

CACHE COUNTY COUNCIL

September 23, 2008

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CACHE COUNTY COUNCIL MEETING
September 23, 2008

The Cache County Council convened in a regular session on September 23, 2008 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: John Hansen
Vice Chairman: H. Craig Petersen
Council Members: Brian Chambers, Darrel Gibbons, Kathy Robison, Cory Yeates & Gordon Zilles.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: N. George Daines

The following individuals were also in attendance: Kenneth Allsop, James Astle, Dave Bigelow, Arlen Bodrero, Peter Brunson, Kenneth Cardon, Ray Clawson, Representative Jack Draxler, Trish Gibbs, Jeff Gilbert, Sharon L. Hoth, David James, Shauna Kerr, Randy Larsen, Jim Matsumori, Whitney Matson, A. P. Murray, Dave Nielsen, Pat Parker, Curtiss Parkinson, LeRoy Parkinson, LaMont Poulsen, Dave Rayfield, Chief Gary Roberts, Larry Sheen, Auditor Tamra Stones, James Swink, Scott Wilkinson, Scott Williams, Linda Worlton, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Cory Yeates gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with Item 12e – *Discussion – 2009 Budget Priorities* – postponed to the October 14, 2008 Council meeting.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Robison to approve the minutes of the September 09, 2008 Council meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

<u>APPOINTMENTS:</u>	Casey Draney	Cache County Deputy Sheriff
	Bradley Hansen	Cache County Deputy Sheriff
	Senicca Holt	Cache County Deputy Sheriff
	Matthew Lagares	Cache County Deputy Sheriff
	Justin Olsen	Cache County Deputy Sheriff
	Aaron Page	Cache County Deputy Sheriff

ACTION: Motion by Council member Gibbons to approve the recommended appointments. Zilles seconded the motion. The vote was unanimous, 7-0.

WARRANTS: Warrants for the periods 08-01-2008 to 08-07-2008, 08-08-2008 to 08-14-2008 and 09-05-2008 to 09-11-2008 were given to the clerk for filing.

OTHER ITEMS

- ❑ **Ruby Pipeline** – Executive Lemon said Ruby has made the decision to go with the southern route through Cache County. The Federal Energy Regulatory Commission (FERC) has indicated another meeting will be held in Cache County in the fall. Ruby has stated that landowners in Cache County have agreed to let their lands be surveyed. Cache County is working on a public utilities ordinance which will come before the Planning Commission in October.

ITEMS OF SPECIAL INTEREST

- **VAWA Grant Report – Deputy James Astle** reported that the Cache County Sheriff's office presently has a VAWA grant for \$32,876.00 which helps fund a full-time detective position currently held by Deputy Astle. This is a 10% decrease from the 2007 amount. VAWA grant administration has advised that this is a temporary grant and will continue to decrease and probably terminate in the near future. Astle explained that his position reviews all the domestic violence cases handled by the Sheriff's Patrol Division. From January 2008 to present he has had 126 cases with thirty-four arrests resulting. Astle sits on three committees – Cache County Coalition Against Domestic Violence, Cache County Sexual Response Team and the Cache County Child Abduction Response Team. In reply to Chamber's question, Astle indicated he reviews all cases of domestic violence regardless of gender.
- **Children's Victim Special Report – Terry Warner** reported that her office reviews all felony crimes with victim(s). During the past grant year Warner's office worked with 3,463 primary and secondary victims of crime. Warner stated that embezzlement and identity theft are on the rise in Cache County and are a concern to her office.
- **Cache County 2008 Fair and Rodeo Report** – County Clerk Jill Zollinger reported that the 2008 Fair and Rodeo were very successful despite one very rainy night. The total Fair and Rodeo budget received was \$145,791.00; thus far \$135,007.00 has been expended and \$145,893.00 of revenues has been received. Zollinger thanked all those who helped with the fair and rodeo.

LaMont Poulsen reported on the rodeo and indicated that next year's specialty act, Texas Thunder, is already secured. Poulsen said Cache County's Rodeo Queen contest is exceptionally well run.

Scott Williams said there were 1,314 indoor 4-H exhibits of which 235 went to the State Fair and 297 animals were sold for \$285,000.00.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfers**
Zoning

Transfer \$3,660.00 from Misc Services to Subscriptions (\$600.00), Telephone (\$600.00) and Non Capitalized Equipment (\$2,460.00) to meet expenses for balance of 2008 and to purchase office furniture

(Attachment 1)

ACTION: Motion by Council member Yeates to approve the Budget Transfer of \$3,660.00. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: October 14, 2008 - 6:00 P.M. – AGRICULTURAL PROTECTION AREA – LEWIS M. NIELSEN AND JUNE H. NIELSEN

ACTION: Motion by Council member Gibbons to set a Public Hearing for October 14, 2008 at 6:00 p.m. – Agricultural Protection Area-Lewis M. Nielsen and June H. Nielsen. Zilles seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Yeates to convene as a Board of Equalization. Robison seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

BOARD OF EQUALIZATION

- **Approval of Hearing Officers Recommendations** (on file in the Auditor's Office)

ACTION: Motion by Council member Gibbons to approve the recommendations of the Hearing Officers. Chambers seconded the motion. The vote was unanimous, 7-0.

- **Set Additional Board of Equalization Hearing Dates** – Lemon recommended the dates:
 - September 29, 2008 - No Council member needed
 - September 30, 2008 - Chairman Hansen and Robison will attend
 - October 02, 2008 - Zilles will attend
 - October 07, 2008 - Commercial properties – no Council member needed
 - October 08, 2008 - Gibbons and Chambers will attend

ACTION: Motion by Council member Gibbons to approve the recommended Board of Equalization Hearing Dates. Zilles seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Zilles to adjourn from the Board of Equalization. Robison seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

Tape 1, Side B

PENDING ACTION

- **Ordinance No. 2007-05 - Agricultural Subdivisions (NO ACTION TAKEN)** - Council member Zilles said the AG Subdivision Committee is meeting and will give an update during Council member reports.
- **CCOG Recommendations for Road Projects- Lynn Lemon** presented the recommended projects:
 1. 100 East – 300 South Logan to Providence Lane, Providence
 2. 200 East – 1800 North to 2200 North, North Logan
 3. 3200 South – SR 165 ~ 250 West, Nibley

Totaling \$11,721,186.00.

Zilles asked whether the Council will be able to have input on the design, etc. of proposed roads? Daines responded, yes.

Gibbons and other Council members felt more details were needed about participants and contributions on the projects and Petersen recommended a written statement or physical presentation as to why the project is needed. Robison suggested a formal review process for the projects.

Lemon said he will notify representatives for the three projects to provide the requested information for the Council.

(Attachment 2)

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2008-22 – Consideration for adoption of a resolution authorizing the issuance and sale of not more than \$15,000,000.00 aggregate principal amount of Transportation Sales Tax Revenue Bonds, Series 2008 and related matters (NO ACTION TAKEN)** – Randy Larsen, Bond Council, explained the required procedures including a Public Hearing on October 28, 2008. Attorney Daines questioned whether the county should pass this resolution with the present state of economic volatility and recommended waiting for the market to settle down, perhaps after the first of the year. Jim Matsumori said the bonds will probably not be sold for two months and this process will take three months from the date Resolution No. 2008-22 is approved. Matsumori advised proceeding with the requisite steps now. This resolution does not require the County to issue bonds; it simply states the County may issue bonds.

