

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
AUGUST 14, 2018**

**COUNTY COUNCIL MEETING
August 14, 2018**

<u>NATURE OR ORDER OF PROCEEDING</u>	<u>PAGE</u>
BORUP, PAUL – Republican candidate for Logan Council Seat 3.....	5
CACHE COUNTY FAIR AND RODEO	2
CACHE EVENTS CENTER UPDATE.....	1
CLOUD SEEDING REPORT – 2017-2018 Winter.....	2
DEVELOPMENT SERVICES FEE SCHEDULE – Resolution No. 2018-16-Amendments to the Cache County	2
EXPENSE REPORTS <i>(Previously called warrants)</i> – 08-04-2018 to 08-10-2018	1
FIRE EVALUATION REPORT	2
GOVERNOR’S FOREST INITIATIVE	2
ORDINANCE NO. 2018-09 – Amendments to Titles 16 and 17 of the Cache County Code	4
PARADISE TROUT AND BERRY DAYS.....	5
PAYMENT IN LIEU OF TAXES (PILT) OWED TO CACHE COUNTY BY THE UNITED STATES GOVERNMENT – Resolution No. 201821-Approving the Participation in Litigation to Recover	4
PUBLIC COMMENT – Sharp , Vivian.....	3
PUBLIC HEARING – August 14, 2018-5:30 p.m....-Amendments to Titles 16 and 17 of the Cache County Code Regarding Parcel Legality and Density.....	3
RESOLUTION NO. 2018-16 – Amendments to the Cache County Development Services Fee Schedule.....	2
RESOLUTION NO. 2018-21 – Approving the Participation in Litigation to Recover Payment in Lieu of Taxes (PILT) owed to Cache County by the United States Government.....	4
RIVER HEIGHTS APPLE DAYS PARADE.....	5
SHARP, VIVIAN – Public Comment.....	3
SUMMER SOCIAL	5
TITLES 16 AND 17 OF THE CACHE COUNTY CODE REGARDING PARCEL LEGALITY AND DENSITY – Public Hearing – August 14, 2018-5:30 p.m.-Amendments to-Ordinance No. 2018-09	3,4
UAC POLICY COMMITTEE MEETING	2
USU HOMECOMING PARADE	5
WELLSVILLE FOUNDERS’ DAY PARADE.....	5

**CACHE COUNTY COUNCIL MEETING
AUGUST 14, 2018**

The Cache County Council convened in a regular session on August 14, 2018 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: David L. Erickson
Vice Chairman: Karl B. Ward
Council Members: G. Gregory Merrill, Jon White, Gina H. Worthen & Gordon A. Zilles. **Barbara Tidwell absent.**
County Executive: Craig "W" Buttars
County Clerk: Jill N. Zollinger
Deputy County Attorney: Lee Edwards

The following individuals were also in attendance: Janeen Allen, Paul Borup, Recorder Mike Gleed, Chief Rod Hammer, Director Bartt Nelson, Director Josh Runhaar, Vivian Sharp, Media: Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Vice Chairman Ward gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Worthen to approve the agenda as written. Merrill seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Vice Chairman Ward to approve the minutes of the July 31, 2018 Council meeting as written. Worthen seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

MINUTES FOLLOW-UP: None.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: None

EXPENSE REPORTS: Expense Reports (*previously called warrants*) for the period 08-04-2018 to 08-10-2018 were given to the Clerk for filing.

OTHER ITEMS:

- Cache Event Center Construction Update** – The contractor will have about three more weeks to complete tasks and then Executive Buttars and others will do a walk-through. September 26, 2018 is the tentative date for an open house to be held in the afternoon through the evening. The sidewalks on the northwest and south will be completed. Council member White asked where the rain gutter water will go on the northeast side

and asked that the beams/supports on the awning rooves be inspected. Council member Worthen remarked the roof that drops down over the booths on the northeast end is showing rust. Executive Buttars stated that the undersides of the awning needs fascia that was not included in the original bid. It will be completed later and the cost estimate is \$55,000.00.

- ❑ **2018 Cache County Fair and Rodeo** – Executive Buttars indicated a full report will be given at a future meeting. The crowds seemed to be about the same as past years and the rodeo sold out all three nights.
- ❑ **Fire Evaluation Report** – Chief Hammer asked that a workshop be scheduled to give his report and answer Council members' questions or concerns.
- ❑ **Governor's Forest Initiative** – Redge Johnson, County Liaison for the Governor's Public Lands Coordinating Office, will be in the Council conference room tomorrow, August 15, 2018 at 3:30 p.m. to discuss the initiative. Council members are invited.
- ❑ **UAC Policy Committee Meeting** – Executive Buttars attended and UAC has requested Representative Logan Wilde to open a bill file to deal with the changes that need to be made in county classifications.
- ❑ **2017-2018 Winter Cloud Seeding Report** – Executive Buttars noted receipt of the cloud seeding activities and lamented that it was a below normal precipitation year and has been a very dry summer.

PENDING ACTION

- ❑ **Resolution No. 2018-16 – Amendments to the Cache County Development Services Fee Schedule** – Director Runhaar referred Council members to the details of the proposed schedule presented at the July 31, 2018 Council meeting and asked if they had any questions, concerns, edits, etc.

Vice Chairman Ward said the schedule was well done and had no questions. This shows what the actual cost of services is and we need to charge that amount.

Council member Worthen asked if the charge for a 1-lot subdivision could be left as is instead of almost doubling it. Council member White said it is money well spent to have everything done right. Runhaar commented it will be done right regardless of the fee. Chairman Erickson and Council member White both felt the individual should bear the cost of the service rather than other county citizens. If the \$1,000.00+ is what it costs, that should be the fee.

Council member Merrill asked how the proposed fees compare with Logan City. Director Runhaar replied he didn't know. The proposal is not based on what others are doing, just the cost of service.

(Attachment 1)

ACTION: Motion by Council member White to approve Resolution No. 2018-16 – Amendments to the Cache County Development Services Fee Schedule. Ward seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: August 14, 2018 – 5:30 P.M.-AMENDMENTS TO TITLES 16 AND 17 OF THE CACHE COUNTY CODE REGARDING PARCEL LEGALITY AND DENSITY – Director Runhaar referred the Council to the red ribbons and scissors in front of each of them. That is what these amendments represent – cutting the red tape. Chris Harrild reviewed the changes pointing out that parcel review/research takes considerable time – a day or two up to six weeks. With these amendments the 1970 parcel exception will be gone. It had a sunset date of five years and it has been nine. So anything considered legal up to 2006 is a legal parcel. Anything post 2006 will have a land use review. It also eliminates some redundant language.

Council member Worthen asked Attorney Edwards if there are any concerns. Edwards said this is legal for future development.

