

CACHE COUNTY COUNCIL

September 22, 2009

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CACHE COUNTY COUNCIL MEETING
September 22, 2009

The Cache County Council convened in a regular session on September 22, 2009 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: H. Craig Petersen
Vice Chairman: Gordon Zilles
Council Members: Craig W Buttars, Brian Chambers, Kathy Robison, Jon White & Cory Yeates
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Gloria Anderson, Kaelynn Beecher, Emily Beus, Joe C., Catherine Caldwell, Ray Clawson, Dwight Davis, Paul Davis, Ryan Davis, Marc Ensign, Sgt. Mitch Frost, Kristina Haslam, Robert Henke, Lt. Chad Jensen, Katie Jensen, John Jermyn, Kara Kawakami, Jamy Kotkas, Denise Hardy, Sharon L. Hoth, Clark Israelsen, Bruce Leishman, Carolyn Leishman, Gary Leishman, Jay Leishman, Wayne Lewis, Loren H. Locher, David Long, Robert Manning, Garrett Mansell, Aaric Mason, Tama Mathews, Bonnie F. Nielsen, David Nielsen, Pat Parker, Jay Patrick, Carol Dee Petersen, Farrell Petersen, LaMont Poulsen, Bret Randall, Ron Rash, Drake Rasmussen, Director Josh Runhaar, Chris Sands, Dave Schuster, Keith Shaw, Jayden Skidmore, Kimberly Skidmore, Auditor Tamra Stones, David Thomas, Jessica Tuttle, Beth Wangsgard, Marylynn Wangsgard, Scott Wilkinson, John Wilson, Kyle Yonk, Gail B. Yost, Mike Zuhl, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU), Jeremy Threlfall (KUTA-TV).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Yeates to approve the amended agenda as written. Zilles seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the September 08, 2009 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: There were no warrants.

OTHER ITEMS

- ❑ **Cloud Seeding** – Executive Lemon gave Council members a copy of the letter the county sent to the state indicating Cache County is going to participate in cloud seeding and noted that the cost of cloud seeding will be the same as last year and the state will continue to contribute matching funds of 50%.
- ❑ **Forest Service Road Projects** – Executive Lemon told Council members they may receive calls concerning construction closures on some Forest Service roads. The county received stimulus money through the Forest Service to make road improvements to Forest Service Roads. Initially, the bridges at Temple Fork and Franklin Basin were to be completed before the road improvements. However, the bridge components have still not arrived so the decision was made to begin the road improvements and complete the bridge work afterwards which creates access problems during the hunting season. There are other accesses to the areas and the county must complete the road and bridge work before the end of the year or forfeit the stimulus money.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: SEPTEMBER 8, 2009 – 5:15 P.M. – 1ST CDBG PUBLIC HEARING
CONTINUED THROUGH SEPTEMBER 22, 2009 – Executive Lemon explained that this is a continuation of the 1st CDGG Public Hearing begun on September 8, 2009 at 5:15 p.m. and reminded those individuals present for the Public Hearing to sign the CDBG roll. Lemon invited the public to comment.

Katie Jensen, English Language Center, reported that through a generous donation the Center has purchased a new building. The building is being renovated and Jensen distributed a handout that included a description of the proposed project. Jensen is requesting \$60,000.00 and the total cost of the project is about \$100,000.00.

KaeLynn Beecher, Cache Employment and Training Center, requested \$50,000.00 to replace portions of the floor of the Employment Center, build an outside shed large enough to hold a fork lift and asphalt a section of the property for buses. The total project cost is \$100,000.00.

Drake Rasmussen, Bear River Activity and Skill Center, requested 57% of the total project cost of \$63,000.00 to make fire safety code improvements to their building including: an alarm system (\$45,000.00), widening of interior doors (\$12,000.00) and three exit doors made to swing away from the building instead of into it (\$6,000.00).

Jessica Tuttle, Child and Family Support Center, requested \$75,000.00 for plumbing replacement costs in the Center.

Dave Schuster, Neighborhood Nonprofit Housing Corporation, requested \$100,000.00 to purchase land for self-help projects where buyers help to build their homes. The total cost of the land purchase is \$300,000.00.

There was no other public comment.

Executive Lemon stated that the Sunshine Terrace Foundation made a request for funding on September 08, 2009 and reminded applicants to sign the roll and to contact Bear River Association of Governments (BRAG) about attending the mandatory “How to Apply” workshop.

ACTION: Motion by Vice Chairman Zilles to close the 1st CDBG Public Hearing. Robison seconded the motion. The vote was unanimous, 7-0.

ITEMS OF SPECIAL INTEREST

- **2009 Cache County Fair and Rodeo Report – Jill Zollinger** indicated the Cache County Fair celebrated 130 years of the fair and had good participation. There are still some outstanding expenses for the fair and rodeo, but both will still be under budget when those expenses are paid. Zollinger expressed appreciation for the RAPZ and Restaurant Tax funding for the fair which helps greatly with advertising. Zollinger thanked the Fair Board members and all the volunteers who make the fair and rodeo possible. Zollinger also thanked LaMont Poulsen, Trish Gibbs and Scott Wilkinson who organize and run the rodeo.

LaMont Poulsen reported on the Cache County Rodeo and Junior Livestock program. Clark Israelsen, from the Extension Office, said the Cache County Fair is great because of the community support and conveyed his appreciation for the Council's support of the fair and rodeo. Israelsen introduced MaryLynn Wangsgard and Jayden Skidmore who related their experiences as youth with the Cache County Fair.

In response to the question from Chairman Petersen as to how the County Clerk came to be responsible for the fair and rodeo, Israelsen explained that Stephen Erickson, a previous County Clerk, took over the fair and rodeo from the Fair Manager because Erickson had been president of the Farm Bureau which was a great supporter of the fair and rodeo. Upon Erickson's passing, the responsibility for the fair and rodeo remained with the Clerk's office.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: SEPTEMBER 22, 2009 – 5:45 P.M. – OPEN 2009 BUDGET – Auditor Tamra Stones reviewed the budget adjustments. (*See Attachment 2 to Resolution No. 2009-27-Adjustments to 2009 Budget for details.*)

Tape 1, Side B

Chairman Petersen opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Vice Chairman Zilles to close the Public Hearing – September 22, 2009-5:45 p.m.-Open 2009 Budget. Yeates seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2009-27 – Adjustments to 2009 Budget**

(Attachment 1)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution NO. 2009-27-Adjustments to 2009 Budget. Buttars seconded the motion. The vote was unanimous, 7-0.

CONSENT AGENDA

- ◇ **Final Plat Approval – Jay Leishman Subdivision**
- ◇ **Final Plat Approval – Garland Acres Subdivision**

(Attachment 2)

ACTION: Motion by Council member Chambers to approve the Final Plats for the Jay Leishman Subdivision and the Garland Acres Subdivision. White seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

SET PUBLIC HEARINGS: OCTOBER 13, 2009 – 5:45 P.M. – AGRICULTURAL PROTECTION AREA, 37.67 ACRES LOCATED IN THE HYRUM AREA OWNED BY FARRELL D. PETERSEN

OCTOBER 13, 2009 – 6:00 P.M. – DELCARE SURPLUS PROPERTY

OCTOBER 13, 2009 – 6:15 P.M. – COMPREHENSIVE PLAN PROPOSED AMENDMENTS

RE-SET PUBLIC HEARING: OCTOBER 13, 2009 – 6:30 P.M. – CHANGE AGRICULTURAL PROTECTION REQUIREMENTS FROM 10 ACRES TO 5 ACRES

ACTION: Motion by Council member Buttars to set Public Hearings October 13, 2009-5:45 p.m.-Agricultural Protection Area, 37.67 Acres located in the Hyrum Area owned by Farrell D. Petersen; October 13, 2009-6:00 p.m.-Declare Surplus Property; October 13, 2009-6:15 p.m.-Comprehensive Plan Proposed Amendments; and to re-set a Public Hearing – October 13, 2009-6:30 p.m.-Change Agricultural Protection Requirements from 10 Acres to 5 Acres. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Set Board of Equalization Hearing Dates** – The dates of September 24 & 29, 2009 and October 1, 6, 8, 13 & 15, 2009 were considered and staffed with Hearing Officers.
- **Approval of Board of Equalization Hearing Officers Actions** – A copy of the parcels already considered at hearings on 09-08-2009, 09-10-2009, 09-15-2009, 09-17-2009 and 09-22-2009 was provided. Executive Lemon recommended approval of the actions of the Hearing Officers thus far. (*Details are on file in the Office of the Cache County Auditor.*)

ACTION: Motion by Council member Yeates to approve the actions of the Board of Equalization Hearing Officers to this point. Zilles seconded the motion. The motion passed, 6 aye – Buttars, Chambers, Robison, White, Yeates & Zilles and 1 nay – Petersen.

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

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

INITIAL PROPOSAL FOR CONSIDERATION

- **Final Plat Approval – Lazy 9 Ranch Subdivision Phases I and II** – Director Runhaar detailed the proposed subdivisions and conditions of approval. Vice Chairman Zilles and Council member Robison questioned the propriety of a gravel road accessing ten lots. Chairman Petersen asked how long the road is? Runhaar said it is a private road and 2000 feet long - about four tenths of a mile. Council member White indicated the Planning Commission also questioned whether the road should be gravel or hard surface. Robison also asked why fire hydrants were recommended. Runhaar did not know why hydrants were recommended instead of fire suppression sprinklers. The subdivisions are only 2 to 3 miles from the Smithfield Fire Department

(Attachment 3)

ACTION: Motion by Vice Chairman Zilles to waive the rules and approve the Final Plats for Lazy 9 Ranch Subdivision Phases I and II with the stipulation that the private road be paved to Cache County standards of a hard surface road. Robison seconded the motion. The motion passed, 5 aye – Buttars, Chambers, Robison, White, & Zilles and 2 nay – Petersen & Yeates.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: SEPTEMBER 22, 2009 – 6:15 P.M. – DAY TIME CURFEW – Chairman Petersen asked Council member Robison to introduce the issue. Robison explained that in 1997 a county-wide night-time curfew for minors ordinance was adopted. This simplified the job of law enforcement officers monitoring minors at night. The ordinance before the Council will begin the process of a county-wide daytime curfew which will greatly enhance law enforcement officers' abilities to keep youth in school. Several cities have already adopted the daytime curfew. The existing compulsory education law takes three to four months to work through the court system. This curfew is aimed at getting youth back into class quickly, keeping them at school and reducing incidents of crime committed by truant minors.

Chairman Petersen noted the Council has the proposed ordinance text before them, opened the Public Hearing and invited public comment.

Gail Yost, Principal David Long, Sgt. Mitch Frost spoke in favor of the ordinance.

Holly Gunther feared the ordinance does not allow for home schooled children and youth or the various school schedules.

Tape 2, Side A

Council member Chambers asked Sgt. Frost to address Gunther's concerns about the varying school schedules. Frost explained that in the School Resource Program, deputies are in charge of specific schools and know their schedules and can be contacted for that information at any time.

Jamy Kotkas, Principal Robert Henke, Principal David Swenson, Lt. Chad Jensen and Lt. Bret Randall were all in favor of the ordinance.

David Thomas suggested that a curfew violation fine would probably be a financial burden for many and not an effective tool; whereas, a course similar to the one required for a minor-in-possession might work better.

There was no other public comment.

ACTION: Motion by Council member Yeates to close the Public Hearing – September 22, 2009-6:16 p.m. – Day Time Curfew. White seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- **Ordinance No. 2009-06 – Rezone from Agriculture (A) Zone and Forest Recreation (FR-40) Zone to the Utility Corridor Overlay (UCA) Zone** - Chairman Petersen indicated this is the Ruby Pipeline issue and asked Director Runhaar to review the information. Petersen also noted that this is not a public hearing; however, some limited public comment will be allowed.

Director Runhaar said the new ordinance has some corrections and each Council member should have a corrected copy in their packets. Runhaar stated the information given at the last Council meeting on this issue is the same.

Marc Ensign spoke in opposition to the utility corridor rezone and indicated he has spoken with several landowners whose property the corridor will cross and they were not aware of the dangers. One landowner declined to attend tonight indicating he had already given permission for the pipeline to cross his property and feared there might be legal implications if he spoke in opposition. Ensign contends that Ruby Pipeline representatives did tell landowners that eminent domain would be utilized if they refused to allow the pipeline to cross their properties. Ensign said he and other landowners in the area were under the impression that their concerns should be addressed to FERC, the Federal Energy Regulatory Commission. Accordingly, many sent letters to FERC, but never received any response. Ensign detailed some pipeline accidents and expressed his concerns for the safety of residents in the area of the pipeline.

Carolyn Leishman spoke in opposition to the utility corridor rezone citing several incidents of pipeline explosions.

Tape 2, Side B

Ryan Davis spoke in opposition to the utility corridor indicating he had researched those places where pipelines had been allowed because of the benefits and found out that many cities that were originally in favor of the pipeline wish they had never allowed it. Davis also cited accidents, pipeline pressurization problems during earthquakes as well as the problem that even though the pipeline is buried three feet underground, farming practices frequently bring underground items closer to the surface.

In response to Chairman Petersen's question Director Runhaar stated that even if the ordinance is approved tonight, Ruby Pipeline will still have to go through the conditional use permit process which the Zoning Office Staff, Planning Commission and Council will also have to review and approve or disapprove.

Council member Yeates asked what the proposed tax revenue will be on the pipeline?

Lorin Locher, Ruby Pipeline, said ad valorem tax of over \$700,000.00 a year before depreciation will come to Cache County. Locher responded to Ensign's allegation that there was a lawsuit, but the motion to intervene or the letter to intervene is not a lawsuit, but merely a letter indicating the Western Water Shares are an intervener in the project which can be a positive or a negative. In their case they are opposed to the project. Locher stated Ruby Pipeline is very concerned with safety and reviewed all the safety procedures and oversights of the company.

Council member Chambers asked if safety procedures and equipment are much different for pipelines now that twenty or thirty years ago. Locher said they have undergone many improvements.

Chairman Petersen thanked those who spoke and turned the issue to the Council for discussion.

Council member White observed that another pipeline runs past his mother-in-law's house. It has been there for a long time and nothing has ever happened. It also runs through property he used to rent. Granted, there is a "scar" on the property in that there is grass over the pipeline instead of weeds. White also noted that in order for Paradise residents to have natural gas a pipeline had to come from somewhere and go through someone's property. None of the landowners in the Paradise area whose land will be crossed by the pipeline have contacted White in opposition to the pipeline.

Chambers asked that in time can one even tell there is a pipeline underground? White reiterated that there is usually a grassy strip over the line.

(Attachment 4)

ACTION: Motion by Council member White to approve Ordinance No. 2009-06 – Rezone from Agriculture (A) Zone and Forest Recreation (FR-40) Zone to the Utility Corridor Overlay (UCA) Zone. Chambers seconded the motion.

Discussion on the motion:

Council member Robison asked if firebreak vegetation can be planted on top of the pipeline easement? Runhaar said that issue would be addressed in the conditional use process.

Vice Chairman Zilles asked if the pipeline is buried deeper in agricultural lands? Locher said it is buried deeper based on the land use and the landowner's requirements.

ACTION: Chairman Petersen called for the vote on the motion. The motion passed, 6 aye – Buttars, Chambers, Petersen, Robison, White & Zilles and 1 nay – Yeates.

Ordinance No. 2009-06: The vote was 6-1.

	CHAMBERS	YEATES	ZILLES	PETERSEN	WHITE	ROBISON	BUTTARS	VOTES CAST
AYE	X		X	X	X	X	X	6
NAY		X						1
ABSTAINED								0
ABSENT								0

- Discussion – Change in County Code 9.17.010 – Day Time Curfew** – Vice Chairman Zilles said he feels this puts the responsibility for truant youth on law enforcement instead of the schools and parents.

Council member Buttars asked if the habitual truancy process for schools can be changed to a quicker process or is it regulated by the state? Attorney Swink responded it is a cumbersome process and is in the Utah State Code.

Council members Yeates and White expressed opposition to the curfew.

Council member Robison and Chairman Petersen noted that this is simply an additional tool that law enforcement can use. Chairman Petersen also observed that from the public comment, it is evident that the schools, law enforcement and the county attorney feel there is a need and, where this has been implemented, it works.

Attorney Swink said that in his ten years of prosecuting in Cache County, this curfew has been used exactly as intended and it does change behavior and crime drops.

Council member White stated his daughter has been stopped four times by law enforcement on her way home from work late at night and told she was pulled over for curfew violation and for no other reason. They were frightening experiences for her. Swink responded that that is a problem with training of the officer(s) because youth should not be pulled over for possible curfew violation.

INITIAL PROPOSAL FOR CONSIDERATION

- **Property Hardship Requests** – *Details are on file in the Cache County Auditor's Office.*

ACTION: Motion Council member Buttars to approve the recommended Property Tax Hardship Requests. Zilles seconded the motion. The vote was unanimous, 7-0.

- **Ordinance No. 2009-07 – Revision of Agricultural/Residence Zone** – Director Runhaar indicated the Council has the text before them and addressed redevelopment “loopholes”.

Vice Chairman Zilles asked about the possibility of grandfathering on some of the parcels? Runhaar said that it is possible, but said there is a better way. If the Council approves this ordinance, but makes its effective date four months away, landowners will have time to do what they originally had planned with their properties.

Chairman Petersen had Runhaar clarify several questions for him about the naming of the zones, etc.

Tape 3, Side A

Chris Sands, Planning Commission member, reminded the Council that most residents cite their view as one of the reasons for moving to or remaining in Cache County and advocated a density of other than A-10. Sands recommends a base AG zone of forty acres.

Council member Yeates asked Runhaar how he feels about the density zones? Runhaar said that for thirty-nine years Cache County had a one-size-fits-all zoning. Individuals looking at the proposed density zoning feel better about now having options. Zoning is one part of the fix and standards will be another part of the solution. Standards and tools will be addressed after the zoning density is established.

