



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 February 4, 2016 meeting.

5:35 p.m.

Consent Items

(1) **Kelly Spackman Subdivision Third Amendment**—A request for a recommendation of approval to the County Council to add an additional buildable lot on 52.64 acres of property located at 2977 North 2400 West in Benson (Agricultural (A10) Zone).

Regular Action Items

(2) **Public Hearing (5:40 PM): Esplin Anderson Rezone**—A request for a recommendation of approval to the County Council for a rezone of 5 acres of property from the Agricultural (A10) zone to the Commercial (C) zone at 4600 North 400 West, southwest of Smithfield City.

(3) **Public Hearing (6:00 PM): Code Amendments, Title 16**—Amendments regarding subdivision requirements and review.

(4) **Public Hearing (6:30 PM): Code Amendments, Title 17**—Miscellaneous land use updates and revisions.

Board Member Reports

Staff reports

Adjourn



PLANNING COMMISSION MINUTES

04 FEBRUARY 2016

<u>Item</u>	<u>Page</u>
1. Wild Bunch Kennel Conditional Use Permit	2
2. Nautica Subdivision.....	7

1 Minutes for 04 February 2016

2
3 **Present:** Jacob Adams, Chris Harrild, Josh Runhaar, Jason Watterson, Brady Christensen,
4 Phillip Olsen, Chris Sands, Lane Parker, Lee Edwards, Megan Izatt

5
6 **Start Time: 05:38:00**

7
8 **Watterson** welcomed and **Sands** gave opening remarks

9
10 **05:41:00**

11
12 **Agenda**

13
14 Approved and adopted with no changes.

15
16 **Minutes**

17
18 Approved and adopted with no changes.

19
20 **05:43:000**

21
22 **Regular Action Items**

23
24 **#1 Wild Bunch Kennel (John Mullin)**

25
26 **Harrild** reviewed Mr. John Mullin's request for approval for a conditional use permit to allow a
27 boarding and breeding kennel located on 1.14 acres of property at 5670 North Highway 23,
28 Cache Junction (Agricultural, A10 Zone). This item was continued from the January 7, 2016
29 meeting. This request is coming back from District Court to the Planning Commission and the
30 Commission has been directed to only review impacts related to noise and odor. Some
31 amendments have been made to the previous conditions. The Bear River Health Department
32 (BRHD) previously submitted a letter that no animal waste is allowed to enter the septic system.
33 Condition #3c has been amended to reflect the BRHD's concerns. Condition #4 has been
34 amended to reflect the need of documentation of the ambient noise level and Condition #5 states
35 that a certified/licensed professional using a calibrated noise dosimeter will conduct the noise
36 study; the study would also have to be applied to the outside fenced area for the dogs. Condition
37 #8 has been removed; as long as the applicant is meeting the conditions placed on noise the
38 number of dogs outside does not matter. Condition #11 has been amended to state that minor
39 modifications to the facility that are necessary in order to meet the minimum standards of the
40 USDA may not require additional approval, but must be reviewed with the Development
41 Services Department prior to implementation to determine if additional review and approval is
42 required.

43
44 **Staff and Commission** discussed the conditions. There were questions regarding the number of
45 dogs and who monitors that the applicant sticks to the 42 dogs. Planning staff is the one to
46 monitor that the applicant complies with the submitted documentation and the conditions. The
47 concerns with noise were discussed. If the dogs are brought to the property, and the applicant

1 fails to meet the noise requirements with the dogs there, the applicant will have to figure out a
2 way to comply with the condition. Concerns regarding odor were raised. Because the BRHD
3 does not allow animal waste in the septic system there are concerns that the containment system
4 could cause problems with odor. The applicant is responsible for meeting with the BRHD to find
5 out what method would be acceptable for storage of animal waste. There were concerns
6 regarding the 24/7 use of the site for dogs and the need for the dogs to be allowed outside during
7 the night. There is no nuisance ordinance for the county, but staff can review evidence submitted
8 by others to see if there is a problem with the applicant and noise. The condition is written as a
9 performance standard, which means that there are different levels of ambient noise at different
10 times during the day or night. Night time ambient noise levels will be much quieter than day time
11 levels, and the applicant is not allowed to be more than 10 decibels over ambient sound no matter
12 the time of day or night. The proposed condition can also be amended to have the wording
13 “regardless of time of day or night” written to help with that distinction.
14

15 **Mr. Joe Chambers** I am here representing the Mullins. This matter has been pending for about
16 14 months and it has been before you, went to the Board of Adjustments, back to this
17 commission, back to the Board of Adjustments, and then to District Court, which remanded it
18 back to the Planning Commission. The Court indicated that you are not to consider the standards
19 of any revised, updated or passed ordinance subsequent to the original application date of July
20 2014, and that the only two issues to be considered are odor and noise. As legal counsel can
21 advise you, this matter does not go back to the Board of Adjustments but back to District Court.
22 Let me address the conditions. We talked to the BRHD and they had concerns about the waste
23 going into the septic system and informed us we need to check with the state on that. That
24 condition needs to be worked with the BRHD.
25

26 **Watterson** as far as the condition, I don’t believe that precludes that, correct?
27

28 **Mr. Chambers** the use of the word septic system can have a couple of definitions. I understand
29 that the proponents intend to put it into a septic tank and having it pumped out, not a drainage
30 system. We were using the term to be a septic tank type system, not a drainage field septic
31 system.
32

33 **Sands** separate from the home septic system?
34

35 **Mr. Chambers** yes, completely separate. We will have to verify that with the BRHD. I have a
36 concern that this is an agricultural activity in an agricultural area. You are proposing more
37 conditions for dogs than you would a dairy operation, and you would not place these kinds of
38 conditions on a dairy operation. I find it somewhat interesting that you are imposing these
39 conditions for an agricultural activity in an agricultural zone. When I say this, it is my concern
40 and a philosophical concern; you have to focus on that in what is going on with this application
41 and the number of conditions that you are requiring. There has been a significant amount of
42 public clamor on this, and the last meeting was very hard. Most of the comments received had
43 nothing to do with smell or odor. The reservations I have for conditions 4 and 5 is that they
44 reflect the new ordinance, which according to the District Court is not allowed. The kennel has
45 2’x6’ construction with plenty of insulation, walls, and wood. The metal and that insulation are
46 going to cut down on 90% of the sound inside so it is not getting out. I think conditions 4 and 5
47 are outside of the judge’s order that you not consider the new ordinance. We want to be

1 cooperative and run an operation that gets along with the community. If there are concerns that
2 come up, they can be dealt with. When you talk about the dogs going out at 2 o'clock in the
3 morning, I smile at that; my clients are older and Mrs. Mullin is fighting cancer and they are not
4 going to be getting up at that hour to let dogs out. I know you have to anticipate problems and
5 that's your job, but I don't think it's your job to impose perfect conditions for everything; rather,
6 it is to impose reasonable conditions.

7
8 **Edwards** do you have any proposed language for conditions 4 and 5 that is different from what
9 staff has provided?

10
11 **Mr. Chambers** that is a loaded question, but we don't. Our position is that proposing reasonable
12 conditions is not just our job and that the county has to work with us to impose conditions. I
13 think the Ombudsman's office made it clear that it is a dual process, not just the proponents job.
14 The judge's condition is that you can't consider the new ordinance. We have taken care of the
15 noise in the building and the noise outside; it's an agricultural area, and I don't see it as being a
16 problem. The sound study, we looked into that and that is not inexpensive. The problem, and
17 you've identified it, is "what is the base line?" Is it an hour period at 6 am or is it a week long
18 period that you take an average from?

19
20 **Sands** that is why you have a professional. They are the ones that know the process.

21
22 **Mr. Chambers** true, but the County doesn't have standards for that professional. You say "do a
23 baseline" but that is why the county legislative body needs to adopt a specific criterion so that
24 the professional knows what he needs to do. I cut you off and I did that intentionally because
25 that's the problem.

26
27 **Sands** I disagree; when you measure ambient sound there is a protocol to follow.

28
29 **Mr. Chambers** there are several protocols, and we have looked in to that. They keep asking
30 what protocol the county wants. Because we can't tell them what protocol to follow, they can't
31 tell us what they need to do.

32
33 **Christensen** this is partially also, why the ordinance and such have been made since. We are
34 both in the same position at the time this application was submitted.

35
36 **Mr. Chambers** if I've offended anyone I apologize; that's not my intent. As they say, I'm not
37 intended to be a plant and sit there and not do anything. I apologize if I have come off too
38 strong.

39
40 **Runhaar** one of the things we look at when we deal with technical sets of data—engineering,
41 sound whatever it is—we rely on professionals. I don't have in-house professionals, so we rely
42 on an engineering firm to do that work. When we tried to give and take on conditions, when our
43 attorney asks- do you have proposals for the conditions? -, that would be a good time for you to
44 come and say "there are these three classifications for sound. Our professional is saying if we do
45 it at this level is it is going to cost X" and we can look at that and say yea or nay. We are much
46 the same as you. We are trying to propose but we are not experts on sound either. When we
47 looked at this, we've seen sound studies range into several thousand dollars, but we've also seen

1 some that also are only a couple of hundred dollars. If they are just doing sample readings and
2 not a projection, that should be cheaper. If you can bring us a sample of the criteria you are going
3 to use and take a snapshot before and snapshot after and will provide that to us, I think that is
4 what our condition is saying. If you can present the option that you want to use and why you
5 chose that one, then that is a reasonable talking point.
6

7 **Mr. Chambers** I understand that. In fairness to us, condition number 4 just showed up tonight.
8 So we need time for this dialogue.
9

10 **Harrild** but the other one has been there for over a month. This is not new information.
11 Typically what they are going to measure is a Loudness Equivalent (L_{eq}) measure. So there will
12 be an equivalent over time and then you will have the sound over time to establish the ambient
13 sound. The timeline may be able to be adjusted, but again we are not the professional on that. I
14 think this is flexible. The sound studies you've looked at before are on a much larger scale than
15 what this is requiring. It is still going to take a level of review and that will have a cost associated
16 with it. If you have a better option, then let us know, but this is the best we can presently
17 identify.
18

19 **Edwards** just for clarification for the record: the new ordinance requires a sound study, but these
20 standards just require a baseline to determine whether a future reading meets a condition that is
21 imposed in addition to that baseline, is that right?
22

23 **Harrild** you could argue that is a sound study also, but what we are talking about is whether the
24 planning commission has a right to identify impacts and ways to address those impacts under the
25 old ordinance. If we have to focus on noise and odor, how do you focus on noise if you can't
26 measure it? Reducing noise impacts is still within the old code's requirements and the county has
27 the ability to say that noise is an impact and how to mitigate it reasonably. I think that is the
28 discussion we are having now, what is reasonable? Is L_{eq} a reasonable measure or is there a
29 better option? How else do you measure sound other than dBA or an equivalent measure over
30 time?
31

32 **Sands** right, how do you measure an impact if you don't have a baseline to work from?
33

34 **Harrild** I don't know what that baseline is. The best we have been able to identify, even under
35 the old code, is to identify the impact and what a reasonable mitigation measure is. The structure
36 may do that, but the dogs are also going to be outside.
37

38 **Watterson** this protects both entities because it is a performance based standard that your clients
39 can use as a protection if people complain. I think that is the intention that staff has had going
40 into this, and really it gives us something we can base that on.
41

42 **Sands** Mr. Chambers, your comment about this being considered an agricultural practice by the
43 state—you are saying that under the current state statute is that the breeding of animals for non-
44 consumption purposes is protected by law?
45

1 **Mr. Chambers** it's a husbandry activity. It's actually taught at the 4-H level. You go to colleges
2 that have husbandry activities, we've located them across the mid-west, and it is a common
3 practice. It's not any different than raising sheep, horses, cattle, or anything else.

4
5 **Sands** typically those animals, there is some form of consumption whether it is wool, or meat, or
6 milk. You know the law better than I do, but that argument is not in any of the written
7 documentation that has been submitted so far.

8
9 **Mr. Chambers** no, but I did mention it last time.

10
11 **Sands** yes, but it's not in any of the written documentation that has been submitted to the county
12 thus far.

13
14 **Harrild** it is in there, but it's not in anything that went to the court. It's new to this body and
15 hasn't been heard by the court. The Ombudsman's office didn't comment on it. So there isn't any
16 direction from the District Court about that issue. But, like Mr. Chambers said, that that may be
17 an issue but he said that he is not representing his clients on this issue.

18
19 **Sands** haven't you been before us for a mink farm?

20
21 **Mr. Chambers** I was here against the mink farm.

22
23 **Sands** if I'm not mistaken, we've had a mink farm come before us previously as a CUP, and that
24 process got sidetracked because of this. It's an approved use according to the state and there is
25 nothing we can do about it, so it went away.

26
27 **Harrild** mink are identified as a husbandry animal by the state. With dogs, the state definition is
28 less clear. We've bounced around the code trying to piece it together. We've had a disagreement
29 with Mr. Chambers there, where Mr. Chambers believes it is agriculture and we say it is not. But
30 even if it is, it doesn't preclude us from providing a more strict requirement.

31
32 **Sands** there have been items that have come before us that that was an argument but it didn't
33 need to come before us because it was already covered under state law and it went away.

34
35 **Mr. Chambers** we have tried to present it and preserve it as an issue and is why we've raised it.
36 There are no Utah cases on this because the Utah Statute includes it. There are cases in
37 Massachusetts and Vermont that dog breeding does fall within husbandry definitions.

38
39 **Sands** but in this instance neither the Ombudsman nor the district court have commented that the
40 county's authority goes away because of state statute.

41
42 **Edwards** I think counsel has preserved the issue. But, even if that falls under an agricultural use,
43 because the county has established a CUP process for this type of use the County is within its
44 right to impose conditions to mitigate the impacts on the surrounding properties.

1 **Runhaar** staff and the Planning Commission are limited in our roles, which is to enforce the
2 law. If there is an issue brought to us, we would review it. We don't have an exact answer but
3 we are applying the law as it is written and would consult with the county attorney as necessary.
4

5 **Edwards** it was presented in the mediation process and the Ombudsman did not address that
6 issue.
7

8 **Sands** which I would read as maybe the definition of dog breeding as agriculture doesn't apply,
9 because if it did it seems like the Ombudsman would say "no, this supersedes everything else
10 and the noise doesn't matter."
11

12 **Mr. Chambers** let me debate that with you; I think it means he didn't address it. I wanted to say
13 that you serve a very important function and your service to the community is valuable. We
14 appreciate it and we may come up here and disagree with what is presented but understand that I
15 appreciate your role and everything that you and the planning office do and I just want to thank
16 you.
17

18 **Staff and Commission** discussed the conditions. If the conditions proposed are what are
19 approved, the proponent has to meet all those conditions and the conditions are strict. There is
20 some give and take with the sound study. The details will be worked out with the staff to meet
21 those conditions. The thing to take note of is the conditional use permit runs with the land. If
22 someone else wanted to move in and do the exact same operation, they could. If the Mullins
23 were to move next door or operate out of different house, they would have to reapply. The other
24 thing to note is that the conditional use permit is abandoned if the use lapses for a period of 12
25 months.
26

27 **Staff** read over the changes to the conditions and the changes discussed earlier. The condition
28 regarding the septic system will need to be worked through with the BRHD.
29

30 **Brett Chambers** I would like to add the proponent must provide documentation from the BRHD
31 that the approved waste removal/containment system is allowed.
32

33 ***Parker** motioned to approve the Wild Bunch Kennel Conditional Use Permit with the findings
34 and fact and with the edited and additional conditions of approval; **Olsen** seconded; **Passed 5, 0.***
35

36 **06:36:00**
37

38 **#2 Nautica Subdivision (Bob Wright)**
39

40 **Harrild** reviewed Mr. Bob Wright's request for a recommendation of approval to the County
41 Council for an 11-lot subdivision and agricultural remainder on 129 acres of property located at
42 1550 West 6700 South near Hyrum in the Agricultural (A10) Zone. There have been previous
43 request to develop this property, the most recent occurring at the end of 2013 with a request to
44 rezone the property from the A10 Zone to the RU5 Zone. That request was denied because the
45 proposed zone was not consistent with the surrounding properties and there were not adequate
46 public service provisions. Access from the north must cross the Hyrum Dam spillway on South
47 1700 West. At this location, 1700 west is a ~16' wide paved surface. This width is inadequate

1 and widening of the roadway in this location is financially impractical. Access from the west is
2 from county roads 6600 South, 1800 West, 6400 South, and 1600 West. The paved portion of
3 1600 West meets the minimum county standard. At this location, 1600 West averages a 22'
4 paved width with 1' to 3' wide gravel shoulders and currently serves more than 3 dwellings and
5 provides agriculture access. The unimproved portion of 1600 West that is south of 6500 South
6 does not meet the minimum county standard. There is a problem in that the applicant is willing to
7 make the road improvements, but the County Council is unwilling/unable to extend services. In
8 order for the applicant to take over service provisions, the County Council would have to
9 abandon the right of way and they are not willing to do that at this time.

10
11 **Staff and Commission** discussed the road issues. The county is reducing the number of road
12 miles maintained, and if the county is going to add new miles then miles from somewhere else
13 need to be subtracted. Because the County Council is unwilling to vacate the right-of-way of
14 1600 West, which is a road-by-use, and as an expansion of services by the County is not feasible,
15 no other mechanisms for providing service can suitably mitigate the risk or guarantee services.

