

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

August 4, 2006

TO: Cache County Council

FROM: Lynn Lemon 

SUBJECT: County Council Meeting on August 8, 2006

I will be returning from the (NACO) National Association of Counties Annual Conference and Board of Directors Meeting in Chicago on August 8, 2006 and ask to be excused from the County Council Meeting.

The following is provided for your consideration and information:

a. Appointments:

No recommendations.

b. Warrants:

Provide the Clerk the warrants so that they will be a part of the minutes.

c. Other Items:

Item 1. Water Issues Task Force-I have attached minutes from the Water Issues Task Force Meeting held on July 13, 2006. There are several issues under consideration that will have a direct effect on Cache County. I also attending the Water Issues Task Force Meeting this morning. It was very informative and several of the issues they are dealing with are important to Cache County. Jerry Olds, the State Engineer spent considerable time talking about some of the challenges faced by Water Companies. Warren Peterson made a power point presentation, a copy of which is attached. The written presentation does not substitute for the discussion between Mr. Peterson and the Task Force. In general there is concern about a "Train Wreck" waiting to happen. Major efforts will be made to deal with these issues within the next year and a half and then propose legislation in the 2008 session. A lot of time was spent on "Instream Flow Water Rights" Future Meeting have been scheduled for August 30<sup>th</sup>, September 14<sup>th</sup> and 28<sup>th</sup>.

Item 2. The State Tax Commission has been presenting a two day course on the Property Tax System in Utah. The response has not been as good as they would like. In an effort to get more elected officials involved they are presenting a

two evenings course for three hours each night. The letter is attached. The schedule for Logan is August 21 and 22, 2206.

Item 3. The first Board of Equalization hearings for appeals is set for August 16, 2006 at 9:00am. I will plan to attend those hearings and will submit recommendations to the County Council for your ratification.

Item 4. UDOT Guardrail Upgrade Project will begin on August 14<sup>th</sup> and continue through mid-November. See attached notice.

**MINUTES OF THE  
WATER ISSUES TASK FORCE**

Thursday, July 13, 2006 – 2:00 p.m. – Jordan Valley Water Conservancy District

**Members Present:**

Sen. Peter C. Knudson, Senate Chair  
Rep. David Ure, House Chair  
Sen. Patrice Arent  
Sen. Mike Dmitrich  
Sen. Beverly Ann Evans  
Rep. David N. Cox  
Rep. Margaret Dayton  
Rep. Ben C. Ferry  
Rep. Michael T. Morley  
Rep. Patrick L. Painter

**Members Absent:**

Sen. Thomas V. Hatch  
Rep. James R. Gowans  
Rep. Brad King

**Staff Present:**

Ms. Emily Brown, Associate General Counsel  
Mr. Brian Allred, Policy Analyst  
Mr. Mark Steinagel, Policy Analyst  
Ms. Brooke Ollerton, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Task Force Business**

Chair Knudson called the meeting to order at 9:12 a.m.

**MOTION:** Rep. Cox moved to approve the minutes of the June 9, 2006 meeting. The motion passed unanimously.

**2. Instream Flow**

Ms. Brown distributed "Selected Instream Flow Policy Decisions" and gave an overview of policy options related to the ownership, acquisition, and purpose of instream flow.

Rep. Ure asked if there is a category that separates non-profit organizations from other entities when seeking instream flow rights.

Ms. Brown replied that according to the Trout Unlimited proposal, a non-profit organization is defined by tax code, which would not separate various types of non-profit entities. The policy question for the Task Force to consider is the importance of tax status when both entities are water right owners. She said she would draft whatever definition of "non-profit" the Task Force would like, but the Task Force would need to decide who it wants to hold these rights.

**3. Water Conservation**

Mr. Dennis Strong, Director, Division (Division of Water Resources), presented "What is Water Conservation." He said Utah is the second greatest user of water in the west due to the state's high outside water use, its preference for green landscape, and its large building lots. He stated that Utahns need to conserve because the population is growing faster than the limited water supply. He described the history of the goal to decrease water use per capita by 25 percent by 2050.

Water Issues Task Force  
July 13, 2006  
Page 2

Sen. Arent asked about the history of the 25 percent goal and if there was any discussion of adjusting it. Mr. Strong responded that changing the base year from the 1995 to 2000 resulted in a 7 to 9 percent savings. The Division has already accomplished 15 percent of the 25 percent goal and adjusted it about 5 percent. He said the next 10 percent will be more difficult unless Utahns consider changing their landscapes.

Sen. Arent asked for suggestions regarding incentive or other programs the Legislature could sponsor. Mr. Strong said that the Legislature could appropriate additional money for conservation. He asked for additional time for the Division to draft specific proposals. Sen. Arent requested Mr. Strong provide a report on the number of FT, the budget, and specific proposals for conservation at the Division.

Sen. Dmitrich asked if the state had any plan for removing invasive species that use a lot of water. He suggested looking at Colorado's efforts in this area. Mr. Strong indicated there is still a need for scientific research and that funds are not available for those kind of projects.

Mr. Steinagel distributed "Water Conservation State Statutes" and briefed the Task Force on other states' water conservation policies. The most common programs in the 11 western states he researched were: (1) a requirement that state water plans include conservation, (2) a mandate that local water plans include conservation, (3) financial assistance for conservation, and (4) water conservation at state facilities.

Sen. Arent asked Mr. Steinagel to highlight provisions that were common in other states that Utah does not have in statute. Mr. Steinagel said that the Utah statute requires a local water conservation plan with a clearly stated overall water use reduction goal and implementation plan for each of the water conservation measures it chooses to use, a district meeting on conservation every five years, and a media plan. Before an entity qualifies for the loan process, it is required to have a conservation plan. He pointed out differences in prescriptive and permissive language, the size of the district, and a number of less common provisions. Mr. Steinagel said he would provide Sen. Arent with additional information.

Sen. Arent asked staff to research other states' water conservation requirements for state buildings.

Rep. Ure asked if something was being done to change local planning and zoning committees' requirements for residential and commercial green space. He also asked about a plan to prevent publicly owned treatment works from raising prices after customers reduce indoor use. Mr. Steinagel said there is no requirement in state law that municipalities permit xeriscaping. The district or other local entities would have to create landscaping requirements. The most common solution for preventing the districts from raising prices due to water conservation is to separate fixed and variable costs.

Mr. Strong commented that rather than mandating, the Division is working on educating local water providers about separating costs. He pointed out that such cost savings are not immediate.

Rep. Painter asked if a farmer who used to flood irrigate, but who has changed to a sprinkler system, could increase acreage.

Mr. Jerry Olds, Division of Water Rights, responded that the farmer would be limited to the beneficial

Water Issues Task Force  
July 13, 2006  
Page 3

uses under existing water rights and would be subject to the appropriation process.

In response to a question about changing ordinances for land development as a means of conservation, Mr. Warren Peterson, Waddingham and Peterson, pointed out that the water provider is not always the land regulator.

Ms. Patricia Mulroy, Authority (Southern Nevada Water Authority), explained that the Authority, working with a citizens' committee, had created a resource plan for the next 40 to 50 years. She explained that after the drought began in 2002, the plan was revised and it was determined that a significant portion for future water needs would come from conservation. When the Authority was created, priority water rights were pooled and entered into shared authority which allowed the reduction of water use by 65,000 acre feet over two years. The plan includes financial incentives, direct aid, and stiff penalties. She underscored the idea that water conservation is quintessential to the survival of Southern Nevada.

Rep. Dayton asked if the Authority used eminent domain to pool water rights and if there was a plan to limit the number of building permits with water rights, given an increasing population and diminishing water supply. Ms. Mulroy responded that the shared shortage agreement was voluntary. She pointed out that the relinquished water rights belonged to local governments that are all represented on the board with veto power on financial and water resource issues. Ms. Mulroy also stated that Southern Nevada recycles 100 percent of its wastewater. If it can use less water resources outside and more inside, it can continue to grow for decades. She noted that phosphates are extracted in the recycling process.

Rep. Ure asked where the funding for the Authority's turf removal program comes from. Ms. Mulroy explained that it was paid for by new connection charges.

Rep. Ure asked if there was any organization that incorporated the Authority's board, local planning and zoning bodies, and transportation officials. Ms. Mulroy said that there are city councilmen and county commissioners on the Board who have those general responsibilities. She explained that there is no separately-elected water board in Southern Nevada, but that there is a Southern Nevada Regional Planning Coalition that acts as a clearinghouse for transportation, water, and land use and planning issues.

Mr. Doug Bennett, Authority conservation manager, distributed a copy of his presentation "Southern Nevada Water Authority." He explained that the Authority is essentially a wholesaler owned and operated by its member agencies. He outlined water use percentages, explained Southern Nevada's return flow credits, and detailed the Authority's conservation strategies which focus on outdoor use. He pointed out that between 2002 and 2005 water use decreased by about 20 billion gallons in Southern Nevada.

Rep. Ure asked if the Authority had any statistics on the number of parks per capita in Las Vegas and said that green space is fundamental for a good quality of life in urban areas. Mr. Bennett responded that Las Vegas has less parks acreage per capita than comparable cities, but lot sizes are small so the city has tried to increase common recreation areas.

