

Approved

COUNCIL MEETING

MINUTES

24 October 2000

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Council Meeting
24 October 2000

CACHE COUNTY COUNCIL MEETING MINUTES 24 October 2000

The Cache County Council met in a regular session on 24 October 2000 in the Cache County Council Chamber, 120 North 100 West, Logan, Utah 84321.

ATTENDANCE

Council Chairman: Darrel L. Gibbons

Council Vice-chairman: H. Craig Petersen

Council Members: C. Larry Anhder, Layne M. Beck, Guy Ray Pulsipher, Sarah Ann Skanchy, Cory Yeates

Executive: M. Lynn Lemon

Cache County Clerk: Daryl R. Downs

The following individuals were also in attendance: Pat Parker, Scott Wyatt, Jim Smith, Michael Gleed, Bobbie Coray, Chris Coray, Tamra Stones, Loye Painter, Robert Sidwell, Derle Thorpe, Ann Edwards, Farrell Edwards, Douglas Jensen, Carolyn Hobbs, Lamar Clements, Mark Teuscher, Kathy Robison, Mike Weibel, Jenny Christensen (KVNU), Jeremiah Stettler (Herald Journal).

CALL TO ORDER

Chairman Gibbons called the meeting to order at 5:00 p.m.

INVOCATION

Council member Sarah Ann Skanchy offered the invocation.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as written.

REVIEW AND APPROVAL OF MINUTES

The minutes were approved as amended.

REPORT OF THE EXECUTIVE

Lemon said Bobbie Coray had told him that someone from Community and Economic Development would be in attendance to visit with the council. At this point in the meeting no one had arrived.

Lemon said the state has approved the new cloud seeding contract.

Lemon gave the warrants to the clerk for filing.

Gibbons asked Lemon if the county-wide telephone survey had been discussed in the last meeting. Lemon said no. Gibbons also asked about the Cache Valley Initiative.

Lemon explained the letter from Chief Deputy Sheriff Mike Stauffer on the Americor Fellows Program. Logan City School District was awarded one individual and the Cache County Sheriff's office was awarded one individual. It is a temporary program that will last one year. It will be included in the 2001 budget if approved. The person will need to be hired by November 1st of this year.

Skanchy made a motion to approve the Americor Promise Fellow position with the understanding that the Sheriff's office pay the local match for the remainder of this year. Petersen seconded the motion.

The program will affect next year's budget also. Lemon asked if the council wanted to wait until they had discussed next year's budget. Skanchy agreed to withdraw her motion until after the budget discussion.

Attachment 1

Budgetary Matters

Intra-departmental Budget Transfers

The Assessor asked for a transfer of \$3,000 for ARC INFO software to perform GIS functions.

Skanchy requested that \$2000 be transferred into the Professional and Technical Fund from the Miscellaneous Services Fund at the Airport. These funds will be used to pay for the Kingdom Business Services bill.

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Skanchy moved that the council accept the proposed transfers. Yeates seconded the motion, and it passed 7-0.

Attachments 2 and 3

PENDING ACTION

ORDINANCE 2000-14, AN ORDINANCE AMENDING NO. 94-14 WHICH ESTABLISHED AN ACCIDENT REVIEW BOARD AND AMENDING REVIEW POLICY AND PROCEDURE.

Skanchy had this ordinance tabled at the last council meeting so that she might review appropriate changes she felt necessary with Jim Smith from Human Resources. The amended version is before the council at this time. She noted the ordinance amends the 94-14 version and meets the current requirements of the insurance mutual. The other change is under section 2b. This would require that the County Executive have an accident report forwarded to him when an accident occurs.

Skanchy moved that the council approve Ordinance 2000-14. Beck seconded the motion, and it passed 7-0.

ORD 2000-14	ANHDER	BECK	GIBBONS	PETERSEN	PULSIPHER	SKANCHY	YEATES	votes cast
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								
ABSENT								

Attachment 4

ORDINANCE 2000-15, AN ORDINANCE GRANTING TO BEAR LAKE COMMUNICATIONS, INC., ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR A TELEPHONE SYSTEM, LINES, STATIONS AND ACCESSORIES.

Yeates moved that the council approve Ordinance 2000-15. Anhder seconded the motion, and it passed 7-0.

ORD 2000-15	ANHDER	BECK	GIBBONS	PETERSEN	PULSIPHER	SKANCHY	YEATES	votes cast
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								
ABSENT								

Attachment 5

ORDINANCE 2000-16, AN ORDINANCE ADOPTING THE CACHE COUNTY SUBDIVISION ORDINANCE, AND REPEALING CHAPTER 20 OF THE CACHE COUNTY LAND USE ORDINANCE, NO. 90-15, PERTAINING TO "SUBDIVISIONS".

Beck read the letter from the Cache Chamber of Commerce which expressed a concern about the different regulations governing minor and major subdivisions. The water requirements were particularly noted as a concern.

Attachment 6

Anhder moved that the council approve Ordinance 2000-16 with the following change. That the water requirements for minor subdivisions be exactly the same as those listed for major subdivisions. Yeates seconded the motion.

Yeates asked about the need for neighbor notification when someone is doing a lot split. He said the current provisions would have this process handled internally. Anhder agreed there should be some notification. Anhder said the problem with lot splits is the variability of sizes and conditions under which they occur. Anhder also wondered if controversial splits could be referred to the planning commission.

Lemon said the planning commission voted 5-2 against requiring water for minor subdivisions and lot splits. Lemon said there was a concern people would be prevented from being able to split their own property unless they had water for it. Lemon suggested that not all people may want or need water for their land when they initiate a lot split.

Anhder said new homeowners may assume water is available when in fact it may not be. Anhder said the general consensus on the county-wide plan was to encourage development in the cities and discourage it in the outlying areas. Anhder thinks it makes good sense to ensure that water is available. Anhder thought it might be appropriate to consider the differences between a large division such as the sale of a large farm property for agricultural purposes and a smaller acre property that is being divided in two lots.

Pulsipher thinks the council needs to look out for the interests of the citizens and the rights relating to their lands.

Petersen asked Anhder to restate his proposed change to the ordinance. Anhder said it was that minor subdivisions and lot splits have the same water requirements as major subdivisions. Anhder amended the original motion to reconsider the lot split for agricultural purposes.

Teuscher said any division greater than 5.5 acres is exempt from the subdivision process.

Teuscher said the current policy proposed by the ordinance for lot splits and minor subdivisions is that there is no water requirement to be reviewed by the planning commission or approved by the council. The major subdivision requires an approved well permit from the state engineer's office be made available for the subdivision to continue. It also prohibits the hauling of water into major subdivisions.

Teuscher said current code requires that developers of minor and major subdivisions have filed an application for a well with the State Engineer. With the current changes the major subdivision is more restrictive and the minor and lot splits are less restrictive. Teuscher said Anhder's change doesn't alter it that much, but it creates a more cumbersome process for the applicant. Teuscher thinks it does make more restrictions. Teuscher and Greenhalgh both are in favor of Anhder's view. Lemon said the planning commission does not agree. They want it to be less restrictive.

Lamar Clements said the planning commission wanted to give the new buyer the option of buying the land dry. He did not want to give the false appearance of water being available. Lamar said that after September 1999 if you do a division you do not get a permit for any of the parcels. Anhder disagreed with Clements. He said you are guaranteed one well-permit.

Anhder's motion would require an approved application from the State Engineer. It would not be enough to have just made application for a permit.

Lemon is concerned people will be restricted from dividing their property. Teuscher said that subdivision is only a process. It is the zoning uses that determine the requirements. Teuscher said that in the subdivision process the use of the land is not a relevant issue. Petersen said that under Anhder's proposed amendment a person who wanted to divide a parcel to put horses on would be required to have an approved application from the State Engineer. Teuscher agreed, but said they would not be required to drill a well.

Gibbons asked why a person's hands should be tied by the subdivision process if they do not have a use that requires water.

Anhder asked if deleting the lot split from his amendment would solve the problem.

Skanchy asked if notice on the plat is sufficient notice that a lot is dry. Teuscher did not know the answer to the question.