16
17 **Gary Otterstrom** I have a company that I would like to move a company here; essentially this is
18 a side show to moving our business here. We needed to find some places to live and we have
19 several people who want to live together. We started a year and a half ago looking for property to
20 buy, whether already improved or just land for sale. We came across this property. It is bank
21 owned so I don't have any association with any of the prior approvals or applicants. We like this
22 one and we are pursuing heavy due diligence for doing the development. Chris has been very
23 helpful with this process. We made a decision to do a contract with the bank and to proceed with
24 the due diligence of getting it approved. In the process of doing that, we learned about the
25 previous failures, and we are trying to follow all the procedures and requirements and everything
26 that needs to be done. We've spent a lot of money on engineering fees and research on the area
27 to make this work. As we moved forward, the road resolution was not in place. We had paid all
28 the fees and done all the due diligence, and I think we even had a date to come before this body.
29 We then received information from Chris about the new requirements for the roads that came
30 down from the County Council so we backed off to see what was going to happen. We talked to
31 Craig Buttars and talked to every council member, more than once, so looking at it we felt that
32 our only option was to go forward. We feel like this is a matter of fairness because we have done
33 everything we were told to for approval, and then the new requirements came out. We like this
34 area so we decided to go ahead and move our application forward. There is about 2000 feet of
35 road that we are going to put in and we have discussed other options, such as privatization of the
36 road, and running a private road alongside the county agricultural road and let that road stay as it
37 is—we would parallel the road and put in a t-intersection. PUDs are legally binding; the money
38 is escrowed and it's controlled. We felt like that shouldn't be an issue. There has been discussion
39 back and forth with the council about privatizing the roads and so forth. So here we are, we
40 would like to still move forward. We are asking for a recommendation from you to consider
41 heavily that we did everything we were told to do and then this resolution came after the fact.
42 We are looking for a positive recommendation from you in light of the circumstances to
43 recommend approval to the County Council for us.

44
45 **Sands** you've got a pretty good attitude about this. This project has been denied before, so to
46 have it come back under the current zoning and everything and to see the road blocks is very
47 frustrating for you.

1
2 **Otterstrom** we want to really understand this and the culture of the area. I failed to mention that
3 one of the reasons we want to relocate here is because of the university and specifically the
4 mechanical engineering department and because of the high quality machine shops in the valley.
5 This area is a really great fit for our needs and the reason we backed off was so that we could
6 discuss everything and see what could be done. One of the resolutions, I was told by a council
7 member, is that on January 1 that there would be a gasoline tax passed and would raise \$600,000
8 in annual revenue and the road department would receive some of those funds.

9
10 **Runhaar** it will be about \$250,000 and that is just shy of what our annual deficit was. The thing
11 to note is that that is not maintaining what we currently have, that is cutting back 18 miles of
12 paved road.

13
14 **Otterstrom** so that is a true story about the gas tax?

15
16 **Runhaar** yes, they added about a 5 cent increase. So we will receive roughly \$250,000. That
17 goes completely into road structure; that's the only way we could balance the budget this year
18 with the reduced amount of roads.

19
20 **Otterstrom** ok, so the other reason for backing off was to look at things like that and see what
21 other resolutions could come. I wasn't sure how long this was going to take, so I kind of
22 flippantly asked Chris what the county would do if they wanted to build a road.

23
24 **Runhaar** I don't have the money to.

25
26 **Otterstrom** if the applicant meets all the requirements I don't think that that is a sound argument
27 to deny it. Anyways, we are asking for a later date in March or April to discuss things with the
28 Council to come to a resolution on the road.

29
30 **Sands** regardless of our decision, it is going to Council and you will still have an opportunity to
31 bring it in front of them. I think it's frustrating that you do meet all the requirements and now
32 you are being denied because our elected officials aren't funding basic infrastructure here. So,
33 the issue is with the Council not with us.

34
35 **Otterstrom** that's why I ask that whether you deny it or approve it, but I would ask that you at
36 least make a statement in your recommendation that we did meet all the requirements and we
37 were all ready to go when the resolution came down.

38
39 **Edwards** the concern that I have are that there are some requirements regarding access that are
40 not met as defined in our code.

41
42 **Otterstrom** what would that be?

43
44 **Edwards** access under fire code requires that the fire department be able to get there all weather
45 conditions and if there is not snow removal, there would not be access.

46
47 **Otterstrom** wouldn't that have to be provided before the resolution?

1
2 **Edwards** it's not the resolution but the existing code that requires access and approval from the
3 road department for access issues. That is the existing law, not a function of this road resolution.
4

5 **Otterstrom** if this passes, you provide the service?
6

7 **Runhaar** but that is what the County Council is saying. They are not going to expand the
8 service because that means we would have to reduce it elsewhere or as Mr. Sands pointed out
9 they would have to fund both and we do not have the budget for that.
10

11 **Otterstrom** but again, that was done after our application.
12

13 **Watterson** I believe we have denied similar projects prior to the resolution.
14

15 **Runhaar** you are arguing a policy on how they are going to expand services and budgets, and
16 we are saying if they don't expand the budget and the services then you can't meet the code. The
17 policy can change tomorrow but the code remains the same. The problem is, when they cut the
18 budgets back we no longer expand those services, we no longer have the services we used to
19 have and we can't meet the code. There is no case where we can show that development for
20 residents can force a county or city to expand services.
21

22 **Otterstrom** well then there is privatization, and it's done all the time.
23

24 **Runhaar** we brought that to council and they had some definitive statements on that and we
25 suggested a service tax. We've run the rounds on this too. I have not found a solution for this.
26

27 **Otterstrom** with the gas tax, is that months out or years out?
28

29 **Runhaar** the next taxing solution would be 2017.
30

31 **Edwards** today there was a potential tax that passed the legislature out of committee that would
32 allow a local sales tax that would allow funding for roads. The existing law has a public
33 transportation component and the new law lowers the threshold for public transportation that
34 could be considered by the County Council and ultimately the citizens that would provide an
35 additional source of funding for roads. That is assuming it passes the legislature; it passed out of
36 committee today.
37

38 **Otterstrom** what do you have against private roads?
39

40 **Runhaar** they typically fail.
41

42 **Otterstrom** there are legally binding ways to make PUDS for private roads. The money is
43 escrowed and taxed.
44

45 **Runhaar** you can argue those issues but we have looked at it.
46

47 **Otterstrom** every city in this county does that.

1
2 **Runhaar** no, many cities have rejected private roads. Logan City no long accepts private roads,
3 they have some, but they are not doing any more. Smithfield used to do private infrastructure
4 throughout but the sewer and water lines failed and they are now cutting back.

5
6 **Otterstrom** ok, I may have been wrong on that. But many have private roads, and they are
7 functioning and legally covered under PUDs.

8
9 **Runhaar** some are and some aren't.

10
11 **Otterstrom** doesn't the applicant have that option?

12
13 **Runhaar** you can request that. There is a process and a design exception that you can request
14 that and we do have code for that. That is what we brought to County Council and have talked to
15 them about and that is going to be an uphill battle because the view on private roads has soured
16 in the last 30 years. We wind up getting calls every year of people asking us to take their private
17 roads back. It's going to be different for each location.

18
19 **Otterstrom** I would ask for two things then, let us have a private road and let us go forward
20 because no one warned us about this. We had a date to come before you and it we were told that
21 we probably wanted to think about backing off. Those are the two things that I would ask and
22 that seems fair.

23
24 **Bob Wright** the reason we lost the first approval is because when we originally came in they
25 didn't recognize it as a legal lot. So we had to back track and take that lot and do it correctly.
26 That was an oversight and there were two parcel numbers given and it was our understanding
27 they were two separate pieces and when we did our homework it didn't. So we lost a potential
28 buyer that was going to do the same concept that we are doing here. It was all approved ready to
29 go. The only difference is that they wanted one 20 acre lot with 10 acre lots around it. That was
30 going to set the precedence and they were going to do a nursery and do a great thing but the
31 delay lost the buyer and as a result we had to wait. Now we have a predicament here; he wants to
32 build this and maintain it and be the president of the HOA. It's his intent not to build starter
33 homes but upper end luxury homes. They want to maintain it. That's the information we have
34 and how we understand things. The timing was a week off and had we not waited for all the well
35 rights and water that we needed for this application we wouldn't be here. That money for the
36 water is sitting in an escrow account and we are just waiting for this approval. Those are the
37 hurdles that we had to work through to comply 100% and that is why we are frustrated.

38
39 **Staff and Commission** discussed the timeline of the resolution. This application was submitted
40 before the resolution was passed but the resolution is not code, it is policy. This is a change of
41 policy not a change of ordinance. Private roads were discussed. The design exception for a
42 private road and the vacating of the right of way are up to the County Council. Previously, in
43 another application, the County Council has denied those types of requests. Everything else for
44 this application does conform, but the road is a hurdle that Staff has not been able to find a way
45 around. The vacating of the road is a political issue. The Council has been fighting to maintain
46 the rights-of-way and to keep roads open for public access. Several members of the Commission

1 expressed frustration with liking the development but having their hands tied due to the issue
2 with the road resolution.

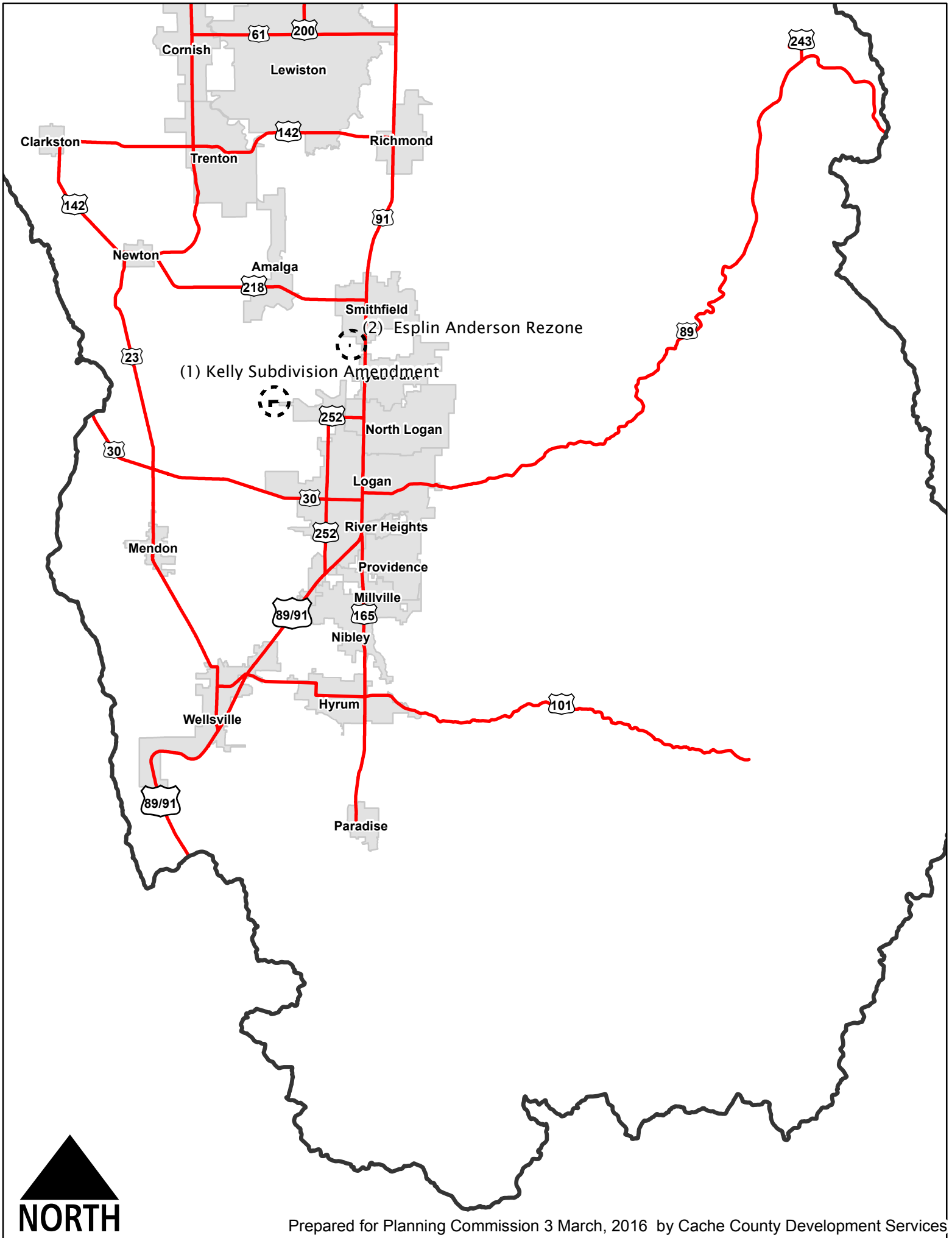
3
4 **Lane** motioned to recommend denial to the County Council for the Nautica Subdivision with the
5 stated conditions and findings of fact; **Christensen** seconded; **Passed 4, 1 (Olsen Opposed)**.

6
7 **Staff and Commission** discussed the County Council's resolution on roads.

8
9 **07:36:00**

10
11 **Adjourned**

DRAFT



STAFF REPORT: KELLY SPACKMAN SUBDIVISION 3RD AMENDMENT

03 March 2016

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: Dustin Ward

Parcel ID#: 12-016-0004

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

2977 N 2400 W

Benson, UT 84335

Current Zoning:

Agricultural (A10)

Acres: 52.64

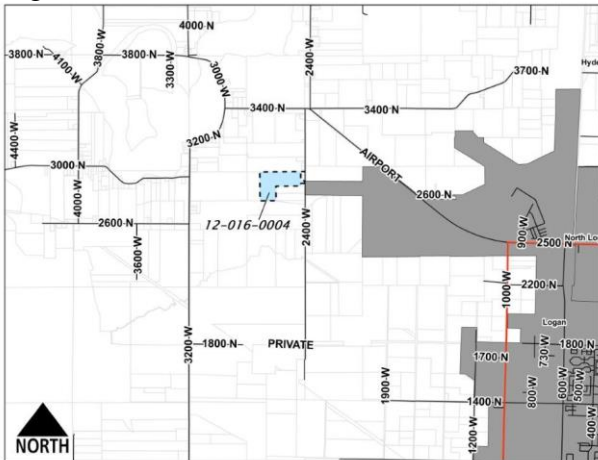
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

Purpose:

To review the proposed Kelly Spackman Subdivision Third Amendment and recommend a course of action to the County Council.

Ordinance:

As per Cache County Land Use Code §17.10.030, “Development Density and Standards Specific to Base Zoning Districts,” this proposed subdivision is in the Agricultural (A10) zone and qualifies for a development density of five (5) buildable lots. This amendment increases the overall size of the subdivision from 42.14 acres to 52.64 acres, enabling the addition of an additional buildable lot in the gap between the existing Lots 2 and 3.

Summary:

This application would amend the existing Kelly Spackman Subdivision 2nd Amendment to add Lot #5, a ½ acre lot similar to the existing lots that fills in the final gap along 2400 West. In order to meet the density requirements of the A10 zone, the western boundary of the subdivision has been amended to add an additional 10.5 acres. The resulting 50 acre parcel is labeled as an agricultural remainder and is not eligible for development.

Access:

- County Land Use Code § 16.04.030 B requires all lots created by a subdivision to have access to a dedicated street improved to standards. The County Road Manual requires any road serving more than three homes to have 22 feet of paved width with 1 foot wide gravel shoulders on each side. Access to the proposed lot is from 2400 West, a county road that has a 20 foot paved width with 2 foot wide gravel shoulders.
- While the existing road does not meet the current county road standard, a design exception is proposed by staff because the total width meets county standards and adding a two-foot wide strip of pavement is impractical.
- Any driveways shall meet all applicable requirements of the International Fire Code, minimum county standards, and any other applicable codes. This includes the placement of a culvert in existing drainages for access to the county road.
- Due to seasonal flooding issues, driveway access to the proposed lot shall be at the same grade as County Road 2400 West.
- The creation of the proposed lot limits access to the agricultural remainder parcel to a small strip roughly 20 feet wide situated between Lot #4 and the northern border of the subdivision.
- Parcel 12-016-0025, which is losing some land to parcel 12-016-0004 to increase the total area of the subdivision to meet density requirements, does not have access to a public road as required by § 16.04.030 [B]. An easement or other legally established form of access shall be provided to this parcel.

Water & Septic:

- The Benson Culinary Water Improvement District has approved a new culinary connection for the proposed lot.
- Bear River Health Department has indicated that an on-site septic system is feasible for the proposed lot.

Service Provision:

- Containers will need to be placed on 2400 West for collection. The residents shall provide sufficient shoulder space for the containers to sit four feet apart and be out of the travel lane.
- A school bus stop is located at 2400 West 3400 North, approximately 0.7 miles from the proposed lot.
- Water supply for fire suppression will be provided by an existing hydrant on 2400 West within 500 feet of the proposed lot.

Sensitive Areas:

- Wetlands may be present on the agricultural remainder parcel identified. However, this does not impact the number of allowable lots and the whole parcel has been actively used for agricultural fields in the past. Future development of this parcel may require wetland delineation.