Harrild demonstrated patrons will be able to bring up the County homepage and go to the GIS parcel/zoning viewer. A tool called Parcel Summary Tool will be installed and the patron can enter the parcel number and will immediately know if the parcel is legal. A statement such as *“Legal does not necessarily mean buildable”* will follow the legal indicator. If there are issues – steep slopes, flood plain, etc. – it will be noted so the patron will be aware of any risk involved with the parcel.

Chairman Erickson opened the Public Hearing and invited public comment.

Vivian Sharp, property owner near the American West Heritage Farm in Wellsville, has 70+ acres between her and a brother that are landlocked and can't be built on because of density. Sharp supports the change to the 2006 parcel status.

ACTION: Motion by Council member Merrill to close the Public Hearing-August 14, 2018-5:30 p.m.-Amendments to Titles 16 and 17 of the Cache County Code regarding Parcel Legality and Density. Zilles seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

Council member Merrill asked what negative impact this will have on current landowners in Cache County. Runhaar said those most affected will be those with 1970 parcels who have plans to develop and thought they were going to get more lots.

Harrild said the actual changes are not significant. The ripples are significant. The primary change is changing policy for determining if a parcel is legal from 1970 and other various options to just the 2006 parcel record. The second is it is going to eliminate the bonus for the A-10 zone if you have a 1970 parcel. There is still the option for a rezone request and there are not many 1970 parcels left to be affected.

Recorder Mike Gleed asked what the relevance of August 2006 is. Harrild stated that is the County Code adoption date for the new subdivision code that clarified the requirements.

Chairman Erickson asked why 2018 isn't being used as the date instead of 2006. Runhaar responded the county has digital records back to 2006 that can cleanly produce the information needed to determine if the parcel is legal. There is consistency from 2006 on. It is a fairness issue – if you didn't play by the 2006 rules, which were very clear, your property may not be legal.

Council member Worthen asked if the wording on exhibit A concerning open space remainder could be changed from “*common use or enjoyment of residents of the development*” to “*use or enjoyment of one or more of the resident(s) of the development*”. The Council had no objection.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2018-09 – Amendments to Titles 16 and 17 of the Cache County Code**

(Attachment 2)

ACTION: Motion by Council member Worthen to waive the rules and approve Ordinance No. 2018-08 – Amendments to Titles 16 and 17 of the Cache County Code with the recommended wording change. Ward seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

Ordinance No. 2018-09: The motion passed 6-0. Tidwell absent.

	<u>ERICKSON</u>	<u>MERRILL</u>	<u>TIDWELL</u>	<u>WARD</u>	<u>WHITE</u>	<u>WORTHEN</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X		X	X	X	X	6
NAY								0
ABSTAINED								0
ABSENT			X					1

- **Resolution No. 2018-21 – Approving the Participation in Litigation to Recover Payment in Lieu of Taxes owed to Cache County by the United States**

Government – Attorney Lee Edwards explained the federal government required payment in lieu of taxes for federally owned lands but allowed it to be discretionary based on appropriations. On the years in question the discretionary language portion was removed, but the federal government still only paid based on appropriations and shorted the counties. Cache County was underpaid by \$30,000.00. Kane County sued and was successful, so this has already been litigated through the summary judgment; Cache County is entitled to the money. Because it’s in a court of federal claims we are already part of the class, but we have to opt in – fill out a form and say we want to participate. Edwards needs the Council’s approval to submit the form and seek money the federal government owes us.

(Attachment 3)

ACTION: Motion by Council member White to waive the rules and approve Resolution No. 2018-21 – Approving the Participation in Litigation to Recover Payment in Lieu of Taxes owed to Cache County by the United States Government. Ward seconded the motion. The vote was unanimous, 6-0. Tidwell absent.

OTHER BUSINESS

- ✓ **County Council Summer Social – Thursday, August 23, 2018 at 6:00 p.m. at Gordon Zilles' home**
- ✓ **River Heights Apple Days Parade – Saturday, August 25, 2018 at 4:00 p.m. – Tidwell & Ward will attend.**
- ✓ **Paradise Trout and Berry Days – Saturday, August 25, 2018**
- ✓ **Wellsville Founders' Day Parade – Monday, September 3, 2018 at 10:00 a.m. – Erickson, White & Zilles will attend. Maybe Worthen also.**
- ✓ **USACCC Fall Conference – September 19-20, 2018 – Daniel's Summit** – Erickson, Merrill, Tidwell and Worthen will attend.
- ✓ **USU Homecoming Parade – Saturday, October 13, 2018 at 10:00 a.m.** – Ward will attend.

COUNCIL MEMBER REPORTS

Gina Worthen asked if there will be a quorum problem if all the Council attends the meeting with Redge Johnson. Attorney Edwards said if the Council are simply attendees, he doesn't see a problem.

There are new traffic lights on Main Street at 3100 North and 1600 North.

The Utah State Fair is not doing county Community Booths this year because only two counties were participating.

Greg Merrill introduced Paul Borup as the Republican candidate for Logan Council Seat 3.

ADJOURNMENT

The Council meeting adjourned at 6:30 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: David L. Erickson
Chair

RESOLUTION NO. 2018-16

CACHE COUNTY, UTAH

DEVELOPMENT SERVICES FEE SCHEDULE

AMENDMENTS TO THE CACHE COUNTY DEVELOPMENT SERVICES FEE SCHEDULE

WHEREAS, the State of Utah, pursuant to Section 17-27a-509, allows counties to adopt reasonable fees, and;

WHEREAS, the County Code Title 15 requires that plan review fees shall be based on the total valuation of the proposed project and be adopted by a resolution of the County Council, and;

WHEREAS, the fees being charged by the Development Services Department are reasonable, and;

WHEREAS, the proposed amendments to the Development Services Fee Schedule have been reviewed by the Cache County Council, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to adopt the proposed amendments to the Development Services Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED that the Cache County Council hereby adopts the following resolution:

The Development Services Fee Schedule attached as Exhibit A is hereby approved for the Development Services Department, superseding all prior fee schedules.

APPROVED AND ADOPTED this 14th day of August, 2018.

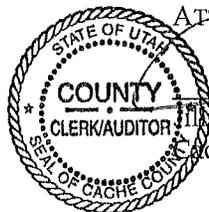
	In Favor	Against	Abstained	Absent
Erickson	X			
Merrill	X			
Tidwell				X
Ward	X			
White	X			
Worthen	X			
Zilles	X			
Total	6			1

CACHE COUNTY COUNCIL



David Erickson, Chair
Cache County Council

ATTEST:




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.



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

MEMORANDUM

03 July 2018

RE: Development Services Fee Schedule

As identified by the County Council, one of the Council's goals for 2018 is the review of the fees associated with land use actions. The Development Services Department has completed that review and attached a resolution, proposed amendments to the fee schedule, and supporting data for the Council's review and approval.

In 2017 the county subsidized approximately \$100,000 in development costs, and of the 20 land use actions noted in the supporting data, 19 do not cover the minimum cost to the county.