Beck said the issue could be dealt with when they do the zoning clearance or use permit approval process. Anhder said the general plan needs to be revised to match their policies. He said that philosophically they have stated they want to discourage development in the unincorporated areas and to encourage development in the incorporated areas. Making the process more difficult in the unincorporated areas will help discourage growth. He said a developer in the city must provide water when developing property.

Skanchy asked Teuscher to explain what the meaning of Section 1A.1 is as it relates to having available water. Apparently, the zoning office accepts an approved well application as proof of water availability. They have not, to date, ever had a dry well.

Petersen asked that individuals affected by the process be given an opportunity to speak.

Bob Sidwell asked if this would affect the Riverbirch PUD. Teuscher said this group could go forward. The FR40 to PUD zone is not affected in this case.

Gleed said the Recorder's office cannot ensure the requirements have been met from the deed. He has a problem with the language in Section 800-5. He said the wording "may ensure" might be more applicable.

Anhder said there is a disagreement about the responsibility of the Recorder to ensure that requirements have been met. Anhder said there are people who feel the recorder should not record any change to a deed until it has met with the approval of some governing body. Anhder said the Recorder maintains that it is not within his authority to make such decisions. Rather, the Recorder should record everything that he is presented. Anhder suggested it is the council's role to establish the laws under which the Recorder would operate.

Teuscher said the certificate of approval was passed by the state this year. Teuscher said that as with building permits, the Recorder could provide a standard certificate that would need to be completed and approved by the appropriate entity before being given to the Recorder. Gleed said that using the approval certificate has not been an actual practice in the cities. He thinks Anhder's proposal would require a great deal of research and new laws. Gleed said the place to answer the question is when people go to the building inspection office to get a permit. The zoning office could then determine if they have met the requirements to proceed. Gleed thinks it is impractical to try and have the Recorder do this.

Gleed said there is no law that says the validity of a document is related to its having been approved by a zoning office or a city administrator.

Anhder asked Teuscher about the specifics of a recorded plat. A recorded plat has gone through a number of steps of approval. A recorded plat has gone through a subdivision process, a recommendation from the planning commission, the city or county approval process, the signatures of the appropriate leaders of approving jurisdictions, and has been recorded in the Recorder's office.

Gibbons asked what would happen if they struck the last paragraph in 800-5. Teuscher suggested they could change the wording to say the zoning administrator would ensure the requirements have been met. Gleed said it simply would not work. The recorder does not ask those questions of individuals. When the recorder records a deed, the person who has purchased property must live with the zoning or other requirements that control the property or work to get them amended.

Petersen moved to amend Anhder's motion to strike the last paragraph of 800-5. Pulsipher seconded the motion, and it passed 7-0.

The council discussed some of the challenges faced by individuals who purchase restricted lots. Beck noted that financial institutions have an interest in making sure all of the requirements are met before they lend money on any parcel. It was also noted that the title companies should be performing these checks in advance of property being bought or sold. Sometimes property owners do not know they own a parcel that is illegal or restricted. Teuscher said adjustments can be made to these lots if the process is followed.

Ann Skanchy asked Teuscher if the process listed in 800-5 was different from those listed in 800-1 through 800-4 which went through the county council. Teuscher said it was a different situation. He noted the case of adjusting a lot line by one foot when a fence is located along the wrong boundary. He thinks these situations would occur more in a city than in the unincorporated area.

Anhder restated his original motion. He moved for approval of the subdivision ordinance 2000-16 with the exception that minor subdivisions have the same water requirements as major subdivisions and including Petersen's amendment to strike the last paragraph of 800-5.

Yeates amended Anhder's motion to require notification for a simple lot split. Anhder seconded the motion. The notification amendment to Anhder's original motion failed 5-2. Yeates and Anhder voted in favor.

The council then voted on Anhder's original motion for approval of the Ordinance 2000-16 with the exception that minor subdivisions have the same water requirements as major subdivisions and including Petersen's amendment to strike the last paragraph of 800-5.

Gibbons, Peterson, and Beck voted no. Anhder, Yeates, Pulsipher and Skanchy voted yes.

Motion carried as amended 4-3.

ORD 2000-16	ANHDER	BECK	GIBBONS	PETERSEN	PULSIPHER	SKANCHY	YEATES	votes cast
AYE	X				X	X	X	4
NAY		X	X	X				3
ABSTAINED								
ABSENT								

Attachment 7

**RESOLUTION 2000-34, A RESOLUTION ADOPTING THE CACHE COUNTY
SUBDIVISION DESIGN AND CONSTRUCTION REQUIREMENTS**

Skanchy motioned to approve 2000-34 and Anhder seconded the motion, and it passed 7-0.

R 2000-34	ANHDER	BECK	GIBBONS	PETERSEN	PULSIPHER	SKANCHY	YEATES	votes cast
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								
ABSENT								

Attachment 8

Discussion-Selection Committee to Study Consolidation of Offices

Gibbons noted the discussion of an Ordinance for Consolidating offices had been tabled at the previous council meeting. The new discussion is to determine if there is an interest in selecting a committee to consider the issue of consolidation.

Yeates asked about some of the individuals who had been listed for the committee. Gibbons said the two individuals he had recommended were on the original committee that provided the input for the new form of county government. They were not on a consolidation committee at a prior time. Yeates wanted to make sure that individuals selected should have no preconceived notions. He wants to be sure that any decision made is in the best interest of the county. Petersen said whatever the situation, in the absence of an identifiable problem, he would be opposed to even considering the issue.

Anhder reminded Petersen that it was his suggestion that a committee be created to study the issue. Petersen said he did so in an effort to prevent any action from taking place in the previous meeting when the issue was up for approval or disapproval.

Petersen moved to table the discussion on consolidation. Pulsipher seconded the motion.

Gibbons said he is not opposed to have a committee at least ask the question. He said the council has an obligation to provide the best form of government for the citizens of the county. He said the creation of a committee to discuss is not binding in any way. He said the discussion began when the change in county government occurred in the mid-1980s.

Wyatt suggested the committee could also have a discussion about having a County Attorney and a District Attorney. One would handle the civil issues and one would handle the criminal. This would be a de-consolidation of offices. Wyatt felt this might be an appropriate time to discuss this issue as well.

Skanchy said there are a variety of issues that could be considered in relation to this issue and the benefits or detriments of such a decision. The formation of a public works department might also be considered. She thinks there are a many things that could be considered to make county government more efficient.

Anhder suggested the idea be put into writing so that the objectives would be clear.

Beck reminded the council that the council had been criticized as recently as 1998 for not consolidating the office of the clerk. Beck said 22 counties in the state have consolidated this office throughout the state.

Petersen said, with the scenario that currently exists in the clerk's office, it may not be an appropriate time to discuss the issue.

Motion to table failed 4-3. Voting against the motion were Anhder, Gibbons, Beck, and Skanchy. Voting for tabling the motion were Petersen, Yeates, and Pulsipher.

Lemon said he had struggled with this issue because as the County Executive he may have to make a final determination on the issue. He said he would have to have a very compelling reason to vote for consolidation. He said the issue is very divisive, and he is not sure that it will solve the problem they are seeking to address. Skanchy asked if he thought going through the study would be spinning the county's wheels. Lemon said it is as Anhder said. If you have a 5-2 vote it wouldn't be spinning your wheels.

He in general thinks it is best to have people voted into office. He admitted the County Executive does not have time to be the Executive and the Surveyor. Gibbons said that if you

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created a public works department the Executive would not have to perform all of those tasks. Lemon thinks it is better to let the people vote the individuals in or out of office.

Anhder suggested it be brought up on a future agenda. Petersen seconded the motion, and it passed 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

Intersection at 11th South in Brigham City.

Lemon said the Box Elder County Commission wanted the Cache County Council writing a letter opposing the interchange. Gibbons said he thinks the Box Elder County Commissioners think it would hurt their downtown's viability.

Anhder moved to write a letter opposing the interchange. Pulsipher seconded the motion, and it passed 7-0.

Skanchy said the letter should be signed by Gibbons and Lemon.