Public Comment:

Notices were mailed to the property owners located within 300 feet and municipalities within one mile 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 (5)

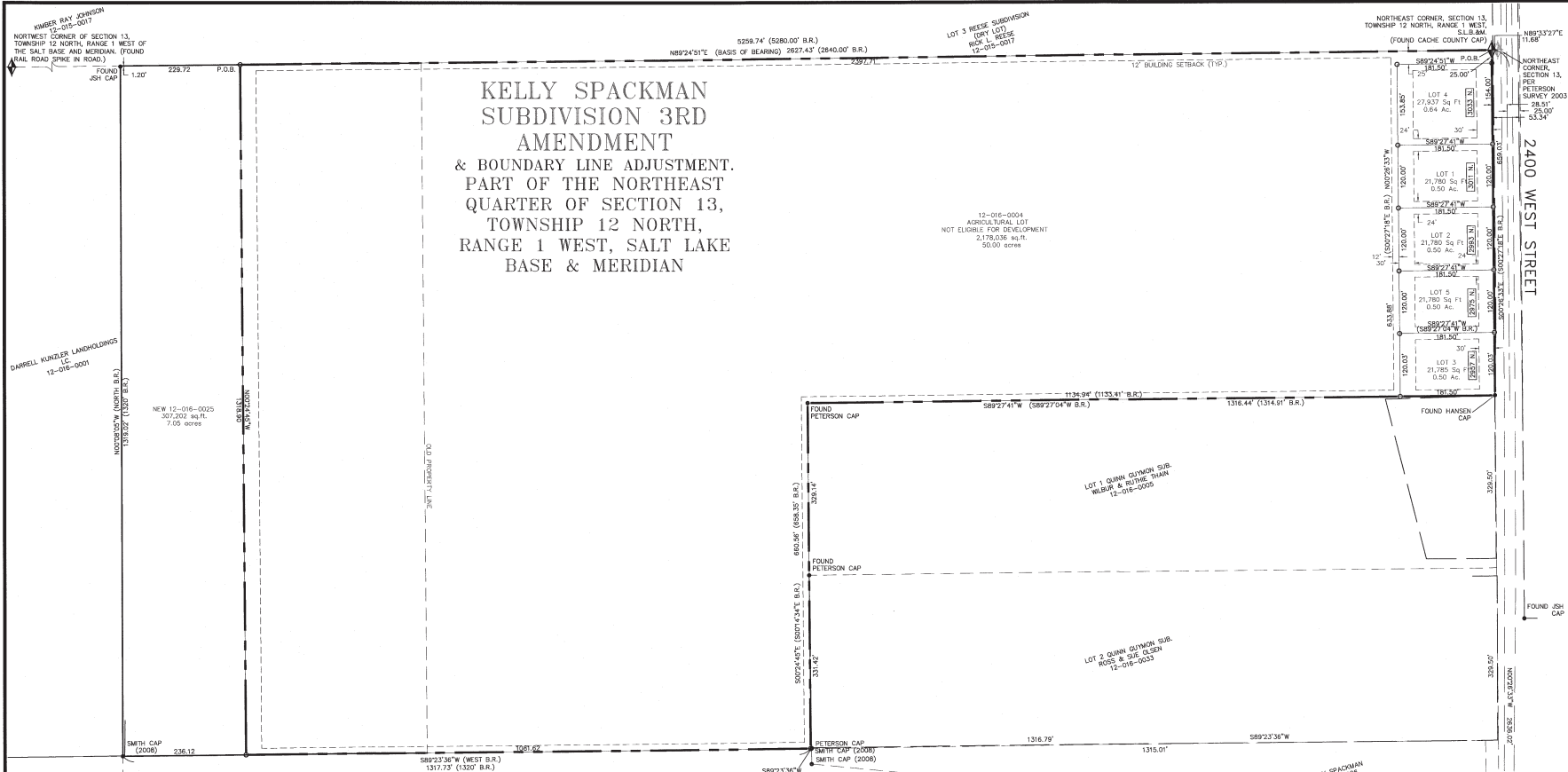
It is staff's determination that the Kelly Spackman Subdivision Third Amendment, a one-lot addition to the existing Kelly Spackman Subdivision for property located at 2977 N 2400 W, Benson, UT 84335 on parcel 12-016-0004, is in conformance with the Cache County Land Use Code requirements and should be forwarded to the County Council with a recommendation for approval. This determination is based on the following findings of fact:

1. The Kelly Spackman Subdivision 3rd 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 Kelly Spackman Subdivision 3rd 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 Kelly Spackman Subdivision 3rd 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 Kelly Spackman Subdivision 3rd Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. A design exception to the current county road standard is granted based on the following facts:
 - a) The total road width of 24 feet is adequate.
 - b) It is not practical to add an additional two feet of pavement width to an existing road.

CONDITIONS OF APPROVAL (4)

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

1. Prior to recording the final plat, the proponent shall meet all applicable standards of the Cache County Land Use Code.
2. Homes built in this area shall have a finished floor elevation one foot above the established grade of county road 2400 West. The driveway or access to these homes shall be at the same grade as 2400 West.
3. A minimum 18" culvert shall be installed for the access to Lot #5 such that the existing barrow ditch shall retain its existing functionality on completion of said access.
4. An easement or other form of legal access shall be provided to parcel 12-016-0025.



**KELLY SPACKMAN
SUBDIVISION 3RD
AMENDMENT
& BOUNDARY LINE ADJUSTMENT.
PART OF THE NORTHEAST
QUARTER OF SECTION 13,
TOWNSHIP 12 NORTH,
RANGE 1 WEST, SALT LAKE
BASE & MERIDIAN**

SURVEY CERTIFICATE

I, LAINE J. SMITH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 334561, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT INTO LOTS HEREMENTER TO BE KNOWN AS RESUBDIVISION SUBDIVISION 3RD AMENDMENT, AND THE SAME HAS BEEN RECORDED IN THE PUBLIC RECORDS AND ALL STREETS ARE DIMENSIONED AND SURVEYED AND

LAINE J. SMITH
STATE OF UTAH
2014071005

SUBDIVISION LEGAL DESCRIPTIONS

PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 13; SAID POINT OF BEGINNING BEING SOUTH 89°33'27" WEST, 11.68 FEET BY RECORD OF THE NORTHEAST CORNER OF SAID SECTION 13 PER 2003 PETERSON SURVEY; AND THENCE SOUTH 00°29'33" EAST (SOUTH 02°27'18" EAST BY RECORD) ALONG THE WEST RIGHT-OF-WAY LINE OF 2400 WEST STREET AND THE EAST LINE OF SAID SECTION 13, 695.03 FEET;
THENCE SOUTH 89°27'41" WEST, 1316.44 FEET (SOUTH 89°27'04" WEST, 1314.91 FEET BY RECORD);
THENCE SOUTH 00°24'45" EAST ALONG THE WEST LINE OF THE QUINN QUIMON LOT SPLIT SUBDIVISION, 660.56 FEET (SOUTH 00°14'41" EAST, 658.59 FEET BY RECORD) TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 13;
THENCE SOUTH 89°23'36" WEST (WEST BY RECORD) ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 13, 1081.63 FEET;
THENCE NORTH 80°24'51" WEST, 1318.00 FEET TO THE NORTH LINE OF SAID SECTION 13;
THENCE NORTH 80°24'51" EAST ALONG THE NORTH LINE OF LOT 1, KELLY SPACKMAN LOT SPLIT SUBDIVISION AND ITS EXTENSION AND ALONG THE NORTH SECTION LINE OF SAID SECTION 13, 2397.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 52.64 ACRES +/-.

ADDITIONAL NOTES

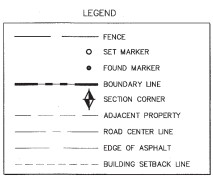
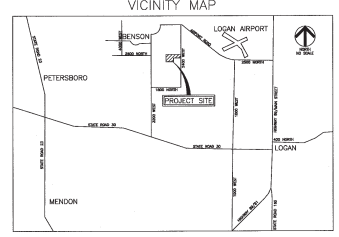
- CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY AND ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
- NO STORM WATER DRAINAGE SHALL BE ALLOWED TO FLOW FROM ANY LOT OR PARCEL OF THE SUBDIVISION TO ANY ADJACENT PROPERTIES OR LOTS, DITCHES, CANALS OR WATERWAYS WITHOUT THE PRIOR WRITTEN AUTHORIZATION FROM THE AFFECTED PARTY.
- PRESENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGHTS, SMELLS, AND SOUNDS OF AGRICULTURAL ACTIVITIES WHICH ARE THE PERMITTED USES IN THE AGRICULTURAL ZONE.
- BUILDING SETBACKS FOR PRIMARY STRUCTURES
FRONT: 30 FEET
SIDE: 12 FEET

OWNER/SUBDIVIDER:
COLLE L. & STUMMER L. NAEGLE
3011 NORTH 2400 WEST
BENSON, UTAH
84335

OWNER/SUBDIVIDER:
FLOYD C. & DINA P. NAEGLE
3044 WEST 3200 NORTH
BENSON, UTAH
84335

OWNER/SUBDIVIDER:
KELLY & HEIDI SPACKMAN
20775 NORTH 2400 WEST
BENSON, UTAH
84335

OWNER/SUBDIVIDER:
RICK AND VALDY REESE TRUST
4043 NORTH 2400 WEST
BENSON, UTAH
84335



OWNER/SUBDIVIDER:
WAYNE L. REESE
2950 NORTH 2400 WEST
BENSON, UTAH
84335

STATE OF _____ ACKNOWLEDGMENT
ON THE _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF _____, THE SIGNERS OF THE ATTACHED OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC

STATE OF _____ TRUST ACKNOWLEDGMENT
ON THIS _____ DAY OF _____, 20____, _____, PERSONALLY APPEARED BEFORE ME AND SAID DOCUMENTS WAS SIGNED BY HIM (HER) IN BEHALF OF _____ TRUST BY AUTHORITY OF ITS BYLAWS, THE SIGNER(S) OF THE ABOVE OWNERS ACKNOWLEDGMENT, _____ IN NUMBER, AND SAID ACKNOWLEDGMENT TO ME THAT SAID TRUST EXECUTED THE SAME.

NOTARY PUBLIC

STATE OF _____ ACKNOWLEDGMENT
ON THE _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF _____, THE SIGNERS OF THE ATTACHED OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC

STATE OF _____ ACKNOWLEDGMENT
ON THE _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF _____, THE SIGNERS OF THE ATTACHED OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC

CACHE COUNTY ATTORNEY
APPROVED AS TO FORM THIS _____ DAY OF _____, A.D., 20____.

ATTORNEY

OWNER'S DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT ME, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREAFTER KNOWN AS KELLY SPACKMAN SUBDIVISION 3RD AMENDMENT, DO HEREBY WARRANT AND SAVE CACHE COUNTY HARMLESS FROM ANY ENCUMBRANCES AND ENCUMBRANCES AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE.

COUNCIL APPROVAL AND ACCEPTANCE
PRESENTED TO THE _____ COUNCIL THIS _____ DAY OF _____, A.D., 20____, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

COUNCIL CHAIRPERSON ATTEST: CLERK

COUNTY RECORDER'S No.
STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED AT THE REQUEST OF _____, TIME _____, FEE _____, ABSTRACTED _____.

INDEX FILED IN: FILE OF PLATS COUNTY RECORDER

COUNTY PLANNING COMMISSION
THIS PLAN HAS BEEN REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON _____, 20____. IT IS THE RECOMMENDATION OF THE BOARD TO APPROVE / DENY THIS SUBDIVISION BASED ON FINDINGS AND CONDITIONS OF APPROVAL.

CHAIRPERSON

COUNTY SURVEYOR'S CERTIFICATE
I CERTIFY THAT I HAVE EXAMINED THIS PLAN AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

DATE _____ COUNTY SURVEYOR

STATE OF _____ ACKNOWLEDGMENT
ON THE _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF _____, THE SIGNERS OF THE ATTACHED OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC

STATE OF _____ ACKNOWLEDGMENT
ON THE _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF _____, THE SIGNERS OF THE ATTACHED OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC

BEAR RIVER HEALTH DEPARTMENT APPROVAL
THE SUBDIVISION DESCRIBED IN THIS PLAN HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THE _____ DAY OF _____, 20____.

TITLE:

NO.	REVISION	DATE

Skyline A/E/C INC.
Architectural / Engineering / Surveying
19 W. Center Street #101 Logan, UT 84301
(435) 752-8501 / Fax (435) 752-4597

Project Title:
KELLY SPACKMAN SUB. 3RD AMENDMENT
BENSON, UTAH

Sheet Title:
FINAL PLAN

Drawn By: J. BODLEY	Project Number: 15-075	Sheet No.:
Designed By:	Date: SEP 21, 2015	1
Reviewed By: L.S.MITH	Sheet Scale: 1" = 100'	1 of 2

F:\DRAWINGS\2015-075\15-075.DWG

STAFF REPORT: ESPLIN ANDERSON REZONE 03 March 2016

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: Jeremiah Esplin and Dennis Anderson

Parcel ID#: 04-013-0001

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

Acres: 5

Surrounding Uses:

4600 N 400 W

North – Agricultural

West of Smithfield

South – Agricultural

Current Zoning:

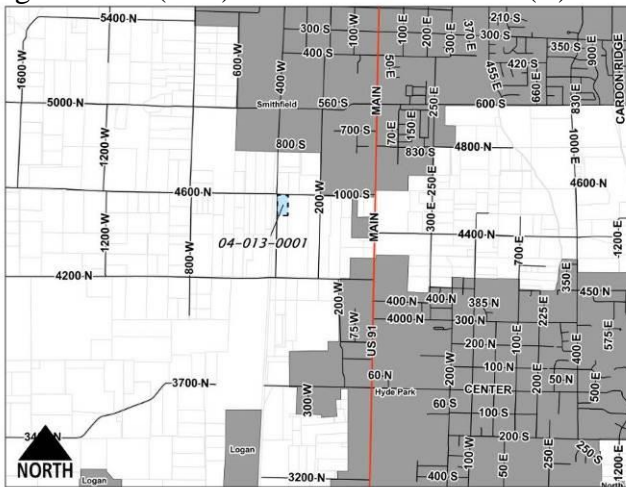
Proposed Zoning:

East – Agricultural

Agricultural (A10)

Commercial (C)

West – Agricultural



PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

To review the proposed Esplin Anderson Rezone, a request to rezone the 5 acre parcel 04-013-0001 currently zoned Agricultural (A10) to the Commercial (C) Zone.

Ordinance:

Current Ordinance does not specify appropriate locations for the Commercial (C) Zone but does contain general guidelines for its implementation. County Land Use Code §17.08.030[E] identifies the purpose of the Commercial (C) Zone and includes the following:

“E. Commercial Zone (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 of public services.”

Any impacts related to permitted and conditional uses allowed within the Commercial (C) Zone will be addressed as part of each respective approval process required prior to site development activities.

Summary:

Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the following text:

Property Context: The property proposed to be rezoned is the pending Esplin Anderson Subdivision that, when recorded, will divide 04-013-0001 into two parcels. This subdivision has been approved by the County Council with the condition that the proponents improve 400 West to a gravel width of 24 feet where needed after an accurate measurement of road width can be made.

Land Use Context: Under the current County Land Use Code, the Commercial Zone allows for a variety of uses, including the following uses that are allowed as a conditional use in the Commercial Zone but are not permitted in the current A10 Zone:

- Self-service Storage Facility
- Retail and Commercial Sales
- Professional and Personal Services—Professional Services and Offices, Medical and Human Care Services, General Vehicle Repair, Restaurant, Mobile Food Truck (as a permitted use), Hotels, and Transient Lodging.
- Educational Facility
- Telecommunication Facilities
- Commercial Kennels/Animal Shelters

Zone Placement: The majority of the land surrounding the subject property is currently used for agricultural uses. There are six other undeveloped properties that are zoned Commercial approximately three quarters of a mile away from the subject property; however, these are along the Highway 91 corridor between Smithfield and Hyde Park and would likely require annexation in order to provide the public services needed for commercial development. A self-service mini-storage facility sited less than 500 feet to the west of the subject property was approved in 2011 as a conditional use in the Agricultural (A10) zone; subsequent changes to the County Land Use Code prohibit self-storage in the A10 zone. The Logan-Cache Airport runway is also within three quarters of a mile of the subject property.

The subject property is within a quarter mile of Smithfield City’s municipal boundary and is within their stated annexation area. Nearby city parcels are zoned as Agricultural and Light Industrial. Smithfield City has submitted a letter requesting the county deny the rezone based on a lack of utilities and a lack of water for fire protection (see Exhibit A). Utilities may be extended to the subject property if and when it is annexed into Smithfield City.

Road Access: Table 2.2, Note 6 in the County Road Manual states that “No commercial or industrial development shall be permitted” on gravel roads. Both lots of the proposed subdivision are currently accessed from 400 West (a gravel road); they both must access 4600 North (a paved road) or 400 West must be paved if the property is rezoned. To do so, the southern lot must obtain an access easement across the northern lot.

The County Road Manual requires paved roads to have 22 feet of paved width with 1 foot wide gravel shoulders. 4600 North currently has 20 feet of paved width and 2 foot wide gravel shoulders, and 400 West is a gravel road of currently unknown (but likely substandard) width.

At this time both 4600 North and 400 West do not meet the county standards. While the proponents have written that they intend to make necessary improvements to 400 West to provide access to the two lot subdivision, these improvements do not account for the paving of 400 West and/or improvements to 4600 North. A design exception was granted for 4600 North for the two lot subdivision based on the adequate total width of the road and the infeasibility of paving a 2 foot wide strip. However, a similar design exception for the Commercial Zone request is not recommended due to the higher traffic impact of commercial activity. Any access from 4600 North will require an encroachment permit to install a culvert and fill material as the property is about 3 feet lower than the road.

Road Maintenance Capability: Both 4600 North (a paved road) and 400 West (a gravel road) currently receive winter maintenance. Under County Resolution 2015-20 (Exhibit B), the county is not presently extending services on any new paved roads.

Fire Service: Access for fire protection and emergency services is adequate. There is currently no water supply for fire protection; a rezone to Commercial will require an adequate water supply.

Utilities and Public Services Provision: As noted above, the proposed zone must “have access to the necessary water and utilities, and have adequate provision of public services.” The applicant has approached Smithfield City in the past about extending utilities to the property; Smithfield denied this request until the property is annexed into the City. Solid waste services are provided through Logan City.