Staff supports a judicious approach where development is responsible to cover its own costs. It is staff's recommendation that the proposed fees be approved as the amended fee schedule.



**FEE SCHEDULES
OF THE
DEVELOPMENT SERVICES DEPARTMENT**

BUILDING
GIS AND PRINTING
LAND USE
PUBLIC WORKS

Resolution 2018-16



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | GIS | LAND USE | PUBLIC WORKS | ROADS | WEEDS

BUILDING FEE SCHEDULE

Additional fees may be assessed based on the need for external consulting or engineering review as approved by the Director of Development Services or their designee.

Action	Fee
Application Review ¹	
Commercial and less than 5 million square feet	\$1,000
Commercial and 5 million square feet or more	\$2,500
Plan Review	
Residential	1/10 of 1% of the Building Permit Base Fee (\$20 min.)
Commercial	65% of the Building Permit Base Fee ²
Building Permit	
Structure	As established by the 1997 Uniform Building Code: Table 1A (Building Permit Base Fees) ³
Plumbing	\$7 / fixture (residential)
Mechanical	\$15 / unit
Electrical	\$0.04 / sf of structure (residential)
Electrical/Mechanical Replacement Service	\$40.40

¹ At the time the Building Permit is sold, the total Building Permit Fee is reduced by this amount.

² May be reduced by the Chief Building Official based on the size and scope of the project.

³ Valuation amounts shall be set by square foot and reviewed annually by the Chief Building Official.



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | GIS | LAND USE | PUBLIC WORKS | ROADS | WEEDS

GIS AND PRINTING FEE SCHEDULE

Action	Fee		
GIS Programming	\$50/hour (\$25 min.)		
Copies	B&W	Color	
	8.5"x11"	\$0.25	\$1
	11"x17"	\$1.50	\$3
	24"x36"	\$10	\$20
	36"x48"	\$20	\$40
42"x60"	\$27.50	\$55	



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | GIS | LAND USE | PUBLIC WORKS | ROADS | WEEDS

LAND USE FEE SCHEDULE

Additional fees may be assessed based on the need for external consulting or engineering review as approved by the Director of Development Services or their designee.

Action	Fee
GIS Parcel Summary Tool	\$0
Zoning Clearance - Primary Use	\$75
Zoning Clearance - Accessory Use	\$30
Special Event Permit	\$75
Conditional Use Permit (CUP)	\$600
Master Plan CUP (Resort Recreation Zone only)	\$15,000
Ordinance or General Plan Amendment (Rezone, ordinance, general plan)	\$600
Subdivision	
Staff Review/Notice	\$700.00
Plat review	\$600 +\$60/lot or parcel
Engineering	\$300.00
Subdivision Amendment	
Staff Review/Notice	\$660.00
Plat review	\$600 +\$60/lot or parcel
Engineering	\$300.00
Annexation Review	\$750
Record of Survey	\$20/sheet
Variance: Board of Adjustment Review	\$300
Appeal: Board of Adjustment Review	\$300
Minor Encroachment Permit	\$50
Major Encroachment Permit	\$750 (\$250 fee + \$500 deposit)
Floodplain Permit	\$25
Agriculture Protection Area	\$450
Extension of Land Use Approval	\$225



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | GIS | LAND USE | PUBLIC WORKS | ROADS | WEEDS

PUBLIC WORKS FEE SCHEDULE

Additional fees may be assessed based on the need for external consulting or engineering review as approved by the Director of Development Services or their designee.

Action	Fee
Land Disturbance Permit	
Per month	\$40.00
Per year	\$480.00
Minimum fee for Single Family Dwelling (7 mo.)	\$280.00
Road Standard Design Exception	\$80.00

Fee Overview*

Exhibit A

Fee Item	Existing fee	Full Cost to county	Proposed fee
GIS Parcel Summary Tool	0	0	0
Zoning Clearance - Dwelling	\$75.00	\$62.00	\$75.00
Zoning Clearance - Accessory	\$25.00	\$30.00	\$30.00
Special Event Permit	\$50.00	\$75.00	\$75.00
Conditional Use Permit (CUP)	\$450.00	\$589.00	\$600.00
Ordinance or General Plan Amendment (Rezone, ordinance, general plan)	\$450.00	\$600.00	\$600.00
Master Plan CUP (Resort Recreation Zone only)	\$15,000.00	unknown	\$15,000.00
Subdivision	<u>Staff Review/Notice</u> First 10 lots: \$350/lot 11+ lots: \$250/lot <u>Plat review/ Engineering</u> +\$250+\$75/lot +\$1,000+\$100/lot(road) <u>Min. total (1 lot; no engineering)</u> = \$675	<u>Staff Review/Notice</u> \$700 <u>Plat review</u> +\$600 +\$60/lot or parcel <u>Engineering</u> +\$300 <u>Min. Total</u> (1 lot, 1 parcel; no engineering) = \$1,420	<u>Staff Review/Notice</u> \$700 <u>Plat review</u> +\$600 +\$60/lot or parcel <u>Engineering</u> +\$300 <u>Min. Total</u> (1 lot, 1 parcel; no engineering) = \$1,420
Subdivision Amendment	<u>Staff Review/Notice</u> No new lots (BLA) +\$50 + \$100/lot First 10 lots: \$350/lot 11+ lots: \$250/lot <u>Plat review/ Engineering</u> +\$250+\$75/lot +\$1,000+\$100/lot(road) <u>Min. total (BLA two lots; no engineering)</u> = \$650	<u>Staff Review/Notice</u> \$660 <u>Plat review</u> +\$600 +\$60/lot or parcel <u>Engineering</u> +\$300 <u>Min. Total</u> (BLA 2 lots; no engineering) = \$1,380	<u>Staff Review/Notice</u> \$660 <u>Plat review</u> +\$600 +\$60/lot or parcel <u>Engineering</u> +\$300 <u>Min. Total</u> (BLA 2 lots; no engineering) = \$1,380
Annexation	\$0.00	\$750.00	\$750.00
Record of Survey	\$20/sheet	\$22.50/sheet	\$20/sheet
Variance: Board of Adjustment Review	\$250.00	\$603.00	\$300.00
Appeal: Board of Adjustment Review	\$250.00	\$1,082.00	\$300.00
Minor Encroachment Permit	\$40.00	\$46.14	\$50.00
Major Encroachment Permit	\$1,000.00 (\$500 fee, \$500 deposit)	\$232.66	\$750.00 (\$250 fee, \$500 deposit)
Floodplain Permit	\$0.00	\$22.50	\$25.00
Agriculture Protection Area	\$200.00	\$450.00	\$450.00
Extension of Land Use Approval	\$0	\$218.00	\$225.00
Land Disturbance Permit	\$0	\$40/inspection	\$40/month
Road Standard Design Exception	\$0	\$80.00	\$80.00

*See included sheets for a full accounting of costs and fees. All estimates are conservative.