TV Translator Survey

Channel Twelve has offered to give Lemon \$7,000. They wanted to do a survey about expanding their coverage area. They proposed splitting the cost of a survey with the county. Lemon is interested in a survey that would answer questions about the translator and relocating it to Clarkston peak. He said Channel 12 is now interested in doing a much diminished survey, which would increase the county's cost of the survey. He is not currently supportive based on the increased costs. Lemon is still interested in determining how much interest there is in upgrading the county's television translator facilities.

Skanchy asked how usage of the antennae could be measured. Pulsipher said the small satellite dishes have diminished the need. The calls have not been as frequent when the translator goes down as they have been in the past. The clerk said for those individuals who choose not to pay for cable or satellite and who want to watch local news or public television the translator fulfills an important function.

Beck asked Lemon if anyone from Sun Remarketing had talked with Lemon. They have a digital signal that can apparently be used for local programming at a lower cost than satellite or cable. They told Beck they thought they could provide service at a more competitive rate.

The council decided not to participate with Channel 12 at this point on the survey.

Election Judges List Approved

Gibbons entertained a motion to approve the list of Election Judges.

Skanchy moved to approve the list. Anhder seconded the motion, and it passed 7-0.

2001 Tentative Budget

Lemon said he did not have a tentative budget prepared for the council. He would like to have the council give input into the process and have a balanced budget to the council for the 14 November 2000 meeting. Lemon said last year the revenues were pushed more than they should have been. He indicated revenues were lower than budgeted for. In general, Lemon said revenues were down by about 1 million dollars. This creates some very serious issues for the county's budget. About 800,000 was put into the fund balance. Lemon said he hopes they will not spend everything that has been budgeted for. He did say it is possible that the county may not have revenues to cover expenses for the year 2000. Lemon does think the sales tax projection will be met.

One of the major costs will be the dramatic increase in benefits costs. Lemon says benefits have also been included in addition to the percentage raise given to employees. Five new jail employees were added. Revenues were diminished because of Smithfield's decision to create a its own Smithfield Police Department.

Currently, the county is out of balance by about 1.9 million. Lemon said even if they cut \$800,000 they will still be short. The new budget has included a 6% increase at the recommendation of the Employee Compensation Committee. This would amount to about \$360,000. Costs for gas have increased significantly. Cutting new employees would reduce the amount.

Lemon mentioned he had spoken with Mayor Thompson about the ambulance service. The county needs to budget at least 6 months worth of money. The ambulance agreement was canceled in June of 2000 but takes at least 6 months to conclude. Lemon said the issue of a private provider who can provide service at no cost to the county is still a consideration. He does think the county needs to meet its ambulance responsibilities. Lemon said Logan needs to meet its responsibility with Class B and C misdemeanor prisoner housing costs.

Lemon said he is always very philosophically opposed to a tax increase, but that if one is required it needs to be advertised by 15 November 2000. He did say that without a tax increase the county may be required to have a reduction in force.

Anhder said this needs to be done consistently and not in one lump tax sum. This creates a hurtful situation when taxes do need to be increased. He thinks taxes need to be increased

continually to keep up with inflation. He said trying to catch up becomes hurtful because they have not adjusted taxes incrementally. Anhder said it is not a tax increase to stay even with inflation.

Skanchy asked if a spending freeze would be appropriate for the last two months of the year. She wondered if any major purchases could be delayed. Stones said if departments don't pay them this year they will be purchased in the next year.

Lemon said some of the grants are coming to an end and these officers will now need to be funded by the county. Benefits costs have skyrocketed, and the county lost revenue when Smithfield withdrew its contract with the Sheriff's department.

Gibbons asked if any money had been appropriated for the new administration building. Gibbons feels the new administration building needs to be a high priority. Lemon said 2.7 million has been set aside for the administration building. He is hopeful a large share of money from the fund balance can be set also aside for the building. Gibbons thinks this building cannot continue to be pushed into the future.

Lemon said the jail may force the issue for a new facility. Beck thinks the county is still at least two years away from a new facility.

Skanchy asked if the employees needed to bear a larger share of the benefits costs. Lemon said our benefits are not at the top of the benefits list as compared to other counties. Skanchy thinks this may need to be considered. The PEHP benefit cost increased by 20% this year.

Petersen asked if the county had the option to get out of PEHP. Petersen said he thinks there may be a better alternative.

Gibbons asked Lemon if he could present a balance budget without a tax increase and one with a tax increase that would meet all of the obligations in the county. Lemon said that in meetings with department heads, which will follow, it will be possible to cut some costs.

UAC Convention

Council Reports

Skanchy noted the council needed to consider how they would replace her in her current assignments after the end of the year. She sits on the Department of Workforce Services Regional Council and thinks it would be important for someone to continue this assignment as well as her assignment on SHOCAT. She will continue on the Airport Authority Board for another year. Lemon said Ann had been a very important person on the UAC Insurance Mutual

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Board.

Pulsipher mentioned the offer of a funding match for certain Weed Department costs with the Extension Office had been extended to the county.

Beck said the press had indicated that it had narrowed its sights for a new landfill to about ten new sites.

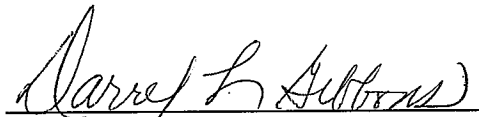
Anhder said the Water Policy Advisory Board is meeting on November 21. There will be a presentation on the Hyrum Dam.

Lemon said the accountant and secretarial position in the auditor's office are being considered as a combined single position.

Meeting adjourned 7:17 p.m.



Daryl R. Downs
Cache County Clerk



Darrel L. Gibbons
Chairman, Cache County Council



Cache County Sheriff's Office

52 West 200 North, Logan, UT 84321
Business Phone (435) 752-4103

P.O. Box 3658, Logan, UT 84323-3658
Fax (435) 750-7482

Serving Proudly Since 1857

G. Lynn Nelson, Sheriff
(435) 752-4103

H. Michael Stauffer, Chief Deputy
(435) 750-7408

Robert L. DeGasser, Captain
Emergency Management
(435) 750-7406

Von B. Williamson, Lieutenant
Jail Division
(435) 750-7430

David L. Bennett, Lieutenant
Support Services Division
Investigations
Civil / Courts
(435) 750-7407

Kim Cheshire, Lieutenant
Patrol Division
School Resource
(435) 750-7404

Monday September 11, 2000

M. Lynn Lemon, County Executive
120 North 100 West
Logan, Utah 84321

Dear Lynn:

While you were in Yellowstone earlier this summer backpacking, the Sheriff's Office applied for a grant. As usual, we were under the gun on a time line, and Jim Smith signed in your absence in order for us to get the application in by the deadline. I believe that either Jim or I briefed you verbally on the grant when you came back to work. There was, however, probably never any paperwork that you saw and I thought it may be a good idea to provide you, Tamra and Scott with this executive summary of what the grant is. We have not, as yet, been awarded the grant but I suspect we probably will in the next few weeks.

The grant is designed to hire civilian personnel to do clerical and administrative type functions so that sworn deputies can be freed up to perform law enforcement duties. The grant is a 75% federal 25% local match and funding is in place for one year and the grant may be renewed for two additional years. We applied for a full-time secretary for the Investigation Division and a full-time booking clerk for the jail, both of which were easy to justify. The local match for each one of these positions was \$7879 each year, the federal match was \$23637. This included both wage and benefits.

If you have other questions about this grant, please call me at 750-7408.

Sincerely,

G. Lynn Nelson, Sheriff

A handwritten signature in black ink that reads "H. Michael Stauffer".