Attorney Daines and Executive Lemon will review this resolution as well as the market conditions and be prepared to advise the Council at its October 14, 2008 meeting.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Yeates to open the Public Hearing to receive input from the public with respect to the issuance of not to exceed \$10,000,000 general obligation bonds, Series 2008 (the “bonds”) and the potential economic impact that the improvement, facility or property from which the bonds pay all or part of the cost will have on the private sector. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING: SEPTEMBER 23, 2008-6:00 P.M. - TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE OF NOT TO EXCEED \$10,000,000 GENERAL OBLIGATION BONDS, SERIES 2008 (THE “BONDS”) AND THE POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENT, FACILITY OR PROPERTY FROM WHICH THE BONDS PAY ALL OR PART OF THE COST WILL HAVE ON THE PRIVATE SECTOR – Chairman Hansen asked Randy Larsen, Bond Council, to review the purpose of this hearing. Larsen explained that the two purposes are: To discuss the potential issuance of the bonds and to receive input from the public regarding potential impact on the private sector. State law requires the public hearing.

Chairman Hansen opened the public hearing and invited public comment.

Arden Bodrero, a Wellsville dairy farmer; **LeRoy Parkinson**, Wellsville; **Curtiss Parkinson**, Hyrum; **David James**, Hyde Park; and **LaMar Clements**, Cache Junction; all spoke in opposition to the proposed bonding.

Tape 2, Side A

Attorney Daines repeated his concerns about the present economic market and noted that even though the Council previously made the decision to give the citizens the opportunity to make a decision regarding this bonding, that doesn't mean that those who have been elected have to stand by when they do not think this is wise at this time. Daines said this is foolish, now, to talk about taking a portion of the county's revenue stream that is needed to run the county's necessities and committing it to something that is not a necessity.

There was no further public comment.

ACTION: Motion by Council member Yeates to close the Public Hearing. Gibbons seconded the motion. The vote was unanimous, 7-0.

Gibbons asked if the Council can remove the Open Space proposition from the ballot? Daines said the Council does have the authority to remove the question from the ballot. Randy Larsen agreed.

Petersen asked Clerk Zollinger what the status of the printing of the ballots is? Zollinger responded the order was placed last week and the ballots were to be ready in two weeks.

Yeates noted that if a candidate is removed from the ballot too late to have the name removed from the ballot, notices can be mailed with absentee ballots and placed in voting locations/booths indicating that person is no longer a candidate.

Petersen said that he initially pushed to have this issue on the ballot and apologized to the proponents of the proposition, but stated the country is in a serious economic crisis and given that situation he believes it is foolish to go ahead with the proposition.

Chairman Hansen said he also initially supported this proposition and thought the citizens should be allowed to vote on it, but with the present situation it may be irresponsible.

Shauna Kerr, Trust for Public Lands, questioned the legality of removing the proposition from the ballot at this point. There could be a discussion after the election of whether to issue the bonds.

Petersen said he would like an opinion on the legality of the action from the County Attorney and the County Clerk. Petersen said two things could be done – remove the proposition from the ballot or the Council could express its preference on the issue.

Gibbons said the county is not obligated to issue the bonds even if the proposition was approved in the election.

Dave Rayfield agreed the county can issue bonds any time it wants and questioned whether the public comment was directed to the topic of the hearing.

Daines said it is his opinion that the Council has the right to withdraw the proposition from the ballot.

ACTION: Motion by Vice Chairman Petersen to reconsider the Council's action allowing the Open Space proposition to be placed on the November 4, 2008 ballot. Hansen seconded the motion.

Discussion on the motion:

Robison indicated the Council had put off the proponents for two to three years and had told them it would be placed on the ballot this November. Robison said the Council should keep its pledge and let the citizens vote it up or down.

Gibbons noted that normally he would agree, but those who govern have the responsibility to provide leadership and as the times we are in are considered, he does not feel it is the appropriate time to have this open space proposition on the ballot.

Petersen said the country is possibly in the most severe financial crisis it has faced in eighty years and that has developed in the last two weeks. Two weeks ago Petersen said he would have voted differently.

Chambers said he has always felt positive about this issue and is reluctant to make a decision right now and would prefer to wait a week and have a special meeting.

Kerr stated this was not on the agenda and she doesn't believe the Council can take the action to remove the proposition from the ballot without noticing that the Council is considering the action. This was noticed strictly as a hearing with regards to economic impact to the private sector. It was never noticed, and, in fact, the Council would not normally take a motion and make a decision of this nature without a proper publication of notice. This is not an authorized legal act of government.

Daines said the Council does not advertise what it does each time and the public hearing was to receive input concerning the impact on the private sector and that is exactly what the public comment addressed. Daines noted the clock is ticking on this issue because of absentee ballot mailings. Daines also said this is not a good time for public support on this issue.

ACTION: Chairman Hansen called for the vote on the motion. The vote was unanimous, 7-0.

Chambers and Zilles both stated they want time to think this issue through before voting on it. Chambers asked Zollinger what the timeline is for the ballots. Zollinger said the ballots must be available for absentee requests by the week of October 6, 2008.

ACTION: Motion by Vice Chairman Petersen to call a Special Council Meeting for one hour on Thursday, September 25, 2008 from 4:00 p.m. to 5:00 p.m. in the Cache County Council Chambers with the sole agenda item to be the consideration of removing Proposition #1 (Open Space issue) from the November 4, 2008 ballot and public comment may be received. Gibbons seconded the motion. The motion passed, 6 aye – Chambers, Gibbons, Hansen, Petersen, Yeates & Zilles and 1 nay – Robison.

Council member Chambers left the meeting.

PENDING ACTION

Discussion – Group Home Facilities, Cache County Ordinance (Title 7)

Amend – Title 17.02 – Administration

Amend – Title 17.05 – Supplementary and Qualifying Regulations

Amend – Title 17.06 – Uses

Amend – Title 17.07 – Definitions

Amend – Title 17.08 – Schedule of Zoning Uses

Amend – Title 17.10 – Group Living Facilities

Runhaar reviewed the present proposed amendments and Zilles noted the differences between the Planning Commission, Staff and Council recommendations on the number of unrelated persons allowed in a Residential Treatment Facility/Program or Residential Support Facility/Program on the Schedule of Uses by Zones.

Gibbons asked if the Council eliminates 9-12 unrelated persons and the 13-16 unrelated persons allowance, is there ever any opportunity for the facility to come back and say it needs to expand. Runhaar said that if the facility is serving disabled individuals, reasonable accommodation would apply.

ACTION: Motion by Vice Chairman Petersen, in reference to the Schedule of Uses by Zones – Residential Treatment Facility/Program and Residential Support Facility/Program in the Agricultural Zone, to strike the categories of 9-12 Unrelated Persons and 13-16 Unrelated Persons. Gibbons seconded the motion. The vote was unanimous, 6-0. Chambers absent.

Tape 2, Side B

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2008-07 – Group Living Facilities, Administration Amendments to Title 17, Chapters 2, 5, 6, 7,8, and 16**

(Attachment 3)

ACTION: Motion by Vice Chairman Petersen to waive the rules and adopt Ordinance No. 2008-07 – Group Living Facilities, Administration Amendments to Title 17, Chapters 2, 5, 6, 7, 8, and 16. Gibbons seconded the motion. The vote was unanimous, 6-0. Chambers absent.

Ordinance No 2008-07: The vote was 6-0. Chambers absent.

	<u>CHAMBERS</u>	<u>ZILLES</u>	<u>GIBBONS</u>	<u>HANSEN</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>YEATES</u>	<u>VOTES CAST</u>
AYE		X	X	X	X	X	X	6
NAY								0
ABSTAINED								0
ABSENT	X							0

- **Resolution No. 2008-21 – Participation in Process to Designate the North Cache Historic Scenic Byway** – Gibbons said he believes Lewiston will not have any objection to the proposed path through a small portion of the southern tip of Lewiston.

