or restrictions on the use or development of a parent parcel shall apply to all lots that have been or are subdivided from a parent parcel, whether they are subdivided through an agricultural subdivision process or otherwise, unless specifically cleared by the Director of Development Services or Planning Commission with findings of fact.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

#### **16.02.040: APPROVAL PROCESS**

Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Director of Development Services):

- A. **Pre Application**~~Concept Plan~~: Upon completing a concept plan, applicants may request that the Director and/or the Planning Commission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.
- B. **Preliminary Plat**: Applicants must submit to the Director a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this code or by the Director. This information shall be reviewed by the Planning Commission. **The Planning Commission shall establish a reasonable deadline for applications to be heard for each meeting. The Planning Commission shall be the land use authority and may approve, approve with conditions, or deny a Preliminary Plat Application.**
- C. **Final Plat**: ~~The Director of Development Services~~**Planning Commission** must review the application, proposed plat, and any recommendations by staff. ~~The Director of Development Services~~ **Planning Commission** may approve, approve with ~~conditions~~**stipulations or alterations**, or deny any **final** subdivision plat.
- D. **Final Plat Recordation**: The final step in the review and approval process is the recordation of the final plat of the proposed subdivision in the office of the Cache County Recorder. It shall be the responsibility of the Director to ensure that all stipulations/alterations have been completed and that the plat meets all applicable codes prior to recordation.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

#### **16.02.050: SUBDIVISION PLAT AMENDMENT**

- A. **Amending a recorded subdivision plat shall comply with Utah Code 17-27a-608 as amended. The County shall publish notices in compliance with Utah Code 17-27a-207 as amended.**
- B. **Amending A Legally Recorded Subdivision Plat**: Any fee owner, as shown on the last County assessment rolls, of land within a subdivision may, in writing, petition the Land Use Authority to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.
  - 1. **The Planning Commission shall be the Land Use Authority for a Subdivision Plat Amendment unless the amendment proposes to amend, vacate, or alter a County right-of-way or easement, in which case the Planning Commission shall make a recommendation to the County Council that will serve as the Land Use Authority.**
- C. **Approved With A Conditional Use Permit**: The division of any property previously approved through the conditional use permit process shall be considered, for the purpose of this title and title 17 of this Code, a legally recorded subdivision if a subdivision plat for that division was

recorded at the time of approval.

- D. Consideration Of Amendment: The Land Use Authority may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat in compliance with section 17-27a-608 and 609, Utah Code Annotated, 1953, as amended.
- E. Request For Amendment: A request for a subdivision amendment must include the following material:
  - 1. For The Adjustment Of Boundary Lines Between Existing, Legal Lots: A record of survey showing the parcels or lots identifying the existing lot line dividing the parcels and the proposed new lot line(s) after the adjustment including the legal description for each amended lot or parcel.
  - 2. For The Creation Of A New Lot/Parcel: Any division of property that results in the creation of a developable lot must meet the minimum lot and development standards as outlined in each base zone of the Cache County zoning ordinance and within this title.
- F. Amending An Approved Subdivision Plat Prior To Recordation: An approved, unrecorded subdivision plat may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the Director of Development Services. The final plat must contain all necessary signatures and be recorded in compliance with this title.

(Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

#### **16.02.060: CLUSTER SUBDIVISION OPTION**

The cluster subdivision option is provided by Cache County to encourage creativity in subdivision design, to encourage the achievement of the goals and policies of the Cache Countywide Comprehensive Plan, and to allow for the protection of natural features and the provision of features and amenities for the subdivision site and Cache County. Full compliance with all the provisions of this title and all other applicable state and federal requirements is required.

- A. An application for a cluster subdivision shall be submitted to the Director of Development Services and shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply; and the application requirements for either a preliminary subdivision plat application, final subdivision plat application, or lot split subdivision application, as applicable, shall apply.
- B. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land(s) used for other uses shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any sensitive areas overlay requirements that may be applicable to the development site as identified in chapter 17.18 of this code.
- C. The land(s) proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by all owners.
- D. A "cluster" is a designed grouping of residential lots of two (2) or more lots which may be used as a repetitive motif to form a series of clusters. Each cluster grouping shall be separated by either an agricultural area or natural open space to form the larger cluster subdivision.
- E. Total open space areas for a cluster subdivision must be fifty percent (50%) or greater of the total area of the subdivision.
- F. All roads developed within the cluster subdivision shall be designed and constructed in accordance with the county's road standards, and shall also be designed in a manner as to limit

the amount of impact on the open space areas of the subdivisions.

- G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the Planning Commission. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.
- H. The maximum density, or number of lots allowed, is based on the total amount of developable land. "Developable land" is defined as land that is not restricted by hill slopes (grades greater than twenty percent (20%)), wetlands, floodplains, natural water features, or other lands that may be deemed undevelopable in conformance with chapter 17.18 of this code or as determined by the Planning Commission.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

### **16.02.070: BOUNDARY LINE ADJUSTMENTS**

- A. Within A Legally Recorded Subdivision: An agreement to adjust property lines between adjoining properties within or affecting the boundary of a legally recorded subdivision requires the approval of the land use authority and must be executed upon the approval and completion of a subdivision amendment (see section 16.02.050 of this chapter).
- B. Outside A Legally Recorded Subdivision: In compliance with sections 17-27a-522 and 523, Utah Code Annotated, 1953, as amended, an agreement to adjust property lines between adjoining properties must meet the standards of, and shall be recorded in the office of the Cache County recorder, and is not subject to the review of the Cache County land use authority.
- C. Compliance With Code: All properties amended by a boundary line adjustment are subject to the regulations of this code. Where boundaries, including subdivision amendments, are adjusted between properties that do not share the same zone, the zoning designation does not adjust with the adjusted property lines. Base and/or overlay zoning districts shall not be amended except through the formal process as identified in this code and by the state.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

### **16.02.080: SINGLE LOT SUBDIVISIONS**

A division of land resulting in the creation of a single developable lot and a single agricultural remainder parcel. Can only be created on an existing legal lot and is not required to conform with the density standards of title 17, chapter 17.10 of this code. This subdivision process must conform to all other requirements of this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

## **CHAPTER 16.03 REQUIREMENTS**

### **16.03.010: APPLICATION**

### **16.03.020: CONCEPT PLAN**

### **16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS**

### **16.03.40 : FINAL SUBDIVISION PLAT REQUIREMENTS**

### **16.03.010: APPLICATION**

The director of development services shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by staff, the planning commission, and the county council to make a decision on the proposed subdivision.



(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

**16.03.020: Pre Application Meeting CONCEPT PLAN**

To promote efficiency and an understanding of the subdivision review and approval process of Cache County and to allow applicants to present their initial subdivision proposals to the county, all applicants for subdivision approval may present a concept plan of the proposed subdivision to the **Director of Development Services or the Planning Commission**. This process is not required, but it is highly recommended.

- A. The conceptual development plan is an informal discussion document designed to allow the identification of policies, procedures, standards and other items that may be considered in the subdivision review and approval processes of Cache County once a subdivision application is received. To achieve these objectives and to promote the identification of all items necessary for consideration, the applicant should provide at a minimum a map, plat, and/or other scale drawing of the area. The following applicable information may also be submitted to provide further information on the nature and intent of the subdivision:
1. The configuration, size and number of lots in the proposed development;
  2. Potential locations of hazards and sensitive lands as defined by title 17, chapter 17.18, "Sensitive Areas", of this code or other features which may impose peculiar construction requirements;
  3. Potential open space;
  4. The way in which the proposed development will fit into the context of the surrounding area;
  5. The present and planned surrounding roads and utilities;
  6. Access points and limiting of access, if required;
  7. Existing and proposed trail system;
  8. The anticipated time schedule for the development;
  9. Plans and needs for water, sewer, roads, and sanitation disposal;
  10. The development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
  11. Any planned phasing or future development of adjacent land;
  12. Any other information available or pertinent to the proposed subdivision or as required by the director.
- B. A conceptual development plan shall not constitute an application for subdivision approval, as provided by this title, and is in no way binding on the county or the applicant. Any discussion that occurs at the concept plan phase shall not be considered as an indication of subdivision approval or denial, either actual or implied.
- C. The director shall determine if a concept plan has sufficient detail and meets the basic requirements of this title and the zoning ordinance prior to presenting any concept plan to the planning commission.
- D. **The County shall provide feedback on the concept plan and shall provide or have available on the county website the following:**
1. **Copies of applicable land use regulations.**

2. A complete list of standards required for subdivision applications.
3. Preliminary and final application checklist.
4. Deadlines and timelines for applications.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

### **16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS**

The following information is required for the subdivision of all lands located within Cache County. The applicant may be required to provide other information as required by the Director of Development Services, Planning Commission, and/or County Council necessary to evaluate the proposed subdivision.