H. Michael Stauffer, Chief Deputy Sheriff

ENTERED

11-16-00
922

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Assessor
DATE: 17-Oct-00

Amount to be transferred -- (rounded to the nearest dollar) \$3,000.00

Transfer From ---
Line Item No. : 10-4146-310
Fund Designation: Prof & Tech

Original Budget:	<u>\$8,500.00</u>
Current Budget:	<u>\$8,500.00</u>
Expenditures to date:	<u>\$1,000.00</u>
Balance before transfer:	<u>\$7,500.00</u>
Balance after Transfer:	<u>\$4,500.00</u>

Transfer To ---
Line Item No. : 10-4146-311
Fund Designation: Software

Original Budget:	<u>\$0.00</u>
Current Budget:	<u>\$0.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$0.00</u>
Balance after Transfer:	<u>\$3,000.00</u>

Description of needs and purpose of transfer ---
To renew ARCINFO License for GIS purposes.

Kathleen P. Howell
Department Head

Recommendation: [] Approval [] Disapproval
Comments:

Date: 10/17/2000

James Stones
Cache County Auditor

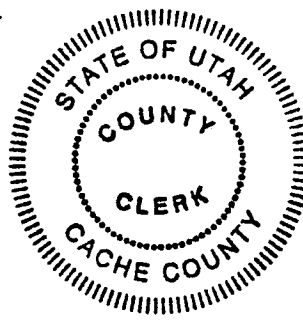
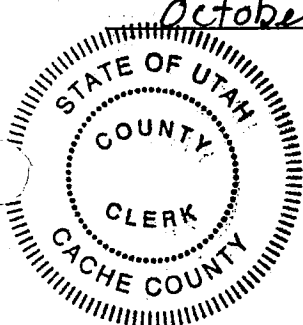
Recommendation: [] Approval [] Disapproval
Comments:

Date: 10/17/2000

M. [Signature]
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 24th day of October, 2000.

Wayne R. [Signature]
Cache County Clerk



REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

Department: Airport
 Date: October 23, 2000

Amount to be transferred --- (rounded to the nearest dollar) \$ 2,000.00

Transfer from ---

Line Item No. <u>77 - 4460 - 620</u>		
Fund Designation: <u>Misc. Services</u>		
Original Budget:	\$ <u>23,600.00</u>	\$ _____
Current Budget:	\$ <u>23,600.00</u>	\$ _____
Expenditures to date	\$ <u>200.17</u>	\$ _____
Balance before transfer	\$ <u>23,399.83</u>	\$ _____
Balance after transfer	\$ <u>21,299.83</u>	\$ _____

Transfer to ---

Line Item No. <u>77 - 4460 - 310</u>		
Fund Designation: <u>Prof. & Technical</u>		
Original Budget:	\$ <u>4,000.00</u>	\$ _____
Current Budget:	\$ <u>4,000.00</u>	\$ _____
Expenditures to date	\$ <u>2,498.78</u>	\$ _____
Balance before transfer	\$ <u>1,501.22</u>	\$ _____
Balance after transfer	\$ <u>3,501.22</u>	\$ _____

Description of needs and purpose of transfer ---

Funds needed in Professional and Technical to pay Kingdom Business Services
AIP #3-49-0016-12

Sarah Ann Skerby
 Department Head

Recommendation: Approval Disapproval
 Comments:

Date: 10/23/00

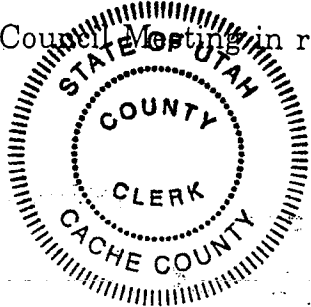
Jamra Stone
 Cache County Auditor

Recommendation: Approval Disapproval
 Comments:

Date: 10/23/2000

M. Bryan Benson
 Cache County Executive

Consented by the Cache County Council Meeting in regular session on the 24th
 day of October, 1995
2000



Wayne R. Brown **3**
 Cache County Clerk

AN ORDINANCE AMENDING ORDINANCE NO. 94-14 WHICH ESTABLISHED AN ACCIDENT REVIEW BOARD AND AMENDING REVIEW POLICY AND PROCEDURE.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which had been given, finds that it is reasonable, appropriate and in the best interest of the County that an Accident Review Board (ARB) be established and an Accident Review Policy and Procedure be created with respect to accidents involving county motor vehicles and county employees.

Now, therefore the Cache County Council ORDAINS as follows:

Section 1. Establishment of Accident Review Board

- (a) There is hereby established an Accident Review Board for Cache County.
- (b) The Accident Review Board shall consist of:
 - 1. The Cache County Attorney or his designee.
 - 2. The Cache County Sheriff or his designee.
 - 3. The Cache County Personnel Director or his designee.
 - 4. A County employee from a department not involved in the accident who is designated by the County Executive.
- (c) The Accident Review Board shall review each accident involving a county employee in a county vehicle or a personal vehicle used for county business. The ARB shall submit a report of its findings, conclusions, and recommendations to the Cache County Executive, the employee involved, and to the department head of the employee involved in the accident.
- (d) Upon the request of the department head of any employee involved in an accident, or of the County Executive, non-vehicular accidents may also be referred to the Accident Review Board for review.

Section 2. Report of Accident

- (a) Any county employee involved in an accident involving a county vehicle shall immediately report the accident to the appropriate local police department, sheriff's office, or highway patrol in compliance with statutory requirements for reporting accidents.

The employee, employee's supervisor, and the employee's department head shall cooperate fully with the investigating officers.

- (b) Each county employee involved in an accident with a county vehicle, or while driving a personal vehicle on county business, shall submit a signed and detailed report of the accident to the employee's supervisor or department head on forms supplied by the county. The supervisor or department head shall retain a copy of the employee's report for the department files and shall forward the original report to the County's Risk Manager, with a copy to the County Executive.
- (c) The accident shall be investigated immediately by the supervisor or department head of the employee involved in an accident. Said supervisor or department head shall submit a report of that investigation together with any accompanying documents or exhibits to the County Risk Manager within 48 hours of the accident if it is a non-injury or non-fatal accident or within 24 hours if an injury or fatality occurs.
- (d) The County's Risk Manager will compile all reports, available documents and evidence and submit the accident file to the Accident Review Board for its review.
- (e) The County Executive shall report the accident to the County's motor vehicle and general liability insurer in accordance with policy requirements.

Section 3. Review By The Board

The Accident Review Board shall review and evaluate the accident, taking into consideration any and all of the following information or items:

- (a) Reports of the employee, the employee's supervisor, the employee's department head, and investigating officer(s);
- (b) Maintenance records of the vehicle or other available information concerning the vehicle and its condition both before and after the accident;
- (c) Estimate prepared by the Road Department or other competent sources for the cost of repair to the vehicle;
- (d) The employee's driver's license and driving record;
- (e) Diagrams, photographs, and other evidence relating to the accident;
- (f) Statements or testimonies of witnesses to the accident including the other driver or passengers;

- (g) Other tests, reports or documents and information relating to the accident;
- (h) Applicable state and local laws; and
- (i) All circumstances relating to the accident such as location, time, traffic levels, and other contributing factors.

Section 4. Findings By The Board

The Accident Review Board shall make findings, as far as reasonably possible, of the cause of the accident and whether the accident was preventable. For the purpose of this ordinance, a "preventable accident" is an accident in which the driver failed to exercise reasonable precaution to prevent the accident.

Section 5. Written Report By The Board

- (a) The Accident Review Board shall prepare a written report of its findings, conclusions, and recommendations for corrective or other appropriate action.
- (b) Copies of the report shall be submitted by the Board to the employee's department head, the Personnel Department for placement in the employee's personnel file, the employee, and the Cache County Risk Management Committee.

Section 6. Department Head Responsibility

The department head shall review the Accident Review Board's report. If the report includes recommendations for corrective or other actions, the department head shall implement those corrective measures and take such appropriate actions.

Section 7. Disciplinary Action

If the accident involved the violation of any established county policy by either the employee, the employee's supervisor, or the employee's department head, and such policies pertain to the prevention of injuries in accidents and to the incurring of liability, corrective disciplinary action shall be taken as soon as practical and in accordance with the procedures set forth in the *Cache County Personnel Policies and Procedures Manual*.

Section 8. The Review Process

- (a) In the event the employee, employee's supervisor, or the employee's department head objects to or disagrees with findings, conclusions, and

recommendations of the Accident Review Board or with any corrective or other action taken by the employee's supervisor or department head, he or she may request the County Risk Management Committee to review the findings, conclusions and recommendations of the Accident Review Board.