(Attachment 5)

ACTION: Motion by Council member Buttars to waive the rules and approve Ordinance No. 2009-07 – Revision of Agricultural/Residence Zone with the following change to No. 6 – “This ordinance takes effect on February 1, 2010.” White seconded the motion. The vote was unanimous, 7-0.

Ordinance No. 2009-07: The vote was 7-0.

	<u>CHAMBERS</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>PETERSEN</u>	<u>WHITE</u>	<u>ROBISON</u>	<u>BUTTARS</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

OTHER BUSINESS

- ✓ **UAC Annual Convention – November 11-13, 2009** – Chairman Petersen, Vice Chairman Zilles and Council members Buttars, Chambers, Robison and Yeates will be attending.
- ✓ **Envision Cache Valley Summit – October 13, 2009 – 7:00 p.m.** – Director Josh Runhaar reminded Council members of this meeting in the Tabernacle and hoped all will attend. Governor Herbert and Idaho Governor Otter will be the speakers.

COUNCIL MEMBER REPORTS

Brian Chambers noted there were problems with the Top of Utah Marathon and asked that Executive Lemon bring the parties (the organizers and UDOT) together to clear up the difficulties.

Chambers read a letter from an individual who was a delivery person for a lumber yard that outlined the problems delivery people and emergency personnel have with the addresses in Cache County and asked for the implementation of a uniform addressing system in the county.

ADJOURNMENT

The Council meeting adjourned at 8:45 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Chairman

RESOLUTION NO. 09- 27

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2009 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2009 budget for Cache County:

see attached

Section 2.

Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

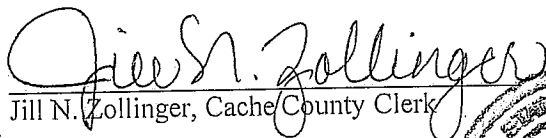
Section 3.

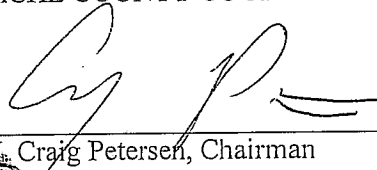
This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

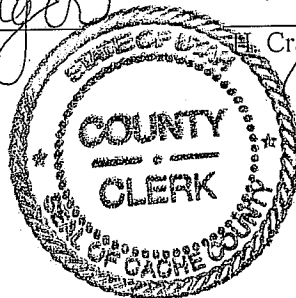
This resolution was duly adopted by the Cache County Council on the 22nd day of September, 2009.

ATTESTED TO:

CACHE COUNTY COUNCIL


Jill N. Zollinger, Cache County Clerk


Craig Petersen, Chairman



FUND 10 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
103313000	Fed Grant - DOJ Team Programming Grant	\$0		(\$7,000)	(\$7,000)	DOJ Fed -TEAM PROG GRANT
103419100	Attorney fees	(8,000)		(914)	(\$8,914)	adj to actual collections
103423400	Jail Fees -Contract w/ST Corrections	(\$739,000)	\$35,000		(\$704,000)	adj rev for inmate wage reimb from State
103427105	Fire Safety Training fees			(1,278)	(\$1,278)	adj to actual collections
103427107	Fires 100% Reimbursable	(6,089)		(15,810)	(\$21,899)	reimb fire costs - out of state fires
103620000	Rents and concessions	(164,000)		(22,086)	(\$186,086)	M & O from ST of UT for leased property at Jail
103670000	County Fair Fees	(63,000)		(1,301)	(\$64,301)	increased revenues
103674000	Donation IN Kind Rodeo			(600)	(\$600)	donations from vendors for Queen Contest
103878000	Contrib for Search & Rescue	(2,500)		(2,075)	(\$4,575)	donation for search & rescue
103890000	appropriated surplus	(\$1,320,937)		(\$43,617)	(\$1,364,554)	to pass thru to inmate trust for 07 & 08 wages
	Totals		\$35,000	(\$94,681)	(\$59,681)	
	Net Adjustment					

FUND 10 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended Current Budget	Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
104136251	ITS - Non Capitalized Equipment	\$72,808		(\$17,000)	\$55,808	VM ware - Software to combine servers
104136311	ITS - Software	\$10,000	\$17,000		\$27,000	VM ware - Software to combine servers
104145240	Atty - office supplies	\$15,000		(\$2,500)	\$12,500	Transfer to cover expenses
104145250	Atty - equip supplies & maint	\$13,000	\$2,500		\$15,500	Transfer to cover expenses
104211620	Support Services -DOJ FED Grant TEAM PROG GRANT	\$19,604	\$7,000		\$26,604	DOJ fed TEAM PROG GRANT
104216980	Search & Rescue - Contrib to fund reserve	\$0	\$2,075		\$2,075	donation for search & rescue
104220251	Fire - Non capitalized Equipment	\$12,000		(\$4,300)	\$7,700	transfer to cover cost of lights & sirens for truck
104220330	Fire - education & training	\$10,000	\$1,278		\$11,278	to cover expenses
104220631	Fire - other fire 100% reimbursable	\$6,089	\$15,810		\$21,899	to reimb fire costs -California, Nev etc
104220740	Fire - Capitalized Equipment	\$0	\$4,300		\$4,300	to cover expenses
104230255	Jail - Prisoners supplies -work release	\$77,250	\$5,000		\$82,250	to cover expenses
104511110	Fairgrounds - Salary	\$116,391		(\$12,000)	\$104,391	Transfer to cover expenses
104511120	Fairgrounds - Temp Employees	\$24,765	\$12,000		\$36,765	Transfer to cover expenses
104511620	Fairgrounds - Misc Services	\$6,500	\$1,000		\$7,500	Transfer to cover expenses
104511720	Fairgrounds - Buildings	\$185,362	\$9,000		\$194,362	Transfer to cover expenses
104511730	Fairgrounds - Improvements	\$95,000		(\$9,000)	\$86,000	Transfer to cover expenses
104511740	Fairgrounds - equipment	\$25,000		(\$1,000)	\$24,000	Transfer to cover expenses
104610250	Extension - Equip supplies & maint	\$9,000		(\$400)	\$8,600	Transfer to cover expenses
104610381	Extension - Food & demonstrations	\$2,200	\$400		\$2,600	Transfer to cover expenses
104620115	County Fair - Overtime	\$3,000	\$99		\$3,099	overtime pay to county employees
104620120	County Fair - Temp Employees	\$1,000		(\$892)	\$108	Transfer to cover expenses
104620120	Rodeo- Temp Employees	\$310		(\$202)	\$108	to meet expenses
104620130	County Fair - benefits	\$327	\$591		\$918	increase for employees paid
104620210	County Fair - subscriptions	\$100		(\$25)	\$75	to meet expenses
104620230	County Fair - Travel	\$175		(\$112)	\$63	Transfer to cover expenses
104620240	County Fair - Office supplies	\$500	\$65		\$565	to meet expenses
104620250	County Fair - Equip supplies & maint	\$18,553	\$664		\$19,217	to meet expenses
104620280	County Fair - Telephone	\$150		(\$33)	\$117	to meet expenses
104620290	County Fair - Prize Money and Trophies	\$32,000	\$1,900		\$33,900	to meet expenses

FUND 10 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended Current Budget	Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
104620480	County Fair - Entertainment	\$4,925	\$200		\$5,125	to meet expenses
104620620	county fair - Misc Services	\$1,000	\$896		\$1,896	increase for misc help
104621115	Rodeo - Overtime	\$1,000	\$600		\$1,600	to meet expenses
104621130	Rodeo - Benefits	\$406	\$250		\$656	to meet expenses
104621481	Rodeo Queen Contest Expense	\$1,694		(\$800)	\$894	to meet expenses
104621650	Special Rodeo Events	\$6,000		(\$500)	\$5,500	to meet expenses
104622480	Rodeo Security and Judges	\$1,450		(\$100)	\$1,350	to meet expenses
104625200	State Fair	\$1,800		(\$700)	\$1,100	to meet expenses
104960600	Sundry	\$141,000	\$43,617		\$184,617	Inmate wages received from DOC for 07 and 08
	Totals		\$126,245	(\$32,564)		
	Net Adjustment				\$93,681	
					\$34,000	

FUND 20 MUNICIPAL SERVICES FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
203225000	Animal Licenses	(\$1,800)		(\$620)	(\$2,420)	Increased licenses sold
203431000	Class B - Municipal Contracts	(\$398,680)		(\$300,000)	(\$698,680)	Class B Highway transfer funds from State
203890000	Approp Surplus - Class B	(\$1,970,303)	\$297,419		(\$1,672,884)	reduce by Class B road transfer funds
	Totals		297,419	(300,620)		
	Net Adjustment				(3,201)	

FUND 20 MUNICIPAL SERVICES FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
204415120	Class B - Temp Employees	19,109	3,000		\$22,109	To cover expenses
204241251	Blg Inspections- Non Capitalized Equip	3,000	201		\$3,201	To cover expenses
204180120	Zoning - Temp Employees	4,800	4,000		\$8,800	To cover expenses
204180110	Zoning - Salary	115,082		(4,000)	\$111,082	To cover expenses
	Totals		7,201	(4,000)		
	Net Adjustment				3,201	

FUND 21 HEALTH FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
213440000	Air Pollution Control fees	(\$150,000)	\$57,431		(\$92,569)	discontinued APC fee collections
213890000	Appropriated surplus	(\$8,000)	\$8,000		\$0	reduced - won't be needed
	Totals		\$65,431	\$0		
	Net Adjustment				\$65,431	

FUND 21 HEALTH FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
214310620	Misc Services	\$158,000		(\$86,000)	\$72,000	discontinued APC fee collections
214800996	Contrib to fund reserve	\$42,801	\$20,569		\$63,370	increase reserve due to discontinued program
	Totals		\$20,569	(\$86,000)		
	Net Adjustment				(\$65,431)	
					\$0	

FUND 23 TOURIST COUNCIL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
233870000	Contrib Private Sources(AD Partners)	(\$1,000)		(\$3,314)	(\$4,314)	more partners than expected
	Totals		\$0	(\$3,314)		
	Net Adjustment				(\$3,314)	

FUND 23 TOURIST COUNCIL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
234780280	Telephone	\$2,250	\$1,300		\$3,550	to meet expenses
234780490	Advertising and Promotions	\$210,857	\$2,014		\$212,871	to meet expenses
	Totals		\$1,300	\$0		
	Net Adjustment				\$1,300	
					(\$2,014)	

FUND 24 SENIOR CITIZENS REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
243315201	HDM-HOME DELIVERED III- C-2	(\$24,841)		(\$2,500)		additional collections
243370000	GRANTS - OTHER LOCAL	\$0		(\$733)		education & training mini grant
243870000	CONTRIBUTIONS/DONATIONS -OTHER	\$0	\$0	(\$13,858)		donation for senior services Kim Brandt
	Totals		\$0	(\$17,091)		
	Net Adjustment				(\$17,091)	

FUND 24 SENIOR CITIZENS EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended Current Budget	Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
244970255	HDM Supplies & Maint	\$18,000	\$2,500		\$20,500	additional collections needed for supplies
244974330	Nutrition - HDM supplies & maint	\$0	\$733		\$733	education & training mini grant
244970381	Access - education & training	\$68,500	\$13,858		\$82,358	donation for senior services Kim Brandt
	Nutrition - meals			\$0		
	Totals		\$17,091	\$0		
	Net Adjustment				\$17,091	
					(\$17,091)	

FUND 72 ROAD SPECIAL SERVICE DISTRICT REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
723311000	MINERAL LEASE	(16,565)		(2,728)	(19,293)	ADJUST TO NEW RATE PER AC
723610000	INTEREST	(1,660)		(3,000)	(4,660)	inc due to larger fund bal investment
	Totals		-	(5,728)		
	Net Adjustment				(5,728)	

FUND 72 ROAD SPECIAL SERVICE DISTRICT EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
724410425	NEW ROAD CONSTRUCTION	328,680	5,728		334,408	ADJ FOR NEW RATE PER AC & inc interest
	Totals		5,728			
	Net Adjustment				5,728	

FUND 74 AMBULANCE SYSTEM EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
744262240	AMBULANCE - Office supplies	1,000	307		1,307	transfer to meet expenses
744262250	AMBULANCE - Equip supplies & Maint	1,000	693		1,693	transfer to meet expenses
744262251	AMBULANCE - non-capitalized equipment	2,000	229		2,229	transfer to meet expenses
744262480	AMBULANCE - SPEC DEPT SUPPLIES	6,000		(1,229)	4,771	transfer to meet expenses
	Totals		1,229	(1,229)		
	Net Adjustment					

FUND 76 NPIC FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
764780730	Capital improvements		\$75,000			Landscpe & parking lot improvements
764780996	Construction			(\$75,000)		transfer for parking lot improvements
	Totals		\$75,000	(\$75,000)		
	Net Adjustment				\$0	

FUND 77 AIRPORT FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
773310422	Fed Grant AIP 18	\$0		(\$157,520)	(\$157,520)	final grant AIP 18 payment
773310423	Fed Grant AIP 19	(\$150,000)	\$32,685		(\$117,315)	Split masterplan project into 2 grants
773310424	Fed Grant AIP 20	\$0		(\$38,760)	(\$38,760)	Split masterplan project into 2 Grants
773344402	State Grant	(\$450,000)		(\$26,000)	(\$476,000)	increase in state grant
773870000	Approp surplus	(\$109,393)		(\$26,000)	(\$135,393)	increase for match of state grant
	Totals		\$32,685	(\$248,280)	\$0	
	Net Adjustment				(\$215,595)	

FUND 77 AIRPORT FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
774460310	Airport - Professional & Tech	(\$162,889)	\$6,075		(\$156,814)	Master plan grant adjustment
774460330	Airport - education and training	\$0	\$990		\$990	transfer to meet expenses
774460600	Airport - Sundry	\$2,990		(\$990)	\$2,000	transfer to meet expenses
774460739	Airport - grant projects	\$499,854	\$157,520		\$657,374	final pmt for AIP 18
774460739	Airport - grant projects	\$657,374	\$52,000		\$709,374	adjustment of state grant award
	Totals		\$216,585	(\$990)		
	Net Adjustment				\$215,595	

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

Project Name: Jay Leishman Subdivision

Agent: Jay Leishman

Request: 2-Lot Subdivision

Type of Action: Recommend to County Council

Current Zoning: Agricultural (A)

Project Address: 685 West 8100 South

Staff Recommendation: Approval with Conditions

Tax ID: 01-087-0008

Surrounding Uses:

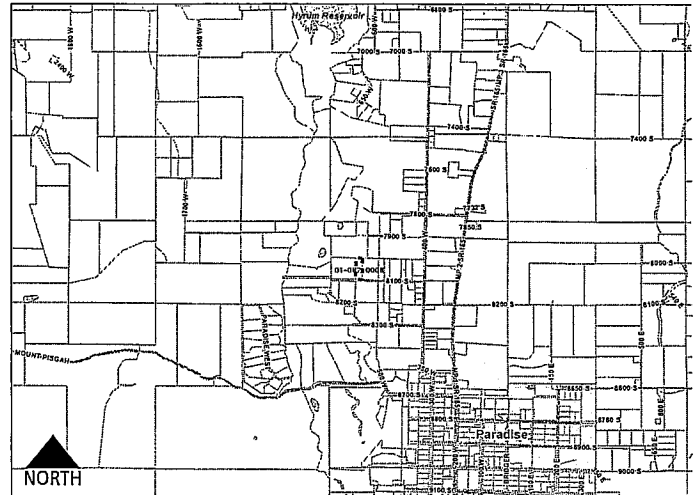
North – Agriculture

South – Agriculture

East – Agriculture

West – Agriculture

Reviewed by: Chris Harrild



PURPOSE: To recommend approval of the preliminary and final plat for the Jay Leishman Subdivision to the Cache County Council.

PROJECT SUMMARY

The subdivision is located approximately 0.5 miles northwest of Paradise City in the Agricultural Zone. There is one existing parcel with one existing home. The current proposal is to split the existing parcel into two lots, creating a second building lot.

Access:

- Access is from county road 8100 South. The county road is a 19' wide paved surface up to the southeast corner of the property. From that point it is a 19' gravel surface to their drive at the southwest corner of the property (163').
- Existing right-of-way easement for County Road 8100 South is 25' from center line.
- The private drive is a 16-foot gravel surface with a 24' right-of-way.
- The private drive will be a shared access for the two properties.

Water & Septic:

- Adequate, approved, domestic water rights will be in place at the time of final plat recordation.
- Proposed lot is feasible for on-site septic system and well. The existing home in this subdivision has an existing septic system and well.

Service Provision:

- Private drive must be 20 foot wide with an adequate turnaround for emergency vehicles.
- All refuse and recycling containers must be placed along 8100 South for collection. Property owners should allow sufficient space along the shoulder of the road for the placement of the containers so that they will not interfere with traffic flow.
- An improved turn around area on the west end of 8100 South must be provided for service vehicles.
- A school bus stop would be located at 1600 East 11800 North, approximately 4 blocks from the proposed subdivision.

STAFF DETERMINATION

It is staff's determination that the Jay Leishman Subdivision, a two (2) lot subdivision for property located at approximately 685 West 8100 South (Paradise) TIN# 01-087-0008, is in conformance with the Cache County Ordinance and should be recommended for preliminary and final plat approval to the County Council. This determination is based on the following **findings of fact**:

1. The Jay Leishman Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Jay Leishman Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Jay Leishman Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Jay Leishman Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL

The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place for Lot 2.
3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County. Applicant shall upgrade the private drive to meet the 20' wide requirement including an approved turnaround.
4. Access to both lots shall be combined.
5. Residents shall provide sufficient space along 8100 South for placement of refuse and recycle containers so they do not interfere with traffic.
6. The Applicant shall reaffirm the 33' from centerline right-of-way for County road 8100 South across the entire frontage of the subdivision. The county road must meet a minimum of 20' of hard surface road.
7. An improved turnaround area at the end of 8100 South shall be provided, and shall be approved by the Fire Department.



SURVEY CERTIFICATE

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT, R.S. 48:151, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF LOUISIANA. THE SURVEY WAS MADE BY ME, THE SURVEYOR, AND MY ASSISTANTS, AND THE RESULTS ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT.