- A. An application for a subdivision, provided by the Director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- B. A preliminary subdivision plat shall be prepared by a licensed land surveyor in pen and the sheets shall be numbered in sequence if more than one sheet is used or required by the Director.
- C. The preliminary subdivision plat shall show the following:
  1. The layout or configuration of the proposed subdivision at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Director;
  2. Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median, and county of its location;
  3. A title block, placed on the lower right hand corner of the plat showing:
    - a. Name and address of owner(s) of record; and
    - b. Name and address of the licensed land surveyor responsible for preparing the preliminary plat; and
    - c. Date of preparation of the preliminary subdivision plat, and any revision dates;
  4. Signature blocks prepared, as required and provided by the county, for the dated signatures of the Planning Commission Chair, Deputy County Surveyor, County Attorney, County Recorder and Bear River Board of Health Director;
  5. North arrow, graphic and written scale, and the basis of bearings used;
  6. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre;
  7. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
  8. A vicinity map of the site at a minimum scale of one inch equals two thousand feet (1" = 2,000');
  9. Surveyed boundary of the proposed subdivision; accurate in scale, dimension, and bearing; giving the location of and ties to the nearest two (2) existing government control monuments. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners shall be shown;
  10. A legal description of the entire subdivision site boundary;

11. All existing monuments found during the course of the survey (including a physical description such as "brass cap");
12. Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of one hundred (100) year floods, all water bodies, floodways **including floodplains identified by FEMA** and drainage ways, slopes exceeding twenty percent (20%) and slopes exceeding thirty percent (30%), and any other natural features as required by the Director **or, Planning Commission, ~~or County Council~~** for the entire or a portion of the subdivision site, including a tabulation of the acres in each.; **Subdivision impacted by sensitive lands shall submit a Sensitive Area Analysis as required by Cache County Code 17.18**
13. Identification of known manmade features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site as required by the Director **or, Planning Commission, ~~or County Council~~** for the entire or a portion of the subdivision site;
14. The location and dimensions of all existing buildings, existing property lines and fence lines;
15. The location with name and parcel number of all existing platted lots within, or contiguous to the subdivision site;
16. All lots, rights-of-way, and easements **existing or** created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, shall be given. The addresses of all lots shall be shown. All proposed new roads, whether public or private, shall be numbered, as provided by the Development Services Department, with the coordinates to proposed connections to existing county roads being shown;
17. **Shall provide draft Subdivision Improvement Plans, including, but not limited to, the following:**
  - a. All existing and proposed roadway locations and dimensions, including the width of the driving surface and the rights-of-way, with cross sections of all proposed roads. All proposed roads shall be designed to comply with the adopted road standards of Cache County;
18. **¶**
  - ~~b.~~ Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities if proposed as required by the Director **or, Planning Commission, ~~or County Council~~** for the entire or a portion of the subdivision site shall be shown;
  - c. **¶**
  - ~~d.~~ Proposed storm water drainage system **that comply with County design standard and code** for both surface and flood water, including any drainage easements and natural drainage ways, indicating how the flow will be altered with the proposed development;
  - e. **¶**
  - ~~f.~~ Layout of proposed power lines, including the source and connection to the existing power supply, together with the location of existing and proposed bridges, culverts, utilities, utility easements, and any common space or open space areas including the location and dimensions of all property proposed to be set aside for public or

private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation;

**g. All other plans required to construct the subdivision.**

19. Located on the preliminary plat, or separate map, the identification of the minimum building setback lines for each lot shall be shown;
20. An indication of the use for all proposed lots including required plat notes identifying agricultural protection areas, and other proposed or required protective and restrictive covenants;
21. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
22. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;
23. A letter or other written form of consent by the owner including a reference to the named subdivision and the dedication of public ways or spaces, as required. This shall be signed, dated, and notarized;
24. A surveyor's certificate showing the name and registration number of the land surveyor responsible for making the final plat, and certifying to the plat's accuracy. A simple subdivision may not require a full survey, but instead may be completed through a metes and bounds determination. A waiver form shall be approved by the Cache County Recorder, the County Surveyor (or their representative), and the Director;
25. Any subdivision notes as required by the Director. An approved list of all possible notes and their applicability shall be maintained by staff.

- D. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.
- E. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.
- F. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- G. The names and addresses of all owners of record of real property within three hundred feet (300') of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.
- H. Payment of the non-refundable administrative processing fee, and a refundable preliminary plat application fee. See Consolidated Fee Schedule for amount of fee.
- I. **No later than 15 business days after the day on which a complete application was submitted, county staff shall complete and provide an initial review report to the applicant and the Planning Commission.** ~~no later than 15 business days after the day on which the application was submitted. ¶~~

~~J.~~

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

## **16.03.040: FINAL SUBDIVISION PLAT AND SUBDIVISION IMPROVEMENT PLANS REQUIREMENTS**

Following approval or approval with conditions of a Preliminary Plat and the draft Subdivision Improvement Plan, the applicant shall submit a Final Plat and Subdivision Improvement Plans application with the Development Services Office. The final subdivision plat is required for the recordation of a subdivision plat as approved by the Development Services Director ~~Planning Commission~~. The final plat shall reflect any changes to the proposed plat required by the Planning Commission conditions during the preliminary plat approval, and must be reviewed and approved by the Director of Development Services for completeness prior to recordation.

- A. **Final Subdivision Plat:** A final subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Cache County Recorder for recordation. The final subdivision plat shall contain all of the information required in the preliminary subdivision plat and shall be presented to the Director in the following form: one twenty four inches by thirty six inches (24" x 36") in ink on reproducible mylar copy of the final subdivision plat along with one digital copy (type to be specified by the Director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps). All revision dates must be shown as well as the following:
1. Notation of any self-imposed restrictions, or other restrictions, if required by the Planning Commission in accordance with this title or title 17 of this code;
  2. Other final subdivision plat notes, as required by Cache County or State Code or as required by the Planning Commission. ~~the Planning Commission or County Council.~~
  - ~~3.~~
- B. **Subdivision Improvement Plans:** Subdivision Improvement Plans shall be prepared by a licensed engineer and conform to current engineering, public works, and International Fire Code standards and all other applicable County and State Code Requirements provided in a form acceptable to the Cache County Engineer and Fire District.
1. The Subdivision Improvement Plans shall address conditions within the initial preliminary plat report and any conditions of approval by the Planning Commission.
  2. Improvement Plans shall comply with Cache County Requirements for all Subdivisions found in this chapter, in addition to adopted design standards, master plans, Manual of Roadway Design & Construction Standards (Road Manual), stormwater standards as adopted by the County and State, and any other applicable standards adopted by the County.
  3. The County Engineer and Fire Marshall shall be the Land Use Authority for Subdivision Improvement Plans.
- C. **Review of proposed Final Plat and Subdivision Improvement Plans:** Cache County Development Services, County Engineer, and Fire District shall review and provide reports to the applicant in compliance with State Code 17-27a-604.2 as amended.
1. The subdivision plat and improvement plans shall be subject to four Review Cycles, as defined in this chapter.
    - a. The County shall have 20 business days to review and provide an indexed report to the applicant with all required changes. This report shall cite and reference adopted code, design standards, and master plans that would require the change.
      - i. The County may require additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specification for construction of public improvements; and
      - ii. Modification to plans that do not meet current ordinances, applicable standards, or specification or do not contain complete information.