- (b) The request for the Risk Management Committee review must be in writing and filed with the County Risk Manager within ten (10) working days of the date on which the requesting employee's supervisor, or his department head is provided with a copy of the report of the Accident Review Board.
- (c) The County Risk Management Committee shall review the report and make recommendations as they deem reasonable and appropriate. In the event the employee, employee's supervisor, or the employee's department head objects to or disagrees with the recommendations of the Risk Management Committee, he or she may request the County Executive to review the recommendations of the Risk Management Committee.
- (d) The request for an Executive review must be in writing and filed with the County Executive within ten (10) working days of the date on which the requesting employee's supervisor, or his department head is provided with a copy of the recommendations of the Risk Management Committee.
- (e) The County Executive shall review the report and make written recommendations as he deems reasonable and appropriate. The recommendations by the County Executive shall constitute the final decision.

Section 9. Records, Classification

- (a) All documents relevant to the accident submitted to the Accident Review Board, the Risk Management Committee, or the County Executive, shall be classified in accordance with applicable provisions of the Government Records Access and Management Act and the Cache County Records Access and Management Ordinance.
- (b) Access to these records shall be granted strictly in compliance with the provisions of the Government Records Access and Management Act and the Cache County Records Access and Management Ordinance.

Section 10. Repealer

All ordinances, resolutions, policies, or any parts thereof, specifically in conflict with any provisions of this ordinance are hereby repealed and superseded by this ordinance to the extent of such conflict.

Section 11. Effective Date

This ordinance shall take effect immediately upon adoption and publication in the manner provided by law.

This ordinance was adopted by the Cache County Council on the 24th day of October, 2000, upon the following vote:

Council Member	In Favor	Opposed	Abstain	Absent
Pulsipher	X			
Anhder	X			
Petersen	X			
Yeates	X			
Beck	X			
Skanchy	X			
Gibbons	X			
Totals	7	0		

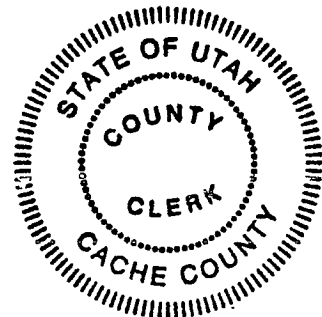
Cache County Council

By: *Darrell L. Gibbons*
Darrell L. Gibbons, Chair

Attested By:

Daryl R. Downs
Daryl Downs
Cache County Clerk

Publication Date: _____



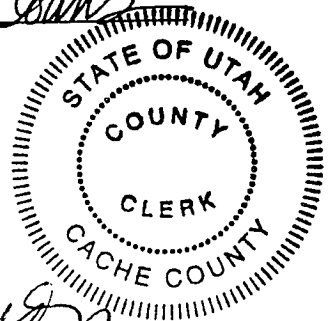
ORDINANCE ACTION = ORDINANCE NUMBER 2000-14

PRESENTATION TO THE COUNTY EXECUTIVE:

Ordinance number 2000-14, adopted by the Cache County Council on the 24th day of October 2000, is herewith presented to the Cache County Executive for approval or disapproval. The County Executive shall notify the County Clerk of his approval or disapproval on or before the 24th day of November 2000. If the County Executive disapproves, he shall submit a written statement of his objections with the notice of disapproval.

Submitted this 9th day of November 2000.

Daryl R. Downs
Daryl R. Downs
Cache County Clerk



Action of County Executive:

Ordinance number 2000-14 is hereby

Approved
 Disapproved (written statement of objection attached)

Dated this 9 day of November 2000.

M. Lynn Lemmon
M. Lynn Lemmon
Cache County Executive

Notice of Non-action:

Ordinance number 2000-14 was presented to the Cache County Executive on the _____ day of _____ 2000 and was neither approved nor disapproved by him within 15 days after presentation to him. Therefore, the ordinance has been recorded, published, and is in full force and effect as of this _____ day of _____ 2000.

Daryl R. Downs
Cache County Clerk

Ordinance History:

Date adopted by County Council _____
Date presented to the County Executive _____
Date approved/disapproved by County Executive _____

Action by Council upon return:

_____ Disapproval overridden _____

_____ Disapproval sustained _____

Date 15 day period ended _____
Date of publication or notice _____
Effective date of ordinance _____
Date filed in County Clerk's office _____

CACHE COUNTY
ORDINANCE NO. 2000 - 15

**AN ORDINANCE GRANTING TO BEAR LAKE
COMMUNICATIONS, INC., ITS SUCCESSORS AND
ASSIGNS, A FRANCHISE FOR A TELEPHONE SYSTEM,
LINES, STATIONS AND ACCESSORIES.**

THE COUNTY COUNCIL OF THE COUNTY OF CACHE, in a regular meeting, lawful notice of which has been given, finds that the following franchise should be granted; and, therefore, ordains as follows:

SECTION 1. TELEPHONE FRANCHISE GRANTED TO BEAR LAKE
COMMUNICATIONS.

(a) Authority for Grant. The County of Cache (the "County"), pursuant to the authority of Article I, Section 23 of the Constitution of the State of Utah, and consistent with the statutes of the United States and the State of Utah, hereby grants a non-exclusive franchise (the "Franchise") to Bear Lake Communications ("Bear Lake Communications" or "Grantee"), a Utah corporation, with its principal office in Fairview, Utah, to construct, maintain, operate, use and furnish to the public, including governmental, industrial, commercial and individual and all other consumers, a telephone system and all incidental or like facilities for communications, within all present and future highways, streets, public places, alleys and property granted or dedicated to or by the County, extending to above and below ground poles, towers, wires, conduits, telegraph and telephone lines, for the exercise of any power which Bear Lake Communications is authorized by law at the present or in the future to conduct, so long as they are constructed, maintained, erected or operated in such a manner as to constitute the least interference with traffic in and upon such highways, streets and alleys.

(b) Non-exclusive Character and Term of Franchise. The Franchise hereby

granted shall be non-exclusive and shall be for the term of twenty-five (25) years from the date hereof. At the end of that term, additional terms and extensions may be negotiated, upon terms and conditions deemed reasonable to both the County and the Grantee.

SECTION 2. CONSTRUCTION OF FACILITIES.

All facilities constructed shall be established in accordance with lawful activities with respect to telephone, telegraph or communication enterprises, and Bear Lake Communications will comply with all ordinances of the County presently existing or as amended from time to time.

SECTION 3. NON-LIABILITY OF COUNTY FOR ACTS OF GRANTEE.

The County declares that it shall not at any time ever become liable or responsible to any person, firm, corporation or individual for any damage, injury (including loss of life), or loss by reason of the activities of Bear Lake Communications under this Franchise; and Bear Lake Communications hereby indemnifies the County and agrees to hold it harmless against all such liabilities, loss, cost, damage or expense which may be incurred by the County by reason of the exercise or arising out of the implementation of this Ordinance.

SECTION 4. ACCEPTANCE.

Bear Lake Communications, by making application hereunder, shall be presumed to have accepted this Franchise.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect upon publication in the manner provided by §17-53-208, Utah Code Annotated; and all provisions shall be severable, so that if any section, clause or term is held unconstitutional or contrary to law, the void character shall not affect any of the remaining portions of this Ordinance.

PASSED AND APPROVED this 24th day of October, 2000.