Sen. Dmitrich asked how Nevada's per capita water use compares with Utah's. Mr. Bennett said that in the 1990s, Nevada consumed more water per capita than Utah. Since then, Nevada's water use has dropped. He noted the monthly water bill for a typical home is about \$30 to \$40. The water is free, but

Water Issues Task Force  
July 13, 2006  
Page 4

customers pay for the treatment and delivery.

Mr. Bennett explained that the Authority has no jurisdiction over private water. However, some city and county codes impose land use restrictions that give the Authority limited occasional jurisdiction. He stated it is a challenge to try to put conservation into perspective for its customers.

Rep. Morley asked if metered pressurized irrigation systems were run in conjunction with culinary water systems. Mr. Bennett said that there are interceptor water reclamation plants in different regions of the city so the water can be recycled and used without having to have the infrastructure to transport it to a central plant.

Mr. David Ovard, General Manager, District (Jordan Valley Water Conservancy District), distributed "Presentation to Water Issues Task Force." He explained that the District is a water wholesaler. He outlined the District's water supply plan of a 25 percent reduction in consumption by 2025. He outlined population growth, water use, and different water projects. He stated that the best way of saving water would be through landscape ordinances. Mr. Ovard noted it is difficult for people to change landscapes after such a large economic investment, but the District encourages the conversion when people renovate their landscapes. The District also distributes water-friendly landscaping guides to encourage the change. He suggested that the Legislature encourage local governments to set landscape ordinances.

Rep. Ure responded that it may not be in the best interest of the Legislature as a whole, since most of its members are from the Wasatch Front, to dictate the rest of the state's water use. Mr. Ovard indicated that water use per capita is lowest on the Wasatch Front.

Rep. Ure asked if Mr. Ovard would support a Wasatch Front water conservation district. Mr. Ovard said he would, but it would be difficult to create because of the number of cities along the Wasatch Front and because of the impediment in the Utah Constitution which prohibits them from giving up their water rights. He said the Legislature's role might be to bring cities together through some sort of coordination agency. He also suggested that the Legislature make a conservation policy for the state.

Mr. Lee Wimmer, assistant general manager, Central Utah Water Conservancy District, presented its water conservation credit program and outlined the program's success.

Mr. Darrell Hafen, Southern Utah Water and Power Authority, said the organization's purpose is to protect the water interests of the lower Colorado River Basin of Utah. He stated the Washington County lands act may have negative consequences for counties along the southern border of Utah and that public hearings on the plan should have been held. He said Washington County could improve its conservation efforts and encouraged the Task Force to contact Utah's congressional delegation to delay the bill.

Mr. Mark Danenhauer, Utah Rivers Council, encouraged the state to raise its conservation goal. He commended the District for its aggressive approach to conservation. He suggested that the state increase investment in and incentives for water conservation.

Mr. Cecil Garland, Great Basin Water Network, said that there is no surplus water in Snake Valley.

Water Issues Task Force  
July 13, 2006  
Page 5

Ranchers and farmers are attempting to conserve water, but that conservation will not solve the problem if the population continues to grow.

Mr. Steven Clyde, Clyde Snow Sessions & Swenson, P.C., distributed "Water Conservation Under the Prior Appropriation Doctrine" on the pitfalls of current appropriation. He said it could give the Task Force additional perspective on these issues.

**4. Tour of Jordan Valley Water Conservation Gardens**

Chair Knudson explained how the tour and lunch would proceed.

**5. Adjourn/ Lunch**

Chair Knudson announced the next task force meeting was scheduled for Friday, August 4, 2006.

**MOTION:** Rep. Cox moved to adjourn. The motion passed unanimously.

Chair Knudson adjourned the meeting at 11:55 a.m.

**AGENDA**  
**WATER ISSUES TASK FORCE**  
UTAH LEGISLATURE

Friday, August 4, 2006 • 9:00 a.m. • Room W125, House Building

**1. Committee Business**

- Call to order
- Approval of the minutes of the July 13, 2006 meeting

**2. Water Companies**

- Jerry Olds, State Engineer
- Warren H. Peterson, Waddingham and Peterson
- Public Comment

**3. Instream Flow Water Rights**

*Task force members received a list of selected instream flow policy decisions in the July task force meeting. The Task Force will consider public comments regarding the policy decisions and decide how it would like to proceed.*

- A. Who should be eligible to own an instream flow water right?
- B. How should an instream flow water right be acquired?
- C. What purposes may an instream flow water right serve?
- D. Should federal instream flow rights be integrated into the state water rights system?
- E. If a water right owner conserves water, who should be able to utilize the net savings?
- F. Should leased water for an instream flow be protected from forfeiture?
- G. Should instream flow be considered a beneficial use?
- H. Are there any other items related to the ability to hold an instream flow water right that should be considered?

**4. Other Items / Adjourn**

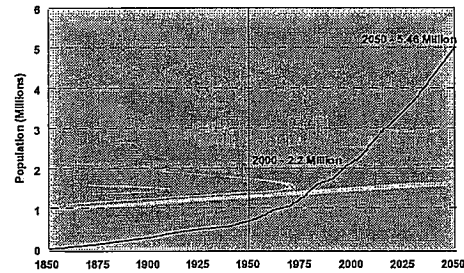


## Mutual Water Companies: Driving a 19th Century Vehicle Into the 21<sup>st</sup>

Water Issues Task Force  
August 4, 2006

Warren H. Peterson  
Waddingham & Peterson  
Delta, UT 84624  
435.864.2748  
whp@frontierlaw.com

## Growing Population Growing Conflict



### Overview

- Private water companies are at a historic crossroads and we have not adequately maintained them to meet the circumstances facing them
- We have a choice of continuing the haphazard evolution of the species or to attempt some form of intelligent design

### Significance of Private Water Companies

- Often the own earliest priority water rights, the oldest water systems, and long-standing prescriptive easements
- At least 80% of Utah's water use is managed at some stage through private water companies

### Basic Characteristics

- Private water companies exist to "develop" and deliver water.
- A crossbreed of water and corporate law
- Generally nonprofit corporations under Utah Revised Nonprofit Corporations Act UCA, Title 16, Chapter 6a
- Often tax-exempt organizations under Internal Revenue Code §501(c)(12)

### Uncertainty in the Water Economy

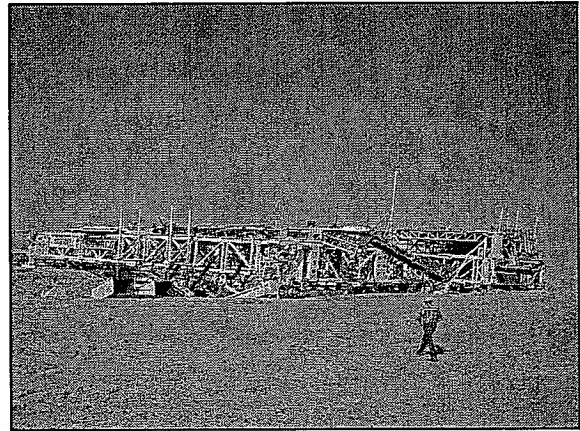
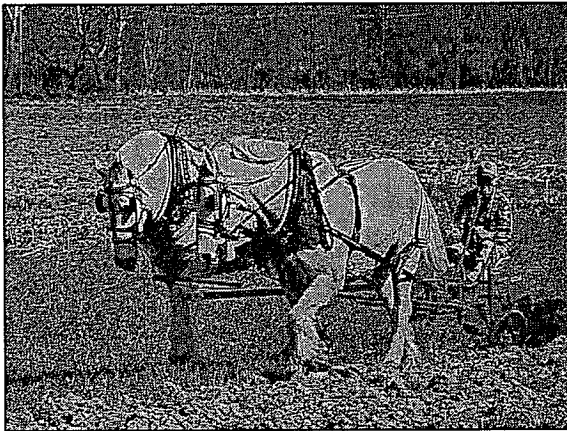
- Water flows to gravity, water rights flow to money
- Transition from agriculture and mining to municipal and industrial will continue and will affect water companies
  - Earliest priority water rights
  - 80% of Utah water managed by water companies
- Water use transition has been and will continue to be marked by delay, litigation, and uncertainty - three evils abhorred by the marketplace.

### **Common Circumstances**

- Irrigation system built 50+ years ago by shareholders
- Built to irrigate farmland
- Many still use earthen canals or ditches with manual headgates, etc. accessed by roadway
- Follows natural contours of land
- Canals and roadway on prescriptive easement
- Irrigators as shareholders/management
- Incrementally repaired or improved over the years, depending on management, farm fortunes (or lack thereof), and the goals of new owners such as municipalities

### **Changes in the Water Economy**

- Earliest priority water rights, the oldest water systems, and long-standing prescriptive easements
- These assets are protected property interests.
- Shifting these water resources from one economic sector to the another, such as to the municipal and industrial sectors, are frequently occurring either through:
  - market transactions, or
  - eminent domain



### **21<sup>st</sup> Century Physical Setting**

- Urban (suburban) development around canals
- Canals used for flood control channels
- Houses built along canals - or below canals
- Municipalities, developers, speculators, brokers and homeowners as shareholders
- Intersections between canals and new uses - bridges, culverts, pipelines, debris grates, fences, and gates with attendant risks
- Significant demand to convert water rights to M&I uses

### **21<sup>st</sup> Century Legal Environment**

- Withering tort protection
- More exacting standards for officers and directors
- Pressure to convert water use
- Public Service Commission oversight
- Water rights uncertainties/forfeiture
- Eminent domain
- Shareholder rights litigation
- Securities questions
- Control shares acquisition act

### For Example - What Are Water Company Shares?

“Based on the foregoing, we hold that stock in a mutual irrigation corporation represents a real property interest and therefore is not a certificated security under Utah Code Ann. § 70A-8-102 (1990).”

