

CACHE COUNTY

ORDINANCE NO. 2023-37

An ordinance amending the County Land Use Code as required by the adoption of Ord. 2023-37 amending Title 16 Subdivision Regulations to comply with SB174 Local Land Use and Development Revisions, recently passed State legislation that requires updates to the code and a more streamlined review process. Associated sections of Title 17 will also be amended to ensure consistency, including 17.02 Administration.

Whereas, Utah Legislature approved SB174 in 2023 requiring political subdivision to update the process in reviewing and approving subdivision applications; and

Whereas, Cache County seeks to provide an excellent level of service to residents in the County while providing a process for the County to review land use applications to ensure they comply with County code requirements; and

Whereas, on September 7, 2023, the Planning Commission held a public hearing, accepted all comments; and

Whereas, on October 5, 2023, the Planning Commission recommended the approval of the proposed amendments to the County Council for final action; and

Whereas, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance; and

Whereas, following proper notice, the County Council held a public hearing on November 28, 2023, to consider any comments regarding the proposed amendments. The County Council accepted all comments; and

Now, therefore, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority

The statutory authority for acting on this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 part 2(1953, as amended to date).

2. Amendment to Title 16 Subdivision Regulation

TITLE 16 SUBDIVISION
REGULATIONS CHAPTER 16.01 GENERAL
PROVISIONS AND ADMINISTRATION CHAPTER
16.02 TYPE AND PROCESS CHAPTER
16.03 REQUIREMENTS CHAPTER 16.04
GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

CHAPTER 16.01 GENERAL PROVISIONS AND ADMINISTRATION

16.01.010: TITLE
16.01.020: PURPOSE AND AUTHORITY
16.01.030: DEFINITIONS AND APPLICABILITY
16.01.040: JURISDICTION AND PENALTY
16.01.050: SEVERABILITY (EFFECT)
16.01.060: GENERAL RESPONSIBILITIES
16.01.070: SITE PREPARATION WORK PROHIBITED
16.01.80 : INCOMPLETE APPLICATION

16.01.010: TITLE

This title shall be known as the *CACHE COUNTY SUBDIVISION ORDINANCE*, hereinafter, "this title". (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.020: PURPOSE AND AUTHORITY

The Cache County Council adopts this title pursuant to the county land use development and management act, title 17, chapter 27a, Utah Code Annotated, 1953, 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 to implement the goals and policies of the Cache countywide comprehensive plan.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.030: DEFINITIONS AND APPLICABILITY

For the purposes of this title, all terms shall have the same definitions as provided by section 17-27a- 103, Utah Code Annotated, 1953, as amended or as in sections 17.07.030 and 17.07.040 of this code.

"Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application;
- (ii) the County's review of that subdivision land use application;
- (iii) the County's response to that subdivision land use application, in accordance with this title; and
- (iv) the applicant's reply to the County's response that addresses each of the municipality's required modifications or requests for additional information.
- (v) the subdivision applications shall be limited to four review cycles.

"Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and County controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by a county to verify that a subdivision land use application meets the criteria of the county's subdivision ordinances.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.040: JURISDICTION AND PENALTY

This title shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of Cache County, Utah.

- A. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of Cache County, except in compliance with this title, the Cache County zoning ordinance, and all applicable state and federal laws.
- B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit, as required by section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended. Any owner or agent of the owner of any land located in a "subdivision", as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, in the office of the Cache County recorder, consistent with the requirements of this title, and applicable state and federal requirements is guilty of a violation of this title, and section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.
- C. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land 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 does not exempt the transaction from the requirements of this title and such

action from the penalties or remedies provided by this title, the Cache County zoning ordinance, or the laws of the state of Utah.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.50 0: 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.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.060: GENERAL RESPONSIBILITIES

- A. The developer shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The county shall process said plats in accordance with the regulations set forth herein.
- B. The Development Services Department shall review the plats for design; for conformity to the Cache Countywide Comprehensive Plan and to the Cache County Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.
- C. Proposed subdivisions shall be referred by the Development Services Department to such county departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Cache County Development Services Office is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivisions to.
- D. The County Public Works Department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Development Services Department.
- E. The Development Services Department shall approve the form of the final plat, that the developer dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.
- F. The Planning Commission has final jurisdiction in the approval of preliminary subdivision plats. The County Council has the final jurisdiction for the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.01.070: SITE PREPARATION WORK PROHIBITED

No excavation, grading or regrading, or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Planning Commission and the subdivision has been recorded in the office of the Cache County Recorder, as required herein.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020)

16.01.080: INCOMPLETE APPLICATION

The lack of any information required by this title, or improper information supplied by the applicant shall be cause for the director of development services to find a subdivision application incomplete. The director shall allow sixty (60) days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the director. If the application remains incomplete after sixty (60) days from the date of notification of an incomplete application, the director shall return the entire incomplete application to the applicant accompanied by application fees paid less any administrative expenses incurred by the development services department to process the application.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 16.02 TYPE AND PROCESS

16.02.010: STANDARDS AND LOT SIZE

16.02.020: NATURAL BARRIER

16.02.030: AGRICULTURAL SUBDIVISION

16.02.040: APPROVAL PROCESS

16.02.050: SUBDIVISION PLAT AMENDMENT

16.02.060: CLUSTER SUBDIVISION OPTION

16.02.070: BOUNDARY LINE ADJUSTMENTS

16.02.80 : SINGLE LOT SUBDIVISIONS

16.02.010: STANDARDS AND LOT SIZE

All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County zoning ordinance and within this title.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.020: NATURAL BARRIER

- A. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions in conformance with this title and the Zoning Ordinance.
- B. An application may be made for any lot that is clearly - - separated by a natural or

manmade barrier within the Agricultural Zone.

1. Natural barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.
2. Natural barrier determinations that do not meet the minimum density requirements for the zone within which the parcel is located may apply to the Board of Adjustments for a variance to the density requirement.
 - a. The Board of Adjustments shall consider any such request in compliance with state and county code requirements.
3. The Planning Commission is the land use authority for natural barrier determinations. In the event that the Planning Commission or applicant requires further review of a proposed natural barrier, the County Council shall be the land use authority. Any appeal of the Planning Commission's decision must be reviewed by the Land Use Hearing Officer.
4. Parcels created through the natural barrier process are allowed further subdivision in accordance with the standards of the Cache County ordinance currently in effect.

C. Each parcel created by a natural barrier determination may be allowed to be further divided in compliance with this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.030: AGRICULTURAL SUBDIVISION

Agricultural parcels may be subdivided without requiring a plat or specific approvals from the director, planning commission, or county council in conformance with state code 17-27a-605 with the following conditions:

- A. The lot qualifies as land in agricultural use under state code 59-2-5 of the farmland assessment act.
- B. The lot meets the minimum size requirements of applicable land use ordinances.
- C. The lot is not used and will not be used for any nonagricultural purpose.
- D. Lots having been subdivided by this process may obtain clearance for the construction of agricultural buildings, but shall not be permitted to construct residential or commercial structures. In the event that an agriculturally subdivided lot requests nonagricultural development, the lot will require a legal subdivision from the most recent legal parcel size and configuration, as defined by this title, prior to the issuance of any permits.
- E. Any requirements, conditions, stipulations, or restrictions on the use or development of a parent parcel shall apply to all lots that have been or are subdivided from a parent parcel, whether they are subdivided through an agricultural subdivision process or

otherwise, unless specifically cleared by the Director of Development Services or Planning Commission with findings of fact.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.040: APPROVAL PROCESS

Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Director of Development Services):

- A. Pre Application: Upon completing a concept plan, applicants may request that the Director and/or the Planning Commission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.
- B. Preliminary Plat: Applicants must submit to the Director a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this code or by the Director. This information shall be reviewed by the Planning Commission. The Planning Commission shall establish a reasonable deadline for applications to be heard for each meeting. The Planning Commission shall be the land use authority and may approve, approve with conditions, or deny a Preliminary Plat Application.
- C. Final Plat: The Director of Development Services must review the application, proposed plat, and any recommendations by staff. The Director of Development Services may approve, approve with conditions, or deny any final subdivision plat.
- D. Final Plat Recordation: The final step in the review and approval process is the recordation of the final plat of the proposed subdivision in the office of the Cache County Recorder. It shall be the responsibility of the Director to ensure that all stipulations/alterations have been completed and that the plat meets all applicable codes prior to recordation.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.050: SUBDIVISION PLAT AMENDMENT

- A. Amending a recorded subdivision plat shall comply with Utah Code 17-27a-608 as amended. The County shall publish notices in compliance with Utah Code 17-27a-207 as amended.
- B. 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.
 1. The Planning Commission shall be the Land Use Authority for a Subdivision Plat Amendment unless the amendment proposes to amend, vacate, or alter a County right-of-way or easement, in which case the Planning Commission shall make a recommendation to the County Council that will serve as the Land Use Authority.

- C. Approved With A Conditional Use Permit: 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 of this Code, a legally recorded subdivision if a subdivision plat for that division was recorded at the time of approval.
- D. Consideration Of Amendment: 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.
- E. Request For Amendment: 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.
- F. 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.

(Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

16.02.060: CLUSTER SUBDIVISION OPTION

The cluster subdivision option is provided by Cache County to encourage creativity in subdivision design, to encourage the achievement of the goals and policies of the Cache Countywide Comprehensive Plan, and to allow for the protection of natural features and the provision of features and amenities for the subdivision site and Cache County. Full compliance with all the provisions of this title and all other applicable state and federal requirements is required.

- A. An application for a cluster subdivision shall be submitted to the Director of Development Services and shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply; and the application requirements for either a preliminary subdivision plat application, final subdivision plat application, or lot split subdivision application, as applicable, shall apply.
- B. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land(s) used for other uses

shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any sensitive areas overlay requirements that may be applicable to the development site as identified in chapter 17.18 of this code.