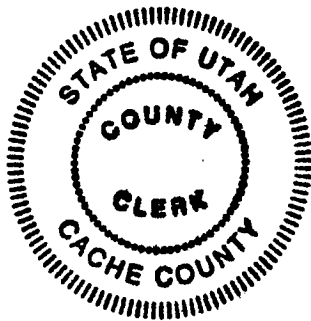
COUNTY OF CACHE

By *Barret L. Gibbons*
Chairman, Cache County Council

ATTEST:

L. Gary R. Jones
County Clerk

(SEAL)



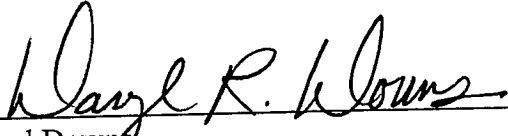
This ordinance was adopted by the Cache County Council on the 24th day of October, 2000, upon the following vote:

	IN FAVOR	AGAINST	ABSTAINED	ABSENT
ANHDER	X			
BECK	X			
GIBBONS	X			
PETERSEN	X			
PULSIPHER	X			
SKANCHY	X			
YEATES	X			
TOTAL	7	0		

CACHE COUNTY COUNCIL

By: _____
Darrel L. Gibbons
Chairman

ATTESTED BY:



Daryl Downs
Cache County Clerk

Publication Date: _____

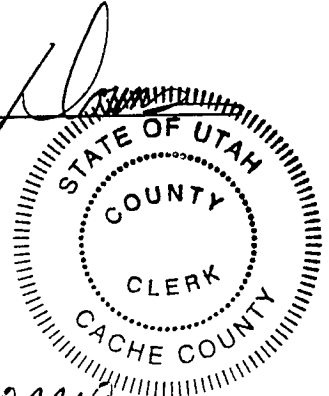
ORDINANCE ACTION = ORDINANCE NUMBER 2000-15

PRESENTATION TO THE COUNTY EXECUTIVE:

Ordinance number 2000-15, adopted by the Cache County Council on the 24th day of October 2000, is herewith presented to the Cache County Executive for approval or disapproval. The County Executive shall notify the County Clerk of his approval or disapproval on or before the 24th day of November 2000. If the County Executive disapproves, he shall submit a written statement of his objections with the notice of disapproval.

Submitted this 9th day of November 2000.

Daryl R. Downs
Daryl R. Downs
Cache County Clerk



Action of County Executive:

Ordinance number 2000-15 is hereby

Approved
 Disapproved (written statement of objection attached)

Dated this 9 day of November 2000.

M. Lynn Lemon
M. Lynn Lemon
Cache County Executive

Notice of Non-action:

Ordinance number 2000-15 was presented to the Cache County Executive on the _____ day of _____ 2000 and was neither approved nor disapproved by him within 15 days after presentation to him. Therefore, the ordinance has been recorded, published, and is in full force and effect as of this _____ day of _____ 2000.

Daryl R. Downs
Cache County Clerk

Ordinance History:

Date adopted by County Council _____
Date presented to the County Executive _____
Date approved/disapproved by County Executive _____

Action by Council upon return:

Disapproval overridden _____

Disapproval sustained _____

Date 15 day period ended _____
Date of publication or notice _____
Effective date of ordinance _____
Date filed in County Clerk's office _____

STATE OF UTAH)
 : ss.
COUNTY OF CACHE)

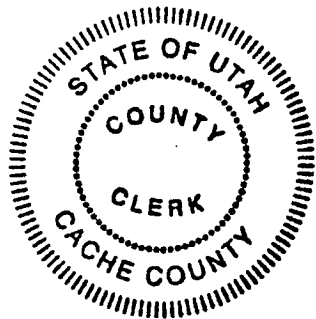
I, Daryl R. Downs, hereby certify that I am the duly appointed, qualified and acting County Clerk of the County of Cache, State of Utah.

I further certify that the above and foregoing constitutes a true and correct copy of the minutes of a meeting of the County Council of said County, including an Ordinance adopted at said meeting held on October 24, 2000, as said minutes and Ordinance are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, this 24th day of October, 2000.

Daryl R. Downs
County Clerk

(SEAL)



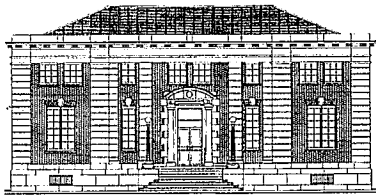
**CACHE COUNTY AGREEMENT
EXECUTION CHECKLIST**

County Agreement No. : 00-54-01

Contracting Parties: Central Utah Pipeline - Bear Lake Comm.
Cache County

- (4) Agreement is complete with all attachments and ready to be executed.
(Initials QUP , Date 9/21/00)
- (5) County Executive's Office has assigned a Contract Agreement Number.
(Initials QUP , Date 9/21/00)
- (X) County Attorney's Office has reviewed the contract and rendered a legal opinion.
(Initials P.N. , Date 28 Sept. 2000)
- (4) Approval of the County Council is required and has been given, or ^{NOT}
- () Approval of the County Council is not required.
(Initials QUP , Date 9/21/00)

Comments (if any): Bear Lake Communications sent us a
proposed ordinance (see attached), I have re-
done it to place it in proper form as an
ordinance.



Cache Chamber of Commerce
160 N. Main Street
Logan, Utah 84321

Tel. 435-752-2161 | 800-882-4433 | Fax 435-753-5825 | ccc@sunrem.com

October 24, 2000

Memo To: *The Cache County Council*

From: *Bobbie Coray, President & CEO, The Cache Chamber of Commerce*

Re: *Cache Subdivision Ordinance*

The Cache Chamber of Commerce strongly favors adopting the proposed subdivision ordinance. However, we have one serious concern, and that is with the proposal that smaller subdivisions be treated in a significantly different manner than larger subdivisions. For example, if a subdivision with five lots or less is proposed it is not necessary that the subdivision have accessible water as long as it can be trucked in.

That logic flies in the face of the stated mission to create subdivisions around city cores, with municipal services. **There will a proliferation of requests for special service districts as residents need to be provided with services that the developer has not provided.**

It also raises the specter of lawsuits against the county by major developers and subdividers who wish to lessen their regulations and for lawsuits by home owners who pay county taxes and who want and expect accessible running water for their homes and may be confused by developers who promise to bring in water and later default.

We would suggest then that you treat all subdivisions in a similar manner, that each needs to meet basic and expected levels of service to the lots.

CACHE COUNTY

ORDINANCE NO. 2000 - 16

AN ORDINANCE ADOPTING THE CACHE COUNTY SUBDIVISION ORDINANCE, AND REPEALING CHAPTER 20 OF THE CACHE COUNTY LAND USE ORDINANCE, NO. 90-15, PERTAINING TO "SUBDIVISIONS".

The Cache County Council, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enact a new subdivision ordinance; and to repeal Chapter 20 of the Cache County Land Use Ordinance, No. 90-15, pertaining to "Subdivisions", accordingly.

Therefore, the Cache County Council ordains as follows:

1. Adoption of the Cache County Subdivision Ordinance.

Pursuant to Utah Code Ann. §§17-27-801, *et seq.*, the Cache County Subdivision Ordinance, attached hereto as Exhibit "A", and incorporated herein by reference, is hereby adopted.

2. Repeal of Chapter 20 of the Cache County Land Use Ordinance, No. 90-15, Pertaining to "Subdivisions".

Chapter 20 of the Cache County Land Use Ordinance, No. 90-15, pertaining to "Subdivisions", is hereby repealed.

3. Effect on the Remaining Provisions of the Cache County Land Use Ordinance, No. 90-15.

With the sole exception of Chapter 20 (repealed as provided in Section 2, above, of this Ordinance), all other provisions of the Cache County Land Use Ordinance, No. 90-15, shall be and remain in full force and effect.

4. Effective Date.

This Ordinance shall become effective immediately upon adoption and publication, in the manner provided by law.

This Ordinance was adopted by the Cache County Council on the 24th day of ~~September~~, 2000, upon the following vote:
October,

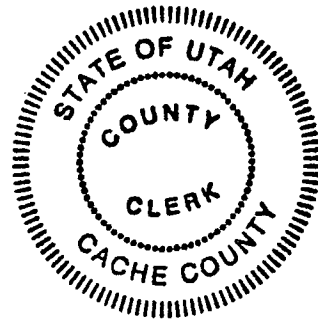
	IN FAVOR	AGAINST	ABSTAINED	ABSENT
ANHDER	X			
BECK		X		
GIBBONS		X		
PETERSEN		X		
PULSIPHER	X			
SKANCHY	X			
YEATES	X			
TOTAL	4	3		

CACHE COUNTY COUNCIL

By: *Darrel L. Gibbons*
 Darrel L. Gibbons
 Chairman

ATTESTED BY:

Daryl R. Downs
 Daryl R. Downs
 Cache County Clerk



Publication Date: _____

CACHE COUNTY

RESOLUTION NO. 2000 - 34

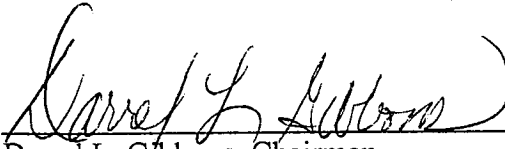
A RESOLUTION ADOPTING THE CACHE COUNTY SUBDIVISION DESIGN AND CONSTRUCTION REQUIREMENTS.

