



**4:45 p.m.**

Workshop in the County Council Chambers.

**5:30 p.m.**

Call to order.

Opening remarks/Pledge – Rob Smith.

Review and approval of agenda.

Review and approval of the minutes of the October 2, 2014 meeting.

**5:35 p.m.**

**Consent Agenda**

- (1) **Rasmussen Farms Subdivision** – Brian G. Lyon is requesting a recommendation of approval to the County Council for a two lot subdivision with two agricultural remainders on 104.14 acres of property in the Agricultural (A10) Zone located at approximately 5011 North Highway 23, Cache Junction.

**Regular Action Items**

- (2) Title 17.07.030 – Kennels.
- (3) Title 17.06 – Uses.
- (4) 2015 Meeting Dates and Application Deadlines.
- (5) **Discussion** – MS4 Stormwater Permitting.

Board Member Reports

Staff reports

Adjourn



**PLANNING COMMISSION MINUTES**

**02 OCTOBER 2014**

<b>Item</b>	<b>Page</b>
1. <b>Public Hearing: 5:40 p.m. - Fox Hollow Rezone.....</b>	<b>2</b>
2. <b>Public Hearing: Uses .....</b>	<b>5</b>
3. <b>Public Hearing: Kennels .....</b>	<b>5</b>
4. <b>Discussion: 17.13 Mineral Extraction and Excavation (removed from agenda)</b>	

DRAFT

**Present:** Chris Harrild, Josh Runhaar, Jason Watterson, Phillip Olsen, Rob Smith, Chris Sands, Lane Parker, Brady Christensen, Leslie Larson, Tony Baird, Megan Izatt, Stephanie Nelson  
**Start Time:** 05:33:00

**Sands** welcomed and **Larson** gave opening remarks

**05:36:00**

### Agenda

With the removal of item #4, the agenda was approved.

### Minutes

There were a few misspellings; with those changes the minutes were approved.

**05:36:00**

### Public Hearings:

#### #1 Public Hearing – 5:40 – Fox Hollow Rezone (Duane Williams)

**Harrild** reviewed Mr. Duane Williams' request for a rezone from the Agricultural (A10) Zone to the Rural (RU5) Zone on 49.6 acres of property located at approximately 300 North Highway 23, north of Mendon. Within a one-mile radius the average parcel size of parcels with dwellings is 7.6 acres and an average size of 20.75 acres of parcels without dwellings. This does not include the areas located within Mendon City. Staff has concerns with the creation of the need for additional county services in an area currently not served by the county. The development of potentially nine additional lots would result in a new roadway that would require county maintenance. The existing access is from Highway 23 and is adequate. UDOT has identified that only one access to the property would be permitted. Public comment has been received concerning the availability of water and the effect of additional lots in that area on the existing wells located there.

**5:43:00**

**Larson** motioned to open the public hearing; **Smith** seconded; **Passed 7, 0.**

**Duane Williams** I am the agent and will be purchasing the property tomorrow. I have talked to Will Atkin, the state water engineer for this area. He did express similar concerns as the neighbors. The water is deep there and some of the wells in the area are 250 deep and at least one is 400 feet. I've been told that at about 60 feet you can get good irrigation water but it is not good drinking water. The well would have to provide for irrigation and the homes.

**Sands** is it irrigated farm land now?

**Mr. Williams** it is dry farm. There are two water shares for the lots I am buying from the Wellsville/Mendon. It's a share but it's more like a right that transfers with the ground. The thought was to do a short road in and put four lots and then do a turn around. Then farm the ground to the east. That is the plan at this point.

**Sands** the zoning allows for four lots right now and you want to change the zoning?

**Mr. Williams** right, I would like to do 8. Four on the paved road and then two to the north and two to the south.

**Smith** are you the owner?

**Mr. Williams** I am the agent and I am buying it tomorrow. The owner just said we could put his name on the request so we could start it a month early.

**Smith** on the water, do you have a water right for the irrigation?

**Mr. Williams** I have some water in Cornish and would be moving that down to do the irrigation.

**Smith** so you would file a change application?

**Mr. Williams** yes.

**Larson** have you discussed with the water engineer about sharing wells, is that even permitted?

**Mr. Williams** I have and it is. At a certain number you have to do some regulation on it. At 5 homes it becomes public domain. But fewer homes than that would work sort of like an HOA. They would share the cost of the electricity and he (Will Atkin) actually recommended that because of the cost of the well.

**Christensen** if you do the four lots, would you come in the middle with two on the north and two on the south? Then you would go 250 feet and do a hammer head or a cul-de-sac? So what would your future road be for the other 5 lots that you are allotting?

**Mr. Williams** the frontage would be one lot, and then it would go so far in and be a cul-de-sac. That cul-de-sac would access four lots. Then there would be a road between lots two and one that would access the rest of the lots. Does that make sense at all?

**Sands** would those be private roads?

**Mr. Williams** two would be private gravel roads and the others would not be.

**Christensen** even though they are private roads they would still need to meet the county standards, right?

**Runhaar** yes. It is also important to note that we are not looking at the subdivision plat at this time, the layout could change tomorrow.

**Christensen** part of my reason for asking is what is to say the board approves it and then they split it up so there are three accesses off the highway instead of one?

**Runhaar** UDOT won't allow them to do that.

**Mr. Williams** I have talked to UDOT and they won't allow more than one access.

**The board** discussed what elements are needed to rezone the property today. A final plat is not needed at this point and whatever the applicant talks about today is not what will necessarily happen on that property. They could change their mind about how to split this or how to lay out the roads.

**Watterson** have you approached Mendon about annexation?

**Mr. Williams** I haven't because it doesn't touch Mendon.

**Mike Bennet** I own the property to the north of the proposal. How many acres do you have to have in the county to build on?

**Harrild** staff can answer that and you should direct your questions to the Commission.

**Mr. Bennett** what is the reason for the rezone?

**Runhaar** for more lots. So right now you can have one dwelling per 10 acres.

**Mr. Bennett** I'm not necessarily opposed to this but I think the information on the well isn't adequate. Our well is 600 feet deep and we can water a tree but not much else and our pump sits at 450 feet. I don't know what the water people are thinking saying you could get water for 9 homes there and that is going to be expensive. I am against 9 wells because I think it will have an effect on my wells. If your well makes my well go dry, you have to stop pumping because my well was there first and that could cause a problem. There is also a flood issue there with that property. The runoff goes off from the east and the drainage ditch on the west side of Highway 23 is plugged up with silt and that causes the runoff to come over the road and on to this piece of property and heads straight towards my house. We've had to channel that away from our house and that is an issue that is going to have to be addressed. If the ditch was cleaned out on the west side, the runoff will actually go south and under Highway 23 and into a drainage ditch on this property. If it continues to get filled up with silt it's going to flood that property.

**Runhaar** just to let you know that is a state controlled road and if you do work there and the state finds out there will be ramifications. I have the contacts at the state and we will make some calls to try and get that silt and ditch cleaned up. The reason it hasn't been done is because Highway 23 is on a do not service list.

**Patricia Bennett** on the water shares, how does that work to split it between the homes?

**Mr. Williams** the water person will have to decide whether they will allow the transfer of water and if they determine there is water they will transfer. You can oppose the transfer if you want to. It's transferred to a well and it is designated for a specific purpose. I have shares out of the Bear River and that is further north. This will be a transfer of water. If I can purchase Wellsville/Mendon water it will be better.

**Larson** just a note on the water, that will not come before this board. That goes before the state water board and all we check is that they have water there.

**6:06:00**

*Larson motioned to close the public hearing; Watterson seconded; Passed 7, 0.*

**The Planning Commission** discussed the issues with the road. The county can't absorb and maintain these new roads and private roads are terrible for planning because people don't realize what the private designation really means. Many of the commissioners expressed concern for prospective buyers regarding the road and water issues. There has been some rezones done in the Petersboro area but all the services were already in place. The county does not do maintenance/snow removal on Highway 23 because it is a state road. A denial does not make the property unusable; it does mean there is no expansion of the current use of the property.