- C. The land(s) proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by all owners.
- D. A "cluster" is a designed grouping of residential lots of two (2) or more lots which may be used as a repetitive motif to form a series of clusters. Each cluster grouping shall be separated by either an agricultural area or natural open space to form the larger cluster subdivision.
- E. Total open space areas for a cluster subdivision must be fifty percent (50%) or greater of the total area of the subdivision.
- F. All roads developed within the cluster subdivision shall be designed and constructed in accordance with the county's road standards, and shall also be designed in a manner as to limit the amount of impact on the open space areas of the subdivisions.
- G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the Planning Commission. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.
- H. The maximum density, or number of lots allowed, is based on the total amount of developable land. "Developable land" is defined as land that is not restricted by hill slopes (grades greater than twenty percent (20%)), wetlands, floodplains, natural water features, or other lands that may be deemed undevelopable in conformance with chapter 17.18 of this code or as determined by the Planning Commission.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.070: BOUNDARY LINE ADJUSTMENTS

- A. Within A Legally Recorded Subdivision: An agreement to adjust property lines between adjoining properties within or affecting the boundary of a legally recorded subdivision requires the approval of the land use authority and must be executed upon the approval and completion of a subdivision amendment (see section 16.02.050 of this chapter).
- B. Outside A Legally Recorded Subdivision: In compliance with sections 17-27a-522 and 523, Utah Code Annotated, 1953, as amended, an agreement to adjust property lines between adjoining properties must meet the standards of, and shall be recorded in the office of the Cache County recorder, and is not subject to the review of the Cache County land use authority.
- C. Compliance With Code: All properties amended by a boundary line adjustment are subject to the regulations of this code. Where boundaries, including subdivision

amendments, are adjusted between properties that do not share the same zone, the zoning designation does not adjust with the adjusted property lines. Base and/or overlay zoning districts shall not be amended except through the formal process as identified in this code and by the state.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.080: SINGLE LOT SUBDIVISIONS

A division of land resulting in the creation of a single developable lot and a single agricultural remainder parcel. Can only be created on an existing legal lot and is not required to conform with the density standards of title 17, chapter 17.10 of this code. This subdivision process must conform to all other requirements of this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 16.03 REQUIREMENTS

16.03.010: APPLICATION

16.03.020: CONCEPT PLAN

16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

16.03.40 : FINAL SUBDIVISION PLAT REQUIREMENTS

16.03.010: APPLICATION

The director of development services shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by staff, the planning commission, and the county council to make a decision on the proposed subdivision.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.03.020: Pre Application Meeting

To promote efficiency and an understanding of the subdivision review and approval process of Cache County and to allow applicants to present their initial subdivision proposals to the county, all applicants for subdivision approval may present a concept plan of the proposed subdivision to the Director of Development Services or the Planning Commission. This process is not required, but it is highly recommended.

- A. The conceptual development plan is an informal discussion document designed to allow the identification of policies, procedures, standards and other items that may be considered in the subdivision review and approval processes of Cache County once a subdivision application is received. To achieve these objectives and to promote the identification of all items necessary for consideration, the applicant should provide at a minimum a map, plat, and/or other scale drawing of the area. The following applicable information may also be submitted to provide further information on the nature and

intent of the subdivision:

1. The configuration, size and number of lots in the proposed development;
 2. Potential locations of hazards and sensitive lands as defined by title 17, chapter 17.18, "Sensitive Areas", of this code or other features which may impose peculiar construction requirements;
 3. Potential open space;
 4. The way in which the proposed development will fit into the context of the surrounding area;
 5. The present and planned surrounding roads and utilities;
 6. Access points and limiting of access, if required;
 7. Existing and proposed trail system;
 8. The anticipated time schedule for the development;
 9. Plans and needs for water, sewer, roads, and sanitation disposal;
 10. The development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
 11. Any planned phasing or future development of adjacent land;
 12. Any other information available or pertinent to the proposed subdivision or as required by the director.
- B. A conceptual development plan shall not constitute an application for subdivision approval, as provided by this title, and is in no way binding on the county or the applicant. Any discussion that occurs at the concept plan phase shall not be considered as an indication of subdivision approval or denial, either actual or implied.
- C. The director shall determine if a concept plan has sufficient detail and meets the basic requirements of this title and the zoning ordinance prior to presenting any concept plan to the planning commission.
- D. The County shall provide feedback on the concept plan and shall provide or have available on the county website the following:
1. Copies of applicable land use regulations.
 2. A complete list of standards required for subdivision applications.
 3. Preliminary and final application checklist.
 4. Deadlines and timelines for applications.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

The following information is required for the subdivision of all lands located within Cache County. The applicant may be required to provide other information as required by the Director of Development Services, Planning Commission, and/or County Council necessary to evaluate the proposed subdivision.

- A. An application for a subdivision, provided by the Director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- B. A preliminary subdivision plat shall be prepared by a licensed land surveyor in pen and the sheets shall be numbered in sequence if more than one sheet is used or required by the Director.
- C. The preliminary subdivision plat shall show the following:
 1. The layout or configuration of the proposed subdivision at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Director;
 2. Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median, and county of its location;
 3. A title block, placed on the lower right hand corner of the plat showing:
 - a. Name and address of owner(s) of record; and
 - b. Name and address of the licensed land surveyor responsible for preparing the preliminary plat; and
 - c. Date of preparation of the preliminary subdivision plat, and any revision dates;
 4. Signature blocks prepared, as required and provided by the county, for the dated signatures of the Planning Commission Chair, Deputy County Surveyor, County Attorney, County Recorder and Bear River Board of Health Director;
 5. North arrow, graphic and written scale, and the basis of bearings used;
 6. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre;
 7. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
 8. A vicinity map of the site at a minimum scale of one inch equals two thousand feet (1" = 2,000');
 9. Surveyed boundary of the proposed subdivision; accurate in scale, dimension, and bearing; giving the location of and ties to the nearest two (2) existing government control monuments. This information shall provide data sufficient

to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners shall be shown;

10. A legal description of the entire subdivision site boundary;
11. All existing monuments found during the course of the survey (including a physical description such as "brass cap");
12. Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of one hundred (100) year floods, all water bodies, floodways including floodplains identified by FEMA and drainage ways, slopes exceeding twenty percent (20%) and slopes exceeding thirty percent (30%), and any other natural features as required by the Director or Planning Commission, for the entire or a portion of the subdivision site, including a tabulation of the acres in each. Subdivisions impacted by sensitive lands shall submit a Sensitive Area Analysis as required by Cache County Code 17.18
13. Identification of known manmade features including, but not limited to, high voltage power lines, high-pressure gas lines, hard-surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site as required by the Director or Planning Commission, for the entire or a portion of the subdivision site;
14. The location and dimensions of all existing buildings, existing property lines and fence lines;
15. The location with name and parcel number of all existing platted lots within, or contiguous to the subdivision site;
16. All lots, rights-of-way, and easements existing or created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, shall be given. The addresses of all lots shall be shown. All proposed new roads, whether public or private, shall be numbered, as provided by the Development Services Department, with the coordinates to proposed connections to existing county roads being shown;
17. Shall provide draft Subdivision Improvement Plans, including, but not limited to, the following:
 - a. All existing and proposed roadway locations and dimensions, including the width of the driving surface and the rights-of-way, with cross sections of all proposed roads. All proposed roads shall be designed to comply with the adopted road standards of Cache County;
 - b. Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities if proposed as required by the Director or

Planning Commission for the entire or a portion of the subdivision site shall be shown;

- c. Proposed stormwater drainage system that comply with County design standard and code for both surface and flood water, including any drainage easements and natural drainage ways, indicating how the flow will be altered with the proposed development;
 - d. Layout of proposed power lines, including the source and connection to the existing power supply, together with the location of existing and proposed bridges, culverts, utilities, utility easements, and any common space or open space areas including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation;
 - e. All other plans required to construct the subdivision.
18. Located on the preliminary plat, or separate map, the identification of the minimum building setback lines for each lot shall be shown;
 19. An indication of the use for all proposed lots including required plat notes identifying agricultural protection areas, and other proposed or required protective and restrictive covenants;
 20. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
 21. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;
 22. A letter or other written form of consent by the owner including a reference to the named subdivision and the dedication of public ways or spaces, as required. This shall be signed, dated, and notarized;
 23. A surveyor's certificate showing the name and registration number of the land surveyor responsible for making the final plat, and certifying to the plat's accuracy. A simple subdivision may not require a full survey, but instead may be completed through a metes and bounds determination. A waiver form shall be approved by the Cache County Recorder, the County Surveyor (or their representative), and the Director;
 24. Any subdivision notes as required by the Director. An approved list of all possible notes and their applicability shall be maintained by staff.
- D. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.
- E. A development phasing schedule (if applicable) including the sequence for each

phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.

- F. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- G. The names and addresses of all owners of record of real property within three hundred feet (300') of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.
- H. Payment of the non-refundable administrative processing fee, and a refundable preliminary plat application fee. See Consolidated Fee Schedule for amount of fee.
- I. No later than 15 business days after the day on which a complete application was submitted, county staff shall complete and provide an initial review report to the applicant and the Planning Commission.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

16.03.040: FINAL SUBDIVISION PLAT AND SUBDIVISION IMPROVEMENT PLANS REQUIREMENTS

Following approval or approval with conditions of a Preliminary Plat and the draft Subdivision Improvement Plan, the applicant shall submit a Final Plat and Subdivision Improvement Plans application with the Development Services Office. The final subdivision plat is required for the recordation of a subdivision plat as approved by the Development Services Director. The final plat shall reflect any changes to the proposed plat required by the Planning Commission conditions during the preliminary plat approval and must be reviewed and approved by the Director of Development Services for completeness prior to recordation.

