

CACHE COUNTY  
CORPORATION

**M. LYNN LEMON**  
COUNTY EXECUTIVE/SURVEYOR

199 N. MAIN  
LOGAN, UTAH 84321  
Tel 435-755-1850  
Fax 435-755-1981

**COUNTY COUNCIL**

CORY YEATES  
H. CRAIG PETERSEN  
DARREL L. GIBBONS  
JOHN A. HANSEN  
KATHY ROBISON  
BRIAN CHAMBERS  
GORDON A. ZILLES

**PROCLAMATION**

Whereas, Counties provide services that make America's communities stronger, safer places to live and raise families, and

Whereas, County officials and employees use their role as local leaders to encourage economic development and therefore improve the lives of their citizens and make their communities more livable, and

Whereas, Counties have a long history of providing critical services. County governments are the citizen's local government voice, providing solutions that bring communities together, and

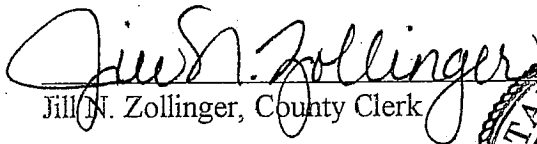
NOW THEREFORE, in recognition of the leadership, innovation and valuable service provided by our nation's counties, be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah, hereby proclaims April 23 - 29, 2006

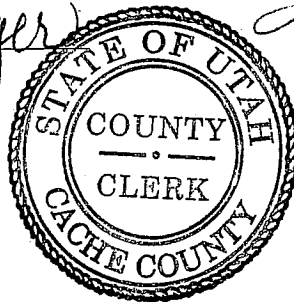
**NATIONAL COUNTY GOVERNMENT WEEK**

and urges all citizens to visit county government offices and become more aware of the importance of the services rendered.

In witness thereof, as Chairman of the County Council and County Executive, we have hereunto set our hand this 25<sup>th</sup> day of April, 2006.

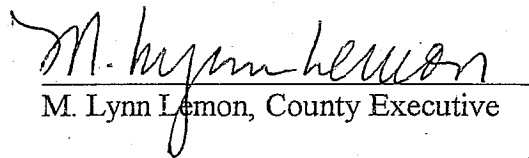
Attest:

  
Jill N. Zollinger, County Clerk





Cory Yeates, Council Chairman

  
M. Lynn Lemon, County Executive

**WILLOW PARK FUND DISBURSEMENTS**  
**FY 06-07 PROPOSED BUDGET**  
**April 13, 2006**

<u>Zoo Revenue</u>	<u>Amount</u>	<u>Total Revenue</u>	<u>Total Expenditures</u>
County Contribution	97,542		
City Contribution	97,542		
State Contribution	82,000		
Zoo Proceeds	5,000		
Zoo Donations	<u>20,000</u>		
Projected Zoo Revenue:		302,084	
<u>Zoo Expenditures</u>			
Projected Zoo Expenditures			302,184
<u>Fairgrounds Revenue</u>			
County Contribution	138,067		
City Contribution	138,068		
Demolition Derby Revenue	68,000		
City Fund Repayment	33,000		
Fairgrounds Other Revenue	<u>59,030</u>		
Projected Fairgrounds Revenue:		436,165	
<u>Fairgrounds Expenditures</u>			
Projected Fairgrounds Expenditures			436,165
<u>Sports Complex Revenue</u>			
County Contribution	28,324		
City Contribution	28,324		
Quad Rentals	100		
Quad Recreation Programs	<u>46,176</u>		
Projected Sports Complex Revenue:		102,924	
<u>Sports Complex Expenditures</u>			
Projected Sports Complex Expenditures			102,924
<u>Fairview Park/Willow Park Revenue</u>			
County Contribution	57,095		
City Contribution	57,096		
Park Reservations	2,800		
Park Miscellaneous Fees	<u>200</u>		
Projected Fairview/Willow Park Revenues:		<u>117,191</u>	
<u>Fairview Park/Willow Park Expenditures</u>			
Projected Fairview Pk Willow Pk Expenditures			<u>117,091</u>
Total Revenues:		958,364	
Total Expenditures:			958,364

**City of Logan**  
**Willow Park Fund**  
**Statement of Revenues and Expenditures**  
**For the Month Ending March 2006**

75%

4/10/2006

	Budget	Actual	Variance	Projected Variance	
<b>REVENUES</b>					
<b>Contributions</b>					
City of Logan	\$ 303,620	\$ 202,413	\$ (101,207)	-	
Cache County	408,237	104,617	(303,620)	-	
Restaurant Tax	107,012	107,012	-	-	
RAPZ Tax	95,000	9,649	(85,351)	-	
Private Sources	15,000	12,183	(2,817)	-	
<b>Charges for Services</b>	<b>196,538</b>	<b>133,552</b>	<b>(62,986)</b>	<b>-</b>	
State Grants	-	2,520	2,520	-	
Federal Grants	-	-	-	-	
Miscellaneous	146,081	95,072	(51,009)	-	
<b>Total</b>	<b>1,271,488</b>	<b>667,019</b>	<b>(604,469)</b>	<b>-</b>	
<b>EXPENDITURES</b>					
<b>Fairgrounds</b>					
Personnel	177,087	125,872	51,215	-	71%
Other Operating Expenditures	350,600	148,021	202,579	-	42%
Capital Expenditures	75,000	4,445	70,555	-	6%
<b>Total</b>	<b>602,687</b>	<b>278,338</b>	<b>324,349</b>	<b>-</b>	
<b>Sports Complex</b>					
Personnel	36,228	10,147	26,081	-	28%
Other Operating Expenditures	73,358	49,497	23,861	-	67%
Capital Expenditures	-	-	-	-	n/a
<b>Total</b>	<b>109,586</b>	<b>59,644</b>	<b>49,942</b>	<b>-</b>	
<b>Regional Zoo</b>					
Personnel	229,574	174,228	55,346	-	76%
Other Operating Expenditures	65,631	49,667	15,964	-	76%
Capital Expenditures	132,267	6,740	125,527	-	5%
<b>Total</b>	<b>427,472</b>	<b>230,634</b>	<b>196,838</b>	<b>-</b>	
<b>Fairview Park</b>					
Personnel	80,977	58,644	22,333	-	72%
Other Operating Expenditures	30,766	13,023	17,743	-	42%
Capital Expenditures	20,000	13,744	6,256	-	n/a
<b>Total</b>	<b>131,743</b>	<b>85,410</b>	<b>46,333</b>	<b>-</b>	
<b>Total Willow Park Fund</b>					
Personnel	523,866	368,891	154,975	-	70%
Other Operating Expenditures	520,355	260,208	260,147	-	50%
Capital Expenditures	227,267	24,929	202,338	-	11%
<b>Total</b>	<b>1,271,488</b>	<b>654,027</b>	<b>617,461</b>	<b>-</b>	
<b>Net Change</b>	<b>\$ -</b>	<b>\$ 12,992</b>	<b>\$ 12,992</b>	<b>\$ -</b>	
<b>FY 2005 Fund Balance</b>				<b>(234,138.00)</b>	
<b>Projected FY 2005 Change in Fund Balance</b>				<b>-</b>	
<b>Projected FY 2006 Ending Fund Balance</b>				<b>(234,138.00)</b>	
<b>Due From Logan City</b>				<b>(160,015.00)</b>	
Current year contribution				<b>33,000.00</b>	
<b>FY 2004 Fund Deficit</b>				<b>\$(127,015.00)</b>	



## Parks & Recreation Department

195 South 100 West, Logan Utah 84321 (435) 716-9250 Fax (435) 716-9254

# MEMORANDUM

**TO:** Lynn Lemon

**FROM:** Russ Akina, Parks and Recreation Director  
Richard Anderson, Finance Director

**DATE:** April 19, 2006

**RE:** Budget Transfer

**CC:** Cache County Council

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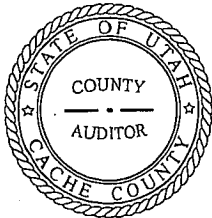
The Willow Park Zoo has requested to withdraw funds from Zoo Exhibits Donation Account #740-0000-365.04-01 in the amount of \$4,200 and to transfer this to the Willow Park Zoo expense account # 212-4995-583.43-00 for the following:

Advertising for Upcoming Zoo Events \$2,500  
Salt Water Aquarium Supplies \$500  
Zoo Pick-up Truck Top Replacement \$1,200

In summary:  
740-0000-365.04-01 \$4,200 (out)

212-4995-583.43-00 \$4,200 (in)

The budget transfer was approved by the Logan City Council on April 18, 2006.



Cache County  
Office of the County Auditor

179 NORTH MAIN, SUITE 202  
LOGAN, UTAH 84321  
Tel: 435.716.7123  
Fax: 435.716.7159

Tamra Stones  
County Auditor

**MEMORANDUM**

TO: Cache County Council

FROM: Tamra Stones, Cache County Auditor

DATE: April 19, 2006

SUBJECT: Board of Equalization -Personal Property Appeal from  
Creative Communication

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**Record of Final Decision – Personal Property**

**Findings of Fact:**

The board finds that the appeal is a state audit. The board must deny the appeal. The taxpayer should file an appeal with the state tax commission to resolve any issues in value.

No change in value for 2006. **Denial of Appeal approved.**

**DETERMINATION**

APPROVED

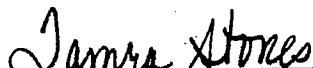
TABLED

INTENT TO DENY

  
\_\_\_\_\_  
Cache County Council Chairman

4/25/06  
\_\_\_\_\_  
Date

Attested:

  
\_\_\_\_\_  
Tamra Stones, BOE Clerk

<b>Request for Review – Personal Property</b>	UCA §59-2-1005 Form PT-017 PT-017.ai Rev. 8/01
County Legislative Body	

**Business and Owner Information**

Business name <u>Creative Communication</u>	Account number
Business street address <u>1488 N 200 West</u>	State <u>UT</u> Zip <u>84335</u>
City <u>Logan</u>	Telephone number <u>435-713-4411</u>
Owner's name <u>Gavlen Worthen</u>	State <u>UT</u> Zip <u>84335</u>
Owner's mailing address <u>P.O. Box 303</u>	
City <u>Smithfield</u>	

**Reason for appeal** Attach supporting documentation

The desk in question is a set of built in cabinets that came with the building. The auditor's value of \$10,000 is without merit and seems arbitrary. I have provided a bid from a cabinet maker that estimates the price to be

The auditor has labeled the desk as a reception counter.

**Office Use Only**

Audit code	Date received
Appointment date and time	Received by (initials)

**Taxpayer's Rights**

I do not wish to appear before the county legislative body. I wish to have the county legislative body's decision based on consideration of the information submitted. I understand that I retain the right to appeal to the Utah State Tax Commission if I am not satisfied.

**Certification and Signature**

I certify that all statements here and before the county legislative body are true, complete, and correct to the best of my knowledge. I understand that all information submitted to the county legislative body, and the decision of the county legislative body, are public record.

Signature of:  Owner  Other Tom Worthen  Authorization attached (If signature is from someone other than the owner)

Date: 4-7-06

**Attach documentation that establishes market value**

**From:** David Wheatley <davidwheatley@qwest.net>  
**To:** Tom and Gaylen Worthen <1235rivendell@comcast.net>, Tom Worthen Editor <DrTom@poeticpower.com>  
**Date:** Friday, April 7, 2006 1:16 PM  
**Subject:** Bid for Reception Counter

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Tom Worthen

Just in case Holli didn't get it to you, I am sending it.

I visited your place of business on the 5th of April 2006 and met with you to discuss building and installing another reception counter exactly like the one that you already have. I photographed it from many angles and documented with a tape and paper the sizes of the existing reception counter. Here then is my bid \$4,980.00 (Four Thousand Nine Hundred Eighty). If you accept this bid I will need a %50 deposit.

This reception counter bid is for a clone of the one that you have in your existing office. Depending on where the new one goes, the size may have to be manipulated slightly, but nothing that will effect cost. the existing cabinets are natural maple, thus this price is for the same thing, including the laminate tops, the glass doors, finished back, base molding pulls etc. I would like to use a little nicer hinge and drawer guide, but this will not increase your cost. This is my very best price, as we have done business together before. I don't have any room to negotiate. This is a nice job for our shop and I am looking forward to doing it for you. As our schedule is filling up so let me know soon if you need it done.

David Wheatley  
Wheatley Woodworking Inc.  
PO Box 558  
210 East 1000 South  
Brigham City, Utah 84302  
Office: 435-723-8674  
Cell: 435-279-7939  
Fax: 435 734-9663

email : davidwheatley@qwest.net  
-----Original Message-----

**From:** wwoodworking@qwest.net  
**Date:** 04/07/06 13:09:56

**Wheatley Woodworking**  
PO Box 558 \* 210 East 1000 South  
Brigham City, Ut. 84302

Bid Summary

**April 7, 06**

**Tom Worthen**

ROOM	CABINET TYPE	END TYPE	SPECIES	DOOR & DRAWER STYLE	FINISH	GLIDES	PRICE UPGRADERS	PRICE INCLUDING UPGRADERS
b	Reception Desk	Custom Face Frame	Veneer	Raised Panel Square	Natural	\$0.00 standard		\$4,980.00
c								\$0.00
d								\$0.00
e								\$0.00
f								\$0.00
g								\$0.00
h								\$0.00
i								\$0.00
j								\$0.00
k								\$0.00
l								\$0.00
m								\$0.00
							<b>\$0.00</b>	<b>\$4,980.00</b>

This bid is valid until accepted for 10 days, or until withdrawn.  
Acceptance is made by signing drawings and a contract, and receipt of a 50% deposit.  
Scheduling of jobs are done on a first come first serve basis.  
Lead time is currently 4 weeks. Semicustom and 12 weeks Custom.  
This price includes delivery and installation of cabinets. Therefore, no taxes will be added.

9:30 AM \$ 1:00 PM

emailed to [div@wheatleywoodworking.com](mailto:div@wheatleywoodworking.com)

**FAXED**

as per phone call

APR 07 2006

W/TOWN - HND



CODE: Cnty: 03 Yr: 2005 Seq: 2100

AUDITOR: 8502

JAMES TETON

541-5143

CONTACT: TOM WORTHEN

BUSINESS: CREATIVE COMMUNICATIONS

1488 N 200 W

LOGAN

UT 84341

SERIAL: BU-27-3987

2006 AUDIT 03 - 2005 - 2100

Description	Quant	Equip Year	Table Pct	Auditor Pct	Mlt	Cost	Market Value
<b>SUPPLIES</b>		2006	100			1,500	1,500
SUPPLIES						1,500	1,500
		Total:					
<b>CLASS 5 (TRADE FIX)</b>							
BOOKSHELVES	3.00	1993	11		Y	156	17
FILING CABINETS	45.00	1996	11		Y	2,160	238
FOLDING TABLES	2.00	1997	11		Y	42	5
STEEL SHELVES	6.00	1997	11		Y	1,158	127
DESK GAYLEN		1999	33			743	245
CHAIRS & 4 BESTAR DESKS		1999	33			1,786	589
DESKS & FILING CAB		1999	33			2,762	911
CONFERENCE CHAIRS	4.00	1999	33		Y	376	124
OFFICE CHAIRS	35.00	1999	33		Y	2,415	797
CONFERENCE TABLE		1999	33			432	143
WILKINSON OFFICE SUITE		1999	33			2,913	961
SHELVES		2000	43			1,168	502
SHELVING		2002	63			2,151	1,355
RECEPTION SERVICE COUNTE		2004	82			10,000	8,200
DESKS, WALLS		2004	82			21,271	17,442
		Total:				49,533	31,657
<b>CLASS 8 (C &amp; I EQ)</b>							
SERIES 5 STUFFER PITNEY B		2001	62			7,925	4,914
PITNEY BOWES SERIES 5 STU		2002	70			31,074	21,752
		Total:				38,999	26,665
<b>CLASS 12 (EDP EQ)*</b>							
PRINTER		1998	7			1,328	93
COMPUTERS		1998	7			3,386	237
POWERMAC G3		1999	7			3,669	257
MAC MALL SERVER ETHER		1999	7			8,024	562
SUN REMARKETING		1999	7			3,205	224
2 PRINTERS		1999	7			2,444	171
COMPUTER MAC MALL		1999	7			3,026	212
COMPUTER TOWN		1999	7			3,188	223
COMPUTER TOWN		1999	7			6,376	446
COMPUTERS EXPERCOM		2000	7			12,555	879
FAST INTERNET SUN		2000	7			1,456	102
ETHERNET COM		2000	7			1,153	81
2 PRINTERS		2001	7			2,855	200
COMPUTERS		2002	9			17,664	1,590
4 PRINTERS		2002	9			3,757	338



**C**reative  
Communication, Inc  

---

*Your Partner in Poetry Education*

1488 N 200 W  
Logan, Utah 84341  
(435) 713-4411  
[www.poeticpower.com](http://www.poeticpower.com)

April 5, 2005

To Whom it May Concern:

I give permission for Tom Worthen to act on my behalf and for Creative Communication for the personal property tax audit of Creative Communication.

Sincerely,

A handwritten signature in cursive script that reads "Gaylen Worthen".

Gaylen Worthen  
Owner

BEFORE THE BOARD OF EQUALIZATION  
OF CACHE COUNTY

IN RE: The matter of the Application )  
for exemption from property )  
taxation of IHC HEALTH ) FINDINGS AND DETERMINATION  
SERVICES, INC., for the ) FOR TAX YEAR 2006  
LOGAN REGIONAL )  
HOSPITAL. )

This matter came before the Board of Equalization of Cache County, Utah on March 30, 2006 and April 25, 2006 on the verified application for property tax exemption submitted by IHC HEALTH SERVICES, INC., for the LOGAN REGIONAL HOSPITAL.

FINDINGS

Based upon the verified application and matters presented to the Board of Equalization at its hearing on March 30, 2006 and April 25, 2006 and other materials presented to it, the Board of Equalization finds that:

1. IHC HEALTH SERVICES, INC., is the owner of record of the Logan Regional Hospital which is located on the real property described in the attached "Exhibit A" and other parcels of property described therein.
2. Kathy Robison, member of the Board of Equalization, met with the owner's representatives on March 30, 2006 and reviewed the application of the owners and relevant facts and standards. The County Auditor, Tamra Stones and County Assessor, Kathleen Howell, attended also to clarify real and personal property issues.

3. It was recommended that some exemption be granted to the applicant for the Tax Year 2006 on the basis that IHC HEALTH SERVICES, INC., and the Logan Regional Hospital property qualify for exemption from the property tax under Standards I, II, III, IV, V, and VI as promulgated by the Utah State Tax Commission on December 18, 1990, and as delineated by the Utah Supreme Court in its decision dated September 1, 1994, in a case appealed to that Court by the Cache County Assessor and the Salt Lake County Assessor from decisions of the Board of Equalization of their respective counties.
4. There has been no reallocation of space within the building located on Parcel No. 05-016-0029 and designated the Medical Office Building-Surgical Center, and the exempt property is 46% of value.
5. Parcel No. 05-016-0001 is the parcel on which the Day Care Center is located. The new parking lots are now part of Parcel No. 05-016-111 and are not tax exempt. The value attributable to the Day Care Center is deemed to be exempt.
6. The Board of Equalization in a public meeting held April 25, 2006, upon lawful notice, met and approved the amended requests for tax exemption as contained in these findings.
7. New construction will be taxed on a percentage of value in 2007.

#### **DETERMINATION**

The Board of Equalization of Cache County, Utah, determines that:

IHC HEALTH SERVICES, INC., is hereby granted an exemption from property taxes for

portions of the real property described in the attached "Exhibit A" which is used for the Logan Regional Hospital, its Medical Office Building-Surgical Center, its Home Health Agency, its Day Care Center and the personal property listed therein for the Tax Year 2006.

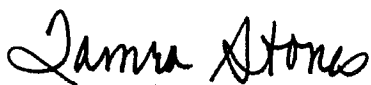
The foregoing findings were approved by the following votes by the members of the Board of Equalization on April 25, 2006.

<u>COUNCIL MEMBER</u>	<u>IN FAVOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
S. Brian Chambers	X		
Darrel L. Gibbons	X		
John A. Hansen	X		
H. Craig Petersen	X		
Kathy Robison	X		
Cory Yeates	X		
Gordon A. Zilles	X		

These findings and determination are approved as written this 25<sup>th</sup> day of April 2006.

  
Cory Yeates, Chairman Board of Equalization

Attested To:



Tamra Stones, Clerk of Board of Equalization

EXHIBIT A

ANNUAL STATEMENT  
TAX YEAR  
2006

LOGAN REGIONAL HOSPITAL  
CACHE COUNTY

REAL PROPERTY PARCEL NO.	SITE OR COMPLEX (HOSPITAL) NAME	NAME OR IDENTITY OF BUILDING	REAL PROP. CURRENT VALUE	TAX	DESCRIPTION BLDG USE	EXEMPT BASIS %	EXEMPT STANDARDS
-----------------------------	------------------------------------	---------------------------------	--------------------------------	-----	-------------------------	-------------------	---------------------

04-083-0018	Logan	Land - Agricultural 18th-20th N 40 ac. 41 (Greenbelt) (23,200/22,000) [256.48/231.73]	1,760,000	0.010782	256.38	0%	
05-016-0001	Logan	Day Care Center	Exempt		Exempt	100%	ABCDS
05-016-0028	Logan	Hospital and Land	Exempt		Exempt	100%	ABCDE
05-016-0029	Logan	Medical Office Building - Surgical Center	5,066,325	0.012099	60,172.74	46%	ABCDE
05-016-0029	Logan	Home Care Services - MES 500 East 1300 North, Suite 140 (Leased)	Exempt		Exempt	100%	ABCDES
05-016-0043	Logan	Vacant Land - Held for Hospital Expansion	535,800	0.012099	6,363.70	0%	
05-016-0086	Home Health Agency acquired 11/14/94	Unit G, Logan Medical Center Condominiums	Exempt		Exempt	100%	ABCDES
New	Pediatric Rehab Services	246 E. 1260 N., Logan, Utah	Personal Prop. Only		Exempt	100%	ABCDES
<b>TOTALS</b>			7,362,125		66,792.82		

LEGEND: EXEMPTION BASIS  
A = INDIGENT CARE  
B = COMMUNITY ED. SERVICE  
C = MEDICAL DISCOUNTS

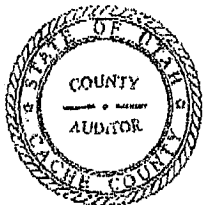
D = DONATIONS OF TIME  
E = DONATIONS OF MONEY  
S = SATELLITE

267369\_1.XLS  
12/19/2005

Intermountain Pool Cars  
 Logan Regional Hospital  
 Updated January 3, 2006

Exhibit A  
 correct information  
 for 2006.

Dept #	Vehicle Identification Number	Gas Card ID Number	Year	Make	Model	Mileage Jan. 2006	Leased/Owned	License Number	Location
644	1GCEK14M4T2217215	0369-1	1996	Chevrolet	Truck	188,456	Leased	754 JZP	Hospital
644	1GCEK14H4DF307325	0287-1	1983	Chevrolet	K10 - Truck	99,294	Owned	9681 BA	Grounds
644	1D4GP45R25B315163	1036-1	2005	Dodge	Caravan SXT	8,053	Leased	675 VMN	Courier
644	1FMHE21H1MHB14452	0296-1	1991	Ford	Van	19,198	Owned	829 GVZ	Best Friends
644	2FTHF26H3SCA18921	0117-1	1995	Ford	F20 - Truck	74,915	Leased	178 HJP	Grounds
644	1FTJE34H5SHA87860	0115-1	1995	Ford	Van	19,198	Leased	415 HNK	HS to B
644	1FALP52U4TA233440	0422-1	1996	Ford	Taurus 3	174,763	Leased	879 JGK	Hospital
644	1FAFP53U91G200391	0643-1	2001	Ford	Taurus 5	100,739	Leased	498 LLF	Hospital
644	1FAFP53U12G167680	0775-1	2002	Ford	Taurus 6	75,679	Leased	107 LRV	Hospital
644	1FAFP53UX3G150667	1023-1	2003	Ford	Taurus 7	54,843	Leased	295 MBD	Hospital
644	1FAFP53U84A128168	1070-1	2004	Ford	Taurus 8	44,065	Leased	625 MMF	Hospital
644	1FAFP53U75A201161	1071-1	2005	Ford	Taurus 9	22,598	Leased	517 MXT	Administration
644	1FAFP53U16A176890	1089-1	2006	Ford	Taurus 2006	431	Leased	863 NLL	Administration
644	4T1SV21EXMU304947	0844-1	1991	Toyota	Camry 4	162,094	Owned	704 EAR	Engineering
644	JHMEC5722HS001215	0275-1	1987	Honda	Civic	79,773	Owned	071 BBW	Engineering
644	1N6ND11S8KC324120	0868-1	1989	Nissan	Red Truck	136,306	Owned	118 GKE	Engineering



Cache County  
Office of the County Auditor  
179 NORTH MAIN, Suite 202  
LOGAN, UTAH 84321  
Tel: 435.716.7123  
Fax: 435.716.7159

Tamra Stones  
County Auditor

facsimile  
TRANSMITTAL

Date: 5-10-06  
TO: Jill Zollinger  
Organization: Clerk  
Receiving Fax Number: 1980  
Subject: Attachment to IHC Exemption

Number of pages ( including cover sheet): \_\_\_\_\_

Description of Transmittal: \_\_\_\_\_

Response Required ( ) Yes ( ) No

Remarks: Kathleen would like these notes to be  
attached to the exemption - the council approved  
for Logan Regional Hospital in April.  
I have copied my folder

Thanks  
Tamra

*Note:* This facsimile transmission contains CONFIDENTIAL AND PRIVILEGED INFORMATION intended only for the use of the above-designated recipient. If you are not that person or the person or agent responsible and authorized to receive or deliver this transmission, then you have received this transmission in error. If so, you are hereby notified that any dissemination or copying of this facsimile is prohibited. If you have received this transmission in error, you are requested to contact the sender for further instruction. Thank you.