(Attachment 4)

ACTION: Motion by Council member Gibbons to waive the rules and approve Resolution No. 2008-21 – Participation in Process to Designate the North Cache Historic Scenic Byway. Yeates seconded the motion. The vote was unanimous, 6-0. Chambers absent.

- **Approval of Property Tax Hardship Requests** (Details on file in the Auditor’s Office)

ACTION: Motion by Council member Gibbons to approve the recommended Property Tax Hardship Requests. Yeates seconded the motion. The motion passed, 5 aye – Gibbons, Hansen, Robison, Yeates & Zilles and 1 nay - Petersen. Chambers absent.

- **Discussion – Open Space Ballot Initiative – Creation of Citizens’ Advisory Committee** – Petersen said that when the language was proposed for this, there was a clause that would have been on the ballot saying the County would create a citizens’ advisory committee. Bond Council said that had to be removed from the ballot language.

ACTION: Motion by Vice Chairman Petersen that if the Open Space issue is on the ballot, and if it passes, it is the intent of the Cache County Council to create a broadly based citizens’ advisory committee to make recommendations to the Council regarding: 1. Procedures for the use of funds, and 2. Actual allocation of funds. Gibbons seconded the motion. The vote was unanimous, 6-0. Chambers absent.

OTHER BUSINESS

- ✓ **UAC Annual Convention – November 12-14, 2008 – St. George, Utah** – Council members Hansen, Robison, Yeates and Zilles will attend. Gibbons and Petersen will not.

COUNCIL MEMBER REPORTS

Craig Petersen reported that the Countywide Library Consultant has completed his visits and will have a report for the Council on or before November 1, 2008.

Kathy Robison said she had spoken with Loren Walker, Phoenix, Arizona, about the Ruby Pipeline project and his local consultant, Mike Zuhl, in Salt Lake will come to the Council to give a workshop presentation. Zuhl will be contacting the County in about a week.

Gordon Zilles noted that the next item for discussion with the AG Subdivision Committee will deal with roads.

The Council meeting adjourned at 7:35 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: John A. Hansen
Chairman

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Zoning
 DATE: 16-Sep-08

Amount to be transferred -- (rounded to the nearest dollar) \$ 3,660

Transfer From ---

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
20-4180-620	Misc Services	\$ 8,000		\$ (3,660)	\$ 4,340

Transfer To ---

20-4180-210	Subscriptions	\$ 1,000	\$ 600		\$ 1,600
20-4180-280	Telephone	\$ 1,750	\$ 600		
20-4180-251	Non Capitalized Equipment	\$ -	\$ 2,460		

Totals \$ 3,660 \$ (3,660)

Net adjustment \$ -

Description of needs and purpose of transfer ---

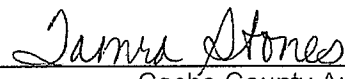
To meet expenses for balance of 2008 and to purchase office furniture



Department Head

Recommendation: Approval Disapproval

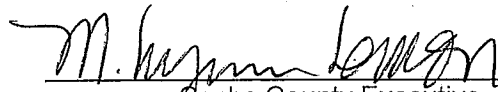
Date: 17-Sep-08



Cache County Auditor

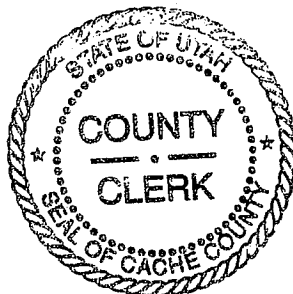
Recommendation: Approval Disapproval

Date: 9/17/08



Cache County Executive

Consented by the Cache County Council meeting in regular session on the 23rd day of September, 2008.




Cache County Clerk

2008 Transportation Funding Recommendations

Voter Approved Transportation Project Sales Tax Funding

Cache County Council of Governments (CCCOG)

Recommendation to Cache County Council September 23, 2008

Approved by CCCOG August 25, 2008

<i>Project</i>	<i>Sponsor</i>	<i>Priority</i>	<i>CCCOG Prioritization Score</i>	<i>Paid from Current Fund Balance</i>	<i>Paid from Proceeds from Special Purpose Bond</i>	<i>Totals</i>
100 East , 300 South Logan to Providence Lane, Providence	Logan, Providence & River Heights	1	28.5		\$4,391,787	\$4,391,787
200 East , 1800 North to 2200 North, North Logan	North Logan City	2	22.1	\$250,000	\$6,421,155	\$6,671,155
3200 South , SR 165 to ~ 250 West, Nibley	Nibley City	3	19.4		\$658,244	\$658,244
TOTALS				\$250,000	\$11,471,186	\$11,721,186

**CACHE COUNTY, UTAH
ORDINANCE NO. 2008-07**

**Group Living Facilities
&
Administration**

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

**AN ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 2, 5, 6, 7, 8, AND 16
OF TITLE 17 OF THE CACHE COUNTY CODE REGARDING GROUP LIVING
FACILITIES AND ADMINISTRATION**

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances; and

WHEREAS, the State of Utah Fair Housing Act, the Federal Fair Housing Act, and the Americans with Disability Act require that local jurisdictions provide equal opportunities for housing to all individuals; and

WHEREAS, the purpose of the ordinance amendments is to provide equal access to housing for all residents within Cache County and protect the rights of all property owners; and

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances; and

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 2, 5, 6, 7, 8, and 16 of Title 17 of the Cache County Code is hereby amended and superseded as follows:

1. Statutory Authority
2. Purpose of Provisions
3. Findings
4. Title 17, Chapter 2 Amendment
Title 17, Chapter 5 Amendment
Title 17, Chapter 6 Amendment
Title 17, Chapter 7 Amendment
Title 17, Chapter 8 Amendment
Title 17, Chapter 16 Amendment
5. Prior Ordinances, Resolutions, Policies And Actions Superseded
6. Effective Date

8, and 16 of the Cache County Code. The County Planning Commission accepted all comments.

- H. On July 22nd, 2008, at 6:00 P.M., the County Council held a public hearing to consider any comments regarding the proposed changes to Title 17, Chapters 2, 5, 6, 7, 8, and 16 of the Cache County Code. The County Council accepted all comments.
 - I. The amendment to Title 17, Chapter 2, 5, 6, 7, 8, and 16 of the Cache County Code was submitted to the Cache County Planning Commission ("Planning Commission") on May 3rd, 2007. The Planning Commission recommended approval of the proposed changes to the County Council.
 - J. It is in the interest of the public and the citizens of Cache County that the proposed changes to Title 17, Chapters 2, 5, 6, 7, 8, and 16 of the Cache County Code be approved.
4. Title 17, Chapter 2 of the Cache County Code is amended to read as follows:

SEE EXHIBIT A

Title 17, Chapter 5 of the Cache County Code is amended as follows:

Repeal existing section §17.05.160 (Residential Facilities for Elderly Persons)

Repeal existing section §17.05.170 (Residential Facilities for Persons with a
Disability)

Title 17, Chapter 6 of the Cache County Code is amended as follows:

Repeal existing section §17.06.120 (Appeals of a Permitted Use, a Conditional
Use, or a Temporary Use Decision)

Title 17, Chapter 7 of the Cache County Code is amended to read as follows:

SEE EXHIBIT B

Title 17, Chapter 8 of the Cache County Code is amended to read as follows:

SEE EXHIBIT C

Title 17, Chapter 16 of the Cache County Code is amended to read as follows:

SEE EXHIBIT D

5. Prior Ordinances, Resolutions, Policies And Actions Superseded.

This ordinance amends and supersedes Chapter 2, 5, 6, 7, 8, and 16 of Title 17 of the Cache County Code, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

EXHIBIT A

**TITLE 17, CHAPTER 2
ADMINISTRATION**

CACHE COUNTY CODE

**CHAPTER 17.02
ADMINISTRATION**

17.02.010	Planning Commission.....	1
17.02.020	Board of Adjustment.....	1
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17.02.010 Planning Commission

- A. Creation - There is hereby created and established the Cache County Planning Commission and the Benson Planning Commission.
- B. Powers and Duties - The Planning Commission shall have the power and duties enumerated within Utah Code Annotated, section 17-27a-204 (1953, as amended) and within this Chapter.
- C. The Planning Commission shall adopt Bylaws and Rules of Procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These policies and procedures shall be approved by the County Council.
- D. Membership and Appointments:
 - 1. The Planning Commission shall be composed of seven (7) members. Members of the Planning Commission shall be appointed by the Cache County Executive with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the Planning Commission with or without cause.
 - 2. All members shall serve a term of three (3) years. Terms of membership shall be such that the term of two (2) members shall expire each year except the term of three (3) members shall expire every third year.