- A. Final Subdivision Plat: A final subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Cache County Recorder for recordation. The final subdivision plat shall contain all of the information required in the preliminary subdivision plat and shall be presented to the Director in the following form: one twenty-four inches by thirty-six inches (24" x 36") in ink on reproducible mylar copy of the final subdivision plat along with one digital copy (type to be specified by the Director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps). All revision dates must be shown as well as the following:
 - 1. Notation of any self-imposed restrictions, or other restrictions, if required by the Planning Commission in accordance with this title or title 17 of this code;
 - 2. Other final subdivision plat notes, as required by Cache County or State Code or as required by the Planning Commission.
- B. Subdivision Improvement Plans: Subdivision Improvement Plans shall be prepared by a licensed engineer and conform to current engineering, public works, and International Fire Code standards and all other applicable County and State Code Requirements

provided in a form acceptable to the Cache County Engineer and Fire District.

1. The Subdivision Improvement Plans shall address conditions within the initial preliminary plat report and any conditions of approval by the Planning Commission.
2. Improvement Plans shall comply with Cache County Requirements for all Subdivisions found in this chapter, in addition to adopted design standards, master plans, Manual of Roadway Design & Construction Standards (Road Manual), stormwater standards as adopted by the County and State, and any other applicable standards adopted by the County.
3. The County Engineer and Fire Marshall shall be the Land Use Authority for Subdivision Improvement Plans.

C. Review of proposed Final Plat and Subdivision Improvement Plans: Cache County Development Services, County Engineer, and Fire District shall review and provide reports to the applicant in compliance with State Code 17-27a-604.2 as amended.

1. The subdivision plat and improvement plans shall be subject to four Review Cycles, as defined in this chapter.
 - a. The County shall have 20 business days to review and provide an indexed report to the applicant with all required changes. This report shall cite and reference adopted code, design standards, and master plans that would require the change.
 - i. The County may require additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for the construction of public improvements; and
 - ii. Modification to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.
 - b. The Review Cycle limitation does not apply to property containing sensitive lands and geological hazard areas.
2. If an applicant makes a material change to a plan set, the County Engineer has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially affects.
3. The applicant shall submit revised plans and shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and any reasons for declining to make a revision.
 - a. If the applicant does not submit a revised plan within 20 business days after the County requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.

D. If on the fourth and final review, the County fails to respond within 20 business days, the County shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with State Code 17-27a-604.2, to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the

County, the panel shall consist of the following three experts:

- a. one licensed engineer, designated by the County;
 - b. one licensed engineer, designated by the land use applicant; and
 - c. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in this section.
2. The members of the appeal panel assembled by the County may not have an interest in the application that is the subject of the appeal.
 3. The subdivision applicant shall pay 50% of the cost of the panel and the County's published appeal fee.
 4. For a dispute arising from a subdivision ordinance review, the County shall advise the applicant to file an appeal with the Land Use Hearing Officer.
- E. All of the required signature blocks shall be signed prior to the recordation of the final plat.
- F. All other requirements of this title, title 17 of this code, or of the Planning Commission shall be met prior to the recordation of the final plat.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

CHAPTER 16.04 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

16.04.010: SUBDIVISION LAYOUT

16.04.020: COMMENCEMENT OF SITE DEVELOPMENT

16.04.030: LOTS

16.04.040: ROADS

16.04.050: PROTECTION STRIPS

16.04.060: UTILITIES AND EASEMENTS

16.04.070: STORM DRAINAGE REQUIREMENTS

16.04.080: SUITABILITY REQUIREMENTS FOR SUBDIVISIONS

16.04.090: REDESIGN

16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS

16.04.110: IMPROVEMENT SURETY

16.04.120 COORDINATION WITH MUNICIPALITIES AND OTHER SERVICE PROVIDERS

16.04.010: SUBDIVISION LAYOUT

- A. The subdivision layout shall conform to the Cache countywide comprehensive plan, this title, and all other requirements of state code and this code.
- B. Where trees, groves, waterways, scenic points, historic spots or other county assets and landmarks, as determined by the 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 road designated within the countywide comprehensive plan, such part of the public way shall be platted and dedicated to the county. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.020: COMMENCEMENT OF SITE DEVELOPMENT

The development services department shall have the authority to authorize the initiation of construction activities (altering the terrain or vegetation) on the proposed subdivision site. Any site development shall only commence after receiving all required permits and reviews and meeting the requirements of this title and this code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

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 access grades, or other physical conditions.
- B. All lots or parcels created by the subdivision shall have reasonable access as defined within this code.
- C. The minimum area, 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. 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.
- E. 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.040: ROADS

- A. All roads shall be designed and constructed in accordance with the specifications found within title 12 of this code.
- B. Private roads shall be identified on the subdivision plat with the appropriate subdivision notes.
- C. Road patterns in the subdivision shall be in conformity with the most advantageous development of adjoining areas. The following principles shall be observed:

1. Where appropriate to the design and terrain, proposed roads shall be continuous and in alignment with existing planned or platted roads with which they are to connect and based on the grid system common to Cache County. Where dead end roads are proposed, the land use authority may require that a road and/or right of way be extended to the subdivision boundary to provide road connectivity and access alternatives for current, proposed, and future development.
2. Proposed roads shall intersect one another at right angles, or as near to as topography and other limiting factors of good design permit.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

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 as determined by the land use authority.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.060: 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 Planning Commission and/or utility providers.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.070: STORM DRAINAGE REQUIREMENTS

All subdivision applications shall be required to meet all state and county stormwater permitting requirements. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.080: SUITABILITY REQUIREMENTS FOR SUBDIVISIONS

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

A. Water Requirements:

1. Domestic water rights are required for all subdivided lot(s) with the exception of subsection A1a of this section. 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 Department or Utah Department of Environmental 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 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 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 section 17.10.050A4b.

C. 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).

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

E. Roads And Access: A review provided by the Development Services Department that identifies the following:

1. Basic layout of the existing road(s) proposed to service the 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 versus 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 is accessed directly from a state highway, an access permit as required by the state of Utah Department of Transportation shall be provided with the application materials. A UDOT review through the Cache Access Management Program shall be provided prior to the Planning Commission review of the plat.

F. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of Service Area #1, a garbage or refuse plan shall be provided for review by the Planning Commission.

G. Other Information And Materials: The Land Use Authority 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 to provide additional information including but not limited to feasibility studies and/or evidence indicating suitability of the area for the proposed subdivision.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.090: REDESIGN

The Planning Commission 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS

- A. Improvements: The Planning Commission, as part of the Preliminary Plat Application, 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 improvement agreement is in place as defined by section 17.07.040. The following minimum requirements also apply:
 - 1. Construction within the subdivision shall conform to all federal and state regulations.
 - 2. Subdivision Improvement Plans and construction within the subdivision shall conform to the Cache County Ordinance and Manual of Roadway Design and Construction Standards.
- C. Permits must be obtained for construction of the infrastructure facilities within the subdivision.
- D. 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.110: IMPROVEMENT SURETY

A subdivider shall guarantee improvements in accordance with the following:

- A. Completion of improvements before recordation. If an applicant desires to construct improvements as shown on approved subdivision improvement plans prior to recordation:
 - 1. Recordation of the plat shall not occur until the improvements required in connection with the subdivision have been completed and accepted.
 - 2. An applicant shall provide improvement surety of conditionally accepted improvements in a form acceptable to the County as shown in this Title in the following amount:
 - a. Ten percent of the total cost of all the required improvements shall be retained by the County during the 12-month (24-month if applicable) warranty period.
- B. Recordation before completion of improvements. An applicant who desires to record

any subdivision plat prior to the completion of subdivision improvements shall provide a financial guarantee for the completion of the improvements.

C. Authorization To Accept Surety: The Public Works is authorized to accept improvement surety to the completion of improvements and/or conditions imposed by ordinance or by a land use authority.

D. Acceptable Types Of Surety: The following types of improvement surety reflecting one hundred ten percent (110%) of the average of the bid estimates may be accepted:

1. Irrevocable letter of credit issued by a federally insured financial institution.
2. Performance bond issued by a financial institution, insurance company, or surety company with an A.M. Best rating of not less than A-:IX.

E. 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 improvement surety of not less than one hundred ten percent (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.

F. Completion Of Improvements: As applicable, improvements as identified in the Subdivision Improvement Plans must be completed three (3) months prior to the expiration of the improvement surety or said surety shall be required to be extended.

G. Inspection: 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 ten percent (10%) of the bond amount for a period of not less than one year and no longer than allowed by state code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.120: 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, capaCounty,

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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

3. Amendment to Title 17.02 Administration

CHAPTER 17.02 ADMINISTRATION

17.02.010: PURPOSE

17.02.020: RULES OF PROCEDURE

17.02.030: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS

17.02.040: REQUEST A VARIANCE

17.02.050: EFFECTIVE PERIOD OF LAND USE AUTHORITY APPROVAL

17.02.060: APPEAL A LAND USE AUTHORITY DECISION

17.02.070 NOTICE FOR PUBLIC MEETINGS

17.02.010: PURPOSE

A. The purpose of this chapter is to:

1. Establish the Land Use Authority for Cache County land use ordinance decisions; and
2. Establish the Appeal Authority for Cache County land use ordinance variance and appeal decisions; and
3. Provide direction for the process of land use review and appeal.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

17.02.020: RULES OF PROCEDURE

The Development Services Department shall adopt rules of procedure establishing the application and decision making process for required permits and approvals. These policies and procedures, including preparation of applications, must reflect the requirements of this

code. Permitting fees must be approved by resolution by the County Council. The collected fees must be used to defray the costs of administering land use requests or appeals.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

17.02.30 0: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS

A. Director:

1. The Cache County Director of Development Services is established and functions as specified in chapter 2.40 of this code and in this chapter;
2. The Director must be appointed by the Cache County Executive, with the advice and consent of the County Council;
3. The Director has the duties, authority, and powers as set forth in this chapter.
4. The Director must:
 - a. Adopt procedures for land use application processes;
 - b. Administer and enforce the Land Use Ordinance, the Cache County Subdivision Ordinance, and any associated policies or procedures;
 - c. Determine the mapped location of a base or overlay zoning district boundary in instances where the location may be unclear. The Director must consider the following criteria in reaching a decision:
 - (1) The policies and development standards that apply to the base or overlay zoning district; and
 - (2) Where a base or overlay zoning district 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 base or overlay zoning district map boundary is deemed to be changed automatically whenever such centerline is changed by natural or artificial means; and
 - d. Interpret the use related definitions in the applicable base or overlay zoning district as contained in chapter 17.09 Schedule of Zoning Uses, of this title; and
5. Designee: The Director may assign a designee to act as the land use authority in the place of the Director. Any designee must be identified in writing by the Director prior to any land use decision by the designee.