- b. The Review Cycle limitation does not apply to property containing sensitive lands and geological hazard areas.
  2. If an applicant makes a material change to a plan set, the County Engineer has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially affects.
  3. The applicant shall submit revised plans and shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and any reasons for declining to make a revision.
    - a. If the an applicant does not submit a revised plan within 20 business days after the County requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.
- D. If on the the fourth and final review review, the County fails to respond within 20 business days, the County shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
  1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with State Code 17-27a-604.2, to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the County, the panel shall consist of the following three experts:
    - a. one licensed engineer, designated by the County;
    - b. one licensed engineer, designated by the land use applicant; and
    - c. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in this section.
  2. The members of the appeal panel assembled by the County may not have an interest in the application that is the subject of the appeal.
  3. The subdivision applicant shall pay 50% of the cost of the panel and the County's published appeal fee.
  4. For a dispute arising from a subdivision ordinance review, the County shall advise the applicant to file an appeal with the Land Use Hearing Officer.
- E. All of the required signature blocks shall be signed prior to the recordation of the final plat.
- F. All other requirements of this title, title 17 of this code, or of the Planning Commission shall be met prior to the recordation of the final plat.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

## **CHAPTER 16.04 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS**

**16.04.010: SUBDIVISION LAYOUT**

**16.04.020: COMMENCEMENT OF SITE DEVELOPMENT**

**16.04.030: LOTS**

**16.04.040: ROADS**

**16.04.050: PROTECTION STRIPS**

**16.04.060: UTILITIES AND EASEMENTS**

**16.04.070: STORM DRAINAGE REQUIREMENTS**

**16.04.080: SUITABILITY REQUIREMENTS FOR SUBDIVISIONS**

**16.04.090: REDESIGN**

**16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS**

**16.04.110: IMPROVEMENT SURETY**

**16.04.120 : COORDINATION WITH MUNICIPALITIES AND OTHER SERVICE PROVIDERS**

#### **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 code and this 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. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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 this code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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 this 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.
- D. 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.
- E. 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **16.04.040: ROADS**

- A. All roads shall be designed and constructed in accordance with the specifications found within title 12 of this code.
- 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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 as determined by the land use authority.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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 Planning Commission and/or utility providers.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

#### **16.04.070: STORM DRAINAGE REQUIREMENTS**

All subdivision ~~applications~~ ~~plats~~ shall be required to meet all state and county stormwater permitting requirements. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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) with the exception of subsection A1a of this section. 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 section 17.10.050A4b.

**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 versus 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 shall be provided with the application materials. 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 Planning Commission.
- 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

#### 16.04.090: REDESIGN

The Planning Commission 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

#### 16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS

- A. Improvements: The Planning Commission, **as part of the Preliminary Plat Application**, 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 section 17.07.040. The following minimum requirements also apply:
  - 1. Construction within the subdivision shall conform to all federal and state regulations.
  - 2. **Subdivision Improvement Plans**~~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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02. - -2020)

#### 16.04.110: IMPROVEMENT SURETY

**A subdivider shall guarantee improvements in accordance with the following:**

- A. **Completion of improvements before recordation. If an applicant desires to construct improvements as shown on approved subdivision improvement plans prior to recordation:**
  - 1. **Recordation of the plat shall not occur until the improvements required in connection with the subdivision have been completed and accepted.**
  - 2. **An applicant shall provide improvement surety of conditionally accepted improvements in a form acceptable to the County as shown in this Title in the**

following amount:

- a. Ten percent of the total cost of all the required improvements shall be retained by the County during the 12-month (24-month if applicable) warranty period.

B. Recordation before completion of improvements. An applicant who desires to record any subdivision plat prior to the completion of subdivision improvements shall provide a financial guarantee for the completion of the improvements.

~~When in the judgment of the Public Works Director or 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 shall may be accepted as part of an improvement agreement pursuant to this section to guarantee completion of the improvements and/or conditions.~~

C. Authorization To Accept Surety: The ~~Public Works~~director is authorized to accept improvement surety ~~and to enter into improvement agreements~~ to the completion of improvements and/or conditions imposed by ordinance or by a land use authority.

D. Acceptable Types Of Surety: The following types of improvement surety reflecting one hundred ten percent (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 an A.M. Best rating of not less than A-:IX.

E. 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 improvement surety of not less than one hundred ten percent (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.

F. Completion Of Improvements: As applicable, improvements as identified in the ~~Subdivision Improvement Plans~~improvement agreement must be completed three (3) months prior to the expiration of the improvement surety or said surety shall be required to be extended.

G. Inspection: 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 ten percent (10%) of the bond amount for a period of not less than one year and no longer than allowed by state code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

#### **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, ~~capa~~County~~city~~, 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

**CHAPTER 17.02 ADMINISTRATION**

17.02.010: PURPOSE

17.02.020: RULES OF PROCEDURE

17.02.030: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS

17.02.040: REQUEST A VARIANCE

17.02.050: EFFECTIVE PERIOD OF LAND USE AUTHORITY APPROVAL

17.02.060: APPEAL A LAND USE AUTHORITY DECISION

17.02.70 : NOTICE FOR PUBLIC MEETINGS

**17.02.010: PURPOSE**

A. The purpose of this chapter is to:

1. Establish the Land Use Authority for Cache County land use ordinance decisions; and
2. Establish the Appeal Authority for Cache County land use ordinance variance and appeal decisions; and
3. Provide direction for the process of land use review and appeal.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

**17.02.020: RULES OF PROCEDURE**

The Development Services Department shall adopt rules of procedure establishing the application and decision making process for required permits and approvals. These policies and procedures, including preparation of applications, must reflect the requirements of this code. Permitting fees must be approved by resolution by the County Council. The collected fees must be used to defray the costs of administering land use requests or appeals.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

**17.02.30 0: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS**

A. Director:

1. The Cache County Director of Development Services is established and functions as specified in chapter 2.40 of this code and in this chapter;
2. The Director must be appointed by the Cache County Executive, with the advice and consent of the County Council;
3. The Director has the duties, authority, and powers as set forth in this chapter.
4. The Director must:
  - a. Adopt procedures for land use application processes;
  - b. Administer and enforce the Land Use Ordinance, the Cache County Subdivision

Ordinance, and any associated policies or procedures;

- c. Determine the mapped location of a base or overlay zoning district boundary in instances where the location may be unclear. The Director must consider the following criteria in reaching a decision:

- (1) The policies and development standards that apply to the base or overlay zoning district; and
  - (2) Where a base or overlay zoning district 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 base or overlay zoning district map boundary is deemed to be changed automatically whenever such centerline is changed by natural or artificial means; and
- d. Interpret the use related definitions in the applicable base or overlay zoning district as contained in chapter 17.09 Schedule of Zoning Uses, of this title; and
5. Designee: The Director may assign a designee to act as the land use authority in the place of the Director. Any designee must be identified in writing by the Director prior to any land use decision by the designee.

**B. Planning Commission:**

1. The Cache County Planning Commission is established as required by Utah Code Annotated section 17-27a-301, and has the duties, authority, and powers as found in Utah Code Annotated section 17-27a-302, as amended, and in this chapter; and
2. The Executive must appoint a Planning Commission with the advice and majority consent of the Council; and
3. The Planning Commission must be composed of seven (7) members. All members serve a term of three (3) years; and
4. The Executive, with the advice and consent of the Council, may remove a member of the Planning Commission with or without cause; and
5. No fewer than five (5) members of the Planning Commission shall either maintain a permanent residency or own real property in an unincorporated area of the County. The Executive shall, when nominating any person to the Planning Commission, verify whether or not that person meets these requirements and shall inform the Council when presenting the name.
6. The Planning Commission must 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 bylaws and rules of procedure must be approved by the Council; and
7. The Planning Commission must provide land use review to the Council in the following:
  - a. Preparing and recommending a General Plan and amendments to the General Plan; and
  - b. Recommending land use ordinances and maps, and amendments to land use ordinances and maps; and
  - c. On other items as the Council directs.