Zoning Clearance Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
SFD - 2	190	380	\$30.76	\$61.52	-\$11,688.80
Accessory - 1			\$30.76	\$30.76	

Single Family Dwelling

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	2 hrs.
Cost/hr	\$30.76
Avg. cost/item	-\$61.52
Existing fees	
Staff review	\$75.00
Proposed fees	
Staff review	\$75.00

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$61.52	\$75.00	\$13.48

Proposed Minimum Cost and Fee		
Initial Cost to County	Fee	County loss/gain
-\$61.52	\$75.00	\$13.48

Accessory use/structure

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	1 hr.
Cost/hr	\$30.76
Avg. cost/item	-\$30.76
Existing fees	
Staff review	\$25.00
Proposed fees	
Staff review	\$30.00

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$30.76	\$25.00	-\$5.76

Proposed Minimum Cost and Fee		
Initial Cost to County	Fee	County loss/gain
-\$30.76	\$30.00	-\$0.76

Exhibit A

Special Event Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
3	27	81	\$30.76	\$92.28	-\$2,491.56

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	2.5 hrs.
Cost/hr	\$30.76
Avg. cost/item	-\$76.90
Existing fee	
Staff review	\$50.00
Proposed fee	
Staff review	\$75.00

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$76.90	\$50.00	-\$26.90

Proposed Minimum Cost and Fee		
Initial Cost to County	Fee	County loss/gain
-\$76.90	\$75.00	-\$1.90

CUP Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
19	10	190	\$31.45	\$597.55	-\$5,975.50

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	19 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$597.55
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12
Notice cost/item	-\$123.84
Survey and Engineering Review	
Eng. Review (\$1,000)	-\$1,000.00
Total minimum cost/request	-\$721.39
Total minimum cost/request (eng.)	-\$1,721.39

*Standard Advertising Unit - One column inch.

Existing		
Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$721.39	\$450.00	-\$271.39
Minimum Cost and Fee with engineering		
Initial Cost to County/Review	Fee	County loss/gain
-\$1,721.39	\$1,450.00	-\$271.39

Anticipated Cost per request	
Staff Review	
Avg. staff hrs/application	19 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$597.55
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12
Notice cost/item	-\$123.84
Survey and Engineering Review	
Eng. Review (\$300/application)	-\$300.00
Total minimum cost/request	-\$721.39
Total minimum cost/request (eng.)	-\$1,021.39

*Standard Advertising Unit - One column inch.

Proposed		
Minimum Cost and Fee		
Initial Cost to County	Fee	Net County loss/gain
-\$721.39	\$750.00	\$28.61
Minimum Cost and Fee with engineering		
Initial Cost to County	Fee	Net County loss/gain
-\$1,021.39	\$1,050.00	\$28.61

Ordinance/General Plan Amendment Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
15	13	195	\$31.45	\$471.75	-\$6,132.75

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	15 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$471.75
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12
Notice cost/item	-\$123.84
Total min. cost/request	-\$595.59

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$595.59	\$450.00	-\$145.59

Proposed Minimum Fee		
Initial Cost to County	Fee	County loss/gain
-\$595.59	\$600.00	\$4.41

*Standard Advertising Unit - One column inch.

Subdivision Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
18	7	126	\$31.45	\$566.10	-\$3,962.70

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	18 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$566.10
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12
Notice cost/item	-\$123.84
Survey and Engineering Review	
Survey plat(\$600 +\$60 per lot)	-\$660.00
Eng. Review (\$1,000 +\$100/lot)	-\$1,100.00
Total minimum cost/request	-\$1,349.94
Total minimum cost/request (eng.)	-\$2,326.10

*Standard Advertising Unit - One column inch.

Existing fees	
Staff review/noticing	
First 10 lots	\$350/lot
11+ lots	\$250/lot
Engineer/survey review	
No road construction	\$250 + \$75/lot
Road construction	\$1,000 + \$100/lot

Anticipated Cost per request	
Staff Review	
Avg. staff hrs/application	18 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$566.10
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12
Notice cost/item	-\$123.84
Survey and Engineering Review	
Survey plat(\$600 +\$60 per lot)	-\$660.00
Eng. Review (\$300/application)	-\$300.00
Total minimum cost/request	-\$1,349.94
Total minimum cost/request (eng.)	-\$1,649.94

*Standard Advertising Unit - One column inch.

Proposed fees	
Staff review/noticing	
\$700/application	
+	
Engineer/survey review	
Survey review	\$600 + \$60/parcel
+	
Engineering review	\$300/application

Subdivision Fee Review

Existing

# of lots	Minimum Cost and Fees (typical)			Minimum Cost and Fees (+engineering)		
	Initial Cost to County	Fee	Net County loss/gain	Initial Cost to County	Fee	Net County loss/gain
1	-\$1,349.94	\$675.00	-\$674.94	-\$2,326.10	\$1,450.00	-\$876.10
2	-\$1,409.94	\$1,100.00	-\$309.94	-\$2,426.10	\$1,900.00	-\$526.10
3	-\$1,469.94	\$1,525.00	\$55.06	-\$2,526.10	\$2,350.00	-\$176.10
4	-\$1,529.94	\$1,950.00	\$420.06	-\$2,626.10	\$2,800.00	\$173.90
5	-\$1,589.94	\$2,375.00	\$785.06	-\$2,726.10	\$3,250.00	\$523.90
6	-\$1,649.94	\$2,800.00	\$1,150.06	-\$2,826.10	\$3,700.00	\$873.90
7	-\$1,709.94	\$3,225.00	\$1,515.06	-\$2,926.10	\$4,150.00	\$1,223.90
8	-\$1,769.94	\$3,650.00	\$1,880.06	-\$3,026.10	\$4,600.00	\$1,573.90
9	-\$1,829.94	\$4,075.00	\$2,245.06	-\$3,126.10	\$5,050.00	\$1,923.90
10	-\$1,889.94	\$4,500.00	\$2,610.06	-\$3,226.10	\$5,500.00	\$2,273.90

Proposed

# of lots	Minimum Cost and Fees (typical)			Minimum Cost and Fees (+engineering)		
	Initial Cost to County	Fee	Net County loss/gain	Initial Cost to County	Fee	Net County loss/gain
1	-\$1,349.94	\$1,350.00	\$0.06	-\$1,649.94	\$1,650.00	\$0.06
2	-\$1,409.94	\$1,410.00	\$0.06	-\$1,709.94	\$1,710.00	\$0.06
3	-\$1,469.94	\$1,470.00	\$0.06	-\$1,769.94	\$1,770.00	\$0.06
4	-\$1,529.94	\$1,530.00	\$0.06	-\$1,829.94	\$1,830.00	\$0.06
5	-\$1,589.94	\$1,590.00	\$0.06	-\$1,889.94	\$1,890.00	\$0.06
6	-\$1,649.94	\$1,650.00	\$0.06	-\$1,949.94	\$1,950.00	\$0.06
7	-\$1,709.94	\$1,710.00	\$0.06	-\$2,009.94	\$2,010.00	\$0.06
8	-\$1,769.94	\$1,770.00	\$0.06	-\$2,069.94	\$2,070.00	\$0.06
9	-\$1,829.94	\$1,830.00	\$0.06	-\$2,129.94	\$2,130.00	\$0.06
10	-\$1,889.94	\$1,890.00	\$0.06	-\$2,189.94	\$2,190.00	\$0.06

Subdivision Amendment Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
17	22	374	\$31.45	\$534.65	-\$11,762.30

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	17 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$534.65
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12
Notice cost/item	-\$123.84
Survey and Engineering Review	
Survey plat(\$600 +\$60 per lot)	-\$720.00
Eng. Review (\$1,000 +\$100/lot)	-\$1,100.00
Total minimum cost/request	-\$1,378.49
Total minimum cost/request (eng.)	-\$2,354.65

*Standard Advertising Unit - One column inch.