- *Salt Lake City Corp. v. Cahoon & Maxfield Irrigation Co.*, 879 P.2d 248, 252 (Utah 1994)

### 70A-8-409. Water corporations.

The procedures of this chapter shall apply to shares of stock in a water company, irrigation company, canal company, reservoir company, or other similar water corporation.

History: C. 1953, 70A-8-409, enacted by L. 1996, ch. 51, § 1.



Delay,  
litigation, and  
uncertainty –  
three evils  
abhorred by the  
marketplace

### Policy Choices

- Allow the species to evolve - one lawsuit, one negotiation, and one legislative decision, whether at the state or local level, at a time - slow, costly, and uncertain, perhaps leading to extinction
- Attempt the human equivalent of intelligent design by designing a comprehensive statutory scheme addressing water companies as the unique entity that they are.

### Process

- Review existing code
- Identify needed statutory changes
  - Suggestions from water users, including Water Coalition
  - Recommendations from drafting group
- Coordinate with Legislative staff and co-author of Revised Nonprofit Corporations Act
- Draft suggested language
- Circulate for comments
- Redraft and circulate
- Submit to Legislative sponsor and staff

### Major Topics Identified to Date

- Assessments – update Title 16, Chapter 4
- *Dansie v. Herriman City* concepts related to what shareholder interests really are. What do shareholders own?
- One share, one vote vs. one member, one vote.
- Asset and water right ownership upon involuntary dissolution [*Kirkland*]. Avoid reincorporation problems.
- Control Shares Acquisition Act – should it apply to mutual water companies?
- How should derivative actions apply to mutual water corporations?
- Numerous technical revisions to the Revised Nonprofit Corporations Act

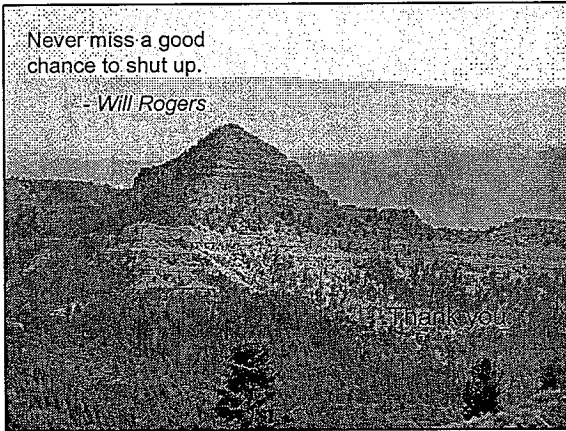
### The Formative Years

A society like this would never have to buy anything; they would make and raise all the would eat, drink and wear, and always have something to sell and bring money, to help increase their comfort and independence . . . . Do you think we shall want any lawyers in our society? No, I think not . . . . Would you want any doctors? Yes, to set bones.

- Brigham Young

Never miss a good chance to shut up.

- Will Rogers



Thank you



State of Utah

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

Utah State Tax Commission

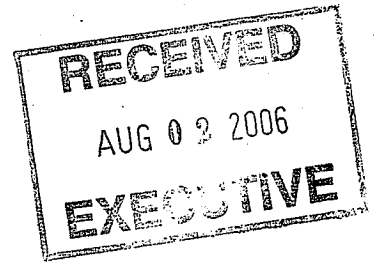
PAM HENDRICKSON  
Commission Chair

R. BRUCE JOHNSON  
Commissioner

PALMER DEPAULIS  
Commissioner

MARC B. JOHNSON  
Commissioner

RODNEY G. MARRELLI  
Executive Director



July 25, 2006

Dear Administrator:

The Tax Commission presents a two day course on the Property Tax System in Utah. We have historically done this during the day, starting at 9 am each day. The class historically costs \$60 per person. Unfortunately, we have not had much response from Cities, towns, special Districts or School districts. This has concerned us, because these are typically the people that the class would and should most benefit.

Consequently, we have altered the class and are going to offer it over two evenings for three hours each night. THERE IS NO COST. This course has been slanted toward this target audience. We conducted a trial of this course last year in Panquitch and it was well received.

We have scheduled 6 of these courses this summer,

August

16 - 17 - Salt Lake City, UAC main offices

21 - 22 - Logan City, 171 N Main

23 - 24 - Vernal City, County Building, down stairs conference room

28 - 29 - Price City, County Court House, large conference room

30 - 31 - Moab City, Grand County Building

September

6 - 7 - St George, County Building, basement conference room.

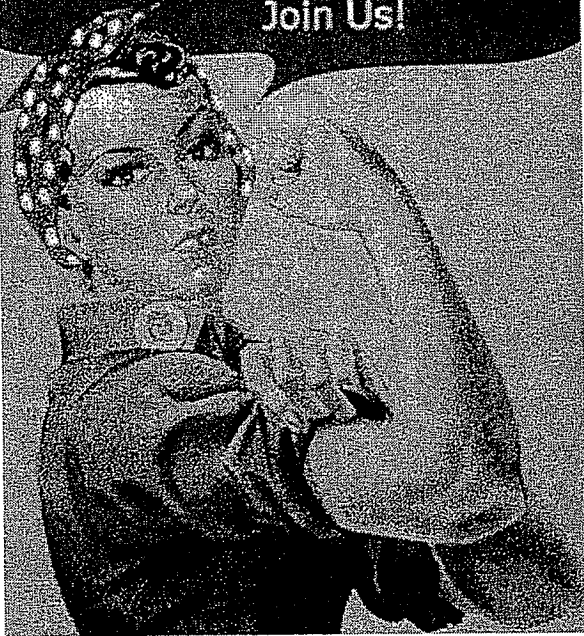
As we have traveled the state last fall and earlier this year we were repeatedly told that this course was needed and that it would be well attended. So, following that dialogue, we have scheduled these 6 presentations. We are confident that those that attend this class will walk away with a much clearer understanding of the property tax system in Utah and how it works and the importance of each function to ensure the system works for everyone.

We strongly encourage you to send your staff and to come yourself. If you are the least bit interested feel invited to call La Mar Sayer at 801-297-3617 to ask any questions you have. Also, please contact Doug Perry (801-265-1331) of the Utah Association of

# Property Tax Administration in Utah

Let's Work Together!

Join Us!



## FREE CLASS

August 16 & 17  
6:00 to 9:00 p.m.

5397 S. Vine Street • Murray, UT  
(Utah Association of Counties Building)

### Who Should Attend

This class is for all city, county, school district, and special service district administrators, who would like a better understanding of property tax administration so that greater efficiencies can be created and maintained by all governmental entities involved in the process.

Brought to you by a partnership of the Utah Association of Counties and the Utah State Tax Commission, the Property Tax Administration in Utah night class is especially helpful for busy property tax administrators and others in local government who have difficulty taking time during the day to learn.

### Class Outcomes

Class participants will have:

- A more efficient understanding of existing rules, laws, standards, and other resources.
- Stronger communication with all entities involved in the property tax process.
- An opportunity to learn and share best practices.
- More consistency and uniformity in the administration of their organization's process.

### Schedule/Agenda

#### August 16

6:00 – 6:15 pm *Introduction (Craig Jolley)*  
6:15 – 6:30 *Hierarchy of Laws (Craig Jolley)*  
6:30 – 6:45 *Historical Overview (Ron Smith)*  
6:45 – 7:45 *Property Tax System (Ron Smith)*  
7:45 – 8:00 *Break*  
8:00 – 8:45 *Assessment of Property/Appeals (Craig Jolley)*  
8:45 – 9:00 *FAA (Craig Jolley)*

#### August 17

6:00 – 7:30 pm *Tax Rates (LaMar Sayer)*  
7:30 – 7:45 *Exemptions (Ron Smith)*  
7:45 – 8:00 *Tax Relief (RuthAnn Jefferies)*  
8:00 – 8:15 *Break*  
8:15 – 8:30 *Collection/Adjustments/Tax Sales (LaMar Sayer)*  
8:30 – 8:45 *Distribution (RuthAnn Jefferies)*  
8:45 – 9:00 *Web Demonstration (RuthAnn Jefferies)*

### Registration

Space is limited. Registration can be done online by going to [www.uacnet.org](http://www.uacnet.org) or by faxing this form by August 11 to 801-265-9485. Please notify us of cancellation by August 11.