*Larson motioned to recommend denial for the Fox Hollow Rezone to the County Council with the following findings of fact:*

- 1. The proposed density is not consistent with the existing density of the surrounding area.*
- 2. The county is unable to bear the short and long term cost to serve and maintain access to residential areas in the unincorporated county. The property is also not contiguous to other existing developed areas requiring service.*

*Smith seconded; Passed 7, 0.*

**6:19:00**

### **#2 Public Hearing – 6:00 – Title 17.06 – Uses**

*Larson motioned to open the public hearing for Title 17.06 – Uses; Watterson seconded; Passed 7, 0.*

**6:23:00**

*Watterson motioned to close the public hearing; Smith seconded; Passed 7, 0.*

**6:24:00**

### **#3 Public Hearing – 6:15 – Title 17.07.030 – Kennels**

**Harrild** reviewed the kennels ordinance and the changes that have been discussed at previous meetings. As recognized by the Commission and staff, the Commission's previous decisions reflect that if an application requests more than a certain number of dogs a denial is generally

issued; the exception being a kennel for 15 dogs. As directed by the Commission, the new language for the kennel ordinance would now allow up to four (4) adult dogs may be allowed per acre but a home based kennel shall consist of no more than 12 adult dogs. This count does not include puppies younger than 6 months old. The intent is to distinguish between home based kennels and commercial or professional kennels. Home based kennels tend to be small and have less of an impact but would still require a conditional use permit (CUP). That would allow for mitigation possible impacts and/or nuisances to be addressed. A professional kennel is identified more as a commercial entity. This means the primary use is not the dwelling, but the kennel. Also, on the use chart an animal shelter would now be considered a professional kennel. Staff still needs some direction for what zones kennels will be allowed in. One argument for separating kennels out of the agricultural zone is because dogs, as defined by the state and county ordinance, are not an agricultural use. However, cows, mink, farming, etc., are all agricultural uses. The other issue is whether the kennel facility needs to be expanded to deal with cats also. Past discussions have included the possibility of writing a condition in the CUP limiting the breed but a state law will go into effect January 2015 prohibiting that action.

**Commissioners** expressed concerns on limiting the number of dogs in the ordinance when large amounts of dogs can possibly be mitigated. Some commissioners expressed concern with using a number. Numbers are very arbitrary. Maybe the county needs to move towards a performance based ordinance. If the kennel isn't performing in the way it's supposed to then it can be dealt with through criminal/nuisance laws. There is no process/regulation in place currently to deal with nuisances right now. It would require that a nuisance ordinance be drafted and approved. Currently to claim a nuisance there must be minimum of 3 property owners that lodge a formal complaint. The majority of the counties referenced have an ordinance with a specific nuisance component. Cache County does not. Staff can look into building that component but that does not reflect the county's approach to compliance. The county currently has two shelters/kennels in the unincorporated area, the Humane Society and Four Paws Rescue. The county has never received a complaint regarding the Humane Society but has received several complaints for Four Paws. The nuisance ordinance does become part of the criminal code and can be used that way if one is written.

**The Commission** also noted that the reason to specify a maximum number of dogs is to differentiate between a commercial kennel and a home based kennel. The other thing to note is that the average dog owner today is different than 20 years ago. Many see dogs as their children and take care of them as such.

**6:57:00**

**Larson** motioned to open the public hearing for Title 17.07.030 – Kennels; **Parker** seconded; **Passed 7, 0.**

**Roland Bringham** I am the director of the Cache Humane Society. I dislike being lumped in with the new definition of professional kennel. That doesn't seem to fit what the humane society and other groups taking in stray animals and re-homing them do. I can see how we would fit but I don't feel that is what we are about. I would like to see the definition of animal shelter stay in there and the table. As to the numbers, I have never been a proponent of an artificial number specifying the number of animals allowed. I agree that it should be more of a performance based

standard. If someone can have six animals in their house and take care of them and not bother the neighbor then they should have that many, but the artificial number of animals a person can have is not something I've ever agreed with.

**Larson** what kind of nuisance regulations would you propose that would help guard against the issues that people are worried about?

**Mr. Bringhurst** enforcement is very difficult. I never got a nuisance violation through the courts when I worked that side of enforcement. When you need to have 2 or 3 neighbors that need to testify you are never going to get that. Nuisance is very hard to prove and very hard to go after. Smell and sound are the biggest complaints with dogs and cats. Doing a performance based system is very hard to do and right now the county animal control officers are stretched very thin.

**Sands** the existing ordinance is up to 3 dogs?

**Harrild** up to three dogs per property. After three dogs it falls into the category of a kennel.

**Carry Burton** I have lived in Cache County for 14 years and am a dog breeder for 7 of those years. As far as regulations, the USDA is going to absolutely inspect us. They are extremely picky, you have to have a certain amount of space inside and outside per dog. The local vet will be required to inspect your facility two times per year. The animal control officer I've talked to say if you get three complaints then you are in trouble. As far as conditional use, a conditional use permit has conditions. I have 40 to 55 dogs and they don't run through my house, I have one dog that is in my house. I have a room for my mom dogs and for my puppies and they have access to outside to go to the bathroom. No my dogs are not running around my house. I consider myself a home based business. When you say professional kennel for lack of a better term, I guess that is what I am. But I don't believe that animal shelters should be lumped in with the kennel definition, we are not the same. I have clientele all over the world. We do guarantee our puppies and if they can't keep them they come back to me. Most of our dogs are sold as pets; the others go to breeders that I know will take care of them. As far as the home based thing, I am a small home based business. My dogs are little and my place is fenced. Dogs don't usually bark if they can't see other people or things and they can be trained not to bark. Our dogs are like our children and I can give you specifics regarding each dog. We retire our dogs at a young age and find good homes for them when they are retired. As for regulations I don't see why you can't come up with a conditional thing and do away with the number. I have never had complaint in all the years that I have done this. I don't understand why you can't look at a conditional thing and as long as it goes along with AKC regulations and the new USDA regulations, then why can't you go ahead and approve that? If you get complaints then shut it down. We have to be really strict with our dogs for AKC registration and to meet the new USDA regulations. As far as I'm concern this ordinance takes away my rights. Dr. Watkins is one of my main vets, and he has seen my place and I don't feel like he would agree with this either. I don't know how you can differentiate between professional and home based kennels.

**Larson** you mentioned that the veterinarians come out twice a year to inspect you?



**Ms. Burton** the USDA requires that a local veterinarian come out and inspect your place with no prior notification and then they submit a letter to the USDA.

**Christensen** who pays for that?

**Ms. Burton** it's going to cost me about \$1,000 a year for my license.

**Smith** is that just to be AKC registered?

**Ms. Burton** no, that is for any dogs. Anybody who sells dogs is subject to this law. This is to do away with bad breeders and puppy mills. Whenever I send a puppy international I have to go down to the USDA office in Salt Lake to get their approval. When you say dogs aren't agricultural I don't know how you say that when the USDA regulates that.

**Sands** you sound like an excellent example, and probably the lion share of breeders are like you or they wouldn't be in business, right?

**Ms. Burton** and this law is made to cut out the bad breeders. A lot of breeders have 60 to 100 dogs and are fine. But there are a lot of breeders selling out because of this new law because they can't meet the new regulations.

**Sands** there are a lot of different government agencies that regulate businesses in the county, but we're only talking about what we can regulate. We've talked a little bit about how we don't have the resources to enforce our ordinances. I'm not sure the federal agencies are going to regulate nuisance complaints. They aren't there to care about the welfare of the neighbors, but the animals. And it sounds like we don't have the tools to regulate what you are suggesting that is what we are trying to look at. We have a series of past decisions that we made that we are trying to reflect in our current code.

**Ms. Burton** you do have some with the animal control officers. If they get a complaint they go out.

**Sands** it would be interesting to hear what tools they feel they have to enforce a nuisance law.

**Ms. Burton** all I ask as a breeder from a breeder's point of view is that you know how we operate. That is the whole point of my letter. I think it's great to come up with a kennel ordinance but it has to be fair and I feel like this ordinance takes away my rights. I don't want my rights taken away.

**Christensen** how close is your closest neighbor?

**Ms. Burton** we just moved from Paradise and I think the closest house to our new place is 300 yards.

**Christensen** that is the house or property boundary?

**Ms. Burton** the house. We have 10 acres and we have neighbors on both sides and we haven't had a complaint. Dogs can be trained not to bark and it's not the same thing as a kennel. You can't put us in a commercial place. Dogs bark when they hear noise and people.

