

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
JANUARY 11, 2011**

**CACHE COUNTY COUNCIL
January 11, 2011**

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**CACHE COUNTY COUNCIL MEETING
January 11, 2011**

The Cache County Council convened in a regular session on January 11, 2011 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Burke Allen, Cash Allen, Janeen Allen, Gary Anderson, Attorney Bruce Baird, Sharon L. Hoth, Trevor Hougaard, Kristine Johnson, Bruce Kidman, Attorney Don Linton, Dave Nielsen, Randy Preece, Alex Thornley, **Media:**, Charles Geraci (Herald Journal), Jeremy Threlfall (KUTA-TV).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Vice Chairman Buttars to approve the agenda including the Executive Session to discuss pending litigation with the addition of Item 5d – Letter to Congressman Bishop. Yeates seconded the motion. The vote was unanimous, 7-0.

(Attachment 1)

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

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the December 14, 2010 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

<u>APPOINTMENTS:</u>	Nolan P. Gunnell	Board of Adjustment
	Brooks Tarbet	Board of Adjustment
	Mike Gleed	Boundary Commission
	Kathleen Howell	Boundary Commission
	J. Clair Ellis	Planning Commission
	Chris Sands	Planning Commission
	Tami Pyfer	TRCC/RAPZ Committee

ACTION: Motion by Council member Yeates to approve the recommended appointments. Zilles seconded the motion. The vote was unanimous, 7-0.

WARRANTS: Warrants for the periods 11-25-2010 to 12-31-2010, 12-10-2010 to 12-16-2010, 12-17-2010 to 12-23-2010 and 12-24-2010 to 12-30-2010 were given to the Clerk for filing.

OTHER ITEMS

- Cloud Seeding Report for December 2010** – Executive Lemon reported that the snow water equivalent was 180% of normal and the water year precipitation is 167%.
- Letter to Congressman Bishop** – Executive Lemon recommended the Council approve a letter from the county to Congressman Bishop urging him to protect the local interests as they relate to public land issues; specifically, RS 2477 roads.

(Attachment 2)

ACTION: Motion by Council member Yeates to approve the letter to Congressman Bishop regarding public land issues and RS 2477 roads. Buttars seconded the motion. The vote was unanimous, 7-0.

ITEMS OF SPECIAL INTEREST

- **Northern Utah Media Group** – Jeremy Threlfall reviewed a letter stating the operations of KUTA-TV8, a privately owned channel dedicated to serving the citizens of Cache Valley. KUTA-TV is aware that Cache County is considering participating in the County Seat TV program at a cost of over \$20,000.00 and asked the county to keep county tax dollars in Cache County by supporting KUTA-TV.

Jamie Forbush, President of the Northern Utah Media Group, explained the system noting that Cache County embeds KUTA-TV's recordings of the Cache County Council meetings on the Cache County web site. Northern Utah Media received many calls from citizens expressing concerns over not being able to participate in public meetings as they desired. This led to the group deciding to film and broadcast the County Council meetings to help inform the public about the workings of county government. Forbush said the \$3,000.00 to \$4,000.00 a month to maintain the system comes from donations and advertising.

- **County Seat Program** – Chad Booth explained that the County Seat TV program has been two years in the making and is a statewide program. Fifteen of Utah's twenty-nine counties have pledged to participate in the program. Booth said the difference between this program and the Northern Utah Media Group is that the County Seat program will have a statewide audience. The agendas of the program will be set by the counties and the programs will be archived. It is also on YouTube and will be connected to the county web site. It will be aired Sundays at 8:00 a.m. on ABC-4.

Chairman White asked how Cache County would be able to determine the content of the program? Booth responded that each county will have six different round tables to be in charge of and lead the discussions.

Council member Petersen asked what the viewership was for the first show? Booth said it was about 32,000 households which far exceeded expectations.

Booth ran part of a DVD of the first program for the Council and left the DVD for the Council's complete viewing.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: JANUARY 11, 2011 – 5:30 P.M. – DISPOSAL OF SURPLUS REAL PROPERTY – Chairman White asked Executive Lemon to describe the property to be disposed of. Executive Lemon said that this is a ten foot strip of property in front of the Road Department building. The property is to be sold to UDOT to facilitate the widening of 1000 West street.