**Cache County Auditor**

Created by: **KATHLEEN** Category: Assessor Creation Date: 05/09/2006

Description: **Change in taxable status flag for 2006**

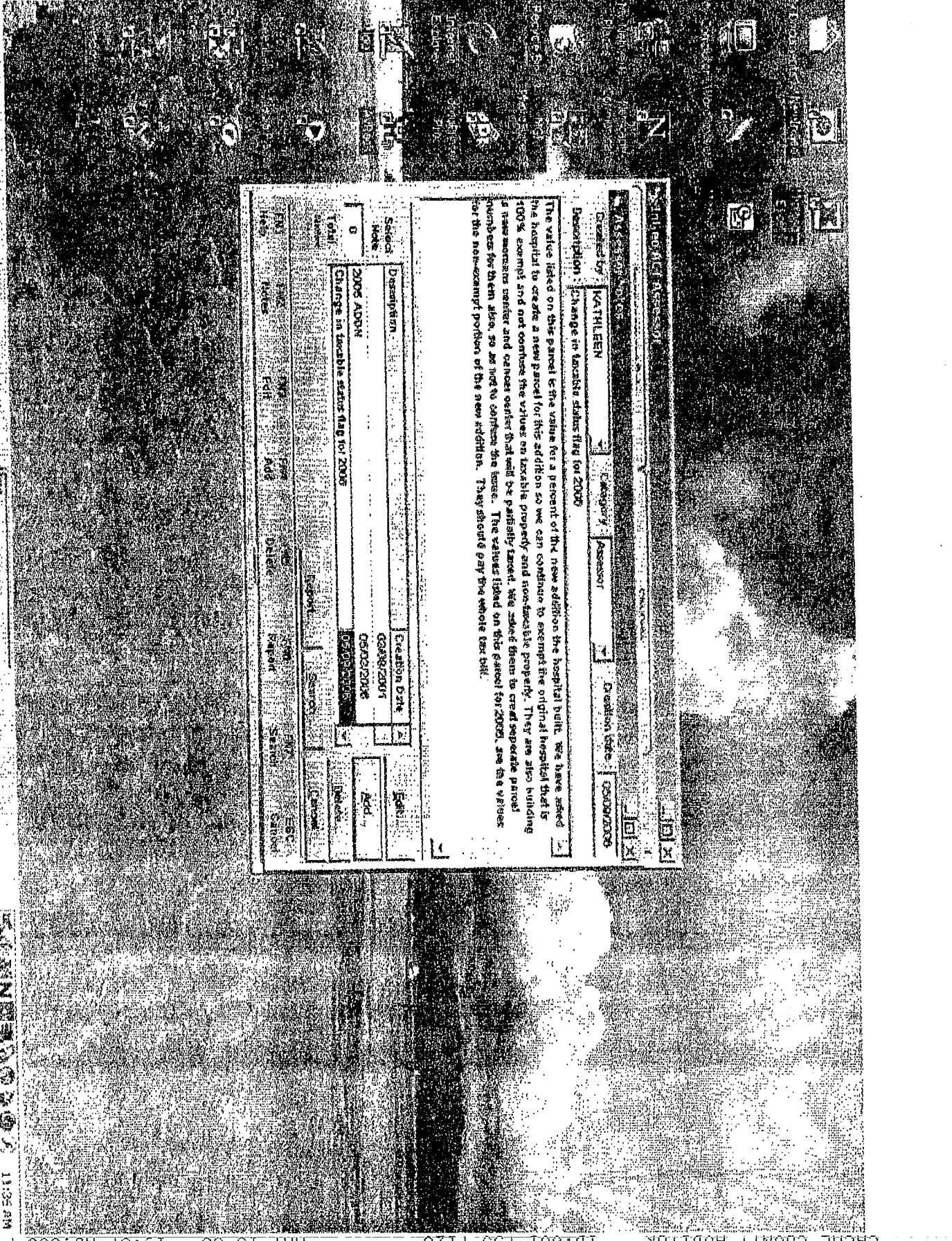
The value listed on this parcel is the value for a percent of the new address the hospital built. We have asked the hospital to create a new parcel for this addition so we can continue to exempt the original hospital that is 100% exempt and not combine the values on taxable property and non-taxable property. They are also building a new entrance and almost center that will be partially exempt. We asked them to create separate parcel numbers for them also, so as not to confuse the issue. The values listed on this parcel for 2006, are the values for the non-exempt portion of the new addition. They should pay the whole tax bill.

Select Code	Description	Creation Date	Edit
0	2006 ADDN	05/09/2006	Add
Total		05/09/2006	Remove

Change in taxable status flag for 2006

Parcel	Area	Value	Exempt	Assessed	Created	Modified	Deleted	Report	Service	ESG
0										

Help    Add    Edit    Add    Delete    Report    Service    ESG





BEFORE THE BOARD OF EQUALIZATION  
OF CACHE COUNTY

IN RE: The matter of Application )  
For exemption from property ) FINDINGS AND DETERMINATION  
taxation of SUNSHINE ) FOR TAX YEAR 2006  
TERRACE FOUNDATION, )  
INC. )

This matter came before the Board of Equalization of Cache County, Utah on March 30, 2006 and April 25, 2006 upon the verified application for property tax exemption submitted by SUNSHINE TERRACE FOUNDATION, INC.

**FINDINGS**

Based upon the verified application and matters presented to the Board of Equalization at its hearing on May 31, 2005 and June 14, 2005 and other materials presented to it, the Board of Equalization finds that;

1. SUNSHINE TERRACE FOUNDATION, INC. is the owner of record of the Sunshine Terrace, the Terrace Grove and Adult Care Facility which is located on the real property described in "Exhibit A" attached hereto and made a part hereof.
2. Kathy Robison, member of the Board of Equalization, met with the owner's representatives on March 30, 2006 and reviewed the application of the owners and

relevant facts and standards. The County Auditor, Tamra Stones and County Assessor, Kathleen Howell, attended also to clarify real and personal property issues.

3. It was recommended that exemption be granted to the applicant for the Tax Year 2006 on the basis that SUNSHINE TERRACE FOUNDATION, INC qualify for exemption from the property tax under Standards I, II, III, IV, V, and VI as promulgated by the Utah State Tax Commission on December 18, 1990.
4. The Board of Equalization in a public meeting held April 25, 2006 upon lawful notice, met and approved the requests for tax exemption as contained in these findings.

#### **DETERMINATION**

The Board of Equalization of Cache County, Utah determines that:

SUNSHINE TERRACE FOUNDATION, INC., is hereby granted an exemption from property taxes for portions of the real property described in "Exhibit A" attached hereto and made a part hereof which is used for the Sunshine Terrace, Adult Care Center and Terrace Grove and the personal property listed therein for the Tax Year 2006.

The foregoing findings were approved by the following votes by the members of the Board of Equalization on April 25, 2006.

COUNCIL MEMBER

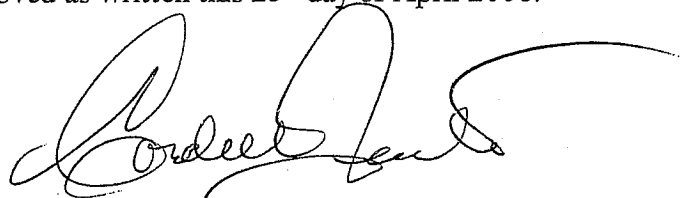
IN FAVOR

AGAINST

ABSENT

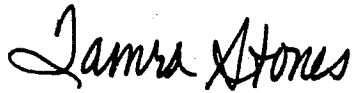
S. Brian Chambers	X		
Darrel L. Gibbons	X		
John A. Hansen	X		
H. Craig Petersen	X		
Kathy Robison	X		
Cory Yeates	X		
Gordon A. Zilles	X		

These findings and determination are approved as written this 25<sup>th</sup> day of April 2006.



Cory Yeates, Chairman Board of Equalization

Attested To:



Tamra Stones, Clerk of the Board of Equalization

# EXHIBIT A

Sunshine Terrace Foundation, Inc.  
Cache County

Tax Year:  
2006

Real Property Parcel Number	Site Location	Name of Building	Real Property Current Value	Tax	Description of Use	Exempt Percentage	Exempt Standards
06-014-0027	265 North 200 West, Logan	Rehabilitation Center	Exempt	Exempt	Parking Lot at Rehabilitation Center	100%	ABCD
05-075-0016	225 North 300 West, Logan	Parking Lot	Exempt	Exempt	Parking Lot at Rehabilitation Center	100%	ABCD
06-014-0028	225 North 200 West, Logan	Rehabilitation Center	Exempt	Exempt	Rehabilitation Center	100%	ABCD
06-014-0026	225 North 200 West, Logan	Rehabilitation Center	Exempt	Exempt	Rehabilitation Center	100%	ABCD
05-084-0001	219 West 300 North, Logan	Adult Day Center	Exempt	Exempt	Adult Day Center	100%	ABCD
05-084-0005	333 North 200 West, Logan	Terrace Grove	Exempt	Exempt	Terrace Grove Assisted Living	100%	ABCD
06-014-0025	297 North 200 West, Logan	Parking Lot	Exempt	Exempt	Parking Lot at Rehabilitation Center	100%	ABCD
06-014-0024	220 West 300 North, Logan	Parking Lot	Exempt	Exempt	Parking Lot at Rehabilitation Center	100%	ABCD
06-014-0023	228 West 300 North, Logan	Parking Lot	Exempt	Exempt	Parking Lot at Rehabilitation Center	100%	ABCD
06-014-0022	248 West 300 North, Logan	Parking Lot	Exempt	Exempt	Parking Lot at Rehabilitation Center	100%	ABCD
06-014-0021	254 West 300 North, Logan	Parking Lot	Exempt	Exempt	Parking Lot at Rehabilitation Center	100%	ABCD

Legend: Exemption Basis

- A = Indigent Care
- B = Community Education Service
- C = Medical Discounts
- D = Donation of Time

Sunshine Terrace Foundation, Inc.

Schedule B - Personal Property - Vehicles

Vehicle	Year	VIN
Bus	1992	1FDKE30G1NHA61516
Bus	1997	1FDKE30G7THB63769
Truck	1990	1GCGK24K2LE131261
Car SW	1993	1MELM5847PG616705
Car 4D	1992	1MELM5045PG650461
Mini Van	2000	2B4GP44R9YR592586
Bus	1992	1FJKE30G1NHA61516
Mini Van	1998	194GP44R2WB596571

**Schedule B - Personal Property Acquired or Disposed of in 2005**

## Part 1 - Personal Property Acquired During 2005

Date Acquired	Item Description	Method	Years Depreciation	Cost
1/31/2005	Dishwasher	SL	5	\$19,371.18
2/28/2005	Ice Machine	SL	5	\$1,899.77
2/28/2005	Computer	SL	3	\$1,120.61
3/31/2005	Computer	SL	3	\$1,722.90
4/30/2005	Computer	SL	3	\$1,752.89
4/30/2005	Anodyne Machine	SL	5	\$6,235.47
5/31/2005	Computer	SL	3	\$850.86
6/30/2005	Bed - Heavy Weight	SL	3	\$3,459.86
7/31/2005	Computers	SL	3	\$12,825.40
7/31/2005	Printer	SL	3	\$1,239.70
8/31/2005	New Bus	SL	10	\$4,500.00
8/31/2005	Big Screen TV	SL	5	\$3,059.97
11/30/2005	Computers (10)	SL	5	\$7,594.80
11/30/2005	Water Heater	SL	5	\$17,482.00
12/31/2005	Fire Door Rehab	SL	5	\$4,658.72
				\$87,774.13

## Part 2 - Personal Property Disposed of in 2005

None



Sunshine Terrace Foundation, Inc.

Adult Day Center BU-27-4754

**Schedule B - Personal Property Acquired or Disposed of in 2005**

Part 1 - Personal Property Acquired During 2005

Date Acquired	Item Description	Method	Years Depreciation	Cost
4/30/2005	Electric Chair	SL	3	1200.00

Part 2 - Personal Property Disposed of in 2005

None

**Schedule B - Personal Property Acquired or Disposed of in 2005**

Part 1 - Personal Property Acquired During 2005

Date Acquired	Item Description	Method	Years Depreciation	Cost
1/31/2005	Expanded Tank	SL	5	\$3,883.20
2/28/2005	Sewage Pump	SL	5	\$1,280.44
5/31/2005	Water Heater	SL	5	\$4,161.04
7/31/2005	Water Heater	SL	5	\$5,971.03
8/31/2005	Condenser	SL	5	\$1,515.00
				\$16,810.71

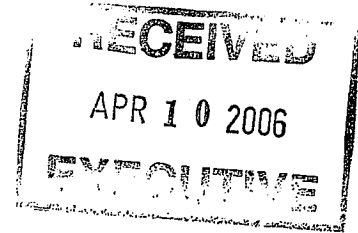
Part 2 - Personal Property Disposed of in 2005

None



## UNITED STATES BOARD ON GEOGRAPHIC NAMES

In reply please use this address:  
U. S. Geological Survey  
523 National Center  
Reston, Virginia 20192-0523



March 30, 2006

Mr. Cory Yeates, Chairman  
Cache County Council  
179 North Main Street, Suite 309  
Logan, Utah 84321

Dear Mr. Yeates:

This is in reference to a proposal that the U.S. Board on Geographic Names has received, to apply two new names, Cobabe Peak and Hidden Lake, to two unnamed geographic features located in Cache County. The Board is responsible by law for standardizing geographic names for use by the Federal government, and its members must approve any new name before it can be applied to Federal maps and publications. Because local acceptance of any name is of paramount importance to the Board, we would like to know the opinion of the Cache County Council regarding this proposal.

The names in question were submitted to us by a resident of Eden. The first name, Cobabe Peak, would be applied to a 2,744 m (9,004 ft) high summit that lies on private land within Cache National Forest and along the boundary with Weber County. The name is intended to honor Frederick James Cobabe (1879-1948) who was responsible for the development of the Wolf Creek area into a prominent ski and winter recreation destination.

The second proposal would make official the name Hidden Lake for a lake located within the Powder Mountain Winter Resort, 2.6 km (1.6 mi) to the east-southeast of the aforementioned summit. The proponent reports that this name came into local use following Alvin Cobabe's discovery of the feature in the 1970's. She also notes that the lake now serves as a source of water for emergency firefighting needs, and that in order to assist firefighters, the locally-used name ought to be made official.

We have enclosed for your review a copy of the two proposals, along with a map showing the location of the summit and the lake and a Geographic Name Proposal Recommendation form to facilitate a response from your office. We can add that the Utah State Geographic Names Committee and the U.S. Forest Service have already expressed support for these two names. We have also asked Weber County to comment on the proposal for Cobabe Peak.

As soon as your office has had an opportunity to comment, we shall present the proposals for Cobabe Peak and Hidden Lake to the U.S. Board for discussion and a decision. Once that decision has been rendered, we shall notify you in writing of the outcome.

Thank you for your interest and assistance in this matter, and we look forward to hearing from you. If you have any questions or to submit your recommendation, please do not hesitate to contact us, either by mail at the address above; by telephone at (703) 648-4544; by fax at (703) 648-4549; or by e-mail at <BGNEXEC@usgs.gov>.

Sincerely yours,

*Jennifer S. Runyon*  
for Roger L. Payne  
Executive Secretary  
U.S. Board on Geographic Names

Enclosures



U.S. BOARD ON GEOGRAPHIC NAMES

**GEOGRAPHIC NAME PROPOSAL RECOMMENDATION**

Proposed Geographic Names: Cobabe Peak, Hidden Lake

This is to notify the U.S. Board on Geographic Names that

\_\_\_\_\_  
(Name of government entity, organization, or individual)

Recommends that the U.S. Board on Geographic Names:

- Approve the Proposed Name**
- Reject the Proposed Name**
- Take Action as Specified Below**
- Render a Decision Without Our Recommendation**

Comments (the following factors contributed to this recommendation; attach supporting documentation if appropriate):

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Address)

(\_\_\_\_) \_\_\_\_\_  
(Telephone)

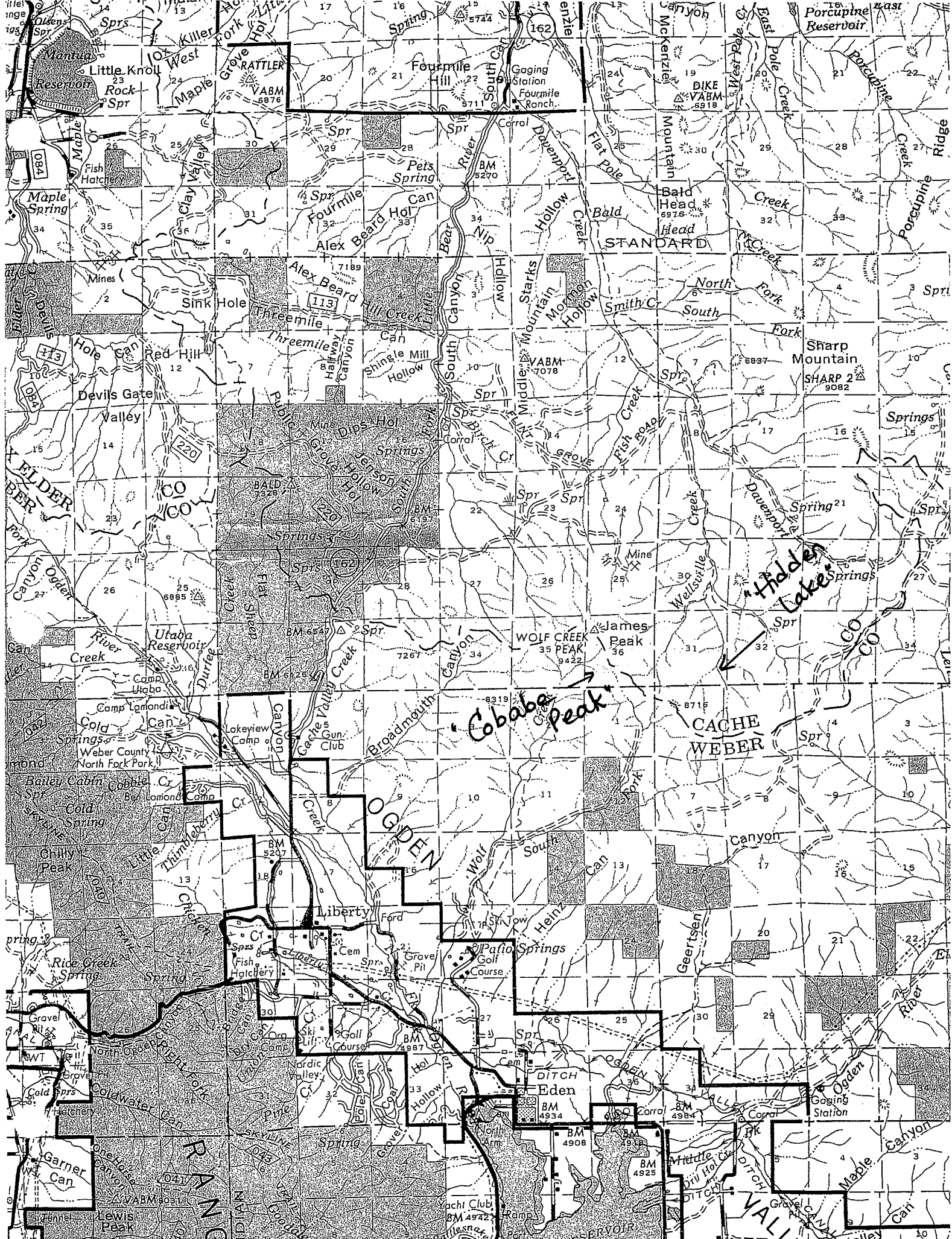
\_\_\_\_\_  
(City, State, ZIP Code)

\_\_\_\_\_  
(E-mail)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Return to: U.S. Board on Geographic Names  
U.S. Geological Survey  
523 National Center  
Reston, VA 20192-0523  
Telephone: (703) 648-4544  
Fax: (703) 648-4549  
E-mail: bgnexec@usgs.gov



# topozone



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### USGS Topo Maps

- No topo basemap
- 1:24K/25K Series
- 1:100K Series
- 1:250K Series

### TopoZone Pro

- Shaded Relief
- Street Maps
- Aerial Photos
- Black and White
- Color Infrared

### Map Size

- Small
- Medium
- Large
- Huge

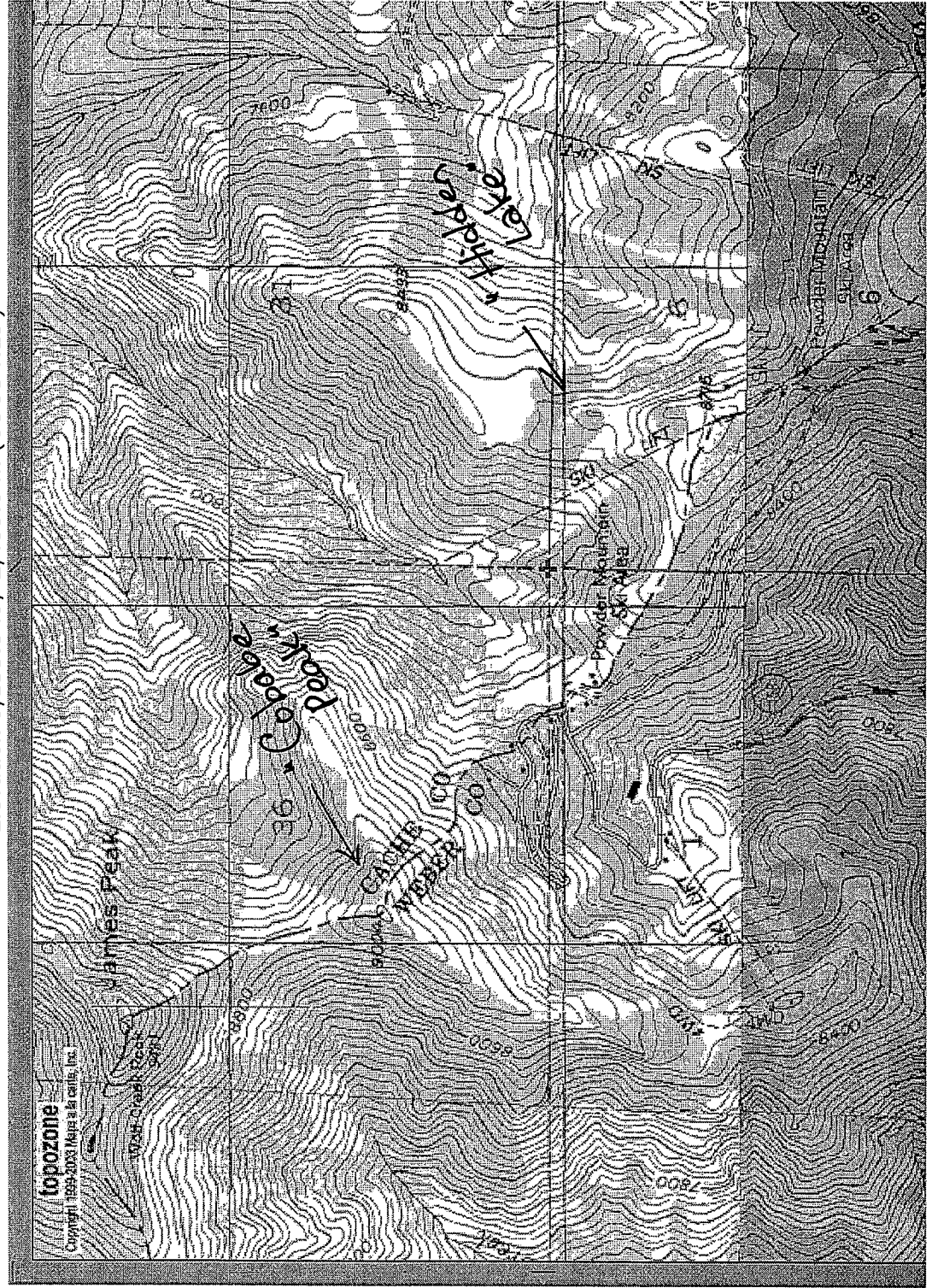
### View Scale

1 : 50,000

### Coordinate Format

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- Show target
- Email this map
- Bookmark this map
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CACHE COUNTY  
ORDINANCE NO. 2006-04

AN ORDINANCE REZONING CERTAIN REAL PROPERTY AND AMENDING THE  
CACHE COUNTY LAND USE ORDINANCE NO. 90-15.