BOUNDARY DESCRIPTION

THE BOUNDARY OF THE SURVEYED LAND IS DESCRIBED AS FOLLOWS:

1. THE SOUTHWEST CORNER OF THE LOT 21, LOTS 20 AND 22, AND THE WEST LINE OF SAID LOTS 20 AND 22, TO THE POINT OF BEGINNING.

2. THE SOUTHWEST CORNER OF THE LOT 21, LOTS 20 AND 22, AND THE WEST LINE OF SAID LOTS 20 AND 22, TO THE POINT OF BEGINNING.

3. THE SOUTHWEST CORNER OF THE LOT 21, LOTS 20 AND 22, AND THE WEST LINE OF SAID LOTS 20 AND 22, TO THE POINT OF BEGINNING.

4. THE SOUTHWEST CORNER OF THE LOT 21, LOTS 20 AND 22, AND THE WEST LINE OF SAID LOTS 20 AND 22, TO THE POINT OF BEGINNING.

OWNER (SUBDIVIDER):
 NAME: JAY LEISHMAN
 ADDRESS: PARADISE, LOUISIANA 70458
 PHONE: (504) 881-7788

PROJECT INFORMATION

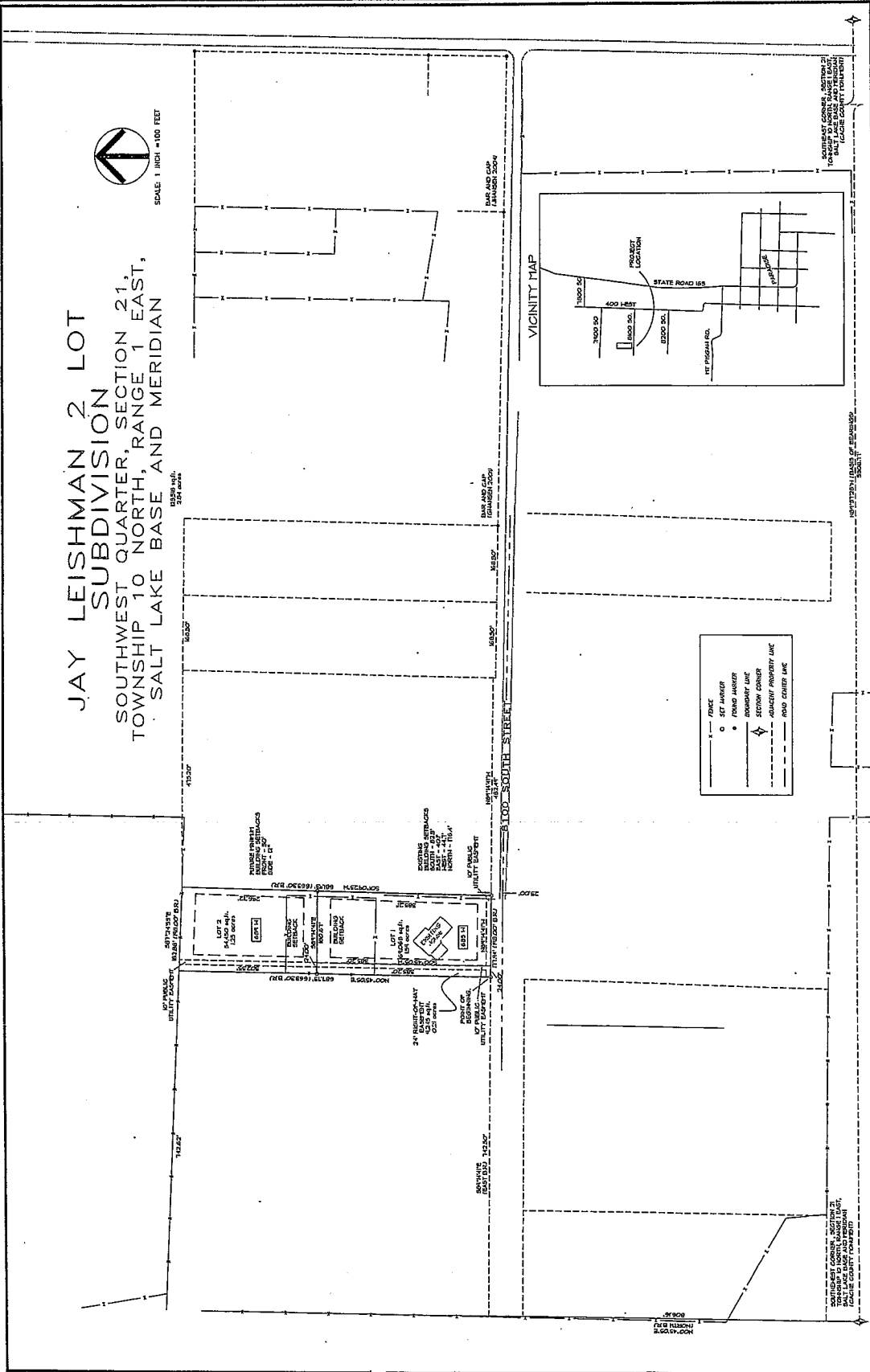
Project Name: _____
 Date: _____

SKYLINE AERIALS, INC.
 1400 PINE BLVD., SUITE 100
 METairie, LA 70002

JAY LEISHMAN 2 LOT SUBDIVISION
 CACHE COUNTY, UT

FINAL PLAT

Project No. _____
 Sheet No. _____



OWNER'S DEDICATION

BY THE SIGNATURE OF THE SURVEYOR, THE SURVEYOR HEREBY CERTIFIES THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT, R.S. 48:151, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF LOUISIANA. THE SURVEY WAS MADE BY ME, THE SURVEYOR, AND MY ASSISTANTS, AND THE RESULTS ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT.

APPROVAL AS TO FORM

APPROVED AS TO FORM AND CONTENTS BY _____

ACKNOWLEDGMENT

I, the undersigned, being duly qualified and sworn as a Surveyor in the State of Louisiana, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner and that the same is in accordance with the laws and regulations of the State of Louisiana.

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTED BY THE _____

COUNTY SURVEYOR'S CERTIFICATE

I, _____, County Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner and that the same is in accordance with the laws and regulations of the State of Louisiana.

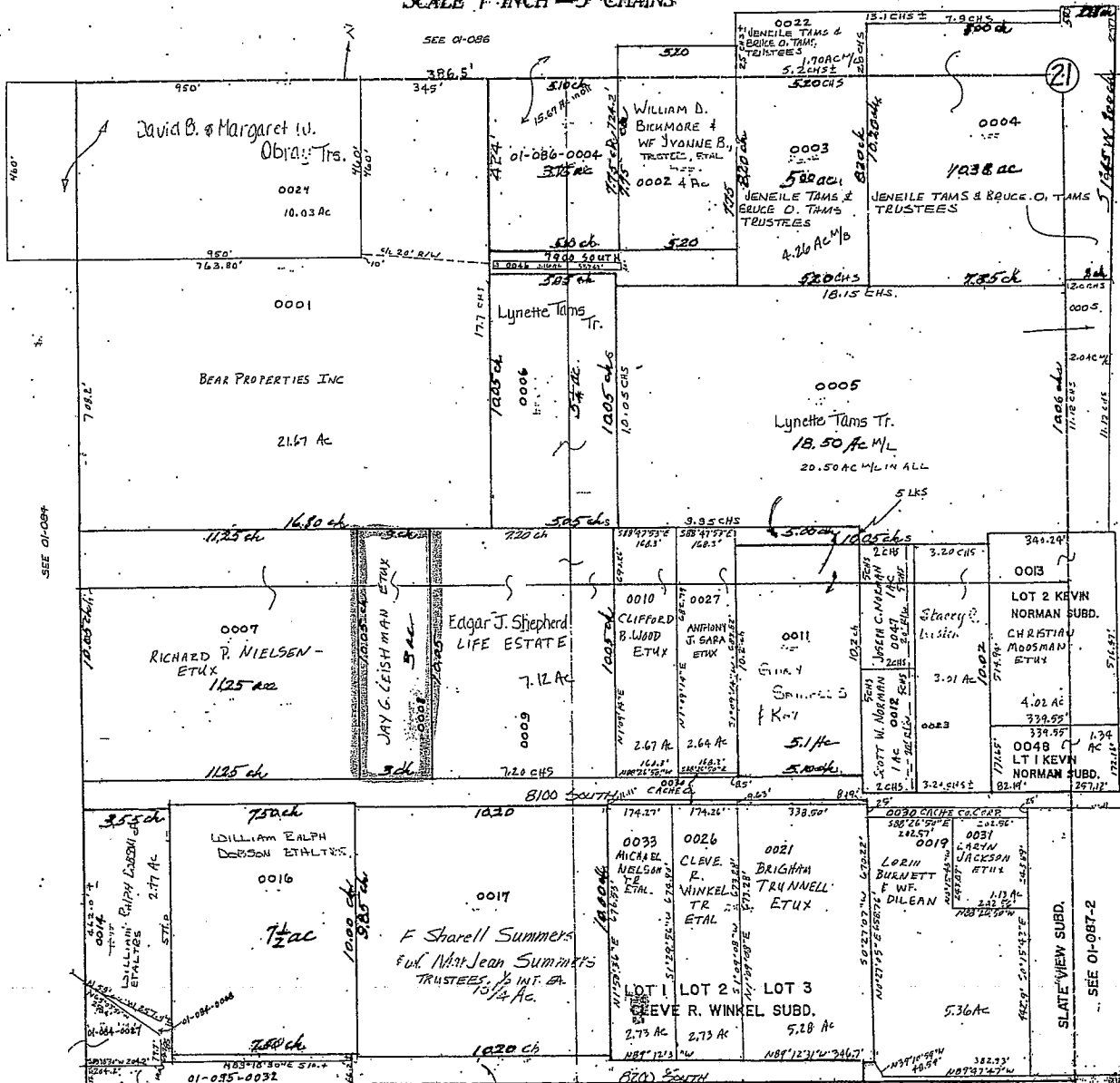
CACHE COUNTY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE _____

SW 1/4 SECTION 21, TOWNSHIP 10 NORTH, RANGE 1 EAST

SCALE 1 INCH = 3 CHAINS

TAX UNIT 01



SEE 01-084

SEE 01-086

SEE 01-095

SEE 01-085

SEE 01-087-2

1 Cache County Planning Commission (CCPC)

2
3 Minutes for 3 September 2009

4
5 **Present:** Josh Runhaar, Leslie Mascaro, Chris Sands, Curtis Dent, Lee Nelson, Lamar Clements,
6 David Erickson, Leslie Larson, Clair Ellis, John White, Megan Izatt, Donald Linton

7
8 **Start Time: 5:31:00** (Video time not shown on DVD)

9
10 Nelson welcomed; Larson gave opening remarks.

11
12 Approval of Agenda

13
14 *Clements moved to approve the agenda; Erickson seconded; passed 6, 0.*

15
16 Approval of Minutes

17
18 *Clements moved to approve the 06 August 2009 minutes with the noted changes; Ellis seconded;*
19 *passed 5, 0 (Sands Abstained)*

20
21 **5:34:00**

22
23 Approval of Consent Agenda

24
25 #1 Jay Leishman Subdivision (Jay Leishman)

26
27 **Ellis** there is 19 ft county road meeting a private lane. There is a requirement that the private
28 lane be 20 ft. Shouldn't the county road be the one widened?

29
30 **Runhaar** the county road needs an additional foot of width.

31
32 **Ellis** it isn't in the conditions.

33
34 **Runhaar** we can make that change.

35
36 **Ellis** the applicant understands?

37
38 **Mr. Jay Leishman** yes.

39
40 **Findings of fact:**

- 41
42
43
44
45
46
47
48
49
1. The Jay Leishman Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
 2. The Jay Leishman Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
 3. The Jay Leishman Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
 4. The Jay Leishman Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

1 CONDITIONS OF APPROVAL
2

- 3 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
4 2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place for Lot 2.
5 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
6 Cache County. Applicant shall upgrade the private drive to meet the 20' wide requirement including an approved turnaround.
7 4. Access to both lots shall be combined.
8 5. Residents shall provide sufficient space along 8100 South for placement of refuse and recycle containers so they do not interfere with
9 traffic.
10 6. The Applicant shall reaffirm the 33' from centerline right-of-way for County road 8100 South across the entire frontage of the subdivision.
11 The county road must meet a minimum of 20 feet.
12 7. An improved turnaround area at the end of 8100 South shall be provided, and shall be approved by the Fire Department.
13

14 **#2 Garland Acres Subdivision Amended (Kyle Yonk)**
15

16 Findings of fact:
17

- 18 1. The Garland Acres Subdivision Amendment has been revised and amended by the conditions of project approval to address the issues and
19 concerns raised within the public and administrative records.
20 2. The Garland Acres Subdivision Amendment has been revised and amended by the conditions of project approval to conform to the
21 requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
22 3. The Garland Acres Subdivision Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the
23 Cache County Subdivision Ordinance.
24 4. The Garland Acres Subdivision Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of
25 adjoining or area properties.
26 5. 600 North, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed level
27 of development.
28

29 CONDITIONS OF APPROVAL
30

- 31 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
32 2. Prior to final plat recordation adequate, approved, domestic water rights shall be set in place.
33 3. Residents shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
34

35 *Larson moved to approve items #1 and #2 on the consent agenda and to move item #3 off the*
36 *consent agenda for more discussion. Erickson seconded; passed 6, 0.*
37

38 5:39:00
39

40 **#3 Rosehill Holdings LLC (Max Wilkinson)**
41

42 Mascaro reviewed Mr. Max Wilkinson's request for approval for a Conditional Use Permit
43 expansion to allow the construction of two storage units on 34.73 acres of property in the
44 Agricultural Zone located South of Hyrum.
45

46 Ellis is this in the commercial or agricultural zone?
47

48 Mascaro Ag.
49

50 Runhaar this could not be approved administratively due to the size of the expansion.
51

52 Nelson what is the size of the buildings?
53

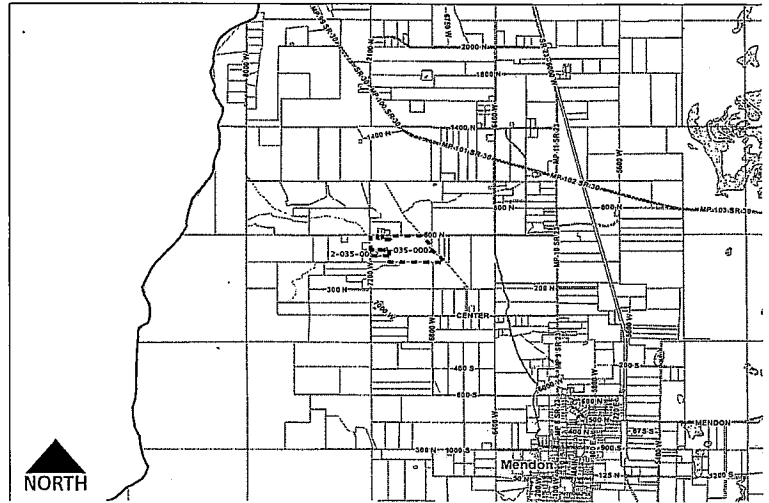
CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

Project Name: **Garland Acres Subdivision
Amendment**

Agent: Kyle Yonk
Request: Relocate Lot 2
Type of Action: Recommend to County Council
Current Zoning: Agricultural (A)
Project Address: Approximately 470 N 7200 W
Staff Recommendation: Approval with conditions
Tax ID #'s: 12-035-0051, 12-035-0052,
12-034-0019, 12-035-0002

Surrounding Uses: North – Agriculture
South – Agriculture
East – Residential
West – Residential

Reviewed by: Leslie M. Mascaro, Planner I



PURPOSE: To recommend approval of the preliminary & final plat for the Garland Acres Subdivision Amendment to the Cache County Council.

PROJECT SUMMARY

The project is located in Petersboro in the Agricultural Zone. There are four existing parcels with a home residing on lot 1. Parcel 4 is a dry lot consisting of 67.44 acres. The proposal is to relocate lot 2 from the southwest section of subdivision to the northeast area.

Access:

- Access from County Road 600 North is adequate.

Water & Septic:

- Adequate, approved, domestic water rights will be in place at the time of final plat recordation.
- Proposed lot is feasible for on-site septic system and well.

Service Provision:

- All refuse and recycling containers must be placed along 600 North or 7200 West for collection. Property owners should allow sufficient space along the shoulder of the road for the placement of the containers so that they will not interfere with traffic flow.
- A school bus stop is located at 444 N 7500 W, approximately 1/4 Blocks from the proposed subdivision.