17.02.020 Board of Adjustment

- A. Creation: There is established a "Cache County Board of Adjustment," hereinafter, the BOA.
- B. Powers and Duties: The BOA shall have the powers and duties set forth within this Chapter.
- C. The Board of Adjustment shall adopt Bylaws and Rules of Procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Board of Adjustment. These policies and procedures shall be approved by the County Council.
- D. Membership and Appointments:
 - 1. The BOA shall be composed of five (5) members. Members of the BOA shall be appointed by the Cache County Executive with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the BOA with or without cause.
 - 2. All members shall serve a term of five (5) years. Terms of membership shall be such that the term of one (1) member shall expire each year.

stream or watercourse, or a line located midway between the main track of a railroad, the zoning district or overlay map boundary shall be deemed to be changed automatically whenever such center line is changed by natural or artificial means.

- e. Interpretation of authorized Permitted or Conditional Uses of the applicable zoning district as contained in Chapter 17.08, the Schedule of Uses. The Zoning Administrator shall consider the following in rendering such interpretation:
 - i. Consistency with the purpose and intent of the policies and development standards pertaining to such district as described in this Ordinance.
 - ii. Whether the proposed use is substantially similar to other uses allowed in the Zoning District.
 - iii. The determination and all information pertaining thereto shall be filed classifying it as an administrative determination and shall become a permanent public record in the County Community Development Department. Such use shall become a permitted or conditional use in the zoning district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.
- f. Natural Barrier Determinations;
- g. Lot line adjustments between four (4) or fewer property owners;
- h. Lot line adjustment between three (3) or fewer property owners within the boundaries of a legally recorded subdivision; and
- i. Those uses specifically delegated to the Zoning Administrator by the Cache County Council.

2. Planning Commission:

- a. The Cache County Planning Commission shall be the land use authority to hear and act on the following land use applications:
 - i. Conditional use permits, except those listed for the Zoning Administrator;
 - ii. Items delegated to the Planning Commission by the Cache County Council;
 - iii. Requests for Reasonable Accommodations made by Residential Facilities for up to 8 occupants; and
 - iv. Items listed for Zoning Administrator approval when the Zoning Administrator determines that a public meeting should be held to ensure that citizens have the opportunity to comment on the application or in the event that a conflict of interests arises;
- b. The Planning Commission shall be a recommending body to the Cache County Council for all land use applications for which the Cache County Council is the Land Use Authority;
- c. The Planning Commission shall have the powers and duties as assigned by this Chapter and Utah Code Annotated, section 17-27a-302 (1953, as amended)

3. Board of Adjustments: The Cache County Board of Adjustments shall be the land use authority to hear and act on the following land use applications:

- a. Variances requests, except those listed for the Zoning Administrator review; and
- b. Determinations regarding the existence, expansion or modification of nonconforming uses, lots, or structures.

4. County Council: The Cache County Council shall be the land use authority to hear and act on the following land use applications:

- a. General plan approvals or amendments;
- b. Land use ordinance amendments;
- c. Amendments to the zoning map;
- d. Subdivision ordinance amendments;

authority of the request for a variance or a notice of appeal within seven (7) working days.

2. **Fee:** A request for a variance, or a notice of appeal, shall be accompanied by a fee established by the Cache County Council, which amount shall be used to defray the costs of administering the request for a variance, or appeal, including, but not limited to, costs of mailing and publishing notice.
3. **Notice of a Hearing:** When a request for a variance or a notice of appeal is filed, the appeal authority of the adverse order, requirement, decision or determination shall hear that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties. Notice of the time, place and subject matter of the meeting shall be given to the person making the appeal, the land use authority or official who issued the adverse order, requirement, decision or determination, and all parties in interest, including adjoining property owners within a three hundred foot (300') radius of the property affected by the request for variance or appeal. The appeal authority may require such written briefs or memorandum of the parties, as the appeal authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
4. **Stay of Proceedings:** An appeal stays all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken, after receiving the notice of appeal, certifies in writing with specificity to the appeal authority the reasons why a stay would cause imminent peril to life or property. In such case, the appeal authority may lift the stay, upon notice to the parties, with an opportunity to respond.
5. **Burden of Proof:** The appellant has the burden of proving that the land use authority erred.
6. **Standard of Review:** The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to the appeal authority.
7. **Final Decision:** The appeal authority will issue a decision in writing within fifteen (15) working days of the hearing, which constitutes a final decision under Utah Code Annotated section 17-27a Part 8 (1953, as amended).
8. **Judicial Review of Appeal Authority's Decision:** Any person adversely affected by a final decision of the appeal authority may petition the district court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the appeal authority's decision is final in compliance with Utah Code Annotated section 17-27a-802(2) (1953, as amended). The appeal authority may order its decision stayed pending district court review if the appeal authority finds it to be in the best interest of the county.
9. **Action on Variance:** Unless otherwise specified by the appeal authority, any order or decision of the appeal authority authorizing a variance shall expire if the applicant fails to obtain a permit within one year from the date of the decision. Any applicant may voluntarily withdraw the appeal or variance request at any time prior to a decision of the appeal authority. No person shall be entitled to claim a refund of costs for any reason whatsoever.

EXHIBIT B

**TITLE 17, CHAPTER 7
DEFINITIONS**

CACHE COUNTY CODE

CHAPTER 17.07
DEFINITIONS

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17.07.010 Purpose

The purpose of this Chapter is to provide the definitions that will be used as part of this Title.

17.07.020 Definitions

- A. Whenever any words or phrases used in this ordinance are not defined herein, but are defined in related sections of the Utah Code, Subdivision Ordinance, or the family of International Building Code, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Words not defined in any Code shall have their ordinarily accepted meanings within the context in which they are used.
- B. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this ordinance shall have the respective meanings hereinafter set forth.
1. **Access:** The provision of vehicular and/or pedestrian ingress and egress to buildings, structures, facilities, or property.
 2. **Accessory Apartment:** One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit located within an existing primary dwelling unit. An Accessory Apartment must comply with the following requirements;
 - a. Be located within or adjacent to an existing single family dwelling which has been designated, built, or converted to accommodate an independent housing unit.
 - b. Must be approved by the Department of Health and County Building Department with respect to sanitation, water, drainage, and all applicable health codes and requirements and must also comply with all applicable zoning, building, and safety codes including the obtaining of a building permit.
 - c. Only one accessory apartment is allowed on a lot/parcel.
 - d. The existing primary single family dwelling unit or the accessory apartment must be occupied by the owner.
 3. **Adjacent:** Meeting or touching at a point, or across a street, alley, other public or private right-of-way or as otherwise defined by this Ordinance or the Cache County Subdivision Ordinance.
 4. **Adult Daycare Facility:** Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty four (24) hours per day.
 5. **Agent:** The person with written authorization to represent an owner.
 6. **Agriculture:** The production, keeping, or maintenance, for sale, lease, or personal use of plants and animals useful to man, including crops and products such as vegetables, fruit trees, harvestable and ornamental trees, hay, sod, grain, honey, milk, cheese, and any other agricultural or horticultural products and their storage; the raising thereon of farm poultry and farm livestock and animals, such as cattle, sheep, goats, or animals of the Bovinae family; all horses, mules, or animals of the Equine family; all pigs, swine, or animals of the Suinae family; fur bearing animals, bees, and ostriches, rhea, and emu, trees and forest products; wholesale fruits of all kinds, including grapes, nuts, and berries; wholesale vegetables; wholesale nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.
 7. **Agricultural Building:** A structure used solely in conjunction with agriculture use, not for human occupancy, and complying with the requirements of §58-56-4, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building the structure must be located outside of

together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.