**C. Land Use Hearing Officer:**

1. Procedures:

- a. The land use hearing officer may administer oaths and compel the attendance of witnesses.
- b. All hearings before the land use hearing officer shall comply with the requirements of Chapter 4, Title 52, Utah Code, Open and Public Meetings.
- c. The land use hearing officer shall:
  - (1) Keep minutes of his or her proceedings; and
  - (2) Keep records of his or her examinations and other official actions.
- d. The land use hearing officer shall file his or her records in the office of the development services division. All such records are public records.
- e. Decisions of the land use hearing officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

## 2. Qualifications:

- a. The land use hearing officer shall be appointed by the County Executive with the advice and consent of the County Council. The Executive shall appoint more than one hearing officer, but only one hearing officer shall consider and decide upon any matter properly presented for hearing officer review.
- b. A hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

## 3. Conflict Of Interest And Removal:

- a. The hearing officer shall not participate in any appeal in which the hearing officer has a conflict of interest.
- b. The hearing officer may be removed by the Executive with advice and consent of the Council for violation of this title or any policies and procedures adopted by the Development Services director following receipt by the Executive of a written complaint filed against the hearing officer.

## 4. Powers And Duties:

- a. The land use hearing officer shall:
  - (1) Act as the appeal authority for administrative decisions by the Development Services Director and decisions by the planning commission; and
  - (2) Hear and decide variances from the terms of the zoning ordinance; and
  - (3) Hear and decide applications for the expansion or modification of nonconforming uses.

## D. County Council:

1. The Cache County Council is established as found in Utah Code Annotated section 17-52a-504 as amended, and in title 2, chapter 2.12 of this Code, and has the land use

duties, authority, and powers as represented in title 2, chapter 2.12 of this Code, Utah Code Annotated section 17-53 part 2 as amended, and this chapter.

E. Authority For Land Use Actions:

1. The Land Use Authority is responsible for the land use actions as noted in the table below:

**TABLE 17.02.030**

**AUTHORITY FOR LAND USE ACTIONS**

Land Use Authority	Land Use Action
Director	Zoning clearance
	Floodplain permit
	Final Subdivision Plat
	Variance for maximum structure height or minimum setback distances
County Engineer and Fire Marshall	Subdivision Improvement Plans
Planning Commission	Preliminary Subdivision Plat
	Subdivision amendment
	Conditional use permit
Land Use Hearing Officer	Variance (except as listed under Director)
	Appeal
Council	Ordinance or ordinance amendment
	Rezone
	Modifications of County rights-of-way and easements
	General Plan or General Plan amendment
	Annexation/disconnection

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

HISTORY

Amended by Ord. [2 023-24](#) on 8/10/2023

**17.02.040: REQUEST A VARIANCE**

- A. 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 must be filed with the Cache County Development Services Department for a variance from the terms of this title. The designated Appeal Authority may grant a variance if the requirements of Utah Code Annotated section 17-27a-702 as amended have been met;



and

B. A request for a variance must:

1. Be filed with Development Services Department; and
2. When a request for a variance is filed, notice is given as required by this chapter. The Appeal Authority hears that issue at the next regularly scheduled meeting, unless such time is extended for good cause or stipulation of the parties; and

C. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

#### **17.02.050: EFFECTIVE PERIOD OF LAND USE AUTHORITY APPROVAL**

- A. Administrative land use decisions of approval are effective for a period of one year from the date of Land Use Authority approval; and
- B. The Director must issue a notice of expiration to the agent of a project no less than ninety (90) calendar days prior to the end of the effective period of approval; and
- C. All final documents required to record a permit or subdivision must be submitted to the Development Services Office no less than four (4) weeks before the approval deadline; and
- D. Any approval that has lapsed beyond its effective period is void and any new application must conform to the ordinance currently in effect; and
- E. No refunds are issued for void applications or permits; and
- F. At the discretion of the Land Use Authority, the effective period of approval may be extended for up to six (6) months beyond the one year period of the original approval. Within that extension no development or active use of the site is allowed until the permit or subdivision plat has been recorded and all conditions have been met.
  1. To request an extension an applicant must submit an application to the Development Services Office a minimum of six (6) weeks prior to the expiration of the original one year period of approval.
  2. Extension requests must be reviewed by the Land Use Authority. The Land Use Authority may approve an extension request only if:
    - a. The reason for the extension is not economic.
    - b. The applicant has shown a clear pattern of working to record the plat or permit throughout the entirety of the approval period.
  3. The applicant bears the burden of proving that the conditions justifying an extension have been met.
- G. Where an appeal of an approval has been made, the effective period for the approval does not begin until a final decision has been issued by the Appeal Authority or Judge of the First District Court.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2023-13, 5-9-2023)

#### **17.02.060: APPEAL A LAND USE AUTHORITY DECISION**

A. The Appeal Authority for Land Use Authority actions is assigned as noted in the table below:

**TABLE 17.02.060 APPEAL A LAND USE AUTHORITY DECISION**

Acting Authority	Appeal Authority
Director	Land Use Hearing Officer
Planning Commission	Land Use Hearing Officer
Land Use Hearing Officer	First District Court
Council	First District Court

a. Appeals for Subdivision Improvement Plans and Final Subdivision Plats shall be reviewed by an appeal panel as detailed in Cache County Code 16.03.40 as amended.

B. Land use decisions may be appealed:

1. By a person with standing that is adversely affected as a result of a Land Use Authority's decision by alleging that any order, requirement, decision, or determination of the Land Use Authority is arbitrary, capricious or illegal; and
2. Only if it is the final decision issued by the proper Land Use Authority. The appeal of decisions made by supporting staff must be reviewed by the Land Use Authority that issued the final decision; and
3. If commenced within ten (10) business days of the adverse order, requirement, decision, or determination by filing a written notice of appeal with the Cache County Development Services Department. The notice of appeal must identify the decision being appealed and parties making the appeal; and
  - a. The appellant has the burden of showing the evidence and proving that the decision of the Land Use Authority is arbitrary, capricious (unsupported by the evidence or facts of record), or illegal; and

C. When a notice of appeal is filed, notice must be given as required by this chapter. The Appeal Authority then hears that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties; and

D. The Appeal Authority may require written briefs or memorandum of the parties as the Appeal Authority deems necessary. At the hearing, the appellant must appear in person or by agent; and

E. Using substantial evidence as the standard of review, the Appeal Authority determines 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; and

F. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended; and

G. Any person adversely affected by a final decision of the Appeal Authority may petition the First 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 section 17-27a-801(2) as amended; and

1. 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.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

**17.02.070: NOTICE FOR PUBLIC MEETINGS**

- A. Notice for public meetings and public hearings must comply with the Open and Public Meetings Act, Utah Code Annotated chapter 52-4 and Utah Code Annotated section 17-27a-2 as amended. At the discretion of the Land Use Authority additional notice requirements may be applied; and
- B. Notice of the time, place, and subject matter of a meeting must be given to the person making a request, the Land Use Authority or official, other affected parties as directed by law, and all adjoining property owners within a three hundred foot (300') radius of the boundary of the subject property.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)





**CACHE COUNTY  
ORDINANCE NO. 2023 - 41**

**AN ORDINANCE UPDATING THE CACHE COUNTY FEE SCHEDULE TO AMEND  
THE FEES ASSOCIATED WITH THE FAIRGROUNDS**

- (A) WHEREAS, Utah Code Ann. § 17-53-211 requires the County Council to adopt an ordinance establishing fees for services provided by certain County officers; and
- (B) WHEREAS, the County Council believes it is appropriate to adopt and include within the County Code a listing of fees and charges imposed by the County to provide notice of those fees and charges by County residents; and
- (C) WHEREAS, the County has recently begun providing for garbage collection through a contractual agreement with Waste Management and must now charge fees for this service;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1:

FEE SCHEDULE

CACHE COUNTY CONSOLIDATED FEE SCHEDULE

EVENT CENTER AND FAIRGROUNDS DEPARTMENT

<b>Building</b>	<b>Room</b>	<b>Pricing Method</b>	<b>Profit</b>	<b>Private</b>	<b>Non Profit</b>	<b>Deposit</b>	<b>Comments</b>
Arena Riding Passes	Daily Riding Pass	(none)	N/A	\$10	N/A		
Arena Riding Passes	Family Day Pass	(none)	N/A	\$20	N/A		
Arena Riding Passes	Individual Monthly Riding Pass	(none)	N/A	\$30	N/A		
Arena Riding Passes	Riding Pass Family Annual	(none)	N/A	\$125	N/A		
Arena Riding Passes	Riding Pass Family Seasonal	(none)	N/A	\$90	N/A		
Arena Riding Passes	Riding Pass Individual Annual	(none)	N/A	\$90	N/A		
Arena Riding Passes	Riding Pass Individual Seasonal	(none)	N/A	\$70	N/A		
Arena, Cache	Cache Arena	Hr/min/max	50/100/450	40/80/360	30/60/270	\$250	
Arena, Outdoor	Outdoor Arena	Hr/min/max	50/100/450	40/80/360	30/60/270	\$250	
Arena, Roping	Roping Arena	Hr/min/max	50/100/450	40/80/360	30/60/270	\$250	