B. Planning Commission:

1. The Cache County Planning Commission is established as required by Utah Code Annotated section 17-27a-301, and has the duties, authority, and powers as found in Utah Code Annotated section 17-27a-302, as amended, and in this chapter; and
2. The Executive must appoint a Planning Commission with the advice and majority consent of the Council; and
3. The Planning Commission must be composed of seven (7) members. All members serve a term of three (3) years; and
4. The Executive, with the advice and consent of the Council, may remove a member of the Planning Commission with or without cause; and
5. No fewer than five (5) members of the Planning Commission shall either maintain a permanent residency or own real property in an unincorporated area of the County. The Executive shall, when nominating any person to the Planning Commission, verify whether or not that person meets these requirements and shall inform the Council when presenting the name.
6. The Planning Commission must 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 bylaws and rules of procedure must be approved by the Council; and
7. The Planning Commission must provide land use review to the Council in the following:
 - a. Preparing and recommending a General Plan and amendments to the General Plan; and
 - b. Recommending land use ordinances and maps, and amendments to land use ordinances and maps; and
 - c. On other items as the Council directs.

C. Land Use Hearing Officer:

1. Procedures: The land use hearing officer may administer oaths and compel the attendance of witnesses.
 - a. All hearings before the land use hearing officer shall comply with the requirements of Chapter 4, Title 52, Utah Code, Open and Public Meetings.
 - b. The land use hearing officer shall:
 - (1) Keep minutes of his or her proceedings; and
 - (2) Keep records of his or her examinations and other official actions.
 - c. The land use hearing officer shall file his or her records in the office

of the development services division. All such records are public records.

- d. Decisions of the land use hearing officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

2. Qualifications:

- a. The land use hearing officer shall be appointed by the County Executive with the advice and consent of the County Council. The Executive shall appoint more than one hearing officer, but only one hearing officer shall consider and decide upon any matter properly presented for hearing officer review.
- b. A hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

3. Conflict Of Interest And Removal:

- a. The hearing officer shall not participate in any appeal in which the hearing officer has a conflict of interest.
- b. The hearing officer may be removed by the Executive with advice and consent of the Council for violation of this title or any policies and procedures adopted by the Development Services director following receipt by the Executive of a written complaint filed against the hearing officer.

4. Powers And Duties:

- a. The land use hearing officer shall:
 - (1) Act as the appeal authority for administrative decisions by the Development Services Director and decisions by the planning commission; and
 - (2) Hear and decide variances from the terms of the zoning ordinance; and
 - (3) Hear and decide applications for the expansion or modification of nonconforming uses.

D. County Council:

- 1. The Cache County Council is established as found in Utah Code Annotated section 17- 52a-504 as amended, and in title 2, chapter 2.12 of this Code, and

has the land use duties, authority, and powers as represented in title 2, chapter 2.12 of this Code, Utah Code Annotated section 17-53 part 2 as amended, and this chapter.

E. Authority For Land Use Actions:

1. The Land Use Authority is responsible for the land use actions as noted in the table below:

TABLE 17.02.030

AUTHORITY FOR LAND USE ACTIONS

Land Use Authority	Land Use Action
Director	Zoning clearance
	Floodplain permit
	Final Subdivision Plat
	Variance for maximum structure height or minimum setback distances
County Engineer and Fire Marshall	Subdivision Improvement Plans
Planning Commission	Preliminary Subdivision Plat
	Subdivision amendment
	Conditional use permit
Land Use Hearing Officer	Variance (except as listed under Director)
	Appeal
Council	Ordinance or ordinance amendment
	Rezone
	Modifications of County rights-of-way and easements
	General Plan or General Plan amendment
	Annexation/disconnection

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

HISTORY

Amended by Ord. 2 023-24 on 8/10/2023

17.02.040: REQUEST A VARIANCE

- A. 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 must be filed with the Cache County Development Services Department for a variance from the terms of this title. The designated Appeal Authority may grant a variance if the requirements of Utah Code Annotated section 17-27a-702 as amended have been met; and
- B. A request for a variance must:
 - 1. Be filed with the Development Services Department; and
 - 2. When a request for a variance is filed, notice is given as required by this chapter. The Appeal Authority hears that issue at the next regularly scheduled meeting, unless such time is extended for good cause or stipulation of the parties; and
- C. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

17.02.050: EFFECTIVE PERIOD OF LAND USE AUTHORITY APPROVAL

- A. Administrative land use decisions of approval are effective for a period of one year from the date of Land Use Authority approval; and
- B. The Director must issue a notice of expiration to the agent of a project no less than ninety (90) calendar days prior to the end of the effective period of approval; and
- C. All final documents required to record a permit or subdivision must be submitted to the Development Services Office no less than four (4) weeks before the approval deadline; and
- D. Any approval that has lapsed beyond its effective period is void and any new application must conform to the ordinance currently in effect; and
- E. No refunds are issued for void applications or permits; and
- F. At the discretion of the Land Use Authority, the effective period of approval may be extended for up to six (6) months beyond the one year period of the original approval. Within that extension no development or active use of the site is allowed until the permit or subdivision plat has been recorded and all conditions have been met.
 - 1. To request an extension an applicant must submit an application to the Development Services Office a minimum of six (6) weeks prior to the expiration of the original one year period of approval.

2. Extension requests must be reviewed by the Land Use Authority. The Land Use Authority may approve an extension request only if:
 - a. The reason for the extension is not economic.
 - b. The applicant has shown a clear pattern of working to record the plat or permit throughout the entirety of the approval period.
3. The applicant bears the burden of proving that the conditions justifying an extension have been met.

G. Where an appeal of an approval has been made, the effective period for the approval does not begin until a final decision has been issued by the Appeal Authority or Judge of the First District Court.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2023-13, 5-9-2023)

17.02.060: APPEAL A LAND USE AUTHORITY DECISION

A. The Appeal Authority for Land Use Authority actions is assigned as noted in the table below:

TABLE 17.02.060 APPEAL A LAND USE AUTHORITY DECISION

Acting Authority	Appeal Authority
Director	Land Use Hearing Officer
Planning Commission	Land Use Hearing Officer
Land Use Hearing Officer	First District Court
Council	First District Court

- a. Appeals for Subdivision Improvement Plans and Final Subdivision Plats shall be reviewed by an appeal panel as detailed in Cache County Code 16.03.40 as amended.

B. Land use decisions may be appealed:

1. By a person with standing that is adversely affected as a result of a Land Use Authority's decision by alleging that any order, requirement, decision, or determination of the Land Use Authority is arbitrary, capricious or illegal; and
2. Only if it is the final decision issued by the proper Land Use Authority. The appeal of decisions made by supporting staff must be reviewed by the Land Use Authority that issued the final decision; and
3. If commenced within ten (10) business days of the adverse order, requirement, decision, or determination by filing a written notice of appeal with the Cache County Development Services Department. The notice of appeal must identify

the decision being appealed and parties making the appeal; and

- a. The appellant has the burden of showing the evidence and proving that the decision of the Land Use Authority is arbitrary, capricious (unsupported by the evidence or facts of record), or illegal; and
- C. When a notice of appeal is filed, notice must be given as required by this chapter. The Appeal Authority then hears that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties; and
- D. The Appeal Authority may require written briefs or memorandum of the parties as the Appeal Authority deems necessary. At the hearing, the appellant must appear in person or by agent; and
- E. Using substantial evidence as the standard of review, the Appeal Authority determines the correctness of a decision of the Land Use Authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a Land Use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed; and
- F. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended; and
- G. Any person adversely affected by a final decision of the Appeal Authority may petition the First District Court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the Appeal Authority's decision is final in compliance with Utah Code Annotated section 17-27a-801(2) as amended; and
 1. The Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the County. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

17.02.070: NOTICE FOR PUBLIC MEETINGS

- A. Notice for public meetings and public hearings must comply with the Open and Public Meetings Act, Utah Code Annotated chapter 52-4 and Utah Code Annotated section 17-27a-2 as amended. At the discretion of the Land Use Authority additional notice requirements may be applied; and
- B. Notice of the time, place, and subject matter of a meeting must be given to the person making a request, the Land Use Authority or official, other affected parties as directed by law, and all adjoining property owners within a three hundred foot (300') radius of the boundary of the subject property.
(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

4. Amends and Supersedes

This ordinance amends and supersedes applicable portions of Chapter 7 of Title 17 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the County Legislative Body of Cache County 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.

5. Effect

The ordinance amendments will take effect no sooner than 15 days from the date of approval. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

Approved and Adopted this 05th day of December, 2023.