25. **Boarding School:** A private school that:
 - (a) uses a regionally accredited education program;
 - (b) provides a residence to the school's students:
 - (i) for the purpose of enabling the school's students to attend classes at the school; and
 - (ii) as an ancillary service to educating the students at the school;
 - (c) has the primary purpose of providing the school's students with an education (a course of study for one or more of grades kindergarten through 12th grade); and
 - (d) does not provide
 - (i) treatment or services of a Residential Treatment Facility unless on a limited basis, as described within Utah Code Annotated, section 62A-2-101(2) (1953, as amended)
26. **Board of Adjustment:** The officially constituted and appointed body of Cache County, as authorized by the laws of the State of Utah, to perform those duties, as allowed by State law and this Ordinance.
27. **Building:** A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, processing, equipment, goods, materials, or property of any kind.
28. **Buildable Area:** The portion of a parcel of land which is within the envelope formed by the required yards (setbacks) of the zoning district in which the parcel is located.
29. **Building Code:** The adopted family of International Building Codes used to regulate the construction of buildings and structures located within Cache County.
30. **Building Permit:** Legal authorization, as required by the adopted building code(s) of Cache County authorizing the erection, alteration, or extension of a structure.
31. **Building, Public:** For purposes of this chapter only, a public building is a building owned and operated, or owned and intended to be operated by the city, a public agency of the United States of America, the state of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:
 - (a) Properties owned by the state of Utah or the United States government which are outside of the jurisdiction of the city zoning authority as provided under title 10, chapter 9a, section 304, Utah Code Annotated, 1953, as amended; and
 - (b) The ownership or use of a building which is immune from the city zoning authority under the supremacy clause of the United States constitution.
32. **Cache County:** All unincorporated areas, lying within the boundaries of the County, and outside any corporate boundary of a municipality of the County.
33. **Cache Countywide Comprehensive Plan:** The general plan, as authorized by the laws of the State of Utah for the unincorporated areas of the County, as may be adopted and amended from time to time by the Cache County Council.
34. **Cemetery:** A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums and meeting all applicable Local, State, and Federal requirements and regulations.
35. **Certificate of Occupancy:** A certificate issued by the County Building Official after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable County codes, permits, requirements, and approved plans.

of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

42. **Constitutional Taking:** Final action(s) by the County to physically take or exact private real property that requires compensation to the owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States or of Article I, Section 29, of the Utah Constitution.
43. **Construction Plan:** The maps or drawings accompanying an application which show the specific location and specifications of improvements, buildings or structures.
44. **Country Club:** Land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.
45. **Covenant:** A right or restriction on the use of land usually set forth in the deed
46. **Day Care/Preschool Center- Commercial:** Any facility, at a nonresidential location, operated by a person qualified by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all State standards and licensing.
47. **Daycare - Group Child Care:** The care of children who are family and non-family members in an occupied dwelling, and complying with all State standards and licensing, by the resident of that dwelling at least twice a week for more than three (3) children, but fewer than seventeen (17) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling, who are under the supervision of the provider during the period of time the child care is provided. There shall be at least two (2) care givers at all times when there are nine (9) or more children present.
48. **Daycare - Home:** The care for children who are family and non-family members in an occupied dwelling, and complying with all State standards and licensing, by the resident of that dwelling at least twice a week for more than three (3) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling, who are under the supervision of the provider during the period of time the child care is provided. When a care giver cares for only three (3) children under age two (2), the group size, at any given time, shall not exceed six (6).
49. **Day Treatment:** Specialized treatment that is provided to;
 - (a) a client less than 24 hours a day; and
 - (b) four or more persons who:
 - (i) are unrelated to the owner or provider; and
 - (ii) have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies.
50. **Development:** The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property including grading, clearing, grubbing, mining, excavating, or filling of such property.
51. **Development Standard:** The provisions and requirements of this Ordinance providing for the location and establishment of a use, building, or structure.
52. **Disposal:** The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste into or on any land or water so that such waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters, including ground waters.
53. **Disability:** A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or successor law. As used in this definition:
 - (a) "Physical or mental impairment" includes:
 - (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss

67. **Excavation:** For the purposes of this ordinance, excavation shall mean the removal of rock, sand, gravel, clay, and any other soil by digging, leveling, scraping, blasting or any other process together with all other types of mining or excavation operations where material is removed from the earth. This Ordinance shall not apply to ditching and land leveling for agricultural or recreational uses, or for site preparations for building a structure. This Ordinance shall also not apply to removal or other movement of rock, sand, gravel, clay, or any other soil as done in the process of developing an approved subdivision.
68. **Expansion:** means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.
69. **Family:** One individual, or two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family may include four, but not more than four, non-related persons living with the residing family. The term "family" shall not be construed to mean a group of non-related individuals, a fraternity, club or institutional group.
70. **Fence:** A structure to separate or divide outdoor areas.
71. **Findings:** Statements of the approving authority identifying the reasons and basis for the action taken.
72. **Flood Plain:** An area adjoining a river, stream, water course, or body of standing water in which a potential flood hazard exists when the area experiences a one hundred year storm including any area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government.
73. **Foster Home:** means a temporary residential living environment for the care of;
 - (a) fewer than four foster children in the home of a licensed or certified foster parent; or
 - (b) four or more children in the home of a licensed or certified foster parent if the children are siblings.
74. **Geotechnical Engineer:** means an engineer experienced and knowledgeable in the practice of soils engineering (the application of the primarys of soils mechanics). Registration in Utah and a minimum of three years experience in the geotechnical industry are minimum requirements.
75. **Geologic Hazard:** A hazard inherent in the crust of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faults, landslides, and rockfall.
76. **Grade:** The ground surface elevation of a parcel of land.
77. **Grade Existing:** The grade of a property prior to any proposed development or construction activity.
78. **Grade Final:** The finished or resulting grade where earth meets the building after completion of the proposed development activity.
79. **Grading:** means any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.
80. **Grazing:** The feeding of livestock or horses where more than 50% of the feed is produced on the immediate parcel and available to the animals as in-place vegetation to sustain life.
81. **Gravel Pit:** An open excavation or pit from which gravel or other stones or earthen materials are obtained by digging, cutting, or blasting.
82. **Guarantee:** Any form of security including cash, a letter of credit, or an escrow agreement in an amount and form satisfactory to the County.
83. **Guest Ranch:** A facility, including either a single building or resort cabins, which serves as a destination point for visitors and generally has accessory recreational facilities for the use of guests.
84. **Hard-Surfaced:** Covered with concrete, brick, asphalt, gravel, or other impervious surface.
85. **Health Care Facility:**