Existing fees	
Staff review/noticing	
Boundary adjustment	\$50 + \$100/lot
Division treated the same as subdivision	
First 10 lots	\$350/lot
11+ lots:	\$250/lot
Engineer/survey review	
No road construction	\$250 + \$75/lot
Road construction	\$1,000 + \$100/lot

Anticipated Cost per request	
Staff Review	
Avg. staff hrs/application	17 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$534.65
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12
Notice cost/item	-\$123.84
Survey and Engineering Review	
Survey plat(\$600 +\$60 per lot)	-\$720.00
Eng. Review (\$300/application)	-\$300.00
Total minimum cost/request	-\$1,378.49
Total minimum cost/request (eng.)	-\$1,678.49

*Standard Advertising Unit - One column inch.

Proposed fees	
Staff review/noticing	
\$660/application	
Engineer/survey review	
Survey review	\$600 + \$60/lot
Engineering review	\$300/application

Subdivision Amendment Fee Review

Existing

# of lots	Minimum Cost and Fees			Minimum Cost and Fees with engineering		
	Initial Cost to County	Fee	County loss/gain	Initial Cost to County	Fee	County loss/gain
1	-\$1,378.49	\$675.00	-\$703.49	-\$2,354.65	\$1,450.00	\$71.51
2	-\$1,438.49	\$1,100.00	-\$338.49	-\$2,454.65	\$1,900.00	\$461.51
3	-\$1,498.49	\$1,525.00	\$26.51	-\$2,554.65	\$2,350.00	\$851.51
4	-\$1,558.49	\$1,950.00	\$391.51	-\$2,654.65	\$2,800.00	\$1,241.51
5	-\$1,618.49	\$2,375.00	\$756.51	-\$2,754.65	\$3,250.00	\$1,631.51
6	-\$1,678.49	\$2,800.00	\$1,121.51	-\$2,854.65	\$3,700.00	\$2,021.51
7	-\$1,738.49	\$3,225.00	\$1,486.51	-\$2,954.65	\$4,150.00	\$2,411.51
8	-\$1,798.49	\$3,650.00	\$1,851.51	-\$3,054.65	\$4,600.00	\$2,801.51
9	-\$1,858.49	\$4,075.00	\$2,216.51	-\$3,154.65	\$5,050.00	\$3,191.51
10	-\$1,918.49	\$4,500.00	\$2,581.51	-\$3,254.65	\$5,500.00	\$3,581.51

Proposed

# of lots	Minimum Cost and Fees			Minimum Cost and Fees with engineering		
	Initial Cost to County	Fee	County loss/gain	Initial Cost to County	Fee	County loss/gain
1	-\$1,378.49	\$1,380.00	\$1.51	-\$1,678.49	\$1,680.00	\$1.51
2	-\$1,438.49	\$1,440.00	\$1.51	-\$1,738.49	\$1,740.00	\$1.51
3	-\$1,498.49	\$1,500.00	\$1.51	-\$1,798.49	\$1,800.00	\$1.51
4	-\$1,558.49	\$1,560.00	\$1.51	-\$1,858.49	\$1,860.00	\$1.51
5	-\$1,618.49	\$1,620.00	\$1.51	-\$1,918.49	\$1,920.00	\$1.51
6	-\$1,678.49	\$1,680.00	\$1.51	-\$1,978.49	\$1,980.00	\$1.51
7	-\$1,738.49	\$1,740.00	\$1.51	-\$2,038.49	\$2,040.00	\$1.51
8	-\$1,798.49	\$1,800.00	\$1.51	-\$2,098.49	\$2,100.00	\$1.51
9	-\$1,858.49	\$1,860.00	\$1.51	-\$2,158.49	\$2,160.00	\$1.51
10	-\$1,918.49	\$1,920.00	\$1.51	-\$2,218.49	\$2,220.00	\$1.51

Exhibit A

Annexation Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
10	13	130	\$47.90	\$479.00	-\$6,227.00

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	10 hrs.
Cost/hr	\$47.90
Avg. cost/item	-\$479.00
Survey and Engineering Review	
Survey plat(Avg. \$250/plat)	-\$250.00
Total minimum cost/request	-\$729.00

Anticipated Cost per request	
Staff Review	
Avg. staff hrs/application	10 hrs.
Cost/hr	\$47.90
Avg. cost/item	-\$479.00
Survey and Engineering Review	
Survey plat(Avg. \$250/plat)	-\$250.00
Total minimum cost/request	-\$729.00

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$729.00	\$0.00	-\$729.00

Proposed Minimum Fee		
Initial Cost to County	Fee	County loss/gain
-\$729.00	\$750.00	\$21.00

Exhibit A

Record of Survey Review and Entry Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
0.75	340	255	\$30.00	\$22.50	-\$7,650.00

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	0.75
Cost/hr	\$30.00
Avg. cost/item	-\$22.50

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$22.50	\$20.00	-\$2.50

Proposed Minimum Cost and Fee		
Initial Cost to County	Fee	County loss/gain
-\$22.50	\$20.00	-\$2.50

Exhibit A

Variance Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
10	0	0	\$47.90	\$479.00	\$0.00

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	10 hrs.
Cost/hr	\$47.90
Avg. cost/item	-\$479.00
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12
Notice cost/item	-\$123.84
Total minimum cost/request	-\$602.84

Existing Minimum Cost and Fee		
Initial Cost to County	Existing Fee	County loss/gain
-\$602.84	\$250.00	-\$352.84

Proposed Minimum Cost and Fee		
Initial Cost to County	Proposed Fee	County loss/gain
-\$602.84	\$600.00	-\$2.84

*Standard Advertising Unit - One column inch.