**Sands** most veterinary clinics are in a commercial zone and they board dogs and are kennel type operation.

**Ms. Burton** but they aren't a breeder. I am a home based business. They feel safe because they are in a home environment.

**Sands** but the law says if you have more than 3 dogs you have to have a permit. You have to request those privileges, you aren't granted rights automatically.

**Ms. Burton** I just want this to be fair. This is my way of making an income.

**Caryn Mullin** I have a home based kennel in Casper, Wyoming and we are trying to relocate to Cache County. The dogs, pugs, they don't bark unless they see someone or a stranger. They don't bark all night, they are small. They are like our kids and our nearest neighbor is 150 yards away and she wrote a letter for me stating that unless the dogs are outside she doesn't hear them. I'm sure you could get a good reliable breeder to help animal control with inspections. We know what to look for; they have to have a clean friendly environment. I would volunteer and I'm sure Carry would and there are two respectable witnesses. As far as a conditional use permit, why couldn't that be regulated? Why can't we surrender the permit when we move, why should the new owner get it?

**Sands** that is a manner of state law.

**Ms. Mullin** that can be changed can't it?

**Harrild** It can but not by the county.

**Ms. Mullin** a conditional use means a conditional use and if you're not following the laws then it can be taken away.

**Sands** yes, it can be revoked. But it runs with the property so if you get a kennel for pugs and then you sell that property the next owner can still operate under that CUP and raise different dogs.

**Ms. Mullin** why can that not be surrendered when the property is sold?

**Runhaar** I can't require that by state law and it is completely unenforceable by us.

**Ms. Mullin** why can't the person who has the CUP sign something that when they move they surrender the CUP?

**Runhaar** I can't require that. I can't accept you surrendering the CUP. State law won't let me accept that.

**Larson** it's just the way the law works. The problem is resolved if someone else moves in and they don't meet the conditions. Then you send out law enforcement and revoke the permit. But if they continue to operate the same way you do, then they get to keep the permit and run their kennel.

**Sands** if the use ceased to exist for a period of time it goes away?

**Runhaar** Yes, after 12 months.

**Larson** if you expand the use or cease to operate for a year then you have to get a new permit.

**Ms. Mullin** I don't understand why it is a CUP if it's not conditional.

**Runhaar** we operate within the confines that the state allows.

**Kelly Wright** I am new to Cache County but a few things to point out is that there are a lot of animals here. I live in a residential area and to one side of me there is a lot of dogs and the other side has a lot of chickens. Those chickens by far are so much louder than the dogs could ever be at 4 or 5 o'clock in the morning. We have a dairy farm behind us and the stink from those cows is more than the dogs. I hate to see the breeders get punished for that type of a thing. It doesn't make sense or logical to me and it doesn't seem lawful or right. Breeders love their dogs and I come from a city where free enterprise is wildly embraced. Home based businesses are big. The problem with that is that the products put out for consumers are often not reputable or good and you end up with a lot of dissatisfaction. I think I would rather see a dog breeder business rather than a lot of the other businesses I have been around. Dog breeders tend to be more responsible, honest, and are upstanding citizens. They have some roots that are set out in their community. They are licensed and can be regulated where you can't do that with other home businesses. I think the dog breeder business is a boost. I think that the type of business dog breeders bring is a very particular type of business. The buyer seeks out the breeder, whatever the type of dog. The buyer seeks out the breeder so the tendency to have more satisfaction in that realm goes way up. That buyer didn't just happen to buy something from someone and have buyers remorse and they are going to take revenge, no they are satisfied. Breeders love their dogs and buyers love the dogs they buy from breeders. They've been waiting for the dog for a long time. One other point is that my sister in Las Vegas about the mini schnauzer business and she was really impressed that Cache Valley had this type of offering.

**7:26:00**

**Larson** motioned to close the public hearing; **Watterson** seconded; **Passed 7, 0.**

**Staff and the Commission** noted that staff is not looking for a decision on this issue tonight. Many commissioners discussed trying to make the ordinance more performance based than number based and look at nuisance laws to see what would be enforceable. Cache County has good animal control officers and they work hard for the county and it would be a good idea to reach out to them and see what they think about a performance based standard. Some commissioners felt that there needs to be a differentiation between a commercial enterprise and

someone who has a few dogs they work with. There are only a handful of breeders in the county, not one in every neighborhood. The reason for this coming before the commission is because there have been problems with professional kennels in the Ag Zone, and if the commission wants to deal with them on a case by case basis then the ordinance is not needed. Rural counties don't care about things like kennels because there is enough land in between but that isn't the case in Cache Valley. Cache Valley has several homes dotted around the unincorporated area and when you bring this type of use in contact with people that is when the problems happen. The county currently has no tools for enforcing nuisance violations. If a nuisance law is what the commission wants to do then it has to have the teeth to be enforceable. Staff will look at performance based standards, enforcement/nuisance laws, and also look at other options available for this type of ordinance.

**7:45:00**

**#2**

**Harrild** reviewed the criteria considerations for conditional use permits (CUP). There are six considerations: health, safety, and welfare, compliance with law, compliance with intent of General Plan and Zone, Adequate service provision, impacts and mitigation, compatibility with character of the vicinity. The consideration that is the most problematic regards compatibility with the character of the vicinity. Staff would like to see consideration 6 taken out for consideration of CUPs as it is too subjective.

**Commission and staff** discussed that it may be best to revise Item 3 to deal with compatibility rather than keeping item 6. Item 3 will be reworded to include "and/or compatible with existing uses in the immediate vicinity."

**8:00:00**

**Watterson** motioned to extend the meeting 4 minutes; **Smith** seconded; **Passed 5, 2 (Olsen and Larson voted nay).**

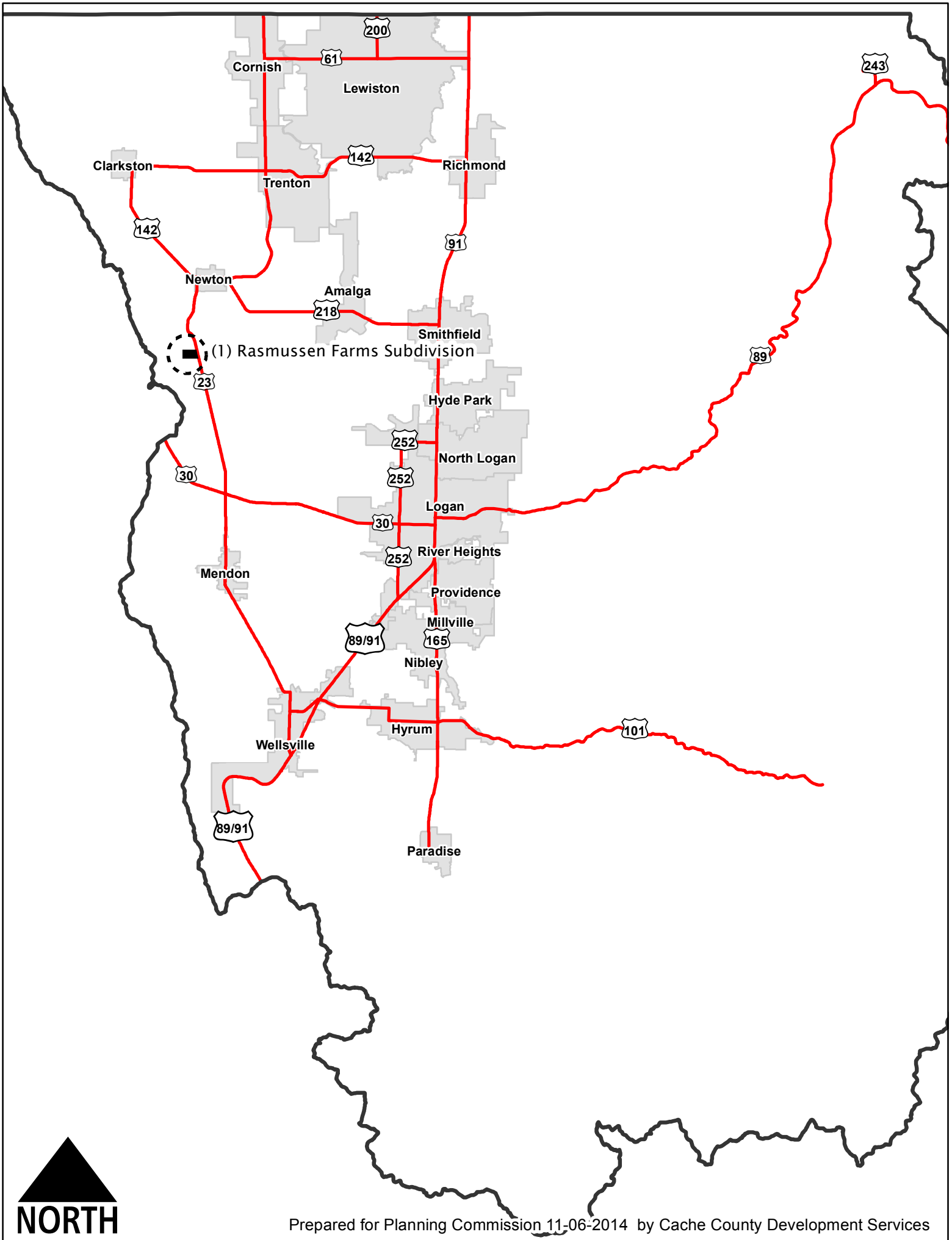
**Watterson** asked about considering traffic in the criteria but traffic itself cannot be regulated. You can help regulate the problem with conditioning the number of employees or the route they are allowed to take.