Cache County Recorder and Office of the Cache County Assessor, prior to August 21, 1970; all parcels that were legally created for the purposes of development pursuant to the subdivision requirements of the County and the laws of the State of Utah after August 21, 1970; excluding those parcels that were created only for the purposes of transfer of ownership or for agricultural purposes created under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

101. **Lot/parcel, Restricted:** A lot, parcel or tract of land, the deed of which has been recorded in the office of the Cache County Recorder, but has not received the necessary approvals as required by the Cache County Subdivision Ordinance existing at the time of recordation.
102. **Lot/parcel, Size:** The area of a lot, parcel, or tract of land.
103. **Manufacture, Processing and Assembling:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products.
104. **Manufacture and Storage of Fireworks or Explosives:** The manufacture, processing and storage of materials for the production of fireworks or explosives that by reason of materials, processes, products, or waste may be dangerous or hazardous to adjoining properties.
105. **Manufacture of Goods to be Sold at Retail on the Premises:** The manufacture, processing, and assembling of products with such products available for retail sale to the public.
106. **Manufactured Home:** A transportable, factory-built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, and when erected on site, the home must be at least 20 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the County's Building Codes, have a minimum roof pitch of 2:12, and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A Manufactured Home shall be identified as real property on the property assessment rolls of Cache County. All manufactured homes constructed on or after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.
107. **Meat or Poultry Processing Facility:** A facility for the commercial processing of meat and poultry for human consumption including, but not limited to, the slaughtering, butchering, cutting, dressing, and packaging of meat and poultry products.
108. **Mining:** Structures and land use activities associated with mineral extraction.
109. **Mobile Home:** A transportable, factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code). The following are excluded from this definition: (a) Travel trailers, motor homes, camping trailers, or other recreational vehicles; and (b) Manufactured home.
110. **Motel:** A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
111. **Nonresidential Treatment Facility:** A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
112. **Nursing Home:** An intermediate care/nursing facility or a skilled nursing facility licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.
113. **Nuisance:** Any use or activity which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.

- 4) victims of domestic abuse.
132. **Public Hearing:** A portion of a regular meeting of an authorized body, provided for the opportunity to receive public comment and input, and noticed and conducted as required by the laws of the State of Utah and this Title.
133. **Public Improvement:** Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off-street parking area or other facility or amenity.
134. **Public Uses and Utilities:** A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including recreational facilities, administrative and service facilities, and public utilities, including water and sewer facilities, gas and electricity facilities, cable television facilities, and telecommunications facilities, but excluding airports, prisons and animal control facilities.
135. **Reasonable Accommodation:** A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:
- (a) "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
 - (b) "Necessary" means the applicant must show that, but for the accommodation, one (1) or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
 - (c) "Equal opportunity" means achieving equal results as between a person with a disability and a non-disabled person.
136. **Recreational Facility:** A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure-time activities.
137. **Rehabilitation:** means actions performed during and after excavation operations to shape, stabilize, revegetate or otherwise treat the land affected in order to achieve a safe, stable, ecological condition. The excavated lands will be rehabilitated to a usable condition which is readily adaptable to alternate land uses and creates no danger to public safety. The rehabilitation process may extend to affected lands surrounding the excavated lands and may require backfilling, grading, recoiling, revegetation, soil compaction, stabilization and other measures.
138. **Residence:** A dwelling unit where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.
139. **Residential Facility:** A general term for the following types of facilities as defined within this Title:
- (a) Residential Facility for Elderly Persons
 - (b) Residential Facility for Persons with a Disability
140. **Residential Facility for Elderly Persons:** A single-family or multiple-family dwelling unit that meets the requirements of Utah Code Ann., § 17-26a-515 to 518), as amended.
141. **Residential Facility for Persons with a Disability:** A residence in which more than one (1) person with a disability resides and which is licensed or certified by:
- (a) The Utah Department of Human Services under Utah Code Ann., § 62A-2-101, et seq., as amended, or
 - (b) The Utah Department of Health under Utah Code Ann., § 26-21-3, et seq., as amended. Treatment is not a necessary component of a Residential Facility for Persons with a Disability, but may be provided upon request. Any treatment provided shall be clearly ancillary to the use of the facility as a residence.
142. **Residential Support:**
- (a) means arranging for or providing the necessities of life as a protective service to individuals or families who are disabled or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Such facilities are to be used for dead storage only. The following activities are prohibited within any Self-Storage Service Facility:

- a. Commercial, wholesale or retail sales, or miscellaneous or garage sales.
 - b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment.
 - c. The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or similar equipment.
 - d. The establishment of a transfer business.
 - e. Any use that is noxious or offensive because of odors, dust, noise, or vibrations.
156. **Setback:** The required minimum distance between the building or structure and any lot or parcel boundary line.
157. **Setback, Front Yard:** The area of a lot or parcel of land extending across the front width and being the minimum horizontal distance between a street or road right-of-way line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.
158. **Setback, Rear Yard:** The area of a lot or parcel of land extending across the rear width and being the minimum horizontal distance between primary building, or any projection thereof other than steps, unenclosed balconies and unenclosed porches, and the rear lot line.
159. **Setback, Side Yard:** An area of a lot or parcel of land extending between side lot line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.
160. **Sexually-Oriented Businesses:** means semi-nude entertainment businesses, sexually-oriented outcall services, adult businesses, and semi-nude dancing agencies, as defined by this Title 5 of the Cache County Code.
161. **Shelter for the Homeless:** Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.
162. **Sign:** Any device for visual communication, including any structure or natural object or part thereof that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency or any civic, charitable, religious, patriotic, fraternal or similar organization.
163. **Single-Family Dwelling:** A building arranged or designed to be used for and containing one dwelling unit.
164. **Site Plan:** An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development including, but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility services; structures and buildings; lighting; berms, buffers, and screening devices; (development on adjacent property;) and any other information that may be required to make an informed decision.
165. **Ski Resort:** Any public or private developed recreational use, with associated facilities and improvements, for downhill or cross-country skiing, snow boarding, snow shoeing, snowmobiling, or other snow-related activities operated on a commercial or membership basis, whether solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort.

179. **Therapeutic School**" means a residential group living facility:
- (a) for four or more individuals that are not related to:
 - (i) the owner of the facility; or
 - (ii) the primary service provider of the facility;
 - (b) that serves students who have a history of failing to function:
 - (i) at home;
 - (ii) in a public school; or
 - (iii) in a nonresidential private school; and
 - (c) that offers:
 - (i) room and board; and
 - (ii) an academic education integrated with:
 - (A) specialized structure and supervision; or
 - (B) services or treatment related to:
 - (I) a disability;
 - (II) emotional development;
 - (III) behavioral development;
 - (IV) familial development; or
 - (V) social development.
180. **Trade or Vocational School:** A post high school educational or vocational training facility.
181. **Transitional Housing Facility:** A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually 3 to 24 months, but in no event less than 30 days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.
182. **Use, Accessory:** A nonresidential or commercial use subordinate or incidental to the primary use or building on the same lot/parcel.
183. **Use, Primary:** The primary or predominate purpose of any lot, parcel or tract of land is occupied, maintained, arranged, designed, or intended.
184. **Use, Prohibited:** Any use, not identified as either a permitted use, conditional use or temporary use, as provided by this Title.
185. **Vegetation:** means living plant material including, but not limited to, trees, shrubs, flowers, grass, herbs, and ground cover.
186. **Veterinary Clinic:** A facility for the diagnosis, treatment, and hospitalization of animals, and which may include boarding and outdoor holding facilities.
187. **Variance:** A departure from the provisions of this Ordinance relating to the required setbacks that, if applied to a specific lot, parcel, or tract of land, would significantly interfere with a property right otherwise enjoyed by other properties located in the same zoning district
188. **Waterway, Manmade:** All manmade drainage systems including, but not limited to, all canals, culverts, and manmade drainages.
189. **Waterway, Natural:** Those areas varying in width along streams, creeks, gullies, springs, faults or washes which are natural drainage channels as determined by the Zoning Administrator
190. **Wetlands:** Any area of Cache County under the regulatory authority of the United States Army Corps of Engineers.
191. **Wholesale Business and Storage:** Establishments or places of business primarily engaged in selling of merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
192. **Wildlife Habitat:** Areas identified by the Utah Division of Wildlife Resources and/or the United States Fish and Wildlife Service occupied and necessary for the support of fish and