The Cache County Council, in a regular meeting, lawful notice of which has been given, finds that the following rezoning should be approved; and that the Cache County Land Use Ordinance, No. 90-15, together with the official Zoning Map of Cache County, should be amended, accordingly.

Therefore, the Cache County Council ordains, as follows:

1. That the following described real property located in Cache County, State of Utah, consisting of approximately 18.47 acres, which is owned by Lundahl Cold Storage, LLC lying within Township 12 North Range 1 East of the Salt Lake Base and Meridian be rezoned Industrial/Manufacturing (IM) more particularly described as follows:

PARCEL NO. 1: (04-076-0009) E/2 OF LOT 5 BLK 14 PLAT D LOGAN FMSVY IN  
NE/4 SEC 20 T 12N R 1E CONT 10 AC B1466A

PARCEL NO. 2: (04-076-0008) THE W/2 OF LT 5 BLK 14 PLT D LOGAN FARM  
SVY 10 AC LESS BEG AT SW COR LT 5 SD BLK & TH N 0\*59'50" E 669.24 FT  
(660' BR) TO NW COR LT 5 TH E 100.02 FT TH S 0\*59'50" W 662.74 FT TH W  
64.08 FT TH S 1\*31'51" W 6.5 FT TH W 35.07 FT TO BEG 1.53 AC NET 8.47 AC

2. That the Cache County Land Use Ordinance, No. 90-15, together with the official Zoning Map of Cache County, are hereby amended accordingly.

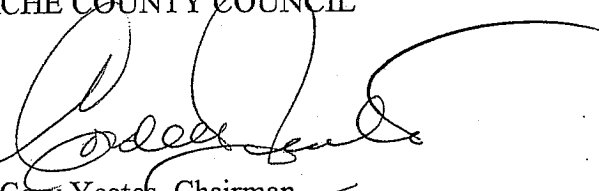
3. This Ordinance shall become effective immediately upon publication, in the manner provided by law.

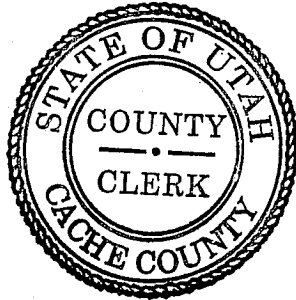


4. This Ordinance was adopted by the Cache County Council on the 25th day of April, 2006 upon the following vote:


	<u>IN FAVOR</u>	<u>AGAINST</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Chambers	X			
Gibbons	X			
Hansen	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
TOTAL	7	0	0	0

CACHE COUNTY COUNCIL

By:   
Cory Yeates, Chairman



ATTESTED BY:

  
Jill N. Zollinger, County Clerk

Publication Date:

CACHE COUNTY  
ORDINANCE NO. 2006-03

AN ORDINANCE REZONING CERTAIN REAL PROPERTY AND AMENDING THE  
CACHE COUNTY LAND USE ORDINANCE NO. 90-15.

The Cache County Council, in a regular meeting, lawful notice of which has been given, finds that the following rezoning should be approved; and that the Cache County Land Use Ordinance, No. 90-15, together with the official Zoning Map of Cache County, should be amended, accordingly.

Therefore, the Cache County Council ordains, as follows:

1. That the following described real property located in Cache County, State of Utah, consisting of approximately 102.08 acres, which is owned by Leatham Limited Partnership lying within Township 11 North Range 1 West of the Salt Lake Base and Meridian be rezoned Mineral Extraction (ME) more particularly described as follows:

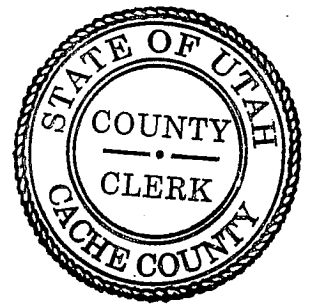
PARCEL NO. 1: (11-071-0007) BEG 4 RDS W OF SE COR SW/4 SE/4 OF SEC 28 T 11N R 1W & TH W 476 RDS TH N 656.25 FT TH E 240 RDS TH S 181.75 FT TH E 236 RDS TH S 474.5 FT TO BEG WITH R/W BEG SE COR SD TRACT & TH N 160 RDS TH E 4 RDS TH S 160 RDS TH W 4 RDS TO BEG CONT 102.08 AC

2. That the Cache County Land Use Ordinance, No. 90-15, together with the official Zoning Map of Cache County, are hereby amended accordingly.

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

4. This Ordinance was adopted by the Cache County Council on the 25th day of April, 2006 upon the following vote:

	<u>IN FAVOR</u>	<u>AGAINST</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Chambers	X			
Gibbons	X			
Hansen	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
TOTAL	7	0	0	0



ATTESTED BY:

*Jill N. Zollinger*  
Jill N. Zollinger, County Clerk

CACHE COUNTY COUNCIL  
By: *Cory Yeates*  
Cory Yeates, Chairman

Publication Date:

**RESOLUTION NO 2006-01  
CACHE COUNTY SERVICE AREA NO. 1  
BOARD OF TRUSTEES**

**A RESOLUTION BY THE CACHE COUNTY SERVICE AREA #1 BOARD OF TRUSTEES APPROVING AN ADJUSTMENT OF SOLID WASTE COLLECTION AND DISPOSAL FEES, AND MANDATORY CURBSIDE RECYCLING.**

WHEREAS, the Solid Waste Advisory Board, was formed to advise the Board of Trustees of Cache County Service Area No. 1 regarding solid waste collection and disposal

WHEREAS, the Board recognizes the need to adjust the solid waste rates to address increasing fuel and equipment cost.

WHEREAS, the Board understands the need to meet new storm water regulations

WHEREAS, the Board supports the need to save monies for a future landfill site and a transfer station

WHEREAS, the Board encourages recycling and increased diversion rates from the landfill

WHEREAS, the Board understands the need to adjust the rates due to increase in inflation and growth in equipment needed, and that the last significant rate adjustment occurred in 1997

WHEREAS, the Board also supports the need to increase household hazardous waste diversion from the landfill

BE IT RESOLVED by the Cache County Service Area # 1 Board of Trustees as follows:

**Section 1. Residential Garbage Pickup (includes landfill tipping fees (TF) unless otherwise noted).**

Logan City		
90 gallon	\$11.65 per month	\$12.65 per month
Extra pick up	\$ 3.60 ea. Container	\$3.87 ea container
60 gallon (minimum fee)	\$ 7.80 per month	\$10.50 per month
Extra pickup	\$ 1.85 ea container	\$1.99 ea container

Current 60 gallon user rate increase will be implemented over a two year period \$1.35/yr

Special Pickup/Bulky Waste Charge \$20.00 plus applicable TF

Cache County		
90 gallon	\$12.25 per month	\$13.25 per month
Extra pick up	\$ 3.90 ea. Container	\$ 4.19 ea. container
60 gallon	\$ 8.40 per month	\$11.00 per month

Current 60 gallon user rate increase will be implemented over a two year period \$1.30/yr

Extra pick up	\$ 2.15 ea. Container	\$ 2.31 ea. container
---------------	-----------------------	-----------------------

Special Pickup/Bulky Waste Charge \$26.00 plus applicable TF

**Section 2. Commercial Garbage Pickup**

- a. Front Load Refuse hauled by Service Area \$ 5.40 cu. yd. per pickup
- b. Temporary/Construction Dumpster Rental

Front loader dumpster			\$10.00/week
Rental Fee			Same as Section 2(a)
Collection/Disposal Fee			
c. Roll-off dumpster			
Rental Fee (beginning day 15 of rental)			\$40.00/week
Collection/Disposal Fee			Same as Section 2(c)
c. Roll-off Refuse			
Each Pickup	<del>\$82.50</del> each		\$123.75 each
	Plus Applicable TF		Plus Applicable TF
d. Roll-off Recyclables			
Each pickup (Green Waste, Other Recyclables)			\$45.00 each
			Plus ED* receives recycling revenue
			\$ 0.00 each
Each pickup (cardboard)			Plus ED* receives recycling revenue
e. Minimum Commercial Fee			
Logan City	<del>\$10.53 per month</del>		\$ 12.65 per month
Cache County	<del>\$10.53 per month</del>		\$ 13.25 per month

\* ED: Environmental Department

**Section 3. New Home Automated Container (A.C.) Service Fee.**

Delivery of A.C. in Logan City		\$20.00
Delivery of A.C. in Cache County		\$26.00
Delivery of A.C. by customer		\$5.00

**Section 4. Landfill Tipping Fees (TF).**

Car or truck up to ¾ ton	\$5.00	\$10.00
Small single axle trailer	\$5.00	\$10.00
Dual axle trailer and trucks larger than ¾ ton		Applicable TF
General Refuse	<del>\$27.00</del>	\$29.00/ton
Construction Debris & Tree Stumps	<del>\$19.00</del>	\$21.00/ton
Uncovered or otherwise unsecured loads	Additional fee	\$10.00

**Section 5. Recyclable Item Fees.**

a. Tire (size measured by inside diameter)		
15 inches or less		\$2.00 ea.
Larger than 15 but less than 20 inches		\$5.00 ea.
20 to 25 inches		\$10.00 ea.
Over 25 inches		\$100.00 ea.
Tires with rim, additional		\$5.00 ea
b. Pallets		
Clean to go to Green Waste Facility		\$9.00 per ton
Contaminated		Applicable TF

**Note:** There is no charge for separated, recyclable items such as newspaper, ferrous metals, aluminum, carpet pad, used oil, and compostable waste trimmings.

**Section 6. Special Handling Fees (SHF).**

a. Medical and Infectious Waste		
Minimum Fee: up to 0.5 cubic yard or 100 gallons in		
Volume, standard size "Black Beauty" dumpster \$8.00 cu. yd.		
Load is greater than 0.5 cubic yard	<del>\$6.00</del> cu. yd.	\$17.00 cu. yd.
b. Hydrocarbon contaminated soil fees		
(1000 ppm in accordance with landfill		Applicable TF plus
hazardous waste disposal procedures)	<del>\$11.50</del> ton	\$17.50/ton
c. Household refrigerators, freezers, air conditioners		
or other appliances originally having contained refrigerant		\$30.00 SHF ea unit
which are not certified and marked as having been legally evacuated.		
d. Sludge		
	<del>\$11.50</del> ton SHF	Applicable TF Plus
		\$17.50 ton/SHF
e. Any other items requiring special handling		
	<del>11.50</del> ton SHF	Applicable TF Plus
		\$17.50ton/SHF
f. Metal bottles or other containers which are or have been		
pressurized, including but not limited to propane bottles		\$10.00 SHF ea. Unit
and fire extinguishers.		
g. Asbestos & asbestos contaminated materials		
<del>\$250.00</del> per ton		\$500.00/ton

**Section 7. Dead Animal Fees**

Animal disposal for farmers is free

**Section 8. Residential Curbside Green waste Collection (April – November)**

Logan, Smithfield, North Logan, Providence, Hyde Park, River Heights, Millville,  
Nibley, Hyrum, .....

90 Gallon \$4.00 per month  
(12 month billing period)

**Section 9. Green waste Facility Product Pricing (includes sales tax)**

Finished Compost	<del>\$15.00</del> per cu. yd.	\$17.00/cu. yd.
Coarse Wood Chips	<del>\$3.00</del> per cu. yd.	\$8.00/cu. yd.
Fine Screened Wood Chips	<del>\$7.00</del> per cu. yd.	\$10.00/cu. yd.
Medium Wood Chips	<del>\$7.00</del> per cu. yd.	\$10.00/cu. yd.
Pallet Wood Chips	<del>\$3.00</del> per cu. yd.	\$8.00/cu. yd.
Premium Wood Chips	<del>\$10.00</del> per cu. yd.	\$12.00/cu. yd.
<del>Unscreened Wood Chips</del>	<del>\$3.00</del> per cu. yd.	
Christmas Tree Wood Chips	<del>\$7.00</del> per cu. yd.	\$10.00/cu.yd.
Firewood	\$5.00 per cord	\$5.00 per cord

**Section 10. Curbside Recycling Collection**

Countywide Mandatory Curbside Recycling \$3.00 per resident per month, once every other week pickup

**Implementation schedule:**

2006/2007 cities of Smithfield, Hyde Park, N. Logan, Logan, River Heights, Providence, Millville

2007/2008 remainder of County cities and unincorporated areas

**Section 11. Spring Cleanup/Green Waste Drop Site**

Provide one time spring clean up for every community, or keep the green waste drop site/s at a location identified and monitored by the local community, or credit \$2.15 per residential customer per year to the local community for green waste management

**Section 12. Hardship Allowance**

Cache County Residential customers may apply for reduced garbage rate annually on the basis of hardship through the Solid Waste Advisory Board. The Solid Waste Advisory Board will develop hardship qualification policy.

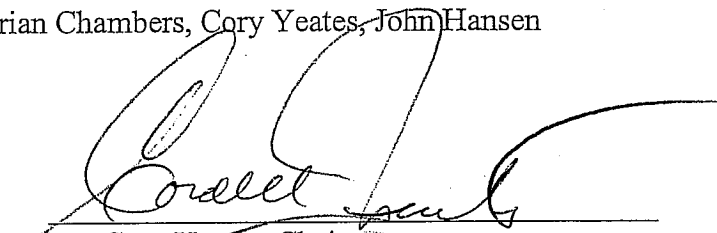
The effective date of this resolution shall be July 1, 2006.

THIS RESOLUTION duly adopted upon this 25th day of April, 2006 by the following vote:


Yeas: Darrel Gibbons, Kathy Robison, Brian Chambers, Cory Yeates, John Hansen

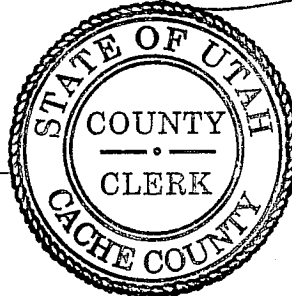
Nays: Craig Petersen, Gordon Zilles

Absent:

  
By: Cory Yeates, Chairman

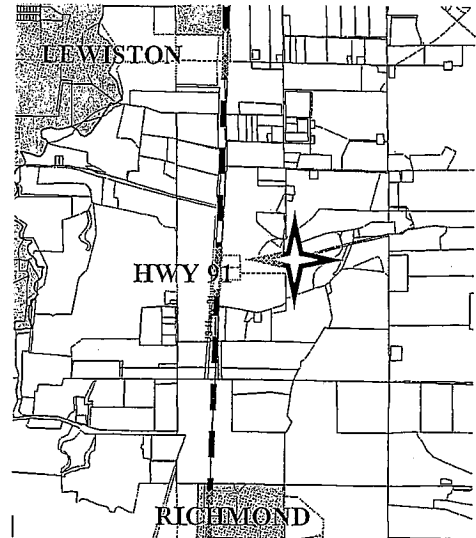
Attest:

  
By: Jill N. Zollinger, County Clerk



# Development Services Cache County Corporation

*Project Name:* Bodily Lot Split Subdivision  
*Agent:* David Bodily  
*Request:* Lot Split Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 1200 East 12100 North (Cove)  
*Tax ID:* 09-029-0015  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agricultural Zone  
(Gravel Extraction)  
South – Agriculture  
East – Agriculture  
West – Agriculture



*Site Location*

## PROJECT

*Request:* The applicant is requesting a lot split subdivision to create two (2) building parcels. The proposed lot sizes are 5.0 acres (Lot 1) and 14.87 acres (Lot 2). The lot sizes on both Lots 1 and 2 meet the minimum lot size requirements for a small subdivision as provided in §17.09.080. Staff does not have any concerns with this Lot Split Subdivision.

*Water & Septic:* Lot 1 and 2 are feasible for a septic system. At this time water is not required as this is part of a lot split subdivision, however, prior to the issuance of a Zoning Clearance, approved water rights will be required.

*Access:* Both lots within this subdivision are accessed by High Creek Road, which has a hard surface width of between 20 and 21 feet. No further improvements are being required of this road at this time.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Both Lots 1 and 2 are feasible for on-site wastewater disposal systems.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- The road has a current hard surface width of 20 to 21 feet.
- Dedicate 25 feet from the centerline of 12100 North.

### *Cache County Fire Department:*

- No issues for the Lot Split, but will require further approvals prior to the issuance of a zoning clearance.

### *Cache County School District:*

- The nearest bus stop is located at 1100 East 12100 North.

### *Cache County Service Area #1*

- The container must be placed on an accessible County road.

## PUBLIC COMMENTS

Notices were mailed to 8 property owners located within three hundred feet of the subject property and to Richmond and Lewiston Cities.



## STAFF RECOMMENDATIONS

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Bodily Lot Split Subdivision, a two (2) lot subdivision for property located at approximately 1200 East 12100 North, TIN # 09-029-0015.

*Stipulations:*

1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any water way or well unless otherwise designated by the Health Department.
2. Prior to the issuance of a Zoning Clearance for Lots 1 or 2, proof of appropriate water shares will be required.

## RECOMMENDED FINDINGS OF FACT

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The Bodily Lot Split Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Bodily Lot Split Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Bodily Lot Split Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. High Creek Road, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,



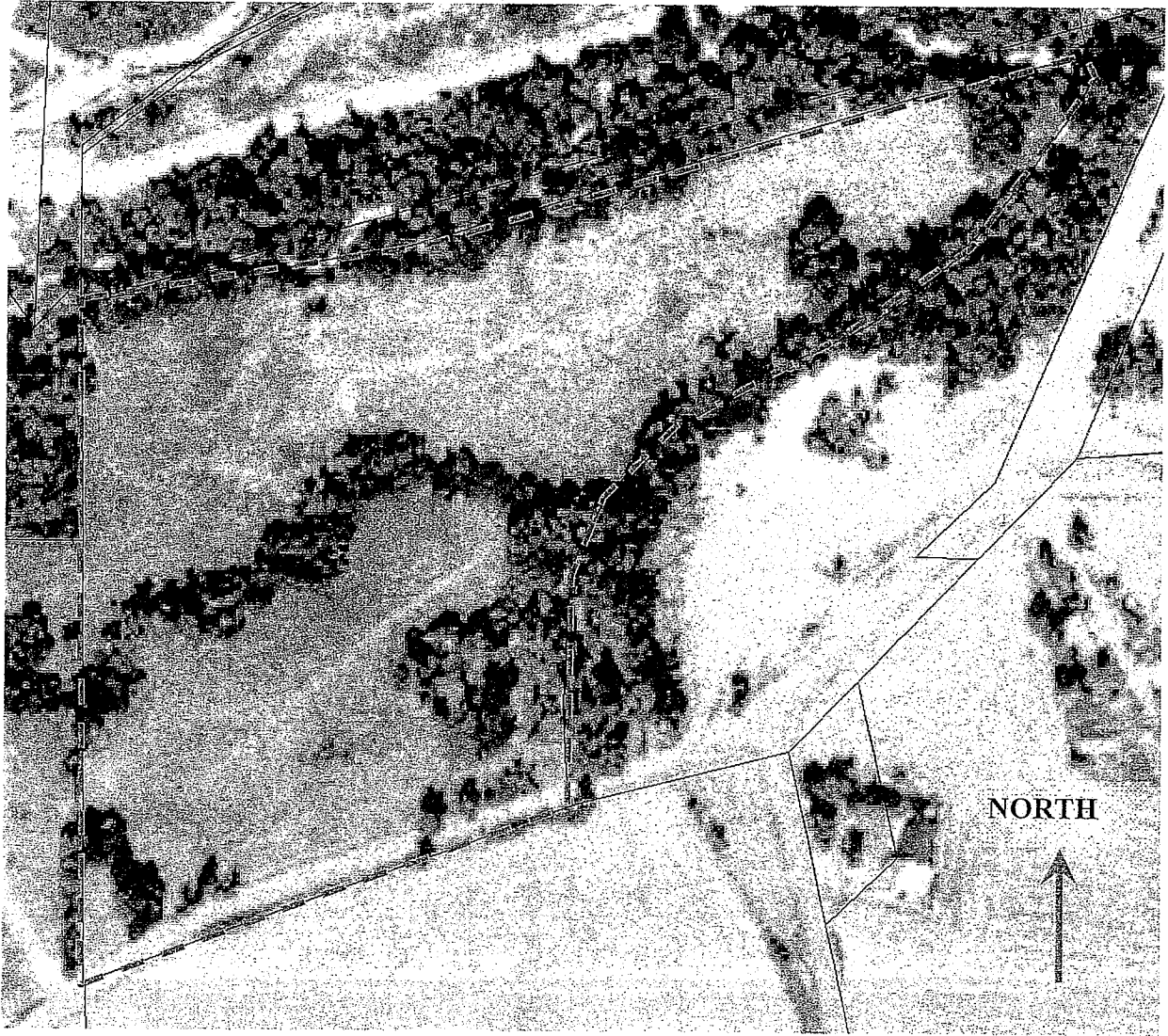
Josh Runhaar

Cache County Planner & Zoning Administrator

Report Published: March 23, 2006

Republished: April 4, 2006

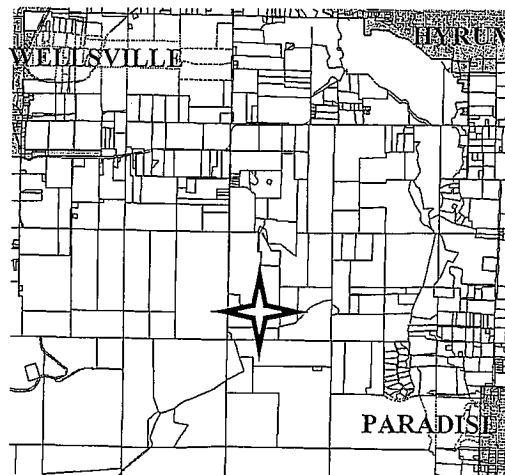
This staff report is an analysis of the application based on adopted County documents, standard County development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.





# Development Services Cache County Corporation

*Project Name:* McBride Lot Split Subdivision  
*Agent:* David McBride  
*Request:* Lot Split Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 2400 West 8000 South (Mt. Sterling)  
*Tax ID:* 01-083-0006 & 0013  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agricultural  
South – Agricultural  
East – Agriculture  
West – Agricultural



Site Location

## PROJECT

*Request:* The applicant is requesting a lot split subdivision to create two (2) building parcels. The proposed lot sizes are 32.21 acres (Lot 1) and 32.19 acres (Lot 2). The lot sizes on both Lots 1 and 2 meet the minimum lot size requirements for a small subdivision as provided in §17.09.080. Staff does not have any concerns with this Lot Split Subdivision.

*Water & Septic:* Both Lots 1 and 2 are feasible for septic systems, and at this time water is not required as this is part of a lot split subdivision. At this time water is not required as this is part of a lot split subdivision, however, prior to the issuance of a Zoning Clearance, approved water rights will be required.