STAFF DETERMINATION

It is staff's determination that the Garland Acres Subdivision Amendment, a request to relocate Lot 2 residing at approximately 470 N 7200 W, Petersboro with TIN #'s: 12-035-0051, 12-035-0052, 12-034-0019, 12-035-0002, is in conformance with the Cache County Ordinance requirements for preliminary and final plat approval and should be recommended. This determination is based on the following **findings of fact**:

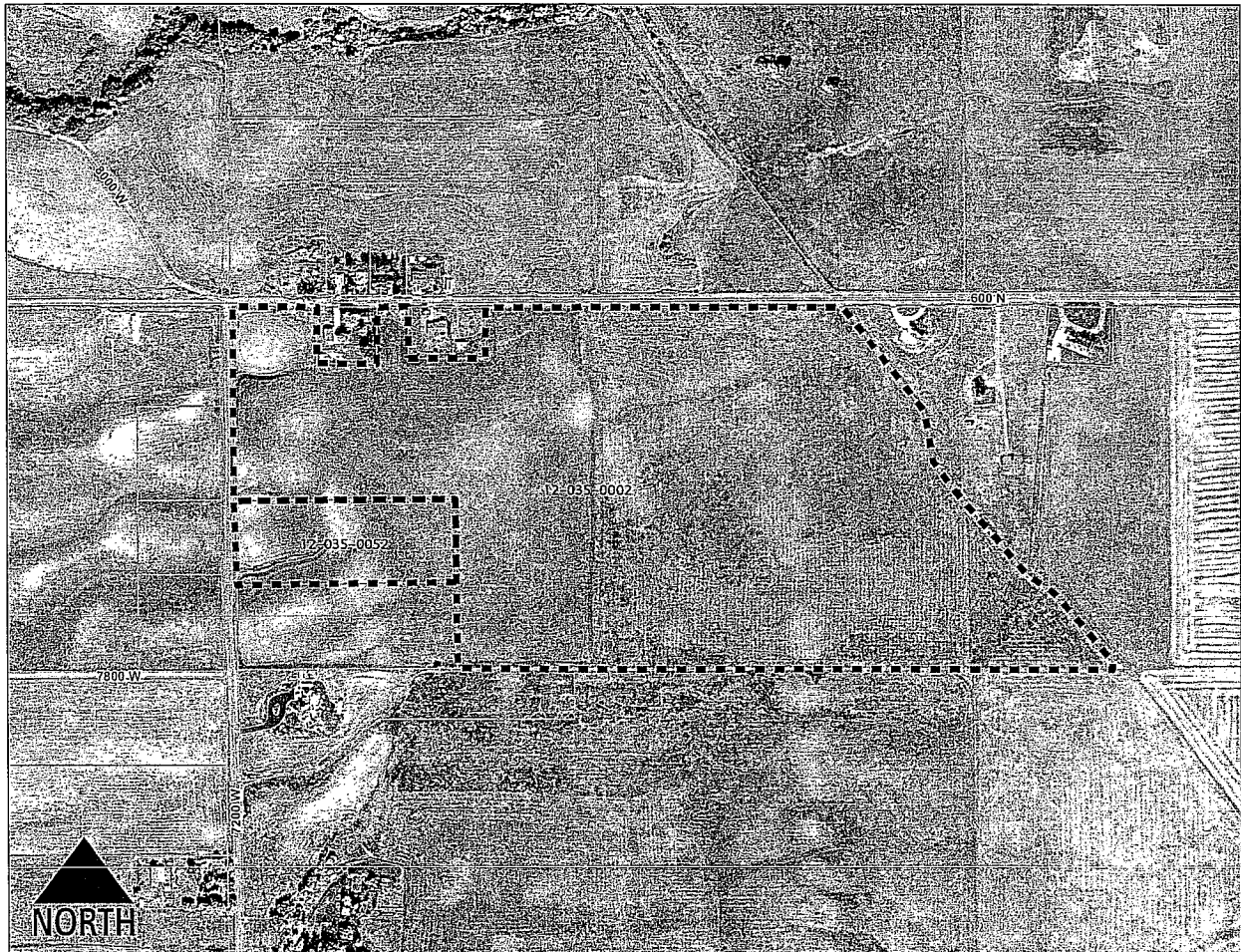
1. The Garland Acres Subdivision Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Garland Acres Subdivision Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.

3. The Garland Acres Subdivision Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Garland Acres Subdivision Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 600 North, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed level of development.

CONDITIONS OF APPROVAL

The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to final plat recordation adequate, approved, domestic water rights shall be set in place.
3. Residents shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.



12-035

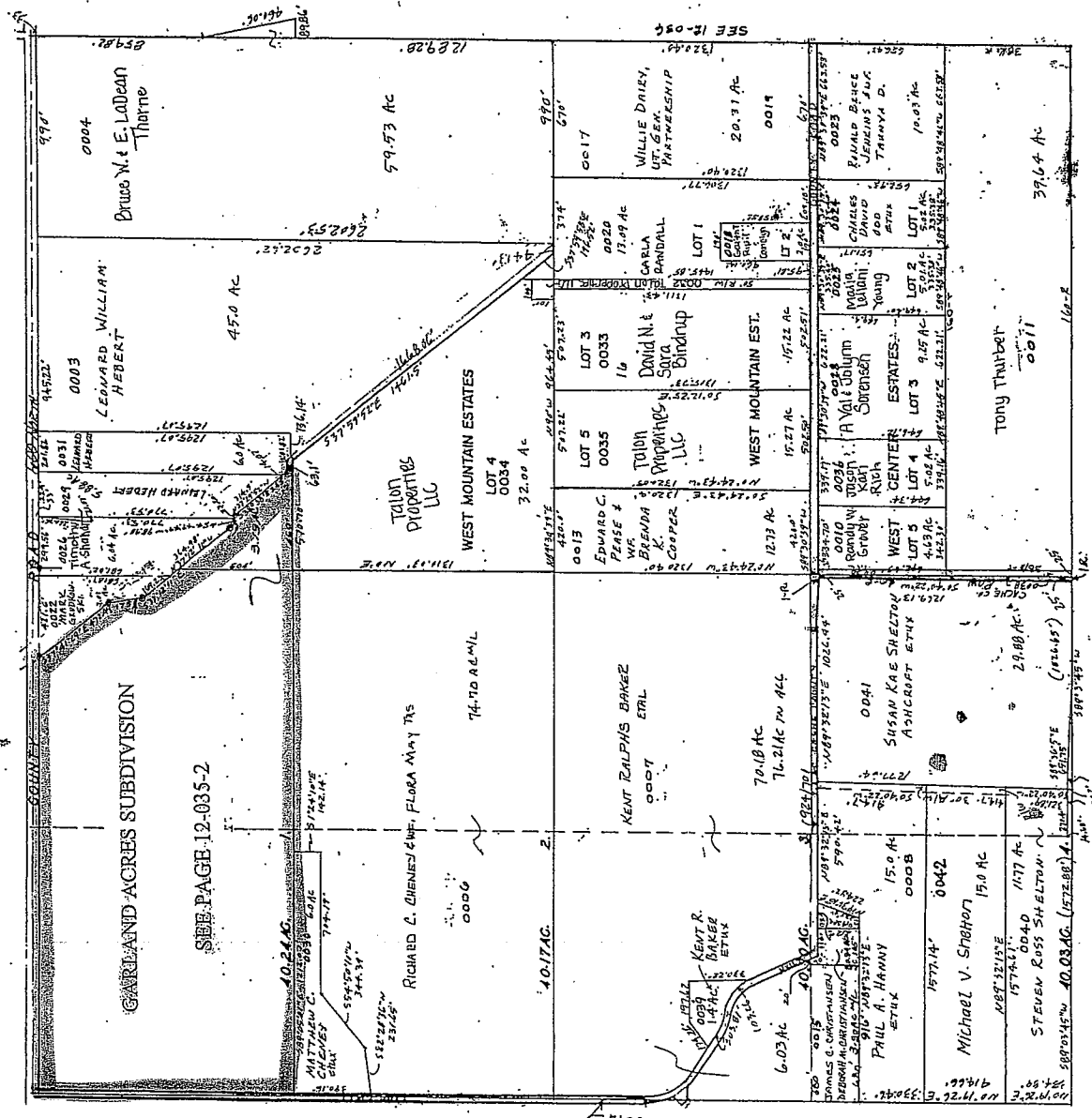
1-

SECTION 31, TOWNSHIP 12 NORTH, RANGE 1 WEST

TAX UNIT 28

SCALE 1 INCH = 60 FEET

SEE 12-034



SEE 12-052

SEE 11-014

1 CONDITIONS OF APPROVAL
2

- 3 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
4 2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place for Lot 2.
5 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
6 Cache County. Applicant shall upgrade the private drive to meet the 20' wide requirement including an approved turnaround.
7 4. Access to both lots shall be combined.
8 5. Residents shall provide sufficient space along 8100 South for placement of refuse and recycle containers so they do not interfere with
9 traffic.
10 6. The Applicant shall reaffirm the 33' from centerline right-of-way for County road 8100 South across the entire frontage of the subdivision.
11 The county road must meet a minimum of 20 feet.
12 7. An improved turnaround area at the end of 8100 South shall be provided, and shall be approved by the Fire Department.
13

14 **#2 Garland Acres Subdivision Amended (Kyle Yonk)**
15

16 Findings of fact:
17

- 18 1. The Garland Acres Subdivision Amendment has been revised and amended by the conditions of project approval to address the issues and
19 concerns raised within the public and administrative records.
20 2. The Garland Acres Subdivision Amendment has been revised and amended by the conditions of project approval to conform to the
21 requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
22 3. The Garland Acres Subdivision Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the
23 Cache County Subdivision Ordinance.
24 4. The Garland Acres Subdivision Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of
25 adjoining or area properties.
26 5. 600 North, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed level
27 of development.
28

29 CONDITIONS OF APPROVAL
30

- 31 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
32 2. Prior to final plat recordation adequate, approved, domestic water rights shall be set in place.
33 3. Residents shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
34

35 *Larson moved to approve items #1 and #2 on the consent agenda and to move item #3 off the*
36 *consent agenda for more discussion. Erickson seconded; passed 6, 0.*
37

38 5:39:00
39

40 **#3 Rosehill Holdings LLC (Max Wilkinson)**
41

42 Mascaro reviewed Mr. Max Wilkinson's request for approval for a Conditional Use Permit
43 expansion to allow the construction of two storage units on 34.73 acres of property in the
44 Agricultural Zone located South of Hyrum.
45

46 Ellis is this in the commercial or agricultural zone?
47

48 Mascaro Ag.
49

50 Runhaar this could not be approved administratively due to the size of the expansion.
51

52 Nelson what is the size of the buildings?
53

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

Project Name: **Lazy 9 Ranch Subdivision
Phase I & II**

Agent: Garrett Mansell and Danny Macfarlane

Request: Two 5-Lot Subdivisions

Type of Action: Recommend to County Council

Current Zoning: Agricultural (A)

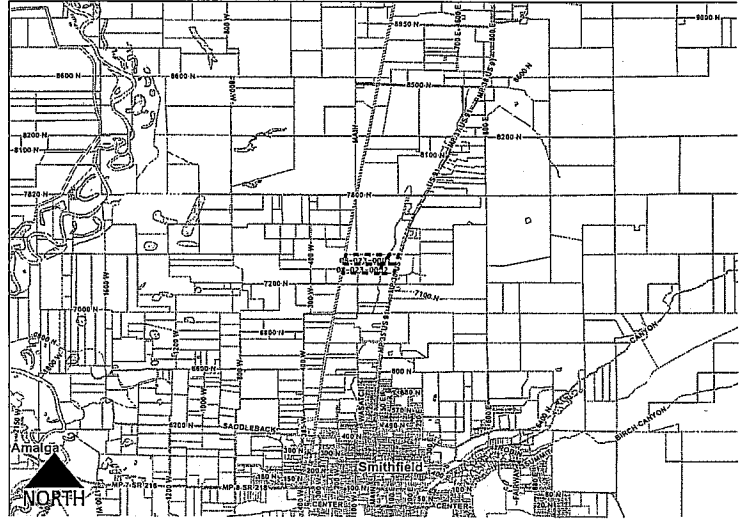
Project Address: Approximately 201 East 7340 North

Staff Recommendation: Approval with conditions

Tax ID: 08-023-0001
08-023-0002

Surrounding Uses: North – Agriculture
South – Agriculture/Residential
East – Agriculture/Residential
West – Agriculture

Reviewed by: Leslie M. Mascaro, Planner I



PURPOSE: To recommend to County Council the final plat for the Lazy 9 Ranch Subdivisions, Phases I & II, and Boundary Line Adjustment.

PROJECT SUMMARY

The project is located north of Smithfield in the Agricultural Zone. There are two existing parcels that are currently used for agricultural purposes. The proposal is to adjust the boundary line and create two adjoining 5-lot subdivisions within the reconfigured parcels. The applicant has proposed to create 1.14 acres of open space. The preliminary plat was approved on August 6, 2009. The applicant has addressed the concerns that were discussed in regards to drainage, open space, and Canal crossing.

Access:

- Access from Highway 91 is adequate.
- The applicant is working with UDOT to obtain an Access Permit to enter subdivision from Highway 91.
- A private road, approximately 2000 feet long, will be constructed to access all parcels.
- The proposed private road would cross a canal owned by Richmond Irrigation Company. The canal Company is requesting that this pipe shall be a 42" reinforced concrete pipe with a total length of 48'.
- As a private road, the developer shall record covenants, conditions, and restrictions with the development to ensure that the private road can be adequately funded and maintained. The road should be constructed to minimum County standards.

Water & Septic:

- Adequate, approved, domestic water rights will be in place at the time of final plat recordation.
- All lots are feasible for onsite septic systems and wells. There are (3) wells proposed to service the (10) lots. Easements must be set in place before final recordation.

Service Provision:

- The private road shall be constructed to County standards and Fire Code Standards to provide adequate access for emergency vehicles. Fire Department is requiring the road to be constructed at 22' wide with 2' shoulders.
- The County Fire Department strongly recommends fire hydrants within this development.
- Garbage pick-up may be on the private road if residents sign a liability release. Additionally, if the road surface is not adequately maintained or cleared of snow in a timely manner refuse collection would be unavailable.
- A temporary all weather 96' diameter turn-around must be provided at the end of Phase I until the road is completed for both phases.

- A school bus stop would be located at 7400 North Highway 91, approximately 1 Block from the proposed subdivision.

ADDITIONAL INFORMATION

This is essentially a 10-lot subdivision and should be evaluated as such. Approval of the final plat requires that the survey submitted to the Development Services Department meets the criteria set forth in §16.03.040 of the Subdivision Ordinance.

The applicant has submitted the following to address issues of storm water drainage, canal crossing, and access.

- An open space plan including water rights for open space, and an agreement set in place regarding long-term funding and maintenance.
- A drainage plan considering the slope, increased storm run-off, and crossing the existing canal.
- An approval letter with conditions from Richmond Irrigation Company. Canal Company is requiring the applicant to address three items (see attached letter).

STAFF DETERMINATION

It is staff's determination that the Lazy 9 Ranch Subdivision Phase I, a 5-lot subdivision for property located at approximately 7400 North Highway 91 TIN # 08-023-0001, is in conformance with the Cache County Ordinance and should be recommended for approval to the County Council. This determination is based on the following **findings of fact**:

1. The Lazy 9 Phase I Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Lazy 9 Phase I Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Lazy 9 Phase I Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Lazy 9 Phase I Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

STAFF DETERMINATION

It is staff's determination that the Lazy 9 Ranch Subdivision Phase II, a 5-lot subdivision for property located at approximately 7400 North Highway 91 TIN # 08-023-0002, is in conformance with the Cache County Ordinance and should be recommended for approval to the County Council. This determination is based on the following **findings of fact**:

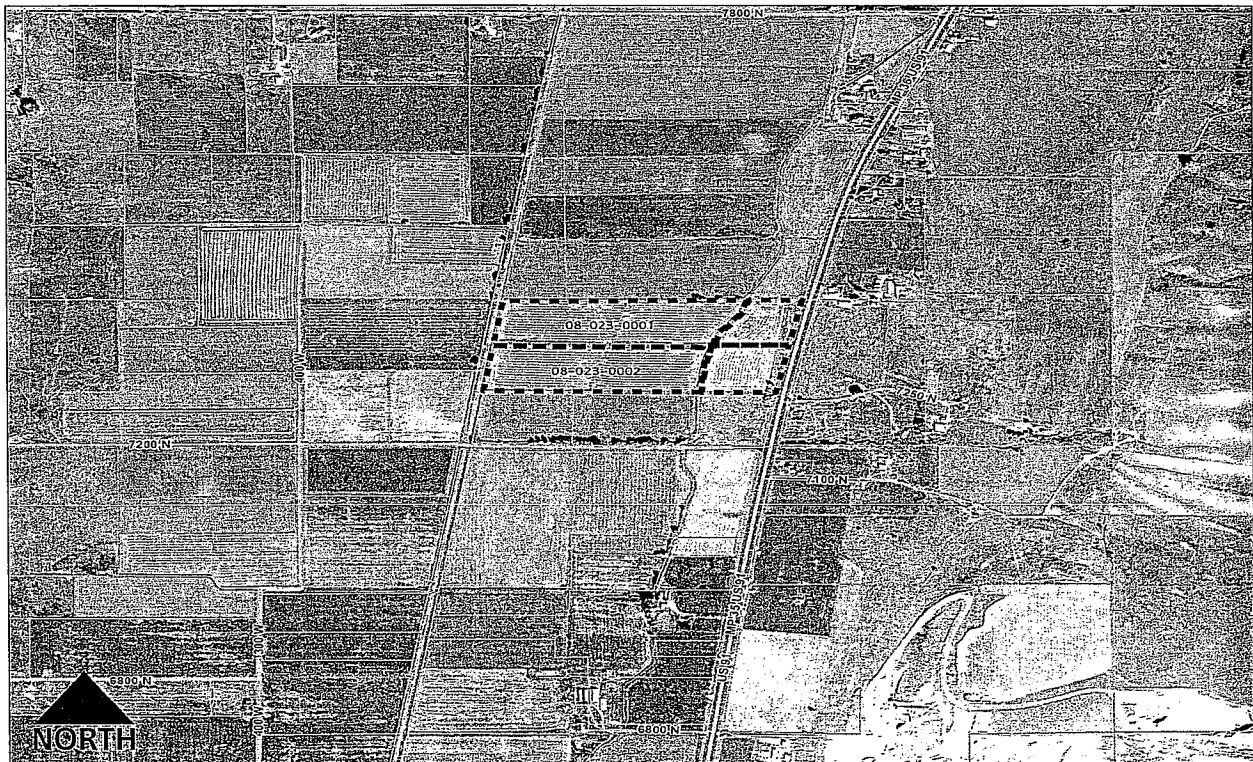
1. The Lazy 9 Phase II Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Lazy 9 Phase II Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Lazy 9 Phase II Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Lazy 9 Phase II Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL

The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
2. Prior to final plat recordation adequate, approved, water rights shall be in place for the proposed open space.

3. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
4. The design of the private roads shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by the proponent. Surfacing shall meet minimum county standards.
5. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
6. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the Cache County Attorney and Zoning Administrator to ensure that the private road and open space can be adequately funded and maintained.
7. A note shall be added to the final plat stating that County services may be limited or discontinued if the private road is not adequately maintained.
8. Water line easements for the (3) proposed wells that will service ten lots shall be set in place before final recordation.
9. Applicant shall obtain a permit from U-DOT prior to road construction.
10. A temporary all weather 96' diameter turn-around must be provided at the end of Phase I until the road is completed for both phases.
11. The pipe under 7940 North Street shall be a 42" Reinforced Concrete Pipe with a total length of 48'.
12. No storm water above the natural unimproved run-off shall be allowed into the canal. The canal board approved the drainage plan, showing rock check dams and earth berms used to contain the storm water from the subdivision improvements from entering the canal.
13. Prior to final plat recordation, the applicant must set in place a 32' wide easement as opposed to the current 30' wide easement as per the request of Richmond Irrigation Company. One-third of the easement shall be located on the East side of the centerline of the canal with the remaining two-thirds of the easement located on the west side of the centerline of the canal.



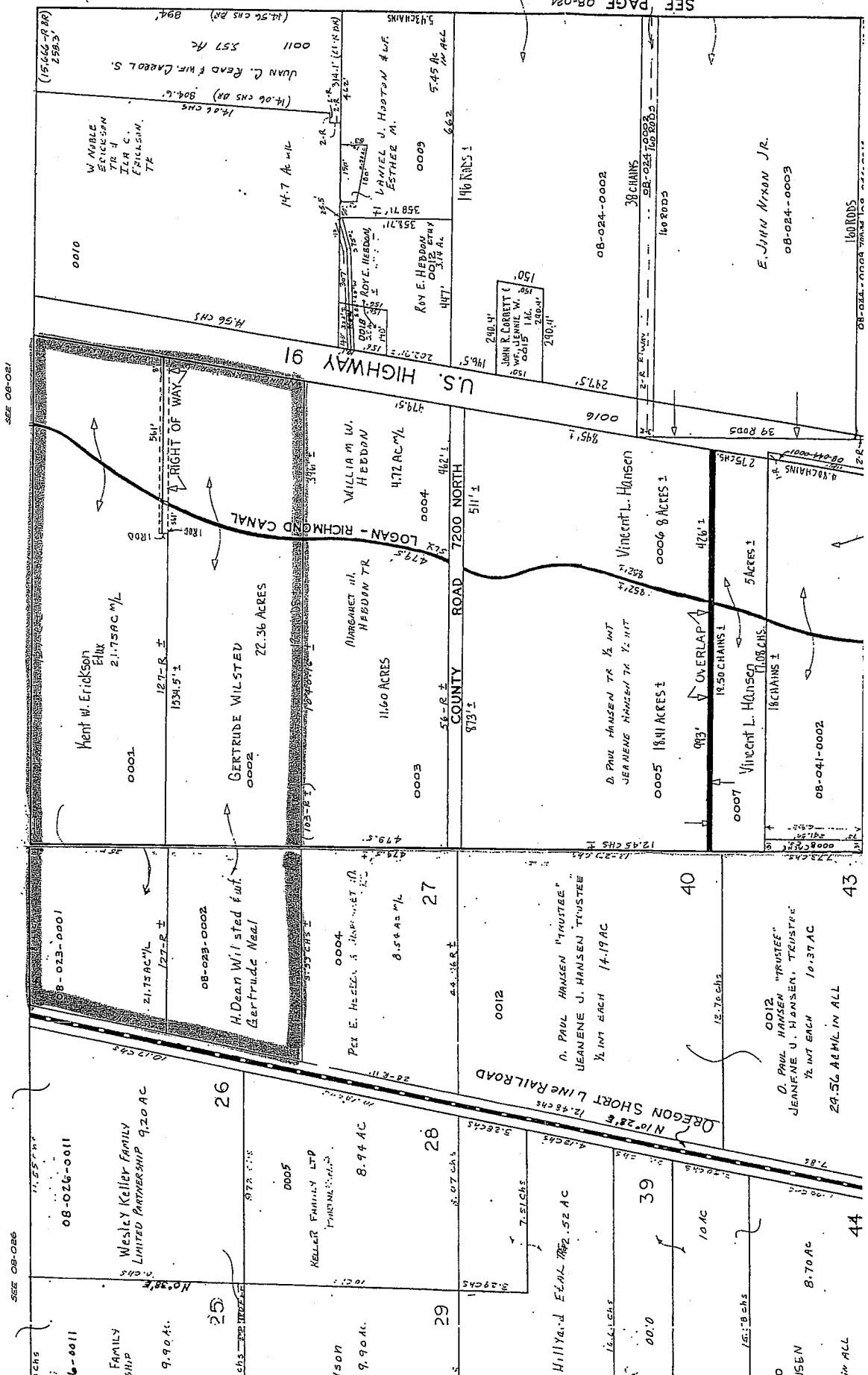
North Range 1 East
 1 Inch = 3 CHAINS

TAX UNIT 28

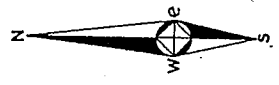
Section 15 Township 13 North Range 1 East
 Scale 1 Inch = 200 Feet

TAX UNIT 28

08-023



SEE PAGE 08-024



1 *Erickson moved to approve an Agricultural Protection Area near Hyrum. Ellis seconded;*
2 *passed 6, 0.*

3
4 6:21:00

5
6 #5 & 6 Lazy 9 Ranch Subdivision Phases 1 and 2 (Garrett Mansell & Danny Macfarlane
7

8 **Mascaro** reviewed Mr. Mansell's and Mr. Macfarlane's request for 10-lots done in 2 phases of
9 5-lots a piece on 39.57 acres of land in the Agricultural Zone located north of Smithfield. There
10 is a boundary line adjustment with this subdivision. The applicants have provided a drainage
11 plan, a letter of approval from the canal company, and an open space plan. The county engineer
12 has reviewed the drainage plan and feels it will be sufficient. This application was first
13 discussed at the August 4th meeting.

14
15 **Runhaar** the last 3 conditions have been asked for by the canal company.

16
17 **Erickson** on the drainage plan, were the canal companies approached on this? I know part
18 drains into Logan North Canal Company and I know they were not approached.

19
20 **Mr. Danny Macfarlane** they weren't addressed. What has been proposed is a 2-ft berm to be
21 built along the entire west end of the property, so no run-off will leave the property.

22
23 **Erickson** nothing will run off into Logan North Canal?

24
25 **Mr. Macfarlane** no.

26
27 **Nelson** in a wet year is that going to be enough?

28
29 **Erickson** no. If there is a large storm, it will run. Does the 2 ft. berm go up along the north
30 side?

31
32 **Mr. Macfarlane** No, it runs along the west side and ties back in east and west. It maybe goes
33 20 ft. east on each end. There is a constant slope from east to west. By state law the property
34 can run storm water off the property as long as it doesn't exceed historical run-off. We can't
35 predict or withhold all run-off on that property.

36
37 **John Hillyard** has Union Pacific Railroad been contacted? A 2 ft berm will not hold all the
38 water if there is a lot of rain and it will not take much to wash the railroad ties out of the ground.

39
40 **Nelson** how does this change what has happened in the last 20 years?

41
42 **Mr. Hillyard** when you change it and go from Agriculture where the water seeps into the soil,
43 and you put asphalt, and driveways in, the water doesn't seep into the ground and the runoff is
44 increased. Whenever you put asphalt, sidewalk, driveways, any of that you can create problems.

1 **Mr. Macfarlane** the railroad hasn't been approached, but we are within the property with the
2 berm. There is going to be a 22 ft. wide road and driveway materials are up to the homeowners.
3 The road will slope into the open space.

4
5 **Erickson** that road that goes down the middle, does it go into the open space and that your
6 collection area, or does it go over those two lots?

7
8 **Mr. Macfarlane** That road way has a centerline and a 2 percent grade on each side. Half of the
9 loop will slope into the open space. It's all intended to slope off towards the lots on the roadway.

10
11 **Erickson** are there berms going in on the other areas?

12
13 **Mr. Macfarlane** there is a berm on the southern east side of the canal and we are going to
14 extend that berm along the remaining section of the canal.

15
16 **Clements** you really need to put emphasis on where this additional storm water is going to go.

17
18 **Mr. Macfarlane** that is the purpose of the drainage plan that the county engineer has reviewed
19 and approved.

20
21 **Erickson** has the point of diversion for the irrigation company been decided upon?

22
23 **Mr. Macfarlane** yes it is on the north side of the road on the very east property line off the six
24 inch line.

25
26 **Erickson** so a right-of-way through Richmond irrigation has happened?

27
28 **Mr. Macfarlane** yes and there is valves at that location also. There is a 4 inch line, and a 2 inch
29 service line to each lot.

30
31 **Erickson** how many psi?

32
33 **Mr. Macfarlane** 160.

34
35 **Lamont Paulson** where they are building the school, it has been interesting with the rainy year
36 we've had, in front of my home. They built a 3 ft. berm to help with drainage, and if it had rained
37 just a little bit longer, it would have come over that 3 ft. berm.

38
39 **Mr. Macfarlane** I've seen the construction plans for the school and all the run-off goes to that
40 bermed area. That is a specified retention area.

41
42 **Larson** the applicant has met the conditions of approval and the county engineer has signed off.

43
44 Findings of fact:

- 45
46
47
48
1. The Lazy 9 Phase I Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
 2. The Lazy 9 Phase I Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.

- 1 3. The Lazy 9 Phase I Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
2 4. Lazy 9 Phase I Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area
3 properties.
4

5 **Lazy 9 Subdivision II**

6 **Findings of fact:**

- 7
8 1. The Lazy 9 Phase II Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns
9 raised within the public and administrative records.
10 2. The Lazy 9 Phase II Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of
11 Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
12 3. The Lazy 9 Phase II Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
13 4. Lazy 9 Phase II Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or
14 area properties.
15

16 **CONDITIONS OF APPROVAL**

- 17
18 1. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
19 2. Prior to final plat recordation adequate, approved, water rights shall be in place for the proposed open space.
20 3. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
21 4. The design of the private roads shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit
22 a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction,
23 and surfacing for the road. The cost of such review shall be paid by the proponent. Surfacing shall meet minimum county standards.
24 5. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
25 Cache County.
26 6. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the Cache County
27 Attorney and Zoning Administrator to ensure that the private road and open space can be adequately funded and maintained.
28 7. A note shall be added to the final plat stating that County services may be limited or discontinued if the private road is not adequately
29 maintained.
30 8. Water line easements for the (3) proposed wells that will service ten lots shall be set in place before final recordation.
31 9. Applicant shall obtain a permit from UDOT prior to road construction.
32 10. A temporary all weather 96" diameter turn-around must be provided at the end of Phase I until the road is completed for both phases.
33 11. The pipe under 7940 North Street shall be a 42" Reinforced Concrete Pipe with a total length of 48'.
34 12. No storm water above the natural unimproved run-off shall be allowed into the canal. The canal board approved the drainage plan, showing
35 rock check dams and earth berms used to contain the storm water from the subdivision improvements from entering the canal.
36 13. Prior to final plat recordation, the applicant must set in place a 32' wide easement as opposed to the current 30' wide easement as per the
37 request of Richmond Irrigation Company. One-third of the easement shall be located on the East side of the centerline of the canal with the
38 remaining two-thirds of the easement located on the west side of the centerline of the canal.
39

40 *Larson motioned to recommend approval to the County Council for the Lazy 9 Subdivision*
41 *Phases 1 and 2. Clements seconded; passed 4, 0 (Erickson & Dent abstained).*

42
43 **6:35:00**

44
45 **Dent arrives.**

46
47 **#7 Estancia Subdivision Phase 4 (Todd Morrill & Walt Young)**

48
49 **Mascaro** reviewed Mr. Todd Morrill's and Mr. Walt Young's request for a 4-lot subdivision on
50 14.34 acres of property in the Agricultural Zone located northwest of Smithfield. The road is
51 currently not adequate but conditions from phases 1, 2, and 3 will be required for phase 4. Bear
52 River Health Department (BRHD) has approved the lots for septic tanks and wells with several
53 stipulations. There are jurisdictional wetlands in this area, and the applicant has consulted with
54 an environmental consulting firm and has found out that there are no jurisdictional wetlands in
55 the building envelopes.

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

Project Name: **Lazy 9 Ranch Subdivision
Phase I & II**

Agent: Garrett Mansell and Danny Macfarlane

Request: Two 5-Lot Subdivisions

Type of Action: Recommend to County Council

Current Zoning: Agricultural (A)

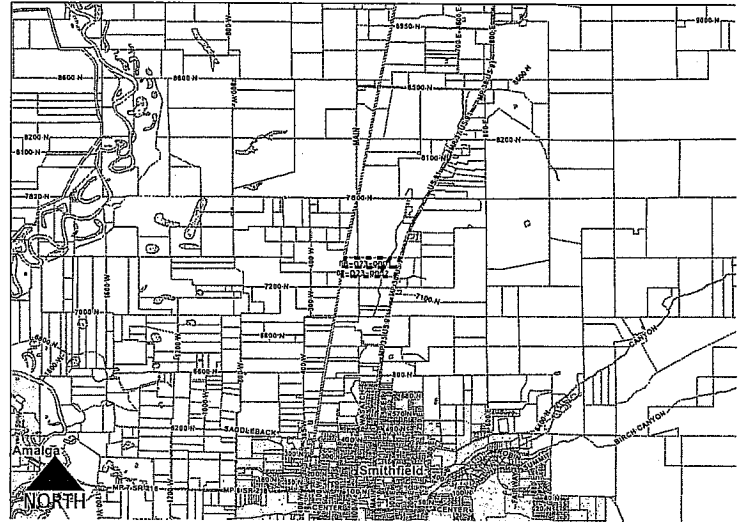
Project Address: Approximately 201 East 7340 North

Staff Recommendation: Approval with conditions

Tax ID: 08-023-0001
08-023-0002

Surrounding Uses: North – Agriculture
South – Agriculture/Residential
East – Agriculture/Residential
West – Agriculture

Reviewed by: Leslie M. Mascaro, Planner I



PURPOSE: To recommend to County Council the final plat for the Lazy 9 Ranch Subdivisions, Phases I & II, and Boundary Line Adjustment.

PROJECT SUMMARY

The project is located north of Smithfield in the Agricultural Zone. There are two existing parcels that are currently used for agricultural purposes. The proposal is to adjust the boundary line and create two adjoining 5-lot subdivisions within the reconfigured parcels. The applicant has proposed to create 1.14 acres of open space. The preliminary plat was approved on August 6, 2009. The applicant has addressed the concerns that were discussed in regards to drainage, open space, and Canal crossing.

Access:

- Access from Highway 91 is adequate.
- The applicant is working with UDOT to obtain an Access Permit to enter subdivision from Highway 91.
- A private road, approximately 2000 feet long, will be constructed to access all parcels.
- The proposed private road would cross a canal owned by Richmond Irrigation Company. The canal Company is requesting that this pipe shall be a 42" reinforced concrete pipe with a total length of 48'.
- As a private road, the developer shall record covenants, conditions, and restrictions with the development to ensure that the private road can be adequately funded and maintained. The road should be constructed to minimum County standards.

Water & Septic:

- Adequate, approved, domestic water rights will be in place at the time of final plat recordation.
- All lots are feasible for onsite septic systems and wells. There are (3) wells proposed to service the (10) lots. Easements must be set in place before final recordation.

Service Provision:

- The private road shall be constructed to County standards and Fire Code Standards to provide adequate access for emergency vehicles. Fire Department is requiring the road to be constructed at 22' wide with 2' shoulders.
- The County Fire Department strongly recommends fire hydrants within this development.
- Garbage pick-up may be on the private road if residents sign a liability release. Additionally, if the road surface is not adequately maintained or cleared of snow in a timely manner refuse collection would be unavailable.
- A temporary all weather 96' diameter turn-around must be provided at the end of Phase I until the road is completed for both phases.

- A school bus stop would be located at 7400 North Highway 91, approximately 1 Block from the proposed subdivision.

ADDITIONAL INFORMATION

This is essentially a 10-lot subdivision and should be evaluated as such. Approval of the final plat requires that the survey submitted to the Development Services Department meets the criteria set forth in §16.03.040 of the Subdivision Ordinance.

The applicant has submitted the following to address issues of storm water drainage, canal crossing, and access.

- An open space plan including water rights for open space, and an agreement set in place regarding long-term funding and maintenance.
- A drainage plan considering the slope, increased storm run-off, and crossing the existing canal.
- An approval letter with conditions from Richmond Irrigation Company. Canal Company is requiring the applicant to address three items (see attached letter).