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_



**ROAD CONSTRUCTION NOTICE**  
**U.S. 89; LOGAN CANYON**  
**GUARDRAIL UPGRADE PROJECT**

**CONTRACTOR: GONZALES CONSTRUCTION COMPANY, INC**  
**CONTACT: JEREMY K. GONZALES – VICE PRESIDENT**  
**ADDRESS: P.O. BOX 1468**  
**DOLORES, CO 81323**  
**OFFICE: 970-882-4805**

Gonzales Construction is preparing to start work on UDOT's U.S. 89, Logan Canyon guardrail upgrade project. The project consists of removing existing guardrail in Logan Canyon and replacing it with upgraded guardrail and end terminals.

The project limits are from milepost 461 (mouth of Logan Canyon in Logan) to milepost 471 (Right Hand Fork). Work will begin at the west end of the project and progress eastward.

Work is scheduled to begin August 14<sup>th</sup> and continue through approximately mid-November. Crews will be working 7:00 am to 7:00 pm on Monday-Thursday and 7:00 am to 1:00 pm on Fridays.

Traffic will be restricted to one lane of travel in work areas (approximately 1/2 mile segments). Alternating one-way traffic will be directed by flaggers in the work zone. Motorists should expect up to 15 minute delays.

If you have any questions or concerns, please contact Jeremy Gonzales at 970-882-4805.

Regards,  
Jeremy Gonzales  
Vice President

# Development Services Cache County Corporation

179 North Main, Room 305  
Logan, Utah 84321

## Memorandum

To: Cache County Council  
From: Josh Runhaar, County Planner & Zoning Administrator  
Date: May 16, 2006  
Subjects: Proposed By-Laws for the Planning Commission

Staff has made a recommendation to the Planning Commission to adopt a set of By-Laws and Rules of Procedure. Staff presented a draft version of these By-Laws to the Planning Commission, which were then altered as specific points were discussed and clarified. The draft By-Laws presented to you show the original draft with the alterations as made by the Planning Commission.

The Planning Commission made a motion to pass these By-Laws on to the County Council which was passed unanimously (5-0) at the Special Planning Commission Meeting of May 15, 2006.



**Cache County Planning Commission  
By-Laws and Rules of Procedure  
Adopted August 8, 2006**

**ARTICLE 1 - OBJECTIVES**

1-1. This commission, established in conformance with the motion adopted by the Cache County Council on the 20th day of December, 1950, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of State Code Ann. §17-27a Part 3.

1-2. The official title of this Commission shall be the "Cache County Planning Commission".

**ARTICLE 2 - MEMBERS**

2-1. The Cache County Planning Commission shall consist of (7) voting members. A member of the County Council shall be appointed as an ex-officio member of the Planning Commission and shall be a non-voting member. The Zoning Administrator shall serve as an ex-officio member of the Planning Commission and shall be a non-voting member.

2-2. The term of the member from the County Council shall be a one year term or as otherwise designated. As the term of the members first appointed to this Commission, or their replacements, expire, their successors shall be appointed for terms of three (3) years or to fulfill the previously designated term. Each member shall be recommended by the County Executive and evaluated and confirmed by the County Council prior to their appointment or reappointment to the Planning Commission.

2-3. Any appointed member may be removed by the County Council for inefficiency, neglect of duty, or malfeasance in office. Such removal may be made only after a public hearing when the member is given an opportunity to appear and be heard on the charges against him.

2-4. The Council may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not County employees.

**ARTICLE 3 - OFFICERS AND THEIR SELECTION**

3-1. The officers of the Planning Commission shall consist of a Chair, a Vice-Chair, and a Secretary. With consent of the Commission, the Director of Development Services, the Zoning Administrator, or similar official may serve as Secretary of the Commission; otherwise, the Secretary shall be selected from the membership.

3-2. Nomination of officers shall be made by the general membership of the Planning Commission at the regularly scheduled November meeting of the Commission each year. The election of officers shall follow immediately.

3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He/She shall take office January 1st, the following year and serve for one (1) year or until their successor shall take office.

**ARTICLE 4 - DUTIES OF OFFICERS**

4-1. The Chair shall be an appointed member of the Commission and shall:

4-1-1. Preside at all meetings.

4-1-2. Appoint committees, special and/or standing and liaisons.

4-1-3. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the members present).

4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.

4-1-5. Represent the Commission before the County Council and other public bodies except when this responsibility has been delegated to an appropriate official or Commission member.

4-1-6. Carry out other duties as assigned by the Commission.

4-1-7. Fill any vacancies in the offices of Vice-Chair or Secretary by appointment lasting through January 1st of the following year.

4-2. The Vice-Chair shall be an appointed member of the Commission and shall:

4-2-1. Act in the absence or inability of the Chair to act.

4-2-2. Have the powers to function in the same capacity as the Chair in cases of the Chair's inability to act.

4-2-3. Fill immediately any vacancy in the office of Chair through January 1st of the following year.

4-2-4. Be responsible for the orientation of new members of the Commission.

4-3. The Secretary shall:

4-3-1. Keep a written record of all business transacted by the Commission.

4-3-3. Keep a file of all official records and reports of the Commission.

4-3-4. Certify all minutes of the Commission.

4-3-5. Give notice of all hearings and public meetings.

4-3-6. Attend to the correspondence of the Commission.

4-3-7. Keep a set of minutes.

4-3-8. Prepare and be responsible for the publishing of all advertisements relating to public hearings.

4-3-9. If the Secretary is an appointed member of the Commission, the Secretary may, with the consent of the Commission, delegate any of the above responsibilities of the Secretary to the Director of Planning, Zoning Administrator or similar official, except that the certification of minutes of the Commission may not be delegated.

#### **ARTICLE 5 - STANDING AND SPECIAL COMMITTEES**

5-1. Any standing committees may be appointed by the Chair. Necessary standing committees should be appointed within thirty (30) days after the Chair takes office.

5-2. Any special committees may be appointed by the Chair and shall function for a duration as set by the Chair. The duties and responsibilities of any special committee shall be clearly defined and outlined at a regularly scheduled Planning Commission meeting.

5-3. Each standing and special committee shall prepare a written report of meetings held to become a part of the permanent records of the Commission.

#### **ARTICLE 6 - MEETINGS**

6-1. Regular meetings of the Commission shall be held on the first Monday of each month, commencing at 1:00 p.m. and ending at 5:00 p.m. Meetings may be extended beyond 5:00 p.m. with the approval of two-thirds (2/3) of the members present. When a meeting date falls on a legal holiday, the meeting shall be held on the week following unless otherwise designated by the Commission.

6-1-1 Commission public hearings shall be held during the regular meeting on the first Monday of each month.

6-2. Special meetings shall be called at the request of the Chair or at the request of any three members of the Commission. Written notice which states the time and purpose of the special meeting shall be given to each member at least five (5) days prior to such meetings. Noticing of special meetings shall be made in compliance with State Code Ann. §17-27a Part 2 and §17-53 Part 4.

6-3. A majority of the membership of the Commission shall constitute a quorum. When a quorum is present, a majority vote of the entire Planning Commission (a minimum of four (4) votes) is sufficient for the adoption of any motion. Voting may be a roll call, in which case a record shall be kept as part of the minutes. Any member shall have the right to demand a roll call vote.

6-4. Meetings shall be open to the public except when deemed necessary, in which case the Commission may go into Executive (closed) Session, when the provisions of the Utah Open and Public Meetings Act, State Code Ann §17-53 Part 4, shall be in effect.

#### **ARTICLE 7 - ORDER OF BUSINESS**

7-1. The order of business for a Regular Meeting shall be:

7-1-1. Call to Order by the Chair

7-1-2. Roll call by the Secretary

7-1-2-1. Determination of a quorum

7-1-3. Approval of agenda

7-1-4. Approval of minutes

7-1-5. Report of the Secretary

7-1-6. Consent Agenda

7-1-9. Agenda Items

7-1-9-1 Public Comment

7-1-9-2 Public Hearings

7-1-10. Report of Special Committees

7-1-11 Liaison Reports

7-1-12 Zoning Administrator's Report

7-1-13 Adjournment

7-2. The Zoning Administrator is authorized to prepare for each meeting a consent agenda for consideration by the Commission. The consent agenda may include any item believed by the Zoning Administrator to meet all required ordinances, be routine, and not controversial in nature.

7-2-1. A single motion and vote in favor thereof shall approve all items on the consent agenda.

7-2-2. Any member of the Commission may request to have any item removed from the consent agenda. Such request need not be seconded. Such item shall then be taken up for discussion by the Commission.

7-3. Public Comment portion of the meeting will be limited to 30 minutes for each agenda item unless otherwise specified by the Chair.

7-3-1. The agent for the agenda item will be limited to a 5 minute period of open discussion, with additional time allowed to respond to questions of the Planning Commission.

7-3-2. Individual speakers from the public will be limited to 3 minutes each unless prior approval is obtained from the Chair.

#### **ARTICLE 8 – COMMUNICATION AND CORRESPONDENCE**

8-1. To ensure that the decision-making process is fair and impartial, the Planning Commission is to abide by certain standards regarding "ex parte" communication on cases under review.

8-1-1. Ex parte communication is defined as "oral or written, off-the record communication made to or by commissioners or commission decision-making personnel, without notice to parties, that is directed to the merits or outcome of an on-the-record proceeding."