Cattle surcharge	All Arenas	Hourly	\$10	\$10	\$10		
Boardwalk	Boardwalk Concessions	Daily	\$200	\$150	\$100	\$100	
Bowery	Bowery	Daily	\$100	\$75	\$50	\$100	
Cow Barn	Cow Barn	Daily	\$100	\$75	\$50	\$100	
Grand Stand	Grand Stand	Daily	\$300	\$300	\$300	\$500	1st day \$300, Additional days \$100
Green Space	Green Space	Daily	\$150	\$75	\$50	\$100	
Green Space	Infield	Daily	\$150	\$75	\$50	\$100	
Horse Stall Rent		Monthly	\$120			\$100	increase from 80 to 120
Hay Stall Rent		Monthly	\$30				Increase from 0 to 30
Horse Stall Rent		Overnight/Event daily	\$25				increase from 15 to 25
Horse Stall Rent		Daily pro-rated	\$5				
Tack Room		Monthly	\$20				
Millburger	Millburger	Daily	\$300	\$300	\$300	\$500	1st day \$300, Additional days \$100
Pig Barn	Pig Barn	Daily	\$100	\$75	\$50	\$100	
Pit Stop	Pit Stop	Daily	\$300	\$300	\$300	\$500	1st day \$300, Additional days \$100
Event Camping	Green Space	Daily	\$30				TRT included
Non-Event Camping	Green Space	Daily	\$35				TRT included
Cache Event Center	Cache Event Center-All Building	Daily	\$1,700	\$1,300	\$1,000	50%	Hourly rate is 20% of daily rate
Cache Event Center	Event Hall Combo	Daily	\$1,400	\$1,100	\$850	50%	
Cache Event Center	Event Hall 3/4 Combo		\$1,150	\$950	\$750	50%	
Cache Event Center	Event Hall-Middle	Daily	\$900	\$750	\$600	50%	
Cache Event Center	Event Hall-North	Daily	\$500	\$400	\$350	50%	
Cache Event Center	Event Hall-South	Daily	\$500	\$400	\$350	50%	
Cache Event Center	NE Function room	Hourly (1 hr min)/daily max	60/300	40/200	25/125	50%	hourly/daily maximum



Cache Event Center	NW Function room	Hourly (1 hr min)/daily max	60/300	40/200	25/125	50%	hourly/daily maximum
Cache Event Center	SW Function room	Hourly (1 hr min)/daily max	60/300	40/200	25/125	50%	hourly/daily maximum
Cache Event Center	Kitchen Base	Daily	\$300	\$300	\$300	\$500	1st day \$300, Additional days \$100
Cache Event Center	Kitchen Full	Daily	\$500	\$500	\$500	\$500	1st day \$500, Additional days \$100
	Kitchen Damage Deposit	Per Event				\$500	
Alcohol Service	Event Center and Indoor Arena	Event				\$550	
	Private Event	15% increase of rental rates					
	Single Event	25% increase of rental rates					
Staff Labor		Hourly	\$50	\$50	\$50		
Sheriff Sec. Fees		Hourly	\$70	\$70	\$70		ask for pricing
<b>Equipment</b>							
10' Panel			\$5	\$5	\$5		
10' Walk Thru Gate			\$5	\$5	\$5		
12' Panel			\$5	\$5	\$5		
12' Walk Thru Gate			\$5	\$5	\$5		
Barricades			\$5	\$5	\$5		
Tractor w/Operator			\$85	\$85	\$85		
Dump Truck			\$100	\$100	\$100		
Grader w/Operator			\$145	\$145	\$145		
Skid Steer			\$100	\$100	\$100		
Spider Boxes		Per Event	\$30	\$30	\$30		
Extra 50 amp cord		Per Item	\$10	\$10	\$10		
Water Truck	Equipment	Hourly	\$125	\$125	\$125		
Off Site	150 Bleachers-towable	Unit	\$1,500	\$1,500	\$1,500		
Off Site	Portable Stage	Unit	\$650	\$650	\$650		includes setup/teardown



Furniture						
Bleachers w/o Fence			\$50	\$50	\$50	
Bleachers with Fence			\$50	\$50	\$50	
Chairs, Folding			\$1	\$1	\$1	
Chairs, Stacking			\$1	\$1	\$1	
Portable P.A. System			\$25	\$25	\$25	
Stage	Per Platform		\$50	\$50	\$50	per platform
Tables, Banquet 8'	Per Item		\$5	\$5	\$5	
Table, Picnic 8'	Per Item		\$15	\$15	\$15	
Table, Round 5'	Per Item		\$5	\$5	\$5	

**SECTION 2:**

This ordinance takes effect 15 days following its passage and approval by the Cache County Council.

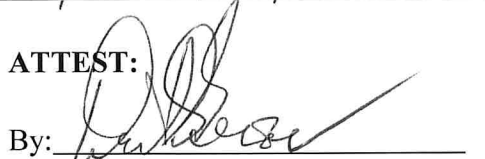
PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS 05<sup>th</sup> DAY OF December 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	X			
David Erickson	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Kathryn Bues	X			
Mark Hurd	X			
Total	7	0	0	0

**CACHE COUNTY:**

By:   
David Erickson, Chair

**ATTEST:**

  
By: David Benson  
David Benson, County Clerk / Auditor

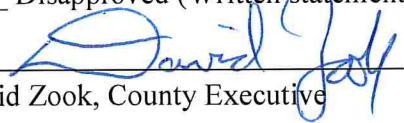




**ACTION OF COUNTY EXECUTIVE:**

Approved

Disapproved (Written statement of objection attached)

By:   
David Zook, County Executive



## EXHIBIT 1

### FEE SCHEDULE

#### CACHE COUNTY CONSOLIDATED FEE SCHEDULE

#### EVENT CENTER AND FAIRGROUNDS DEPARTMENT

Building	Room	Unit	For-Profit Fee	Private Rental Fee	Non-Profit Adult Fee	Non-Profit Youth Fee	Comment	
Arena Riding Passes	Daily Riding Pass	(none)	N/A	\$10	N/A	N/A		
	Family Day Pass	(none))	N/A	\$20	N/A	N/A		
	Individual Riding Pass	Monthly		N/A	\$30	N/A	N/A	
		Annual		N/A	\$90	N/A	N/A	
		Seasonal		N/A	\$70	N/A	N/A	
Family Riding Pass	Annual		N/A	\$125	N/A	N/A		
	Seasonal		N/A	\$90	N/A	N/A		
Cache Event Center	All Building	Daily	\$1,500	\$1,000	\$800	\$600		
	Event Hall	Daily—Combo	\$1,200	\$900	\$750	\$500		
		Daily—Middle	\$900	\$750	\$600	\$300		
		Daily—North	\$500	\$400	\$350	\$200		
		Daily—South	\$500	\$400	\$350	\$200		
	NE Function Room	Hourly*/Daily Maximum	60/300	40/200	25/125	20/100		
	NW Function Room		60/300	40/200	25/125	20/100		
	SW Function Room		60/300	40/200	25/125	20/100		
	Kitchen Base	Daily	\$300	\$300	\$300	\$300	\$500-deposit	
Kitchen Full	\$500		\$500	\$500	\$500	\$500-deposit		
Arena	Cache Arena	Hourly*/Daily Maximum	50/450	40/360	30/270	25/225	\$10/hr surcharge for cattle	
	Outdoor Arena		50/450	40/360	30/270	25/225		
	Roping Arena		50/450	40/360	30/270	25/225		
Boardwalk	Concessions	Daily	\$200	\$150	\$100	\$50		
Bowery	Bowery	Daily	\$100	\$75	\$50	\$40		
Cow-Barn	Cow-Barn	Daily	\$100	\$75	\$50	\$40		