STAFF DETERMINATION

It is staff's determination that the Lazy 9 Ranch Subdivision Phase I, a 5-lot subdivision for property located at approximately 7400 North Highway 91 TIN # 08-023-0001, is in conformance with the Cache County Ordinance and should be recommended for approval to the County Council. This determination is based on the following **findings of fact**:

1. The Lazy 9 Phase I Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Lazy 9 Phase I Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Lazy 9 Phase I Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Lazy 9 Phase I Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

STAFF DETERMINATION

It is staff's determination that the Lazy 9 Ranch Subdivision Phase II, a 5-lot subdivision for property located at approximately 7400 North Highway 91 TIN # 08-023-0002, is in conformance with the Cache County Ordinance and should be recommended for approval to the County Council. This determination is based on the following **findings of fact**:

1. The Lazy 9 Phase II Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Lazy 9 Phase II Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Lazy 9 Phase II Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Lazy 9 Phase II Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

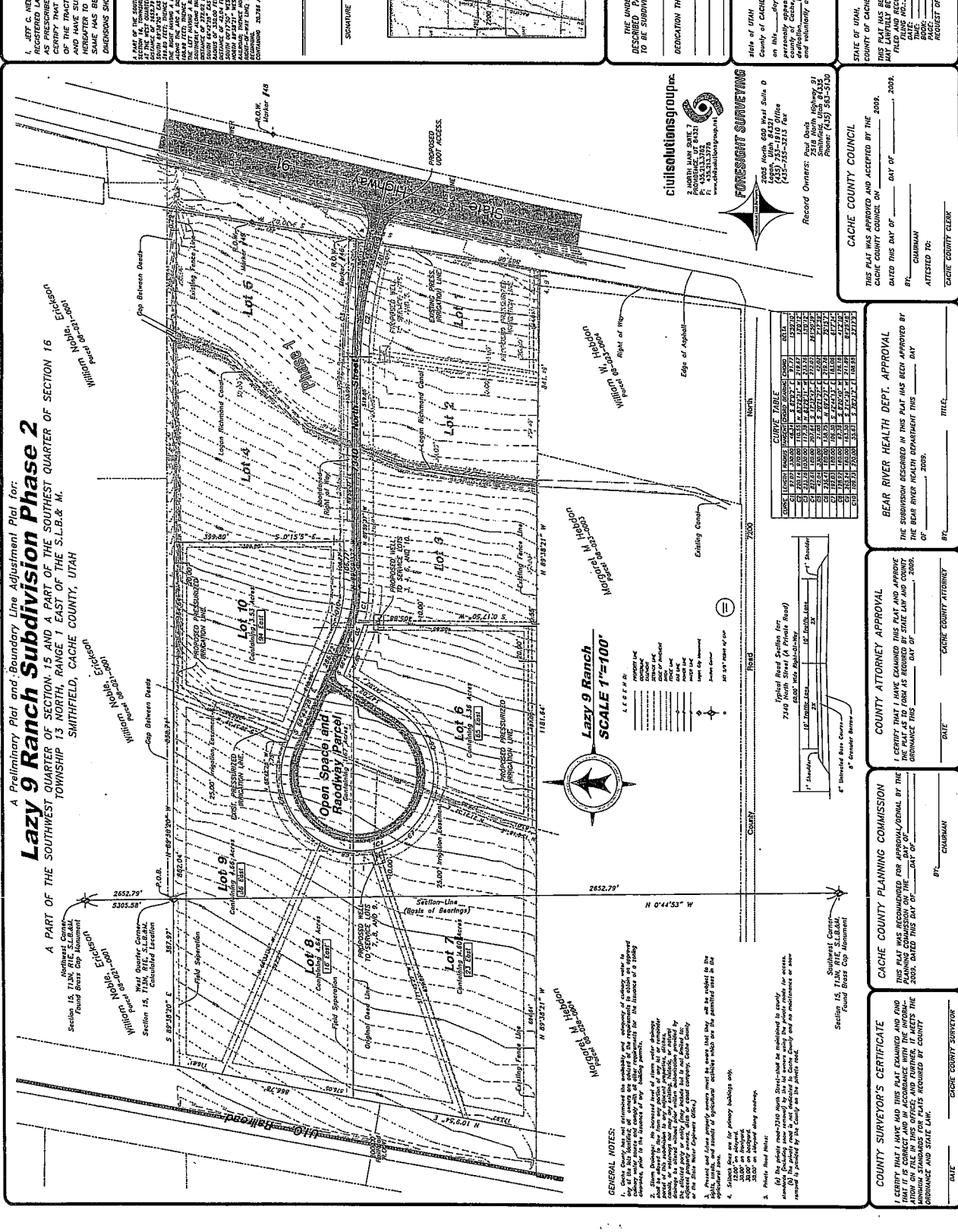
CONDITIONS OF APPROVAL

The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
2. Prior to final plat recordation adequate, approved, water rights shall be in place for the proposed open space.

3. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
4. The design of the private roads shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by the proponent. Surfacing shall meet minimum county standards.
5. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
6. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the Cache County Attorney and Zoning Administrator to ensure that the private road and open space can be adequately funded and maintained.
7. A note shall be added to the final plat stating that County services may be limited or discontinued if the private road is not adequately maintained.
8. Water line easements for the (3) proposed wells that will service ten lots shall be set in place before final recordation.
9. Applicant shall obtain a permit from U-DOT prior to road construction.
10. A temporary all weather 96' diameter turn-around must be provided at the end of Phase I until the road is completed for both phases.
11. The pipe under 7940 North Street shall be a 42" Reinforced Concrete Pipe with a total length of 48'.
12. No storm water above the natural unimproved run-off shall be allowed into the canal. The canal board approved the drainage plan, showing rock check dams and earth berms used to contain the storm water from the subdivision improvements from entering the canal.
13. Prior to final plat recordation, the applicant must set in place a 32' wide easement as opposed to the current 30' wide easement as per the request of Richmond Irrigation Company. One-third of the easement shall be located on the East side of the centerline of the canal with the remaining two-thirds of the easement located on the west side of the centerline of the canal.





SURVEYOR'S CERTIFICATE
I, JEFF C. NELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5126861 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THE SURVEY AND THE SUBDIVISION SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: Lazy 9 Ranch Subdivision Phase 2 AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE SHORTEST STRAIGHT.

Subdivision Boundary
A PART OF THE SOUTHWEST QUARTER OF SECTION 15 AND A PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 1 EAST OF THE S.L.B. & M., SMITHFIELD, CACHE COUNTY, UTAH, BEING THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: Lazy 9 Ranch Subdivision Phase 2 AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE SHORTEST STRAIGHT.

OWNER'S DEDICATION
THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE-DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL OF LAND TO BE SUBDIVIDED AND KNOWN AS LAZY 9 RANCH SUBDIVISION PHASE 2

ACKNOWLEDGMENT
I, _____, of the County of _____, State of _____, do hereby certify that I am the owner of the above-described parcel of land and that I have executed this plat and the same has been correctly surveyed and all streets are the shortest straight.

CACHE COUNTY COUNCIL
THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON _____ DAY OF _____, 2009.

CACHE COUNTY ATTORNEY APPROVAL
I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE THIS _____ DAY OF _____, 2009.

CACHE COUNTY PLANNING COMMISSION
THIS PLAT WAS SUBMITTED FOR APPROVAL/OPINION BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 2009.

CACHE COUNTY SURVEYOR
DATE _____

GENERAL NOTES:
1. The County has not determined the width of the roadway and the location of the roadway centerline. The location of the roadway centerline shall be determined by the owner of the property.
2. The County has not determined the location of the utility lines. The location of the utility lines shall be determined by the owner of the property.
3. The County has not determined the location of the easements. The location of the easements shall be determined by the owner of the property.
4. The County has not determined the location of the boundaries. The location of the boundaries shall be determined by the owner of the property.

LEGEND
Proposed Right-of-Way
Proposed Easement
Proposed Utility Line
Proposed Boundary
Proposed Street
Proposed Lot
Proposed Area
Proposed Point

CUISITIONS GROUP
2 NORTH MAIN STREET
SALT LAKE CITY, UTAH 84143
TEL: 320-1376
WWW.CUISITIONSGROUP.COM

FORNSIGHT SURVEYING
2008 South 600 West Suite 0
Salt Lake City, Utah 84143
TEL: 452-252-2215 FAX
WWW.FORNSIGHTSURVEYING.COM

CACHE COUNTY COUNCIL
THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON _____ DAY OF _____, 2009.

CACHE COUNTY ATTORNEY APPROVAL
I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE THIS _____ DAY OF _____, 2009.

CACHE COUNTY PLANNING COMMISSION
THIS PLAT WAS SUBMITTED FOR APPROVAL/OPINION BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 2009.

CACHE COUNTY SURVEYOR
DATE _____

08-023

Section 15 Township 13 North Range 1 East

TAX UNIT 28

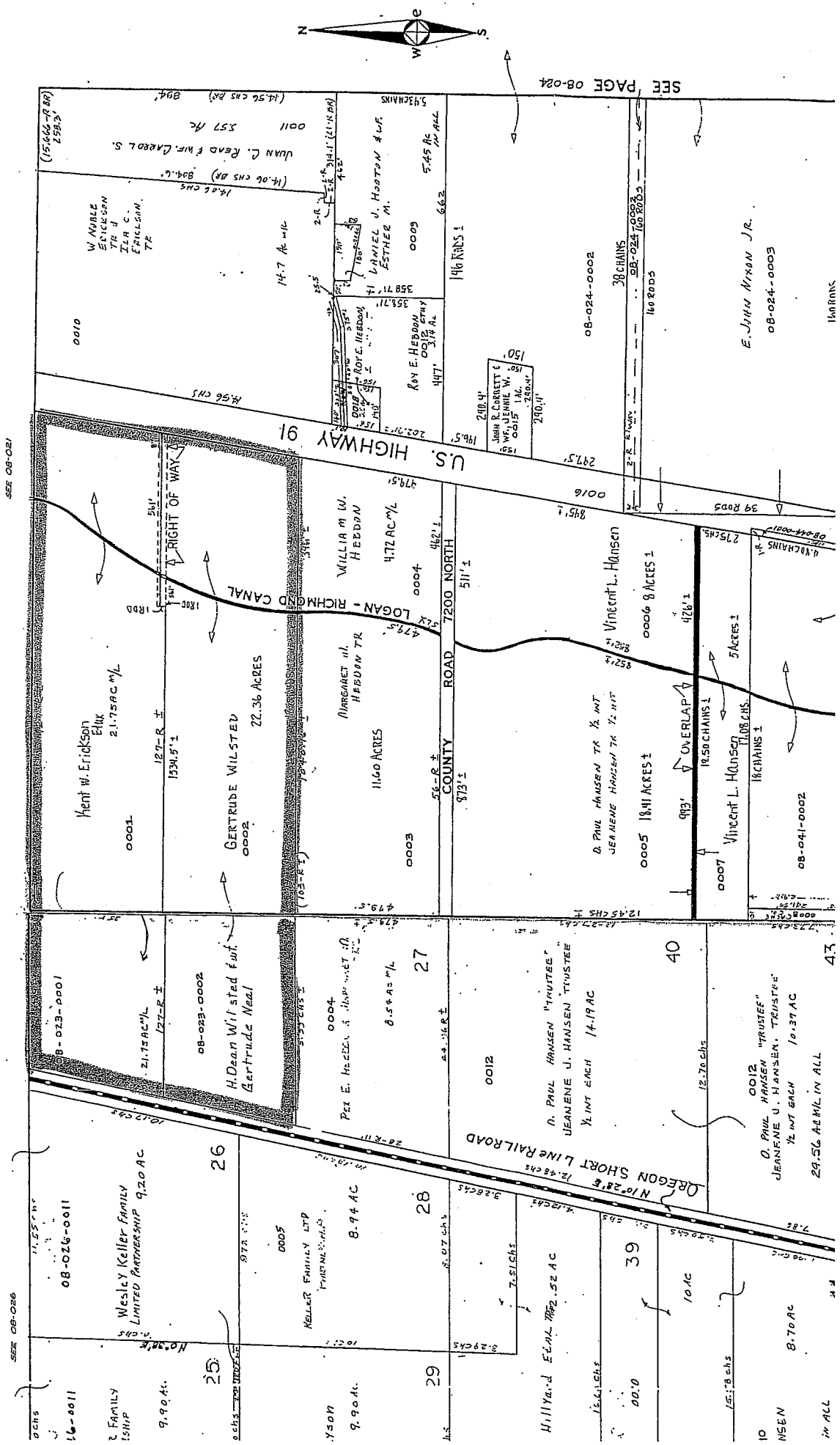
Scale 1 Inch = 200 Feet

08-023

3 North Range 1 East

TAX UNIT 28

1 Inch = 3 CHAINS



1 *Erickson moved to approve an Agricultural Protection Area near Hyrum. Ellis seconded;*
2 *passed 6, 0.*

3
4 6:21:00

5
6 #5 & 6 Lazy 9 Ranch Subdivision Phases 1 and 2 (Garrett Mansell & Danny Macfarlane
7

8 **Mascaro** reviewed Mr. Mansell's and Mr. Macfarlane's request for 10-lots done in 2 phases of
9 5-lots a piece on 39.57 acres of land in the Agricultural Zone located north of Smithfield. There
10 is a boundary line adjustment with this subdivision. The applicants have provided a drainage
11 plan, a letter of approval from the canal company, and an open space plan. The county engineer
12 has reviewed the drainage plan and feels it will be sufficient. This application was first
13 discussed at the August 4th meeting.

14
15 **Runhaar** the last 3 conditions have been asked for by the canal company.

16
17 **Erickson** on the drainage plan, were the canal companies approached on this? I know part
18 drains into Logan North Canal Company and I know they were not approached.

19
20 **Mr. Danny Macfarlane** they weren't addressed. What has been proposed is a 2-ft berm to be
21 built along the entire west end of the property; so no run-off will leave the property.

22
23 **Erickson** nothing will run off into Logan North Canal?

24
25 **Mr. Macfarlane** no.

26
27 **Nelson** in a wet year is that going to be enough?

28
29 **Erickson** no. If there is a large storm, it will run. Does the 2 ft. berm go up along the north
30 side?

31
32 **Mr. Macfarlane** No, it runs along the west side and ties back in east and west. It maybe goes
33 20 ft. east on each end. There is a constant slope from east to west. By state law the property
34 can run storm water off the property as long as it doesn't exceed historical run-off. We can't
35 predict or withhold all run-off on that property.

36
37 **John Hillyard** has Union Pacific Railroad been contacted? A 2 ft berm will not hold all the
38 water if there is a lot of rain and it will not take much to wash the railroad ties out of the ground.

39
40 **Nelson** how does this change what has happened in the last 20 years?

41
42 **Mr. Hillyard** when you change it and go from Agriculture where the water seeps into the soil,
43 and you put asphalt, and driveways in, the water doesn't seep into the ground and the runoff is
44 increased. Whenever you put asphalt, sidewalk, driveways, any of that you can create problems.

1 **Mr. Macfarlane** the railroad hasn't been approached, but we are within the property with the
2 berm. There is going to be a 22 ft. wide road and driveway materials are up to the homeowners.
3 The road will slope into the open space.

4
5 **Erickson** that road that goes down the middle, does it go into the open space and that your
6 collection area, or does it go over those two lots?

7
8 **Mr. Macfarlane** That road way has a centerline and a 2 percent grade on each side. Half of the
9 loop will slope into the open space. It's all intended to slope off towards the lots on the roadway.

10
11 **Erickson** are there berms going in on the other areas?

12
13 **Mr. Macfarlane** there is a berm on the southern east side of the canal and we are going to
14 extend that berm along the remaining section of the canal.

15
16 **Clements** you really need to put emphasis on where this additional storm water is going to go.

17
18 **Mr. Macfarlane** that is the purpose of the drainage plan that the county engineer has reviewed
19 and approved.

20
21 **Erickson** has the point of diversion for the irrigation company been decided upon?

22
23 **Mr. Macfarlane** yes it is on the north side of the road on the very east property line off the six
24 inch line.

25
26 **Erickson** so a right-of-way through Richmond irrigation has happened?

27
28 **Mr. Macfarlane** yes and there is valves at that location also. There is a 4 inch line, and a 2 inch
29 service line to each lot.

30
31 **Erickson** how many psi?

32
33 **Mr. Macfarlane** 160.

34
35 **Lamont Paulson** where they are building the school, it has been interesting with the rainy year
36 we've had, in front of my home. They built a 3 ft. berm to help with drainage, and if it had rained
37 just a little bit longer, it would have come over that 3 ft. berm.

38
39 **Mr. Macfarlane** I've seen the construction plans for the school and all the run-off goes to that
40 bermed area. That is a specified retention area.

41
42 **Larson** the applicant has met the conditions of approval and the county engineer has signed off.

43
44 **Findings of fact:**

- 45
46
47
48
1. The Lazy 9 Phase I Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
 2. The Lazy 9 Phase I Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.

- 1 3. The Lazy 9 Phase I Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
2 4. Lazy 9 Phase I Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area
3 properties.
4

5 **Lazy 9 Subdivision II**

6 **Findings of fact:**

- 7
8 1. The Lazy 9 Phase II Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns
9 raised within the public and administrative records.
10 2. The Lazy 9 Phase II Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of
11 Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
12 3. The Lazy 9 Phase II Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
13 4. Lazy 9 Phase II Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or
14 area properties.
15

16 **CONDITIONS OF APPROVAL**

- 17
18 1. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
19 2. Prior to final plat recordation adequate, approved, water rights shall be in place for the proposed open space.
20 3. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
21 4. The design of the private roads shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit
22 a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction,
23 and surfacing for the road. The cost of such review shall be paid by the proponent. Surfacing shall meet minimum county standards.
24 5. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by
25 Cache County.
26 6. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the Cache County
27 Attorney and Zoning Administrator to ensure that the private road and open space can be adequately funded and maintained.
28 7. A note shall be added to the final plat stating that County services may be limited or discontinued if the private road is not adequately
29 maintained.
30 8. Water line easements for the (3) proposed wells that will service ten lots shall be set in place before final recordation.
31 9. Applicant shall obtain a permit from UDOT prior to road construction.
32 10. A temporary all weather 96" diameter turn-around must be provided at the end of Phase I until the road is completed for both phases.
33 11. The pipe under 7940 North Street shall be a 42" Reinforced Concrete Pipe with a total length of 48'.
34 12. No storm water above the natural unimproved run-off shall be allowed into the canal. The canal board approved the drainage plan, showing
35 rock check dams and earth berms used to contain the storm water from the subdivision improvements from entering the canal.
36 13. Prior to final plat recordation, the applicant must set in place a 32' wide easement as opposed to the current 30' wide easement as per the
37 request of Richmond Irrigation Company. One-third of the easement shall be located on the East side of the centerline of the canal with the
38 remaining two-thirds of the easement located on the west side of the centerline of the canal.
39

40 *Larson motioned to recommend approval to the County Council for the Lazy 9 Subdivision*
41 *Phases 1 and 2. Clements seconded; passed 4, 0 (Erickson & Dent abstained).*

42
43 6:35:00

44
45 Dent arrives.

46
47 **#7 Estancia Subdivision Phase 4 (Todd Morrill & Walt Young)**

48
49 Mascaro reviewed Mr. Todd Morrill's and Mr. Walt Young's request for a 4-lot subdivision on
50 14.34 acres of property in the Agricultural Zone located northwest of Smithfield. The road is
51 currently not adequate but conditions from phases 1, 2, and 3 will be required for phase 4. Bear
52 River Health Department (BRHD) has approved the lots for septic tanks and wells with several
53 stipulations. There are jurisdictional wetlands in this area, and the applicant has consulted with
54 an environmental consulting firm and has found out that there are no jurisdictional wetlands in
55 the building envelopes.