Public Comment:

Notices were mailed to the property owners located within 300 feet and municipalities within one mile of the subject property. With the exception of the comment from Smithfield City, no public comment regarding this proposal has been received by the Development Services Department at this time.

STAFF DETERMINATION AND FINDINGS OF FACTS (2)

It is staff’s determination that the Esplin Anderson request to rezone 5 acres of property located at 4600 North and 400 West, parcel number 04-013-0001, is not in conformance with the Cache County Land Use Code and should be recommended for denial to the Cache County Council. This determination is based on the following findings of fact:

1. The subject property is not appropriately served by public services.
 - a. The subject property does not have adequate road access for commercial development as neither 4600 North nor 400 West meet the requirement of 22 feet of paved width with 1 foot wide gravel shoulders.
 - b. If 400 West were improved to meet the minimum county road standard, the expansion of services for a paved road from a gravel road is not allowed as per Resolution 2015-20. An exception to this resolution is unlikely to be made as it would not improve the health and/or safety of existing legal subdivisions, homes, or businesses.
 - c. The subject property is within Smithfield City’s annexation area. Smithfield City has requested denial based on a lack of both utility services and water for fire protection and has stated they shall not extend services until the subject property is annexed into the city.
2. The subject property is not currently in a compatible location for commercial activities.
 - a. None of the adjacent properties are zoned Commercial. The only properties zoned Commercial in the vicinity are undeveloped parcels approximately ¾ of a mile away along the Highway 91 corridor that would likely require annexation to provide the needed public services.

SMITHFIELD CITY CORPORATION

96 South Main Street - P.O. Box 96
Smithfield, Utah 84335
Phone (435) 563-6226
FAX (435) 563-6228

OFFICIALS

DARRELL G. SIMMONS
MAYOR
CRAIG GILES
CITY MANAGER
JUSTIN B. LEWIS
CITY RECORDER
JANE PRICE
CITY TREASURER
TERRY K. MOORE
JUSTICE COURT JUDGE

COUNCIL MEMBERS

JEFFREY H. BARNES
DEON HUNSAKER
BARBARA S. KENT
KRIS MONSON
CURTIS WALL

February 22, 2016

Cache County Planning
179 North Main Street
Logan, UT 84321

Dear Jacob Adams,

The Smithfield City Staff has reviewed the rezone application for the property located at 4600 N. and 400 W.

Smithfield City's General Plan addresses the closest City Parcels as zoning classification A5 (Agricultural 5-Acre) and Lite Industrial.

Smithfield City requests denial of the application based on the following:

1. There are no public utility's available. The city has denied a request for city utilities at this property, unless the property is annexed into the Smithfield that position would not change.
2. Fire Chief Jay Downs requested a denial based on the lack of water for fire protection for the business and surrounding area. The closest fire hydrant is located over 2,000 feet to the East or 3,700 feet to the North.

Smithfield City asks the County to take our concerns into consideration as they make the decision on the rezone request.

Sincerely,



Craig Giles
City Manager



RESOLUTION NO. 2015-20
CACHE COUNTY, UTAH

SERVICE PROVISION ON COUNTY ROADS

A RESOLUTION OUTLINING THE COUNTY COUNCIL'S POLICY REGARDING THE EXPANSION OR CONTINUATION OF SERVICES ON COUNTY ROADS

Whereas, Cache County has reviewed the impact of new development along unimproved roadways on the safety and welfare of citizens of Cache County, and;

Whereas, Cache County has determined that within the existing budget constraints funding is not sufficient for the existing network of roadways to be properly maintained and that additional road length is a net cost to the county even considering existing Class B allocations from the State and property tax rates, and;

Whereas, it is not in the best interest for the safety and/or welfare of existing or future residents of Cache County to diminish services on existing roadways to maintain new roads or to provide substandard service on new roadways, and;

Whereas, there are nearly 200 miles of existing paved road in Cache County that can accommodate development with little to no impact on the County's ability to serve said development.

NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to hereby adopt the following resolution:

- 1) There shall be no further expansion of road services on substandard roads that do not already serve existing homes including:
 - a. No expansion of winter maintenance activities (snow plowing).
 - b. No gravel roads be paved or "Chip Sealed".
 - c. No acceptance of new roadways, gravel or paved.
- 2) The County Council may grant exceptions to this policy if proposed road improvements improve the health and/or safety of existing subdivisions, homes, or businesses.

APPROVED AND ADOPTED this 25th day of August, 2015.

CACHE COUNTY COUNCIL

Kathy Robison
Kathy Robison, Chair
Cache County Council



ATTEST:

Jill Zollinger
Jill Zollinger
Cache County Clerk

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

Amendments to Title 16 Subdivision Regulations

16.04 General Requirements for all Subdivisions

General updates applicable to all subsections

- The term Land Use Authority replaces specific land use authority titles

.010: Subdivision Layout

- Conforming language clarified
- Language regarding roads clarified/updated

.020: Commencement of Site Development

- Language regarding the commencement of site development clarified/updated

.030: Lots

- Updated to reflect the other sections of the current County Code

.040: Streets

- Name of subsection changed to Roads.
- All sections redundant with Road Manual removed

.060: Landscaping

- Removed and reserved – conflicts with State Code; also overlaps with storm water requirements

.070: Utilities and Easements; now section .060

- Minor change to reflect State Code

.080: Storm Drainage Requirements; now section .070

Removed and reserved – Redundant with storm water requirements

.090: Evidence and Availability of Water ; now section .080

- .090 and .100 combined and renamed to “Suitability Requirements for Subdivisions”
- Specifics regarding suitability clarified/updated to reflect current code and policy

.100: Suitability of Area for a Subdivision; now section .080

- .090 and .100 combined and renamed to “Suitability Requirements for Subdivisions”
- See previous comments

.100: Redesign; now section .090

- Moved from .100 as it is not a suitability requirement

.110: Completion of Development Improvements; now section .100

- Language clarified/updated

.120: ~~Financial~~ Improvement Surety; now section .110

- Name of subsection updated
- Language updated to reflect county policy and State Code

16.04 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

16.04.010	Subdivision Layout	1
16.04.020	Commencement of Site Development.....	1
16.04.030	Lots	1
16.04.040	StreetRoads	2
16.04.050	Protection Strips.....	4
16.04.060	Landscaping	4
16.04.070	Utilities and Easements	4
16.04.080	Storm Drainage Requirements.....	4
16.04.090	Evidence and Availability of Water and Sewage <u>Suitability Requirements for Subdivisions</u>	4
16.04.100	Suitability of the Area for a Subdivision <u>Redesign</u>	5
16.04.110	Completion of Development Improvements	6
16.04.120	Finaneial <u>Improvement</u> Surety	7
16.04.130	Coordination with Municipalities and other Service Providers	7

16.04.010: Subdivision Layout:

- A. The subdivision layout shall conform to the Cache Countywide Comprehensive Plan, this title, and ~~the requirements of the base zoning district as established within Title 17 of this code~~all other requirements of State and County Code.
- B. Where trees, groves, waterways, scenic points, historic spots or other county assets and landmarks, as determined by the ~~Director of Development Services, Planning Commission, and/or the County Council~~Land Use Authority, are located within a proposed subdivision, every practical means shall be provided to preserve these features. Staff may provide recommendations from qualified organizations to aid in the determination of these features.
- C. Whenever a tract to be subdivided adjoins or embraces any part of an existing road as claimed by the County or a proposed streetroad so designated ~~on the transportation element of within~~ the Countywide Comprehensive Plan, such part of the public way shall be platted and dedicated, ~~to the County. and may be required to be improved by the developer in the location and at the width specified.~~

16.04.020: Commencement of Site Development:

The Development Services Department, ~~after receiving the final subdivision plat,~~ shall have the authority to authorize indicate to the developer whether the initiation of construction activities (altering the terrain or vegetation) on the proposed subdivision site may begin in preparation for development of the proposed subdivision. Any site development ~~may commence after the recordation of the final subdivision plat.~~shall only commence after receiving all required permits and reviews and meeting the requirements of this title and County Code.

16.04.030: Lots:

- A. All subdivisions shall result in the creation of lots which are developable and capable of being built upon with the exception of agricultural remainders. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location

of watercourses, problems of sewerage, ~~or driveway access~~ grades, or other physical conditions.

- B. All lots or parcels created by the subdivision shall have reasonable access as defined within County Code. ~~to a dedicated street improved to standards within Title 12. Private streets shall be permitted if the County Council finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein.~~
- C. The minimum area, ~~and~~ dimensions, and density of all lots shall conform to the requirements of Title 17 of this code for the zoning district in which the subdivision is located.
- ~~D. The side lines of all lots, so far as possible, shall be at approximate right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. The Planning Commission may allow exceptions to this requirement.~~
- EC. A lot shall not be divided by an incorporated town or county limit line. No permits shall be issued on any lot/parcel that is divided by a municipal jurisdictional line except for agricultural buildings.
- FD. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used.

16.04.040: StreetsRoads:

- A. All streets roads shall be designed and constructed in accordance with the specifications found within Title 12 ~~of this code~~.
- ~~A. For all developing parcels where there exists a gap in road services, the owner of the developing parcel may be required by the County Council to acquire rights-of-way and/or improve roadways as necessary to provide the required road access.~~
- BB. ~~For rPrivate roads~~ roads and streets that are interior to the proposed subdivision and which are ~~not dedicated or accepted by the county for dedication, such road(s) or street(s) shall be identified on the subdivision plat or survey as a private road with the appropriate subdivision notes.~~
- ~~C. Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography, or street layout, a transportation impact study may be required by staff, Planning Commission, or the County Council.~~
- D. The following principles shall govern street names in a subdivision:
 - ~~1. The primary identification of all roads and streets, whether public or private, shall be numerical and based on the county grid system as established.~~
 - ~~2. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the County Council to be surveyed, opened, widened or improved, the street shall be given the name established in said council order.~~
 - ~~3. The names of newly created streets of a discontinuous or divided nature shall not duplicate or nearly duplicate the name of any streets in the unincorporated areas of Cache County.~~
 - ~~4. The words "Street", "Avenue", "Boulevard", "Place", "Way", "Court", or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the Planning Commission. Any street name incorporating one of the terms used above shall conform to the definition of that term as specified in the transportation and public ways~~

~~ordinance. Any named street shall also have the proper north or south or east or west coordinate as approved by the County Road Department.~~

~~EC. StreetRoad~~ patterns in the subdivision shall be in conformity with ~~the plan for~~ the most advantageous development of adjoining areas. The following principles shall be observed:

- ~~1. Where appropriate to the design and terrain, proposed streetroads shall be continuous and in alignment with existing planned or platted streetroads with which they are to connect and based on the grid system common to Cache County. Where eul-de-saes dead end roads are proposed, the County Council Land Use Authority may require that a road and/or a road right-of-way shall be extended to the edge of the property subdivision boundary to provide road connectivity and access alternatives for current, proposed, and future development.~~
- ~~2. Proposed streets may be required to extend to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the County Council, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.~~
- ~~3. Dead end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With County Council approval, any dead end streets longer than one lot depth shall have a minimum of a fifty foot (50') radius temporary turnaround area with an all-weather surface and shall meet the minimum requirements of the Cache County Road and Fire Departments.~~
- ~~4. Whenever a dead end street is terminated at the boundary of property proposing to be subdivided, the street shall be extended and incorporated into the design of the subdivision, unless the county shall determine that:
 - ~~a. Extension of the dead end street is not necessary for either the harmonious flow of traffic in the neighborhood and district, or to adequately provide water and sewer services, and storm drainage, and~~
 - ~~b. Extension of the dead end street would unduly harm the character of the residential neighborhood or district.~~~~
- ~~5. Proposed streets-roads shall intersect one another at right angles, or as near to as topography and other limiting factors of good design permit.~~

~~F. Subdivisions adjacent to a collector or larger street(s) or on other roads as determined by the County Council, access shall be designed to reduce the impact of the development on the roadway and vice versa utilizing the following principles:~~

- ~~1. Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on arterials.~~
- ~~2. The number of intersecting streets and driveways along arterials shall be held to a minimum. Where multiple lots require access onto a collector or larger street, the county may require that two (2) or more lots share a single access point.~~
- ~~3. On lots with access available only onto a collector or larger street, only one access shall be permitted per lot and a vehicle turnaround shall be required within each lot to enable vehicles to access the roadway head-on.~~
- ~~4. The County Council may require that lots accessing streets smaller than a collector street follow the same guidelines that govern lots accessing on collector streets if it is found that the roadway being accessed is operating at a level of traffic comparable to a collector~~

~~street, the road is planned to handle a greater level of traffic, or is planned to be improved to a collector or larger road.~~

~~5. Subdivisions may be required to further limit access onto roadways as determined by the County Council where subdivisions can provide a common access, or private road that can provide access for all lots within a subdivision or where alternative access is available.~~

16.04.050: Protection Strips:

Protection strips shall not be permitted under any circumstances, nor shall remnant parcels be permitted which may act as protection strips. A protection strip is any piece of ground created to inhibit access to a road, right-of-way-, and or easement.

16.04.060: Landscaping:

~~A. Whenever, in the opinion of the County Council, the cuts and fills in a hillside subdivision are of sufficient size, visibility, or slope to demand special treatment, the developer may be required to revegetate and to provide for their maintenance.~~

~~B. The subdivision may be required to be designed as to preserve or provide for on-site vegetation.~~

16.04.070060: Utilities and Easements:

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

16.04.080070: Storm Drainage Requirements:

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

16.04.0890: ~~Evidence and Availability of Water and Sewage;~~ Suitability Requirements for Subdivisions:

The following information is required ~~to be presented~~ as part of a subdivision ~~application review,~~ as necessary to establish the availability of basic services required to provide for the public health, safety, and welfare. ~~to the proposed subdivision.~~

A. Water Requirements:

1. Domestic water rights are required for all subdivided lot(s). The land use authority may also require culinary water systems on any subdivision. The required water rights shall be as approved by the State Division of Water Quality and in conformance with Utah Administrative Code R309-510.
 - a. Subdivisions may be approved with a single dry lot. Any dry lot approved shall be labeled clearly on the plat as "Dry Lot - Restricted for development until an approved domestic water right is provided". In addition to the plat notation, a certificate shall be recorded on each new dry lot created stating that the lot has been approved, but that domestic water shall be required prior to the issuance of a zoning clearance. The plat notation may be removed by the Director of Development Services upon evidence that an approved water right has been assigned to the lot.
2. If a water source being utilized for a lot is not located within that lot, appropriate easements and rights of way shall be provided and recorded with the plat, or at such time that development occurs.
3. The land use authority may require that secondary (irrigation) water rights for a subdivided lot(s) be established as a condition of any subdivision approval. The amount of water required shall be in conformance with Utah Administrative Code R309-510.
4. Any secondary water presented to fulfill the requirements of this title shall indicate the source of the water, proof of water rights, and the equivalent amount of acre feet.

B. Sewage Requirements:

1. Subdivision applications, proposing individual on site wastewater disposal systems, shall include feasibility reports meeting the requirements of the Bear River ~~health~~ Health department ~~Department~~ or Utah ~~department~~ Department of ~~environmental~~ Environmental quality ~~Quality~~, as applicable, for each lot proposed. All applicants for a subdivision where on site wastewater systems are proposed shall provide a septic tank permit or septic tank feasibility letter from the ~~Bear River health department or Utah department of environmental quality, as applicable~~ applicable authority, for the entire subdivision and/or each lot proposed. The minimum lot size, as determined in each base zoning district, may be increased as required ~~by the Bear River health department~~ to ensure that each lot will be able to provide adequate on site sewer treatment.
2. If a subdivision requires that off site facilities be provided, appropriate easements and rights of way shall be required. Additionally, any engineering, site studies, or other requirements by the health department shall be conditions of approval for the proposed subdivision.
3. Alternative sewage treatment may be required in conformance with Title 17.10.050 (4)(b).

16.04.100: Suitability of Area for a Subdivision:

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

AC. Fire Control: A review provided by the Cache County Fire District identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services including but not limited to:

1. Ability to meet the requirements of the International Fire code

2. Suitable equipment access based on the needs of the proposed use including but not limited to sufficient roadway improvements (minimum width, structural stability, turn-around capabilities, year round maintenance, and other legal requirements.)
3. Access to suitable water supply for fire protection (water tenders, hydrants, storage tanks, or as otherwise required)

BD. School Bus Service: A review provided by the Cache County School District, identifying any items related to the provision of school bus services.

CE. ~~County Road Department or Utah Department of Transportation~~ Roads and Access: A ~~clearance review~~ provided by the ~~County Road~~ Development Services Department ~~that identifies the following~~:

1. Basic layout of the existing road(s) proposed to service the subdivision ~~including any items related to providing adequate access to the proposed subdivision.~~
2. A basic analysis, to the extent possible, outlining if the existing roads meet current standards as outlined within Title 12.
3. A review of the existing maintenance efforts, both summer (pavement preservation vs. grading) and winter (snow removal services).
4. Additional information that would impact access issues related to the proposed subdivision or the traveling public.

Alternatively, if the proposed subdivision will be ~~is~~ accessed directly from a state ~~or federal~~ highway, an ~~appropriate~~ access permit as required by the state of Utah ~~department~~ Department of Transportation. A UDOT review through the Cache Access Management Program shall be provided ~~with the application materials~~ prior to Planning Commission review of the plat.

DE. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of ~~service~~ Service district Area #1, a garbage or refuse plan shall be provided for review by the County Council.