	In Favor	Against	Abstained	Absent
Beus	X			
Erickson	X			
Goodlander	X			
Gunnell	X			
Hurd	X			
Tidwell	X			
Ward	X			
Total	7	0	0	0

Cache County Council:



David Erickson, Chair
Cache County Council

Attest:



David Benson
Cache County Clerk

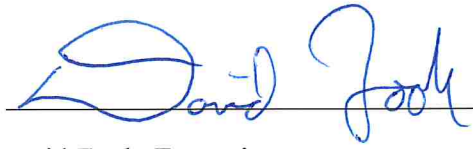
Publication Date: _____, 2023

Action of the County Executive

Regarding Ordinance 2023-37

 3 Approve

 Disapprove (A Statement of Objection is attached)

 _____

David Zook, Executive
Cache County

Date

APPENDIX 1
Redline Version

TITLE	16	SUBDIVISION	REGULATIONS
CHAPTER	16.01	GENERAL PROVISIONS AND ADMINISTRATION	
CHAPTER	16.02	TYPE AND PROCESS	
CHAPTER	16.03	REQUIREMENTS	
CHAPTER	16.04	GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS	

CHAPTER 16.01 GENERAL PROVISIONS AND ADMINISTRATION

- 16.01.010: TITLE
- 16.01.020: PURPOSE AND AUTHORITY
- 16.01.030: DEFINITIONS AND APPLICABILITY
- 16.01.040: JURISDICTION AND PENALTY
- 16.01.050: SEVERABILITY (EFFECT)
- 16.01.060: GENERAL RESPONSIBILITIES
- 16.01.070: SITE PREPARATION WORK PROHIBITED
- 16.01.80 : INCOMPLETE APPLICATION

16.01.010: TITLE

This title shall be known as the *CACHE COUNTY SUBDIVISION ORDINANCE*, hereinafter, "this title".

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.020: PURPOSE AND AUTHORITY

The Cache County council adopts this title pursuant to the county land use development and management act, title 17, chapter 27a, Utah Code Annotated, 1953, 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 to implement the goals and policies of the Cache countywide comprehensive plan.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.030: DEFINITIONS AND APPLICABILITY

For the purposes of this title, all terms shall have the same definitions as provided by section 17-27a-103, Utah Code Annotated, 1953, as amended or as in sections 17.07.030 and 17.07.040 of this code.

"Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application;
- (ii) the County's review of that subdivision land use application;
- (iii) the County's response to that subdivision land use application, in accordance with this title;
and
- (iv) the applicant's reply to the County's response that addresses each of the municipality's

required modifications or requests for additional information.

(v) the subdivision applications shall be limited to four review cycles.

"Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and County controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by a county to verify that a subdivision land use application meets the criteria of the county's subdivision ordinances.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.040: JURISDICTION AND PENALTY

This title shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of Cache County, Utah.

- A. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of Cache County, except in compliance with this title, the Cache County zoning ordinance, and all applicable state and federal laws.
- B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit, as required by section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended. Any owner or agent of the owner of any land located in a "subdivision", as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, in the office of the Cache County recorder, consistent with the requirements of this title, and applicable state and federal requirements is guilty of a violation of this title, and section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.
- C. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land 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 does not exempt the transaction from the requirements of this title and such action from the penalties or remedies provided by this title, the Cache County zoning ordinance, or the laws of the state of Utah.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.50 0: 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.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.060: GENERAL RESPONSIBILITIES

- A. The developer shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The county shall process said plats in accordance with the regulations set forth herein.

- B. The Development Services Department shall review the plats for design; for conformity to the Cache Countywide Comprehensive Plan and to the Cache County Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.
- C. Proposed subdivisions shall be referred by the Development Services Department to such county departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Cache County Development Services Office is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivisions to.
- D. The County ~~Public Works Surveyors Office and County Road~~ Department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Development Services Department.
- E. The Development Services Department shall approve the form of the final plat, that the developer dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.
- F. The Planning Commission has final jurisdiction in the approval of preliminary subdivision plats. The County Council has the final jurisdiction for the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.01.070: SITE PREPARATION WORK PROHIBITED

No excavation, grading or regrading, or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Planning Commission and the subdivision has been recorded in the office of the Cache County Recorder, as required herein.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020)

16.01.080: INCOMPLETE APPLICATION

The lack of any information required by this title, or improper information supplied by the applicant shall be cause for the director of development services to find a subdivision application incomplete. The director shall allow sixty (60) days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the director. If the application remains incomplete after sixty (60) days from the date of notification of an incomplete application, the director shall return the entire incomplete application to the applicant accompanied by application fees paid less any administrative expenses incurred by the development services department to process the application.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 16.02 TYPE AND PROCESS

16.02.010: STANDARDS AND LOT SIZE

16.02.020: NATURAL BARRIER

16.02.030: AGRICULTURAL SUBDIVISION

16.02.040: APPROVAL PROCESS

16.02.050: SUBDIVISION PLAT AMENDMENT

[16.02.060: CLUSTER SUBDIVISION OPTION](#)

[16.02.070: BOUNDARY LINE ADJUSTMENTS](#)

[16.02.80 : SINGLE LOT SUBDIVISIONS](#)

16.02.010: STANDARDS AND LOT SIZE

All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County zoning ordinance and within this title.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.020: NATURAL BARRIER

- A. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions in conformance with this title and the Zoning Ordinance.
- B. An application may be made for any lot that is clearly separated by a natural or manmade barrier within the Agricultural Zone.
 1. Natural barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.
 2. Natural barrier determinations that do not meet the minimum density requirements for the zone within which the parcel is located may apply to the Board of Adjustments for a variance to the density requirement.
 - a. The Board of Adjustments shall consider any such request in compliance with state and county code requirements.
 3. The Planning Commission is the land use authority for natural barrier determinations. In the event that the Planning Commission or applicant requires further review of a proposed natural barrier, the County Council shall be the land use authority. Any appeal of the Planning Commission's decision must be reviewed by the **Land Use Hearing Officer-Board of Adjustments**.
 4. Parcels created through the natural barrier process are allowed further subdivision in accordance with the standards of the Cache County ordinance currently in effect.
- C. Each parcel created by a natural barrier determination may be allowed to be further divided in compliance with this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.030: AGRICULTURAL SUBDIVISION

Agricultural parcels may be subdivided without requiring a plat or specific approvals from the director, planning commission, or county council in conformance with state code 17-27a-605 with the following conditions:

- A. The lot qualifies as land in agricultural use under state code 59-2-5 of the farmland assessment act.
- B. The lot meets the minimum size requirements of applicable land use ordinances.
- C. The lot is not used and will not be used for any nonagricultural purpose.
- D. Lots having been subdivided by this process may obtain clearance for the construction of

agricultural buildings, but shall not be permitted to construct residential or commercial structures. In the event that an agriculturally subdivided lot requests nonagricultural development, the lot will require a legal subdivision from the most recent legal parcel size and configuration, as defined by this title, prior to the issuance of any permits.

- E. Any requirements, conditions, stipulations, or restrictions on the use or development of a parent parcel shall apply to all lots that have been or are subdivided from a parent parcel, whether they are subdivided through an agricultural subdivision process or otherwise, unless specifically cleared by the Director of Development Services or Planning Commission with findings of fact.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.040: APPROVAL PROCESS

Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Director of Development Services):

- A. **Pre Application**~~Concept Plan~~: Upon completing a concept plan, applicants may request that the Director and/or the Planning Commission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.
- B. **Preliminary Plat**: Applicants must submit to the Director a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this code or by the Director. This information shall be reviewed by the Planning Commission. **The Planning Commission shall establish a reasonable deadline for applications to be heard for each meeting. The Planning Commission shall be the land use authority and may approve, approve with conditions, or deny a Preliminary Plat Application.**
- C. **Final Plat**: ~~The Director of Development Services~~**Planning Commission** must review the application, proposed plat, and any recommendations by staff. ~~The Director of Development Services~~ **Planning Commission** may approve, approve with ~~conditions~~**stipulations or alterations**, or deny any **final** subdivision plat.
- D. **Final Plat Recordation**: The final step in the review and approval process is the recordation of the final plat of the proposed subdivision in the office of the Cache County Recorder. It shall be the responsibility of the Director to ensure that all stipulations/alterations have been completed and that the plat meets all applicable codes prior to recordation.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.050: SUBDIVISION PLAT AMENDMENT

- A. **Amending a recorded subdivision plat shall comply with Utah Code 17-27a-608 as amended. The County shall publish notices in compliance with Utah Code 17-27a-207 as amended.**
- B. **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.
 - 1. **The Planning Commission shall be the Land Use Authority for a Subdivision Plat Amendment unless the amendment proposes to amend, vacate, or alter a County right-of-way or easement, in which case the Planning Commission shall make a recommendation to the County Council that will serve as the Land Use Authority.**
- C. **Approved With A Conditional Use Permit**: 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 of this Code, a legally recorded subdivision if a subdivision plat for that division was

recorded at the time of approval.

- D. Consideration Of Amendment: 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.
- E. Request For Amendment: 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.
- F. 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.

(Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

16.02.060: CLUSTER SUBDIVISION OPTION

The cluster subdivision option is provided by Cache County to encourage creativity in subdivision design, to encourage the achievement of the goals and policies of the Cache Countywide Comprehensive Plan, and to allow for the protection of natural features and the provision of features and amenities for the subdivision site and Cache County. Full compliance with all the provisions of this title and all other applicable state and federal requirements is required.

- A. An application for a cluster subdivision shall be submitted to the Director of Development Services and shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply; and the application requirements for either a preliminary subdivision plat application, final subdivision plat application, or lot split subdivision application, as applicable, shall apply.
- B. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land(s) used for other uses shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any sensitive areas overlay requirements that may be applicable to the development site as identified in chapter 17.18 of this code.
- C. The land(s) proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by all owners.
- D. A "cluster" is a designed grouping of residential lots of two (2) or more lots which may be used as a repetitive motif to form a series of clusters. Each cluster grouping shall be separated by either an agricultural area or natural open space to form the larger cluster subdivision.
- E. Total open space areas for a cluster subdivision must be fifty percent (50%) or greater of the total area of the subdivision.
- F. All roads developed within the cluster subdivision shall be designed and constructed in accordance with the county's road standards, and shall also be designed in a manner as to limit

the amount of impact on the open space areas of the subdivisions.