**CACHE COUNTY, UTAH
ORDINANCE NO. 2009-06**

REZONE – RUBY PIPELINE

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 THE CACHE COUNTY ZONING MAP

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

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

WHEREAS, the Act also provides certain procedures for the County’s legislative body to adopt or amend the land use ordinance and zoning map for the County; and

WHEREAS, on 16 July 2009, the Planning Commission held a public meeting for a rezone of properties located along a proposed utility corridor route through southern Cache County, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone; and

WHEREAS, on 16 July 2009, the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action; and

WHEREAS, on 8 September 2009, at 6:15 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Code. The County Council accepted all comments; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed rezone was discussed, and recommendation of County staff, the Council has determined that it is in the best interest of the health, safety and welfare of the Citizens of Cache County to approve such rezone;

NOW, THEREFORE, BE IT ORDAINED by the Legislative Body of Cache County as follows:

1. Approval of Rezone.

The County Council hereby rezones the property described within Exhibit A from Forest Recreation 40 (FR40) to FR40-UCO and from Agricultural (A) to A-UCO.

2. Adoption of Amended Zoning Map.

The County Council hereby amends the County's zoning map to reflect the rezone of the Property effected by this ordinance and hereby adopts the amended zoning map that is attached as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

3. Findings

- A. The locations of the subject properties are compatible with the purpose of the proposed Utility Corridor Overlay zoning district.
- B. The subject properties are suitable for development within the Utility Corridor Overlay Zone district without increasing the need for variances or special exceptions within this zone or the underlying Agricultural and Forest/Recreation Zones.
- C. The subject properties are suitable as a location for all permitted uses within the proposed Utility Corridor Overlay Zone.
- D. The subject properties when used for the permitted uses in the Utility Corridor Overlay Zone would be compatible with the adjoining land uses.

4. Severability.

All parts of this ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

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

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

6. Exhibits.

Exhibit A: Property affected by the Ruby Pipeline Rezone

Exhibit B: Zoning Map of Cache County

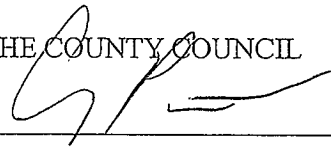
7. Effective Date.

This ordinance takes effect fifteen (15) days after its passage. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 22nd day of September 2009.

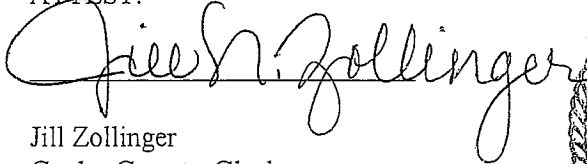
	In Favor	Against	Abstained	Absent
Chambers	X			
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates		X		
Zilles	X			
Total	6	1	0	0

CACHE COUNTY COUNCIL

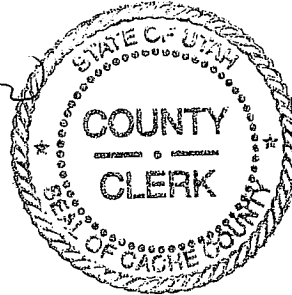


Mr. Craig Petersen, Chair
Cache County Council

ATTEST:



Jill Zollinger
Cache County Clerk



Publication Date: October 7th, 2009

**CACHE COUNTY, UTAH
ORDINANCE NO. 2009-06**

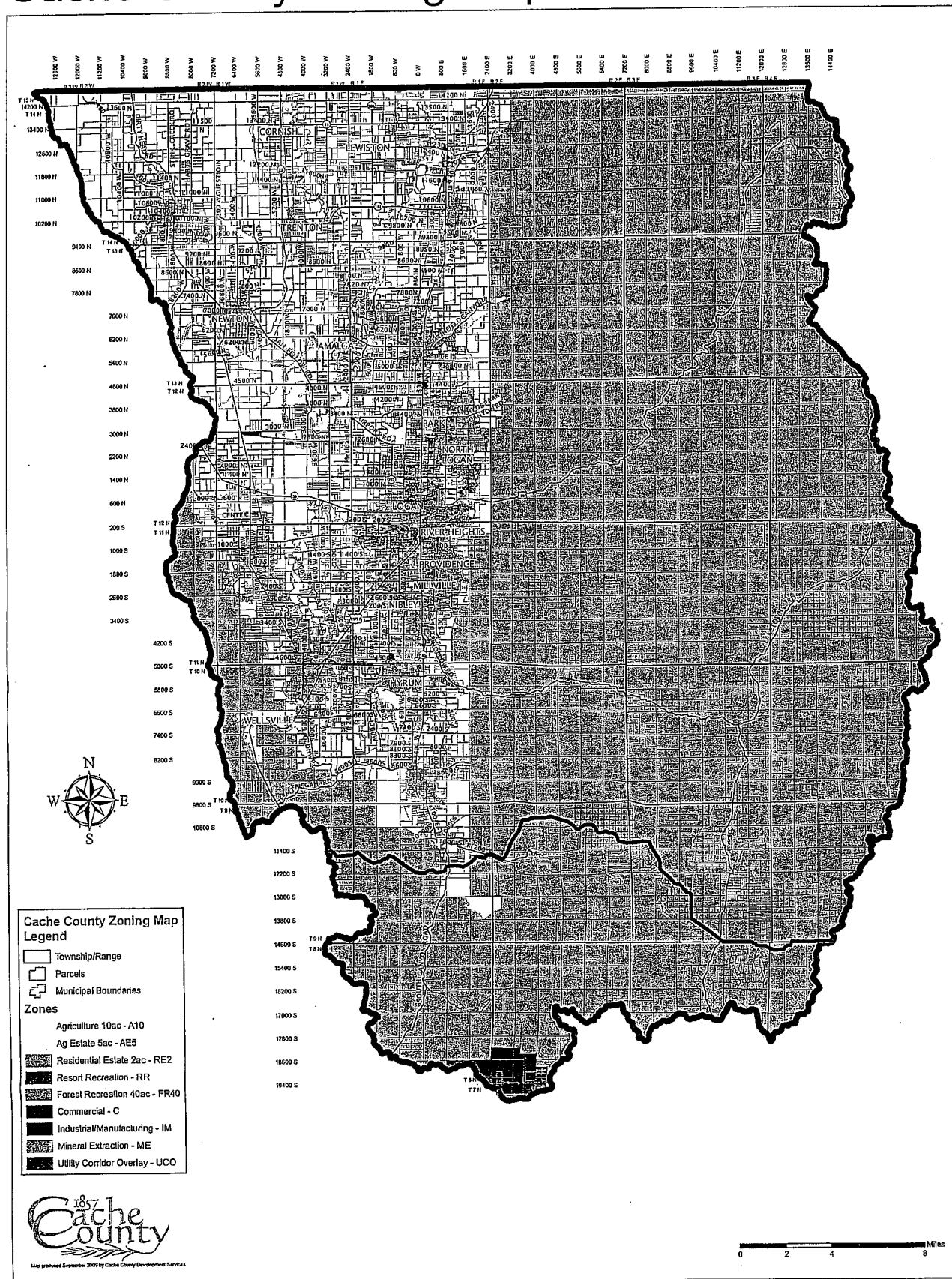
REZONE – RUBY PIPELINE

EXHIBIT A

Parcels Affected by the Rezone:

10-006-0002	16-097-0023
16-109-0033	16-077-0008
16-081-0002	16-055-0001
16-027-0001	16-049-0001
10-006-0001	16-108-0009
16-049-0004	16-054-0001
16-056-0002	16-107-0005
10-002-0014	16-088-0004
16-081-0001	16-076-0002
16-097-0026	16-075-0054
16-077-0006	16-075-0055
16-053-0008	16-075-0042
16-077-0005	16-088-0005
16-052-0011	16-075-0026
16-052-0001	16-076-0010
16-093-0001	16-075-0080
16-099-0028	16-075-0085
16-052-0015	16-075-0075
16-097-0025	16-075-0029
16-053-0009	16-076-0008
16-077-0001	16-075-0047
16-108-0008	16-075-0046
16-110-0020	16-075-0031
16-110-0023	16-075-0032
16-109-0034	16-075-0033
16-056-0001	16-076-0007
16-097-0020	16-110-0048
16-050-0002	16-093-0008
16-076-0005	16-092-0007
16-110-0024	16-097-0008
16-096-0009	

Cache County Zoning Map



**CACHE COUNTY, UTAH
ORDINANCE NO. 2009-07**

**Zoning Ordinance Amendments
Agricultural and Rural Zoning**

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 7, 8, 9, 10, 11, 12, 13,
14 AND 19 OF TITLE 17 OF THE CACHE COUNTY CODE REGARDING CACHE
COUNTY'S ZONING DISTRICTS AND DEVELOPMENT STANDARDS**

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

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners; and

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Zoning Ordinance for all citizens; and

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Code to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

WHEREAS, the amendments to Title 17 of the Cache County Code was submitted to the Cache County Planning Commission ("Planning Commission") and on May 7th and June 4th 2009, the Planning Commission recommended approval of the proposed changes to the County Council; and

WHEREAS, on August 25th, 2009, at 6:00 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Code. The County Council accepted all comments; and

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

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 7, 8, 9, 10, 11, 12, 13, 14 and 19 of Title 17 of the Cache County Code is hereby amended and superseded as follows:

1. Statutory Authority.

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

2. Purpose of Provisions.

The purpose of this ordinance is to amend and supersede Chapters 7, 8, 9, 10, 11, 12, 13, 14 and 19 of Title 17 of the Cache County Code regarding Zoning Districts and Development Standards is to insure compatibility with surrounding land uses, conformity with the Cache County General Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. Findings

- A. The amendments to Title 17 of the Cache County Code are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Code are necessary to establish Zoning Districts and the correlated Development Standards and Use Charts that provide more options for flexibility of land owners throughout the County.
- C. The amendments to Title 17 of the Cache County Code will insure compatibility with surrounding land uses, conformity with the Cache County General Plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.
- D. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Code be approved.

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

SEE EXHIBIT A

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

SEE EXHIBIT B

Title 17, Chapter 9 of the Cache County Code is amended as follows:

SEE EXHIBIT C

Title 17, Chapter 10 of the Cache County Code is amended to read as follows:

SEE EXHIBIT D

Title 17, Chapters 11 & 12, §17.13.010, §17.14.010, §17.19.010 of the Cache County Code is amended to read as follows:

SEE EXHIBIT E

The Cache County Zoning Map is amended as follows:

SEE EXHIBIT F

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

This ordinance amends and supersedes Chapter 7, 8, 9, 10, 11, 12, 13, 14 and 19 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.

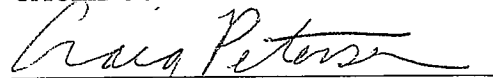
6. Effective Date.

This ordinance takes effect on February 1st, 2010. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 22nd day of September, 2009.

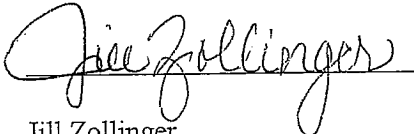
	In Favor	Against	Abstained	Absent
Chambers	X			
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	7			

CACHE COUNTY COUNCIL

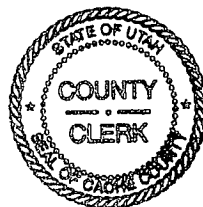


H. Craig Petersen, Chair
Cache County Council

ATTEST:



Jill Zollinger
Cache County Clerk



Publication Date: October 7, 2009

**CACHE COUNTY, UTAH
ORDINANCE NO. 2009-07**

TITLE 17 - ZONING REGULATIONS

EXHIBIT A – Title 17.07

The following definitions have been removed from §17.07.020 Definitions:

Setback: The required minimum distance between the building or structure and any lot or parcel boundary line.

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.

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.

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.

The following definitions have been added to §17.07.020 Definitions:

Accessory Use/Structure: A use/structure that is located on the same lot as the principal use/structure, operated under the same ownership as the principal use/structure, and is customarily incidental and subordinate to the principle use/structure of a lot or the main building thereon. Examples include garages, patios, decks, and fences.

Animal Confinement: Any structure used to house animals or restrict their habitation to a particular area.

Building Height, Maximum: The vertical measure from the average elevation of that portion of a lot or parcel covered by the building to the roof beams in a flat roof; to the highest point on the deck of a mansard roof; to a level midway between the level of the eaves and highest point of pitched, hip, or gambrel roofs.

Density: The number of dwelling units or lots permitted per acre of developable land. Expressed as either # Units per # Acres or #U/#A.

Developable Acreage: The land area within a subdivision excluding areas defined as undevelopable under §17.18 Sensitive Areas Overlay, and areas dedicated to the public, such as parks, open space, and public rights-of-way.

Parcel, 1970: A parcel in the same size and configuration as existed in 1970. A 1970 parcel is a legal parcel and an eligible building lot.

Parcel, 1978: A parcel in the same size and configuration as existed in 1978. A legally created 1978 parcel is an eligible building lot.

Setback: The minimum required distance between any structure and the boundary lines of the lot in which it is located. The Front, Rear, and Side Yard setbacks are illustrated in §17.10.020 and defined as follows:

- (a) 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.
- (b) 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.
- (c) 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.

Stream or canal bank, top of: The land area immediately above and regularly confining a river, stream, canal, or wetland. The bank has a notably steeper slope than the surrounding landscape. The first major break in the slope between the top of the bank at waterline and the surrounding landscape shall be the top of the bank.

Temporary Use: Land uses of structures that are needed or are in place for a short, designated period of time and will be discontinued or removed upon expiration of such time. The maximum time period for a temporary use shall be six (6) months.

The following definitions have been modified within §17.07.020 Definitions:

Subdivision: Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of land after August 21, 1970, 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. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

**CACHE COUNTY, UTAH
ORDINANCE NO. 2009-07**

TITLE 17 - ZONING REGULATIONS

EXHIBIT B – Title 17.08

Title 17.08 has been REPEALED in its entirety and REPLACED with the following:

**CHAPTER 17.08
ZONING DISTRICTS ESTABLISHED**

17.08.010 General.....	1
17.08.020 Zoning Districts Established	1
17.08.030 Purpose of Established Zoning District	1

17.08.010. General

This chapter contains regulations for the base zoning districts of Cache County. It includes a list of base districts and a brief explanation of each district’s purpose. The provisions of this chapter are supplemented by other regulations of the Zoning Ordinance that apply to particular uses and development types and to development within certain Zoning and Combining Districts.

17.08.020. Zoning Districts Established

The following are the base zoning districts:

- A. Agricultural Zone (A-10)
- B. Rural 2 Zone (RU-2)
- C. Rural 5 Zone (RU-5)
- D. Forest Recreation Zone (FR-40)
- E. Commercial Zone (C)
- F. Industrial/Manufacturing Zone (IM)
- G. Mineral Extraction and Excavation Zone (ME)
- H. Resort Recreation Zone (RR)
- I. Utility Corridor Overlay Zone (UCO)

17.08.030 Purpose of Established Zoning Districts

The following provide the purpose(s) of each of Cache County’s established zoning districts.

A. Agricultural Zoning District (A-10)

1. To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.
2. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, density-based residential standards, and clustering.

B. Rural-2 Zoning District (RU-2)

1. To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
2. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding improved roadways, density-based residential standards, clustering, moderate-income housing and municipality standards.
3. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision public services.

C. Rural-5 Zoning District (RU-5)

1. To allow for residential estate development in a low density pattern that can allow for rural subdivisions and smaller-scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
2. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density-based residential standards, clustering, moderate-income housing and municipality standards.
3. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision public services.

D. Forest Recreation Zoning District (FR-40)

1. To permit the proper use of the forest areas of Cache County for grazing, forestry, mining, recreation, and other activities to the extent compatible with the protection of the natural and scenic resources of the forests for the benefit of present and future generations.

E. Commercial Zoning District (C)

1. To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the County's tax base.
2. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision public services.

F. Industrial/Manufacturing Zoning District (IM)

1. To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well-being of the citizens and to broaden the tax base.
2. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision public services.

G. Mineral Extraction and Excavation Zoning District (ME)

1. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and County citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding non-compatible land uses within Cache County.
2. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.

H. Resort Recreation Zoning District (RR)

1. To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:
 - a. Provide new recreation opportunities in Northern Utah and create destination resort options for the County;
 - b. Promote interesting, creative, and indigenous mountain landscaping, design, and architecture that blends in with natural surroundings and follows project specified design guidelines;
 - c. Stimulate the local economy and increase the tax base of the County;
 - d. Protect the County's environment; and
 - e. Regulate and control development.

I. Utility Corridor Overlay Zoning District (UCO)

1. To provide areas to allow for the placement of major utility facilities that provide service to the residents, businesses, and communities of Cache County.
2. To provide areas to allow for the placement of major utility facilities that provide interstate services.
3. To limit the disruption of major transmission facilities on the agricultural, commercial, industrial, and recreational lands of Cache County.

**CACHE COUNTY, UTAH
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TITLE 17 - ZONING REGULATIONS

EXHIBIT C – Title 17.09

Title 17.09 has been REPEALED in its entirety and REPLACED with the following:

**CHAPTER 17.09
SCHEDULE OF ZONING USES**

17.09.010 Purpose..... 1
17.09.020 Permitted and Conditional Uses by Zone..... 1
17.09.030 Schedule of Uses by Zone..... 1

17.09.010 Purpose

The purpose of this chapter is to define the types of uses permitted by right, conditionally permitted, permitted as small businesses, and prohibited within all zoning districts.

17.09.020 Permitted and Conditional Uses by Zone

Table 17.09.020 lists the primary uses permitted within all Cache County Zoning Districts. All of the use categories listed in the table are defined in Chapter 17.07.