### **Staff Updates**

DD Auto has been given an extra two years to come into compliance. Storm Water will be on the Council's agenda on Oct. 14 and the Commission will be kept in the loop for storm water. Storm water will not be an action item for the Commission but informational only. Autonomous Solutions is still trying to work out the issues there.

**8:03:00**

**Adjourned**



**STAFF REPORT: RASMUSSEN FARMS SUBDIVISION**

06 November 2014

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Brian G. Lyon

**Parcel ID#:** 13-050-0005 and 13-050-0009

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Council

**LOCATION**

*Reviewed by: Stephanie Nelson - Planner I*

**Project Address:**

5011 N. Highway 23

Cache Junction, Utah 84304

**Current Zoning:**

Agricultural (A10)

**Acres:** 104

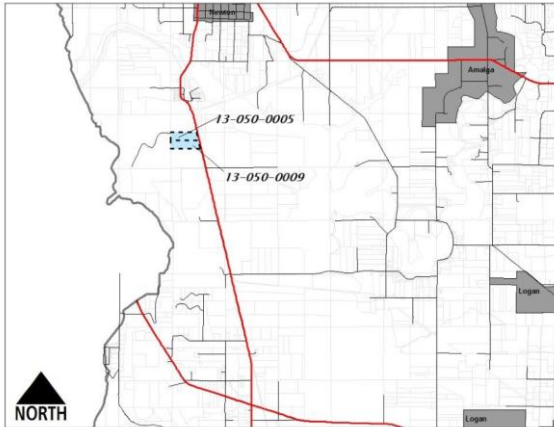
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



**PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY**

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed Rasmussen Farms Subdivision.

**Ordinance:**

As per the Cache County Zoning Ordinance Table §17.10.030 Development Density and Standards Specific to Base Zoning Districts, a development density of one (1) unit per ten (10) acres is permitted in this zone.

**Summary:**

This proposal is to divide legally divide parcel number(s) 13-050-0005 and 13-050-0009 into two (2) developable lots and two (2) agricultural remainders. The total developable acreage for this subdivision is 104 acres. The maximum development potential is approximately ten (10) lots. There are two existing dwellings, one on each existing parcel. Both agricultural remainders meet the minimum requirements to qualify as agriculture.

**Access:**

- Access to this property is from SR 23 and is adequate. No additional access points are proposed.

**Water & Septic:**

- An adequate, approved, domestic water right must be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- The existing dwellings each have septic systems in place. The Bear River Health Department has approved this new lot configuration.

**Service Provision:**

- A school bus stop is located at 5631 North 7000 West, approximately 0.6 miles from the proposed subdivision.
- Water supply for fire suppression will be provided by the City of Mendon Fire Department. Access for emergency services is adequate.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

**STAFF DETERMINATION AND FINDINGS OF FACT (4)**

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It is staff's determination that the Rasmussen Farms Subdivision, a 2-lot subdivision with two agricultural remainders for property located at approximately 5011 N. Highway 23 with parcel number(s) 13-050-0005 and 13-050-0009, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The Rasmussen Farms 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 Rasmussen Farms 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 Rasmussen Farms 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 Rasmussen Farms Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

**CONDITIONS OF APPROVAL (2)**

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The following conditions 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. An adequate, approved, domestic water right must be in place at the time of final plat recordation for all building lots within the proposed subdivision.

NORTH



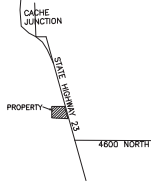
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SCALE 1" = 200'-0"

### RASMUSSEN FARMS SUBDIVISION

Part of Section 31,  
Township 13 North, Range 1 West,  
Salt Lake Baseline & Meridian  
Cache County, Utah

- LEGEND**
- BOUNDARY LINE
  - x- FENCE
  - - - EASEMENT
  - SET REBAR W/ PLASTIC CAP MARKED PELS 275617
  - FOUND REBAR
  - (120' B.R.) DEED RECORD DISTANCE
  - ⊕ SECTION CORNER

#### VICINITY MAP



#### SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, hold Certificate No. 275617, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, which is accurately described therein, and have subdivided said tract of land into lots and private easements to be hereafter known as RASMUSSEN FARMS SUBDIVISION and that the same has been surveyed and staked on the ground as shown on this plat.



#### SURVEYOR'S NOTES/NARRATIVE

- The purpose of this survey was to create a four lot subdivision from Parcels 13-050-0005 and 0009 as recorded in Warranty Deed Book 1787 Page 1502. The survey was requested by Val Rasmussen.
- The basis of bearing is N 00°10'00" W from the Southwest Corner to the Northwest Corner of Section 31 as monumented this Cache County Surveyors Cops.
- 5/8" rebar to be set at all property corners.
- The north and south lines were established using deed distance and bearings. The west line was established along the west line of Section 31. The east line as established along the west right of way line of Highway 23.

#### SUBDIVISION BOUNDARY DESCRIPTIONS

Part of Section 31, Township 13 North, Range 1 West of the Salt Lake Baseline and Meridian described as follows:  
Commencing at the Southwest Corner of Section 31, Township 13 North, Range 1 West of the Salt Lake Baseline and Meridian monumented with a Cache County Brass Cap; thence N 00°10'00" W 1916.00 feet along the section line to the POINT OF BEGINNING and turning

thence N 00°10'00" W 1647.00 feet (North 1647.00 feet, By Record) continuing along said section line;  
thence N 89°58'54" E 2633.33 feet (S89°51' E 2636 feet, more or less, By Record) to the west right of way line of Highway 23;  
thence S 13°04'52" E 1685.35 feet (Southeasterly 1635 feet, By Record) along said right of way line;  
thence S 89°52'54" W 3010.55 feet (N 89°57' W 3013 feet, more or less, By Record) to the point of beginning, containing 106.55 acres

#### OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS, THE WHOLE TO BE HERINAFTER KNOWN AS THE "RASMUSSEN FARMS SUBDIVISION", FURTHER WE DEDICATE AND/OR CURE CLAIM AS APPROPRIATE TO CACHE COUNTY, FOR THE USE OF THE PUBLIC FOREVER, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF SAID ROADWAY AND ALSO DEDICATE THE PUBLIC UTILITY EASEMENT AS SHOWN TO CACHE COUNTY.