Grand Stand	Grand Stand	Daily	\$300	\$250	\$200	\$100	
Green Space	Green Space	Daily	\$150	\$75	\$50	\$40	
	Infield	Daily	\$150	\$75	\$50	\$40	
Millburger	Millburger	Daily	\$300	\$250	\$200	\$100	
Misc Items	50 Bleachers	Event	\$75	\$50	\$50	\$50	Delivery additional >5 miles
	150 Bleachers	Event	\$1,500	\$1,500			
	Portable Stage	Event	\$650	\$600	\$550	\$500	Includes setup/take down
Pig Barn	Pig Barn	Daily	\$100	\$75	\$50	\$40	
Pit Stop	Pit Stop	Daily	\$300	\$250	\$200	\$100	
Event Camping	Green Space	Daily	\$30				TRT Included
Non-Event Camping	Green Space	Daily	\$35				TRT Included
Water Truck	Equipment	Hourly	\$95				
Horse Stall	Rental	Monthly	\$80				\$100 Damage Deposit
		Overnight/Event	\$15				
		Daily (Prorated)	\$3				
Disc Golf	Green Space	Front 9/Daily	\$1000				
Disc Golf	Infield	Back 9/Daily	\$1000				
Stage	Rental	Event	\$50	\$50	\$50	\$50	Per platform
Spider Boxes	Rental	Event	\$25	\$25	\$25	\$25	Per box
Staff Labor	Rate	Hourly	\$25	\$25	\$25	\$25	
Sheriff Sec. Fees							Ask for pricing

<u>Building</u>	<u>Room</u>	<u>Pricing Method</u>	<u>Profit</u>	<u>Private</u>	<u>Non Profit</u>	<u>Deposit</u>	<u>Comments</u>
Arena Riding Passes	Daily Riding Pass	(none)	N/A	\$10	N/A		
Arena Riding Passes	Family Day Pass	(none)	N/A	\$20	N/A		
Arena Riding Passes	Individual Monthly Riding Pass	(none)	N/A	\$30	N/A		
Arena Riding Passes	Riding Pass Family Annual	(none)	N/A	\$125	N/A		
Arena Riding Passes	Riding Pass Family Seasonal	(none)	N/A	\$90	N/A		



<u>Arena Riding Passes</u>	<u>Riding Pass Individual Annual</u>	<u>(none)</u>	<u>N/A</u>	<u>\$90</u>	<u>N/A</u>		
<u>Arena Riding Passes</u>	<u>Riding Pass Individual Seasonal</u>	<u>(none)</u>	<u>N/A</u>	<u>\$70</u>	<u>N/A</u>		
<u>Arena, Cache</u>	<u>Cache Arena</u>	<u>Hr/min/max</u>	<u>50/100/450</u>	<u>40/80/360</u>	<u>30/60/270</u>	<u>\$250</u>	
<u>Arena, Outdoor</u>	<u>Outdoor Arena</u>	<u>Hr/min/max</u>	<u>50/100/450</u>	<u>40/80/360</u>	<u>30/60/270</u>	<u>\$250</u>	
<u>Arena, Roping</u>	<u>Roping Arena</u>	<u>Hr/min/max</u>	<u>50/100/450</u>	<u>40/80/360</u>	<u>30/60/270</u>	<u>\$250</u>	
<u>Cattle surcharge</u>	<u>All Arenas</u>	<u>Hourly</u>	<u>\$10</u>	<u>\$10</u>	<u>\$10</u>		
<u>Boardwalk</u>	<u>Boardwalk Concessions</u>	<u>Daily</u>	<u>\$200</u>	<u>\$150</u>	<u>\$100</u>	<u>\$100</u>	
<u>Bowery</u>	<u>Bowery</u>	<u>Daily</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$100</u>	
<u>Cow Barn</u>	<u>Cow Barn</u>	<u>Daily</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$100</u>	
<u>Grand Stand</u>	<u>Grand Stand</u>	<u>Daily</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>1st day \$300, Additional days \$100</u>
<u>Green Space</u>	<u>Green Space</u>	<u>Daily</u>	<u>\$150</u>	<u>\$75</u>	<u>\$50</u>	<u>\$100</u>	
<u>Green Space</u>	<u>Infield</u>	<u>Daily</u>	<u>\$150</u>	<u>\$75</u>	<u>\$50</u>	<u>\$100</u>	
<u>Horse Stall Rent</u>		<u>Monthly</u>	<u>\$120</u>			<u>\$100</u>	<u>increase from 80 to 120</u>
<u>Hay Stall Rent</u>		<u>Monthly</u>	<u>\$30</u>				<u>Increase from 0 to 30</u>
<u>Horse Stall Rent</u>		<u>Overnight/Event daily</u>	<u>\$25</u>				<u>increase from 15 to 25</u>
<u>Horse Stall Rent</u>		<u>Daily pro-rated</u>	<u>\$5</u>				
<u>Tack Room</u>		<u>Monthly</u>	<u>\$20</u>				
<u>Millburger</u>	<u>Millburger</u>	<u>Daily</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>1st day \$300, Additional days \$100</u>
<u>Pig Barn</u>	<u>Pig Barn</u>	<u>Daily</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$100</u>	
<u>Pit Stop</u>	<u>Pit Stop</u>	<u>Daily</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>1st day \$300, Additional days \$100</u>
<u>Event Camping</u>	<u>Green Space</u>	<u>Daily</u>	<u>\$30</u>				<u>TRT included</u>
<u>Non-Event Camping</u>	<u>Green Space</u>	<u>Daily</u>	<u>\$35</u>				<u>TRT included</u>
<u>Cache Event Center</u>	<u>Cache Event Center-All Building</u>	<u>Daily</u>	<u>\$1,700</u>	<u>\$1,300</u>	<u>\$1,000</u>	<u>50%</u>	<u>Hourly rate is 20% of daily rate</u>
<u>Cache Event Center</u>	<u>Event Hall Combo</u>	<u>Daily</u>	<u>\$1,400</u>	<u>\$1,100</u>	<u>\$850</u>	<u>50%</u>	
<u>Cache Event Center</u>	<u>Event Hall 3/4 Combo</u>		<u>\$1,150</u>	<u>\$950</u>	<u>\$750</u>	<u>50%</u>	



<u>Cache Event Center</u>	<u>Event Hall-Middle</u>	<u>Daily</u>	<u>\$900</u>	<u>\$750</u>	<u>\$600</u>	<u>50%</u>	
<u>Cache Event Center</u>	<u>Event Hall-North</u>	<u>Daily</u>	<u>\$500</u>	<u>\$400</u>	<u>\$350</u>	<u>50%</u>	
<u>Cache Event Center</u>	<u>Event Hall-South</u>	<u>Daily</u>	<u>\$500</u>	<u>\$400</u>	<u>\$350</u>	<u>50%</u>	
<u>Cache Event Center</u>	<u>NE Function room</u>	<u>Hourly (1 hr min)/daily max</u>	<u>60/300</u>	<u>40/200</u>	<u>25/125</u>	<u>50%</u>	<u>hourly/daily maximum</u>
<u>Cache Event Center</u>	<u>NW Function room</u>	<u>Hourly (1 hr min)/daily max</u>	<u>60/300</u>	<u>40/200</u>	<u>25/125</u>	<u>50%</u>	<u>hourly/daily maximum</u>
<u>Cache Event Center</u>	<u>SW Function room</u>	<u>Hourly (1 hr min)/daily max</u>	<u>60/300</u>	<u>40/200</u>	<u>25/125</u>	<u>50%</u>	<u>hourly/daily maximum</u>
<u>Cache Event Center</u>	<u>Kitchen Base</u>	<u>Daily</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>1st day \$300, Additional days \$100</u>
<u>Cache Event Center</u>	<u>Kitchen Full</u>	<u>Daily</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>1st day \$500, Additional days \$100</u>
	<u>Kitchen Damage Deposit</u>	<u>Per Event</u>				<u>\$500</u>	
<u>Alcohol Service</u>	<u>Event Center and Indoor Arena</u>	<u>Event</u>				<u>\$550</u>	
	<u>Private Event</u>	<u>15% increase of rental rates</u>					
	<u>Single Event</u>	<u>25% increase of rental rates</u>					
<u>Staff Labor</u>		<u>Hourly</u>	<u>\$50</u>	<u>\$50</u>	<u>\$50</u>		
<u>Sheriff Sec. Fees</u>		<u>Hourly</u>	<u>\$70</u>	<u>\$70</u>	<u>\$70</u>		<u>ask for pricing</u>
<b><u>Equipment</u></b>							
<u>10' Panel</u>			<u>\$5</u>	<u>\$5</u>	<u>\$5</u>		
<u>10' Walk Thru Gate</u>			<u>\$5</u>	<u>\$5</u>	<u>\$5</u>		
<u>12' Panel</u>			<u>\$5</u>	<u>\$5</u>	<u>\$5</u>		
<u>12' Walk Thru Gate</u>			<u>\$5</u>	<u>\$5</u>	<u>\$5</u>		
<u>Barricades</u>			<u>\$5</u>	<u>\$5</u>	<u>\$5</u>		
<u>Tractor w/Operator</u>			<u>\$85</u>	<u>\$85</u>	<u>\$85</u>		
<u>Dump Truck</u>			<u>\$100</u>	<u>\$100</u>	<u>\$100</u>		
<u>Grader w/Operator</u>			<u>\$145</u>	<u>\$145</u>	<u>\$145</u>		
<u>Skid Steer</u>			<u>\$100</u>	<u>\$100</u>	<u>\$100</u>		
<u>Spider Boxes</u>		<u>Per Event</u>	<u>\$30</u>	<u>\$30</u>	<u>\$30</u>		