Exhibit A

Appeal Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
20	0	0	\$47.90	\$958.00	\$0.00

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	20 hrs.
Cost/hr	\$47.90
Avg. cost/item	-\$958.00
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12
Notice cost/item	-\$123.84
Total minimum cost/request	-\$1,081.84

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Existing Fee	County loss/gain
-\$1,081.84	\$250.00	-\$831.84

Proposed Minimum Fee		
Initial Cost to County	Proposed Fee	County loss/gain
-\$1,081.84	\$1,100.00	\$18.16

*Standard Advertising Unit - One column inch.

Exhibit A

Minor Encroachment Permit Fee Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
1.5	63	94.5	\$30.76	\$46.14	-\$2,906.82

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	1.5 hrs.
Cost/hr	\$30.76
Avg. cost/item	-\$46.14

Existing Minimum Cost and Fee		
Initial Cost to County	Existing Fee	County loss/gain
-\$46.14	\$40.00	-\$6.14

Proposed Minimum Cost and Fee		
Initial Cost to County	Proposed Fee	County loss/gain
-\$46.14	\$50.00	\$3.86

Exhibit A

Major Encroachment Permit Fee Review

Average staff hours/item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
3.5	10	35	\$30.76	\$107.66	-\$1,076.60

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	3.5 hrs.
Cost/hr	\$30.76
Avg. cost/item	-\$107.66
Road cut fee	-\$125.00

Existing fee and deposit*	
Staff review	\$500.00
Deposit*	\$500.00

Existing Minimum Cost and Fee		
Initial Cost to County	Existing Fee	County loss/gain
-\$232.66	\$500.00	\$267.34

Proposed Minimum Fee		
Initial Cost to County	Fee + Deposit*	County loss/gain
-\$232.66	\$250 + \$500	\$17.34

*The deposit is released on completion of the work. Completed work must be verified by the County.

Exhibit A

Floodplain Permit Review

Average staff hours per item	Items in 2017	Hours in 2017	Review Cost/hr	Avg. cost/item	2017 cost
0.75	not tracked	not tracked	\$30.76	\$23.07	not tracked

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	0.75 hrs.
Cost/hr	\$30.76
Avg. cost/item	-\$23.07

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Existing Fee	County loss/gain
-\$23.07	\$0.00	-\$23.07

Proposed Fee		
Initial Cost to County	Fee	County loss/gain
-\$23.07	\$25.00	\$1.93

Agriculture Protection Area Fee Review

Average staff hours per item	Items in 2016	Hours in 2016	Review Cost/hr	Avg. cost/item	2016 cost
10	3	30	\$31.45	\$314.50	-\$943.50

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	10 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$314.50
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12 cu. in.
Notice cost/item	-\$123.84
Total cost/request	-\$438.34

*Standard Advertising Unit - One cubic inch.

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$438.34	\$200.00	-\$238.34

Anticipated Cost per request	
Staff Review	
Avg. staff hrs/application	10 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$314.50
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12 cu. in.
Notice cost/item	-\$123.84
Total cost/request	-\$438.34

*Standard Advertising Unit - One cubic inch.

Proposed Minimum Cost and Fee		
Initial Cost to County	Fee	County loss/gain
-\$438.34	\$450.00	\$11.66

Extension of Land Use Approval

Average staff hours per item	Review Cost/hr	Avg. cost/item
3	\$31.45	\$94.35

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	3 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$94.35
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12 cu. in.
Notice cost/item	-\$123.84
Total cost/request	-\$218.19

*Standard Advertising Unit - One cubic inch.

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$218.19	\$0.00	-\$218.19

Anticipated Cost per request	
Staff Review	
Avg. staff hrs/application	3 hrs.
Cost/hr	\$31.45
Avg. cost/item	-\$94.35
Noticing	
SAU* rate	\$10.32
Avg. SAU*	12 cu. in.
Notice cost/item	-\$123.84
Total cost/request	-\$218.19

*Standard Advertising Unit - One cubic inch.

Proposed Minimum Cost and Fee		
Initial Cost to County	Fee	County loss/gain
-\$218.19	\$225.00	\$6.81

Land Disturbance Permit Fee Review

Action	Cost per Permit Review	Cost per Site Inspection		
	Application/Permit	Travel time	On-site	Vehicle
Resource	Inspector	Inspector	Inspector	Jeep
Rate \$/hr	\$29.87	\$29.87	\$29.87	\$14.00
Avg. Time (hr)	1.00	0.50	0.50	0.50
Subtotals	\$29.87	\$14.94	\$14.94	\$7.00

Cost Calculation

Application/Permit Review (29.87 x avg. # of hours)
 + [Travel time (\$29.87 x avg. # of hours)
 + On-site inspection (\$29.87 x avg. # of hours)
 + Vehicle Rate (\$14.00 x avg. # of hours
 x avg. # of inspections]
 = Estimated cost to county

Existing Cost per request	
Staff Review and Inspection	
Avg. staff hrs/application	2 hrs.
Cost/hr	\$40.00
Avg. cost/item	-\$80.00
Existing fees	
Staff review	\$0.00
Proposed fees	
Staff review	\$80.00

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain.
-\$80.00	\$0.00	-\$80.00

Proposed Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$80.00	\$80.00	\$0.00

Road Standard Design Exception Fee Review

Average staff hours per item	Review Cost/hr	Avg. cost/item
2	\$40.00	\$80.00

Single Family Dwelling

Existing Cost per request	
Staff Review	
Avg. staff hrs/application	2 hrs.
Cost/hr	\$40.00
Avg. cost/item	-\$80.00
Existing fees	
Staff review	\$0.00
Proposed fees	
Staff review	\$80.00

Existing Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$80.00	\$0.00	-\$80.00

Proposed Minimum Cost and Fee		
Initial Cost to County/Review	Fee	County loss/gain
-\$80.00	\$80.00	\$0.00

Exhibit A

Staff hours and cost per item

Fee item	Average staff hours per item	Review Cost/hr	Min. Avg. cost/item	Items in 2017	Hours in 2017	Annual county cost
GIS Parcel Summary Tool	-	0	0	-	-	0
Parcel Review	3	\$30.00	\$90.00	340	1020	\$30,600.00
Zoning Clearance and Parcel Review - Dwelling	2	\$30.00	\$150.00	95	190	\$14,250.00
Zoning Clearance and Parcel Review - Accessory	1	\$30.00	\$120.00	95	95	\$11,400.00
Special Event Permit	2.5	\$30.00	\$75.00	27	67.5	\$2,025.00
Conditional Use Permit (CUP)	19	\$31.00	\$589.00	10	190	\$5,890.00
Ordinance or General Plan Amendment	15	\$40.00	\$600.00	13	195	\$7,800.00
Master Plan CUP (Resort Recreation Zone only)	0	\$0.00	\$0.00	0	0	\$0.00
Subdivision	18	\$31.00	\$558.00	7	126	\$3,906.00
Subdivision Amendment	17	\$31.00	\$527.00	22	374	\$11,594.00
Annexation	10	\$50.00	\$500.00	13	130	\$6,500.00
Record of Survey	0.75	\$30.00	\$22.50	135	101.25	\$3,037.50
Variance: Board of Adjustment Review	10	\$50.00	\$479.00	0	0	\$0.00
Appeal: Board of Adjustment Review	20	\$50.00	\$1,000.00	0	0	\$0.00
Minor Encroachment Permit	1.5	\$30.00	\$45.00	63	94.5	\$2,835.00
Major Encroachment Permit	3.5	\$30.00	\$105.00	10	35	\$1,050.00
Floodplain Permit	0.75	\$30.00	\$22.50	not tracked		
Agriculture Protection Area	10	\$30.00	300	3	30	\$900.00