EG. Other Information And Materials: ~~When the The Planning Commission or County Council~~ Land Use Authority deem necessary may require, with the reasons for such request being identified as either code requirements or items of concern as specified on the record, the applicant ~~may be required~~ to provide ~~other additional~~ information including but not limited to ~~letters of feasibility, conduct studies, and/or provide~~ evidence indicating suitability of the area for the proposed subdivision, including, but not limited to, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, and any other physical or environmental matters necessary to fully identify the suitability of the area for the proposed subdivision.

F.16.04.090 Redesign:

The County Council may require that a subdivision be redesigned based on a recommendation from either staff or the Planning Commission. The redesign may be required based on either site constraints that may include, but are not limited to: topography, floodplain or waterways, historic or culturally significant elements, access issues, or other natural features. A redesign of a subdivision may also be required based on land use planning external to the site.

~~G. Improvements: The County Council may require on-site and off-site improvements, facilities and amenities, as determined necessary by the Planning Commission and County Council to~~

~~protect the public health, safety, and welfare of anticipated residents of the subdivision or the existing residents of the county including, but not limited to:~~

- ~~1. Road improvements including grading, hard surfacing, bridges, culverts, curbs, gutters, road signs, and lighting;~~
- ~~2. Flood control areas and facilities;~~
- ~~3. Sidewalk or trail systems to accommodate non-motorized traffic or to link regional trail systems;~~
- ~~4. Electrical power and telephone facilities;~~
- ~~5. Fencing and livestock guards;~~
- ~~6. Any easements or rights of way that may be required for roads or utilities;~~
- ~~7. Culinary water facilities;~~
- ~~8. Sanitary sewer facilities;~~
- ~~9. Fire protection facilities, including, but not limited to, fire hydrants, water storage facilities, and residential sprinkler systems;~~
- ~~10. Parks or open space areas and facilities.~~

16.04.110: Completion of Development Improvements:

- A. Improvements: The County Council may require on-site and off-site improvements as outlined within County Code or as otherwise determined necessary by the Land Use Authority based on the record as required to protect the public health, safety, and welfare
- B. No development shall be recorded until all of the conditions for approval have been met and all required improvements have been completed to the standards and specifications established by the county or other codes, laws, or regulations unless an development improvement agreement is in place as defined by 17.07.040. The following minimum requirements also apply:
 1. Construction within the subdivision shall conform to all federal and state regulations.
 2. Construction drawings and construction within the subdivision shall conform to the Cache County Ordinance and Manual of Roadway Design and Construction Standards.
- ~~BC. Permits must be obtained for construction of the infrastructure facilities within the subdivision. This includes but is not limited to a zoning clearance as designated by the Director of Development Services, an encroachment permit for work in a County right-of-way, and approval by the appropriate authority for all other infrastructure facilities required of the development.~~

- ~~C. There shall be a schedule of fees for all services required for the review of infrastructure in the office of the Director of Development Services. All fees within the schedule of fees shall be passed by a resolution of the County Council.~~
- ~~D. The contractor shall notify the Development Services Department not less than forty eight (48) hours prior to the commencement of construction and following completion of improvements.~~
- ~~E. Within thirty (30) days of the completion of improvements, the developer shall submit "as built" drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the state of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.~~
- FD.** Issuance of Permits: No permits for structures shall be issued within a development that has not completed all improvements and/or conditions. However, the Director of Development Services may, upon review of health, safety, and/or access concerns, issue permits for non-combustible construction only.

16.04.1210: Financial Improvement Surety:

When in the judgment of the Director of Development Services, it is not feasible to complete improvements and/or conditions imposed by ordinance or the land use authority prior to the issuance of a permit or recordation of a plat, an improvement security may be accepted as part of a development agreement pursuant to this section to guarantee completion of the improvements and/or conditions.

- A. The Director is authorized to accept financial surety and to enter into development agreements to the completion of improvements and/or conditions imposed by ordinance or by a land use authority.
- B. The following types of financial surety reflecting 110% of the average of the bid estimates may be accepted:
 - ~~1. Certificate of deposit, cash, cashier's check, or savings account in favor of Cache County.~~
 - 21. Irrevocable letter of credit issued by a federally insured financial institution.
 - ~~3. Escrow, drawdown, or performance account to which the county is a signatory and the escrow agent guarantees payment.~~
 - 42. Performance bond issued by a financial institution, insurance company, or surety company with a A.M. Best Rating of not less than A-:IX.
- C. Estimating the Cost of Improvements:
 - 1. The developer shall present the county with a firm construction bid for the improvements and/or conditions to be addressed. The bid must be valid for a reasonable period of time from the date of the bid.
 - 2. The bid shall be reviewed by the Director or the Director's designee prior to acceptance.
 - 3. Upon the Director's approval of the bid amount, the developer may provide financial surety of not less than 110% of the bid amount.
 - 4. If the Director does not accept the bid, the developer shall obtain an additional firm bid for the work to be secured with prices valid for at least six (6) months. The county shall accept the average of the two (2) submitted bids as the base amount for improvement security.
- D. As applicable, improvements as identified in the development improvement agreement must be completed three months prior to the expiration of the financial surety or said surety shall be required to be extended.-

E. Upon completion of improvements, the County will inspect said facilities to ensure conformance with all requirements and accept the facilities based on said conformance. Upon acceptance of the improvements, the county shall retain 10% of the bond amount for a period of not less than 1 year and no longer than allowed by State Code.

16.04.1320: Coordination with Municipalities and other Service Providers:

- A. Cache County fully supports access management along all state roads and shall work with all applicants of subdivisions through the Cache access management policy to work with the Utah department of transportation to coordinate access, capacity, and safety issues.
- B. Cache County will work fully with applicants of subdivisions and adjacent/nearby municipalities to ensure that the information is available to applicants and the municipalities in terms of service provision, development, and annexation in conformance with this title, the land use ordinance, and state code section 10.2 part 4, annexation.

Amendments to Title 17 Land Use Regulations

General updates applicable to all sections

- The term “land use” replaces references to “zoning” when describing the ordinance as a reflection of State Code
- The term “Land Use Authority” replaces specific land use authority titles
- General updates to State Code references or to reflect State Code language/definitions
- Minor organization updates

17.01 General Requirements

.050: Permits Required

- Language clarified/updated
- Reference to Zoning Clearance moved to 17.06.050

17.02 Administration

.060: Establishment of Land Use Authority [B] Authority to Hear and Act

- Language clarified/updated to be compatible with other code sections
- One item added to the items considered as a “Minor Variance”, that would allow the Director to review variance requests for a single, non-resident employee at a Home Based Business; related amendment in 17.07.030 – 1200 Home Based Business

17.03 Review of Constitutional Takings Issues

.010: Policy Considerations

- State Code reference updated

17.06 Uses

General updates applicable to this subsection

- The existing code does not make a distinction between those uses permitted by right and requiring no permit, and those uses that are permitted and require a permit. This subsection has been updated to include that distinction.

.010: Uses Identified

- Language clarified/updated

.020: Application Required

- Uses permitted by right removed – no application required

.030: Burden of Proof

- Uses permitted by right removed – no application required

.040: Permitted Uses

- Updated to reflect that permitted use are allowed as a matter of right
- Zoning clearance requirements moved to next section and updated

.050: Conditional Uses

- Land use applications and requirements for zoning clearance added
- Language for all conditional uses updated to reflect State Code requirements

Amendments to Title 17 Land Use Regulations

17.07 Definitions

General updates applicable to this section

- The existing code does not make a distinction between those uses permitted by right and requiring no permit, and those uses that are permitted and require a permit. This section has been updated to include that distinction.

.030: Use Related Definitions

- 1200 Home Based Business amendments include:
 - Recognizing volunteers as a type of worker
 - The addition of a minor variance to allow the Director to review variance requests for a single, non-resident employee at a Home Based Business; related amendment in 17.02.060 Establishment of Land Use Authority
 - Combining item #2 Outside Sales with item #1 Home Office as the land use function and use type is the same
 - Amending item #3 Home Daycare to clarify language and to account for a caregiver's children
 - Amending item #5 to clarify language and resolve use conflicts within itself and with 4500 General Vehicle Repair – OR revise definition of 4500
- 1400 Seasonal Cabin amended to identify that only one seasonal cabin is allowed per legal lot/parcel
- 1500 Residential Living Facility updated to reflect State Code; item #1 Residential Facility for Elderly Persons moved to 4400 Human Care Services item #8 and renamed to “Long Term Care Facility” as named in State Code.
- 7220 Home Based Kennel amended to include details for the sound level impact and assessment report
- 7230 Commercial Kennel/Animal Shelter amended as noted above

.040: General Definitions

- Added “Appeal Authority”
- Clarified “Approval”
- Removed “Earthquake Fault” as it is presently addressed under the definition for “Geologic Hazard”
- Updated “Financial Surety” to reflect changes to §16.04
- Clarified “Improvement Agreement”
- Added “Land Use Authority”
- Clarified “Lot/Parcel, Restricted”
- Clarified “Planning Commission”
- Added “Use, Permitted”
- Amended “Use, Prohibited”
- Amended “Zoning Clearance”

Amendments to Title 17 Land Use Regulations

17.09 Schedule of Zoning Uses

General updates applicable to this subsection

- The existing code does not make a distinction between those uses permitted by right and requiring no permit, and those uses that are permitted and require a permit. This section has been updated to include that distinction.

.010: Purpose

- Small business reference removed

.020: Permitted and Conditional Uses by Zone

- Permitted uses permitted by right – not review/permitting required
- Zoning Clearance considered a conditional use
- Language for Zoning Clearance and Conditional Use Permit updated to reflect State Code
- Other language clarified/updated

.030: Schedule of Uses by Zoning District

- Use chart updated to reflect changes in .020.

17.01 GENERAL PROVISIONS

17.01.010 Title1
17.01.020 Authority and Purpose1
17.01.030 Exemptions1
17.01.040 Applicability1
17.01.050 Permits Required1
17.01.060 Severability (Effect)1

17.01.010: Title

This title shall be known as the *CACHE COUNTY ~~ZONING-LAND USE~~ ORDINANCE*, hereinafter "this title".

17.01.020: Authority and Purpose

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

17.01.030: Exemptions

To the extent provided by law, properties owned and operated by the state of Utah or the federal government shall be exempt from the provisions of this title. Where law requires that the agency of federal or state government take steps to comply with all applicable local regulations, this exemption shall not be construed to abrogate this requirement.

17.01.040: Applicability

- A. The provisions of this title shall apply to all lands within the unincorporated area of the county.
- B. No building may be erected and no existing building shall be moved, altered or enlarged, nor shall any land, building or premises be used for any purpose, except as allowed by this title or amendments thereto.

17.01.050: Permits Required

A. All ~~construction development~~ shall be required to obtain proper ~~permits, zoning clearances, review~~ and approvals from the ~~appropriate IL~~ and ~~u~~Use a ~~A~~Authority as outlined in County Code.

~~B. Zoning Clearance: A land use review to insure compliance with Titles 16 and 17 shall be reviewed and approved by the Director of Development Services for all business license applications, buildings and structures, utility facilities, and any other development as identified in this title.~~

17.01.060: Severability (Effect):

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

17.02.010 Planning Commission1
17.02.020 Board of Adjustments.....1
17.02.030 Director of Development Services2
17.02.040 Notice of Meetings2
17.02.050 General Plan, Land Use, and Subdivision Ordinance Amendments2
17.02.060 Establishment of Land Use Authority.....2
17.02.070 Effective Period for a Land Use Authority Approval.....5

17.02.010: Planning Commission

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

17.02.020: Board of Adjustments

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

17.02.030: Director of Development Services

The Cache County Executive, with the advice and consent of the Cache County Council, shall appoint a Director of Development Services. The Cache County Executive shall also request the advice of the Planning Commission and BOA. It is the responsibility of the Director to administer and enforce this title, the Cache County Subdivision Ordinance, and the policies and procedures related thereto or created thereby.

17.02.040: Notice of Meetings

- A. Notice of meetings of the Planning Commission and BOA shall be given as required by the open and public meetings provisions of Utah Code Annotated (1953, as amended) 52-4, and within Utah Code Annotated (1953, as amended) 17-27a-2. The Planning Commission shall determine by its policies and procedures such additional notice requirements as it determines necessary and appropriate.
- B. Notice of the time, place, and subject matter of a meeting shall be given to the person making a request, the Hand uUse aAuthority or official, and all parties in interest, including adjoining property owners within a three hundred foot (300') radius of the property affected.

17.02.050: General Plan, Land Use, and Subdivision Ordinance Amendments

- A. General Plan: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-4.
- B. Zoning-Land Use Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-5.
- C. Subdivision Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-6.

17.02.060: Establishment of Land Use Authority

- A. Purpose: The purpose of this section is to establish the Hand uUse aAuthority for decisions applying to the Hand uUse eOrdinance, establish the aAppeal aAuthority to hear and decide requests for variances from the terms of the Hand uUse eOrdinance, and to establish the aAppeal aAuthority to hear and decide appeals from decisions applying to the Hand uUse eOrdinance.
- B. Authority To Hear And Act:
 1. Director of Development Services: The Director or designee shall be the Hand uUse aAuthority to hear and act on the following:
 - a. Zoning Clearance applications ~~for permitted uses~~;
 - b. Home Based~~Small~~ bBusiness applications;
 - c. Application for minor variances~~Minor Variance requests~~:
 - i. Building height, setback ~~s and~~ distances from lot lines or other buildings, or other similar requests;
 - ii. A single, non-resident employee at a Home Based Business.
 - iii. ~~Building heights~~;
 - iii. ~~Fence adjustments~~;
 - iv. ~~Other similar requests~~;

- d. Determination of the location of the boundary of a zoning district or an overlay map. The Director shall take into consideration the following criteria in rendering such determination:
 - i. The policies and development standards pertaining to such zoning district or overlay.
 - ii. Where a zoning district or overlay map boundary is shown following a road, right of way line, interstate highway, public utility right of way, railroad line, a stream or watercourse, or a line located midway between the main track of a railroad, the zoning district or overlay map boundary shall be deemed to be changed automatically whenever such centerline is changed by natural or artificial means;
 - e. Interpretation of authorized permitted or conditional uses of the applicable zoning district as contained in chapter 17.09, "Schedule of Zoning Uses", of this title. The Director shall consider the following in rendering such interpretation:
 - i. Consistency with the purpose and intent of the policies and development standards pertaining to such district as described in this title.
 - ii. Whether the proposed use is substantially similar to other uses allowed in the zoning district.
 - iii. The determination and all information pertaining thereto shall be filed classifying it as an administrative determination and shall become a permanent public record in the county community development department. Such use shall become a permitted or conditional use in the zoning district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification;
 - f. Natural barrier determinations;
 - g. Boundary line adjustment between three (3) or fewer property owners within or amending the boundaries of a legally recorded subdivision;
 - h. Single lot subdivisions, and;
 - i. Those uses specifically delegated to the Director by the Cache County Council.
2. Planning Commission:
- a. The Cache County Planning Commission shall be the ~~H~~Land ~~u~~Use ~~a~~Authority to hear and act on the following land use applications:
 - i. Conditional use permits, except those listed for the County Council;
 - ii. Items delegated to the Planning Commission by the Cache County Council;
 - iii. Requests for reasonable accommodations made by residential facilities for up to eight (8) occupants; and
 - iv. Items listed for the Director of Development Services approval when the Director determines that a public meeting should be held to ensure that citizens have the opportunity to comment on the application or in the event that a conflict of interest arises;
 - b. The Planning Commission shall be a recommending body to the Cache County Council for all land use applications for which the Cache County Council is the ~~H~~Land ~~u~~Use ~~a~~Authority.
 - c. The Planning Commission shall have the powers and duties as assigned by this chapter and Utah Code Annotated (1953, as amended) section 17-27a-302.

3. Board of Adjustments: The Cache County Board of Adjustments shall be the ~~H~~and ~~U~~Use ~~A~~Authority to hear and act on the following land use applications:
 - a. Variance requests, except those listed for the Director of Development Services review; and
 - b. Determinations regarding the existence, expansion or modification of nonconforming uses, lots, or structures.
 4. County Council: The Cache County Council shall be the ~~H~~and ~~U~~Use ~~A~~Authority to hear and act on the following land use applications:
 - a. General plan approvals or amendments;
 - b. Land ~~U~~Use ~~O~~Ordinance amendments;
 - c. Amendments to the zoning map;
 - d. Subdivision ordinance amendments;
 - e. Requests for reasonable accommodations made by residential facilities for disabled persons for nine (9) or more occupants;
 - f. Subdivision reviews for new subdivisions, phases of subdivisions, preliminary and final plat approval, and amendments to existing subdivisions other than those listed for Director of Development Services review;
 - g. Zone change requests; and
 - h. Conditional use permit requests for:
 - i. Major utility facilities,
 - ii. Electrical generating facility,
 - iii. Solid waste facilities,
 - iv. Sewage treatment works.
- C. Public Hearings and Meetings:
1. Director of Development Services: Public meetings will only be required for items listed under subsections (B)(1)(c, f, g, and h) of this section. The Director shall make the decision at regular staff meetings. No public meeting will be held outside of regular staff meetings.
 2. Planning Commission and County Council: Notice for public hearings and public meetings shall comply with Utah Code Annotated (1953, as amended) 17-27a-2. Additional public meetings may be held as necessary to properly review and make decisions regarding a land use.
- D. Variances: Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Director or the BOA, as designated in subsection B of this section, for a variance from the terms of this title. The designated ~~H~~and ~~U~~Use ~~A~~Authority may grant a variance if the requirements of Utah Code Annotated (1953, as amended) section 17-27a-702 have been met.
- E. Rules of Procedure: The Development Services Department shall adopt rules of procedure establishing the application process, deadlines, decision making process, and for any other purposes considered necessary. These policies and procedures shall be approved by the County Council.
- F. Appealing Decisions of a Land Use Authority:
1. Any person adversely affected by the ~~L~~and ~~U~~Use ~~A~~Authority's decision administering or interpreting a zoning-land use ordinance or subdivision may appeal the decision by alleging that there is error in any order, requirement, decision, or determination made by

the Land Use aAuthority in the administration or interpretation of the zoning-land use or subdivision ordinance. Decisions can only be appealed if they are a final decision issued by the appropriate Land use aAuthority.