EXHIBIT C

TITLE 17, CHAPTER 8
SCHEDULE OF ZONING USES

CACHE COUNTY CODE

**CHAPTER 17.08
SCHEDULE OF ZONING USES**

17.08.010 Permitted and Conditional Uses by Zones..... 1
 17.08.020 Schedule of Uses by Zones 1

17.08.010 Permitted and Conditional Uses by Zones

The table in 17.08.020 shows all land uses that are allowed within Cache County. The following criteria should be used to interpret the use listed in the table:

- A. Uses identified with a “P” designation are a “Permitted Use” and are required to receive approval as a Permitted Use.
- B. Uses identified with a “C” designation are as a “Conditional Use” and are required to receive approval as a Conditional Use.
- C. Uses in the Agricultural Zone identified with a “SB” designation are determined to be either a Permitted use or a Conditional Use pursuant to Chapter 17.21, Small Business Standards in the Agricultural Zone.
- D. Any use which is not specifically designated as permitted or conditional within any specific zone is prohibited in that zone.
- E. All uses must comply with applicable local, State, and Federal requirements and licensing and must provide evidence of such compliance before the use is either approved by Cache County or established within the County.

17.08.020 Schedule of Uses by Zones

Abbreviations Used:

- A = Agricultural Zone;
- FR-40 = Forest/Recreation Zone;
- C = Commercial Zone;
- IM = Industrial/Manufacturing Zone;
- ME = Mineral Extraction Zone;
- RR = Resort Recreation Zone.

USE	ZONE					
	A	FR-40	C	IM	ME	RR
Accessory Apartment	C		C	C	C	C
Accessory Use or Building	P	P	P	P	C	P
Adult Day Center	C		C			C
Agriculture	P	P	P	P	P	P
Agricultural Building	P	P	P	P	P	P

USE	ZONE					
	A	FR-40	C	IM	ME	RR
Domestic Violence Treatment Facility/Program			C			C
Extraction Operation of Less than 5 acres	C	C	C	C	C	C
Foster Home	P	P ¹	P	P	P	P
Gravel Pit					C	
Guest Ranch	SB	C	C	C		C
Health Care Facility			C			
Home Preschool	SB					C
Hotel/Motel			C	C		C
Intermediate Secure Treatment Facility/Program for Minors			C			
Kennel	SB		C	C	C	C
Livestock Auction Facility	C					
Lockout Functionality in a Condominium, Townhome, Zero Lot Line Unit, and/or Patio Home						C
Logging and Timber Harvesting	C	C				C
Manufacture, Processing and Assembling	SB		C	C		
Manufacture and Storage of Fireworks or Explosives	C					
Manufacture of Goods to be Sold at Retail on the Premises	SB		C	C		C
Meat or Poultry Processing Facility	C		C	C		
Mining		C			C	
Outpatient Treatment			C			C
Private Agricultural Experiment and/or Filed Station (Amended September 13, 2005)	C					
Professional Offices	SB		P	P		C

USE	ZONE					
	A	FR-40	C	IM	ME	RR
Social Detoxification Facility/Program			C	C		
Sportsman Kennel (Amended March, 22, 2005)	C	C	C	C	C	C
Stands for Sale of Produce Grown on the Premises	P	C	P	P		C
Substance Abuse Treatment Facility/Program			C	C		
Telecommunications Site/Facility	C	C	C	C	C	C
Temporary use	P	P	P	P		P
Temporary Extraction Operation and associated uses	C	C	C	C	C	C
Therapeutic School		C ¹	C			
Timeshare or Fractional Ownership	C	C	C	C		C
Wholesale Business and Storage	SB		P	P		
Veterinary Clinic	C		P	P		C
Youth Program			C			

EXHIBIT D

**TITLE 17, CHAPTER 16
GROUP LIVING FACILITES**

CACHE COUNTY CODE

TITLE 17.16 GROUP LIVING FACILITIES

17.16.010 Purpose and Applicability

17.16.020 Terms

17.16.030 Permitted Uses

17.16.040 Residential Facility Development Standards

17.16.050 Reasonable Accommodation

17.16.010 Purpose and Applicability

- A. Purpose: It is the purpose of this chapter to:
 - 1. Comply with Utah Code Ann. §17-27a-515 through 519;
 - 2. Avoid discrimination in housing against any person regardless of age or disability in compliance with the Utah Fair Housing Act and the Federal Fair Housing Act as interpreted by the courts having jurisdiction in Utah.
- B. Applicability: This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a Residential Facility as set forth in this Title.
- C. Limitations: Only such Residential Facilities as are specifically authorized in this chapter and in this Title as permitted or conditional uses shall be allowed. All other Residential Facilities are prohibited.

17.16.020 Terms

Certain words and phrases in this Chapter are defined in Title 17.07.

17.16.030 Permitted Uses

- A. Permitted Use: A Residential Facility for Persons with a Disability or a Residential Facility for Elderly Persons shall be a permitted use in any zoning district where a single family dwelling is allowed.
- B. Termination: A use permitted by this Chapter is nontransferable and shall terminate if any of the following occur:
 - 1. A facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability.
 - 2. The facility fails to comply with the requirements of the issued permits, this section, or other Cache County Ordinances; or
 - 3. The license or certification issued by the Department of Human Services or Department of Health terminates or is revoked.

17.16.040 Residential Facility Development Standards

Each Residential Facility shall conform to the following requirements:

- A. **Residential Facility Design Standards:** Any newly constructed or remodeled Residential Facility in an agricultural zone or within 1000 feet of an agricultural zone shall comply with the following design standards:
 - 1. The Residential Facility shall comply with: all building, safety, and health regulations; the Americans with Disabilities Act; fire regulations; and all applicable State code standards and licensing requirements. Additionally, Residential Facilities shall comply with all standards set forth by any other local, state, or federal agency for the operation of the Residential Facility.
 - 2. All setbacks shall be according to the requirements of the zone in which the facility sits.
 - 3. In order for new construction to reflect the design and character of the existing neighborhood the following standards shall be met:

- ii. Certify, in a sworn affidavit submitted with the application for a zoning clearance, compliance with all relevant State Code requirements.

17.16.050 Reasonable Accommodation

- A. **Reasonable Accommodation Required:** None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for person(s) with a disability.
- B. **Application:** Any person or entity who wishes to request a reasonable accommodation shall make application to the Land Use Authority in compliance with 17.02.070 Establishment of Land Use Authority. Said applications shall specifically articulate, in writing, the following:
 1. The name, mailing address, and phone number of the applicant;
 2. The nature and extent of the disability;
 3. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
 4. The applicant's proposed reasonable accommodation(s);
 5. A statement detailing why a reasonable accommodation is reasonable and necessary in order to afford handicapped persons equal opportunity to use and enjoy housing; and
 6. The physical address of the property where the applicant intends on living.
- C. **Decision.** The Land Use Authority shall render a decision on each application for a reasonable accommodation within ninety (90) days. The decision shall be based on evidence of record demonstrating all of the following:
 1. The requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
 2. That but for the accommodation, one (1) or more persons with a disability will be denied an equal opportunity to enjoy housing within the community.
 3. That equal results will be achieved as between the person with a disability requesting the accommodation and a non-disabled person.
- D. **Appeal:** Any person adversely affected by a final decision of the Land Use Authority may appeal that decision in compliance with 17.02.070 (E).