- G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the Planning Commission. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.
- H. The maximum density, or number of lots allowed, is based on the total amount of developable land. "Developable land" is defined as land that is not restricted by hill slopes (grades greater than twenty percent (20%)), wetlands, floodplains, natural water features, or other lands that may be deemed undevelopable in conformance with chapter 17.18 of this code or as determined by the Planning Commission.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.070: BOUNDARY LINE ADJUSTMENTS

- A. Within A Legally Recorded Subdivision: An agreement to adjust property lines between adjoining properties within or affecting the boundary of a legally recorded subdivision requires the approval of the land use authority and must be executed upon the approval and completion of a subdivision amendment (see section 16.02.050 of this chapter).
- B. Outside A Legally Recorded Subdivision: In compliance with sections 17-27a-522 and 523, Utah Code Annotated, 1953, as amended, an agreement to adjust property lines between adjoining properties must meet the standards of, and shall be recorded in the office of the Cache County recorder, and is not subject to the review of the Cache County land use authority.
- C. Compliance With Code: All properties amended by a boundary line adjustment are subject to the regulations of this code. Where boundaries, including subdivision amendments, are adjusted between properties that do not share the same zone, the zoning designation does not adjust with the adjusted property lines. Base and/or overlay zoning districts shall not be amended except through the formal process as identified in this code and by the state.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.080: SINGLE LOT SUBDIVISIONS

A division of land resulting in the creation of a single developable lot and a single agricultural remainder parcel. Can only be created on an existing legal lot and is not required to conform with the density standards of title 17, chapter 17.10 of this code. This subdivision process must conform to all other requirements of this title and title 17 of this code.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 16.03 REQUIREMENTS

16.03.010: APPLICATION

16.03.020: CONCEPT PLAN

16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

16.03.40 : FINAL SUBDIVISION PLAT REQUIREMENTS

16.03.010: APPLICATION

The director of development services shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by staff, the planning commission, and the county council to make a decision on the proposed subdivision.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.03.020: Pre Application Meeting CONCEPT PLAN

To promote efficiency and an understanding of the subdivision review and approval process of Cache County and to allow applicants to present their initial subdivision proposals to the county, all applicants for subdivision approval may present a concept plan of the proposed subdivision to the **Director of Development Services or the Planning Commission**. This process is not required, but it is highly recommended.

- A. The conceptual development plan is an informal discussion document designed to allow the identification of policies, procedures, standards and other items that may be considered in the subdivision review and approval processes of Cache County once a subdivision application is received. To achieve these objectives and to promote the identification of all items necessary for consideration, the applicant should provide at a minimum a map, plat, and/or other scale drawing of the area. The following applicable information may also be submitted to provide further information on the nature and intent of the subdivision:
1. The configuration, size and number of lots in the proposed development;
 2. Potential locations of hazards and sensitive lands as defined by title 17, chapter 17.18, "Sensitive Areas", of this code or other features which may impose peculiar construction requirements;
 3. Potential open space;
 4. The way in which the proposed development will fit into the context of the surrounding area;
 5. The present and planned surrounding roads and utilities;
 6. Access points and limiting of access, if required;
 7. Existing and proposed trail system;
 8. The anticipated time schedule for the development;
 9. Plans and needs for water, sewer, roads, and sanitation disposal;
 10. The development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
 11. Any planned phasing or future development of adjacent land;
 12. Any other information available or pertinent to the proposed subdivision or as required by the director.
- B. A conceptual development plan shall not constitute an application for subdivision approval, as provided by this title, and is in no way binding on the county or the applicant. Any discussion that occurs at the concept plan phase shall not be considered as an indication of subdivision approval or denial, either actual or implied.
- C. The director shall determine if a concept plan has sufficient detail and meets the basic requirements of this title and the zoning ordinance prior to presenting any concept plan to the planning commission.
- D. **The County shall provide feedback on the concept plan and shall provide or have available on the county website the following:**
1. **Copies of applicable land use regulations.**

2. A complete list of standards required for subdivision applications.
3. Preliminary and final application checklist.
4. Deadlines and timelines for applications.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

The following information is required for the subdivision of all lands located within Cache County. The applicant may be required to provide other information as required by the Director of Development Services, Planning Commission, and/or County Council necessary to evaluate the proposed subdivision.

- A. An application for a subdivision, provided by the Director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- B. A preliminary subdivision plat shall be prepared by a licensed land surveyor in pen and the sheets shall be numbered in sequence if more than one sheet is used or required by the Director.
- C. The preliminary subdivision plat shall show the following:
 1. The layout or configuration of the proposed subdivision at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Director;
 2. Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median, and county of its location;
 3. A title block, placed on the lower right hand corner of the plat showing:
 - a. Name and address of owner(s) of record; and
 - b. Name and address of the licensed land surveyor responsible for preparing the preliminary plat; and
 - c. Date of preparation of the preliminary subdivision plat, and any revision dates;
 4. Signature blocks prepared, as required and provided by the county, for the dated signatures of the Planning Commission Chair, Deputy County Surveyor, County Attorney, County Recorder and Bear River Board of Health Director;
 5. North arrow, graphic and written scale, and the basis of bearings used;
 6. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre;
 7. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
 8. A vicinity map of the site at a minimum scale of one inch equals two thousand feet (1" = 2,000');
 9. Surveyed boundary of the proposed subdivision; accurate in scale, dimension, and bearing; giving the location of and ties to the nearest two (2) existing government control monuments. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners shall be shown;
 10. A legal description of the entire subdivision site boundary;

11. All existing monuments found during the course of the survey (including a physical description such as "brass cap");
12. Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of one hundred (100) year floods, all water bodies, floodways **including floodplains identified by FEMA** and drainage ways, slopes exceeding twenty percent (20%) and slopes exceeding thirty percent (30%), and any other natural features as required by the Director ~~or, Planning Commission, or County Council~~ for the entire or a portion of the subdivision site, including a tabulation of the acres in each.; **Subdivision impacted by sensitive lands shall submit a Sensitive Area Analysis as required by Cache County Code 17.18**
13. Identification of known manmade features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site as required by the Director ~~or, Planning Commission, or County Council~~ for the entire or a portion of the subdivision site;
14. The location and dimensions of all existing buildings, existing property lines and fence lines;
15. The location with name and parcel number of all existing platted lots within, or contiguous to the subdivision site;
16. All lots, rights-of-way, and easements **existing or** created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, shall be given. The addresses of all lots shall be shown. All proposed new roads, whether public or private, shall be numbered, as provided by the Development Services Department, with the coordinates to proposed connections to existing county roads being shown;
17. **Shall provide draft Subdivision Improvement Plans, including, but not limited to, the following:**
 - a. All existing and proposed roadway locations and dimensions, including the width of the driving surface and the rights-of-way, with cross sections of all proposed roads. All proposed roads shall be designed to comply with the adopted road standards of Cache County;
18. **f**
 - ~~b.~~ Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities if proposed as required by the Director ~~or, Planning Commission, or County Council~~ for the entire or a portion of the subdivision site shall be shown;
 - c. **f**
 - ~~d.~~ Proposed storm water drainage system **that comply with County design standard and code** for both surface and flood water, including any drainage easements and natural drainage ways, indicating how the flow will be altered with the proposed development;
 - e. **f**
 - ~~f.~~ Layout of proposed power lines, including the source and connection to the existing power supply, together with the location of existing and proposed bridges, culverts, utilities, utility easements, and any common space or open space areas including the location and dimensions of all property proposed to be set aside for public or

private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation;

g. All other plans required to construct the subdivision.

19. Located on the preliminary plat, or separate map, the identification of the minimum building setback lines for each lot shall be shown;
20. An indication of the use for all proposed lots including required plat notes identifying agricultural protection areas, and other proposed or required protective and restrictive covenants;
21. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
22. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;
23. A letter or other written form of consent by the owner including a reference to the named subdivision and the dedication of public ways or spaces, as required. This shall be signed, dated, and notarized;
24. A surveyor's certificate showing the name and registration number of the land surveyor responsible for making the final plat, and certifying to the plat's accuracy. A simple subdivision may not require a full survey, but instead may be completed through a metes and bounds determination. A waiver form shall be approved by the Cache County Recorder, the County Surveyor (or their representative), and the Director;
25. Any subdivision notes as required by the Director. An approved list of all possible notes and their applicability shall be maintained by staff.

- D. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.
- E. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.
- F. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
- G. The names and addresses of all owners of record of real property within three hundred feet (300') of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.
- H. Payment of the non-refundable administrative processing fee, and a refundable preliminary plat application fee. See Consolidated Fee Schedule for amount of fee.
- I. No later than 15 business days after the day on which a complete application was submitted, county staff shall complete and provide an initial review report to the applicant and the Planning Commission. ~~no later than 15 business days after the day on which the application was submitted. ¶~~

J.—

16.03.040: FINAL SUBDIVISION PLAT AND SUBDIVISION IMPROVEMENT PLANS REQUIREMENTS

Following approval or approval with conditions of a Preliminary Plat and the draft Subdivision Improvement Plan, the applicant shall submit a Final Plat and Subdivision Improvement Plans application with the Development Services Office. The final subdivision plat is required for the recordation of a subdivision plat as approved by the Development Services Director ~~Planning Commission~~. The final plat shall reflect any changes to the proposed plat required by the Planning Commission conditions during the preliminary plat approval, and must be reviewed and approved by the Director of Development Services for completeness prior to recordation.