8-1-2. If prohibited ex parte communication is attempted, the Commissioner involved should first attempt to stop the party from engaging in prohibited behavior, then document the attempt and notify the Secretary. The Secretary will then enter a statement into the public file and make copies of the statement available to other parties in the case.

8-2. If the Planning Commission and/or a Commissioner determines that there is a conflict of interest on an agenda item, that Planning Commissioner shall not participate in the discussion or action on that agenda item. In such event, the Planning Commissioner shall seat themselves in the audience or leave the room. For purposes of determining the existence of a quorum, that Commissioner shall not be counted.

8-3. It shall be the duty of the Secretary to communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

8-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Chair or Vice-Chair.

#### **ARTICLE 9 - AMENDMENTS**

9-1. These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire Planning Commission and approval by the County Council.

CACHE COUNTY

ORDINANCE NO. 2006-08

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY THE CACHE COUNTY ZONING ORDINANCE, CHAPTER 16.01, CACHE COUNTY CODE.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, hereby amends and restates in its entirety the Cache County Zoning Ordinance by adopting and restating the entire Zoning Ordinance, Chapter 16.01 of the Cache County code as duly recommended by the Cache County Planning Commission as attached hereto and incorporated herein as Exhibit A, with the following modifications.

(1) General Provisions and Administration

16.01.010	Title
16.01.020	Purpose & Authority
16.01.030	Definitions and Applicability
16.01.040	Jurisdiction and Penalty
16.01.050	Severability (Effect)
16.01.060	General Responsibilities
16.01.070	Site Preparation Work Prohibited
16.01.080	Incomplete Application for a Subdivision
16.01.090	Effective Period of an Approval of a Subdivision Plat

**CHAPTER 16.01  
GENERAL PROVISIONS AND ADMINISTRATION**

- 16.01.010 Title**
- 16.01.020 Purpose & Authority**
- 16.01.030 Definitions and Applicability**
- 16.01.040 Jurisdiction and Penalty**
- 16.01.050 Severability (Effect)**
- 16.01.060 General Responsibilities**
- 16.01.070 Site Preparation Work Prohibited**
- 16.01.080 Incomplete Application for a Subdivision**
- 16.01.090 Effective Period of an Approval of a Subdivision Plat**

**16.01.010 Title**

This Ordinance shall be known as the "Cache County Subdivision Ordinance," hereinafter, the Ordinance.

**16.01.020 Purpose & Authority**

The Cache County Council adopts this Ordinance pursuant to the County Land Use Development and Management Act, Title 17, Chapter 27a, UCA 1953, for the purposes set forth therein. The maps and appendices to this Ordinance are a part hereof. The intent of this Ordinance is to provide a means of ensuring predictability and consistency in the use of land and individual properties and to implement the goals and policies of the *Cache Countywide Comprehensive Plan*.

**16.01.030 Definitions and Applicability**

For the purposes of this Ordinance, all terms shall have the same definition as provided by §17-27a-103, Utah Code Annotated, 1953, as amended.

**16.01.040 Jurisdiction and Penalty**

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

- A. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of Cache County, except in compliance with this Ordinance, the Cache County Land Use Ordinance, and all applicable State and Federal Laws.
- B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this Ordinance is deemed to be void, for the purposes of development or the issuance of a building permit, as required by §17-27a-611 *et. seq.* Utah Code Annotated, 1953, as amended.
- C. Any owner or agent of the owner of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, in the Office of the Cache County Recorder, consistent with the requirements of this Ordinance, and applicable State and Federal requirements is guilty of a violation of this Ordinance, and State law §17-27a-611 *et. seq.* Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.
- D. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions does not exempt the transaction from the

requirements of this Ordinance and such action from the penalties or remedies provided by this Ordinance, Cache County Land Use Ordinance, or the laws of the State of Utah.

**16.01.050 Severability (Effect)**

If any section, provision, sentence, or clause of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this Ordinance which shall remain in full force and effect.

**16.01.060 General Responsibilities**

- A. The subdivider shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The County shall process said plats in accordance with the regulations set forth herein.
- B. The County Zoning Office shall review the plats for design; for conformity to the *Cache Countywide Comprehensive Plan* and to the *Land Use Ordinance*; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Title.
- C. Proposed subdivisions shall be referred by the County Zoning Office to such County departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The County Zoning Office is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivisions to.
- D. The County Surveyors Office and County Road Department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this Title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with transportation planning in the County Zoning Office.
- E. The Planning Commission shall act as an advisory agency to the County Council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the *Cache Countywide Comprehensive Plan* and *Land Use Ordinance*, and other pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary & final plats to the County Council.
- F. The County Zoning Office shall approve the form of the final plat, that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.
- G. The County Council has final jurisdiction in the approval of subdivision plats; the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication.

**16.01.070 Site Preparation Work Prohibited**

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

**16.01.080 Incomplete Application for a Subdivision**

The lack of any information required by Title herein, or improper information supplied by the applicant shall be cause for the Zoning Administrator to find a subdivision application incomplete. The Zoning Administrator shall allow sixty (60) days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the Zoning

Administrator. If the application remains incomplete after sixty (60) days from date of notification of an incomplete application, the Zoning Administrator shall return the entire incomplete application to the applicant accompanied by application fees paid less any administrative expenses incurred by the County Zoning Office to process the application.

**16.01.090 Effective Period of an Approval of a Subdivision Plat**

The approval of a Preliminary Subdivision or Final Plat shall be effective for a period of one (1) year from the date the plat has received a recommendation from the Planning Commission or an approval by the County Council or their designee. If the applicant has not recorded the Final Subdivision Plat within the one (1) year period of date of the approval, the Zoning Administrator shall provide a 30 day notice to the applicant and thereafter the Subdivision approval shall be void; and the applicant shall be required to submit a new application for review and approval subject to the then existing provisions of this Ordinance, the Cache County Land Use Ordinance, and all other applicable State and Federal requirements in effect at the time of the submission of an application for subdivision.



**CHAPTER 16.02  
SUBDIVISION TYPE AND PROCESS**

- 16.02.010 Subdivision Standards and Lot Size**
- 16.02.020 Natural Barrier**
- 16.02.030 Agricultural Subdivision**
- 16.02.040 Subdivision Approval Process**
- 16.02.050 Subdivision Plat Amendments**
- 16.02.060 Cluster Subdivision Option**
- 16.02.070 Lot Line Adjustments**

**16.02.010 Subdivision Standards and Lot Size**

All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Land Use Ordinance and within this Ordinance.

**16.02.020 Natural Barrier**

Cache County recognizes all Natural Barrier Determinations approved prior to the adoption of this ordinance. Further subdivision of Natural Barrier subdivisions shall comply with the minimum standards of this Ordinance and the Land Use Ordinance.

- A. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions or lots within a subdivision in conformance with this Ordinance and the Land Use Ordinance.
- B. An application can be made to the Board of Adjustments for any lot that does not meet the standards of this Ordinance or of the Land Use Ordinance that is clearly separated from a legal parcel by a natural or manmade barrier.
  - 1. Natural Barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.
  - 2. Barriers may include, but are not limited to: State Roads, natural waterways, or other features that may make access or the provision of services difficult.

**16.02.030 Agricultural Subdivision**

Agricultural parcels may be subdivided without requiring a plat or specific approvals from the Zoning Administrator, Planning Commission, or County Council in conformance with State Code §17-27a-605 with the following conditions:

- A. The lot qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act; and
- B. The lot meets the minimum size requirements of applicable land use ordinances; and
- C. The lot is not used and will not be used for any nonagricultural purpose.
- D. Lots having been subdivided by this process may obtain clearance for the construction of agricultural buildings, but shall not be permitted to construct residential or commercial structures. In the event that an agriculturally subdivided lot requests nonagricultural development, the lot will require a legal subdivision from the 1970 Parent Parcel prior to the issuance of any permits.
- E. Any requirements, conditions, stipulations, or restrictions on the use or development of a parent parcel shall apply to all lots that have been or are subdivided from a parent parcel, whether they are subdivided through an agricultural subdivision process or otherwise, unless specifically cleared by the Zoning Administrator or Planning Commission with Findings of Fact.

**16.02.040 Subdivision Approval Process**

Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Zoning Administrator):

- A. Concept Plan: Upon completing a concept plan, applicants may request that the Zoning Administrator and/or the Planning Commission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.
- B. Preliminary Plat: Applicants shall submit to the Zoning Administrator a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this code or by the Zoning Administrator. This information shall be reviewed by the Planning Commission and a recommendation for action shall be forwarded to the County Council.
- C. Final Plat: The County Council shall review the application, proposed plat, and any recommendations by Staff and/or the Planning Commission. The Council may approve, approve with stipulations or alterations, or deny any subdivision plat.
- D. Final Plat Recordation: The final step in the review and approval process is the recordation of the Final Plat of the proposed subdivision in the Office of the Cache County Recorder. It shall be the responsibility of the Zoning Administrator to ensure that all stipulations/alterations have been completed and that the plat meets all applicable codes prior to recordation.