ORDINANCE NO. 2018-09

CACHE COUNTY, UTAH

AMENDMENTS TO TITLES 16 AND 17

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 2 OF TITLE 16 and CHAPTERS 7 AND 10 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING PARCEL LEGALITY AND DENSITY

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

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

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

WHEREAS, on July 12, 2018, at 6:10 p.m., the Planning Commission held a public hearing for the amendments to Title 16 and 17, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed ordinance amendment, and;

WHEREAS, on July 12, 2018, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 16 and 17 of the Cache County Ordinance to be advertised before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on August 14, 2018, at 5:30 p.m., the County Council held a public hearing to consider any comments regarding the proposed amendments to Titles 16 and 17 of the Cache County Code. The County Council accepted all comments, and;

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

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapter 2 of Title 16 of the Cache County Subdivision Ordinance, and Chapters 7 and 10 of Title 17 of the Cache County Land Use Ordinance are hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

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

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

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapter 2 of Title 16 of the Cache County Subdivision Ordinance, and Chapters 7 and 10 of Title 17 of the Cache County Land Use Ordinance regarding parcel legality and density, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. CONCLUSIONS

- A. The amendments to Title 16 and 17 of the Cache County Code are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 16 and 17 of the Cache County Code are necessary to establish accurate standards.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 16 and 17 of the Cache County Code be approved.

4. EXHIBITS

- A. Title 16, Chapter 2; Title 17, Chapters 7 and 10 of the Cache County Code is amended as follows: See Exhibit A.

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapter 2 of the Cache County Subdivision Ordinance, and Chapters 7 and 10 of Title 17 of the Cache County Land Use Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. EFFECTIVE DATE.

This ordinance takes effect on August 28, 2018. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

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

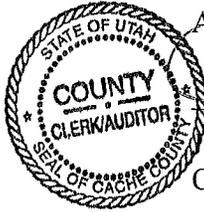
APPROVED AND ADOPTED this 14th day of August, 2018.

	In Favor	Against	Abstained	Absent
Erickson	X			
Merrill	X			
Tidwell				X
Ward	X			
White	X			
Worthen	X			
Zilles	X			
Total	6			1

CACHE COUNTY COUNCIL:



David Erickson, Chair
Cache County Council



ATTEST:



Bill Zollinger
Cache County Clerk

Publication Date:

August 29, _____, 2018

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

16.02.050: Subdivision Plat Amendment

- A. Amending a Legally Recorded Subdivision Plat: Any fee owner, as shown on the last county assessment rolls, of land within a subdivision may, in writing, petition the land use authority to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.
- B. The division of any property previously approved through the conditional use permit process shall be considered, for the purpose of this title and Title 17, a legally recorded subdivision if a subdivision plat for that division was recorded at the time of approval.
- C. The land use authority may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat in compliance with section 17-27a-608 and 609, Utah Code Annotated, 1953, as amended.
- D. A request for a subdivision amendment must include the following material:
 - 1. For the adjustment of boundary lines between existing, legal lots: A record of survey showing the parcels or lots identifying the existing lot line dividing the parcels and the proposed new lot line(s) after the adjustment including the legal description for each amended lot or parcel.
 - 2. For the creation of a new lot/parcel: Any division of property that results in the creation of a developable lot must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
- E. Amending an Approved Subdivision Plat Prior to Recordation: An approved, unrecorded subdivision plat may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the Director of Development Services. The final plat must contain all necessary signatures and be recorded in compliance with this title.

Existing definitions:

~~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, zoning clearances, or conditional use permits, but they may be issued a zoning clearance for an agricultural structure as reviewed and approved by the Director of Development Services.~~

~~AGRICULTURAL REMAINDER~~

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

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

Proposed definitions:

LOT/PARCEL: A property within the boundaries of Cache County that has been recorded in the office of the Cache County Recorder.

1. A lot/parcel may qualify as either:
 - a. Legal, conforming; or
 - b. Legal, nonconforming; or
 - c. Restricted.
2. A lot/parcel may be identified as legal or restricted as follows:
 - a. Legal – To qualify as legal lot/parcel a property must:
 - i. Be in the same size and configuration as approved by the county land use authority on the recorded subdivision plat and as required by Utah Code; or
 - ii. If not part of an approved and recorded subdivision plat, be an existing, recorded parcel as of August 8, 2006.
 - b. Restricted – A property that has been recorded without the necessary land use authority approval.
 - i. A restricted lot/parcel is not eligible to receive building permits, zoning clearances, or conditional use permits, but may be issued a zoning clearance for an Agricultural Structure as reviewed and approved by the Director of Development Services.
3. A lot/parcel may be identified as conforming or nonconforming as follows:
 - a. Conforming – A property that lawfully exists and meets the minimum requirements of the zoning district in which it is located.
 - b. Nonconforming – A property that lawfully existed prior to the enactment of the requirements of this title, but does not currently meet the minimum requirements of the zoning district in which it is located.

REMAINDER: A property within a development that is essentially unimproved. This property does not count toward the total number of lots allowed in a subdivision. A remainder must qualify as one of the following:

1. Agricultural Remainder – To qualify as agricultural, any single parcel must:
 - a. Have a minimum size no less than the requirements of §59-2-5 of Utah Code Annotated, 1953, as amended.
 - b. Include a recorded deed restriction, or note on the recorded subdivision plat, stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.
 - c. Be reviewed and approved by the land use authority to confirm the promotion and/or preservation of agriculture.
2. Open space - Land within or related to a development that is designed and intended for the use or enjoyment of one or more of the resident(s) of the development.

17.10 DEVELOPMENT STANDARDS

17.10.010 Purpose.....1
 17.10.020 General Requirements.....1
 17.10.030 Development Density and Standards Specific to Base Zoning Districts2
 17.10.040 Site Development Standards3
 17.10.050 Supplemental Standards5
 17.10.060 Improvement Agreements.....6

17.10.010: Purpose

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

17.10.020: General Requirements

- A. Every Single Family Dwelling to be on a Legal Lot:
 - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
 - 2. A travel trailer or similar vehicle, to be used for housing, may be placed on the same lot as a Single Family Dwelling that is under construction for up to 180 days.
- B. Establishment of Legal Lots:
 - 1. ~~Legal lots are established as defined in section 17.07.040 under the definition of Lot/Parcel.~~ Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29th, 2013.
 - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
 - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.
- D. Sale or Lease of Required Space:
 - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
 - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
 - 1. No permits or licenses will be issued for a use on any restricted lot.
 - 2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.