*Access:* Both lots within this subdivision are accessed by 2400 West, which has a hard surface width of 21 feet. No further improvements are being required of this road at this time; however, these lots are beyond the current range of snow plowing by the Road Department. In order to provide snow plowing this far south along 2400 West, the property owners will be required to provide an adequate turn-around for County vehicles.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Both Lots 1 and 2 are feasible for on-site wastewater disposal systems.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- The road has a current hard surface width of 21 feet.
- A 66 foot right-of-way currently exists along 2400 West.
- A minimum of an 18" culvert will be required to be installed under any approaches to these lots.
- Snow removal ends at 7515 South. If snow removal is to continue this far south, the approach to the southern home will need to be used as a turn-around.

### *Cache County Fire Department:*

- No issues for the Lot Split, but will require further approvals prior to the issuance of a zoning clearance.

### *Cache County School District:*

- The nearest bus stop is located at 6800 South 2400 West.

### *Cache County Service Area #1*

- The container must be placed on an accessible County road.

## PUBLIC COMMENTS

Notices were mailed to 4 property owners located within three hundred feet of the subject property.

## STAFF RECOMMENDATIONS

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the McBride Lot Split Subdivision, a two (2) lot subdivision for property located at approximately 2400 West 8000 South, TIN #01-083-0006 & 0013.

### *Stipulations:*

1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any water way or well unless otherwise designated by the Health Department.
2. Prior to the issuance of a Zoning Clearance for Lots 1 or 2, proof of appropriate water shares will be required.
3. The proponent shall install a minimum 18" culvert under the access points to Lots 1 and 2, and shall work with the Road Department to provide adequate turn-arounds for maintenance equipment.

## RECOMMENDED FINDINGS OF FACT

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The McBride Lot Split Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The McBride Lot Split Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The McBride Lot Split Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 2400 West, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,



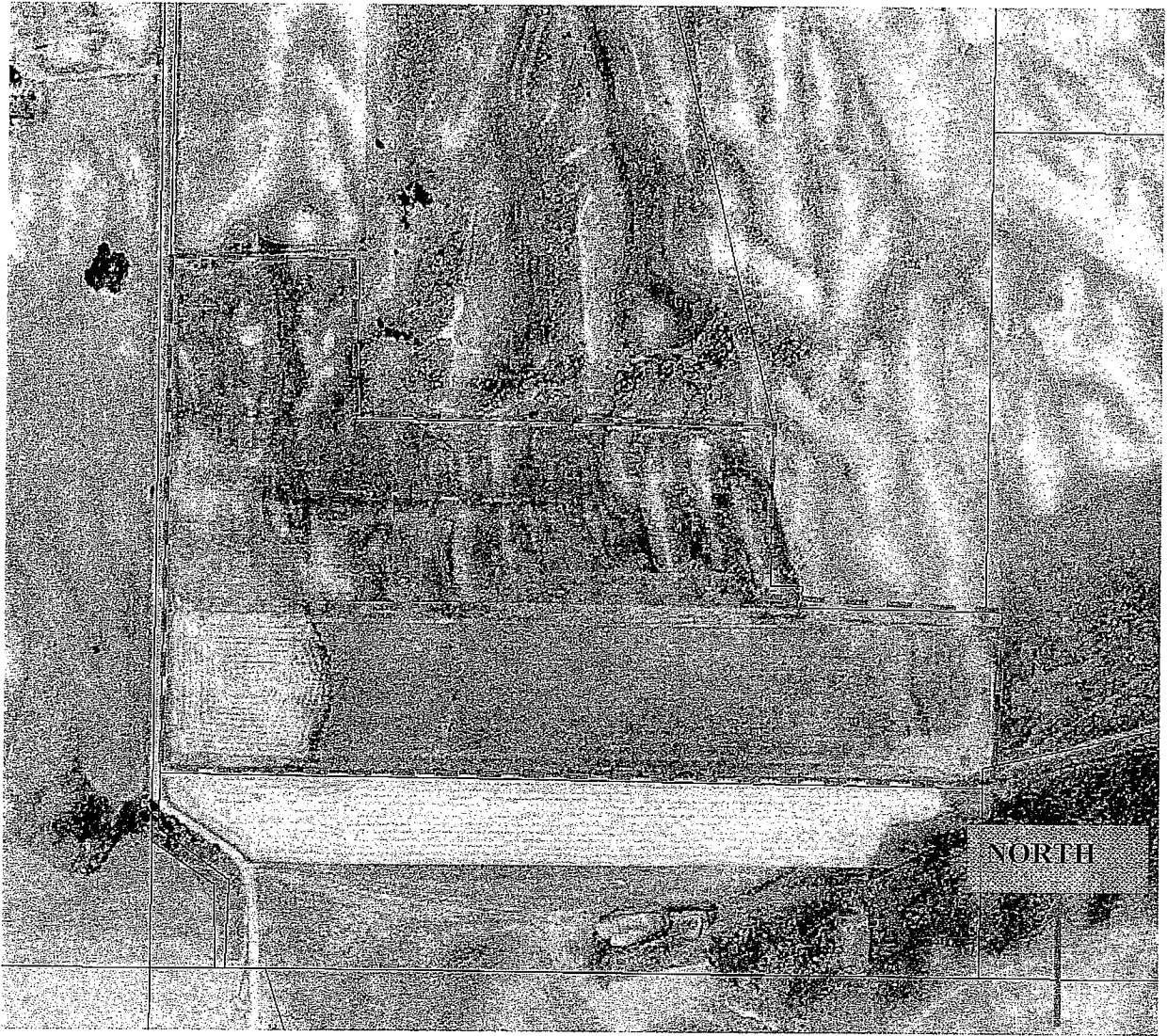
Josh Runhaar

Cache County Planner & Zoning Administrator

Report Published: March 23, 2006

Republished: April 4, 2006

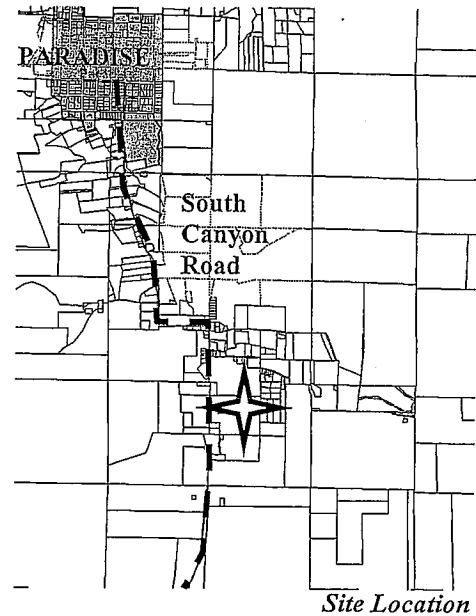
This staff report is an analysis of the application based on adopted County documents, standard County development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.





# Development Services Cache County Corporation

*Project Name:* Summers Ranch Lot Split Subdivision  
*Agent:* Zan Summers  
*Request:* Lot Split Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 11700 South 800 East (South Canyon Rd.) (Avon)  
*Tax ID:* 16-052-0005  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agricultural Zone  
(A Single Family Home)  
South – Agricultural Zone  
East – Agriculture  
West – Agricultural



## PROJECT

*Request:* The applicant is requesting a lot split subdivision to create two (2) building parcels. The proposed lot sizes are 9.32 acres (Lot 1) and 35.15 acres (Lot 2). While there has already been a subdivision from the base 1970 parcel, this lot split subdivision only creates a total of 3 subdivisions from the original 1970 parcel. The lot sizes on both Lots 1 and 2 meet the minimum lot size requirements for an small subdivision as provided in §17.09.080. Staff does not have any concerns with this Lot Split Subdivision.

*Water & Septic:* Lot 1 and 2 are feasible for a septic system, but Lot 2 will require further testing prior to the placement of a drain field. At this time water is not required as this is part of a lot split subdivision, however, prior to the issuance of a Zoning Clearance, approved water rights will be required.

*Access:* Both lots within this subdivision are accessed by South Canyon Road, which has a hard surface width of 21 feet. The applicant has already completed the 66 foot dedication of right-of-way for South Canyon Road. No further improvements or right-of-way are being required of this road at this time.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Both Lots 1 and 2 are feasible for on-site wastewater disposal systems.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- The road has a current hard surface width of 21 feet.
- A 66 foot right-of-way should be dedicated along both sides of South Canyon Road.

### *Cache County Fire Department:*

- No issues for the Lot Split, but will require further approvals prior to the issuance of a zoning clearance.

### *Cache County School District:*

- The nearest bus stop may be located at 11700 South 800 East. Weather factors may limit service in this area.

### *Cache County Service Area #1*

- The container must be placed on an accessible County road.

## PUBLIC COMMENTS

Notices were mailed to 7 property owners located within three hundred feet of the subject property.



## STAFF RECOMMENDATIONS

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Summers Ranch Lot Split Subdivision, a two (2) lot subdivision for property located at approximately 11700 South 800 East, TIN #16-052-0005.

### *Stipulations:*

1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any water way or well unless otherwise designated by the Health Department.
2. Prior to the issuance of a Zoning Clearance for Lots 1 and 2, proof of appropriate water shares will be required.
3. Prior to the recordation of the plat, 33 feet from the centerline of the South Canyon Road shall be dedicated to the County.

## RECOMMENDED FINDINGS OF FACT

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The Summers Ranch Lot Split Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Summers Ranch Lot Split Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Summers Ranch Lot Split Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 800 East (South Canyon Rd.), the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,

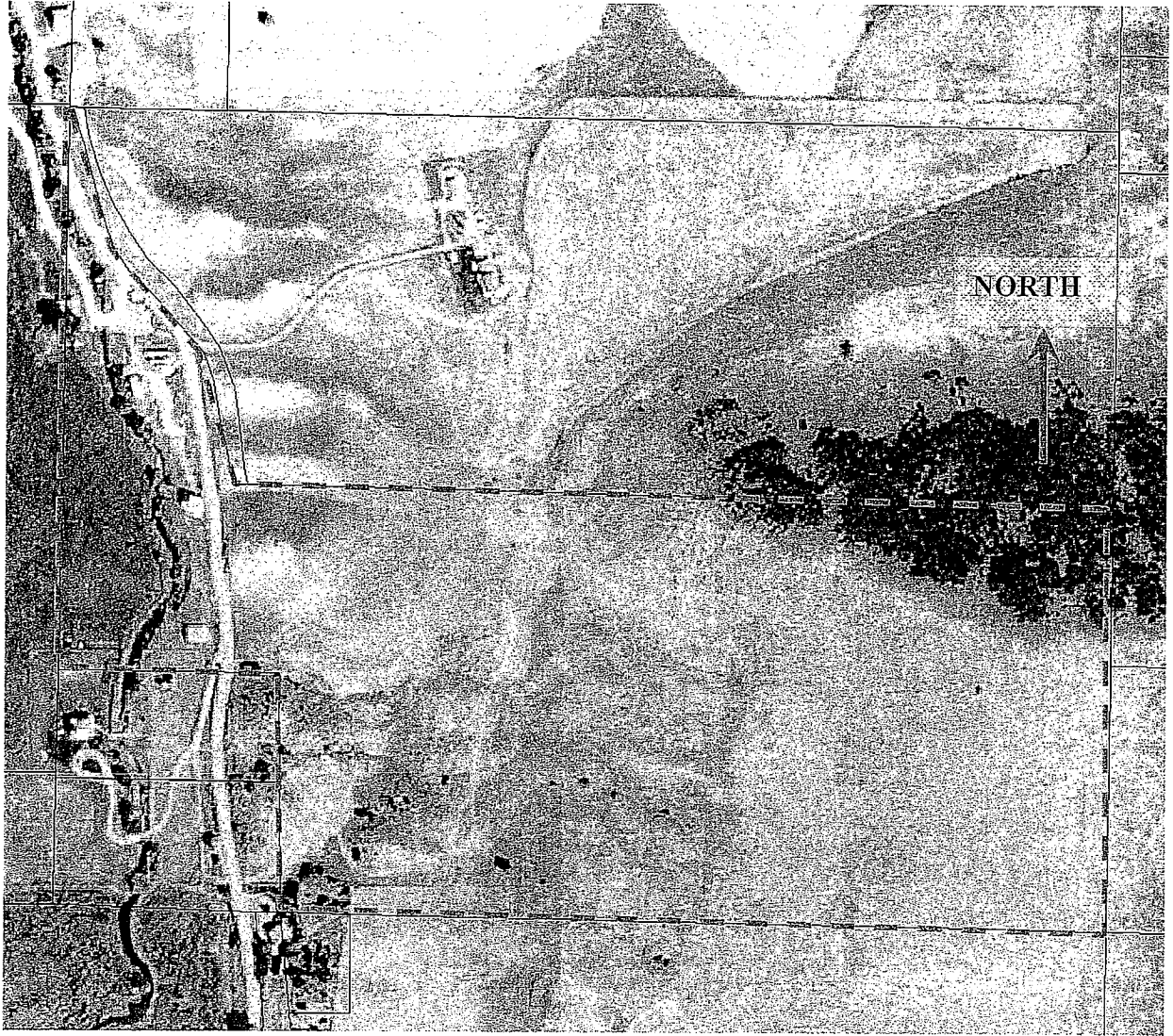
  
Josh Runhaar

Cache County Planner & Zoning Administrator

Report Published: March 23, 2006

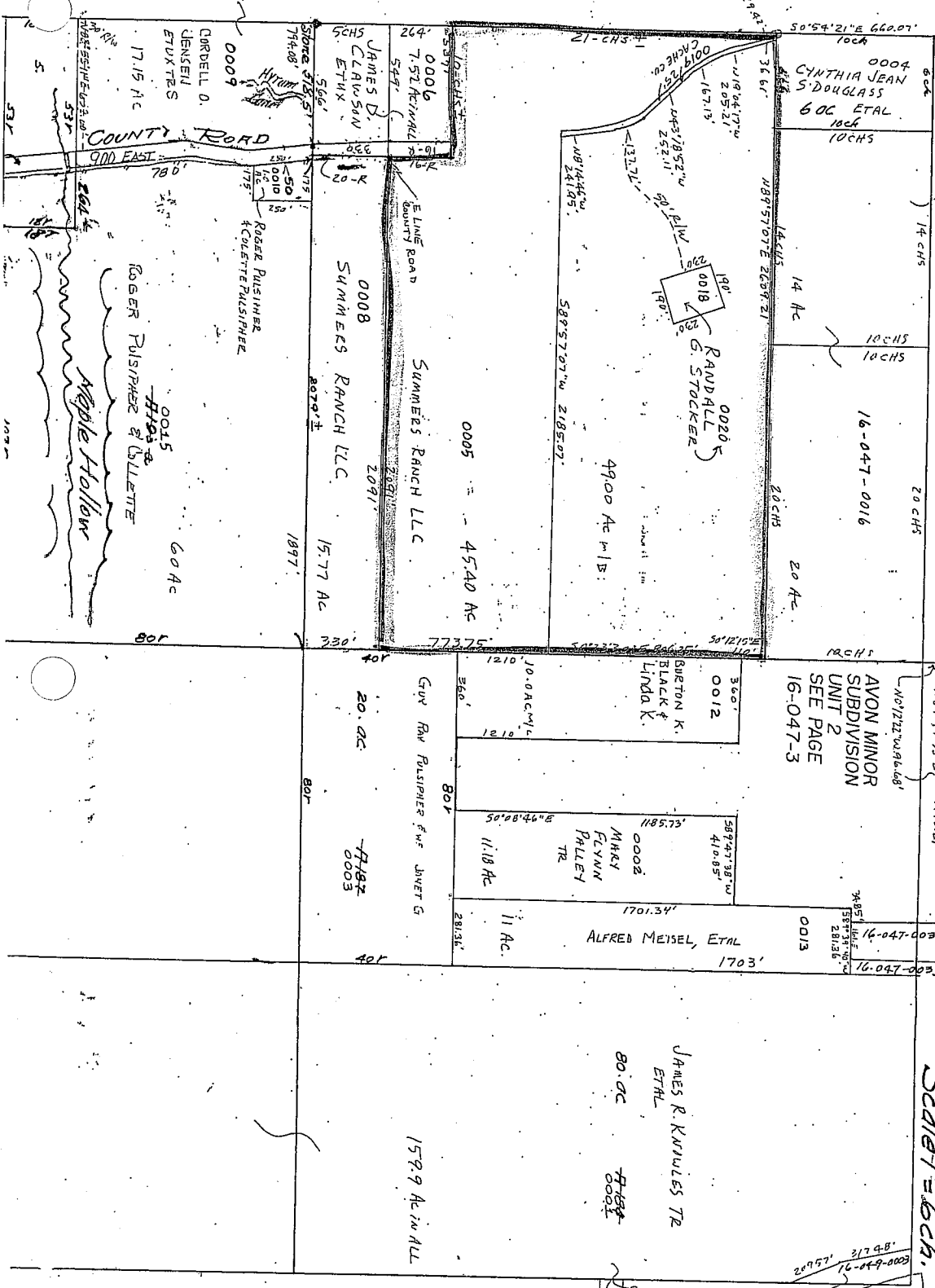
Republished: April 4, 2006

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 prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



970  
Handwritten notes

SEE 16-053



SEE 16-047

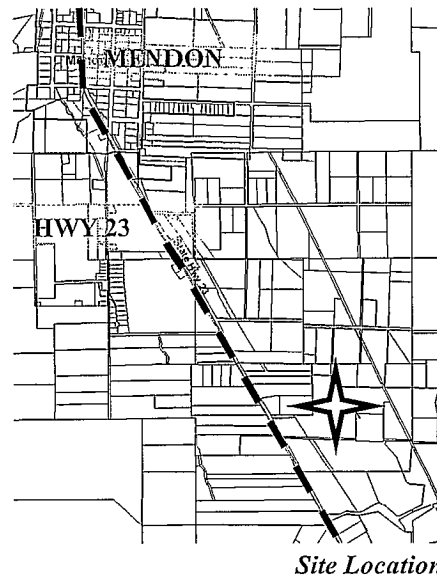
Scale 1" = 60 CH.

SEE 16-049

SEE 16-049

# Development Services Cache County Corporation

*Project Name:* Hunz-Acres Subdivision  
*Agent:* Dan Hunsaker  
*Request:* 5 Lot Minor Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 2900 South 5100 West (Mendon)  
*Tax ID:* 11-046-0009 & 0002  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agriculture  
South – Agriculture  
East – Agriculture  
West – Agriculture



## PROJECT

*History:* This property was denied for a 19 lot subdivision in 2004 (Foothills Major Subdivision).

*Request:* The applicant is requesting a subdivision to create five (5) building parcels, four of which are approximately 2.5 acres each and a fifth that is 25.36 acres. The proposed subdivision meets the minimum lot size requirements of §17.09.040 and the number of lots/ lot size requirements of §17.09.080 (there will be four lots from an original 1970 parent parcel).

*Access:* The subdivision is accessed by a private road (5125 West) which is accessed from 2900 South, a County road. The private road is proposed to have a 50 foot wide right-of-way with a 20 foot wide hard surface. Staff's only concern with the proposed access is the connection that exists at 2900 South and Hwy 23 as 2900 South is substandard (only 17 feet wide) and the intersection has limited visibility.

*Water & Septic:* The applicant has applied to the State of Utah Division of Water Rights for culinary water permits on all five lots, but at present has not obtained any approvals. The subdivision will not be recorded until the appropriate water rights for all of the lots have been approved by the State of Utah Division of Water Rights.

The Bear River Health Department has found that the soils on all of the lots are suitable for septic systems, but is still reviewing the exact location of septic fields based on the water table, flooding in surrounding areas, and the placement of drinking water wells. Much of that land on the southern and eastern half of the property will likely be unsuitable for the placement of septic fields, which will limit the home locations on lots 4 and 5. Further testing and analysis will be required prior to the placement of any septic fields.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- The soil on all of the proposed lots may be acceptable for septic systems. Due to soil variability, additional evaluations to determine the water table, flooding issues, and the placement of wells will be required prior to placing any septic systems.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- The approach at 2900 South and Hwy 23 is only 17 feet wide and has limited visibility because of the location of trees and high ditch banks. The approach should be widened and sight lines should be cleared. Dedication should be 25 feet from the centerline of 2900 South.
- A culvert (minimum 18") shall be required at the approach to this property. Culverts should also be located where necessary at the individual private drive approaches.

### *Cache County Fire Department:*

- The applicant must submit plans for the proposed turn-around at the end of the private drive.
- 2900 South needs to meet the minimum standards of a 20 foot wide hard surface.

- Each lot/home will need to be further reviewed prior to the issuance of a Zoning Clearance.

*Cache County School District:*

- A bus stop will be located at 2900 South and Hwy 23.

*Cache County Service Area #1*

- Proposed road must be either prepared to the minimum road standards for Logan City waste vehicles with a signed waiver form. Otherwise all cans will be collected along the nearest appropriate County/City road.

**PUBLIC COMMENTS**

Notices were mailed to 10 property owners located within three hundred feet of the subject property.

**STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Hunz-Acres Subdivision, a five (5) lot subdivision for property located at approximately 2900 South 5100 West, TIN #11-046-0009 & 0002.

*Stipulations:*

1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any waterway or well unless otherwise designated by the Health Department. Further review and analysis of soil conditions will be required prior to the issuance of a waste water permit on any of the lots.
2. The applicant shall improve 2900 South from Hwy 23 to the point of access to the proposed subdivision to a minimum of a 20 foot wide hard surface width and clear the visibility issues at the intersection of Hwy 23 and 2900 South. Any road work done at the connection of Hwy 23 and 2900 South will require review by the Cache Access Management Policy.
3. Dedication of 25 feet from the centerline of 2900 South is required along this subdivision.
4. The proponent shall enter into an agreement with the County to double chip and seal the entirety of 5125 West and 2900 South from Hwy 23 to 5125 West within a three (3) year time period. The agreement shall contain language to protect both the developer and the County, and to ensure that if further development along 2900 South occurs, that cost sharing on the road improvements is ensured.
5. The proponent shall submit detailed information about the Home Owner's Association and any CC&R's that will be present for this subdivision for review by staff.
6. The proponent shall work with staff to add appropriate drainage notes on the plat in regards to the alteration of any flow to the irrigation canal.
7. Prior to the issuance of a building permit the road improvements at Hwy 23 and 2900 South shall have been completed to UDOT and County standards.

**RECOMMENDED FINDINGS OF FACT**

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The Hunz-Acres Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Hunz-Acres Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Hunz-Acres Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 2900 South and 5125 West, the roads that provide access to the subject property, have an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,

Josh Runhaar

Cache County Planner & Zoning Administrator

Report Published: March 23, 2006

Republished: April 26, 2006

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 prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



# Development Services

## Cache County Corporation

179 North Main, Room 305  
Logan, Utah 84321  
(435) 716-8350

Wendell Morse  
Director/Countywide Planner

Josh Runhaar  
Planner/Zoning Administrator

Paul Berntson  
Chief Building Inspector

### Memorandum

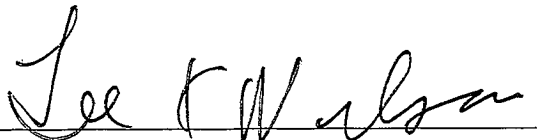
To: Cache County Council  
From: Cache County Planning Commission  
Date: April 17, 2006  
Subject: Nebo Creek Subdivision Revised

The Planning Commission has completed a second review of the proposed Nebo Creek Subdivision as directed by the Cache County Council and has re-recommended its approval based on two primary considerations.

- 1) Because of the configuration of the 1970 parcels, the property owner is currently able to develop a home almost anywhere within the proposed Lot 1 (which is the lot of concern due to its proximity to the manure pits and cattle operations to the north).
- 2) The Planning Commission has reviewed the application in regards to the proximity this is placing homes to active and expanding agricultural areas. In reviewing the surrounding area, there are numerous homes that currently exist directly to the west of the dairy and a new subdivision occurring to the north of the dairy just within Richmond City limits.

The Planning Commission is aware of the potential conflicts that residential housing may have with the existing agricultural activities in the surrounding area, but feels that the proposed subdivision is done in such a way to minimize those conflicts as compared with the existing development rights through the requirement of a planted berm along the road, language within the sales contract informing potential buyers of the agricultural nature of the area, and the placement of wildlife and agricultural notes on the plat.