R. VAL RASMUSSEN LYNN ALDENE RASMUSSEN

#### ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF CACHE )

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ BY \_\_\_\_\_

WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_

COUNTY COUNCIL APPROVAL AND ACCEPTANCE  
THIS PLAT WAS APPROVED BY THE CACHE COUNTY COUNCIL BY MAJORITY VOTE \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

CACHE COUNTY COUNCIL

BY: \_\_\_\_\_

ATTESTED TO: CHAIRMAN

CACHE COUNTY CLERK \_\_\_\_\_

#### COUNTY RECORDER

State of Utah, County of Cache, recorded and filed at the request of

Date \_\_\_\_\_ Time \_\_\_\_\_ Fee \_\_\_\_\_

Entry \_\_\_\_\_

Index \_\_\_\_\_  
Filed in: File of plats \_\_\_\_\_ County Recorder \_\_\_\_\_

#### NOTES AND PROTECTIVE COVENANTS

- Culinary Water: Cache County has not determined the availability or adequacy of culinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of a building permit.
- Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any existing, historic, or natural drainage without prior written authorization provided by the affected party or entity (may include but is not limited to adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)
- Agricultural Use: Current and future property owners must be aware that they will be subject to the rights, bounds, and areas associated with agricultural activities which are permitted uses in the Agricultural Zone and Forest Recreation Zone.
- Setback: 30' Front Rear  
12' Side  
setback lines are for primary buildings only

#### DEPUTY COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THE COUNTY SURVEYOR'S OFFICE AND FURTHER THAT IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DATE \_\_\_\_\_ DEPUTY COUNTY SURVEYOR \_\_\_\_\_

#### BEAR RIVER HEALTH DEPARTMENT APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BEAR RIVER HEALTH DEPARTMENT

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

#### CACHE COUNTY ATTORNEY

I 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 \_\_\_\_\_, 2014.

CACHE COUNTY ATTORNEY \_\_\_\_\_

#### CACHE COUNTY PLANNING COMMISSION

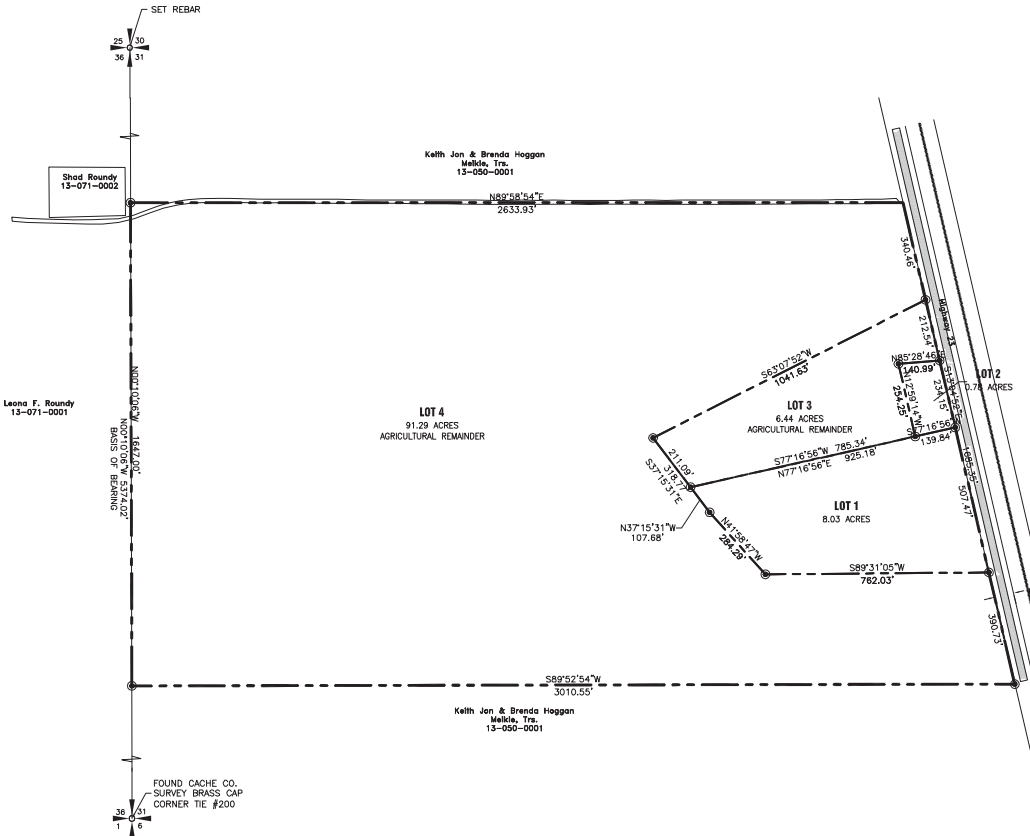
THIS PLAT WAS REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014. IT IS THE RECOMMENDATION OF THIS BOARD TO APPROVE/DENY THIS SUBDIVISION BASED ON ITS FINDINGS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

CACHE COUNTY PLANNING COMMISSION

BY: \_\_\_\_\_

CHAIRMAN \_\_\_\_\_



DATE: OCT 17, 2014  
DRAWING NO. 1  
OF 1

OWNERS:  
R. VAL RASMUSSEN & LYNN ALDENE RASMUSSEN  
HIGHWAY 23  
CACHE JUNCTION, UTAH 84304

ALLIANCE CONSULTING ENGINEERS  
150 EAST 200 NORTH SUITE P  
CANTON, UT 84301  
(435) 725-9141  
allianceeng@westoffice.net

PROJECT NO. 1

THE RASMUSSEN FARMS SUBDIVISION  
Part of Section 31, Range 1 West,  
Township 13 North, Salt Lake Baseline & Meridian  
Cache County, Utah



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**Amendments to 17.07 | DEFINITIONS RE: Kennels**


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**17.07.030: Use Related Definitions**

~~**6150 ANIMAL SHELTER:** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.~~

**7200 BOARDING FACILITY:** A series of stables, barns, paddocks, and/or other shelters and ~~exercising~~ exercise facilities in which ~~farm animals~~ livestock including cattle, sheep, goats, swine, horses, mules, poultry, and or domesticated elk are fed, exercised, and/or cared for on a short or long term basis for a fee.

**7210 HOME BASED KENNEL:**

~~1. Kennel:~~ Any establishment at which four (4) or more adult dogs are bred or raised for sale, boarded, groomed, and/or otherwise cared for. Up to four (4) adult dogs may be allowed per acre, but a home based kennel shall consist of no more than 12 adult dogs.

~~**7220 PROFESSIONAL KENNEL:** Any establishment at which thirteen (13) or more adult dogs are bred or raised for sale, boarded, groomed, and/or otherwise cared for.~~

**OR****7210 HOME BASED KENNEL:**

~~2. Kennel:~~ Any establishment, accessory and/or adjacent to a dwelling unit, at which four (4) or more adult dogs are ~~bred or raised~~, boarded, groomed, bred, raised, and/or otherwise eared ~~for kept~~. Up to four (4) adult dogs may be allowed per acre, but a home based kennel shall consist of no more than 12 adult dogs. This excludes a single, incidental litter in a 12 month period.

~~**7220 COMMERCIAL KENNEL/ANIMAL SHELTER:** Any establishment at which thirteen (13) or more adult dogs are boarded, groomed, bred or raised for sale, and/or otherwise kept.~~

**17.07.040: General Definitions**

ADULT DOG: A dog is considered an adult when it is six (6) months of age or older.

**Amendments to 17.09 | SCHEDULE OF ZONING USES RE: Kennels**

Index	Description	Base Zone							Overlay Zone	
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
<del>6150</del>	<del>Animal Shelter</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>C</del>	<del>N</del>	<del>-</del>
7200	Boarding Facility	C	C	C	N	C	C	N	N	-
<del>7210</del>	<del>Home Based Kennel</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>N</del>	<del>C</del>	<del>C</del>	<del>N</del>	<del>N</del>	<del>-</del>
<del>7220</del>	<del>Professional Kennel</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>C</del>	<del>N</del>	<del>-</del>

**17.06**

**Change throughout**

Remove “Temporary Use” and “Small Business” from language

Replace “Zoning Administrator” with “Director”

Reformat organization of uses and their standards as necessary

Clean up language and reference directing code sections

Rewrite for clarity

**17.06.070 - Standards and Criteria for Conditional Use**

Rewrite for clarity – a specific concern regarding the broad language in the standards and criteria (1-5) has been noted by the Planning Commission on several occasions when considering CUP’s. Criteria have been updated/revised.

**17.06.080 – Revocation or Modification of a Conditional Use Permit**

Change the expiration timeline for CUPs from 18 mos. to 12 mos. – reflects the timeline for subdivision approval.