**16.02.050 Subdivision Plat Amendment**

- A. The County Council may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat based upon the recommendation of the County Planning Commission in compliance with §17-27a-608, Utah Code Annotated, 1953, as amended. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision may, in writing, petition the Planning Commission and County Council to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.
- B. Minor Amendment: With the written approval of all owners of interest in a proposed subdivision that are directly affected by an amendment or alteration, an unrecorded subdivision may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the Zoning Administrator. The final plat must then obtain all necessary signatures and be recorded in compliance with this Ordinance.

**16.02.060 Cluster Subdivision Option**

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

- A. An application for a Cluster Subdivision shall be submitted to the Zoning Administrator and shall be considered concurrently with an application for subdivision approval. All use requirements of the Zoning District in which the Cluster Subdivision is located shall apply; and the application requirements for either a Preliminary Subdivision Plat application, Final Subdivision Plat application, or Lot Split Subdivision application, as applicable, shall apply.
- B. The total number of dwelling units allowed in a Cluster Subdivision shall be the same as the number allowed by the minimum lot area requirements of the Zoning District in which the proposed Cluster Subdivision is located. Any land(s) used for other uses shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any Sensitive Areas Overlay requirements that may be

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

**16.02.070 Lot Line Adjustments within a Recorded Plat**

- A. An agreement to adjust lot lines between adjoining properties may be executed upon the recordation of an appropriate deed if:
  - 1. No new dwelling lot or housing unit results from the lot line adjustment;
  - 2. The lot sizes, frontages, and configurations are consistent with this Ordinance and Title 17;
  - 3. No lot is made to be undevelopable without variances, special approvals, or other considerations;
  - 4. That all property owners that are directly effected by the adjustment consent to the lot line adjustment;
  - 5. The lot line adjustment does not result in a remnant piece of land that did not exist previously; and
  - 6. The lot line adjustment does not result in the violation of any applicable zoning district requirements.
  - 7. The lot line adjustments do not substantially alter legal lots that may otherwise need further review of the Planning Commission of County Council in the form of a subdivision amendment.
- B. The applicants requesting the lot line adjustment shall provide the Zoning Administrator with the following material:
  - 1. A record of survey showing the two parcels or lots identifying the existing lot line dividing two parcels and the proposed new lot line after the adjustment including the legal description for each new lot or parcel.
  - 2. A copy of the recorded deeds transferring the property to the appropriate owner(s). Upon the completion of recording the deeds, each lot or parcel shall have one boundary description reflecting the legal descriptions on the survey.

**CHAPTER 16.03  
SUBDIVISION REQUIREMENTS**

- 16.03.010 Application for Subdivision**
- 16.03.020 Concept Plan**
- 16.03.030 Preliminary Subdivision Plat Requirements**
- 16.03.040 Final Subdivision Plat Requirements**

**16.03.010 Application for Subdivision**

The Zoning Administrator shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by Staff, the Planning Commission, and the County Council to make a decision on the proposed subdivision.

**16.03.020 Concept Plan**

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

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

**16.03.030 Preliminary Subdivision Plat Requirements**

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

- A. An application for a Subdivision, provided by the Zoning Administrator, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- B. A preliminary subdivision plat shall be prepared by a licensed land surveyor in pen and the sheets shall be numbered in sequence if more than one (1) sheet is used or required by the Zoning Administrator.
- C. The preliminary subdivision plat shall show the following:
  - 1) The layout or configuration of the proposed subdivision at a scale of no more than 1 inch (1") = 100 feet (100'), or as recommended by the Zoning Administrator;
  - 2) Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median, and County of its location;
  - 3) A title block, placed on the lower right hand corner of the plat showing:
    - a. Name and address of owner(s) of record; and
    - b. Name and address of the licensed land surveyor responsible for preparing the preliminary plat; and
    - c. Date of preparation of the preliminary subdivision plat, and any revision dates.
  - 4) Signature blocks prepared, as required and provided by the County, for the dated signatures of the County Council Chair attested to by the County Clerk, Planning Commission Chair, Chief Deputy County Surveyor, County Attorney, County Recorder and Bear River Board of Health Director;
  - 5) North arrow, graphic and written scale, and the basis of bearings used;
  - 6) Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.
  - 7) Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
  - 8) A vicinity map of the site at a minimum scale of 1" = 2,000 feet;
  - 9) Surveyed boundary of the proposed subdivision; accurate in scale, dimension, and bearing; giving the location of and ties to the nearest two (2) existing government control monuments. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners shall be shown;
  - 10) A legal description of the entire subdivision site boundary;
  - 11) All existing monuments found during the course of the survey (including a physical description such as "brass cap");
  - 12) Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of 100 year floods, all water bodies, flood ways and drainage ways, slopes exceeding 20% and slopes exceeding 30%, and any other natural features as required by the Zoning Administrator, Planning Commission, or County Council for the entire or a portion of the subdivision site, including a tabulation of the acres in each;
  - 13) Identification of known man-made features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and

- adjacent to the subdivision site as required by the Zoning Administrator, Planning Commission, or County Council for the entire or a portion of the subdivision site;
- 14) The location and dimensions of all existing buildings, existing property lines and fence lines;
  - 15) The location with name and parcel number of all existing platted lots within, or contiguous to the subdivision site;
  - 16) All lots, rights-of-way, and easements created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, shall be given. The addresses of all lots shall be shown. All proposed new roads, whether public or private, shall be numbered, as provided by the County Surveyor, with the coordinates to proposed connections to existing County roads being shown;
  - 17) All existing and proposed roadway locations and dimensions, including the width of the driving surface and the rights-of-way, with cross sections of all proposed roads. All proposed roads shall be designed to comply with the adopted road standards of Cache County;
  - 18) Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities if proposed as required by the Zoning Administrator, Planning Commission, or County Council for the entire or a portion of the subdivision site shall be shown;
  - 19) Proposed storm water drainage system for both surface and flood water, including any drainage easements and natural drainage ways, indicating how the flow will be altered with the proposed development;
  - 20) Layout of proposed power lines, including the source and connection to the existing power supply, together with the location of existing and proposed bridges, culverts, utilities, utility easements, and any common space or open space areas including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation;
  - 21) Located on the preliminary plat, or separate map, the identification of the minimum building set-back lines for each lot shall be shown;
  - 22) An indication of the use for all proposed lots including required plat notes identifying agricultural protection areas, and other proposed or required protective and restrictive covenants.
  - 23) Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property;
  - 24) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;
  - 25) A letter or other written form of consent by the owner including a reference to the named subdivision and the dedication of public ways or spaces, as required. This shall be signed, dated, and notarized;
  - 26) A surveyor's certificate showing the name and registration number of the land surveyor responsible for making the final plat, and certifying to the plat's accuracy. A simple subdivision may not require a full survey, but instead may be completed through a metes and bounds determination. A wavier form shall be approved by the Cache County Recorder, the Surveyor (or their representative), and the Zoning Administrator
  - 27) Any subdivision notes as required by the Zoning Administrator. An approved list of all possible notes and their applicability shall be maintained by staff.

- D. A Title Report for the property proposed to be subdivided provided by a Title Company within 30 days of the date of subdivision application.
- E. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.
- F. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- G. The names and addresses of all owners of record of real property within 300 feet of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.
- H. Payment of the non-refundable administrative processing fee, and a refundable preliminary plat application fee, as established by Resolution by the County Council.

**16.03.040 Final Subdivision Plat Requirements**

The final subdivision plat is required for the recordation of a subdivision plat as approved by the Planning Commission and County Council. The final plat shall reflect any changes to the proposed plat required by the County Council, and shall be reviewed by the Zoning Administrator for completeness prior to recordation.

- A. A final subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Cache County Recorder for recordation. The final subdivision plat shall contain all of the information required in the preliminary subdivision plat and shall be presented to the Zoning Administrator in the following form: One (1) 24" x 36" in ink on reproducible mylar copy of the final subdivision plat along with one (1) digital copy (type to be specified by the Zoning Administrator) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps). All revision dates must be shown as well as the following:
  - 1) Notation of any self-imposed restrictions, or other restrictions, if required by the Planning Commission or County Council in accordance with this Ordinance or Title 17;
  - 2) Other Final Subdivision Plat notes, as required by the Planning Commission or County Council.
- B. All of the required signature blocks shall be signed prior to the recordation of the final plat.
- C. All other requirements of this Ordinance, Title 17, or of the County Council shall be met prior to the recordation of the final plat.

**CHAPTER 16.04  
GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS**

- 16.04.010 Subdivision Layout**
- 16.04.020 Commencement of Site Development**
- 16.04.030 Lots**
- 16.04.040 Streets**
- 16.04.050 Protection Strips**
- 16.04.060 Landscaping**
- 16.04.070 Utilities and Easements**
- 16.04.080 Storm Drainage Requirements**
- 16.04.090 Evidence and Availability of Water and Sewage**
- 16.04.100 Suitability of the Area for a Subdivision**
- 16.04.110 Suitability of the Area for a Subdivision**
- 16.04.120. Improvement Security**
- 16.04.130 Required Coordination with Municipalities and other Service Providers**

**16.04.010 Subdivision Layout**

- A. The subdivision layout shall conform to the *Cache Countywide Comprehensive Plan*, this Ordinance, and the requirements of the base zoning district as established within Title 17.
- B. Where trees, groves, waterways, scenic points, historic spots or other County assets and landmarks, as determined by the Zoning Administrator, Planning Commission, and/or the County Council, are located within a proposed subdivision, every practical means shall be provided to preserve these features. Staff may provide recommendations from qualified organizations to aid in the determination of these features.
- C. Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the *Transportation Element of the Countywide Comprehensive Plan*, such part of the public way shall be platted and dedicated, and may be required to be improved by the subdivider in the location and at the width specified.