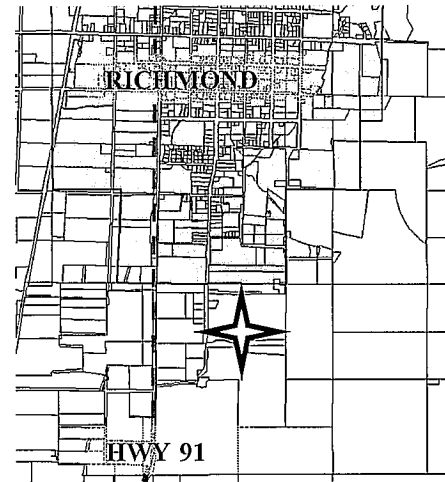
Because this subdivision is not creating the conflict that potentially exists already, the Planning Commission has renewed its recommendation of this subdivision with minor adjustments to the Findings of Fact in regards to the compatibility and interference with surrounding property uses (Finding of Fact #4) and an addition of an unbuildable area on Lot 1 in the area closest to the manure pits.



Lee Nelson, Planning Commission Chair

# Development Services Cache County Corporation

*Project Name:* Nebo Creek Estates Subdivision  
*Agent:* Brent Skinner  
*Request:* 5 Lot Minor Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 1205 South State Street (1100 East)  
(Richmond)  
*Tax ID:* 08-002-0019 & 0025 & 0028 & 0030  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agriculture  
South – Agriculture  
East – Agriculture  
West – Agriculture



*Site Location*

## PROJECT

*History:* This subdivision is being completed wholly on a single 1970 parcel. An adjacent 1970 parcel is being reduced in size via a boundary line adjustment so as to make the lots within the subdivision larger. This in no way will affect the single building lot of parcel 08-002-0025 (the existing 1970 parcel).

*Request:* The applicant is requesting a subdivision to create five (5) building parcels. The proposed lot sizes are: Lot 1 – 3.74 acres, Lot 2 – 2.35 acres, Lot 3 – 5.07 acres, Lot 4 – 5.08 acres, and Lot 5 – 5.04 acres. The proposed subdivision meets the minimum lot size requirements of §17.09.040 and the number of lots/ lot size requirements of §17.09.080 (there will be five lots from an original 1970 parent parcel).

*Water & Septic:* The applicant has applied to the State of Utah Division of Water Rights for culinary water permits on all five lots, but at present has not obtained any approvals. The subdivision will not be recorded until the appropriate water rights for all of the lots have been approved by the State of Utah Division of Water Rights. Bear River Health Department has found that the soils on all of the lots are suitable for septic systems.

*Access:* This subdivision is accessed from South State Street with a private road that will have a 30 foot wide easement and a minimum 20 foot wide hard surface width. The proposed access will service the five lots of this subdivision and a sixth lot that is not part of this subdivision. Staff is not concerned with this access.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- The soil on all of the proposed lots is acceptable for septic systems.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- State Street currently has a 20 foot hard surface width. The applicant shall dedicate 25 feet of right-of-way from the centerline of the road.

### *Cache County Fire Department:*

- The access must be maintained as a minimum 20 foot hard surface width with appropriate access easements. Any bridges will be required to meet Chapter 5 of the International Fire Code.

### *Cache County School District:*

- A bus stop may be located at 1205 South State Street for eligible students.

### *Cache County Service Area #1*

- Proposed road must be either prepared to the minimum road standards for Logan City waste vehicles with a signed waiver form. Otherwise all cans will be collected along State Street.



## **PUBLIC COMMENTS**

Notices were mailed to 6 property owners located within three hundred feet of the subject property and to Richmond City.

## **STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Nebo Creek Estates Subdivision, a five (5) lot subdivision for property located at approximately 1205 South State Street, TIN #08-002-0019 & 0025 & 0028 & 0030.

### *Stipulations:*

1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any water way or well unless otherwise designated by the Health Department.
2. Any bridges will be required to meet Chapter 5 of the International Fire Code and obtain a building permit.
3. The applicant shall provide a dedication of 25 feet from the centerline of South State Street.
4. The applicant shall ensure that all roads that have an access to a lot(s) have a minimum hard surface width of 20 feet with appropriate easements and/or right-of-ways for access and utilities.
5. A certificate shall be filled on all of the lots and it shall be clearly identified on the sales contract for the proposed lots that the surrounding properties are active and expanding agricultural areas and that these lots are subject to the sights, sounds, and smells of agriculture.
6. The applicant and subsequent property owners within this subdivision shall work with surrounding property owners (Tripp, Stettler, and Smith), Bear River Health Department, and the State Division of Water Quality to locate appropriate well sites and to determine appropriate secondary water usage.
7. The applicant shall submit plans for a two (2) foot tall landscaped berm between the proposed road and the northern property line. The plans and location of the berm shall be approved by staff and the berm shall be constructed prior to the issuance of a zoning clearance for any development of these lots.
8. The proponent shall enter into an agreement with the County to pave (double chip and seal minimum) the entirety of 9300 North (a private road) within a three (3) year time period. The agreement shall contain language to protect both the developer and the County in case of inaction or delinquency.

## **RECOMMENDED FINDINGS OF FACT**

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The Nebo Creek Estates Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Nebo Creek Estates Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Nebo Creek Estates Subdivision does not create a greater level of incompatibility with the surrounding land uses and all possible action has been taken to limit any potential interference with the use and enjoyment of adjoining or area properties.
5. South State Street, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,

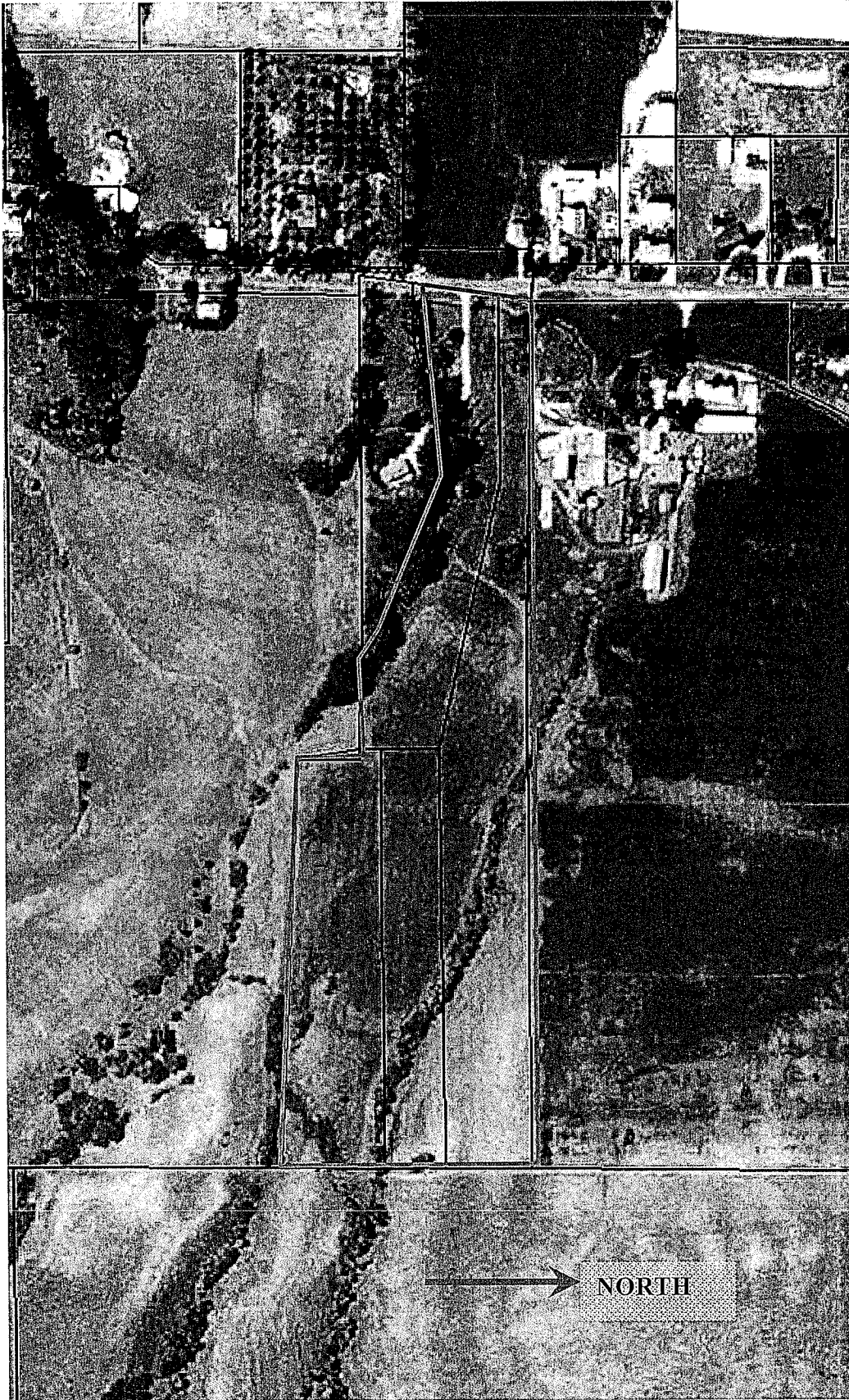
Josh Runhaar

Cache County Planner & Zoning Administrator

Report Published: February 23, 2006

Republished April 26, 2006

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 prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.





the land is sold. If ownership changes, mortgages must be separate. They can record the changes on both lots instead of making the change on the plat.

**Dent** asked if the property is part of a previously subdivided parcel.

**Runhaar** said the entire area was one parcel in 1970. The only thing staff can require is 5.5-acre minimum, which the applicant has met.

**Dent** asked if the County will let people split the lots again and again.

**Runhaar** said right now, everyone has the right to subdivide down to 5.5-acre lots.

*Christiansen made a motion to recommend approval of the subdivision to the County Council with staff recommended stipulations and findings of fact and with change to stipulation 4). Clements seconded; the motion passed with 5 (Christiansen, Clements, Allen, Nelson, and Ellis) in favor and 1 (Dent) opposed.*

**Item #4: Minor/Small Subdivision**

**Brent Skinner, agent for himself and Steven R. Smith (06-10SS)**, requested a recommendation of approval to the County Council for a boundary line adjustment with a pre-1970 parent parcel and a subdivision to be called Nebo Creek Estates on 23.54 acres of property in the Agricultural Zone for the construction of a single family dwelling on each lot and the adjusted parent parcel to be located at 1150 East, 1240 East, 1270 East, 1300 East, 1340 East, and 1350 East 9300 North (a private road), south of Richmond.

**Runhaar** made a notice to the PC that staff had received a letter earlier today signed by Sheldon Archibald and Lyle Ranzenberger expressing concerns.

**Dent** said he contacted Richmond Irrigation Company and USU after reading about the request.

**Runhaar** gave the staff report. He showed boundaries of the proposed 5-lot subdivision on the overhead. They have received comments from adjacent landowners; culinary water rights have not been approved to date; after County Council approval and the water rights are approved, they can record the plat. There are concerns with access for fire/emergency vehicles, school bus, and solid waste (garbage) removal. Staff mailed notices to six adjacent property owners and Richmond City. Staff recommends approval of subdivision to the County Council. **Runhaar** said that a Mr. Funk, owner of a dairy farm to the north, is concerned that new lot owners to the south will have issues of sights, sounds, and smells of the dairy farm, especially the waste pits.

**Runhaar** said that he and Daines discussed this and agreed that prospective buyers of the lots need to be notified that they may have to deal with the sights, sounds, and smells of agriculture; however, the farm will continue to operate. The applicant said they were willing to let this be an ag area. There are four stipulations recommended by staff.

**Nelson** told Brent Skinner (the applicant) that he (Nelson) is a dairy farmer. As such he is not concerned by this development, but the PC will protect the farm operation. He said that in August and July, Skinner is going to smell manure.

**Skinner** said he is familiar with the sights, sounds, and smells of agriculture.

**Funk** pointed out on the overhead where there is 200 tons of manure stored, a compost area, and a liquid manure overflow directly across the property line north of this proposed subdivision. They have contracted to improve the manure systems and have received funding from NRSC to double the manure bunkering in the storage facility. He is concerned with the private access road, which is 30-40 feet south of the manure storage, the cow corral, and the composting area. He is concerned with having homes so near the manure storage. Lot 1 is within 100 feet of the manure pit and the compost area and the house will be 95 feet from the lot. He is also concerned with water sources. He showed the location of the springs where they are getting water. He said that the water issues are nebulous at best. He would like to see the PC address this issue and delay the subdivision. He asked that Lot 1 be disallowed, the road be shifted to the south, and that the wells will be located farther away from the manure than the Bear River Health imposed 200 foot minimum so he can avoid litigation or any other problems that may arise.

**Nelson** asked if manure drained onto the property in question last year.

**Funk** replied that it did. The manure runs right along the property line. That is why they are doubling the manure bunkering.

**Nelson** asked if the spring is the culinary water source for the subdivision, or if the lot owners would dig wells.

**Funk** said right now, the existing home is using the spring, and he does not know where they are going to get culinary water for the lots.

**Nelson** asked Skinner what they intend to do.

**Skinner** said they would use a spring farther away that has a reservoir much farther away. The existing house has an existing well; the house on Lot 1 will have a proper setback. Skinner has applied for water out of a well that has existed since 1979. He said he is well aware of the concerns surrounding the dairy, and it will be clear in the deeds and addressed with potential buyers.

**Nelson** asked which way the property slopes.

**Skinner** said from east to west.

**Nelson** asked if a berm could stop the flow of manure onto the road.

**Funk** said a berm of two or three feet high would help.

**Christiansen** asked if there is a road there now.

**Skinner** replied there is; he pointed out the road and the marks that show the proposed road on the overhead.

**Allen** asked if anything stops runoff from crossing the road.

**Funk** said it does not cross the road, but it runs down about five feet from the property. He said he is concerned with the road being so close to his manure pits.

**Brandon Ames** from Cache Landmark, said the roads are often used as a barrier. In this case, the road is a certain distance from the fence, it has an offset, a swell for drainage, the road, another swell, another offset, and then the building offset. They use the road as a barrier to keep the houses farther from the farm and the road closer to it.

**Nelson** asked if NRCS has talked to Funk about making a berm.

**Funk** replied they had discussed it for the north and the west side, but not on the south.

**Nelson** asked where the manure runs across the property.

**Funk** said last year it ran right in front of the manure pit and became soupy and messy.

**Christiansen** asked if there is a fence on Funk's property.

**Funk** said there is a deer fence to keep deer out.

**Nelson** asked if, as far as Funk's responsibility, a berm could be put up on the south side of the manure pits and composting area.

**Funk** said the road they have is right on top of the property line so it might be hard.

**Ellis** asked if the manure runs across the road.

**Funk** said the liquid runs on the road. The doubled bunkering will eliminate the liquid on the road and increase it in the pit.

**Ellis** asked if Funk had any connection with Ellis Equipment. He was concerned there might be a conflict of interest since he is part owner of Ellis Equipment.

**Funk** said no.

**Runhaar** said this is a conflict of interest with the two uses (farming and residential); a good thing to do would be to require a berm.

**Nelson** said Funk has to be careful not to let manure water run on other people's property. Other than that, everything should be okay; but sometimes there will not be much anyone can do about the liquefied manure.

**Funk** said that last year Nebo Creek's lateral failed and flooded much of Richmond.

**Nelson** said he is concerned more with manure water seeping from Funk's property to others.

**Funk** said NRCS will take care of that; he is just worried about the house being right by 400 tons of manure. He said they really need to go over the language and move Lot 1.

**Scott Tripp**, representing Carla Tripp, owner of the property to the east, said he had five concerns. He said first there are 17 shares of irrigation water coming out of the Cherry Creek Canal. Water use below him will affect his pressure. Second, he is concerned that drilling of wells will affect his springs. Third, last year he fenced off the canals to keep livestock off the drainage to protect the water from contamination; but just below, there is no requirement for fencing off the creeks to keep the livestock out of the water. Fourth, there is active agriculture all around, with associated sights, sounds, and smells. Fifth, he is concerned that on the five-acre lots, weeds will not be controlled.

**Gerald Smith**, property owner directly south of the subdivision, said he is not clear on their request for water usage. Smith said the spring the Stettlers use is on his property. He draws water from a spring farther south. He is concerned about what will happen to the springs if they start putting subdivisions in the area. He put in a barb wire fence to control cattle, and the cattle operation is going to continue. He also said he is concerned about the size and value of the homes and the type of people that will be living in them.

**Sheldon Archibald**, who has the spring 100 feet southeast of Fred Stettler's house, is concerned that drilling wells is going to affect the quality of the spring water, etc.

**Funk** said in regards to the water that has been discussed, the approved point of diversion for the spring and the location of a well are within the 200 foot setback. He is concerned that the well is too close to the manure storage and it is going to create a liability for him.

**Tripp** said this is a wildlife area; fifty head of elk will come through every year, wrecking fences and trampling everything.

**Ames** said at a nearby subdivision, the elk were never a problem after they built houses and roads. He said they should leave the water up to the water engineers because everything else is just conjecture as to what is going to happen with the water.

**Smith** asked why they are approving subdivisions in the ag zone. If this is approved, they put an island of residences in the middle of their ag area.

**Nelson** said that people have property rights to get what they can out of their property. He is not one to take away those rights as long as the property owners can work with the agriculture.

**Nelson** asked Dent to address the water issue.

**Dent** pointed to the Cherry Creek ditch on the overhead and explained where it runs and what it connects to. He said there is nothing on the survey recognizing that ditch.

**Skinner** said it is on the plat and the appropriate setback is also shown.

**Smith** came up to point out an abandoned ditch.

**Dent** asked where the water shares come from.

**Skinner** showed where the water comes from on the overhead.

**Dent** said it is a pretty piece of property, but there are cows all over which may cause trouble from conflicts with the residential uses there.

**Skinner** said that is why they put the agriculture clause on the plat and deeds; so the people moving in will understand what they are going to be dealing with.

**Christiansen** said she is not sure that someone from Salt Lake City is really aware of what farm activities take place.

**Skinner** said that is why the explanation is on the deed and the plat. It is legally binding.

**Dent** asked how many wells they will drill.

**Skinner** replied there will be four.

**Dent** said that they may effect the springs then.

**Skinner** answered that is under the jurisdiction of the State Water Engineer's office. They have water rights on this property and 17 shares of irrigation water, so there is enough water. All the water is coming from their water rights, not from anywhere else.

**Tripp** said there is a private irrigation distribution line between himself, Smith, and Stettler. If everyone below turns it on, he gets no water. At the boundary line, there is a diversion, but using it would empty his line.

**Allen** said a system valve could easily be put in to prevent that.

**Nelson** asked how they worked out water use in the past.

**Tripp** said turns, shares, and knowing who is on and who is off.

**Dent** said he is concerned about how much of the lots will be lost if Skinner has to fence the creeks off. He said the fences are sometimes very far from the creek.

**Tripp** said the minimum is 25 feet.

**Skinner** said that the setback lines are already 50 feet from the top of the creek, not even the flow line.

**Allen** asked what would require property owners to fence off the creeks.

**Nelson** said it would be part of the covenants of the subdivision.

**Allen** said the other owners around have done it, they should make sure everyone does it.

**Skinner** said horses are allowed on the subdivision lots, but cows are not.

**Nelson** said he does not see any reason why they could not have horses and keep them off the creek. The Commission needs to decide what to do.

**Clements** said he is concerned about a house being so close to the manure pond. He wishes Lot 1 would have been drawn up differently. It looks like a problem down the road.

**Skinner** said he and his wife are going to build the house on Lot 1. He said he has gone with the maximum lots allowed. With that lot configuration, all of the building area is far enough away from the farm. The road is engineered, and they would plant trees in the future.

**Dent** said they could change it and have four lots instead of six, plant trees, and have windbreaks.

**Skinner** asked where Dent is proposing Lot 1 should be cutoff.

**Dent** described where a hill was and where he thought the lots should be defined.

**Funk** said if they can stay away from Lot 1 and keep the lots to the east, it would keep the lots more than 200 feet from the manure pit. He does not want to have fights with people from California. He said they need to back off and get rid of Lot 1.

**Skinner** said they are making assumptions about what may happen in the future.

**Nelson** said that is true; but they have experience with this and there are people who will cause problems.

**Skinner** said the ag clause in the deed protects Funk from any liability. A certificate and a disclaimer in the deed will keep people from being able to complain to Funk.

**Nelson** said they need to close the audience comments and decide what to do. He asked Dent for his opinion.

**Dent** said he thinks that changing the number of lots makes the most sense.

**Ellis** said he thinks that the ag clause language should be sufficient. When someone puts something on the property line, that gives them some responsibility, and they do not really have a right to ask someone on the other side of the line to move their facilities back. He defers to staff on issues of access and other typical issues. He recognizes this is a risky situation, but the disclosure should be sufficient.

**Christiansen** said they approved a subdivision next to Summer's feed yard in Paradise; and if they have the notification of what Funk is doing across the street, then buyer beware.

**Clements** said he is concerned about having homes so close. Owners will be disappointed over time. Skinner could configure the subdivision so that it is a little more helpful for everyone in the ag zone. He thinks Skinner is following the letter of the ordinance, but not spirit.

**Allen** said that as Funk is operating, there will be a problem. He thinks the County needs to put full weight on the ag that is there, but he believes Skinner has the right to develop the lots. He is concerned with the water issues, but they are better left to the State Water Engineer's office. There is no question that people will have problems with the sights, sounds, and smells of agriculture, but the County needs to make people aware that the County supports the agriculture there.

**Nelson** asked County Councilman Zilles to comment.

**Zilles** said everyone is right; and these issues exist, but they have to follow the law. There will be sight, sound, and smell problems of agriculture, but that does not mean they should deny the application.

**Ellis** asked if Skinner would like some time to reconsider.

**Skinner** said he feels that they are addressing everything appropriately and that they can take action today. He has looked at several different layouts, and this is the best. He is aware of all the issues and is willing to take action to resolve as many as is in his power.

**Nelson** said Tripp should be able to get with Skinner to figure out water issues. Nelson recommended that they make that a stipulation.

**Skinner** said that is appropriate.

**Nelson** said that if Funk does not have any manure running across onto Skinner's property, he should be okay. It is a tough decision.

**Runhaar** said that for wording on the recommended Condition 6), "The property owner shall work with Scott Tripp, Gerald Smith, and Fred Stettler, the State Water Agency, and Bear River Health to make sure water rights and quality are maintained."

**Ellis** asked if that could stop the progress.

**Nelson** said if they do not agree, it will not go forward.

**Ellis** said that makes it so someone who wanted to stop things could just say "no." It seems like a private situation.

**Nelson** said there could be problems because people with all the pressure use all the water.

**Allen** said the Commission can recommend that the people work together to figure out the water issues, but they cannot demand it.

**Christiansen** reminded the Commission that Skinner already has sufficient water rights to irrigate the lots.

**Lyle Ranzenberger** said they have a spring on the property line, and expressed concerns that the wells may



drain the springs.

**Christiansen** said the State Water Engineer's office will take care of that.

**Nelson** said Ranzenberger has first priority, and the State Water Engineer will see to it. They cannot predict what will happen to the water; but if the State lets Skinner drill the wells, they must be comfortable with what will happen to the water.

**Christiansen** asked who would be responsible to pay for the berm.

**Runhaar** said they have to put that responsibility on the developer. They cannot make Funk do it.

**Allen** said a berm would be appropriate.

**Skinner** said a berm would be fine.

**Ames** said the road is designed so that any extra water will be captured by the road and taken to a pond.

**Allen** asked how big the berm should be.

**Funk** said three feet high would be sufficient, but that they are dealing with a loaded pistol.

**Ellis** asked if the berm was for aesthetics.

**Christiansen** said it was to act as a buffer.

**Allen** said the barrier would protect the property and be visually pleasing.

**Ellis** said they need to be careful about liability between property owners when it comes to how sufficient the berm is.

**Nelson** said the responsibility lies with Mr. Funk to keep the liquefied manure off others' property.

**Runhaar** said they could add a stipulation that states, "A landscaped berm shall be built along the north side of the road."

**Allen** said three feet is probably too much.

**Runhaar** read, "Stipulation 5: A certificate will be recorded on the properties indicating that there is active dairy and agriculture in the area with associated sights, sounds, and smells. Applicant will be required to put this on the sales contract." 6: Applicant shall work with surrounding property owners, Bear River Health, and the State Water Agency to ensure that irrigation and culinary water needs are satisfactorily met. 7: A two foot tall landscape berm shall be installed along the north boundary of the road and approved by staff."