<u>Extra 50 amp cord</u>		<u>Per Item</u>	<u>\$10</u>	<u>\$10</u>	<u>\$10</u>	
<u>Water Truck</u>	<u>Equipment</u>	<u>Hourly</u>	<u>\$125</u>	<u>\$125</u>	<u>\$125</u>	
<u>Off Site</u>	<u>150 Bleachers-towable</u>	<u>Unit</u>	<u>\$1,500</u>	<u>\$1,500</u>	<u>\$1,500</u>	
<u>Off Site</u>	<u>Portable Stage</u>	<u>Unit</u>	<u>\$650</u>	<u>\$650</u>	<u>\$650</u>	<u>includes setup/teardown</u>
<b><u>Furniture</u></b>						
<u>Bleachers w/o Fence</u>			<u>\$50</u>	<u>\$50</u>	<u>\$50</u>	
<u>Bleachers with Fence</u>			<u>\$50</u>	<u>\$50</u>	<u>\$50</u>	
<u>Chairs, Folding</u>			<u>\$1</u>	<u>\$1</u>	<u>\$1</u>	
<u>Chairs, Stacking</u>			<u>\$1</u>	<u>\$1</u>	<u>\$1</u>	
<u>Portable P.A. System</u>			<u>\$25</u>	<u>\$25</u>	<u>\$25</u>	
<u>Stage</u>		<u>Per Platform</u>	<u>\$50</u>	<u>\$50</u>	<u>\$50</u>	<u>per platform</u>
<u>Tables, Banquet 8'</u>		<u>Per Item</u>	<u>\$5</u>	<u>\$5</u>	<u>\$5</u>	
<u>Table, Picnic 8'</u>		<u>Per Item</u>	<u>\$15</u>	<u>\$15</u>	<u>\$15</u>	
<u>Table, Round 5'</u>		<u>Per Item</u>	<u>\$5</u>	<u>\$5</u>	<u>\$5</u>	



**CACHE COUNTY  
ORDINANCE NO. 2023 - 44**

**AN ORDINANCE DISSOLVING THE SENIOR CITIZENS BOARD OF CACHE COUNTY ESTABLISHED UNDER CACHE COUNTY CODE 2.52 AND CREATING THE CACHE COUNTY SENIOR CENTER AS A DEPARTMENT UNDER THE OFFICE OF COUNTY EXECUTIVE**

- (A) WHEREAS, there is currently no Cache County Senior Citizens Board either elected or appointed;
- (B) WHEREAS, the only two active parties in the governance of the Cache County Senior Citizens Center are the County Executive and the County Council;
- (C) WHEREAS, the Senior Citizens Center is not currently its own taxing entity requiring a separately elected board for the purpose of stewarding public funds;
- (D) WHEREAS, the Older Americans Act of 1965 does not require a separate elected board outside the Area Agency on Aging;
- (E) WHEREAS, the State of Utah does not require a separate elected board for the Senior Citizens Center;
- (F) WHEREAS, the Bear River Association of Governments Council on Aging agreement does not require a separate elected board for each senior center;
- (G) WHEREAS, an internal audit was conducted and completed on August 2, 2022, by the then Clerk/Auditor and Deputy Internal Auditor that recommended the dissolution of the Senior Citizens Board of Cache County; and
- (H) WHEREAS, the County Council may provide by ordinance for the abolition of organizational units and transfer functions therefrom pursuant to Cache County Code 2.04.070; and
- (I) WHEREAS; the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties pursuant to Utah Code § 17-53-223(1);

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

SECTION 1

The Senior Citizens Board is dissolved and a department of the County is created to serve the older adults of Cache County.



**CACHE COUNTY  
ORDINANCE NO. 2023 - 44**

**SECTION 2**

Cache County Code, Chapter 2.52 is amended to read as follows, with a redline copy attached as “EXHIBIT 1”:

**CHAPTER 2.52 SENIOR CENTER**

2.52.010: NAME

2.52.020: PURPOSES

2.52.030: DIRECTOR

**2.52.010: NAME**

The County creates a department under the Office of County Executive to serve the older adults of Cache County. The name of this department is the Cache County Senior Center.

**2.52.020: PURPOSES**

The function of this department shall be to:

- A. Provide programs and activities that older adults may participate in and enjoy, including physical exercise for the development of healthy active lives.
- B. Provide short and long tours.
- C. Provide consultant services in areas of health, housing, finances, insurance, etc.
- D. Provide educational classes and programs, etc.
- E. Bring older adults together for socialization.
- F. Offer older adults opportunities for self appraisal and for planning a way of life to achieve the maximum amount of self realization and enrichment and to realize a better understanding of the shift from work centered life to one of leisure centered opportunities.
- G. Provide meeting places for older adults, workshops for the practicing of hobbies and other facilities, useful to the members.
- H. Borrow money for the above purposes and pledge the assets acquired by the association to secure the payment thereof.
- I. Cooperate with the Utah Division of Aging and public and private companion agencies of state and national levels, to more satisfactorily meet the need of and provide opportunities for all older adults.

**2.52.030: DEPARTMENT HEAD**

- A. The County Executive shall appoint, with the advice and consent of the County Council, a Department Head over the Cache County Senior Center to administer the following primary functions:





**CACHE COUNTY  
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1. Plan, direct, oversee, and manage the operations of the department, including the development of a department vision, department policies, and the management of department employees;
  2. Develop an annual department budget, monitor fiscal controls, and assure conformity with the budget and fiscal controls;
  3. Collaborate on regional issues and provide potential solutions to improve efficiency and effectiveness of county processes related to serving older adults;
  4. Develop, organize, and facilitate on-going, comprehensive planning processes and procedures for current and long-range needs;
  5. Oversee training of personnel to ensure a competent and capable staff; and
  6. Establish an office that works with county residents and others within the constraints of County Code to provide superior customer service.
- B. The subsections that apply to department heads under Cache County Code 2.08.060 shall apply to the Department Head over the Cache County Senior Center. The current Director of the Cache County Senior Center shall become the first Department Head of the Cache County Senior Center without the requirements of appointment by the County Executive and advice and consent from the County Council.

Section 3

This ordinance takes effect fifteen (15) days following its passage and approval by the County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS 05<sup>th</sup> DAY OF December 2023.