The County Council of Cache County, State of Utah, in a regular meeting, lawful notice of which has been given, finds that, in conjunction with the adoption of the new Cache County Subdivision Ordinance, it is in the best interests of the citizens of Cache County to adopt the following Cache County Subdivision Design and Construction Requirements.


THEREFORE, BE IT RESOLVED BY THE CACHE COUNTY COUNCIL, that the Cache County Subdivision Design and Construction Requirements, which are attached hereto as Exhibit "A", and incorporated herein by reference, are hereby adopted.

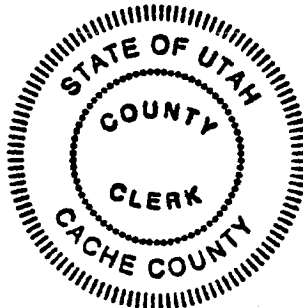
DATED this 24th day of October, 2000.

CACHE COUNTY COUNCIL

By: 
Darrel L. Gibbons, Chairman

ATTEST:


Daryl R. Downs
Cache County Clerk



CACHE COUNTY, UTAH
SUBDIVISION DESIGN AND CONSTRUCTION REQUIREMENTS

SECTION 1. REQUIRED IMPROVEMENTS

The following improvements are required for subdivisions:

A. Culinary Water Supply

1. Culinary water rights and well drilling permits must be appropriated to accommodate the culinary needs of the proposed development.
2. Where no domestic water source is proposed by the subdivider, the words "No domestic water source is proposed" shall appear on the preliminary and final plat.

B. Sewage Disposal

1. The sewage disposal system for the subdivision must be approved in writing by the Bear River District Health Department.
2. If a central public sewage disposal system is not proposed by the subdivider, the words "No public sewage system is proposed" shall appear on the preliminary and final plats.

C. Drainage

1. The subdivider must obtain the written approval of the County Surveyor of the proposed storm water drainage system for the subdivision.
2. No storm water drainage will be allowed to flow from the subdivision to adjacent properties, ditches, canals, or waterways without the prior written permission or recordable drainage easement having been first obtained by the developer from the property owner and/or canal company.
3. No ditch, canal, or waterway shall be used for storm water drainage unless it is adequate to handle such water as might be reasonably expected to flow from the canal, ditch, and waterway itself, subdivision runoff water, and water expected to reach such canal, ditch, or waterway.

Subdivision Design and Construction Requirements

4. Neither Cache County nor any canal company shall be responsible or held liable for any ditch, canal, or other waterway located within property dedicated or to be dedicated for public use.
5. The storm water drainage system shall be separate and independent of the sewage disposal system.
6. The file plans for the storm drainage system shall be prepared by a licensed engineer.
7. If a central storm drainage collection system is used, it shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins and shall be connected to an adequate and approved outfall.

D. Fire Protection

1. Water sources, fire hydrants, and water lines for fire protection shall be provided by the subdivider.
2. Where no public fire protection water source is proposed by the subdivider, the words "No public fire protection water source is proposed" shall appear on the preliminary and final plats.

E. Street Improvements

1. At least ten days prior to the commencement of construction, the subdivider shall furnish to the County Surveyor a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed professional engineer and shall be accompanied by the final plat. The County Surveyor shall, within a reasonable time not to exceed twenty days from the receipt of the plans, notify the subdivider of approval or disapproval, and in case of disapproval, of the reasons therefor. Such plans and profiles shall include:
 - a. The designation of limits of work to be done.
 - b. The location of the bench mark and its true elevation according to county datum, all profiles to be referred to that datum.

Subdivision Design and Construction Requirements

- c. Profiles which indicate the finished and existing grades of the street. Separate profiles, clearly designated, shall be made for each side of the street if required by the County Surveyor.
 - d. Construction plans which include the details of curb and gutter and street cross-sections, location and elevation of manholes, catch basins, and storm sewers, location of fire hydrants, and any other detail necessary to simplify construction.
 - e. Complete data for field layout and office checking.
 - f. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to insure drainage of intersections.
 - g. The street address of the project.
2. Grades of streets shall not be in excess of eight percent.
 3. All streets within the county shall be improved with pavements bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules, and regulations adopted by the County Council except for rural roads.
 4. Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the County Council.
 5. Curbs and gutters on all urban streets shall be concrete of the standard high-back type unit, not less than two feet six inches in overall width, and not less than seven inches thick where the curb abuts the street pavement.
 6. Permanent markers shall be placed on the top back of the curb at prolongation of each front property corner by the developer.
 7. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the developer's engineer and approved by the County Surveyor.

Subdivision Design and Construction Requirements

8. All curb corners shall have a radius of not less than twenty feet, and at intersections involving collector or major streets, of not less than twenty-five feet.
9. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission. New streets must connect with existing public streets.
10. When subdivisions front on unimproved county roads, one-half of the width of such road shall be improved to the same standards as described in 20-5.
11. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees.
12. Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the County Fire Department.
13. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage, or ditch companies as to:
 - a. Methods of covering, realigning, or eliminating ditches or canals within or adjoining the subdivision.
 - b. The size of pipe and culverts required.
 - c. The responsibility for the periodic inspection, cleaning, and maintenance of such ditches, pipes, and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the County Surveyor.
14. The subdivider shall install a six-foot, non-climbable chain link fence, or its equivalent, in conformance with the standards and rules and regulations adopted as provided in Section 6-1 along all open ditches, canals, or waterways, non-access streets, open reservoirs or bodies of water, railroad rights-of-way, and other such features of potentially hazardous nature, on, crossing, or contiguous to the property being subdivided, excepting those

Subdivision Design and Construction Requirements

features which the Planning Commission shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public.

15. The subdivider shall install curbs, gutters, and sidewalks on existing and proposed urban streets in all subdivisions, except on the rear of such lots as back on major streets not permitted access to such streets.
16. Street name signs conforming to the design and specifications and in the number provided by the standards, rules, and regulations of the county shall be provided by the developer at all street intersections. Installation shall be made by the county to insure uniformity.

F. Exceptions for Minor Subdivisions. For minor subdivisions, the Planning Commission may grant exceptions to the required improvements as follows:

1. Developers of minor subdivisions adjacent to substandard county roads shall dedicate additional right-of-way and improve the adjacent one-half width of said road to conform to county standards. In special situations, the developer may be required to improve the road to the nearest improved collector street. Construction of road improvements shall be in accordance with plans prepared by a registered civil engineer.
2. The Planning Commission may waive any requirements as to the construction of roads which are not dedicated and are interior provided that all such roads shall be shown on the final plat and accompanied with the words "This road is not dedicated" and "No public maintenance of this road."
3. The Planning Commission may waive the requirements for curbs, gutters, sidewalks, central sewage disposal systems, and central storm drainage water systems on presentation of approved alternate plans.

SECTION 2. PERFORMANCE SURETY OR BOND

- A. The subdivider may, in lieu of the actual completion of the improvements required, file with the County Clerk:
 1. A surety or cash bond payable to Cache County in an amount at least double the amount of the value of any proposed improvements as estimated by the County Surveyor; or

Subdivision Design and Construction Requirements

2. A contract, approved by the County Attorney and County Council, which assures that adequate guarantees or arrangements have been made to guarantee the installation and completion of the proposed subdivision improvements.
- B. The surety or cash bond shall be:
1. Conditioned upon payment by the subdivider of all expenses incurred for labor or materials used in the construction of the required improvements and conditioned upon the actual completion of such improvements within a period of two years in a satisfactory manner.
 2. Executed, if a surety bond, by a surety company duly authorized to do business in the State of Utah and payable to "Cache County."
 3. If a contract, the same conditions and guarantees shall be incorporated in its provisions.
 4. The condition of any bond or contract shall run for at least ninety days following the completion of all improvements and after a final inspection certified by the County Surveyor.