**Clements** asked Runhaar to call it "active and expanding" dairy.

**Runhaar** said they would get the language figured out and have Nelson approve it.

**Ellis** asked to who's satisfaction stipulation 6 should be.

**Runhaar** said the State Water Agency and Bear River Health.

*Allen motioned to recommend approval of the minor subdivision to the County Council with the staff's recommended stipulations and findings of fact. Christiansen seconded.*

**Dent** said he is voting against because he does not think the configuration fits the property.

*The motion passed with 5 (Allen, Christiansen, Ellis, Nelson, and Clements) in favor and 1 (Dent) opposed.*

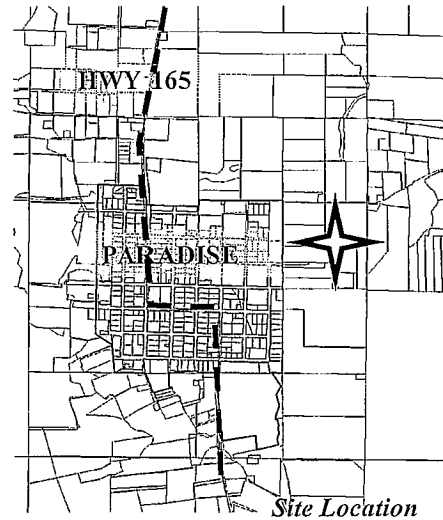
**Runhaar** said if Mr. Funk or other property owners want to see the language, they are welcome to contact staff.

#### **Item 5: Minor/Small Subdivision Request**

**Ty Haguewood**, agent for **Joseph A. Gappa, Thomas A. & Helga A. Dyson TRS, and Robert J. Day TR (06-10SS)**, requested a recommendation of approval to the County Council for a subdivision to be called Paradise Estates Small Subdivision - Phase 1 – on approximately 21 acres of property in the Agricultural

# Development Services Cache County Corporation

*Project Name:* Paradise Hills Subdivision  
*Agent:* Ty Haguewood  
*Request:* 4 Lot Minor Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 650 East 8900 South (Paradise)  
*Tax ID:* 01-093-0026  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agriculture  
South – Agriculture (Gravel Extraction)  
East – Agriculture  
West – Agriculture (Paradise Estates Sub.)



## PROJECT

*Request:* The applicant is requesting a subdivision to create four (4) building parcels of approximately 2.75 acres each. The proposed subdivision meets the minimum lot size requirements of §17.09.040 and the number of lots/ lot size requirements of §17.09.080 (there will be four lots from an original 1970 parent parcel). This subdivision is the second phase of a subdivision located in this area (Paradise Estates Subdivision, 5 lots, March 6, 2006).

*Access:* The subdivision is accessed by a private road that services Paradise Estates Subdivision, which is serviced by Paradise Town roads. The access continues north/south along this subdivision, with a 50 foot wide easement and a minimum 20 foot wide hard surface width. Staff is concerned that this private road, which is proposed to be gravel, is now servicing nine (9) lots in two consecutive subdivisions.

A condition on the first phase (Paradise Estates Subdivision) stated that “the County maintains the right to require any infrastructure requirements within this subdivision as a condition of approval on subsequent subdivisions that may be adjacent and utilizing similar infrastructure including but not limited to: roads, drainage, power, water, and septic.” Staff is recommending that this subdivision be required to provide a paved road (chip & seal, 20 foot width minimum) from the eastern limits of the Town of Paradise through Paradise Estates and Paradise Hills Subdivisions to allow for better access to these lots. As the proponent is being required to build asphalt roads (24’ minimum width with a 99 foot right-of-way) for those sections that are within the Town of Paradise (1050+ linear feet), providing some kind of paved road through the County subdivision (~2000 linear feet) will provide for a higher quality road that lasts longer, is easier to maintain for the residents, and is easier for service providers (fire, garbage, snow plows, etc.) to utilize.

*Water & Septic:* The applicant has applied to the State of Utah Division of Water Rights for culinary water permits on all four lots, but at present has not obtained any approvals. The subdivision will not be recorded until the appropriate water rights for all of the lots have been approved by the State of Utah Division of Water Rights. Bear River Health Department has found that the soils on all of the lots are suitable for septic systems.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- The soil on all of the proposed lots is acceptable for septic systems. Due to soil variability, additional soil evaluations may be required prior to placing any septic systems.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- The subdivision is accessed wholly through the town of Paradise and the Paradise Estates Small Subdivision. All access roads to the subject property must meet the requirements of Paradise. All private roads within the subdivision shall maintain a minimum of a 20 foot wide hard surface with the

appropriate easements and/or right-of-ways for access and utilities. Turn-arounds shall be installed to the County Road and Fire Department standards.

*Cache County Fire Department:*

- The access must be maintained as a minimum 20 foot hard surface width with appropriate access easements.

*Cache County School District:*

- A bus stop may be located at 280 East 9000 South for eligible students.

*Cache County Service Area #1*

- Proposed road must be either prepared to the minimum road standards for Logan City waste vehicles with a signed waiver form. Otherwise all cans will be collected along the nearest appropriate County/City road.

**PUBLIC COMMENTS**

Notices were mailed to 3 property owners located within three hundred feet of the subject property and to the Town of Paradise. At the time staff reports were published, 1 comment had been received from the Town of Paradise.

**STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Paradise Estates Subdivision, a four (4) lot subdivision for property located at approximately 650 East 8900 South, TIN #01-093-0026.

*Stipulations:*

1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any waterway or well unless otherwise designated by the Health Department.
2. The applicant shall ensure that the entire private road (8900 South) has a minimum hard surface (double chip and seal) width of 20 feet with appropriate easements for utilities. The right-of-way for 680 East shall be extended north and south to the extents of the proposed subdivision.
3. The applicant shall conform to the standards and requirements for right-of-ways and road construction as imposed by the Town of Paradise within their jurisdictional limits. Any alterations that may be required on the plat by the Town of Paradise shall be subject to the final approval of the Cache County Council.
4. The proponent shall submit detailed information about the Home Owner's Association and any CC&R's that will be present for this subdivision for review by staff.

**RECOMMENDED FINDINGS OF FACT**

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The Paradise Estates Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Paradise Estates Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Paradise Estates Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 8900 South, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,

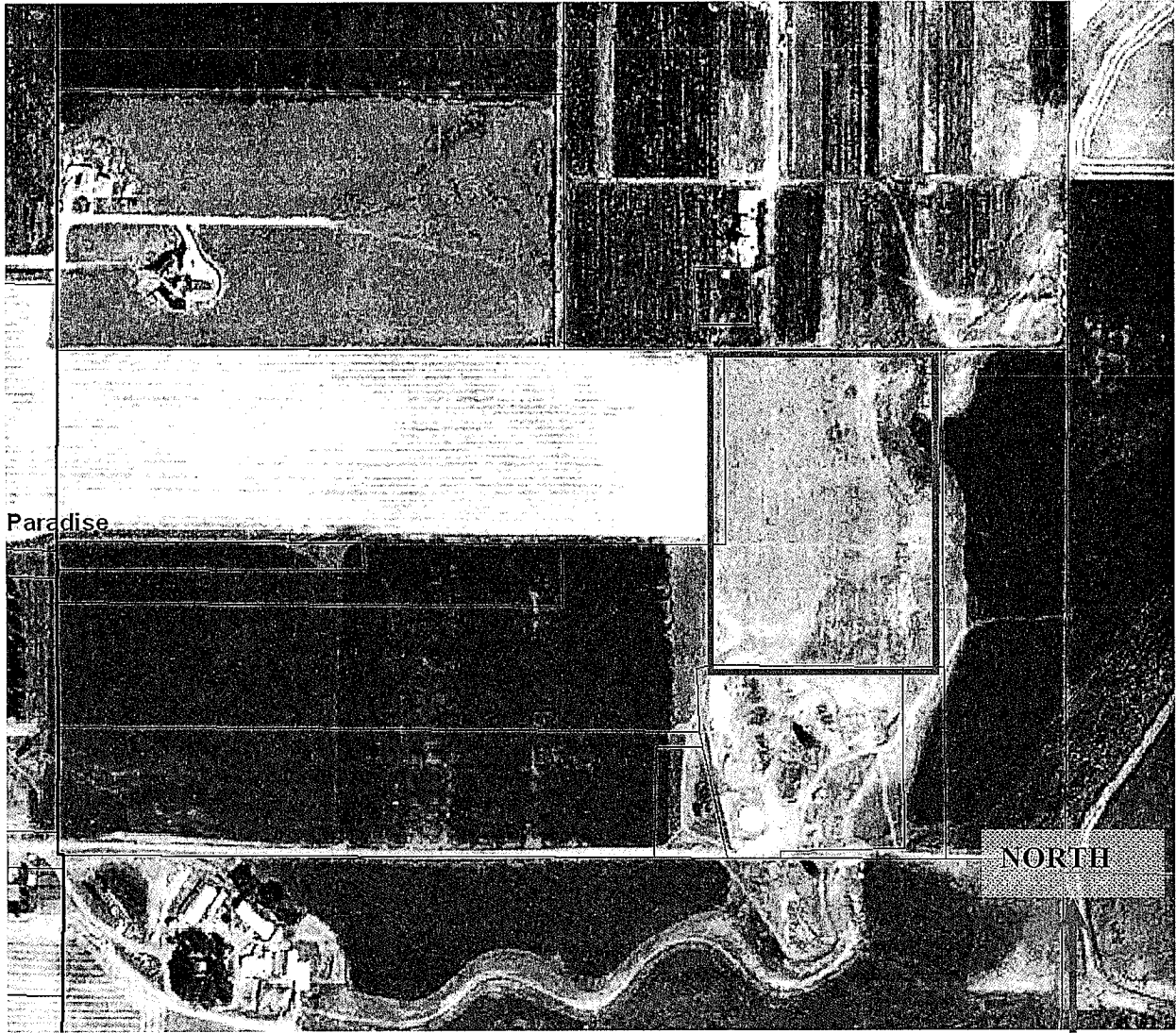
Josh Runhaar

Cache County Planner & Zoning Administrator

Report Published: March 23, 2006

Republished: April 4, 2006

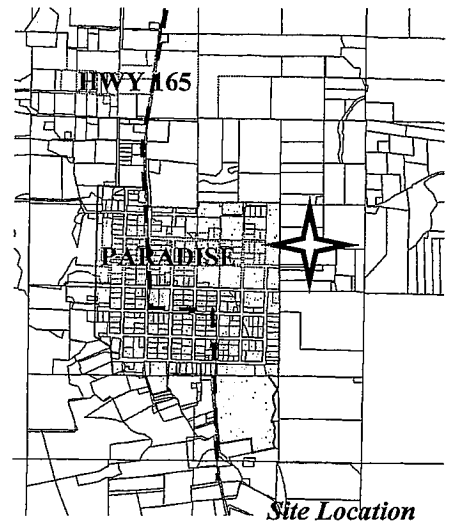
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# Development Services Cache County Corporation

*Project Name:* Paradise Estates Subdivision  
*Agent:* Ty Haguewood  
*Request:* 5 Lot Minor Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 500 East 8900 South (Paradise)  
*Tax ID:* 01-093-0018  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Ag Zone (Single Family Housing)  
South – Agriculture  
East – Agriculture  
West – Paradise (Agriculture)



## PROJECT

*Request:* The applicant is requesting a subdivision to create five (5) building parcels of 4 acres each. The proposed subdivision meets the minimum lot size requirements of §17.09.040 and the number of lots/ lot size requirements of §17.09.080 (there will be five lots from an original 1970 parent parcel).

A future phase of this development will occur to the east of the proposed subdivision which will likely contain an additional four (4) lots on a separate 1970 parcel. Staff is not concerned with the provision of water for either culinary uses or fire protection on the eventual nine (9) lots that will occur in this area, but is concerned about the road access. Staff is recommending that with any future subdivisions of land that will utilize the proposed private road a requirement may be considered to pave the entire private road through both the future subdivision and the currently proposed subdivision.

*Water & Septic:* The applicant has applied to the State of Utah Division of Water Rights for culinary water permits on all five lots, but at present has not obtained any approvals. The subdivision shall not be recorded until the appropriate water rights for all of the lots have been approved by the State of Utah Division of Water Rights. Bear River Health Department has found that the soils on all of the lots are suitable for septic systems.

*Access:* This subdivision is accessed from 8900 South which is located wholly within the Town of Paradise. In order for this subdivision to connect to the Town of Paradise, it will require that the existing 8900 South (both the right-of-way and the road) be extended to the north and east. Staff has been working with Paradise to ensure that the access that is within town limits meets their requirements, however, the Town Council will not have had an opportunity to review the subdivision until after the Planning Commission has met, so staff is recommending that any alterations requested by Paradise be reviewed by the Cache County Council. If the changes are considered to be major, staff will return the plat to the Planning Commission for another review prior to an action by the County Council.

The proposed private road will have a 50 foot wide easement and be required to have a minimum 20 foot wide hard surface width. The proposed access will service the five lots of this subdivision and a sixth lot that is not part of this subdivision. Staff is not concerned with the private road access.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- The soil on all of the proposed lots is acceptable for septic systems. Due to soil variability, additional soil evaluations may be required prior to placing any septic systems.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- The subdivision is accessed wholly through the town of Paradise. All access roads to the subject property must meet the requirements of Paradise. All private roads within the subdivision shall maintain a minimum of a 20 foot wide hard surface with the appropriate easements and/or right-of-ways for access and utilities. Turn-arounds shall be installed to the County Road and Fire Department standards.

*Cache County Fire Department:*

- The access must be maintained as a minimum 20 foot hard surface width with appropriate access easements.

*Cache County School District:*

- A bus stop may be located at 280 East 9000 South for eligible students.

*Cache County Service Area #1*

- Proposed road must be either prepared to the minimum road standards for Logan City waste vehicles with a signed wavier form. Otherwise all cans will be collected along the nearest appropriate County/City road.

**PUBLIC COMMENTS**

Notices were mailed to 7 property owners located within three hundred feet of the subject property and to the Town of Paradise.

**STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Paradise Estates Subdivision, a five (5) lot subdivision for property located at approximately 500 East 8900 South, TIN #01-093-0018.

*Stipulations:*

1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any waterway or well unless otherwise designated by the Health Department.
2. The applicant shall ensure that all roads that have an access to a lot(s) have a minimum hard surface width of 20 feet with appropriate easements and/or right-of-ways for access and utilities. The easements and/or right-of-ways may be required to be expanded to other subdivisions or lots in the vicinity as development occurs.
3. The County maintains the right to require any infrastructure requirements within this subdivision as a condition of approval on subsequent subdivisions that may be adjacent and utilizing similar infrastructure including but not limited to: roads, drainage, power, water, and septic.
4. The applicant shall conform to the standards and requirements for right-of-ways and road construction as imposed by the Town of Paradise within their jurisdictional limits. Any alterations that may be required on the plat by the Town of Paradise shall be subject to the final approval of the Cache County Council.

**RECOMMENDED FINDINGS OF FACT**

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The Paradise Estates Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Paradise Estates Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Paradise Estates Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

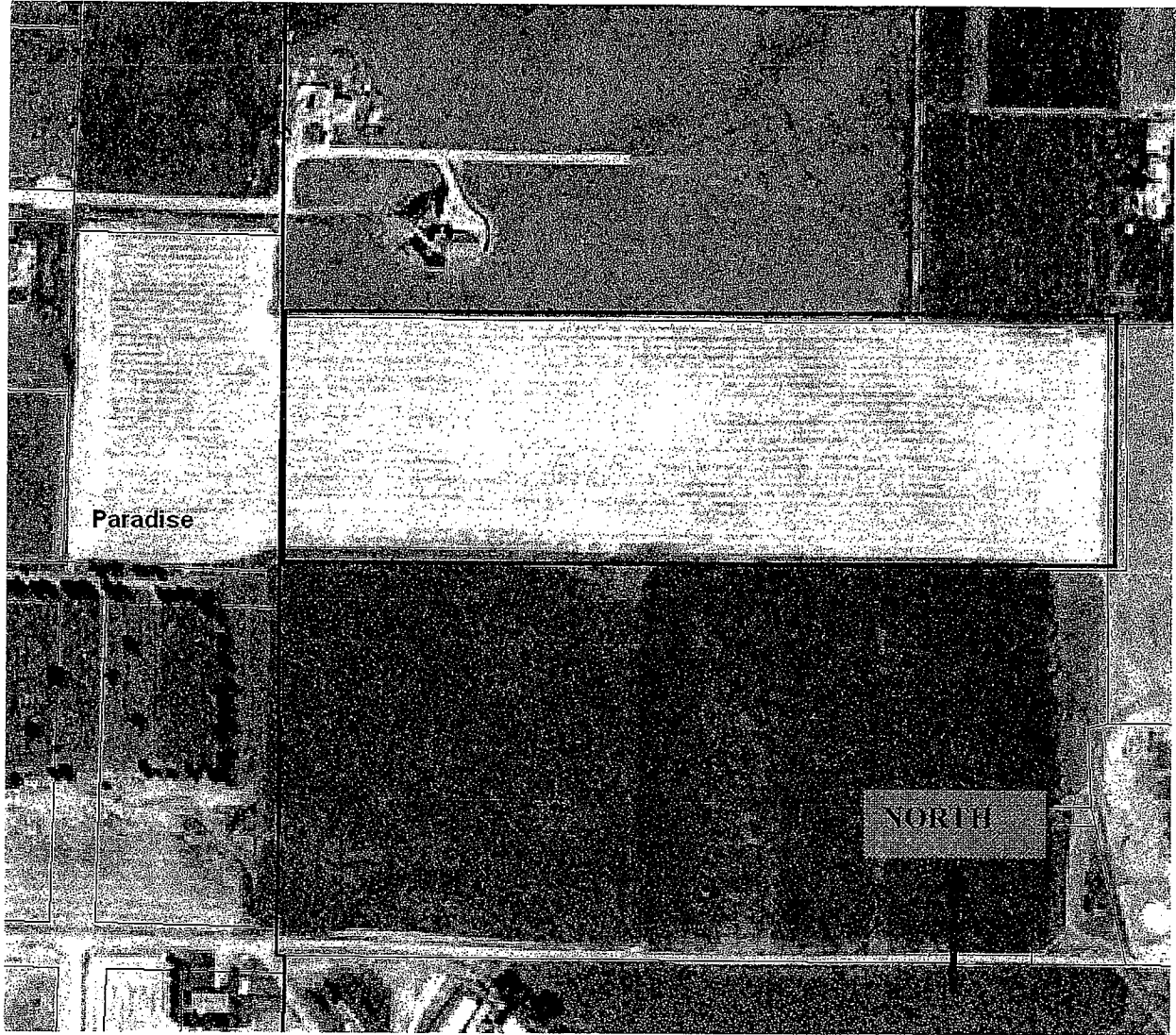
Respectfully submitted,

  
Josh Runhaar  
Cache County Planner & Zoning Administrator

Report Published: February 23, 2006

Republished: March 9, 2006

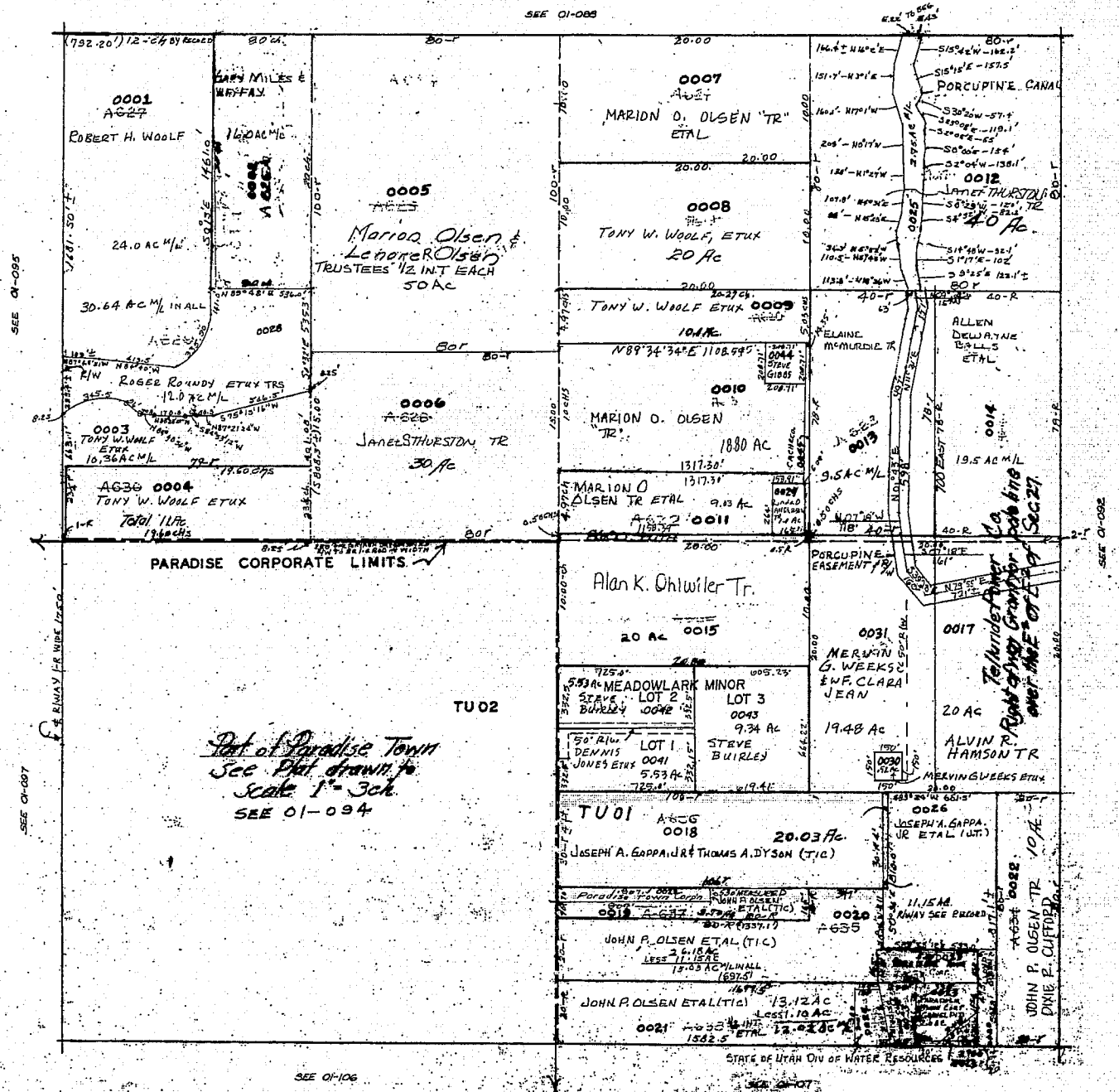
This staff report is an analysis of the application based on adopted County documents, standard County development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.





# SECTION 27, TOWNSHIP 10 NORTH, RANGE 1 EAST

## SCALE 1 INCH = 6 CHAINS



*Part of Paradise Town  
See Plat drawn to  
Scale 1" = 3ch.  
SEE 01-094*

SEE 01-095

SEE 01-097

SEE 01-106

SEE 01-107

SEE 01-098

drain the springs.

**Christiansen** said the State Water Engineer's office will take care of that.

**Nelson** said Ranzenberger has first priority, and the State Water Engineer will see to it. They cannot predict what will happen to the water; but if the State lets Skinner drill the wells, they must be comfortable with what will happen to the water.

**Christiansen** asked who would be responsible to pay for the berm.

**Runhaar** said they have to put that responsibility on the developer. They cannot make Funk do it.

**Allen** said a berm would be appropriate.

**Skinner** said a berm would be fine.

**Ames** said the road is designed so that any extra water will be captured by the road and taken to a pond.

**Allen** asked how big the berm should be.

**Funk** said three feet high would be sufficient, but that they are dealing with a loaded pistol.

**Ellis** asked if the berm was for aesthetics.

**Christiansen** said it was to act as a buffer.

**Allen** said the barrier would protect the property and be visually pleasing.

**Ellis** said they need to be careful about liability between property owners when it comes to how sufficient the berm is.

**Nelson** said the responsibility lies with Mr. Funk to keep the liquefied manure off others' property.

**Runhaar** said they could add a stipulation that states, "A landscaped berm shall be built along the north side of the road."

**Allen** said three feet is probably too much.

**Runhaar** read, "Stipulation 5: A certificate will be recorded on the properties indicating that there is active dairy and agriculture in the area with associated sights, sounds, and smells. Applicant will be required to put this on the sales contract." 6: Applicant shall work with surrounding property owners, Bear River Health, and the State Water Agency to ensure that irrigation and culinary water needs are satisfactorily met. 7: A two foot tall landscape berm shall be installed along the north boundary of the road and approved by staff."