	In Favor	Against	Abstained	Absent
David Erickson	X			
Sandi Goodlander	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Mark Hurd	X			
Kathryn Beus	X			
Total	7	0	0	0

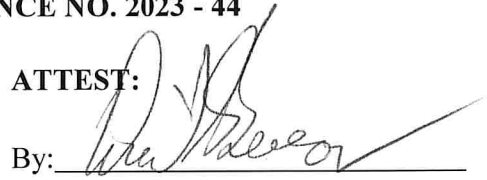


**CACHE COUNTY  
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**CACHE COUNTY:**

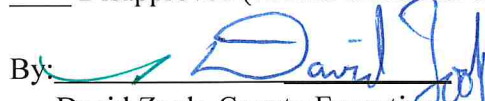
By:   
David L. Erickson, Chair

**ATTEST:**

By:   
David Benson, County Clerk / Auditor

**ACTION OF THE COUNTY EXECUTIVE:**

7 Approved  
       Disapproved (written statement of objection attached)

By:  12/15/23  
David Zook, County Executive Date

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CACHE COUNTY  
ORDINANCE NO. 2023 - 44

EXHIBIT 1

REDLINE VERSION OF CHANGES TO CHAPTER 2.52

**CHAPTER 2.52 SENIOR ~~CITIZENS BOARD~~ CENTER**

2.52.010: NAME

2.52.020: PURPOSES

~~2.52.030: DIRECTOR~~

~~2.52.030: BOARD OF DIRECTORS~~

~~2.52.040: OFFICERS AND DIRECTORS~~

~~2.52.050: EXECUTIVE COMMITTEE~~

~~2.52.060: OTHER COMMITTEES~~

~~2.52.070: ANNUAL MEETING~~

~~2.52.080: AMENDMENTS AND BYLAWS~~

~~2.52.090: BUDGET~~

**2.52.010: NAME**

The County creates a department under the Office of County Executive to serve the older adults of Cache County. The name of this ~~organization~~ department ~~shall be is known as~~ the ~~senior citizens of Cache County~~ Cache County Senior Center.

**2.52.020: PURPOSES**

The function of this ~~organization~~ department shall be to:

- A. Provide programs and activities that ~~senior citizens~~ older adults may participate in and enjoy, including physical exercise for the development of healthy active lives.
- B. Provide short and long tours.
- C. Provide consultant services in areas of health, housing, finances, insurance, etc.
- D. Provide educational classes and programs, etc.
- E. Bring ~~senior citizens~~ older adults together for socialization.
- F. Offer ~~the individual senior citizen~~ older adults opportunities for self appraisal and for planning a way of life to achieve the maximum amount of self realization and enrichment and to realize a better understanding of the shift from work centered life to one of leisure centered opportunities.
- G. Provide meeting places for ~~senior citizens~~ older adults, workshops for the practicing of hobbies and other facilities, useful to the members.
- H. Borrow money for the above purposes and pledge the assets acquired by the association to secure the payment thereof.
- I. Cooperate with the Utah Division of Aging and ~~also~~ public and private companion agencies of state and national levels, to more satisfactorily meet the need of and provide opportunities for all ~~senior citizens~~ older adults.



**CACHE COUNTY  
ORDINANCE NO. 2023 - 44**

**2.52.030: DEPARTMENT HEAD**

- A. The County Executive shall appoint, with the advice and consent of the County Council, a Department Head over the Cache County Senior Center to administer the following primary functions:
1. Plan, direct, oversee, and manage the operations of the department, including the development of a department vision, department policies, and the management of department employees;
  2. Develop an annual department budget, monitor fiscal controls, and assure conformity with the budget and fiscal controls;
  3. Collaborate on regional issues and provide potential solutions to improve efficiency and effectiveness of county processes related to serving older adults;
  4. Develop, organize, and facilitate on-going, comprehensive planning processes and procedures for current and long-range needs;
  5. Oversee training of personnel to ensure a competent and capable staff; and
  6. Establish an office that works with county residents and others within the constraints of County Code to provide superior customer service.
- B. The subsections that apply to department heads under Cache County Code 2.08.060 shall apply to the Department Head over the Cache County Senior Center. The current Director of the Cache County Senior Center shall become the first Department Head of the Cache County Senior Center without the requirements of appointment by the County Executive and advice and consent from the County Council.

**2.52.030: BOARD OF DIRECTORS**

- ~~A. Creation: The board for this organization shall be composed of a maximum of thirteen (13) qualified representative members of the community. Seven (7) of the thirteen (13) shall come from Logan, and six (6) from Cache County; provided, however, that in the event six (6) persons from Cache County are not able or willing to act, then qualified and willing persons from Logan may be selected to comprise the board of directors.~~
- ~~B. Terms: The board shall be elected for terms of three (3) years each, except that the initial board shall be divided into three (3) groups as follows: Five (5) of the persons shall serve a term for one year; four (4) for a two (2) year term; and four (4) for a three (3) year term. Thereafter, one third (1/3) of the vacancies shall occur annually. Members may be reelected at the end of their service on the board.~~
- ~~C. Meetings: The board shall hold at least four (4) meetings annually. Special meetings may be called by the president or upon written petition by any three (3) members of the board. A majority of the board shall constitute a quorum for the transaction of business.~~
- ~~D. Absenteeism; Vacancies: Vacancies shall be filled by a majority vote of the board members. Any member who, during one year, is absent from regular meetings more than two (2) times without approval of the board, shall create a vacancy in his membership on the board. The board may excuse absences when notified beforehand for legitimate business or health reasons or in case of absence from the city.~~



**CACHE COUNTY  
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~~E. Ex Officio Members:~~

- ~~1. The county executive or his duly appointed representative shall at all times be an ex officio member of the board of directors. This person shall have no vote as a member of the board.~~
- ~~2. The mayor of Logan City or his duly appointed representative shall at all times be an ex officio member of the board. This person shall have no vote as a member of the board.~~

~~F. Eligibility For Board Of Directors: Of the elected members of the board of directors, only persons who are active or who are willing to become active shall be eligible to serve on this board.~~

**2.52.040: OFFICERS AND DIRECTORS**

- ~~A. The officers of the board shall be a president, a vice president, a secretary, a historian and a treasurer, who shall perform the duties that usually pertain to these respective offices. These officers shall be elected annually by the board of directors from the board of directors at the first meeting of each year. They shall serve for a period of one year and until their respective successors shall qualify.~~
- ~~B. The county council may appoint, upon the recommendation of the Cache County senior citizens board, a program director to administer and coordinate a senior citizens program within Cache County.~~
- ~~C. The program director may employ such assistants as secretary, service director and other necessary personnel upon the approval of the Cache County senior citizens board and upon the approval of the Cache County council.~~

**2.52.050: EXECUTIVE COMMITTEE**

~~There shall be an executive committee composed of officers and directors of the board. The members of the executive committee shall serve for the duration of their terms. The executive committee shall meet upon the call of the president. The executive committee shall coordinate activities and perform such duties as may be assigned to it by the board.~~

**2.52.060: OTHER COMMITTEES**

- ~~A. These shall be:~~
  - ~~1. Nominating committee composed of three (3) members of the board, appointed by the president as soon after his election as practicable, whose duty it shall be to nominate candidates to fill vacancies on the board. Members of this committee shall serve for a term of one year and until their successors shall qualify.~~
  - ~~2. Such other committees as the board of directors determines to be feasible, practicable and necessary for the best interest and function of the senior citizens. Any such committees so created shall serve for a period of one year. Said~~



**CACHE COUNTY  
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~~committees may be reappointed upon review by the newly elected officers following the annual meeting.~~

~~3. The president shall serve as an ex officio member of all committees.~~

~~B. All appointments to committees by the president shall be confirmed and approved by the majority membership of the board.~~

**2.52.070: ANNUAL MEETING**

~~There shall be an annual meeting of the members of the organization, at which time the preceding year's activity shall be reviewed. Election of new board members by vote will take place at the annual meeting. Election of board officers shall take place immediately following the annual meeting.~~

**2.52.080: AMENDMENTS AND BYLAWS**

~~A. This constitution may be amended upon recommendation from the Cache County senior citizens board the Cache County council. Upon approval of the Cache County council, the commission may adopt an ordinance, making such amendments as approved by the county council.~~

~~B. The membership of the organization may adopt such bylaws as necessary for the operation of the organization upon the approval of the county.~~

**2.52.090: BUDGET**

~~A. A budget may be established annually by the county council, upon recommendation of the Cache County senior citizens board; it being the desire of all concerned that this Cache County senior citizens board be subject to the control and supervision of the Cache County council.~~

~~B. Monies collected and expended shall be accounted for annually by the Cache County senior citizens board and shall be audited by the county auditor before approval of the succeeding year's budget.~~

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