- a. Land use decisions made by either the Director of Development Services or the Planning Commission shall be appealed to the Board of Adjustments.
- b. Land use decisions made by the Board of Adjustments shall be appealed to the County Council.
- c. Land use decisions made by the County Council shall be appealed to district court.
- d. Any further appeal of a decision made in subsections a or b shall be made to district court.

G. Procedure for Requesting a Variance or Appeal:

1. Time Limit: A request for a variance or a notice of appeal must be commenced within ten (10) business days of the adverse order, requirement, decision or determination by filing a written notice of a request for a variance, or notice of appeal with the Cache County Director of Development Services at the Cache County Development Services Department. The notice must indicate the decision being appealed and identify the parties making the appeal.
2. Fee: A request for a variance, or a notice of appeal, shall be accompanied by a fee established by the Cache County Council, which amount shall be used to defray the costs of administering the request for a variance, or appeal, including, but not limited to, costs of mailing and publishing notice.
3. Notice of a Hearing: When a request for a variance or a notice of appeal is filed, notice shall be given as required by this chapter. The Appel aAuthority shall hear that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties. The appel aAuthority may require such written briefs or memorandum of the parties, as the appel aAuthority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
4. Burden of Proof: The appellant has the burden of proving that the Land use aAuthority erred.
5. In the case of an appeal the appel aAuthority may require written briefs or memorandum of the parties as the appeal authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
6. Standard of Review – Substantial Evidence: The appel aAuthority shall determine the correctness of a decision of the Land use aAuthority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a Land use aAuthority has applied a land use ordinance to a particular application, person, or parcel may be appealed.
7. Final Decision: The appel aAuthority will issue a decision in writing within fifteen (15) business days of the hearing, which constitutes a final decision under Utah Code Annotated (1953, as amended) 17-27a-8.
8. Judicial Review of Appeal Authority's Decision: Any person adversely affected by a final decision of the appel aAuthority may petition the district court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the appel aAuthority's decision is final in compliance with Utah Code Annotated (1953, as amended) section 17-27a-801(2). The appel aAuthority may order its

decision stayed pending district court review if the ~~a~~Appeal ~~a~~Authority finds it to be in the best interest of the ~~C~~county.

17.02.070 Effective Period for Land Use Authority Approval

- A. The approval of any permit, subdivision, ~~boundary line adjustment~~subdivision amendment, variance, or other approval issued by a ~~L~~and ~~u~~Use ~~a~~Authority within Titles 16 and/or 17 shall be effective for a period of one year from the date of approval. The Director of Development Services shall issue a notice to the applicant/agent of a project no less than 30 calendar days prior to the end of the effective period of approval. Any approval that has lapsed beyond its effective period shall be void and any new application shall be required to conform to the ordinance currently in effect. No refunds shall be issued for void applications or permits.
- B. Where an appeal of an approval has been made, the effective period for the approval shall not begin until the conclusion of all appeal processes.

17.03 REVIEW OF CONSTITUTIONAL TAKING ISSUES

17.03.010 Policy Considerations1
17.03.020 Review of Final County Decision; Procedures1
17.03.030 Reviewing Guidelines.....2
17.03.040 Results of Review2

17.03.010: Policy Considerations

Pursuant to Utah State Code 63L-904, there is an underlying policy in the county favoring the serious and careful consideration of matters involving constitutional taking claims. There is a desire for fairness to the owner of private property bringing the claim in view of the uncertainty and expense involved in defending lawsuits alleging such issues. At the same time, the legitimate role of the county in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the constitution. Consistent with this policy, this chapter establishes procedures for the review of actions that may involve constitutional takings, as well as providing guidelines for such considerations.

17.03.020: Review of Final County Decision; Procedures

Any owner of private real property who claims there has been a constitutional taking of private real property by an action of the county may request a review of the final decision and action by the county.

The following are specific procedures established for such a review:

- A. The person requesting a review must have obtained a final and authoritative determination from the county.
- B. Within thirty (30) days from the date of the county's final determination that gave rise to the concern that a constitutional taking may have occurred, the person requesting the review shall file in writing, in the office of the County Clerk, a request for review of that decision. A copy shall also be filed with the County Attorney.
- C. The County Council, or their designee, shall immediately set a time to review the decision that gave rise to the constitutional takings claim.
- D. In addition to the written request for review, the applicant must submit the following:
 - 1. Name and address of the applicant requesting review.
 - 2. Name and/or business address of current owner(s) of the property.
 - 3. A detailed description of the grounds for the claim that there has been a constitutional taking.
 - 4. A detailed description of the property taken.
 - 5. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired.
 - 6. The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest.
 - 7. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application.
 - 8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application.
 - 9. The assessed value of and ad valorem taxes paid on the property for the previous three (3) years.

17.06.010 Uses Identified1
17.06.020 Application Required.....1
17.06.030 Burden of Proof.....1
17.06.040 Permitted Uses.....1
17.06.050 ~~Conditional Uses~~ Land Use Applications.....2
17.06.060 Nonconforming Uses3

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

~~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:~~

~~A zoning clearance is issued, and as required:~~

~~A building permit is issued, and/or;~~

~~A business license is issued.—~~

Permitted uses are allowed as a matter of right; however All applications for a permitted use they are required to comply with the any requirements of the County Code and the State of Utah this title, the requirements of the county building codes, and the county business license codes as adopted and as applicable. Permitted uses are identified in chapter 17.09, "Schedule of Zoning Uses", of this title.

- ~~A. Permitted use applications shall be reviewed in accordance with the following general standards and criteria:~~
- ~~B. 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.~~
 - ~~e. 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.~~
- ~~1. 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.~~
- ~~2. The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes.~~
- ~~3. 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 Land Use Applications

Complete land use applications are entitled to substantive land use review as identified in this section, County Code, and State Code.

A. Zoning Clearances: A zoning clearance must be reviewed by the Director as provided by this title for any of the uses for which a Zoning Clearance is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Director is authorized to approve, impose reasonable conditions, and/or may deny a Zoning Clearance request as provided for in this section, County Code, or other agency requirements. Zoning Clearance must be issued to ensure compliance with the conditions established by the Land Use Authority for the following:

- 1. Conditional Use Permits
- 2. Building Permits
- 3. Business Licenses
- 4. Accessory and agricultural structures

B. Conditional Uses: 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 ~~may be denied as identified in this section and State Code, is not appropriate in that location or configuration.~~

A.1. Conditional Use Permits ~~may be approved~~ must be reviewed by the Planning Commission appropriate Land Use Authority 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 Land Use

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Authority is also authorized to approve, impose ~~such other~~ reasonable conditions, and/or may deny a Conditional Use Permit request as provided for in this section, County Code, or other agency requirements.

~~B.2.~~ The ~~Planning Commission~~ Land Use Authority shall review a ~~C~~onditional ~~u~~se ~~p~~ermit request with the following ~~general~~ standards and criteria:

~~1.a.~~ 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.i.~~ It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;

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

~~2.b.~~ Compliance with Law:

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

~~b.ii.~~ The proposed conditional use is consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and Zoningland use, and/or compatible with existing uses in the immediate vicinity

~~3.c.~~ 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 year round 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.

~~4.d.~~ 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.

~~5.C.~~ If the ~~planning commission~~ Land Use Authority 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 Land Use Authority may ~~Planning Commission~~ may deny the request for a ~~e~~Conditional ~~u~~se ~~p~~ermit.

~~6.D.~~ In approving a ~~e~~Conditional ~~u~~se ~~p~~ermit, the Land Use Authority ~~Planning Commission~~ may impose such reasonable conditions as deemed necessary for the protection of adjacent properties and the public interest. The Land Use Authority ~~Planning Commission~~ may require guarantees or other evidence that such conditions will be met and complied with.

~~D.E.~~ If there is cause to believe that grounds exist for revocation ~~or modification~~ of an approved ~~e~~Conditional ~~u~~se ~~p~~ermit, the Land Use Authority ~~Planning Commission~~ shall schedule the item for consideration at a regular-public 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 ~~e~~Conditional ~~u~~se ~~p~~ermit.

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1. A ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~U~~s~~e ~~p~~P~~e~~r~~m~~i~~t~~ may be ~~modified or~~ revoked by the Land Use Authority Planning Commission if the ~~Land Use Authority Planning Commission~~ finds that one or more of the following conditions exist:
 - a. The ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~U~~s~~e ~~p~~P~~e~~r~~m~~i~~t~~ was obtained in a fraudulent manner.
 - b. The use for which the ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~U~~s~~e ~~p~~P~~e~~r~~m~~i~~t~~ was granted has ceased for a minimum of twelve (12) consecutive calendar months.
 - c. The nature of the use for which the ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~U~~s~~e ~~p~~P~~e~~r~~m~~i~~t~~ 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 ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~U~~s~~e ~~p~~P~~e~~r~~m~~i~~t~~ have not been met.

~~E.F.~~ All ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~U~~s~~e ~~p~~P~~e~~r~~m~~i~~t~~s authorized and approved as required by this title are determined to run with the land.

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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 ~~z~~Z~~o~~n~~i~~n~~g~~ ~~e~~C~~l~~e~~a~~r~~a~~n~~c~~e shall be issued that identifies the following: The nonconformity, the legally nonconforming status, and that the use is not being enlarged, expanded, or intensified.

17.07.010 Purpose.....1
 17.07.020 Other Terms Defined.....1
 17.07.030 Use Related Definitions.....1
 17.07.040 General Definitions12

17.07.010: Purpose

The purpose of this chapter is to provide the definitions for terms specific to this title and Title 16.

17.07.020: Other Terms Defined

- A. Whenever any words or phrases used in this title are not defined herein, but are defined in related sections of the Utah Code, County sSubdivision QOrdinance, or the family of international building codes, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Words not defined in any code shall have their ordinarily accepted meanings within the context in which they are used.
- B. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this title shall have the respective meanings hereinafter set forth.

17.07.030: Use Related Definitions

- A. Terms used within Title 17.09 to identify specific uses regulated within the Cache County Zoning-Land Use Ordinance.

RESIDENTIAL USES

1100 SINGLE FAMILY DWELLING: A building containing only one dwelling unit. Accessory kitchens may be approved as long as there is no ability to serve as a second dwelling unit. The building may be a manufactured home, a mobile home, or other permitted structure on a permanent foundation. Only one dwelling unit is allowed per legal lot/parcel.

1110 FOSTER HOME: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.

1120 ACCESSORY APARTMENT: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit located within an existing primary dwelling unit. An accessory apartment must comply with the following requirements:

1. Be located within an existing single-family dwelling which has been designated, built, or converted to accommodate an independent housing unit.
2. Must be approved by the Bear River Health Department and County Building Department with respect to sanitation, water, drainage, and all applicable health

codes and requirements and must also comply with all applicable zoning and use, building, and safety codes, including the obtaining of a building permit.

3. Only one accessory apartment is allowed per legal lot.
4. The existing primary single-family dwelling unit or the accessory apartment must remain owner occupied.

1200 HOME BASED BUSINESS: A use incidental and secondary to a property's primary residential use which does not significantly alter the exterior of the property or affect the residential character of the site as determined by the Development Services Director. The only employees and/or volunteers working at the home shall be the residents of the home. One non-resident employee may work in the residence if it can be demonstrated by the applicant that potential impacts due to the increase are non-existent; a minor variance is required as specified in §17.02.060. Typical uses include:

1. Home Office: A business which is comprised of an office in the home, consulting services, internet based business, or service activities that are managed from the home and occur away from the residential property. This includes ~~Outside Sales: Sales activities where the business proprietor makes the primary sales transaction at another location. This includes businesses that may rely on~~ such as demonstration sales or sales parties (i.e. cosmetics, cutlery, vacuums, etc.).
- ~~3.2.~~ Home Daycare: A program providing care for not more than eight (8) children at one time for a period less than twelve (12) hours in duration. The state licensed capacity must include all children of any caregiver under the age of ? not enrolled in school when their ~~caregiver's~~ children are present in the residence.
- ~~4.3.~~ Home Based Preschool: A preschool program complying with all state standards and licensing for nonfamily members in an occupied dwelling operated by residents of that dwelling in which lessons are provided for not more than eight (8) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one preschool session in any twenty four (24) hour period.
- ~~5.4.~~ Minor Service Provision: Typically includes ~~salons, professional services where most of the business activity is conducted offsite but~~ where occasional client meetings may occur at the home, ~~other services where there is little to no customer traffic to the home, such as salons, financial services CPA?, or small engine repair.~~ OR revise definition of 4500
- ~~6.5.~~ Minor Production: Production of goods that can be completed within the existing home typically including food goods, arts/crafts, or woodworking.

1300 MULTI-FAMILY DWELLING: A building or portion thereof containing two or more dwelling units. Excludes single family dwellings with accessory apartments.

1400 SEASONAL CABIN: A dwelling used for recreational or leisure purposes with the occupancy period for such dwelling limited to a maximum of one hundred eighty (180) days, or less, for each calendar year. A seasonal cabin cannot be utilized as a primary residence. Only one seasonal cabin is allowed per legal lot/parcel.

1500 RESIDENTIAL LIVING FACILITY: A general term for the following types of facilities:

~~1. Residential Facility for Elderly Persons: A single family dwelling unit that meets the requirements of Utah Code Annotated 17-27a-515 to 518, as amended. Moved to 4400 Human Care Services item #8 Long Term Care Facility.~~

2.1. Residential Facility for Persons with a Disability: A single-family dwelling unit in which more than one person with a disability resides and which is licensed or certified by the Utah department of human services under Utah Code Annotated 62A-2-101 et seq., as amended, or the Utah Department of Health under Utah Code Annotated Section 26-21-3 et seq., as amended. Treatment is not a necessary component of a residential facility for persons with a disability, but may be provided upon request. Any treatment provided shall be clearly ancillary to the use of the facility as a residence.

MANUFACTURING INDUSTRIES:

2100 GENERAL MANUFACTURING: The manufacture, processing, and assembling of products by mechanical or chemical processes. Typically includes the manufacturing rock products (including concrete/asphalt plants); metal products; wood products (including saw mills and pulp factories); plastic components; and the commercial processing of animal products (meat, dairy, eggs, etc.).

2110 AGRICULTURAL MANUFACTURING: The processing of agriculturally based products where 75% or more of the goods are grown directly on the property or on adjacent property that is operated by the owner of the Agricultural Manufacturing business. Includes any value added agricultural processing including but not limited to: honey processing, juice production from orchards or berries, meat or fish processing (smoking, jerky, cured meats, etc.), processing of vegetables, etc.

2200 STORAGE AND WAREHOUSING: A structure(s) containing storage space(s) of varying sizes that are affiliated with a commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business. Also includes the following specific uses:

1. Storage Yard: The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.
2. Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products which can be returned to a condition in which they may again be used for production.

2210 SELF SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small

businesses, apartment dwellers, and other residential uses; and may include refrigerated or climate controlled facilities.

2300 TRANSPORT SERVICES: An establishment engaged primarily in the loading and unloading of freight onto tractor trucks or the dispatch of tractor trucks which will be used to haul freight. May also include services for the fueling, servicing, repair, or parking of trucks or similar heavy commercial vehicles. Excludes the parking of a single truck by an owner/operator at their place of residence and trucks owned and operated by an agricultural entity engaged in the transport of 75% or more of that owners agricultural products.

TRADE, WHOLESALE, AND RETAIL:

3100 RETAIL & COMMERCIAL SALES: An establishment that provides goods, wares, or merchandise directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

3110 PRODUCE STAND: A temporary building or structure, not to exceed a gross floor area of 250 square feet, from which agricultural products are sold. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold.

SERVICES, PROFESSIONAL, AND PERSONAL:

4100 PROFESSIONAL SERVICES: A business that offers any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. Professional services typically include, but are not limited to, services rendered by: certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents.

4200 PROFESSIONAL OFFICE: A building for administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal use.

4300 MEDICAL SERVICES/FACILITIES: A general term for the following uses:

1. Secure Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
2. Substance Abuse Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
3. Outpatient Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
4. Day Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.

5. Healthcare Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
6. Hospital: As licensed by the State of Utah and defined within Utah State Code 26-36a-103.
7. Veterinary Clinic: A facility for the diagnosis, treatment, and hospitalization of animals, and which may include boarding and outdoor holding facilities.

4400 HUMAN CARE SERVICES: A general term for the following uses:

1. Domestic Violence Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
2. Assisted Living Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
3. Day eCare, Adult Facility: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
4. Daycare/Preschool, Commercial: Any facility, at a nonresidential location, operated by a person qualified by the State of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all state standards and licensing.
5. Nursing Care Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
6. Residential Support: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
7. Residential Treatment FacilityProgram: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
8. Youth Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
- 8.9. Long Term Care Facility: As licensed by the State of Utah and defined within Utah State Code 62A-3-202.

4500 GENERAL VEHICLE REPAIR: Any building, structure, improvements, or land used for the repair and maintenance of small engines, automobiles, motorcycles, trucks, trailers, tractors, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, but excludes dismantling or salvage.