**Clements** asked Runhaar to call it "active and expanding" dairy.

**Runhaar** said they would get the language figured out and have Nelson approve it.

**Ellis** asked to who's satisfaction stipulation 6 should be.

**Runhaar** said the State Water Agency and Bear River Health.

*Allen motioned to recommend approval of the minor subdivision to the County Council with the staff's recommended stipulations and findings of fact. Christiansen seconded.*

**Dent** said he is voting against because he does not think the configuration fits the property.

*The motion passed with 5 (Allen, Christiansen, Ellis, Nelson, and Clements) in favor and 1 (Dent) opposed.*

**Runhaar** said if Mr. Funk or other property owners want to see the language, they are welcome to contact staff.

#### **Item 5: Minor/Small Subdivision Request**

**Ty Haguewood**, agent for **Joseph A. Gappa, Thomas A. & Helga A. Dyson TRS, and Robert J. Day TR (06-10SS)**, requested a recommendation of approval to the County Council for a subdivision to be called **Paradise Estates Small Subdivision - Phase 1** – on approximately 21 acres of property in the Agricultural

Zone located at 377 East, 435 East, 489 East, 541 East, and 595 East 8900 South (a private road), east of Paradise.

**Runhaar** gave the staff report. Staff is somewhat concerned with subdivisions in this area. They have added stipulations to address this issue. Staff recommends approval. Runhaar read four recommended stipulations. The town of Paradise has concerns.

**Ellis** asked if stipulation 4, regarding the conformance to the standards of Paradise Town, is only concerning the portion of the road inside Paradise Town.

**Runhaar** replied that is correct. Staff can clarify that.

**Ty Haguewood** said that in reference to the question regarding water meters, the private line provides water to everyone on that road (and the cemetery) all the way into Paradise; it does not make sense for just five people to be required to meter their water when none of the other users are required to.

**Nelson** asked if Haguewood knows what his water right is; if Haguewood does not go over that right, then there will not be a problem.

**Nelson** asked to see where the cemetery is on the map.

**Haguewood** said that Paradise recommends a 99-foot wide road right-of-way instead of 66 on the road north of the cemetery. He accommodated them and it is on a new plat map.

**Zilles** asked if Paradise has ever decided where their horse arena will be built as he thought it was to be located in this area.

**Nelson** said he did not know.

**Haguewood** said Paradise was trying to negotiate with himself and Bob Day. Day was unwilling to give up any property, so negotiations have ended.

**Nelson** said Haguewood needs to know that if someone builds homes across from him, he may be required to pave the road. Eventually, there may be dust concerns, and the County has the ability to require a paved road based on the traffic. The County will keep an eye on it.

**Runhaar** said the stipulation will say that the County has the right to require the paved road.

**Nelson** said it comes from past experience.

**Haguewood** asked if the County goes out and looks at the roads.

**Runhaar** said Darrel Erickson and Craig Humphries check the roads.

**Allen** asked if the roads will be dedicated.

**Haguewood** said it is a private road, and asked if the County may come in and take it over.

**Runhaar** said the county currently does not have staff or funding to maintain the smaller roads, but they want to maintain the longer ones. It will likely be private for a long time.

*Christiansen motioned to recommend approval of the minor subdivision to the County Council with staff recommended stipulations and findings of fact and with the changes to stipulations 2, 3, and 4. Dent seconded; passed 6,0.*

**Item #6: Major Agricultural Subdivision**

**Allen Burris, agent for EE LLC, Adam W. Burris, David A. Burris, Brent L. Frank (06-11Sub)**, requested a recommendation of approval to the County Council for a 39-lot subdivision with one existing single family dwelling to be called Spring Ridge Estates on 319.84 acres of property in the Agricultural Zone located at approximately 8000 West 2400 North, Petersboro (adjacent to Box Elder County).

**Runhaar** gave the staff report. Applicant requests 38 building parcels, 16 acres open space; two remaining ag parcels. The subdivision meets the 5.5-acre requirement for large subdivisions; most of the lots are between 5.5 and 6 acres. Two ag pieces are not being developed currently, but applicant maintains right to

CACHE COUNTY  
ORDINANCE NO. 2006-05

AN ORDINANCE AMENDING THE CACHE COUNTY BUSINESS ORDINANCE,  
CHAPTER 5, OF THE CACHE COUNTY CODE.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, hereby amends the Cache County Business License Ordinance by adopting a Sexually Oriented Business Ordinance as follows:

PREAMBLE AND FINDINGS

Whereas, the planning commission and the county council have received evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in public hearings; and

Whereas, the planning commission and the county council have conducted an extensive review of land use studies concerning the secondary effects associated with sexually oriented businesses in other cities and counties, including Phoenix, Arizona (1979); Tucson, Arizona (1990); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Indianapolis, Indiana (1984); Minneapolis, Minnesota (1980); Cleveland, Ohio (1977); Oklahoma City, Oklahoma (1986); Amarillo, Texas (1977); Austin, Texas (1986); Beaumont, Texas (1982); Houston, Texas (1977); Seattle Washington (1989); Dallas, Texas (1997); Newport News, Virginia (1966); Ellicottville, New York (1998); New Hanover County, North Carolina (1989); St. Croix County, Wisconsin (1993); Adams County, Colorado (1990); and Manatee County, Florida (1987); and

Whereas, the planning commission and the county council have reviewed the findings incorporated in the cases of United States v. O'Brien, 391 U.S. 3657 (1968), Young v. American Mini Theatres, 427 U.S. 50 (1976), Schad v. Borough of Mt. Ephraim, 462 U.S. 61 (1981), City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), City of Los Angeles v. Alameda Books, et al, 122 S Ct. 1728 (2002); and

Whereas, the planning commission and the county council have received public input at public hearings with regard to the enactment of this chapter; and

Whereas, there is convincing documented evidence that crime in areas surrounding sexually oriented businesses is significantly higher than in like areas where sexually oriented businesses are not present, which include significant increases in sex offenses

(rape, indecent exposure, lewd and lascivious behavior and child molestation), violet crimes (rape, murder, robbery and assault), and property crimes (burglary, larceny and auto theft); and

Whereas, there is convincing documented evidence that increased crime and unhealthful conduct tend to accompany, concentrate around and be aggravated by sexually oriented businesses, including but not limited to, prostitution, pandering, exposing minors to harmful materials, possession and distribution of obscene materials and child pornography, possession and sale of controlled substances, and violent crimes against persons and property; and

Whereas, there is convincing documented evidence that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaison of a casual nature; and

Whereas, there is convincing documented evidence that there are adverse harmful effects on children and minors exposed to the effects of sexually oriented businesses, deterioration of respect for family values, and people being afraid to walk in areas where sexually oriented businesses operate, which necessitate walking around or not visiting in the immediate neighborhood of such businesses; and

Whereas, there is convincing documented evidence that when sexually oriented businesses operate in the vicinity of churches, churches have had to drive the elderly to church services to protect them from being exposed to unsavory persons, and post private guards in their parking lots to keep patrons of sexually oriented businesses, and people associated with the activities surrounding the sexually oriented businesses, out of the church parking lots; and

Whereas, there is convincing documented evidence that the value and marketability of residential property (single-family and multiple-family properties), within three (3) blocks of a sexually oriented business, and commercial property, within three (3) blocks of a sexually oriented business, are significantly lower than similar properties in areas where sexually oriented businesses are not present, and that residential locations are affected more than commercial locations; and

Whereas, there is convincing documented evidence that there is a deterioration in the quality of businesses which choose to operate in and around such sexually oriented businesses; and

Whereas, there is convincing documented evidence that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are operating in close proximity to each other, thereby contributing to increased crime, lower property values, urban blight, and downgrading of the quality of life in the adjacent area, including increased noise, lighting and traffic generated by sexually oriented businesses, and that the higher the concentration of sexually oriented businesses, the greater the impact; and

Whereas, there is convincing documented evidence that the peak hours of a sexually oriented business are evening hours, and that the operation of sexually oriented businesses during late hours is a nuisance to property owners in close proximity to a sexually oriented business, who use their property during evening hours by increasing the contact of neighboring property owners with the negative secondary effects of sexually oriented businesses; and

Whereas, the county, consistent with the sale and consumption of alcohol and outside advertising limitations, find that restricted hours of operating will further prevent the adverse secondary effects of sexually oriented businesses; and

Whereas, there is convincing documented evidence that sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the sexually oriented business establishments; and

Whereas, there is convincing documented evidence that booths in sexually oriented businesses facilitate anonymous sex acts between patrons, which facilitate the spread of sexually transmitted diseases, that sexually oriented businesses that do not have clear lines of vision encourage lewd behavior or sexual contact, and that locked rooms in sexually oriented businesses are used as fronts for prostitution; and

Whereas, concern over sexually transmitted diseases, including AIDS, is a legitimate health concern of the county, which demands reasonable regulations of sexually oriented businesses in order to protect the health and well-being of its citizens; and

Whereas, there is convincing documented evidence that sexually oriented business signs are generally larger, more often illuminated and graphic than other commercial signs, which is out of keeping with neighborhood character and results in the exposure of minors to inappropriate sexual images; and

Whereas, zoning, licensing and other police power regulations are legitimate, reasonable means of accountability to ensure the operators of sexually oriented businesses comply with reasonable regulations and are located in places which minimize the adverse secondary effects which naturally accompany the operation of such businesses; and

Whereas, location criteria alone will not adequately protect the health, safety and general welfare of the citizens of the county and thus, certain regulation with respect to the ownership and operation of sexually oriented businesses is in the public interest; and

Whereas, requiring licensees of sexually oriented businesses to keep information regarding current employees and past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments; and

Whereas, the disclosure of certain information by those persons ultimately responsible for day to day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases; and

Whereas, sexually oriented businesses in the unincorporated areas of the county require special supervision from public safety and health agencies of the county in order to protect and preserve the health, safety and welfare of the patrons of such businesses as well as the citizens of the county; and

Whereas, it is not the intent of this chapter to suppress any expression or expressive conduct or activities protected by the first amendment, but to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses; and

Whereas, it is not the intent of the planning commission and the county council to condone or legitimize the distribution of obscene materials, and the planning commission and the county council expect and encourage state and local enforcement officials to enforce state and local obscenity laws against such illegal activities in the county.

5.20.010: STATUTORY AUTHORITY:

The statutory authority for enacting this chapter is Utah Code Annotated sections 17-27-102 and 17-53-223, as amended.

5.20.020: PURPOSE AND INTENT:

It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the unincorporated areas of the county. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

5.20.030: DEFINITIONS:

For the purposes of this chapter, the following terms and words are defined as follows:

**DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON:** The dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified anatomical areas" or "specified sexual activities".

**EMPLOYEE:** A person who works or performs in and/or for a sexually oriented business, regardless of whether or not said persona is paid a salary, wage or other compensation by the operator of said business.



ESTABLISHMENT: Means and includes any of the following:

- A. The opening or commencement of any sexually oriented business as a new business;
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- C. The addition of any sexually oriented business to any other existing sexually oriented business; or
- D. The relocation of any sexually oriented business.

LICENSEE: Person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

NUDITY, NUDE OR A STATE OF NUDITY:

- A. The appearance of human bare buttocks, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
- B. A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

OPERATOR: Means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

PERMITTED PREMISES OR LICENSED PREMISES: Any premises that requires a license and/or permit and that is classified as a sexually oriented business.

PERSON: An individual, proprietorship, partnership, corporation, association or other legal entity.

PUBLIC BUILDING: Any building owned, leased or held by the United States, the state, the county, a city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.

PUBLIC PARK: Public land which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian or bicycle paths, open space,

wilderness areas, or similar public land within the county, which is under the control, operation or management of the county.

RELIGIOUS INSTITUTION: Any church, synagogue, mosque, temple or building, which is used primarily for religious worship and related religious activities.

RESIDENTIAL DISTRICT OR RESIDENTIAL USE: Except with regard to caretaker residences in a commercial or manufacturing zone, a single-family, duplex, townhouse, multiple-family, or mobile home park, development or subdivision and campgrounds, and single-family, duplex, townhouse, multiple-family, or mobile home uses, all as defined under county ordinances.

SCHOOL: Any public or private educational facility, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges and universities. "School" includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

SEMINUDE: A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUALLY ORIENTED BUSINESSES: Those businesses defined as follows:

Adult Arcade: Any place to which the public is permitted or invited, for any form of consideration, where one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, compact discs, DVDs, slides, animations, electronic media, or other photographic reproductions which are characterized by the depiction or description of "Specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store: A commercial establishment which has a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising for the sale or rental, for any form of consideration, of any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, DVDs, slides, animation, electronic media, or other visual representations which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas";

B. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the purchasers or others;

C. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an "adult bookstore, adult novelty store or adult video store". Such other business purposes will not serve to exempt such establishments from being categorized as an "adult bookstore, adult novelty store or adult video store" so long as one of its principal business purposes is offering for sale, rental, or viewing, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities".

Adult Cabaret: A nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

A. Persons who appear nude or in a state of nudity or seminudity;

B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

C. Films, motion pictures, video cassettes, compact discs, DVDs, slides, animation, electronic media or other photographic reproductions which are characterized by the depiction or display of "specified sexual activities" or "specified anatomical areas".

Adult Motel: A hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, compact discs, DVDs, slides, animation, electronic media, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical

areas”, and which advertises the availability of this sexually oriented type of material by means of sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to newspapers, magazines, pamphlets or leaflets, radio or television;

B. Offers sleeping room for rent for a period of time that is less than ten (10) hours; or

C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, DVDs, slides, animation, electronic media, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or seminudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

Escort: A person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Massage Parlor: Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other manipulation of the human body which occurs as a part of or in connection with “specified sexual activities,” or where any person providing such treatment, manipulation or service related thereto exposes his or her “specified anatomical areas.” The definition of “sexually oriented businesses” shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor, osteopath, physical therapist or massage therapist not engaged in the above, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, osteopath or physical therapist, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

Miscellaneous Sexually Oriented Business: Any other business not described in this definition that has a dominant or principal theme that is sexually oriented.

Seminude Model Studio: Any place where a person, who regularly appears seminude, is provided for money or any form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

Sexual Encounter Establishment: A business or commercial establishment which, as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or activities when one or more of the persons is seminude. The definition of "sexually oriented businesses" shall not include an establishment where a medical practitioner, psychologist psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

5.20.040: SPECIFIED ANATOMICAL AREAS: Means and includes any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED CRIMINAL ACTIVITY: Any of the following offenses: prostitution, patronizing a prostitute, aiding prostitution or exploiting prostitution; distributing pornographic material, dealing in material harmful to a minor, or possession or distribution of child pornography; sexual abuse of a child or minor, or unlawful sexual activity with a minor; public lewdness; indecent exposure; engaging in organized criminal activity relating to a sexually oriented business; sexual assault or forcible sexual abuse; molestation of a child; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of this state, or other states or countries.

SPECIFIED SEXUAL ACTIVITIES: Means and includes any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;

- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- C. Masturbation, actual or simulated;
- D. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- E. Excretory functions as part of or in connection with any of the activities set forth in subsections A through D of this definition.

**SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS:** The increase in floor areas occupied by the business by more than ten percent (10%), or one hundred (100) square feet, whichever is less, when compared to the floor area approved by the county, or in existence on the date of the license was issued by the county.

**TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS:** Means and includes any of the following:

- A. The sale, lease or sublease of the business;
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business.

**5.20.050: CLASSIFICATIONS OF BUSINESSES REGULATED:** Sexually oriented businesses are classified as follows:

- A. Adult arcades;
- B. Adult bookstores, adult novelty stores or adult video stores;
- C. Adult cabarets;
- D. Adult motels;
- E. Adult motion picture theaters;

- F. Adult theaters;
- G. Live entertainment;
- H. Massage parlors;
- I. Escort agencies;
- J. Seminude model studios;
- K. Sexual Encounter centers; and
- L. Miscellaneous sexually oriented businesses.

5.20.060: LICENSE REQUIRED:

- A. Businesses: No sexually oriented business shall be permitted to operate without a valid sexually oriented business license issued by the county for the particular type of business. It is unlawful for a person to operate or cause to be operated a sexually oriented business without said license.
- B. Employees:
  - 1. It is unlawful for any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the county pursuant to this chapter.
  - 2. It is unlawful for any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter.
- C. Administrative Responsibility of County Officials:
  - 1. The county clerk is responsible for granting, denying, revoking, renewing, suspending and canceling sexually oriented business licenses for proposed or existing sexually oriented businesses. The county clerk is also responsible for ascertaining whether a proposed sexually oriented business, for which an application for a license has been received, complies with all requirements of this chapter, all

applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date hereof by the county and in the county general plan.

2. The sheriff's office is responsible for providing information on whether an applicant has been convicted of a specified criminal act during the time period set forth.

3. The building inspector is responsible for inspecting a proposed, permitted or nonpermitted sexually oriented business in order to ascertain whether it is in compliance with applicable statutes and ordinances.

D. Application Required: Any person desiring to operate a sexually oriented business shall file an application to the planning department on a form to be provided by the county. All applicants must sign the application and affirm the truthfulness of the contents of the application before a notary public. All applicants must be qualified according to the provisions of this chapter.

E. Information and Documents: The completed application shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is:

a. An individual, the individual shall state his/her legal name, and any aliases, and submit satisfactory proof that he/she is at least eighteen (18) years of age.

b. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any.

c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the state, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

2. If the applicant intends to operate the sexually oriented business under an assumed name, the applicant must identify the assumed name and register the assumed name with the state.



3. Whether the applicant or any of the other individuals listed pursuant to this section have, within two (2) or five (5) year periods as specified in section 5.20.090 of this chapter immediately preceding the date of the application, been convicted of a specified criminal act, and, if so, the specified criminal act involved, the date of conviction and the place of conviction.

4. Whether the applicant or any of the other individuals listed pursuant to this section have had a previous license under this chapter or any other similar sexually oriented business ordinance from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or any other individuals listed pursuant to this section have been a partner in a partnership or an officer, director or principal stockholder of a corporation that is permitted under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the license was denied, suspended or revoked and the date of denial, suspension or revocation.

5. Whether the applicant or any other individual listed pursuant to this section holds any other permits and/or licenses under this chapter or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses.

6. The single classification of license for which the applicant is filing.

7. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number, if any.

8. The applicant's mailing address (must be a street address and not a post office box) and residential address.

9. A recent photograph of the applicant.

10. The applicant's driver's license number, social security number, and state or federally issued tax identification number.

11. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn

with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (+/-6").

12. A current certificate and straight line drawing prepared by a Utah registered land surveyor within thirty (30) days prior to the date the application is submitted to the county depicting the property lines and the structures containing any established existing uses regulated by this chapter within one thousand five hundred feet (1,500') of the property to be certified; the property lines of any public or private elementary or secondary school, a preschool, childcare facility; public park, amusement park, arcade, recreation center, church, synagogue, or any established religious institution, boys' club, girls' club or similar youth organization; or public building within one thousand five hundred feet (1,500') of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

13. If a person who wishes to operate a sexually oriented business is an individual, he/she must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit as applicant.

14. If a person wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises closed circuit television transmissions, films, motion pictures, video cassettes, compact discs, DVDs, slides, animation, electronic media, or other video reproductions which depict specified sexual activities or specified anatomical areas, then said person shall, at the time of application for a license, also comply with the requirements in Section 5.20.180 of this chapter.

F. Reporting Changes in Information: Applicants for a license under this section shall have a continuing duty to promptly supplement all application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change shall be grounds for suspension of a license.

- G. Improperly Completed Application; Notification: In the event that the county clerk determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, he/she shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- H. Qualified Applicant; Premises Compliance: The applicant must be qualified according to the provisions of this chapter, and the premises must be inspected and found to be in compliance with health, fire and building codes and other applicable laws.
- I. Application Fee: At the time of filing an application under this section, the applicant shall be required to pay a nonrefundable application fee in an amount which shall be set by the county council. Said fee is to cover the reasonable administrative costs of the licensing application process.
- J. Certification of Compliance With Location Requirements: Prior to obtaining a license to operate any "sexually oriented business," defined in Section 5.20.030 of this chapter, and as part of any application for a license under this section, the applicant shall obtain from the county, or its designee, a certification that the proposed location of such business complies with the location requirements of this chapter.
- K. Application Deemed Consent: By applying for a permit under this chapter, the applicant shall be deemed to have consented to the provisions of this chapter and to the exercise by the county clerk, the county sheriff's office and all other county agencies charged with enforcing the laws, ordinances and codes applicable in the county of their respective responsibilities under this chapter.
- L. Employee Information Continuously Required: The applicant shall be required to provide the county with the names of any and all employees who are required to be licensed pursuant to this chapter. This shall be a continuing requirement even after a license is granted or renewed.
- M. Sexually Oriented Business License Additional: A person who possesses a valid business license is not exempt from the requirement of obtaining any required sexually oriented business license. A person who operates a sexually oriented

business and possesses a business license shall comply with the requirements and provisions of this section, where applicable.

5.20.070: INVESTIGATION OF APPLICANT:

- A. Required: Upon receipt of an application properly filed within the county and upon payment of the nonrefundable application fee, the county clerk shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the sheriff's office and any other county agencies responsible for enforcement of health, fire and building codes and other applicable laws. Each department or agency shall promptly conduct an investigation of the applicant, the application and the proposed sexually oriented business in accordance with its responsibilities under law and as set forth in this chapter. The county shall complete such investigations within twenty (20) days of receipt of the application. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and in the event it disapproves, state the reasons therefore. The sheriff's office shall not be required to approve or disapprove applications. The applicant, and each employee, shall be required to obtain a Utah Criminal History, as well as any other NCIC records checks from the Utah Bureau of Criminal Identification, and provide a copy of his/her criminal history and any respective paperwork with the application.
- B. Disapproval Upon Finding of Violation: A department or agency shall disapprove an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the county.
- C. Submission To County Clerk: After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the county clerk.

5.20.080: FEES:

- A. Businesses: The annual fee for a sexually oriented business license shall be set by the county council. The nonrefundable initial license fee and the annual fee for a sexually oriented business license may be adjusted by the county council at an amount determined to be sufficient to pay the cost of administering the license application and implementing the provisions of this chapter.
- B. Employees: The annual fee for a license for an employee of a sexually oriented business shall be set by the county council. The nonrefundable initial license fee and the annual fee for an employee of a sexually oriented business may be adjusted by the county council at an amount determined to be sufficient to pay the cost of administering the license application and implementing the provisions of this chapter.

5.20.090: ISSUANCE OR DENIAL OF LICENSE:

- A. Time Limit: If the requirements of this chapter are met, the county clerk shall grant an application for a license within thirty (30) days from the date of its proper filing. Upon the expiration of the thirtieth (30) day, unless the county requests and is granted a reasonable extension of time, the applicant shall be permitted to begin operating the business for which the license is sought, unless and until the county or its designee notifies the applicant of a denial of the application and states the reasons for the denial.
- B. Grant of Application; Information Specified; Posting: The county clerk shall grant the application unless one or more of the criteria set forth in subsection C of this section is present. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall also indicate that the sexually oriented business is subject to prohibitions against public nudity and indecency pursuant to the United States supreme court decision in Barnes v Glen Theatre, Inc., 501 U.S. 560 (1991). The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it can be read easily at any time.
- C. Reasons for Denial: The county clerk shall deny the application for any of the following reasons:
  - 1. An applicant is less than eighteen (18) years of age.

2. An applicant is delinquent in the payment to the county of taxes, fees, fines or penalties assessed against or imposed upon the applicant in relation to a sexually oriented business.
3. An applicant has failed to provide information required by Section 5.20.060 of this chapter or the application for the issuance of the license, or has falsely answered a question or request for information on the application form.
4. The premises to be used for the sexually oriented business have not been approved as being in compliance with health, fire and building codes, and other applicable laws by the department or agency responsible under law for investigating said compliance.
5. The license application fee required by this chapter has not been paid.
6. An applicant of the proposed business is in violation of, or is not in compliance with, any of the provisions of this chapter, including, but not limited to, the zoning location requirements for a sexually oriented business under this chapter.
7. The granting of the application would violate a statute, ordinance or court order.
8. The applicant has a license under this chapter which has been suspended or revoked.
9. An applicant has been convicted of a "specified criminal act" for which:
  - a. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for "specified criminal acts," which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, pandering or tax violations.
  - b. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense for "specified criminal acts," which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, pandering or tax violations.

c. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses occurring within any twenty four (24) month period for "specified criminal acts," which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity or materials harmful to minors, prostitution, pandering or tax violations.