**17.06.100 – Temporary uses, 17.06.110 – Standards and Criteria for Temporary Uses**

Delete – Uses are no longer recognized as temporary

**17.10**

**17.10.020 [H]** - Portions of 17.06.060 regarding structures moved to 17.10.020 [H] and amended.

**17.10.020 [F] and [G]** - Entirety of 17.06.060 [C] amended and moved to 17.10.020 [F] and [G]

**17.06.010 Uses Identified .....1**  
**17.06.020 Application Required.....1**  
**17.06.030 Burden of Proof.....1**  
**17.06.040 Permitted Uses.....1**  
**17.06.050 Conditional Uses.....2**  
**17.06.060 Nonconforming Uses .....3**

**17.06.010: Uses Identified**

- A. All uses allowed by this title shall be identified as:
  - 1. Permitted use.
  - 2. Conditional use.
  - 3. Nonconforming use.
- B. Prohibited Use: Any use which is not identified by this title as either a permitted, conditional, or nonconforming use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.

**17.06.020: Application Required**

- A. All requests for a permitted or conditional use shall be made on an application form provided by the Development Services Department.
- B. No use approved as a permitted or conditional use may be modified, enlarged or expanded, without obtaining an approved modification to the permit. The application for modification shall be processed as a new permit application under this ordinance. The issuance of a permit may require that the existing development site be brought into substantial conformance with the terms of the Cache County Code in effect on the date the use permit is approved, including but not limited to: landscaping, screening, parking, and storm water retention.

**17.06.030: Burden of Proof**

- A. The applicant has the burden of proving that the application meets the ordinance requirements for any permitted or conditional use.

**17.06.040: Permitted Uses**

- A. As required by the county code, requests for a permitted use shall also provide an application for a building permit and/or application for a business license, as applicable. The Director is authorized to impose reasonable conditions in compliance with this section. A permitted use shall not become effectual until:
  - 1. A zoning clearance is issued, and as required;
  - 2. A building permit is issued, and/or;
  - 3. A business license is issued.
- B. All applications for a permitted use are required to comply with the requirements of this title, the requirements of the county building codes, and the county business license codes as adopted and as applicable. Permitted use applications shall be reviewed in accordance with the following general standards and criteria:
  - 1. The Director shall review the permitted use request and determine if the request meets the following requirements:

- a. The use is identified as a permitted use within the zoning district as identified in chapter 17.09, "Schedule of Zoning Uses", of this title.
  - b. The use complies with the requirements as defined and specified by this title.
  - c. The use complies with the Cache County roadway standards and/or requirements of the Utah Department of Transportation (UDOT).
  - d. The use meets all applicable requirements of the state.
2. Upon finding that the proposed use, building, or structure complies with the standards and requirements of this title, the Director shall issue a zoning clearance.
  3. The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes.
  4. If the request for a permitted use complies with the requirements of this title, the adopted county building codes, and the applicable requirements of the Bear River Health Department or the Utah Department of Environmental Quality, the permitted use shall be authorized.

**17.06.050: Conditional Uses**

- A. A conditional use allows the consideration of special uses that may be essential or desirable to a particular community, but are not allowed as a matter of right. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The purpose of the conditional use permit application process is to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval. If adverse impacts cannot be appropriately resolved, the use is not appropriate in that location or configuration.
- B. Conditional use permits may be approved by the Planning Commission as provided by this title for any of the uses for which a conditional use permit is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Planning Commission is also authorized to impose such other reasonable conditions as provided in this section.
- C. The Planning Commission shall review a conditional use request with the following general standards and criteria:
  1. Health, Safety, and Welfare:  
The proposed conditional use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
    - a. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
    - b. It unreasonably interferes with the lawful use of surrounding property.
  2. Compliance with Law:  
The proposed conditional use complies with the regulations and conditions specified in this title and other applicable agency standards for such use.
  3. Compliance with Intent of General Plan, Ordinance, and Zone and/or compatible with existing uses in the immediate vicinity:  
The proposed conditional use is consistent with the intent, function, and policies of the applicable zone, the current general plan, and existing uses in the immediate vicinity.
  4. Adequate Service Provision:

The proposed conditional use does not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

**5. Impacts and Mitigation:**

Reasonably anticipated detrimental effects of the proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by this code, and/or disruption of agricultural practices.

6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the Planning Commission may deny the request for a conditional use permit.

D. In approving a conditional use permit, the Planning Commission may impose such reasonable conditions as deemed necessary for the protection of adjacent properties and the public interest. The Planning Commission may require guarantees or other evidence that such conditions will be met and complied with.

E. If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the Planning Commission shall schedule the item for consideration at a regular meeting. A minimum notice of thirty (30) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.

1. A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:

- a. The conditional use permit was obtained in a fraudulent manner.
- b. The use for which the conditional use permit was granted has ceased for a minimum of twelve (12) consecutive calendar months.
- c. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.
- d. The use constitutes a nuisance as defined by County Code.
- e. One or more of the conditions of the conditional use permit have not been met.

F. All conditional use permits authorized and approved as required by this title are determined to run with the land.

**17.06.060: Nonconforming Use**

A. A nonconforming use may continue provided that it:

1. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
2. Has been continuously maintained.

B. Alteration of a Nonconforming Use:

1. A nonconforming use shall not be enlarged upon, expanded, or intensified.
2. A nonconforming use may be maintained, however, for any work that requires a building permit, a zoning clearance shall be issued that identifies the following: The nonconformity, the legally nonconforming status, and that the use is not being enlarged, expanded, or intensified.

<u>17.06.010 Uses Identified</u> .....	<u>1</u>	
<u>17.06.020 Application Required</u> .....	<u>1</u>	
<u>17.06.010030</u> .....	<u>Burden of Proof</u>	<u>1</u>
<u>17.06.020 Prohibited Uses</u> .....		
<u>17.06.030040</u> .....	<u>Permitted Uses</u>	<u>1</u>
<u>17.06.040050</u> .....	<u>Application Required</u>	<u>12</u>
<u>17.06.050 Standards and Criteria for Permitted Use</u> .....	<u>Conditional Uses</u>	
<u>17.06.060 Nonconforming Uses</u> .....	<u>Permitted Uses</u>	
<u>17.06.070 Standards and Criteria for Conditional Use</u> .....		<u>23</u>
<u>17.06.080 Revocation or Modification of a Conditional Use Permit</u> .....		<u>2</u>
<u>17.06.090 Conditional Use Permit to Run with the Land</u> .....		<u>3</u>
<u>17.06.100 Temporary Uses</u> .....		<u>3</u>
<u>17.06.110 Standards and Criteria for Temporary Uses</u> .....		<u>3</u>
<u>17.06.120 Repealed</u> .....		<u>4</u>
<u>17.06.130 Nonconforming Uses, Lots, and Structures</u> .....		<u>4</u>
		<u>5</u>

**17.06.010: Uses Identified**

A. All uses allowed by this title shall be identified as:

- 1. Permitted use.
- 2. Conditional use.
- 3. Nonconforming use.

B. Prohibited Use: Any use which is not identified by this title as either a permitted, conditional, or nonconforming use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.

**17.06.020: Application Required**

A. All requests for a permitted or conditional use shall be made on an application form provided by the Development Services Department.

B. No use approved as a permitted or conditional use may be modified, enlarged or expanded, without obtaining an approved modification to the permit. The application for modification shall be processed as a new permit application under this ordinance. The issuance of a permit may require that the existing development site be brought into substantial conformance with the terms of the Cache County Code in effect on the date the use permit is approved, including but not limited to: landscaping, screening, parking, and storm water retention.

**17.06.030: Burden of Proof**

A. The applicant has the burden of proving that the application meets the ordinance requirements for any permitted or conditional use.

**17.06.010: Uses Identified**

All uses allowed by this title shall be identified as:

- A. Permitted use.
- B. Conditional use.
- C. Temporary use.