**16.04.020 Commencement of Site Development**

The County Zoning Office, after receiving the final subdivision plat, shall indicate to the subdivider whether altering the terrain or vegetation on the proposed subdivision site may begin in preparation for development of the proposed subdivision. Any site development may commence after the recordation of the final subdivision plat.

**16.04.030 Lots**

- A. All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.
- B. All lots or parcels created by the subdivision shall have access to a dedicated street improved to standards hereinafter required. Private streets shall be permitted if the County Council finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein.



- C. The minimum area and dimensions of all lots shall conform to the requirements of Title 17 for the zoning district in which the subdivision is located.
- D. The side lines of all lots, so far as possible, shall be at approximate right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. The Planning Commission may allow exceptions to this requirement.
- E. A lot shall not be divided by an incorporated town or County limit line. Each such boundary line shall be made a lot line through whatever process deemed necessary by Cache County and the other effected entity.
- F. Remnants of property shall not be left in the subdivision which does not conform to lot requirements unless it is designated as a conservation easement, open space, private utility, or other public purpose and/or meets the minimum lot size requirements for agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act. The County Council may maintain the option to not require culinary water on remainder parcels that meet these requirements.
- G. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used.
- H. Lots that have been created since 1970 without the approval of either the Cache County Planning Commission or of the Cache County Council, as required by Cache County or State Code at the time of the division, shall be deemed restricted, and shall not be eligible for conditional use permits, further subdivision, building permits, or business licenses until the illegal subdivision has been resolved.

**16.04.040 Streets**

All streets shall be designated and constructed with the appropriate street classification requirements specified in Title 12 of the Cache County Ordinance. The minimum street requirements here are illustrative of roadway requirements that may be imposed on subdivisions as deemed necessary by the County Council.

**MINIMUM STREET/ROAD REQUIREMENTS<sup>1</sup>**

	Major Arterial	Minor Arterial	Collector	Minor Collector	Minor Street	Private Street <sup>2</sup>
Right-of-Way Width	106 ft.	80 ft.	66 ft.	50 ft.	30 ft.	24 ft.
Pavement	81 ft.	55 ft.	41 ft.	36 ft.	20 ft.	20 ft.

<sup>1</sup> Requirements may be altered by the County Council to accommodate issues of increased traffic flow, roadway maintenance, grade, drainage, other natural features, or other reasons deemed necessary.

<sup>2</sup> Right-of-way may not be required to be dedicated to the County, but must be of sufficient width and durability to accommodate emergency vehicle access.

- A. For subdivisions located adjacent to a substandard County road(s), the owner of the site proposed for a subdivision shall provide, as part of the subdivision application, dedication documents for the additional road right-of-way, as required by the County and shall, as a condition of subdivision approval, make improvements to the adjacent County road determined necessary, and reasonably related, to the needs of the proposed subdivision, to the road standards of the County, the Logan Urbanized Area, the Utah Department of Transportation, or the Cache Metropolitan Planning Organization Area, as applicable.
- B. For all developing parcels where there exists a gap in road services, as determined by the Cache County Road Department, the developing parcel may be required by the County Council to acquire and/or improve roadways as necessary to provide the required road access.

- 9
- C. For roads and streets that are interior to the proposed subdivision and which are not dedicated or accepted by the County for dedication, such road(s) or street(s) shall be identified on the subdivision plat or survey as a private road with the appropriate subdivision notes.
  - D. Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography, or street layout, a Transportation Impact Study may be required by staff, Planning Commission, or the County Council.
  - E. The following principles shall govern street names in a subdivision:
    - 1. The primary identification of all roads and streets, whether public or private, shall be numerical and based on the County grid system as established.
    - 2. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the County Council to be surveyed, opened, widened or improved, the street shall be given the name established in said Council order.
    - 3. The names of newly created streets of a noncontinuous or noncontiguous nature shall not duplicate or nearly duplicate the name of any streets in the unincorporated areas of Cache County.
    - 4. The words "Street," "Avenue," "Boulevard," "Place," "Way," "Court," or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the Planning Commission. Any street name incorporating one of the terms used above shall conform to the definition of that term as specified in the Transportation and Public Ways Ordinance. Any named street shall also have the proper north or south or east or west coordinate as approved by the County Road Department.
  - F. Street patterns in the subdivision shall be in conformity with the plan for the most advantageous development of adjoining areas. The following principles shall be observed:
    - 1. Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect and based on the grid system common to Cache County. Where cul-de-sacs are proposed, the County Council may require that a road and/or a road right-of-way shall be extended to the edge of the property to provide road connectivity and access alternatives for current, proposed, and future development.
    - 2. Proposed streets may be required to extend to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the County Council, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
    - 3. Dead-end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With County Council approval, any dead-end streets longer than one lot depth shall have a minimum of a 50-foot radius temporary turnaround area with an all-weather surface and shall meet the minimum requirements of the Cache County Road and Fire Departments.
    - 4. Whenever a dead end street is terminated at the boundary of property proposing to be subdivided, the street shall be extended and incorporated into the design of the subdivision, unless the County shall determine that:
      - a. Extension of the dead end street is not necessary for either the harmonious flow of traffic in the neighborhood and district, or to adequately provide water and sewer services, and storm drainage, and
      - b. Extension of the dead end street would unduly harm the character of the residential neighborhood or district.
    - 5. Proposed streets shall intersect one another at right angles as topography and other limiting factors of good design permit.

- G. Subdivisions adjacent to a collector or larger street(s) or on other roads as determined by the County Council, access shall be designed to reduce the impact of the development on the roadway and vice versa utilizing the following principles:
1. Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on arterials.
  2. The number of intersecting streets and driveways along arterials shall be held to a minimum. Where multiple lots require access onto a collector or larger street, the County may require that two (2) or more lots share a single access point.
  3. On lots with access available only onto a collector or larger street, only one access shall be permitted per lot and a vehicle turnaround shall be required within each lot to enable vehicles to access the roadway head-on.
  4. The County Council may require that lots accessing streets smaller than a collector street follow the same guidelines that govern lots accesses on collector streets if it is found that the roadway being accessed is operating at a level of traffic comparable to a collector street, the road is planned to handle a greater level of traffic, or is planned to be improved to a collector or larger road.
  5. Subdivisions may be required to further limit access onto roadways as determined by the County Council where subdivisions can provide a common access, or private road that can provide access for all lots within a subdivision or where alternative access is available.

**16.04.050 Protection Strips**

Protection strips shall not be permitted under any circumstances, nor shall remnant parcels be permitted which may act as protection strips.

**16.04.060 Landscaping**

- A. Whenever, in the opinion of the County Council, the cuts and fills in a hillside subdivision are of sufficient size, visibility, or slope to demand special treatment, the subdivider may be required to revegetate and to provide for their maintenance.
- B. The subdivision may be required to be designed as to preserve or provide for of on-site vegetation.

**16.04.070 Utilities and Easements**

Utility easements shall be provided within the subdivision as required for public utility purposes. Easements shall be dedicated along all front, rear, and side setbacks as deemed necessary by the County Council and utility providers.

**16.04.080 Storm Drainage Requirements**

No new or additional storm water drainage that results from the development of a site shall be allowed to flow from any portion of the subdivision site to any adjacent lots, properties, ditches, canals, or waterways without the prior written authorization from the affected party(ies), with a note on the subdivision plat or survey identifying a proposed and recordable drainage easement, provided by the adjacent property owner, ditch or canal company. The Zoning Administrator shall approve the subdivision's storm water management plan prior to the recordation of the final plat.

**16.04.090 Evidence and Availability of Water and Sewage**

The following information is required to be presented as part of a subdivision application, as necessary to establish the availability of basic services to the proposed subdivision.

A. Water Requirements:

1. Lots may be approved as "Dry Lots", without consideration of domestic water rights being tied to the land. All lots thus approved shall be labeled clearly on the plat as a "Dry Lot – Restricted for development until water is provided". In addition to the plat notation, a certificate shall be recorded on each new "Dry Lot" created stating that the lot has been approved, but that domestic water shall be required prior to the issuance of a zoning clearance.
2. The County Council may require that domestic water rights for a subdivided lot(s) be established as a condition of any subdivision approval. This includes the ability to require culinary water systems on all subdivisions. The required water rights shall be as approved by the State Division of Water Quality and in conformance with Utah Administrative Code R309-510.
3. If a water source being utilized for a lot is not located within that lot, appropriate easements and right-of-ways shall be provided and recorded with the plat, or at such time that development occurs.
4. The County Council may require that secondary (irrigation) water rights for a subdivided lot(s) be established as a condition of any subdivision approval. The amount of water required shall be in conformance with Utah Administrative Code R309-510.
5. Any secondary water presented to fulfill the requirements of this title shall indicate the source of the water, proof of water right, and the equivalent amount of acre feet.