- A. **Final Subdivision Plat:** A final subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Cache County Recorder for recordation. The final subdivision plat shall contain all of the information required in the preliminary subdivision plat and shall be presented to the Director in the following form: one twenty four inches by thirty six inches (24" x 36") in ink on reproducible mylar copy of the final subdivision plat along with one digital copy (type to be specified by the Director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps). All revision dates must be shown as well as the following:
1. Notation of any self-imposed restrictions, or other restrictions, if required by the Planning Commission in accordance with this title or title 17 of this code;
 2. Other final subdivision plat notes, as required by Cache County or State Code or as required by the Planning Commission. ~~the Planning Commission or County Council.~~
 - ~~3.~~
- B. **Subdivision Improvement Plans:** Subdivision Improvement Plans shall be prepared by a licensed engineer and conform to current engineering, public works, and International Fire Code standards and all other applicable County and State Code Requirements provided in a form acceptable to the Cache County Engineer and Fire District.
1. The Subdivision Improvement Plans shall address conditions within the initial preliminary plat report and any conditions of approval by the Planning Commission.
 2. Improvement Plans shall comply with Cache County Requirements for all Subdivisions found in this chapter, in addition to adopted design standards, master plans, Manual of Roadway Design & Construction Standards (Road Manual), stormwater standards as adopted by the County and State, and any other applicable standards adopted by the County.
 3. The County Engineer and Fire Marshall shall be the Land Use Authority for Subdivision Improvement Plans.
- C. **Review of proposed Final Plat and Subdivision Improvement Plans:** Cache County Development Services, County Engineer, and Fire District shall review and provide reports to the applicant in compliance with State Code 17-27a-604.2 as amended.
1. The subdivision plat and improvement plans shall be subject to four Review Cycles, as defined in this chapter.
 - a. The County shall have 20 business days to review and provide an indexed report to the applicant with all required changes. This report shall cite and reference adopted code, design standards, and master plans that would require the change.
 - i. The County may require additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specification for construction of public improvements; and
 - ii. Modification to plans that do not meet current ordinances, applicable standards, or specification or do not contain complete information.

- b. The Review Cycle limitation does not apply to property containing sensitive lands and geological hazard areas.
 2. If an applicant makes a material change to a plan set, the County Engineer has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially affects.
 3. The applicant shall submit revised plans and shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and any reasons for declining to make a revision.
 - a. If the an applicant does not submit a revised plan within 20 business days after the County requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.
- D. If on the the fourth and final review review, the County fails to respond within 20 business days, the County shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
 1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with State Code 17-27a-604.2, to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the County, the panel shall consist of the following three experts:
 - a. one licensed engineer, designated by the County;
 - b. one licensed engineer, designated by the land use applicant; and
 - c. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in this section.
 2. The members of the appeal panel assembled by the County may not have an interest in the application that is the subject of the appeal.
 3. The subdivision applicant shall pay 50% of the cost of the panel and the County's published appeal fee.
 4. For a dispute arising from a subdivision ordinance review, the County shall advise the applicant to file an appeal with the Land Use Hearing Officer.
- E. All of the required signature blocks shall be signed prior to the recordation of the final plat.
- F. All other requirements of this title, title 17 of this code, or of the Planning Commission shall be met prior to the recordation of the final plat.

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

CHAPTER 16.04 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

16.04.010: SUBDIVISION LAYOUT

16.04.020: COMMENCEMENT OF SITE DEVELOPMENT

16.04.030: LOTS

16.04.040: ROADS

16.04.050: PROTECTION STRIPS

16.04.060: UTILITIES AND EASEMENTS

16.04.070: STORM DRAINAGE REQUIREMENTS

16.04.080: SUITABILITY REQUIREMENTS FOR SUBDIVISIONS

16.04.090: REDESIGN

16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS

16.04.110: IMPROVEMENT SURETY

16.04.120 : COORDINATION WITH MUNICIPALITIES AND OTHER SERVICE PROVIDERS

16.04.010: SUBDIVISION LAYOUT

- A. The subdivision layout shall conform to the Cache countywide comprehensive plan, this title, and all other requirements of state code and this code.
- B. Where trees, groves, waterways, scenic points, historic spots or other county assets and landmarks, as determined by the 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 road designated within the countywide comprehensive plan, such part of the public way shall be platted and dedicated to the county. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.020: COMMENCEMENT OF SITE DEVELOPMENT

The development services department shall have the authority to authorize the initiation of construction activities (altering the terrain or vegetation) on the proposed subdivision site. Any site development shall only commence after receiving all required permits and reviews and meeting the requirements of this title and this code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

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 access grades, or other physical conditions.
- B. All lots or parcels created by the subdivision shall have reasonable access as defined within this code.
- C. The minimum area, 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. 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.
- E. 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.040: ROADS

- A. All roads shall be designed and constructed in accordance with the specifications found within title 12 of this code.
- B. Private roads shall be identified on the subdivision plat with the appropriate subdivision notes.
- C. Road patterns in the subdivision shall be in conformity with the most advantageous development of adjoining areas. The following principles shall be observed:
 - 1. Where appropriate to the design and terrain, proposed roads shall be continuous and in alignment with existing planned or platted roads with which they are to connect and based on the grid system common to Cache County. Where dead end roads are

proposed, the land use authority may require that a road and/or right of way be extended to the subdivision boundary to provide road connectivity and access alternatives for current, proposed, and future development.

2. Proposed roads shall intersect one another at right angles, or as near to as topography and other limiting factors of good design permit.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

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 as determined by the land use authority.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.060: 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 Planning Commission and/or utility providers.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.070: STORM DRAINAGE REQUIREMENTS

All subdivision ~~applications~~ ~~plats~~ shall be required to meet all state and county stormwater permitting requirements. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.080: SUITABILITY REQUIREMENTS FOR SUBDIVISIONS

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

A. Water Requirements:

1. Domestic water rights are required for all subdivided lot(s) with the exception of subsection A1a of this section. 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 Department or Utah Department of Environmental 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 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 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 section 17.10.050A4b.

C. 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).

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

E. Roads And Access: A review provided by the Development Services Department that identifies the following:

1. Basic layout of the existing road(s) proposed to service the 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 versus 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 is accessed directly from a state highway, an access permit as required by the state of Utah Department of Transportation shall be provided with the application materials. A UDOT review through the Cache Access Management Program shall be provided prior to Planning Commission review of the plat.

- F. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of Service Area #1, a garbage or refuse plan shall be provided for review by the Planning Commission.
- G. Other Information And Materials: The Land Use Authority 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 to provide additional information including but not limited to feasibility studies and/or evidence indicating suitability of the area for the proposed subdivision.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.090: REDESIGN

The Planning Commission 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS

- A. Improvements: The Planning Commission, **as part of the Preliminary Plat Application**, 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 improvement agreement is in place as defined by section 17.07.040. The following minimum requirements also apply:
 - 1. Construction within the subdivision shall conform to all federal and state regulations.
 - 2. **Subdivision Improvement Plans**~~Construction drawings~~ and construction within the subdivision shall conform to the Cache County Ordinance and Manual of Roadway Design and Construction Standards.
- C. Permits must be obtained for construction of the infrastructure facilities within the subdivision.
- D. 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.110: IMPROVEMENT SURETY

A subdivider shall guarantee improvements in accordance with the following:

- A. **Completion of improvements before recordation. If an applicant desires to construct improvements as shown on approved subdivision improvement plans prior to recordation:**
 - 1. Recordation of the plat shall not occur until the improvements required in connection with the subdivision have been completed and accepted.
 - 2. An applicant shall provide improvement surety of conditionally accepted improvements in a form acceptable to the County as shown in this Title in the

following amount:

- a. Ten percent of the total cost of all the required improvements shall be retained by the County during the 12-month (24-month if applicable) warranty period.

B. Recordation before completion of improvements. An applicant who desires to record any subdivision plat prior to the completion of subdivision improvements shall provide a financial guarantee for the completion of the improvements.

~~When in the judgment of the Public Works Director or 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 shall may be accepted as part of an improvement agreement pursuant to this section to guarantee completion of the improvements and/or conditions.~~

C. Authorization To Accept Surety: The Public Works director is authorized to accept improvement surety ~~and to enter into improvement agreements~~ to the completion of improvements and/or conditions imposed by ordinance or by a land use authority.

D. Acceptable Types Of Surety: The following types of improvement surety reflecting one hundred ten percent (110%) of the average of the bid estimates may be accepted:

1. Irrevocable letter of credit issued by a federally insured financial institution.
2. Performance bond issued by a financial institution, insurance company, or surety company with an A.M. Best rating of not less than A-:IX.

E. 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 improvement surety of not less than one hundred ten percent (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.

F. Completion Of Improvements: As applicable, improvements as identified in the ~~Subdivision Improvement Plans~~ improvement agreement must be completed three (3) months prior to the expiration of the improvement surety or said surety shall be required to be extended.

G. Inspection: 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 ten percent (10%) of the bond amount for a period of not less than one year and no longer than allowed by state code.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.120: 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, ~~capa~~ County city, 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.

(Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

CHAPTER 17.02 ADMINISTRATION

17.02.010: PURPOSE

17.02.020: RULES OF PROCEDURE

17.02.030: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS

17.02.040: REQUEST A VARIANCE

17.02.050: EFFECTIVE PERIOD OF LAND USE AUTHORITY APPROVAL

17.02.060: APPEAL A LAND USE AUTHORITY DECISION

17.02.70 : NOTICE FOR PUBLIC MEETINGS

17.02.010: PURPOSE

A. The purpose of this chapter is to:

1. Establish the Land Use Authority for Cache County land use ordinance decisions; and
2. Establish the Appeal Authority for Cache County land use ordinance variance and appeal decisions; and
3. Provide direction for the process of land use review and appeal.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

17.02.020: RULES OF PROCEDURE

The Development Services Department shall adopt rules of procedure establishing the application and decision making process for required permits and approvals. These policies and procedures, including preparation of applications, must reflect the requirements of this code. Permitting fees must be approved by resolution by the County Council. The collected fees must be used to defray the costs of administering land use requests or appeals.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

17.02.30 0: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS

A. Director:

1. The Cache County Director of Development Services is established and functions as specified in chapter 2.40 of this code and in this chapter;
2. The Director must be appointed by the Cache County Executive, with the advice and consent of the County Council;
3. The Director has the duties, authority, and powers as set forth in this chapter.
4. The Director must:
 - a. Adopt procedures for land use application processes;
 - b. Administer and enforce the Land Use Ordinance, the Cache County Subdivision

Ordinance, and any associated policies or procedures;

- c. Determine the mapped location of a base or overlay zoning district boundary in instances where the location may be unclear. The Director must consider the following criteria in reaching a decision:

- (1) The policies and development standards that apply to the base or overlay zoning district; and
 - (2) Where a base or overlay zoning district 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 base or overlay zoning district map boundary is deemed to be changed automatically whenever such centerline is changed by natural or artificial means; and
- d. Interpret the use related definitions in the applicable base or overlay zoning district as contained in chapter 17.09 Schedule of Zoning Uses, of this title; and
5. Designee: The Director may assign a designee to act as the land use authority in the place of the Director. Any designee must be identified in writing by the Director prior to any land use decision by the designee.

B. Planning Commission:

1. The Cache County Planning Commission is established as required by Utah Code Annotated section 17-27a-301, and has the duties, authority, and powers as found in Utah Code Annotated section 17-27a-302, as amended, and in this chapter; and
2. The Executive must appoint a Planning Commission with the advice and majority consent of the Council; and
3. The Planning Commission must be composed of seven (7) members. All members serve a term of three (3) years; and
4. The Executive, with the advice and consent of the Council, may remove a member of the Planning Commission with or without cause; and
5. No fewer than five (5) members of the Planning Commission shall either maintain a permanent residency or own real property in an unincorporated area of the County. The Executive shall, when nominating any person to the Planning Commission, verify whether or not that person meets these requirements and shall inform the Council when presenting the name.
6. The Planning Commission must 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 bylaws and rules of procedure must be approved by the Council; and
7. The Planning Commission must provide land use review to the Council in the following:
 - a. Preparing and recommending a General Plan and amendments to the General Plan; and
 - b. Recommending land use ordinances and maps, and amendments to land use ordinances and maps; and
 - c. On other items as the Council directs.

C. Land Use Hearing Officer:

1. Procedures:

- a. The land use hearing officer may administer oaths and compel the attendance of witnesses.
- b. All hearings before the land use hearing officer shall comply with the requirements of Chapter 4, Title 52, Utah Code, Open and Public Meetings.
- c. The land use hearing officer shall:
 - (1) Keep minutes of his or her proceedings; and
 - (2) Keep records of his or her examinations and other official actions.
- d. The land use hearing officer shall file his or her records in the office of the development services division. All such records are public records.
- e. Decisions of the land use hearing officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

2. Qualifications:

- a. The land use hearing officer shall be appointed by the County Executive with the advice and consent of the County Council. The Executive shall appoint more than one hearing officer, but only one hearing officer shall consider and decide upon any matter properly presented for hearing officer review.
- b. A hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

3. Conflict Of Interest And Removal:

- a. The hearing officer shall not participate in any appeal in which the hearing officer has a conflict of interest.
- b. The hearing officer may be removed by the Executive with advice and consent of the Council for violation of this title or any policies and procedures adopted by the Development Services director following receipt by the Executive of a written complaint filed against the hearing officer.

4. Powers And Duties:

- a. The land use hearing officer shall:
 - (1) Act as the appeal authority for administrative decisions by the Development Services Director and decisions by the planning commission; and
 - (2) Hear and decide variances from the terms of the zoning ordinance; and
 - (3) Hear and decide applications for the expansion or modification of nonconforming uses.

D. County Council:

1. The Cache County Council is established as found in Utah Code Annotated section 17-52a-504 as amended, and in title 2, chapter 2.12 of this Code, and has the land use

duties, authority, and powers as represented in title 2, chapter 2.12 of this Code, Utah Code Annotated section 17-53 part 2 as amended, and this chapter.

E. Authority For Land Use Actions:

1. The Land Use Authority is responsible for the land use actions as noted in the table below:

TABLE 17.02.030

AUTHORITY FOR LAND USE ACTIONS

Land Use Authority	Land Use Action
Director	Zoning clearance
	Floodplain permit
	Final Subdivision Plat
	Variance for maximum structure height or minimum setback distances
County Engineer and Fire Marshall	Subdivision Improvement Plans
Planning Commission	Preliminary Subdivision Plat
	Subdivision amendment
	Conditional use permit
Land Use Hearing Officer	Variance (except as listed under Director)
	Appeal
Council	Ordinance or ordinance amendment
	Rezone
	Modifications of County rights-of-way and easements
	General Plan or General Plan amendment
	Annexation/disconnection

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

HISTORY

Amended by Ord. [2 023-24](#) on 8/10/2023

17.02.040: REQUEST A VARIANCE

- A. 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 must be filed with the Cache County Development Services Department for a variance from the terms of this title. The designated Appeal Authority may grant a variance if the requirements of Utah Code Annotated section 17-27a-702 as amended have been met;

and

B. A request for a variance must:

1. Be filed with Development Services Department; and
2. When a request for a variance is filed, notice is given as required by this chapter. The Appeal Authority hears that issue at the next regularly scheduled meeting, unless such time is extended for good cause or stipulation of the parties; and

C. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

17.02.050: EFFECTIVE PERIOD OF LAND USE AUTHORITY APPROVAL

- A. Administrative land use decisions of approval are effective for a period of one year from the date of Land Use Authority approval; and
- B. The Director must issue a notice of expiration to the agent of a project no less than ninety (90) calendar days prior to the end of the effective period of approval; and
- C. All final documents required to record a permit or subdivision must be submitted to the Development Services Office no less than four (4) weeks before the approval deadline; and
- D. Any approval that has lapsed beyond its effective period is void and any new application must conform to the ordinance currently in effect; and
- E. No refunds are issued for void applications or permits; and
- F. At the discretion of the Land Use Authority, the effective period of approval may be extended for up to six (6) months beyond the one year period of the original approval. Within that extension no development or active use of the site is allowed until the permit or subdivision plat has been recorded and all conditions have been met.
 1. To request an extension an applicant must submit an application to the Development Services Office a minimum of six (6) weeks prior to the expiration of the original one year period of approval.
 2. Extension requests must be reviewed by the Land Use Authority. The Land Use Authority may approve an extension request only if:
 - a. The reason for the extension is not economic.
 - b. The applicant has shown a clear pattern of working to record the plat or permit throughout the entirety of the approval period.
 3. The applicant bears the burden of proving that the conditions justifying an extension have been met.
- G. Where an appeal of an approval has been made, the effective period for the approval does not begin until a final decision has been issued by the Appeal Authority or Judge of the First District Court.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2023-13, 5-9-2023)

17.02.060: APPEAL A LAND USE AUTHORITY DECISION

A. The Appeal Authority for Land Use Authority actions is assigned as noted in the table below:

TABLE 17.02.060 APPEAL A LAND USE AUTHORITY DECISION

Acting Authority	Appeal Authority
Director	Land Use Hearing Officer
Planning Commission	Land Use Hearing Officer
Land Use Hearing Officer	First District Court
Council	First District Court

a. Appeals for Subdivision Improvement Plans and Final Subdivision Plats shall be reviewed by an appeal panel as detailed in Cache County Code 16.03.40 as amended.

B. Land use decisions may be appealed:

1. By a person with standing that is adversely affected as a result of a Land Use Authority's decision by alleging that any order, requirement, decision, or determination of the Land Use Authority is arbitrary, capricious or illegal; and
2. Only if it is the final decision issued by the proper Land Use Authority. The appeal of decisions made by supporting staff must be reviewed by the Land Use Authority that issued the final decision; and
3. If commenced within ten (10) business days of the adverse order, requirement, decision, or determination by filing a written notice of appeal with the Cache County Development Services Department. The notice of appeal must identify the decision being appealed and parties making the appeal; and
 - a. The appellant has the burden of showing the evidence and proving that the decision of the Land Use Authority is arbitrary, capricious (unsupported by the evidence or facts of record), or illegal; and

C. When a notice of appeal is filed, notice must be given as required by this chapter. The Appeal Authority then hears that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties; and

D. The Appeal Authority may require written briefs or memorandum of the parties as the Appeal Authority deems necessary. At the hearing, the appellant must appear in person or by agent; and

E. Using substantial evidence as the standard of review, the Appeal Authority determines the correctness of a decision of the Land Use Authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a Land Use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed; and

F. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended; and

G. Any person adversely affected by a final decision of the Appeal Authority may petition the First District Court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the Appeal Authority's decision is final in compliance with Utah Code Annotated section 17-27a-801(2) as amended; and

1. The Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the County.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

17.02.070: NOTICE FOR PUBLIC MEETINGS

- A. Notice for public meetings and public hearings must comply with the Open and Public Meetings Act, Utah Code Annotated chapter 52-4 and Utah Code Annotated section 17-27a-2 as amended. At the discretion of the Land Use Authority additional notice requirements may be applied; and
- B. Notice of the time, place, and subject matter of a meeting must be given to the person making a request, the Land Use Authority or official, other affected parties as directed by law, and all adjoining property owners within a three hundred foot (300') radius of the boundary of the subject property.

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