3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

G. Nonconforming Lot/Parcel

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

H. Nonconforming Structure

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

17.10.030: Development Density and Standards Specific to Base Zoning Districts

~~A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):~~

- ~~1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the density of one lot per ten (10) acres.~~
 - ~~a. 1970 parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.~~
 - ~~b. 1970 parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.~~

~~B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):~~

~~1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.~~

~~C.A.~~ Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:

1. Screening and Landscaping:
 - a. Where any commercial or industrial lot shares a common boundary with property zoned A10, RU5, or RU2, a screen shall be provided at least six feet (6') in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.
 - b. All mechanical equipment related to the building, including heating and air conditioning units and trash dumpsters, shall be completely screened from surrounding properties by use of a solid screening fence or wall six feet (6') in height or shall be enclosed within a building. Trash dumpsters shall be located a minimum twenty five feet (25') from any property zoned A10, RU5, or RU2.
 - c. Wherever off street parking areas are situated across the roadway from property zoned A10, RU5, or RU2, a berm or retaining wall in conjunction with a berm, three feet (3') in height shall be constructed within the required setback to adequately screen the parking.
 - d. Landscaping shall be required on ten percent (10%) of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right of way dedication.
 - e. All landscaping shall be maintained in a healthy, neat, and orderly condition free of weeds and litter. All paved areas, walls, or fences shall be in good repair without broken parts, holes, potholes, or litter.
 - f. The planning commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.
2. General Provisions: The land use authority may limit the hours of operation of a business located within the Commercial (C) and Industrial (I) zoning districts. This limitation may be a requirement of obtaining or renewing a business license. Any limitation on the hours of operation of an existing business shall require the land use authority to provide factual findings for the limitation.

17.10.040: Site Development Standards

Table 17.10.040 of this section lists the site development standards that apply within all zoning districts. These are "base" standards, not entitlements. Other regulations of the Land Use Ordinance, the subdivision ordinance, other applicable county ordinances and policies, requirements imposed as conditions of permitting, or requirements from other local, state, and federal agencies may impose other development standards.

Table 17.10.040 Site Development Standards

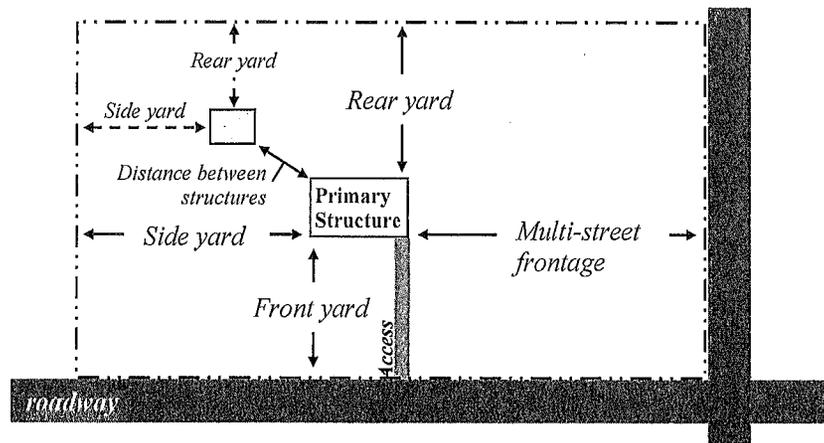
Use Setback Distances (in feet):	Use type: Primary Accessory Both											
	Base zoning districts:		RU2	RU5	A10	FR40	C	I				
Front yard			30	30	30	50	30	30				
Multi-street frontage			30	30	30	50	30	30				
Side yard	12	5	12	5	12	5	20	5	30 ¹	30 ¹		
Rear yard	30	5	30	5	30	5	30	5	30 ¹	30 ¹		
Structures on same lot			10	10	10	10	10	10	10	10		
From the top of a recognized irrigation canal bank to any structure or fence.			16.5	16.5	16.5	16.5	16.5	16.5	16.5	16.5		
Other Standards:												
Maximum structure height ²			35	35	35	35	40	35	40	35		
Minimum lot size			½ acre	½ acre	½ acre	1 acre	½ acre	1 acre	½ acre	1 acre		
Maximum density ⁴³			1U/2A	1U/5A	1U/10A ³	1U/40A	2U/A	N/A	2U/A	N/A		
Maximum lot coverage			60%	60%	60%	25%	50%	50%	50%	50%		
Minimum lot frontage			90'	90'	90'	150'	150'	150'	150'	150'		

¹ Setback may be reduced to 15 feet with a conditional use permit if the adjoining parcel is zoned Commercial or Industrial.

² Maximum height for agricultural structures is 45 feet. Also see §17.07.040 General Definitions; Building Height, Maximum.

³ The density standard has an exception for the A10 zone located in subsection 17.10.030 [A] of this chapter.

⁴³ ———The Land Use Authority shall have the authority to determine the total number of acres eligible for residential density (developable acreage).



**CACHE COUNTY
RESOLUTION 2018 - 21**

**A RESOLUTION APPROVING THE PARTICIPATION IN
LITIGATION TO RECOVER PAYMENT IN LIEU OF TAXES OWED TO
CACHE COUNTY BY THE UNITED STATES GOVERNMENT**

IT IS HEREBY RESOLVED BY THE CACHE COUNTY COUNCIL THAT:

WHEREAS, The United States Court of Federal Claims has ruled that Congress intended to fully fund the Payment in Lieu of Taxes (PILT) program in *Kane County v. United States*; and

WHEREAS, Cache County was underpaid in the amount of \$28,265.00; and

WHEREAS, it is in the best interest of the County that it participates in the class action to recover fees that are due and owing to Cache County.

NOW, THEREFORE, the Cache County Council resolves as follows:

1. That Cache County opts in to participate in the class action lawsuit *Kane County, Utah v. United States* to recover Payment in Lieu of Taxes (PILT) owed to Cache County by the United States Government.
2. That the Cache County Council directs the prosecution of the participation in this class action under the advice of legal counsel.
3. Any revenue received shall be submitted to the Finance Department and accounted for consistent with established budget practices.
4. This Resolution shall be effective immediately upon its adoption.

Adopted by the County Council of Cache County, Utah, this 14 day of Aug, 2018

CACHE COUNTY COUNCIL

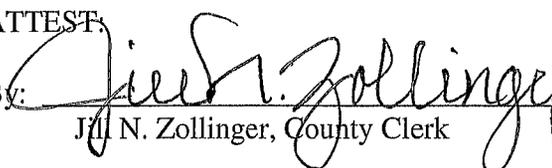
By:



David L. Erickson, Chairman

ATTEST:

By:


Jill N. Zollinger, County Clerk