B. Sewage Requirements:

1. Subdivision applications, proposing individual onsite wastewater disposal systems, shall include feasibility reports meeting the requirements of the Bear River Health Department or Utah Department of Environmental Quality, as applicable, for each lot proposed. All applicants for a subdivision where onsite wastewater systems are proposed shall provide a septic tank permit or septic tank feasibility letter from the Bear River Health Department or Utah Department of Environmental Quality, as applicable, for the entire subdivision or each lot proposed. The minimum lot size, as determined in each base zoning district, may be increased as required by the Bear River Health Department to ensure that each lot will be able to provide adequate onsite sewer treatment.
2. If a subdivision requires that off-site facilities be provided, appropriate easements and right-of-ways shall be required. Additionally, any engineering, site studies, or other requirements by the Health Department shall be conditions of approval for the proposed subdivision.

**16.040.100 Suitability of the Area for a Subdivision**

The following information is required to be presented as part of a subdivision application, necessary to establish the suitability of the site for the proposed subdivision.

- A. Fire Control: A review provided by the Cache County Fire District identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services.
- B. School Bus Service: A review provided by the Cache County School District, identifying any items related to the provision of School Bus Services.
- C. County Road Department or Utah Department of Transportation: A clearance provided by the County Road Department identifying any items related to providing adequate access to the proposed subdivision. If the proposed subdivision will be accessed directly from a State or Federal Highway, an appropriate access permit as required by the State of Utah Department of Transportation shall be provided with the application materials.
- D. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of Service District #1, a Garbage or Refuse Plan shall be provided for review by the County Council.
- E. Other Information and Materials: When the Planning Commission or County Council deem necessary, with the reasons for such request being identified, the applicant may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating suitability of the area for the proposed subdivision, including, but not limited to, ground water protection, plant cover

maintenance, geologic or flood hazard, erosion control, and any other physical or environmental matters necessary to fully identify the suitability of the area for the proposed subdivision.

- F. The County Council may require that a subdivision be redesigned based on a recommendation from either staff or the Planning Commission. The redesign may be required based on either site constraints that may including, but are not limited to: topography, floodplain or waterways, historic or culturally significant elements, access issues, or other natural features. A redesign of a subdivision may also be required based on land use planning external to the site.
- G. The County Council may require onsite and offsite improvements, facilities and amenities, as determined necessary by the Planning Commission and County Council to protect the public health, safety, and welfare of anticipated residents of the subdivision or the existing residents of the County including but not limited to:
  - 1. Road improvements including grading, hard-surfacing, bridges, culverts, curbs, gutters, road signs, and lighting;
  - 2. Flood control areas and facilities;
  - 3. Sidewalk or trail systems to accommodate non-motorized traffic or to link regional trail systems;
  - 4. Electrical power and telephone facilities;
  - 5. Fencing and livestock guards;
  - 6. Any easements or right-of-ways that may be required for roads or utilities;
  - 7. Culinary Water facilities;
  - 8. Sanitary Sewer facilities;
  - 9. Fire protection facilities, including but not limited to fire hydrants, water storage facilities, and residential sprinkler systems;
  - 10. Parks or open space areas and facilities.

#### **16.04.110 Completion of Subdivision Improvements**

No subdivision final plat map or deed shall be recorded until all of the stipulations for approval have been met and all required improvements have been completed to the standards and specifications established by the County or other codes, laws, or regulations. In addition the following minimum requirements apply and may be added to by the Zoning Administrator, Planning Commission, or County Council:

- A. Construction within the subdivision shall conform to all federal and state regulations.
- B. Construction drawings and construction within the subdivision shall conform to the Cache County Standards and Specifications. This document shall be available in the office of the Zoning Administrator.
- C. Permits must be obtained for construction of the infrastructure facilities within the subdivision.
- D. There shall be a schedule of fees for all services required for the review of infrastructure in the office of the Zoning Administrator. All fees within the schedule of fees shall be passed by a resolution of the County Council.
- E. Before obtaining any permits each contractor must submit proof of the following:
  - 1. Utah State contractor's license;
  - 2. Performance bond as required by this Title;
  - 3. A warranty bond guaranteeing the improvements for a minimum period of two years;
  - 4. Liability insurance;
  - 5. Vehicle insurance;
  - 6. Worker's compensation insurance.
- F. Any work which begins prior to the issuance of a permit may be assessed an administrative penalty equal to two hundred percent of the cost of any fees and permits plus one thousand dollars.

- G. A preconstruction conference with the Zoning Administrator may be required not less than forty-eight hours prior to the commencement of construction activities.
- H. The contractor shall notify the Development Services department not less than forty-eight hours prior to the commencement of construction.
- I. Within thirty days of the completion of improvements, the subdivider shall submit "as built" drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the State of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.

**16.04.120. Improvement Security**

When in the judgment of the Zoning Administrator, it is not feasible to complete requirements or conditions imposed by statute or ordinance prior to the issuance of a permit, use, or occupancy, the improvement security may be accepted pursuant to this section to guarantee completion of the requirements or conditions.

A. Acceptance of Security

Improvement security may be accepted by the following departments in relation to requirements or conditions under departmental authority:

- 1. Landscaping, parking, parking lot lighting, signage, structural amenities: Zoning Administrator;
- 2. Right-of-Way improvements, street improvements, curb, gutter, sidewalk, improvements related to driveways: Zoning Administrator or Road Superintendent;
- 3. Electrical power: Chief Building Official;
- 4. Sewer, water, utilities: Zoning Administrator;
- 5. All other improvements or deferrals: Zoning Administrator.

B. Types of Security

With the exception of improvements required under provisions of Title 17, the following types of surety may be accepted:

- 1. Certificate of deposit, cash, cashiers check, or savings account in favor of the cache County in the amount of not less than 110% of the estimated cost of improvements;
- 2. Irrevocable letter of credit issued by a Federally insured financial institution with the necessary period of time as determined by staff in the amount of not less than 110% of the estimated cost of improvements;
- 3. Escrow, drawdown, or performance account to which the County is a signatory and the escrow agent guarantees payment in the amount of not less than 110% of the estimated cost of improvements;
- 4. Performance bond issued by a financial institution, insurance company, or surety company with a Moodys or Standard and Poors investment grade bond rating in the amount of not less than 110% of the estimated costs of improvements.

C. Estimating the Cost of Improvements

- 1. The permit holder shall present the County with a firm construction bid for the improvements that shall be valid for a reasonable period of time from the date of the bid.
- 2. The bid shall be reviewed by the Zoning Administrator or other appropriate County official prior to acceptance of the estimated cost.
- 3. If the County accepts the bid amount, the permit holder may use that amount for securing and delivering surety to the County.
- 4. If the County does not accept the bid amount, the permit holder shall obtain three firm bids for the work to be secured with prices valid for at least six months. The County shall accept the average of the three bids as the base amount for improvement security.

**16.04.130 Coordination with Municipalities and other Service Providers**

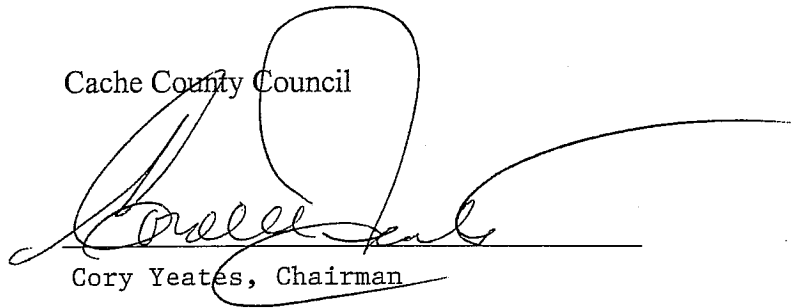
- A. Cache County fully supports access management along all State roads and shall work with all applicants of subdivisions through the Cache Access Management Policy to work with the Utah Department of Transportation to coordinate access, capacity, and safety issues.
- B. Cache County will work fully with applicants of subdivisions and adjacent/nearby municipalities to ensure that the information is available to applicants and the municipalities in terms of service provision, development, and annexation in conformance with this Ordinance, the Land Use Ordinance, and State Code §10.2 Part 4 Annexation.

Section: This Ordinance shall become effective immediately upon publication, in the manner required by law.

This Ordinance was adopted by the County Council, Cache County, Utah on the 8th day of August, upon the following vote:

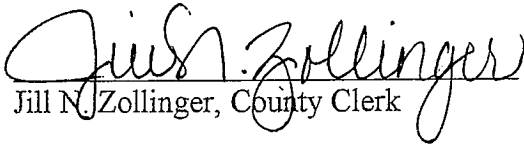
	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen	X			
Brian Chambers	X			
Darrel L. Gibbons	X			
John H. Hansen	X			
Kathy Robison	X			
Cory Yeates	X			
Gordon Zilles	X			

Cache County Council



Cory Yeates, Chairman

ATTEST:



Jill N. Zollinger, County Clerk

Publication Date: August 23, 2006