RESOLUTION NO. 2008-21

A RESOLUTION SETTING FORTH PARTICIPATION BY CACHE COUNTY FOR THE UNINCORPORATED AREA IN THE PROCESS TO DESIGNATE THE NORTH CACHE HISTORIC SCENIC BYWAY.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is appropriate and in the best interests of the citizens of Cache County in the Unincorporated Area to participate in the process to designate the North Cache Historic Scenic Byway.

NOW THEREFORE, the Cache County Council hereby adopts the following:

Section 1: Whereas, the Bear River Heritage Area (BRHA) is a consortium of many organizations in government, business, education, tourism, recreation, that is dedicated to economic development through promotion and stewardship of the cultural and natural resource that are unique to this region;

Whereas, the BRHA has identified the designation of the proposed north Cache Historic Scenic Byway as an important economic development project that would effectively connect with other existing national byways in the heritage area;

Whereas, it has been determined that the proposed byway route possesses many of the resources that qualify it as an important area to preserve, protect and to share under the scenic byway program;

Whereas, due effort has been made to communicate proposed project to stakeholder, municipalities, and community members that would be affected by its presence;

Whereas, progress has been made to address the concerns of each community to their satisfaction.

Therefore, the Cache County does hereby declare that they are in agreement with the decision to go forward with the process of designating the proposed North Cache Historic Scenic Byway as a State Scenic Byway through the process outlined by the Federal highway Administration national Scenic byways Program and possibly further

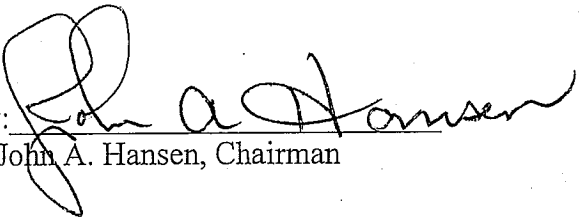
proceed with requirements for National Scenic Byway designation, as appropriate at a later date.

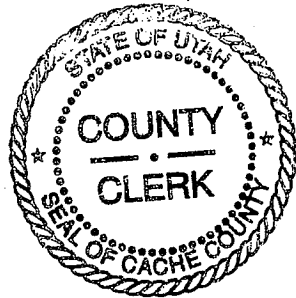
Section 2: Effective Date:

This Resolution shall become effective immediately upon adoption.

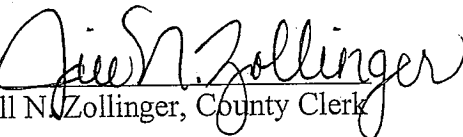
DATED THIS 23rd day of September, 2008

CACHE COUNTY COUNCIL

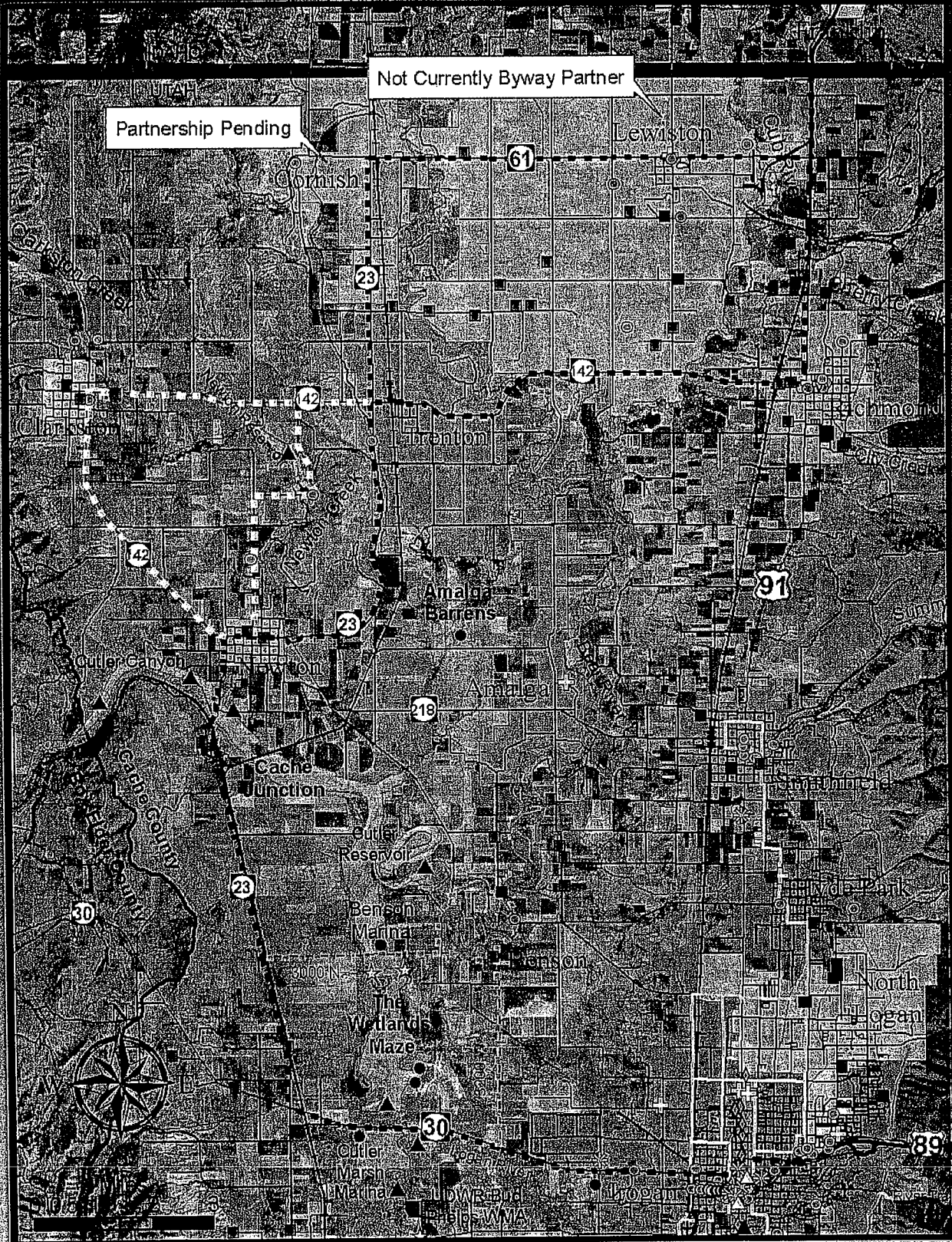
By: 
John A. Hansen, Chairman



ATTEST:

By: 
Jill N. Zollinger, County Clerk

NORTH CACHE PROPOSED SCENIC BYWAY



Legend

- | | | | | |
|-----------------------|-------------------------|----------------------------|------------------------|---------------------------------------|
| National Forest | Existing Scenic Byways | Cache County Trails | Heritage Experiences | Birding Sites |
| State Land | Proposed Scenic Byway | Logan City Trail System | Campgrounds | Walking Routes |
| Roads | Proposed Lewiston Loop | Logan Trails | Cemeteries | Historic Barns |
| Railroads | Proposed Benson Loop | Bonneville Shoreline Trail | Lodging | Heritage Sites |
| Utah State University | Proposed Clarkston Loop | Heritage Eateries | Century Farms | National Historic Register Structures |
| Municipalities | Forest Service Trails | Product Manufacturers | Water Recreation Areas | |