- A. Uses Permitted By Right
 - 1. A “P” indicates that a use type is allowed in the respective zoning district.
- B. Conditional Uses
 - 1. A “C” indicates that a use type is allowed only if reviewed and approved as a Conditional Use, in accordance with the Conditional Use review procedures of Chapter 17.06.
- C. Small Business Uses
 - 1. A “SB” indicates that a use type is allowed in the respective zoning district if the uses comply with the requirements of Title 17.21 Small Business Standards.
- D. Uses Not Allowed
 - 1. A “No” indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of the Zoning Ordinance.
 - 2. Any uses not specifically permitted by right, conditionally permitted, or permitted as a small business are prohibited.
- E. All uses must comply with all applicable Local, State, and Federal requirements and licensing and must provide evidence or documentation compliance to the appropriate Land Use Authority.

17.09.030 Schedule of Uses by Zones

Abbreviations Defined:

A-10	Agricultural Zoning District	C	Commercial Zoning District
RU-5	Rural-5 Zoning District	I/M	Industrial/Manufacturing Zoning District
RU-2	Rural-2 Zoning District	ME	Mineral Extraction and Excavation Zoning

			District
FR-40	Forest Recreation Zoning District	RR	Resort Recreation Zoning District

USE	ZONE								
	RU-2	RU-5	A-10	FR-40	C	IM	ME	RR	UCO
Accessory Apartment	C	C	C	No	C	C	C	C	No
Accessory Use or Building	P	P	P	P	P	P	C	P	No
Adult Day Center	C	C	C	No	C	No	No	C	No
Agriculture	P	P	P	P	P	P	P	P	No
Agricultural Building	P	P	P	P	P	P	P	P	No
Agricultural Experiment Station/Agricultural Field Station	P	P	P	P	P	P	P	P	No
Agricultural Products Processing and Storage	SB	SB	SB	No	C	C	C	No	No
Agricultural Sales and Services	SB	SB	SB	No	C	C	C	C	No
Airport	No	No	No	No	C	C	No	No	No
Aquiculture	C	C	C	C	No	No	No	No	No
Asphalt Plant	No	No	No	No	No	C	C	No	No
Automobile repair	SB	SB	SB	No	C	C	No	C	No
Bed and Breakfast Inns	SB	SB	SB	C	C	C	No	C	No
Boarding School	C	C	C	No	C	No	No	C	No
Cemetery	C	C	C	No	No	No	No	C	No
Church	P	P	P	P	P	P	P	P	No
Commercial Sales and Services	SB	SB	SB	No	P	P	No	C	No
Composting Facility	C	C	C	No	No	C	C	No	No
Concentrated Animal Feeding Operation	C	C	C	No	No	No	No	No	No
Concrete Plant	C	C	C	No	No	C	C	No	No
Condominium and /or Townhouse	C	C	C	No	No	No	No	C	No
Corporate Retreat	SB	SB	SB	No	No	No	No	C	No
Country Club	C	C	C	No	C	No	No	C	No

USE	ZONE								
	RU-2	RU-5	A-10	FR-40	C	IM	ME	RR	UCO
Day Care/Preschool Center - Commercial	SB	SB	SB	No	C	No	No	C	No
Day Care - Home	SB	SB	SB	No	No	No	No	C	No
Day Care - Group Child Care	SB	SB	SB	No	No	No	No	C	No
Day Use Cabin	C	C	C	No	No	No	No	C	No
Day Treatment Facility/Program	No	No	No	No	C	No	No	C	No
Detached Guest Home to a Single Family Dwelling	No	No	No	No	No	No	No	C	No
Domestic Violence Treatment Facility/Program	No	No	No	No	C	No	No	C	No
Electrical Generating Facility	No	No	No	No	No	C	No	No	C
Electric Substation, Minor	C	C	C	C	C	C	No	C	C
Electric Substation, Major	No	No	No	No	No	No	No	No	C
Extraction Operation of Less than 5 acres	C	C	C	C	C	C	C	C	No
Foster Home	P	P	P	P	P	P	P	P	No
Gas Compression Station, Minor	C	C	C	C	C	C	No	C	C
Gas Compression Station, Major	No	No	No	No	No	No	No	No	C
Gravel Pit	No	No	No	No	No	No	C	No	No
Guest Ranch	SB	SB	SB	C	C	C	No	C	No
Health Care Facility	No	No	No	No	C	No	No	No	No
Home Preschool	SB	SB	SB	No	No	No	No	C	No
Hotel/Motel	No	No	No	No	C	C	No	C	No
Intermediate Secure Treatment Facility/Program for Minors	No	No	No	No	C	No	No	No	No
Kennel	SB	SB	SB	No	C	C	C	C	No
Livestock Auction Facility	C	C	C	No	No	No	No	No	No
Lockout Functionality in a Condominium, Townhome, Zero Lot Line Unit, and/or Patio Home	No	No	No	No	No	No	No	C	No
Logging and Timber Harvesting	C	C	C	C	No	No	No	C	No

USE	ZONE								
	RU-2	RU-5	A-10	FR-40	C	IM	ME	RR	UCO
Manufacture, Processing and Assembling	SB	SB	SB	No	C	C	No	No	No
Manufacture and Storage of Fireworks or Explosives	C	C	C	No	No	No	No	No	No
Manufacture of Goods to be Sold at Retail on the Premises	SB	SB	SB	No	C	C	No	C	No
Meat or Poultry Processing Facility	C	C	C	No	C	C	No	No	No
Mining	No	No	No	C	No	No	C	No	No
Outpatient Treatment	No	No	No	No	C	No	No	C	No
Private Agricultural Experiment and/or Filed Station (Amended September 13, 2005)	C	C	C	No	No	No	No	No	No
Prison/Animal Control Facility	No	No	No	No	No	C	No	No	No
Professional Offices	SB	SB	SB	No	P	P	No	C	No
Public Uses and Utilities	C	C	C	C	C	C	No	C	C
Public/Institutional Facilities	C	C	C	C	C	No	No	C	No
Recreational Facility	C	C	C	C	C	C	No	C	No
Residential Facility for Elderly Persons	P	P	P	P	P	P	P	P	No
Residential Facility for Persons with a Disability	P	P	P	P	P	P	P	P	No
Residential Treatment Facility/Program									
A Family or 1-4 Unrelated Persons	P	P	P	P	P	P	P	P	No
5-8 Unrelated Persons	C	C	C	C	P	No	No	C	No
9-16 Unrelated Persons	No	No	No	No	C	No	No	No	No
Residential Support Facility/Program									
A Family or 1-4 Unrelated Persons	P	P	P	P	P	P	P	P	No
5-8 Unrelated Persons	C	C	C	C	P	No	No	C	No
9-16 Unrelated Persons	No	No	No	No	C	No	No	No	No
Resort	C	C	C	C	C	C	No	C	No
Retail Nursery	SB	SB	SB	No	C	C	C	No	No
Salvage Yard	C	C	C	No	C	C	C	No	No

USE	ZONE								
	RU-2	RU-5	A-10	FR-40	C	IM	ME	RR	UCO
Sanitary Landfill	C	C	C	No	No	C	C	No	No
Saw Mill	C	C	C	C	C	C	C	No	No
School	C	C	C	C	C	C	No	C	No
Seasonal Cabin	P	P	P	P	P	P	No	C	No
Secure Treatment	No	No	No	No	C	C	No	No	No
Self-Service Storage Facility	C	C	C	No	P	P	C	No	No
Sexually-oriented Businesses	No	No	No	No	No	C	No	No	No
Single Family Dwelling on a legal lot of record	P	P	P	No	C	C	C	P	No
Single Family Dwelling in a Zero Lot Line or Patio Home Configuration	No	No	No	No	No	No	No	C	No
Social Detoxification Facility/Program	No	No	No	No	C	C	No	No	No
Sportsman Kennel (Amended March, 22, 2005)	C	C	C	C	C	C	C	C	No
Stands for Sale of Produce Grown on the Premises	P	P	P	C	P	P	No	C	No
Substance Abuse Treatment Facility/Program	No	No	No	No	C	C	No	No	No
Telecommunications Site/Facility	No	No	No	No	C	C	No	No	C
Temporary use	P	P	P	P	P	P	No	P	No
Temporary Extraction Operation and associated uses	C	C	C	C	C	C	C	C	No
Therapeutic School	No	No	No	C	C	No	No	No	No
Timeshare or Fractional Ownership	C	C	C	C	C	C	No	C	No
Utility Facility, Major									
Electric Transmission Right-of-Way	No	No	No	No	No	No	No	No	C
Gas Pipeline Right-of-Way	No	No	No	No	No	No	No	No	C
Wind Energy System	No	No	No	No	No	No	No	No	C
Petroleum Pipeline Right of Way	No	No	No	No	No	No	No	No	C
Utility Facility, Minor									
Electric Transmission Right-of-Way	C	C	C	C	C	C	No	C	C

USE	ZONE								
	RU-2	RU-5	A-10	FR-40	C	IM	ME	RR	UCO
Gas Pipeline Right-of-Way	C	C	C	C	C	C	No	C	C
Wind Energy System	C	C	C	C	C	C	No	C	C
Petroleum Pipeline Right of Way	C	C	C	C	C	C	No	No	C
Wholesale Business and Storage	SB	SB	SB	No	P	P	No	No	No
Veterinary Clinic	C	C	C	No	P	P	No	C	No
Youth Program	No	No	No	No	C	No	No	No	No

**CACHE COUNTY, UTAH
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TITLE 17 - ZONING REGULATIONS

EXHIBIT D – Title 17.10

Title 17.10 has been REPEALED in its entirety and REPLACED with the following:

**CHAPTER 17.10
SITE DEVELOPMENT STANDARDS**

17.10.010 Site Development Standards.....1
17.10.020 Supplemental Site Development Standards.....2

17.10.010. Site Development Standards

Table 17.10.010 lists the site development standards that apply within all zoning districts. These are “base” standards, not entitlements. Other regulations of the Zoning Ordinance; the Subdivision Ordinance; other applicable County Ordinances and Policies; requirements imposed as conditions of permitting; or requirements from other local, state, and federal agencies may impose other development standards.

Table 17.10.010 Site Development Standards

		ZONING DISTRICTS						
		RU-2	RU-5	A-10	FR40	C	IM	ME
Setbacks								
Primary Use	Front yard	30'	30'	30'	50'	30'	30'	30'
	Lots with multiple street frontage other than a declared “front”	30'	30'	30'	50'	30'	30'	30'
	Side yard	12'	12'	12'	20'	30' ¹	30' ¹	30'
	Rear yard	30'	30'	30'	30'	30' ¹	30' ¹	30'
	Distance between two structures on same lot	10'	10'	10'	10'	10'	10'	10'
	Maximum Height ⁵	35' ²	35' ²	35' ²	35'	40'	40'	40'
	Distance required between any structure and/or fence and top of recognized irrigation canal bank	16.5'	16.5'	16.5'	16.5'	16.5'	16.5'	16.5' ¹
Accessory Use	Front yard	30'	30'	30'	50'	30'	30'	30'
	Side yard	5'	5'	5'	5'	30' ¹	30' ¹	30'
	Rear yard	5'	5'	5'	5'	30' ¹	30' ¹	30'
	Maximum Height ⁵	35'	35'	35'	35'	35'	35'	35'

Distance between two structures on same lot	10'	10'	10'	10'	10'	10'	10'
Distance required between any structure and/or fence and top of recognized irrigation canal bank.	16.5'	16.5'	16.5'	16.5'	16.5'	16.5'	16.5'

Minimum Residential Lot Size	0.5A	0.5A	0.5A	1A	0.5A	1A	NA
Maximum Residential Density ⁴	1U/2A	1U/5A	1U/10A ³	1U/40A	2U/A	NA	NA
Maximum Lot Coverage	60%	60%	60%	10,000 sq. ft.	50%	50%	NA
Minimum Lot Frontage	90'	90'	90'	150'	150'	150'	NA

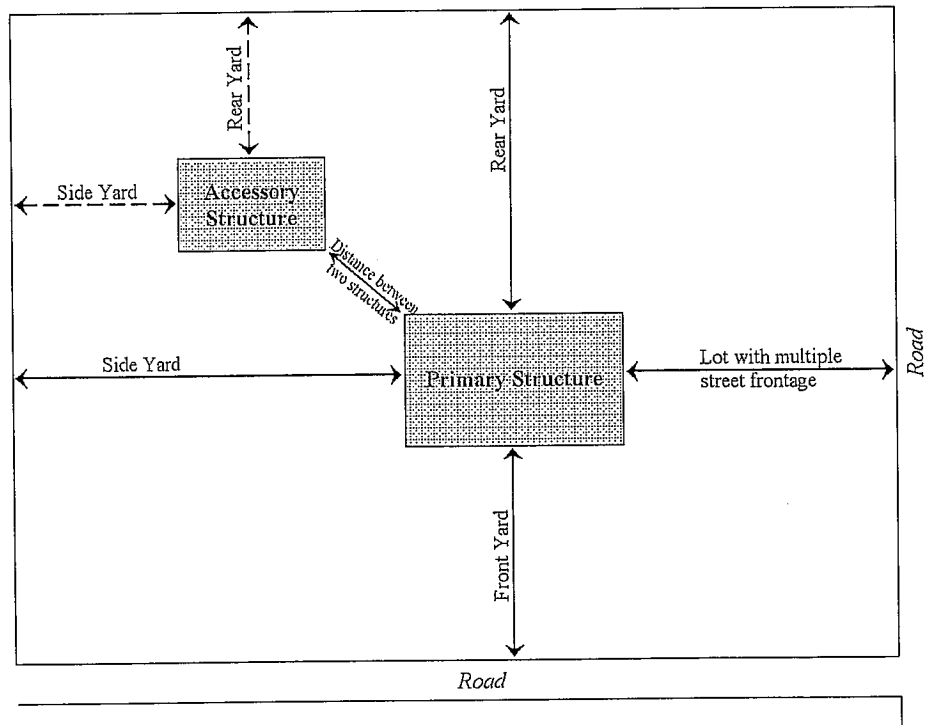
¹ Setback may be reduced to 15' with a Conditional Use Permit if the adjoining parcel is zoned Commercial or Industrial/Manufacturing

² Maximum Height for agricultural structures is 45'.

³ The density standard has an exception located in §17.10.020(B).

⁴ The Land Use Authority shall have the authority to determine the total number of acres eligible for residential density (Developable Acreage).

⁵ Height restrictions exceptions may be granted in compliance with §17.05.110.



17.10.020 Supplemental Site Development Standards

A. The following Site Development Standards shall be complied with in all Zoning Districts.

1. Parking Standards

- a. Parking for each use shall conform to Chapter 17.22 of this Title.
- b. No required parking shall be permitted in any required setback area.

2. Animal Confinement

- a. All areas used for animal confinement shall be setback fifty (50) feet from any natural waterway.
 - b. All areas used for animal confinement shall be setback twenty (20) feet from any dwelling unit.
3. Agricultural Restrictive Covenant
- a. Any person who chooses to site a non-agricultural use will be required to record a signed Agricultural Declaration against their property making it subject to a Restrictive Covenant in favor of all Agricultural Uses that may occur within the zone they are presently located or within an adjacent zone.
 - b. The form of the Declaration shall be substantially as follows and it may be incorporated verbatim or by reference:

AGRICULTURAL DECLARATION

The property described herein is subject to all adjacent Agricultural Uses allowed within or adjacent to this zone, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural uses now existing or which may exist in the future in an Agricultural zone. By this Declaration the undersigned, and their successors in interest, hereby waive any claim for nuisance or otherwise arising from regular and customary agricultural operations. Agricultural operations that are consistent with sound agricultural practices are declared reasonable and shall not constitute a nuisance. Agricultural operations that are in conformity with federal, state and local laws and regulations are presumed to be operating within sound agricultural practices.

- B. The following Site Development Standards shall be complied with in the Agricultural Zoning District (A-10).
 - 1. 1970 Parcel Development Option – 1970 Parcels may divide the first 3 lots at a density of 1 lot per 2 acres. All development beyond the first 3 lots on a 1970 Parcel shall conform to the minimum density of 1 lot per 10 acres.
 - a. 1970 Parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.
 - b. 1970 Parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.
- C. The following Site Development Standards shall be complied with in the Forest Recreation Zoning District (FR-40).
 - 1. Year-Round Occupancy Restriction: Year-round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one-hundred and eighty (180) days per calendar year.
- D. The following Site Development Standards shall be complied with in the Commercial (C) and Industrial/Manufacturing (IM) Zoning Districts.
 - 1. Screening and Landscaping
 - a. Where any commercial or industrial lot shares a common boundary with property zoned A-10, RU-5, or RU-2, a screen shall be provided at least six (6) feet in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.
 - b. All mechanical equipment related to the building, including heating and air conditioning units and trash dumpsters, shall be completely screened from surrounding properties by

use of a solid screening fence or wall six (6) feet in height or shall be enclosed within a building. Trash dumpsters shall be located a minimum twenty five (25) feet from any property zoned A-10, RU-5, or RU-2.

- c. Wherever off-street parking areas are situated across the roadway from property zoned A-10, RU-5, or RU-2, a berm or retaining wall in conjunction with a berm, three (3) feet in height shall be constructed within the required setback to adequately screen the parking.
 - d. Landscaping shall be required on ten (10) percent of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right-of-way dedication.
 - e. All landscaping shall be maintained in a healthy, neat, and orderly condition free of weeds and litter. All paved areas, walls, or fences shall be in good repair without broken parts, holes, potholes, or litter.
 - f. The Planning Commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.
2. General Provisions – The Land Use Authority may limit the hours of operation of a business located within the Commercial (C) and Industrial/Manufacturing (IM) Zoning Districts. This limitation may be a requirement of obtaining or renewing a business license. Any limitation on the hours of operation of an existing business shall require the Land Use Authority to provide factual findings for the limitation.
- E. Supplemental Site Development Standards for the Mineral Extraction and Excavation (ME) Zoning District are located within §17.13.
- F. Supplemental Site Development Standards for the Resort Recreation (RR) Zoning District are located within §17.14.

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TITLE 17 - ZONING REGULATIONS

EXHIBIT E

Title 17.11 has been REPEALED in its entirety and is RESERVED for future use.

Title 17.12 has been REPEALED in its entirety and is RESERVED for future use.

The following sections have been REMOVED from Title 17:

§17.13.010 Purpose

§17.14.010 Purpose

§17.19.010 Purpose