~~D. Nonconforming use.~~

~~E. Small business use.~~

#### **17.06.020: Prohibited Uses**

~~Any use which is not identified by this title as either a permitted use, a conditional use, a small business use or a temporary use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.~~

#### **17.06.030: Application Required**

~~All requests for a permitted use or a conditional use, a small business use or a temporary use shall be made on an application form provided by the zoning administrator.~~

#### **17.06.040: Permitted Uses**

~~A. The zoning administrator is authorized to issue all required zoning clearances for a permitted use. As required by the county building codes, all requests for a permitted use shall also provide an application for a building permit and/or application for a business license, as applicable. The Director is authorized to impose reasonable conditions in compliance with this section. No permitted use shall not become effective until:~~

- ~~1. a zoning clearance is received from issued, zoning administrator and as required;~~
- ~~2. a building permit is issued, -and/or;~~
- ~~3. A business license, as required, is issued. \_\_\_\_ The zoning administrator is also authorized to impose such other reasonable conditions as provided in section 17.06.050 of this chapter.~~

#### **17.06.050: Standards and Criteria for Permitted Use**

~~B. All applications for a permitted use are required to comply with the requirements of this title, the requirements of the county building codes, and the county business license codes (title 5 of this code) as adopted and as applicable. A permitted use applications shall be reviewed in accordance with the following general standards and criteria:~~

- ~~A1. The Director zoning administrator shall review the permitted use request and determine if the request meets the following requirements:~~
  - ~~1a. The use is identified as a permitted use within the zoning district as identified in chapter 17.09, "Schedule of Zoning Uses", of this title.~~
  - ~~2b. The use complies with the requirements for the zoning district as defined and specified by this title, with respect to minimum area, setback requirements, height, buffer and landscape standards, maximum coverage, parking, unloading, and all other requirements applicable to the district.~~
  - ~~3. The use does not have an adverse effect on any sensitive areas, as defined by this title.~~
  - ~~4c. The use complies with the Cache County roadway standards and/or requirements of the Utah Department of Transportation (UDOT), all road dedication requirements of the county and provides necessary infrastructure as required and recommended by the County Road Department and/or Utah Department of Transportation.~~
  - ~~5d. The use meets all applicable requirements of the state Bear River Health Department and Utah Department of Environmental Quality as required and applicable.~~
- ~~B2. Upon finding that the proposed use, building, or structure complies with the standards and requirements of this title, the zoning administrator Director shall issue a zoning clearance.~~



- ~~3. With the receipt of a zoning clearance, t~~The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes,~~as adopted.~~
- ~~4.~~ If the request for a permitted use complies with the requirements of this title, the adopted county building codes, ~~as adopted,~~ and the applicable requirements of the Bear River Health Department or the Utah Department of Environmental Quality, ~~as applicable,~~ the permitted use shall be authorized.

#### **17.06.06050: Conditional Uses**

- A. ~~A conditional use allows the consideration of special uses that may be essential or desirable to a particular community, but are not allowed as a matter of right. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The purpose of the conditional use permit application process is to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval. If adverse impacts cannot be appropriately resolved, the use is not appropriate in that location or configuration.~~

~~The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of those uses which may be suitable in specific locations or if such uses are designed, arranged or conducted on the site in a particular manner.~~

- B. Conditional use permits may be approved by the Planning Commission as provided by this title for any of the uses for which a conditional use permit is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Planning Commission is also authorized to impose such other reasonable conditions as provided in this section ~~17.06.070 of this chapter.~~

#### **17.06.070: Standards and Criteria for Conditional Use**

AC. The Planning Commission shall review a conditional use request with the following general standards and criteria:

1. Health, Safety, and Welfare:

The proposed conditional use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:

- a. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;

- b. It unreasonably interferes with the lawful use of surrounding property.

2. Compliance with Law:

The proposed conditional use complies with the regulations and conditions specified in this title and other applicable agency standards for such use.

3. Compliance with Intent of General Plan, Ordinance, and Zone and/or compatible with existing uses in the immediate vicinity:

The proposed conditional use is consistent with the intent, function, and policies of the applicable zone, the current general plan, and existing uses in the immediate vicinity.

4. Adequate Service Provision:

The proposed conditional use does not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and access for emergency vehicles and residents, fire protection,

law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

**5. Impacts and Mitigation:**

Reasonably anticipated detrimental effects of the proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by this code, and/or disruption of agricultural practices.

- ~~1. The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the area and the county;~~
- ~~2. Compatibility of the proposed use with the intent, function and policies established in the Cache Countywide Comprehensive Plan;~~
- ~~3. Compatibility of the proposed use with the character of the site, adjacent properties and other existing and proposed development;~~
- ~~4. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation;~~
- ~~5. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;~~
6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the planning-Planning commission-Commission may deny the request for a conditional use permit.

~~**B.D.** In approving a conditional use permit, the planning-Planning commission-Commission may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, flood control, time limits, and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning Commission may require guarantees or other evidence that such conditions will be met and complied with.~~

**~~17.06.080: Revocation or Modification of a Conditional Use Permit~~**

~~**A.E.** If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning-Planning commission-Commission shall schedule the item for consideration at a regular meeting. A minimum notice of fourteen-thirty (1430) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.~~

~~**B.1.** A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:~~

- ~~1a.~~ The conditional use permit was obtained in a fraudulent manner.
- ~~2b.~~ The use for which the conditional use permit was granted has ~~now~~ ceased for a minimum of twelvet-least-eighteen (1812) consecutive calendar months.
- ~~3c.~~ The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.
- ~~4d.~~ The use constitutes a nuisance as defined by County Code.
- ~~5e.~~ One or more of the conditions of the conditional use permit have not been met.

### **17.06.090: Conditional Use Permit to Run with the Land**

**F.** All conditional use permits authorized and approved as required by this title are determined to run with the land.

### **17.06.100: Temporary Uses**

- A.** ~~The purpose of the issuance of a temporary use is to allow the establishment of a use on a temporary basis which will not create an undue risk to the public health, welfare and safety, and which will not create a nuisance. Such uses may include, but are not limited to, construction offices, or the storage of materials and equipment necessary for construction, and seasonal activities such as a corn maze, pumpkin patch/stand, fireworks stand, and Christmas tree lot.~~
- B.** ~~A temporary use shall be approved by the zoning administrator, as provided by this title, for any of the uses for which a temporary use is identified in chapter 17.09, "Schedule of Zoning Uses", of this title. A temporary use shall only be authorized by the zoning administrator for a period of up to six (6) months. As required by the county building codes, all requests for a temporary use shall also provide application for a building permit and/or application for a business license, as required by the county. No temporary use shall become effective until approval is received from the zoning administrator and a building permit and/or business license, if required, is issued by the county building official and/or county clerk. The zoning administrator is also authorized to impose such other reasonable conditions as provided in section 17.06.110 of this chapter.~~

### **17.06.110: Standards and Criteria for Temporary Uses**

~~In approving a temporary use, the zoning administrator may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, time limits, and other items for the temporary use as deemed necessary for the protection of adjacent properties and the public interest. The zoning administrator may require guarantees or other evidence that such conditions will be met and complied with.~~

- A.** ~~The zoning administrator shall review a temporary use request with the following general standards and criteria:~~
- ~~1. The property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that it will not be materially detrimental to adjoining and surrounding properties.~~
  - ~~2. The use will cease within a maximum of six (6) months from the date of issuance of the temporary use permit.~~
  - ~~3. The use will comply with all requirements of the Bear River health department, sheriff's department, county building codes, county business ordinance, and all other requirements as applicable.~~
- B.** ~~In approving a temporary use, the zoning administrator may impose such reasonable conditions or restrictions as deemed necessary to secure the purposes of this title. These conditions may include:~~
- ~~1. That the site will be suitably maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect, preserve and/or enhance the appearance and character of the area.~~

- ~~2. The provision of parking facilities, including vehicular ingress and egress, loading and unloading areas, and the surfacing of parking areas and driveways to specified standards.~~
- ~~3. The provision of an adequate water supply, sewage disposal, flood control and fire protection.~~
- ~~4. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.~~
- ~~5. Does not have an adverse effect on any sensitive areas, as defined by this title.~~
- ~~6. The regulation of operating hours for activities affecting normal schedules and functions.~~
- ~~7. The regulation of signs as per chapter 17.23, "Sign Standards", of this title.~~
- ~~8. The provision of a reasonable guarantee, bond or other surety, as determined by the zoning administrator, that the proposed temporary use will be maintained and operated in compliance with all conditions and requirements.~~
- ~~9. Such other reasonable conditions determined necessary by the zoning administrator to allow the establishment and operation of the proposed temporary use in an orderly and efficient manner.~~

**17.06.120: Appeal of Permitted Use, Conditional Use, or Temporary Use Decision<sup>†</sup>**

(Rep. by Ord. 2008-07, 9-23-2008)

<sup>†</sup>See section 17.02.070 of this title.