The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

An applicant who has been convicted of the above described "specified criminal acts" may qualify for a sexually oriented business license only when the time period required above has elapsed.

10. An applicant knowingly has in his or her employ an employee who does not have a valid license as required in this chapter.

- D. Notification of Denial: If the county clerk denies the application, he/she shall notify the applicant of the denial and state the reasons for the denial.
- E. Reapplication: If a person applies for a license for a particular location within a period of twelve (12) months from the date of denial of a previous application for a license at that location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.

#### 5.20.100: EXPIRATION; RENEWAL:

- A. Expiration; Renewal Application: Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in section 5.20.060 of this chapter. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.
- B. Denial of Renewal; Corrections: When the county denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the county finds that the basis for denial of the renewal license

has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date denial became final.

#### 5.20.110: TRANSFER OF LICENSE:

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

#### 5.20.120: INSPECTION OF PREMISES:

- A. Authority: An applicant, operator or licensee shall permit law enforcement officers, and any other federal, state, county or county agency in the performance of any function connected with the enforcement of this chapter, normally and regularly conducted by such agencies, to inspect those portions of the premises of a sexually oriented business where patrons or customers are permitted to occupy for the purpose of ensuring compliance with this section, at any time the business is occupied or open for business.
- B. Exception for Adult Motel: The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.
- C. Refusal Prohibited: It shall be unlawful for a person who operates a sexually oriented business, regardless of whether or not a license has been issued for said business under this chapter, or his/her agent or employee, to refuse to permit such lawful inspection of the premises at any time that is occupied or open for business.

#### 5.20.130: SUSPENSION:

- A. Written Intent; Conditions: The county clerk shall issue a written intent to suspend a license for a period not to exceed thirty (30) days if it determines that a licensee, or an employee of a licensee, has:



1. Violated or is not in compliance with any section of this chapter; or
  2. Been under the influence of a controlled substance without a valid prescription, or alcoholic beverages while working on the premises of a sexually oriented business; or
  3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; or
  4. Knowingly permitted gambling by any person on the sexually oriented business premises; or
  5. Operated the sexually oriented business in violation of a building, fire, health, zoning or other applicable statute, code, ordinance or regulation, whether federal, state or local, said determination being based on investigation by the division, department or agency charged with enforcing said rules or laws. In the event of such statute, code, ordinance or regulation violation, the county shall promptly notify the licensee by personal delivery, or by certified mail, of the violation and shall allow the licensee a seven (7) day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the seven (7) day period, the county shall forthwith suspend the license and shall notify the licensee of the suspension; or
  6. Engaged in license transfer contrary to Section 5.20.110 of this chapter. In the event that the county suspends a license on the grounds that a licensee engaged in a license transfer contrary to Section 5.20.110 of this chapter, the county clerk shall forthwith notify the licensee of the suspension. The suspension shall remain in effect until the applicable section of this chapter has been satisfied; or
  7. Operated the sexually oriented business in violation of the hours of operation as set forth in Section 5.20.210 of this chapter; or
  8. Knowingly employs a person who does not have a valid license as required under Section 5.20.190 of this chapter.
- B. Effect of Suspension: The suspension shall remain in effect until the violation of the statute, code, ordinance or regulation in question has been corrected.

5.20.140: REVOCATION:

- A. Statement of Intent: The county clerk shall issue a written statement of intent to revoke a sexually oriented business license if a cause of suspension in Section 5.20.130 of this chapter occurs and the license has been suspended within the preceding twelve (12) months.
- B. Conditions: The county clerk shall issue a written statement of intent to revoke a sexually oriented business license upon determining that:
1. A licensee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a permit; or
  2. A licensee or an employee has knowingly allowed possession, use or sale of controlled substances in or on the premises; or
  3. A licensee or an employee has knowingly allowed prostitution on the premises; or
  4. A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended; or
  5. A licensee has been convicted of a "specified criminal act" for which the time period required in Section 5.20.090 of this chapter has not elapsed; or
  6. On two (2) or more occasions within a twelve (12) month period, a person or persons committed an offense, occurring in or on the licensed premises, constituting a "specified criminal act" for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business, or individuals with an ownership interest in the sexually oriented business, at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit; or
  7. A licensee is convicted of tax violations for any taxes or fees related to a sexually oriented business; or
  8. A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises. This subsection B8 will not apply to an adult motel, unless the licensee knowingly

allowed sexual activities to occur either: a) in exchange for money; or b) in a public place or within public view; or

9. A licensee has been operating more than one sexually oriented business under a single roof.

- C. Effect of Revocation: When after the notice and hearing procedure described in Section 5.20.150 of this chapter, the county clerk revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one year from the date of revocation became effective; provided, that if the conditions of the Subsection 5.20.150B of this chapter are met, a provisional license will be granted pursuant to that section. If, subsequent to revocation, the county clerk finds that the basis for the revocation has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

#### 5.20.150: HEARING ON DENIAL, SUSPENSION OR REVOCATION; APPEAL:

##### A. Notification Hearing:

1. If the county clerk determines that facts exist for denial, suspension or revocation of a license under this chapter, the county clerk shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend or revoke the license, including the grounds therefore, by personal delivery or by certified mail. The notification shall be directed to the most current business address on file with the county clerk. Within ten (10) working days of receipt of such notice, the respondent may provide to the county clerk in writing a response that shall include a statement of reasons why the license or permit should not be denied, suspended or revoked. Within three (3) days of the receipt of respondent's written response, the county clerk shall notify respondent in writing of the hearing date on respondent's denial, suspension or revocation proceeding.

2. Within ten (10) working days of the receipt of respondent's written response, the county clerk shall conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on his or her behalf. If a response is not received by the county clerk, in the time stated, or if, after the hearing, the county clerk finds that grounds, as specified in this chapter, exist for denial, suspension or

revocation, then such denial, suspension or revocation shall become final five (5) days after the county clerk sends, by certified mail, written notice that the license has been denied, suspended or revoked. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to the county council, or county review board, if one is established by the county, and, if there affirmed, appeal to a court of competent jurisdiction.

3. If the county clerk finds that no grounds exist for denial, suspension or revocation of a license, then within five (5) days after the hearing, the county clerk shall withdraw the intent to deny, suspend or revoke the license and shall so notify the respondent in writing by certified mail of such action and shall contemporaneously therewith issue the license.

B. Appeal: When a decision to deny, suspend or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal such action to the county council, or county review board, if one is established by the county, within thirty (30) days of the date that the decision to deny, suspend or revoke a license became final, and, if there affirmed, appeal to a court of competent jurisdiction. Upon the filing of any court action to appeal, challenge, restrain or otherwise enjoin the county's enforcement of the denial, suspension or revocation, the county clerk shall immediately issue the aggrieved party a provisional license. The provisional license shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the aggrieved party's action to appeal, challenge, restrain or otherwise enjoin the county's enforcement.

#### 5.20.160: EMPLOYEE LICENSE:

A. License Required; Application Fee: Each individual to be employed in a sexually oriented business shall be required to obtain a sexually oriented business employee license. At the time of filing an application under this section, each applicant shall pay a nonrefundable application fee in an amount to be set by the county council. Said fee is to cover the reasonable administrative costs of the licensing application process.

B. Information Required: Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit an application to the planning department on a form to be provided by the county. All applicants must sign the application and affirm the truthfulness of the contents of the application before a notary public. The application shall contain the following information:

1. The applicant's name and any other names (including "stage" names) or aliases used by the individual;
2. Age, date and place of birth;
3. Height, weight, hair and eye color;
4. Current residence address (must be a street address and not a post office box) and telephone number;
5. Current business address (must be a street address and not a post office box) and telephone number;
6. State driver's license or identification number;
7. Social security number
8. Acceptable written proof that the individual is at least eighteen (18) years of age;
9. Attached to the application form, a color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the county. Any fees for the photographs and fingerprints shall be paid by the applicant;
10. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or sought to operate, in this or any other county, city, state or country, any sexually oriented business, and if so, whether the applicant has ever had a license, permit or authorization to operate such business denied, revoked or suspended, or had any professional or vocational license or permit denied, revoked or suspended. In the event of any

such denial, revocation or suspension, the applicant shall state the date and the name of the issuing or denying jurisdiction, and shall describe in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application; and

11. Whether the applicant has been convicted of a "specified criminal act" as defined in Section 5.20.090 of this chapter. This information shall include the date, place and nature of each conviction or plea of nolo contendere and identify the convicting jurisdiction.

C. Investigation Of Applicant: The county clerk shall refer the sexually oriented business employee license application to the sheriffs office for an investigation to be made of such information as is contained on the application. The investigation shall be completed within ten (10) days from the date the completed application is filed. After the investigation, the county clerk shall issue a license unless one or more of the following findings is true:

1. The applicant has knowingly made a false, misleading or fraudulent statement of a material fact in the application for a license, or in any report or record required to be filed with the county sheriffs office or other department of the county;
2. The applicant is under eighteen (18) years of age;
3. The applicant has been convicted of a "specified criminal act" as defined in Section 5.20.090 of this chapter;
4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by particular provisions of this chapter;
5. The applicant has had a sexually oriented business employee license revoked by the county, or any licensing body of a sexually oriented business, within two (2) years of the date of the current application.

D. Renewal of License:

1. A license granted pursuant to this section shall expire one year from the date of issuance and may be renewed only by making application as provided in this section. Application for renewal shall be made at least thirty (30) days before the expiration

date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected. Renewal shall be subject to review by the county clerk and the sheriffs office that the applicant has not been convicted of any "specified criminal act" as defined in Section 5.20.090 of this chapter and has not committed any act during the existence of the previous license period which would be grounds to deny the initial permit application

2. The renewal of the license shall be subject to payment of a fee as set by the county council.

E. Appeal: Procedure for appeal to the county council, or county review board, if one is established by the county, is as follows: Any person adversely affected by an administrative decision applying the provisions of this chapter may appeal that decision by alleging that there is error in any requirement, decision or determination made by a county official. Such appeal must be commenced within thirty (30) calendar days of the adverse requirement, decision or determination by filing a written notice of appeal with the county council, or county review board, if one is established by the county. A copy of the notice of appeal must be provided to the county clerk. The notice of appeal must indicate the decision appealed from and identify the parties making the appeal. Any appeal must include a list containing the names and addresses of adjoining property owners. Adjoining property owners include all owners of property within the designated areas surrounding the proposed sexually oriented business as specified in Section 5.20.090.

#### 5.20.170: LOCATION OF SEXUALLY ORIENTED BUSINESSES:

The establishment of a sexually oriented business shall be permitted only in an Industrial Manufacturing Zone, as described in the zoning ordinance. Licenses for sexually oriented businesses shall be required and governed by the procedures and policies specified in this chapter. In addition, any sexually oriented business shall be subject to the following restrictions:

- A. It is unlawful for a person to operate or cause to be operated a sexually oriented business except as provided in this chapter.
- B. It is unlawful for a person to operate or cause to be operated a sexually oriented business within one thousand five hundred feet (1,500') of:

1. Any church, synagogue, or any established religious institution;
2. Any public or private elementary or secondary school;
3. A boys' club, girls' club, or similar youth organization;
4. A preschool or children's daycare facility;
5. A public park, amusement part, arcade or recreation center;
6. A public building;
7. An entertainment business which is oriented primarily towards children or family entertainment;
8. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the state;
9. The boundary of any residential district or property zoned for residential use as defined in the zoning ordinance; and
10. A property line of a lot devoted to residential use.

- C. It is unlawful for a person to operate or cause to be operated a sexually oriented business within six hundred sixty feet (660') of another such business, which will include any adult arcade, adult book store, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor, escort agency, seminude model studio, and sexual encounter center.
- D. It is unlawful for a person to operate or cause to be operated a sexually oriented business within six hundred sixty feet (660') of any residential use or any agricultural or residential zone boundary or any gateway corridor.
- E. For the purpose of subsection B of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection B of this section. Presence of a city, county or other political



subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

- F. For purposes of subsection C of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- G. For the purpose of subsection D of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the right of way boundary.
- H. It is unlawful for a person to cause or permit the operation, establishment or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof, or to cause the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- I. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection B of this section within one thousand five hundred feet (1,500') of the originally conforming sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application is made for a license after the applicant's previous license has expired or been revoked.

#### 5.20.180: EXHIBITIONS IN VIEWING ROOMS:

- A. Requirements: A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, compact disc, DVD, slides, animation, electronic media, or other video reproduction which depicts specified sexually activities or specified anatomical areas, shall comply with the following requirements:

- 1. Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the

location of one or more manager's stations, the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty two (32) square feet of floor area, with no dimension greater than eight feet (8'). The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches ( $\pm 6''$ ). The county may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the county, or its designee.
4. It is the duty of the owner and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection A5 must be by direct line of sight from the manager's station.
6. It shall be the duty of the owner and operator of the premises, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in subsection A5 of this section remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which

has been designated as an area in which patrons will not be permitted in the application filed pursuant to this chapter.

7. No viewing room may be occupied by more than one person at a time.
  8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than three (3) foot candles as measured at the floor level.
  9. It shall be the duty of the owner and operator of the premises to ensure that the illumination described in subsection A8 of this section is maintained at all times that any patron is present in the premises.
  10. No owner or operator of the premises shall allow openings of any kind to exist between viewing rooms or booths.
  11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
  12. The owner and operator of the premises shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
  13. The owner and operator of the premises shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
  14. The owner and operator of the premises shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight inches (48") of the floor.
- B. Failure to Comply Unlawful: It is unlawful for a person to knowingly fail to fulfill any duty set forth under this section.

#### 5.20.190: MINORS AND SEXUALLY ORIENTED BUSINESSES:

It is unlawful for a person to operate or cause to be operated a sexually oriented business, regardless of whether or not a license has been issued for such business under this chapter, and knowingly, or with reasonable cause to know, to permit, suffer or allow:

- A. Admittance: Admittance of a person under eighteen (18) years of age to the business premises unless accompanied by a parent or legal guardian;
- B. Purchases: A person under eighteen (18) years of age to purchase goods or services at the business premises without the specific consent of a parent or legal guardian; or
- C. Employees: A person under eighteen (18) years of age to work at the business premises as an employee or independent contractor.

#### 5.20.200: ADVERTISING AND LIGHTING:

- A. Prohibited Advertising: It shall be unlawful for a person to operate or cause to be operated a sexually oriented business, regardless of whether or not a license has been issued for such business under this chapter, and advertise the presentation of any activity prohibited by any applicable state statute or local ordinance.
- B. Displays: It shall be unlawful for a person to operate or cause to be operated a sexually oriented business, regardless of whether or not a license has been issued for such business under this chapter, and display or otherwise exhibit the materials and/or performances at such sexually oriented business in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.
- C. Visibility From Outside Premises: The owner or operator of the premises shall not allow any portion of the interior premises to be visible from outside the premises.
- D. Illumination Of Parking Areas and Walkways: All off street parking areas and premises entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average range of maintained horizontal illumination of not less than two (2) and not more than ten (10)

foot candles of light on the parking surface and walkways. All lights which illuminate off street parking areas and premises entries of the sexually oriented business shall be directed inward from the property line of the sexually oriented business to prevent the rays from said lights to penetrate beyond the property on which such light is located. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees, to reduce the incidence of vandalism and criminal conduct, and to prevent a nuisance from the lighting to neighboring property owners or tenants. The lighting shall be shown on the required sketch or diagram of the premises.

- E. Direction of Exterior Lighting: All exterior lights, lights on signs, and electrically lit signs shall not be directed vertically. This lighting restriction is established in order to prevent a nuisance to neighboring property owners or tenants, and to preserve the safety of air traffic in the area of the sexually oriented business.
- F. Subsequently Enacted Legislation: Nothing contained in this section shall relieve the owner and operator of a sexually oriented business from complying with the requirements of any subsequently enacted county ordinances or regulations.

#### 5.20.210: HOURS OF OPERATION:

- A. Businesses: It shall be unlawful for a person to operate or cause to be operated a sexually oriented business, except for an adult motel, regardless of whether or not a license has been issued for said business under this chapter, and allow such business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M. of any particular day.
- B. Employees: It shall be unlawful for a person to work as an employee of a sexually oriented business, except for an adult motel, regardless of whether or not a license has been issued for said business under this chapter, and engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M. of any particular day.

#### 5.20.220: NUDITY PROHIBITED:

The United States supreme court decision in Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), which upheld the rights of municipalities to prohibit live public exposure of a person's private parts, specifically applies to sexually oriented businesses, regardless of whether or not a license has been issued to said business under this chapter, including such businesses where no alcoholic beverages are sold, served or consumed at the premises. Public nudity is prohibited within the unincorporated areas of the county, including any sexually oriented business. Any sexually oriented business which is found in violation of this section shall have its license revoked pursuant to the provisions of Section 5.20.140 of this chapter.

#### 5.10.230: LIVE ENTERTAINMENT:

- A. Defined: For purposes of this section, "live entertainment" is defined as a person who appears seminude, or a performance which is characterized by "specified sexual activities."
- B. Stage Requirements: No person shall perform live entertainment for patrons of a sexually oriented business establishment, except on a stage or at least eighteen inches (18") above the level of the floor, which is separated by a distance of at least ten feet (10') from the nearest area occupied by patrons. No patron shall be permitted within ten feet (10') of the stage while a performer occupies the stage.
- C. Dressing Rooms: The sexually oriented business establishment shall provide separate dressing room facilities for female and male performers, which shall not be occupied or used in any way by anyone other than performers.
- D. Separate Access to Stage: The sexually oriented business establishment shall provide access for performers between the stage and the dressing rooms, which is completely separated from the patrons. If such separate access is not physically feasible, the establishment shall provide a minimum six foot (6') wide walk aisle from performers between the dressing room area and the stage with a fixed railing which has a top rail and another horizontal rail equidistant between the top rail and the floor, fence or

other similar barrier separating the patrons and the performers, the height of which shall be at least thirty six inches (36") and which prevents any physical contact between patrons and performers.

- E. Physical Contact Between Entertainer and Patron Prohibited: No entertainer, before, during or after a performance, shall have physical contact with any patron, and no patron shall have physical contact with any entertainer before, during or after a performance. This subsection shall only apply to physical contact while in or on the premises of the establishment.
- F. Gratuities: No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performers for the purpose of preventing any physical contact between a patron and performer. No performer shall solicit any gratuity from any patron.
- G. Specified Acts With Patrons Prohibited: No operator of a sexually oriented business establishment shall cause or allow a performer to contract or engage in any entertainment such as a "couch" or a "straddle" dance with a patron while in or on the establishment premises. No performer shall contract to or engage in a "couch" or "straddle" dance with a patron while in or on the establishment premises. For the purposes of this subsection, "couch or straddle dance" is defined as an employee of the establishment intentionally touching or coming within ten feet (10') of any patron while engaged in the display or exposure of a "specified anatomical area", or any "specified sexual activity".

Exceptions: This section shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess or bartender, comes within ten feet (10') of a patron. No employee shall engage in any "specified sexual activity" or display or expose any "specified anatomical area" while acting as a waiter, waitress, host, hostess or bartender.

H. Compliance With This Section:

1. No establishment shall be in compliance with this section until the county's designated agent has inspected and approved of the establishment's compliance. The county shall have ten (10) days from the date it receives written notice from the operator that the establishment is ready for inspection to approve or disapprove of compliance required by this section. Failure to approve or disapprove of compliance within ten (10) days shall constitute a finding of compliance under this section.

2. A license for a sexually oriented business providing live entertainment shall not be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this chapter.

3. The applicant for a license to operate a new establishment, who wishes to provide live entertainment, shall apply for and receive a sexually oriented business license for the operation of an establishment providing live entertainment before any live entertainment is provided. No live entertainment license shall be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this chapter.

#### 5.20.240: DISTRIBUTION OF SEXUAL DEVICES:

- A. Prohibited: Other than medically prescribed devices, it is unlawful for anyone to distribute, for commercial purposes, to sell or offer for sale, any device, instrument or paraphernalia designed or marketed primarily for the stimulation of human genital organs or for sadomasochistic use or abuse of oneself or others.
- B. Included Devices: Such devices, instruments or paraphernalia include, but are not limited to, phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing implements (excluding earrings or other decorative jewelry) or other tools of sadomasochistic abuse.

#### 5.20.250: OPERATING WITHOUT VALID LICENSE:

- A. Injunction: A person who operates or causes to be operated a sexually oriented business without having a valid license is subject to a suit for injunction as well as prosecution for the criminal violation.
- B. Additional Criminal Prohibitions: In addition to the criminal provisions found in other sections of this chapter, it shall be unlawful for a person to operate or cause to be operated a sexually oriented business, regardless of whether or not a license has been issued for said business under this chapter, and such person knows or should know that:
  - 1. The business does not have a sexually oriented business license under this chapter for any applicable classification;



2. The business has a license which is under suspension;
3. The business has a license which has been revoked; or
4. The business has a license which has expired.

#### 5.20.260: CRIMINAL PENALTIES AND ADDITIONAL RELIEF:

- A. Misdemeanor: In addition to whatever penalties are applicable under county ordinances, or the Utah criminal code, if any person (other than a corporation, association or partnership) fails or refuses to obey or comply with or violates any of the criminal provisions of this chapter, such person, upon conviction of such offense, shall be guilty of a class B misdemeanor. A corporation, association or partnership which fails or refuses to obey or comply with or violates any of the criminal provisions of this chapter shall be guilty of a Class B Misdemeanor. Violators shall be subject to penalty as provided by the Utah Code For a Class B Misdemeanor. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered as a separate offense.
- B. Other Lawful Action Authorized: Nothing herein contained shall prevent or restrict the county from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
- C. Cumulative: All remedies and penalties provided for in this section shall be cumulative and independently available to the county, and the county shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

#### 5.20.270: DEFENSES TO PROSECUTION

- A. Modeling Class: It is a defense to prosecution for any violation of this chapter that a person appearing in a state of nudity did so in a modeling class operated:
  1. By a proprietary school licensed by the state, or a college, junior college or university supported entirely or partly by taxation;

2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

3. In a structure:

a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

b. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

c. Where no more than one nude model is on the premises at any one time.

B. Employee's Use Of Restroom Or Dressing Room: It is a defense to prosecution for a violation of this chapter that an employee of a sexually oriented business, regardless of whether or not it is permitted under this chapter, exposed any specified anatomical area during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room which is accessible only to employees.

#### 5.20.280: IMMUNITY FROM PROSECUTION:

The county, and its designees, the county sheriff's office, and all other departments and agencies, and all other county officers, agents and employees, charged with enforcement of state and local laws and codes, shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this chapter.

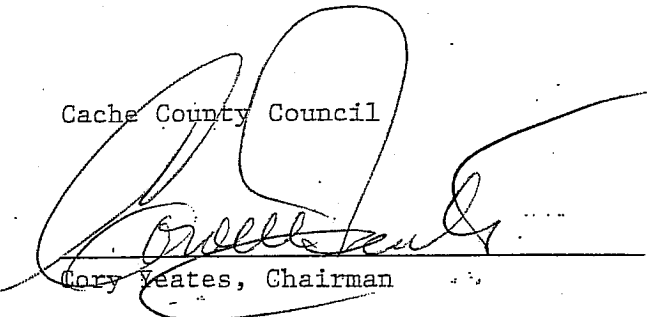
Therefore, the County Council hereby enacts an ordinance establishing a temporary land use regulation for Cache County to prohibit all subdivision approvals, pursuant to the authority given to the County Council by Utah Code Ann. § 17-27a-504, for a period of up to six months from the enactment of this statute, to give the County Council time to make any necessary amendments to the comprehensive plan, the agricultural land use ordinance and subdivision land use ordinance contained in the Cache County Zoning Ordinances.

This Ordinance shall become effective upon approval and publication in the manner provided by law.

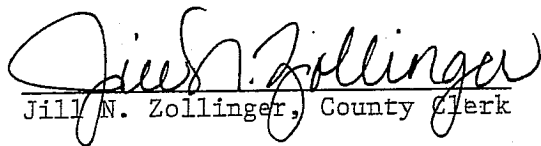
This Ordinance was adopted by the County Council, Cache County, Utah, on the 25th day of April, 2006 upon the following vote:

	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen	X			
Brian Chambers	X			
Darrel L. Gibbons	X			
John H. Hansen	X			
Kathy Robison	X			
Cory Yeates	X			
Gordon Zilles	X			

Cache County Council

  
Cory Yeates, Chairman

ATTEST:

  
Jill N. Zollinger, County Clerk

Publication Date: May 12, 2006