SECTION 3. IMPROVEMENT STANDARDS - DEPARTMENTAL

All subdivisions must comply with standards established by any governmental department and agency having responsibility or authority as to subdivision developments. Such standards shall include, but not be limited to, the following:

- A. Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, and flood control facilities shall be prepared by the County Surveyor.
- B. Standards for water distribution and sewage disposal facilities by the Board of Health.
- C. Similar standards for fire hydrants by the Fire Department.

SECTION 4. IMPROVEMENT STANDARDS - RESIDENTIAL

Subdivision Design and Construction Requirements

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces, and other design factors shall comply with design standards recommended by the Planning Commission and by other departments and agencies of county government for specific subdivisions and with the following general standards:

- A. Blocks shall not exceed one thousand feet in length.
- B. Blocks shall be wide enough to adequately accommodate two tiers of lots.
- C. Dedicated walkways through the block may be required where access is necessary to a point designated by the Planning Commission. Such walkways shall be a minimum of six feet width but may be required to be wider where determined necessary by the Planning Commission. The subdivider shall surface the full width of the walkway with a concrete surface, install a chain link fence or its equal four feet high on each side and the full length of each walkway, and provide, in accordance with the standards and rules and regulations, barriers at each walkway entrance to prevent the use of the walkway by any motor vehicle or by any other non-motorized vehicle wider than four feet.
- D. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
- E. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography, to the character of surrounding developments, and to existing requirements.
- F. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title, if any, for the zone in which the subdivision is located, and to the minimum requirements of the County Board of Health for water supply and sewage disposal. The minimum width for any residential building lot shall be required by the zoning title for zoned areas and shall be not less than seventy-five feet at the building setback line in unzoned areas. The minimum area of such lot shall be not less than that approved by the zoning title or eight thousand square feet, whichever area is largest.
- G. Each lot shall abut on a street shown on the subdivision plat or on an existing publicly dedicated street which has become public by right of use and which is more than twenty-six feet wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.

Subdivision Design and Construction Requirements

- H. Side lines of lots shall be approximately at right angles, or radial to the street lines.
- I. In general, all remnants of lots below minimum size must be added to adjacent lots rather than allowed to remain as unusable parcels.

SECTION 5. IMPROVEMENT STANDARDS - COMMERCIAL

A. Street System

- 1. Maximum block length shall be 660 feet.
- 2. The minimum street cross-section shall be a 60-foot right-of-way with 40 feet of pavement.
- 3. Arterials shall consist of an 80-foot right-of-way with 60 feet of pavement.
- 4. Streets may remain private.
- 5. Through streets may be dedicated to the county if approved by the County Surveyor and the Road Superintendent and accepted by the County Council.
- 6. Cul-de-sacs shall have a minimum 55-foot radius in excess of parking areas.

B. Water and Fire Protection

- 1. The water system must be a closed circuit system to preserve pressure capabilities.
- 2. The system must be capable of maintaining a pressure of 90 PSI at all times.
- 3. Fire hydrants shall be located at intervals of 300 feet along roads. All buildings shall be located within 150 feet of the nearest hydrant.
- 4. Plans of the proposed water system shall be submitted with the preliminary plat materials.
- 5. The system shall meet all appropriate standards and health codes.

- C. All utilities shall be installed under ground.

Subdivision Design and Construction Requirements

D. Setbacks and Yard Requirements

1. Building shall be set back a minimum of 60 feet from the center line of a through street, 50 feet on other interior roads, and 100 feet or as otherwise determined by the Planning Commission on existing county roads.
2. Other setbacks shall be in accordance with the appropriate zone requirements in which the development is located.
3. No building shall be closer than 40 feet to any other building on an adjacent site.

E. Prohibited Uses

1. Manufacture, storage, distribution, or sale of explosives.
2. Manufacture, storage, distribution, or sale of products or items which increase the fire hazard to adjacent property, or any use which constitutes a nuisance, or emission of odors, smoke, or gas injurious to products or employees located on neighboring property.

F. Sewer System

1. The proposed sewage disposal system plans shall be included in the preliminary plat information.
2. All sewage disposal systems shall meet all appropriate health codes.

G. Storm Drainage

The proposed storm drainage system plans shall be included in the preliminary plat material.

H. Lot Coverage

1. Building area not to exceed 40% of total lot area.
2. Pavement area not to exceed 40% of total lot area.
3. Landscaping area must cover at least 20% of the total lot area.

4. All lot area not covered by buildings or pavement must be in turf or other landscaping.

I. Protective Covenants

Protective Covenants shall be in writing, recorded in the office of the County Recorder, and include at least the following:

1. No land or building shall be used so as to permit the storage of articles exposed to public view.
2. A lot used for storage shall be fenced with a screening fence at least six feet in height or with an appropriate landscaping barrier.
3. No storage will be allowed in the front setback area.

SECTION 6. FINAL INSPECTION OF IMPROVEMENTS

- A. Upon making a final inspection of the improvements, the County Surveyor must approve in writing that:
 1. The improvements described in the final plat, plans, and specifications have been completed;
 2. The improvements meet the minimum requirements of all ordinances and recommendations of the county;
 3. The improvements comply with the recommendations of the County Board of Health, Planning Commission, Fire Department, and other interested agencies; and
 4. The improvements comply with the standards, rules, and regulations for subdivisions as set forth in this ordinance.
- B. No final plat of a subdivision shall be recorded unless the subdivider has furnished a bond as required by this chapter.
- C. No final plat of a subdivision shall be approved for recording unless the subdivision plat has been signed by the owner and acknowledged by subdivider's surveyor, Board

Subdivision Design and Construction Requirements

of Health Supervisor, County Surveyor, Cache County Planning Commission Chairman, Cache County Council Chairman, and attested by the County Clerk and Cache County Attorney.

SECTION 7. PROTECTION STRIPS

- A. Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the Planning Commission, retain a protection strip not less than one foot in width between the street and adjacent property, provided that an agreement approved by the County Attorney has been made by the subdivider, contracting to deed to the then owners of the contiguous property the one-foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property.
- B. One copy of the agreement shall be submitted by the County Attorney to the Planning Commission prior to approval of the final plat. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.

SECTION 8. MANDATORY STATEMENTS FOR SUBDIVISION PLATS

The following shall appear on the final plat of all subdivisions:

- A. A statement informing lot owners as to which improvements must be in place before lots will be eligible for building permits.
- B. A statement informing lot owners that any further divisions of the lots will be prohibited.
- C. A description of those areas or easements designated for storm drainage.
- D. A statement indicating that the lot owners will be responsible for all road maintenance and services related to all interior roads which are not dedicated.

Subdivision Design and Construction Requirements

- E. A statement that any improvements which may have been postponed by agreement are the responsibility of the lot owners and that the lot owners may be subject to future assessments for the costs of such improvements.
- F. No land or building shall be used so as to permit the storage of articles exposed to public view.
- G. A lot used for storage shall be fenced with a screening fence at least six feet in height or with an appropriate landscaping barrier.
- H. No storage will be allowed in the front setback area.

SECTION 9. FEES

- A. Any person filing an application for approval of a preliminary or final subdivision plat shall pay a fee in accordance with a fee schedule adopted by resolution of the County Council.
- B. The County may impose impact fees for a proposed subdivision reflecting the impact of development in accordance with a schedule adopted by resolution of the County Council.

SECTION 10. PERMITS IN SUBDIVISIONS

From the effective date of this title, the building inspector shall not grant a permit, nor shall any county officer grant any license or permit, for the use of any land or the construction or alteration of any building or structure in a subdivision unless a final plat therefor has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions shall be void.