4600 RESTAURANT: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

4610 MOBILE FOOD TRUCK: A temporary food service establishment, which has a duration limited to six (6) months at any single location, that is a vehicle mounted food service establishment designed to be readily movable.

4700 TRANSIENT LODGING: A general term for the following uses:

1. Motel: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
2. Hotel: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

4710 BED AND BREAKFAST INN: An owner occupied dwelling offering transient lodging accommodations where meals may be provided. A bed and breakfast inn may have no more than four (4) guestrooms.

CULTURAL, ENTERTAINMENT, AND RECREATION:

5100 RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than 30 days per year. May also include incidental hotel/motel accommodations for up to 15 rooms.

1. Campground: Any area with more than three (3) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.

5200 RESORT: A facility which serves as a destination point for visitors, and has recreational facilities for the use of guests, and may include residential accommodations for guests. Typical uses within a resort include but are not limited to: Ski facilities, Golf Courses, or other recreational facilities and overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, and restaurant/retail uses which are customarily appurtenant to such uses.

1. Ski Facility: A recreational use, with associated facilities and improvements, for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort.
2. Golf Course: A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

5300 SEXUALLY ORIENTED BUSINESSES: Seminude entertainment businesses, sexually oriented outcall services, adult businesses, and seminude dancing agencies, as defined by Title 5, [and also addressed by 17.24](#).

INSTITUTIONAL, PUBLIC, AND UTILITY USES:

6100 PUBLIC/INSTITUTIONAL FACILITY: Includes the following specific uses:

- 6110 CEMETERY:** A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums, and meeting all applicable local, state, and federal requirements and regulations.
- 6120 PUBLIC USES:** A use operated exclusively by a public entity over which the county has no jurisdiction in compliance with §17-27a-304, Utah Code Annotated, 1953, as amended.
- 6130 RELIGIOUS MEETING HOUSE:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
- 6140 CORRECTIONAL FACILITY:** Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, by way of illustration, a prison, jail, or probation center.
- 6150 RESERVED**
- 6160 EDUCATIONAL FACILITY:** Any building or part thereof which is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool centers. Includes the following uses:
1. Boarding School: As licensed by the State of Utah and defined within [Utah Code Annotated, 1953, as amended, Utah State Code §62A-2-101](#).
 2. Therapeutic School: As licensed by the State of Utah and defined within [Utah Code Annotated, 1953, as amended, Utah State Code §62A-2-101](#).
- 6200 UTILITIES:** All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, telecommunication and telephone cables and the generation of power as further defined herein.
- 6210 UTILITY FACILITY, TRANSMISSION:** A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.
1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of one hundred and forty thousand (140,000) volts (140 kV), or greater, and that may provide for interstate power transmission, power transmission between substations, or to provide power to customers or areas located outside of the county.
 2. Gas Pipeline Right Of Way: A gas transmission pipeline of twelve inches (12") or larger diameter that may provide for interstate gas transmission, or to provide gas to customers or areas located throughout the county.

3. Wind or Water Energy System: A wind or water energy conversion system consisting of one or more turbines and/or towers and associated control and/or conversion electronics and providing generated electrical power to be used for off-site consumption.
4. Petroleum Pipeline: A petroleum or oil transmission pipeline of four inches (4") or larger in diameter and that provides for interstate petroleum or oil transmission, or to provide petroleum or oil to customers or areas located throughout the county.
5. Electric Substation: A power regulating facility designed to regulate power for distribution at voltages of one hundred forty thousand (140,000) volts (140 kV) or greater.
6. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along major utility facilities.

6220 UTILITY FACILITY, DISTRIBUTION: A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of less than one hundred and forty thousand (140,000) volts (140 kV) but more than thirty thousand (30,000) volts (30kV).
2. Gas Pipeline: A gas transmission pipeline of less than twelve inches (12") in diameter.
3. Water/Waste Water Transmission Line: A transmission line for water (culinary or irrigation water) or wastewater greater than 18" in diameter. Open canals and barrow pits are exempt from this requirement.
4. Electric Substation: A power regulating facility designed to regulate power for distribution to customers at voltages less than one hundred forty thousand (140,000) volts (140 kV).
5. Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along minor utility facilities.

6230 UTILITY FACILITY, SERVICE: Electric, gas, communication, water, sewer, irrigation, drainage lines, or other utility facilities that provide local delivery or collection services from either Utility Facility Distribution or Transmission services. This includes home based geothermal, wind, solar, or water powered facilities limited to the production capacity required to service a single family dwelling.

6240 TELECOMMUNICATION FACILITY: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located. [See §17.20 for additional requirements.](#)

6300 PUBLIC AIRPORT: A site licensed by the State for the takeoff or landing of aircraft, including uses that may be appurtenant and accessory to said activity (e.g., runways,

hangars, facilities for refueling and repair). The following are required at the time of application:

1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - a. The current FAA Form 7480-1, and;
 - b. FAA response to Form the 7480-1 submission.
 - c. A copy of the Airport Master Record.
2. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.
3. A copy of the State of Utah license as issued by the Utah Division of Aeronautics.

6310 PRIVATE AIRPORT: Any area for the takeoff or landing of aircraft and that is not open to the public, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are required at the time of application:

1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - a. The current FAA Form 7480-1, and;
 - b. FAA response to the Form 7480-1 submission.
 - c. A copy of the Airport Master Record.
2. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.

Permitting is not required for temporary or intermittent airports as defined by the Federal Aviation Administration (FAA) under Title 14 of the Code of Federal Regulations Part 157 Notice of Construction, Alteration, Activation, and Deactivation of Airports.

6400 SOLID WASTE FACILITY: A facility engaged in solid waste management, including:

1. A landfill;
2. A processing system, including:
 - a. A resource recovery facility;
 - b. A facility for reducing solid waste volume;
 - c. A plant or facility for compacting, composting, or pyrolyzation of solid waste;
 - d. A solid waste disposal, reduction, or conversion facility.
3. Composting Facility: A facility where organic materials are converted into a humus like material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to farming operations are exempted from this use.
4. Sewage Treatment Works: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area. Includes sewage lagoons and sewage treatment plants. Excludes septic systems.

6410 NUCLEAR WASTE FACILITY: A facility for the disposal or transfer of high-level nuclear waste or greater than class C radioactive nuclear waste, as defined within [Utah](#)

Code Annotated, 1953, as amended, State Code §19-3-303, as “Waste(s)”, that is located wholly or partially within the county.

RESOURCE PRODUCTION AND EXTRACTION:

- 7100 AGRICULTURAL PRODUCTION:** The production, keeping, or maintenance, for sale, lease, or personal use of plants useful to man, including crops and products such as vegetables, fruit trees, harvestable and ornamental trees, hay, sod, grain, honey, milk, cheese, and any other agricultural or horticultural products and their storage; wholesale fruits of all kinds, including grapes, nuts, and berries; wholesale vegetables; wholesale nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Also includes the following specific uses:
1. Horticultural Production: The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.
 2. Aquaculture: The commercial cultivation of aquatic life, such as fish, shellfish, and seaweed.
 3. Agricultural Building: A structure used solely in conjunction with agriculture use, not for human occupancy, and complying with the requirements of ~~section 58-56-4~~§15A-1-202, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building, the structure must be located outside of a residential area, as defined by ~~section §15A-1-20458-56-4(1)~~, Utah Code Annotated, 1953, as amended.
 4. Agricultural Products Storage: The storage of raw agricultural products. This use does not include the commercial slaughtering, the processing and packaging of meat and poultry, or the processing of food stuffs.
 5. Livestock Production: An agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit and mink farms, apiaries, and aviaries.
 6. Grazing: The feeding of livestock or horses where more than fifty percent (50%) of the feed is produced on the immediate parcel and available to the animals as in-place vegetation to sustain life.
- 7110 CONCENTRATED ANIMAL FEEDING OPERATION (CAFO):** A lot or facility as defined by the EPA as meeting or exceeding the standards of a Large CAFO.
- 7120 LIVESTOCK AUCTION FACILITY:** A structure or structures with associated pens, yards, corrals, and loading and unloading facilities used for the sale of livestock.
- 7200 BOARDING FACILITY:** A series of stables, barns, paddocks, and/or other shelters and exercise facilities in which livestock, including cattle, sheep, goats, swine, horses, mules, poultry, etc., are fed, exercised, and/or cared for on a short or long term basis for a fee.
- 7210 HOUSEHOLD PET:** Animals ordinarily kept in a dwelling for personal use and not for commercial purposes. This includes up to six (6) adult dogs.

7220 HOME BASED KENNEL: Any establishment, accessory to a dwelling unit and/or adjacent to a neighboring parcel under the same ownership, at which seven (7) or more adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes a single, incidental litter in a 12 month period. A home based kennel must comply with the following requirements:

1. A home based kennel shall consist of no more than 12 adult dogs. More than 12 dogs may be permitted as a home based kennel if it is otherwise shown by the applicant that:
 - a. Impacts can be mitigated by distance, vegetation, geography, and/or structures.
 - b. The kennel is secondary to the home and the use of the property is not primarily for commercial purposes.
2. All kennel facilities must be a minimum of 50 feet from the property boundary.
3. Noise levels from the kennel shall not exceed 10 decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

7230 COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment at which the boarding, grooming, breeding, raising, and/or otherwise keeping of 13 or more adult dogs or cats is the primary use of a legal parcel as determined by the Director or Planning Commission, or the requirements of a home based kennel cannot be met. A commercial kennel/animal shelter must comply with the following requirements:

1. All kennel facilities must be a minimum of 50 feet from the property boundary and a minimum of 20 feet from a Caretaker's Residence.
2. Noise levels from the kennel shall not exceed 10 decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

7300 FORESTRY ACTIVITIES: The felling and transportation of commercially harvested trees. Forestry activities do not include the harvesting of firewood or trees for private use. Excludes sawmills or the production/finishing of lumber.

7400 MINERAL EXTRACTION: The extraction of metallic and nonmetallic minerals or materials; including the accessory uses of rock crushing, screening, and the storage of explosives; except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property. Includes stone quarries and sand/gravel pits.

7410 TOPSOIL EXTRACTION: Extraction activities limited to the removal and sale of topsoil, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property.

7420 SITE GRADING: The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property in preparation for the construction of a building, but not including normal cultivation associated with an agricultural operation. Excavation shall be less than 1,500 cubic yards per parcel. Additional excavation may only be permitted with a variance.

17.07.040: General Definitions

ACCESS: The provision of vehicular and/or pedestrian ingress and egress to buildings, structures, facilities, or property.

AGENT: The person with written authorization to represent an owner or owners.

AGRICULTURAL BUILDING: As defined within ~~Utah State Code~~ 15A-1-204(7) of Utah Code Annotated, 1953, as amended.

AGRICULTURAL REMAINDER

1) The minimum size of any remainder must be in conformance with ~~§59-2-5 of Utah Code Annotated, 1953, as amended.~~ of State Code.

2) Any remainder shall require a deed restriction to be recorded stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.

3) Does not count as a "lot" for development density as described in ~~section §~~17.10.030 of this code.

4) Must be reviewed and approved by the land use authority to ensure the promotion and/or preservation of agriculture in terms of the layout and design of the agricultural remainders.

APPEAL: A review by the identified appellate body of a final decision of the approving body.

APPEAL AUTHORITY: A person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or variance.

APPLICANT: The owner of title or agent for property that is the subject of an application.

APPLICATION: The necessary form and all accompanying documents and other materials required by ~~an approving authority~~ the Land Use Authority for development review purposes.

APPROVAL: A decision ~~for final approval signed and issued~~ by the ~~appropriate IL~~ and ~~u~~Use ~~a~~Authority stating that a proposed use complies with the current County Code.

AVERAGE DAILY TRAFFIC (ADT): The average of one-way vehicular trips that use a road

during a twenty-four (24) hour period.

BOARD OF ADJUSTMENTS (BOA): The officially constituted and appointed body of Cache County, as authorized by the laws of the State of Utah, to perform those duties, as allowed by state law and this title.

BOARD OF TRUSTEES: As provided for in Title 8.20.040, “Board of Trustees”.

BOUNDARY LINE ADJUSTMENT: The relocation of the property line between two (2) or more adjoining lots or parcels.

BUILDABLE AREA: The portion of a parcel of land which is within the envelope formed by the required setbacks of the zoning district in which the parcel is located and as limited by any sensitive areas as defined in this title.

BUILDING: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, processing, equipment, goods, materials, or property of any kind.

BUILDING CODE: The most recently adopted family of ~~International Building Codes~~ used to regulate the construction of buildings and structures located within Cache County.

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.

BUILDING PERMIT: Legal authorization, as required by the adopted building code(s) of Cache County, authorizing the erection, alteration, or extension of a structure.

BUILDING, PUBLIC: For purposes of this title only, a public building is a building owned and operated, or owned and intended to be operated by the ~~city~~ county, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:

1. Properties owned by the State of Utah or the United States government which are outside of the jurisdiction of the ~~city~~ County zoning-Land Use Authority as provided under §17-27a-304, Utah Code Annotated, 1953, as amended, and;
2. The ownership or use of a building which is immune from the ~~County~~ zoning-aLand Use Authority under the supremacy clause of the United States constitution.

CACHE COUNTY, UNINCORPORATED: All unincorporated areas, lying within the boundaries of the county, and outside any corporate boundary of a municipality.

CACHE COUNTYWIDE COMPREHENSIVE PLAN: The general plan as authorized by the

laws of the State of Utah for the unincorporated areas of the county, as may be adopted and amended from time to time by the Cache County Council.

CARETAKER'S RESIDENCE: A single family dwelling unit accessory to a commercial or industrial use for occupancy by the person who oversees the nonresidential operation, and his or her family.

CAT, ADULT: A cat is considered an adult when it is six (6) months of age or older.

CERTIFICATE OF OCCUPANCY: A certificate issued by the County Building Official after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable county codes, permits, requirements, and approved plans.

CLUSTERING: A development or subdivision design that concentrates buildings or lots on a part of the site to allow the remaining land to be used for agriculture, recreation, common open space, and/or preservation of environmentally sensitive areas.

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CODES, COVENANTS, AND RESTRICTIONS (CC&Rs): An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.

DENSITY: The number of net acres required per dwelling unit as specified in Table 17.10.040. Net acreage shall be calculated by taking the total gross acreage and subtracting non-developable sensitive areas (wetlands, open water, steep slopes) and the area in rights-of-way for roads.

| **DEVELOPABLE ACREAGE:** The land area within a subdivision excluding: **a** Areas defined as undevelopable under Chapter 17.18, "Sensitive Areas", of this title, and areas dedicated to the public, such as parks and public rights-of-way.

DEVELOPMENT: The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property, including grading, clearing, grubbing, mining, excavating, or filling of such property. Also includes the improvement or subdivision of land for the purpose of building.

| **DISABILITY:** As defined within §57-21-2 (**910**) of the Utah Code Annotated, 1953, as amended.

DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste into or on any land or water so that such waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters, including groundwater.

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

DRY LOT: A lot approved through a subdivision process that does not have a state approved domestic water right associated with it.

DWELLING UNIT: One or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping, sanitary facilities, kitchen or set of fixed cooking facilities, all for exclusive use by a single family maintaining a household.

~~EARTHQUAKE FAULT: Locations identified as active or potential earthquake fault areas. (Included in definition of Geologic Hazard)~~

EASEMENT: One or more of the property rights granted by the property owner to and/or for the use by another person or entity for a specified use or purpose.

FAMILY: One individual, or two (2) or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household, or no more than four (4) nonrelated persons living together. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club or institutional group.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured materials or combination of materials erected to enclose, screen, or separate areas.

~~FINANCIAL IMPROVEMENT SURETY: A form of security that is posted in favor of Cache County that can may include cash, a letter of credit, and/or a bond, or an escrow agreement in an amount and form satisfactory to the county. Letters of Credit must be issued by a federally insured financial institution. Bonds must be issued by a financial institution, insurance company, or surety company with an A.M. Best rating of not less than A-:IX.~~

~~FINDINGS: Statements of the Hand uUse aAuthority identifying the reasons and basis for the action taken. Also referred to as findings of fact.~~

FLOODPLAIN: An area adjoining a river, stream, watercourse, or body of standing water in which a potential flood hazard exists when the area experiences a 100-year storm, including any area designated as a floodplain by the Federal Emergency Management Agency (FEMA) of the United States government. These areas have additional regulations located within Title 15.28 of the Cache County Code.

GEOLOGIC HAZARD: A hazard inherent in the crust of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faults, landslides, and rock fall.

GRADE: The ground surface elevation(s) of a parcel of land.

GRADE, EXISTING: The grade of a property prior to any proposed development or construction activity.

GRADE, FINAL: The finished or resulting grade after completion of the proposed development activity.

GRADING: Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

GUEST HOUSE: An attached or detached building that provides living quarters for guests and (a) contains no kitchen or cooking facility; (b) is clearly subordinate and incidental to the principal residence on the same building site; and (c) is not rented or leased, whether compensation be direct or indirect.

IMPROVEMENTS: Buildings, structures, facilities, and site work including, but not limited to, grading, surfacing, paving, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations.

IMPROVEMENT AGREEMENT: An agreement between a developer and the county, **approved reviewed and issued** by the Director of Development Services that clearly establishes the developer's responsibility(ies) regarding project phasing, the provision of public and private facilities, improvements and/or conditions as imposed by ordinance and/or by a **L**and **U**se **a**Authority, and any other mutually agreed to terms and requirements.

INTENSITY: The concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, numbers of buildings, numbers of livestock, etc.