**17.06.013060: Nonconforming Use, Lot, or Structure**

A. A nonconforming use, lot, or structure may continue provided that it:

1. -Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entitys, and;
2. Has been continuously maintained on or before the effective date hereof or at the time of an amendment, or by some action by a federal, state, or local government entity may continue provided that the use, lot, or structure has been maintained continuously.

AB. Alteration of a Nonconforming Use, Lot, or Structure:

1. A nonconforming use, ~~lot, or structure~~ shall not be enlarged upon, expanded, or intensified.
2. ~~A nonconforming use, lot, or structure may apply to the board of adjustment to be enlarged or modified by meeting the following criteria:~~
  - ~~—a. The change is in harmony with the surrounding neighborhood and in keeping with the intent of the comprehensive plan and this title.~~
  - ~~—b. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity.~~
- ~~3-2. c. Reasonable conditions may be attached to the approval in order to assure compatibility with the surrounding properties.~~ A nonconforming use ~~or structure~~ may be maintained, ~~however, and repaired. On for~~ any work ~~being completed~~ that requires a building permit, a zoning clearance shall be issued that identifies the following: ~~the~~ The nonconformity;~~;~~ ~~itsthe~~ the legally nonconforming status;~~;~~ and that the use, ~~lot, or structure~~ is not being enlarged, expanded, or intensified.
3. Any reconstruction or restoration of a nonconforming structure shall comply with both this title and with Utah State Code Section 17-27a-510(3).

~~B. Abandonment: The determination of an abandonment of a nonconforming use, lot, or structure shall comply with Utah State Code Section 17-27a-510(4).~~

~~C. Nonconforming Lot:~~

~~1. Parcels not meeting the minimum density or lot size requirements for a zone:~~

~~a. Legal lots not meeting the minimum lot size or density requirements shall be entitled to be developed as a lot, but not to be further subdivided.~~

~~b. Restricted lots not meeting the minimum lot size or density requirements may apply to the Board of Adjustments for a variance as provided in subsection A of this section. If the Board of Adjustments approves the variance, the lot owner may then apply for a subdivision to the Planning Commission and County Council.~~

~~2. Illegal A rlot meeting the minimum lot size and/or density requirements of a zone may apply to the Planning Commission and County Council for a subdivision of that lot from the original 1970 parcel. If the parcel is large enough to support multiple lots that meet the lot size and/or density limits, a subdivision from the 1970 parcel will be required in conjunction with the subdivision of the parcel in question.~~

*Portions of 17.06.060 regarding structures moved to 17.10.020 [H] and amended  
Entirety of 17.06.060 [C] amended and moved to 17.10.020 [F] and [G]*

17.10.010 Purpose.....1  
17.10.020 General Requirements.....1  
17.10.030 Development Density and Standards Specific to Base Zoning Districts.....2  
17.10.040 Site Development Standards .....3  
17.10.050 Supplemental Standards .....5  
17.10.060 Improvement Agreements.....6

**17.10.010: Purpose**

The regulations hereinafter set forth in this chapter supplement and/or qualify the zone regulations appearing elsewhere in this title.

**17.10.020: General Requirements**

- A. Every Single Family Dwelling to be on a Legal Lot:
  - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
  - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29<sup>th</sup>, 2013.
  - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
  - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.
- D. Sale or Lease of Required Space:
  - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
  - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
  - 1. No permits or licenses will be issued for a use on any restricted lot.
  - 2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.
  - 3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

### **G. Nonconforming Lot/Parcel**

1. Legal lots not meeting the minimum lot size or density requirements of the applicable zone shall be entitled to be developed as a lot, but shall not be entitled to further subdivision in that nonconforming configuration.

### **H. Nonconforming Structure**

1. Existence: A nonconforming structure may continue provided that it:
  - a. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
  - b. Has been continuously maintained.
2. Alteration: A nonconforming structure may be altered, maintained, and/or repaired as follows:
  - a. Minor: Minor changes that do not increase the nonconformity are permitted provided that:
    - i. Necessary permits are obtained, and on any work being completed that requires a building permit a zoning clearance shall be issued that identifies the following:
      - 1) The legally nonconforming status, and;
      - 2) The nonconformity, and;
      - 3) That the nonconformity of the structure is not being increased.
    - ii. Any reconstruction or restoration of a nonconforming structure shall comply with state and county code.
  - b. Major: Requests for major changes that increase a nonconformity may be made to the Cache County Board of Adjustments and must meet state code requirements for a variance.
3. Abandonment: A nonconforming structure may be determined to be abandoned in compliance with state and county code.

### **17.10.030: Development Density and Standards Specific to Base Zoning Districts**

- A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):
  1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the density of one lot per ten (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.
- B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):
  1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.
- C. Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:

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17.10.060 Improvement Agreements.....56

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  - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
  - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.
- D. Sale or Lease of Required Space:
  - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
  - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
  - 1. No permits or licenses will be issued for a use on any restricted lot.
  - 2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.
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      - 1) The legally nonconforming status, and;**
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    - ii. Any reconstruction or restoration of a nonconforming structure shall comply with state and county code.**
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**DEVELOPMENT SERVICES DEPARTMENT**

BUILDING | COUNTYWIDE PLANNING | ENGINEERING | GIS | PLANNING & ZONING

<b>2015 MEETING DATES AND APPLICATION DEADLINES</b>					
<b>PLANNING COMMISSION</b> (1 <sup>st</sup> Thursday of each month)			<b>COUNTY COUNCIL</b> (2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday)	<b>BOARD OF ADJUSTMENTS</b> (3 <sup>rd</sup> Thursday of each month)	
<b>Survey Deadline</b>	<b>Application Deadline 3:00 PM</b>	<b>MEETING DATE 5:30 PM</b>	<b>MEETING DATE 5:00 PM</b>	<b>Application Deadline 3:00 PM</b>	<b>MEETING DATE 6:00 PM</b>
26 Nov	3 Dec	<b>8 Jan</b>	<b>13 Jan</b> <b>27 Jan</b>	23 Dec	<b>15 Jan</b>
31 Dec	7 Jan	<b>5 Feb</b>	<b>10 Feb</b> <b>24 Feb</b>	28 Jan	<b>19 Feb</b>
28 Jan	4 Feb	<b>5 Mar</b>	<b>10 Mar</b> <b>24 Mar</b>	25 Feb	<b>19 Mar</b>
25 Feb	4 Mar	<b>2 Apr</b>	<b>14 Apr</b> <b>28 Apr</b>	25 Mar	<b>16 Apr</b>
1 Apr	8 Apr	<b>7 May</b>	<b>12 May</b> <b>26 May</b>	29 Apr	<b>21 May</b>
29 Apr	6 May	<b>4 Jun</b>	<b>09 Jun</b> <b>23 Jun</b>	27 May	<b>18 Jun</b>
3 Jun	10 Jun	<b>9 Jul</b>	<b>14 Jul</b> <b>28 Jul</b>	24 Jun	<b>16 July</b>
1 Jul	8 Jul	<b>6 Aug</b>	<b>11 Aug</b> <b>25 Aug</b>	29 Jul	<b>20 Aug</b>
29 Jul	5 Aug	<b>3 Sep</b>	<b>08 Sep</b> <b>22 Sep</b>	26 Aug	<b>17 Sep</b>
26 Aug	2 Sep	<b>1 Oct</b>	<b>13 Oct</b> <b>27 Oct</b>	23 Sep	<b>15 Oct</b>
30 Sep	7 Oct	<b>5 Nov</b>	<b>10 Nov</b> <b>24 Nov</b>	28 Oct	<b>19 Nov</b>
28 Oct	4 Nov	<b>3 Dec</b>	<b>01 Dec</b> <b>08 Dec</b>	25 Nov	<b>17 Dec</b>