JUNK: Any scrap copper, brass, rope, rags, batteries, paper, trash, wood, rubber debris, waste, or junked, dismantled, or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

KITCHEN: An area for the preparation of food and containing a sink and stove.

LAND USE AUTHORITY: A person, board, commission, agency, or body, designated by the local legislative body to act upon a land use application; or, if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

LOT/PARCEL COVERAGE: The percentage of the area of a lot/parcel which is occupied by all buildings, other impervious surfaces, or other covered structures.

LOT/PARCEL FRONTAGE: That portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage.

LOT/PARCEL, LEGAL: A lot, or parcel of ground, that is eligible to be developed in conformance with the requirements of Titles 16 and 17. See the adopted policy of the Development Service Department dated August 29, 2013 for legal requirements.

LOT/PARCEL, RESTRICTED: A lot, parcel or tract of land, the deed of which has been recorded in the office of the Cache County Recorder, but has not received the necessary approvals as required by the Cache County Subdivision Ordinance existing at the time of recordation (see Lot/Parcel, Legal). Restricted lots/parcels are not eligible to receive building permits, ~~business licenses, zoning clearances,~~ or conditional use permits, but they may be issued a ~~permit zoning clearance~~ for an agricultural structure as reviewed and approved by the Director of Development Services.

LOT/PARCEL SIZE: The total area of a lot, parcel, or tract of land.

MANUFACTURED HOME: A transportable, factory built housing unit constructed on or after June 15, 1976. According to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, and when erected on site, the home must be at least twenty feet (20') in width at the narrowest dimension, have exterior and roofing materials in conformance with adopted building codes, have a minimum roof pitch of two to twelve (2:12), and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A manufactured home shall be identified as real property on the property assessment rolls of Cache County. All manufactured homes constructed on or after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

MOBILE HOME: A transportable, factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code). Said unit must be placed on a permanent foundation and meet adopted building codes. The following are excluded from this definition: travel trailers, motor homes, camping trailers, or other recreational vehicles.

NUISANCE: Any use or activity which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.

OFF PREMISE: Located outside the lot or parcel lines of the principal use.

OFFICIAL ZONING MAP: The map adopted by the County Council showing the geographical distribution of the zoning districts of the county.

ON PREMISE: Located within the lot or parcel lines of the principal use.

OPEN SPACE: Any area of a lot that is completely free and unobstructed from any manmade structures or parking areas.

OWNER: Any person, group of persons, or entity, having record title to the property.

PARKING ANALYSIS: An analysis that demonstrates sufficient accommodation for the safe and efficient flow of vehicles and pedestrians, and that minimizes the impact to public streets and environmental resources due to the proposed use. This analysis must include:

1. A site plan at a useable scale;
2. All calculations used to demonstrate that the performance standards for access, design, parking supply, and landscape and lighting have been met and/or exceeded.

PARKING, OFF STREET: An area adjoining a building providing for the parking of automobiles which does not include a public street but has access to it.

PERMIT: Written permission issued by ~~the~~ the ~~IL~~ and ~~u~~ Use a Authority, empowering the holder thereof to proceed with some act not forbidden by law.

PLANNING COMMISSION: ~~The An~~ official body of ~~the~~ Cache County ~~Planning Commission,~~ as authorized by the laws of the State of Utah, to perform those duties, as allowed by ~~s~~ State ~~L~~ Law and this title.

PROPERTY FRONTAGE: The length of the property line abutting the road, street, or highway right-of-way or a line drawn parallel to the road, street, or highway right of way line and located at the front yard setback.

PROPERTY LINE: The boundary line of a lot, parcel, or tract of land.

PUBLIC HEARING: As defined by ~~Utah State Code §17-27a-103,~~ of Utah Code Annotated, 1953, as amended.

PUBLIC IMPROVEMENT: Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off street parking area or other facility or amenity.

PUBLIC MEETING: As defined by ~~Utah State Code §17-27a-103,~~ of Utah Code Annotated, 1953, as amended.

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

1. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing ~~zoning-land use~~ regulations, notwithstanding the benefit that the accommodation would provide to a person with a disability.
2. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
3. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

RECLAMATION: Actions performed during and after excavation operations to shape, stabilize, revegetate or otherwise treat the land affected in order to achieve a safe, stable, ecological condition. The excavated lands will be rehabilitated to a usable condition which is readily adaptable to alternate land uses and creates no danger to public safety. The rehabilitation process may extend to affected lands surrounding the excavated lands and may require backfilling, grading, recoiling, revegetation, soil compaction, stabilization and other measures.

RESIDENCE: A dwelling unit where an individual is actually living at a given point in time and intends to remain for more than half of the calendar year, and not a place of temporary sojourn or transient visit.

RIGHT-OF-WAY: Land occupied or intended to be occupied by a public or private trail, street, road, highway, railroad, other public transportation use or other utility uses.

ROAD, PRIVATE: As defined within the Cache County Manual of Roadway Design and Construction Standards.

ROAD, PUBLIC: Any highway, road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in an action for the partition of real property, and includes the entire areas within the public right of way.

SENSITIVE AREA:

- A. **Non-Developable:** The following sensitive areas shall not be considered developable. Any acreage encumbered by said areas shall not be considered when calculating development density and no development shall occur therein except for required public utilities and/or facilities.
 - 1. **Wetlands:** As defined by the U.S. Army Corps of Engineers.
 - 2. **Steep slopes:** The rise or fall of the land is equal to or exceeds thirty (30) percent over a horizontal distance of twenty (20) feet or greater.
 - 3. **Natural waterways:** As defined by this title.
- B. **Potentially Developable:** The following areas are determined to be sensitive areas of Cache County and are subject to the requirements of this Chapter. Development may occur in these areas in compliance with this section and any other applicable County, State, and/or Federal requirements.
 - 1. **Moderate Slopes:** The rise or fall of the land is equal to or exceeds twenty (20) percent over a horizontal distance of twenty (20) feet or greater and is less than thirty (30) percent.
 - 2. **Ridgelines:** 100 vertical feet on either side of the crest of a significant ridge line or hill top.
 - 3. **Floodplain and/or Floodway:** As identified and defined by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), and areas of shallow ground water susceptibility as identified by the Utah Geological Survey (UGS).
 - 4. **Important Habitat Areas:** As identified in the Important Habitat Areas map.
 - 5. **Geologic Hazards:** Major geographic and geologic features, the depth of bedrock,

structural features, folds, fractures, etc., and potential slide and other high hazard areas such as mine shafts and avalanche paths.

6. Wildfire Hazards: Areas of the county designated as Wildland-Urban Interface.
7. Historic, Prehistoric, and Cultural Resources: Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah. This includes properties eligible for the National Register of Historic Places.

SETBACK: The minimum required distance between any structure and the property lines of the lot in which it is located. The front, rear, and side setbacks are illustrated in ~~section~~ §17.10 of this title and defined as follows:

Front: The area of a lot or parcel of land extending across the frontage and being the minimum horizontal distance between a street or road right-of-way/easement line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front setback of a corner lot is the area adjacent to the designated front lot line.

Rear: The area of a lot or parcel of land extending across the rear width and being the minimum horizontal distance between the primary building, or any projection thereof other than steps, unenclosed balconies and unenclosed porches, and the rear lot line.

Side: An area of a lot or parcel of land extending between the side lot line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.

Other: Any distance required between a structure or site improvement and a set feature (i.e. floodplain, geologic hazard, etc.)

SIGN: Any device for visual communication, including any structure or natural object or part thereof that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization.

SITE PLAN: An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development including, but not limited to: topography; vegetation; drainage; floodplains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; rights-of-way or easements; utility services; structures and buildings; lighting; berms, buffers, and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

SITE SUITABILITY ANALYSIS: A comprehensive site analysis for a public infrastructure utility. This analysis shall consider data and provide findings, conclusions, and recommendations including but not limited to: public involvement including key concerns, issues, and comments, geologic hazard areas as defined by this title, archeological, ecological, and culturally important areas, jurisdictional wetlands as defined by the U.S. Army Corps of Engineers, crucial wildlife habitat as identified by the State Division of Wildlife Resources and species of special concern, drinking water source protection areas, groundwater depth and recharge areas, structures and developed areas including existing dwellings, residential and commercial zones, schools, and churches, wildfire hazard areas, floodplains, national, state, or county parks, monuments, or recreation areas, prime, unique, and statewide importance

farmlands, State and National Historic Register sites, airports, national forests, visual analysis, cost comparisons, and site alternatives.

SLOPE: The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

SOLID WASTE: All putrescible and non-putrescible solid and semi-solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and shall include other discarded material classified as solid waste by state and federal law or regulation. This does not include sewage or another highly diluted water carried material or substance and those in gaseous form.

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 and the surrounding landscape shall be the top of the bank.

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.

SUBDIVISION ORDINANCE: Title 16 of [the](#) Cache County Code, as adopted.

USE, ACCESSORY: A use or a structure subordinate to the primary use of a lot, or of a primary building on the same lot, and serving a purpose clearly incidental to a permitted primary use of the lot or of the building and which accessory use or structure is compatible with the primary permitted uses or structures authorized under [zoning-land use](#) regulations applicable to the property.

1. **RESIDENTIAL ACCESSORY USES:** Include uses such as recreational activities, raising of pets, parking of occupants' vehicles, garage or carport, accessory buildings for home hobbies, storage buildings of not more than 500 square feet, fences/patios/decks, and gardens.
2. **COMMERCIAL/MANUFACTURING ACCESSORY USES:** Includes uses such as the onsite sale of manufactured goods, offices, parking, storage, and a caretaker's residence.

USE, PERMITTED: A use allowed in the district involved, without review by the Land Use Authority, and complying with the provisions of this title, County Code, and other applicable ordinances and regulations.

USE, PRIMARY: An individual use, located on a parcel or lot, that is subject to the requirements of the regulations of this title, the Cache County Code, and any other applicable state and federal requirements, and to which all other uses are accessory, conditional, or nonconforming. Only one primary use per legal lot/parcel is allowed.

USE, PROHIBITED: Any use, whether accessory or primary, not identified as either a permitted use, conditional use, or ~~temporary nonconforming~~ use, as provided by this title.

VARIANCE: As defined by ~~Utah State Code §17-27a-702~~, of Utah Code Annotated, 1953, as amended.

WATERWAY, MANMADE: All manmade drainage systems including, but not limited to, all canals, culverts, reservoirs, and other constructed drainages.

WATERWAY, NATURAL: Those areas varying in width along and including, but not limited to, rivers, lakes, ponds, streams, creeks, gullies, springs, faults or washes which are natural drainage channels as determined by the Director of Development Services.

WETLANDS: Any area of Cache County under the regulatory authority of the United States Army Corps of Engineers.

WILDLIFE HABITAT: Areas identified by the Utah Division of Wildlife Resources and/or the United States Fish and Wildlife Service occupied and necessary for the support of fish and fauna.

ZONING CLEARANCE: A land use review to insure compliance with the County Code, provided, reviewed, and acted upon ~~An acknowledgment, provided~~ by the Director of Development Services, or designee, identifying that the proposed use, building, structure, or facility complies with the requirements of this title.

ZONING DISTRICT, BASE: The classification of all land as reflected in the Cache County Zoning Map wherein development regulations are in place to uniformly govern the use, placement, and size of land and structures. In the instance of conflicting or multiple base zoning districts on a single parcel, the more restrictive zone shall be applied across the entire parcel. base zoning districts may be combined with an overlay zoning district on all or a portion of a parcel to alter, restrict, or allow specific development regulations.

ZONING DISTRICT, OVERLAY: The classification of land as reflected in the Cache County Zoning Map wherein additional development regulations are applied to the regulations of the base zoning district.

17.09.010 Purpose.....1
 17.09.020 Permitted and Conditional Uses by Zoning District.....1
 17.09.030 Schedule of Uses by Zoning District.....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 17.09.030 of this chapter lists the primary uses within all Cache County zoning districts. All of the use categories listed in the table are defined in Chapter 17.07 of this title.

A. Uses Permitted ~~b~~By Right:

1. A "P" indicates that a use type is allowed without Land Use Authority review/permitting in the respective zoning district.

B. Conditional Uses:

1. A "ZC" indicates that a use type is allowed as a Zoning Clearance, and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code.
- 1.2. A "C" indicates that a use type is allowed as a Conditional Use Permit and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code, only if reviewed and approved as a conditional use in accordance with this title.

C. Uses ~~Not Allowed~~Prohibited:

1. An "N" indicates that a use type is ~~not allowed~~prohibited in the respective zoning district.
2. Any uses not specifically permitted or conditionally permitted are prohibited.

D. Overlay Zone Uses:

1. A " - " indicates that ~~the any applicable~~ overlay zone does not impose any additional requirements on the use ~~than beyond~~ the base zone requirements.

E. Additional Compliance: 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.

Base Zoning Districts	
RU2	Rural 2 Zone
RU5	Rural 5 Zone
A10	Agricultural Zone
FR40	Forest Recreation Zone
RR	Resort Recreation Zone
C	Commercial Zone

I	Industrial Zone
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17.09.030: Schedule of Uses by Zoning District

Index	Description	Base Zone							Overlay Zone	
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
1000	Residential									
1100	Single Family Dwelling	PZC	ZCP	ZCP	N	PZC	N	N	N	-
1110	Foster Home	P	P	P	N	P	N	N	N	-
1120	Accessory Apartment	EZC	EZC	EZC	N	EZC	N	N	N	-
1200	Home Based Business	ZCP	ZCP	ZCP	N	PZC	N	N	N	-
1300	Multi-Family Dwelling	N	N	N	N	C	N	N	N	-
1400	Seasonal Cabin	ZCP	ZCP	ZCP	ZCP	PZC	N	N	N	-
1500	Residential Living Facilities	ZCP	ZCP	ZCP	N	PZC	N	N	N	-
2000	Manufacturing Industries									
2100	General Manufacturing	N	N	N	N	N	N	C	N	-
2110	Agricultural Manufacturing	N	N	C	N	N	C	C	N	-
2200	Storage and Warehousing	N	N	N	N	N	N	C	N	-
2210	Self-service Storage Facility	N	N	N	N	N	C	C	N	-
2300	Transport Services	N	N	N	N	N	N	C	N	-
3000	Trade, Wholesale									

Overlay Zoning Districts	
ME	Mineral Extraction and Excavation
PI	Public Infrastructure

	and Retail	RU2	RU5	A10	FR40	RR	C	I	ME	PI
3100	Retail and Commercial Sales	N	N	N	N	C	C	N	N	-
3110	Produce Stand	EZC	EZC	ZCP	N	PZC	ZCP	N	N	-
4000	Services, Professional and Personal									
4100	Professional Services	N	N	N	N	C	C	N	N	-

4200	Professional Office	N	N	N	N	C	C	N	N	-
4300	Medical Services	N	N	N	N	C	C	N	N	-
4400	Human Care Services	N	N	N	N	C	C	N	N	-
4500	General Vehicle Repair	N	N	N	N	C	C	C	N	-
4600	Restaurant	N	N	N	N	C	C	N	N	-
4610	Mobile Food Truck	N	N	N	N	PZC	ZCP	ZCP	N	-
4700	Transient Lodging	N	N	N	N	C	C	N	N	-
4710	Bed and Breakfast	C	C	C	C	C	C	N	N	-
5000	Cultural, Entertainment, and Recreation	RU2	RU5	A10	FR40	RR	C	I	ME	PI
5100	Recreational Facility	N	N	C	C	C	C	N	N	-
5200	Resort	N	N	N	N	C	N	N	N	-
5300	Sexually-oriented Businesses	N	N	N	N	N	N	C	N	-
6000	Public, Institutional, and Utility Uses	RU2	RU5	A10	FR40	RR	C	I	ME	PI
6100	Public/Institutional Uses									
6110	Cemetery	N	N	C	N	N	N	N	N	-
6120	Public Uses	P	P	P	P	P	P	P	N	-
6130	Religious Meeting House	C	C	C	N	C	C	N	N	-
6140	Correctional Facility	N	N	N	N	N	N	N	N	-
6150	Reserved									
6160	Educational Facility	N	N	N	N	N	C	N	N	-
6200	Utilities									
6210	Utility Facility, Transmission	N	N	N	N	N	N	N	N	C
6220	Utility Facility, Distribution	C	C	C	C	C	C	C	C	C
6230	Utility Facility, Service	P	P	P	P	P	P	P	P	P
6240	Telecommunication Facility	N	N	N	N	N	C	C	N	C
6300	Public Airport	N	N	N	N	N	N	N	N	C
6310	Private Airport	N	N	C	C	C	C	C	-	-
6400	Solid Waste Facilities	N	N	N	N	N	N	N	N	C
6410	Nuclear Waste Facility	N	N	N	N	N	N	N	N	N
7000	Resource Production and Extraction	RU2	RU5	A10	FR40	RR	C	I	ME	PI
7100	Agricultural Production	P	P	P	P	P	P	P	P	-
7110	Concentrated Animal Feed Op.	N	N	C	N	N	N	N	N	-
7120	Livestock Auction Facility	N	N	C	N	N	C	C	N	-
7200	Boarding Facility	C	C	C	N	C	C	N	-	-
7210	Household Pet	P	P	P	P	P	P	P	-	-
7220	Home Based Kennel	C	C	C	N	C	C	N	-	-

7230	Comm. Kennel/Animal Shelter	N	N	N	N	N	C	C	-	-
7300	Forestry Activities	N	N	N	C	C	N	N	N	-
7400	Mineral Extraction	N	N	N	N	N	N	N	C	-
7410	Topsoil Extraction	N	N	C	N	N	N	N	C	-
7420	Site Grading	ZCP	ZCP	ZCP	ZCP	PZC	ZCP	ZCP	ZCP	-