Chairman White opened the public hearing and invited public comment. There was none.

ACTION: Motion by Council member Yeates to close the Public Hearing – January 11, 2011-5:30 p.m.-Disposal of Surplus Real Property. Zilles seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: FEBRUARY 22, 2011-5:30 P.M. – TO SURPLUS PROPERTY THAT IS LANDLOCKED BETWEEN RICHMOND CITY AND VIVIAN CHRISTENSEN PROPERTY – Executive Lemon explained that this is about 1.3 acres directly east of the Cub River Sports Complex. The property came to the county in the 1940's because the taxes were not paid on it. It is landlocked with no access for the county. The county has negotiated an acceptable price with the potential buyers.

ACTION: Motion by Council member Petersen to set a Public Hearing February 22, 2011 at 5:30 p.m. – To surplus property that is landlocked between Richmond City and Vivian Christensen property. Robison seconded the motion. The vote was unanimous, 7-0.

UNIT OR COMMITTEE REPORTS

- ★ **Senior Citizens Center** – Kristine Johnson informed the Council of the operations of the Center this past year. Johnson reported on nutrition, services

and staff and thanked the county for helping serve the holiday dinners. About 225 people were served at the dinners.

Johnson expressed the hope that an addition can be built on to accommodate the kitchen needs. Johnson is also in need of another driver for the Meals on Wheels in the Hyrum/Paradise area.

Clerk Jill Zollinger told the Council that the Senior Citizen Center prepares the lunches for the poll workers on election day.

PENDING ACTION

- Discussion – Proposed Amendments to the Cache County Road Standards**
Postponed to the January 25, 2011 Council meeting when more information will be available.

INITIAL PROPOSAL FOR CONSIDERATION

- **Amigos Meadow Subdivision** – Bruce Kidman requesting approval for a 2-lot Subdivision approximately 37 North 6330 West in Petersboro. Chris Harrild observed that this was originally approved as a 4-lot subdivision and the property owner has changed it to a 2-lot subdivision. Staff recommends approval.

(Attachment 3)

ACTION: Motion by Council member Petersen to waive the rules and approve the Amigos Meadow Subdivision request. Yeates seconded the motion. The vote was unanimous, 7-0.

OTHER BUSINESS

- ✓ **2011 Council Member Board and Committee Assignments** – Chairman White asked Council members to review the assignments and let him know if any need to be adjusted. Council member Robison noted that Workforce Services has changed the date and time of their meeting and she will not be able to serve on that board and asked if someone could trade her. Yeates will remain on the BRAG Governing Board instead of being replaced by Petersen, Zilles will serve on the Hardware Ranch Advisory Board instead of White and Petersen will continue as the Council Liaison for the Solid Waste Advisory Board. Potter expressed a desire to serve on the RAPZ/Restaurant Tax Committee; however, Zilles will serve there and Potter will choose a citizen to represent his Council District to serve on the committee. Any further adjustments will be presented at the January 25, 2011 Council meeting.
- ✓ **Legislators' Saturday Meeting** – State Legislators have changed their Saturday meeting citizen sessions for Saturdays at 7:30 a.m. with a light breakfast provided. The meetings will be in the Cache County Administration Building, Multipurpose Room 109. The first meeting will be on January 29, 2011.

COUNCIL MEMBER REPORTS

Chairman White asked **Council members** to include in their reports what one thing they want accomplished this year.

Cory Yeates stated he hopes the road through Coldwater can be completed.

Gordon Zilles reminded the Council of the Council Social on Tuesday, January 18, 2011 at 6:00 p.m. at Hamilton's. Zilles also asked the Council to look at a picture they might consider presenting to Brian Chambers honoring his eight years of service on the Council.

Craig "W" Buttars showed a calendar he received at the CCEMS meeting that is published by Wheeled Coach containing a picture of the Cache County Historic Courthouse with the three new ambulances in the foreground.

Buttars would like to see progress on the canal project and water development issues.

Kathy Robison indicated she would like to see the policy and procedures manual update completed as well as the amendments to the road policy.

Jon White would also like to see the road standards amendments completed and the canal project.

Chairman White indicated the **Council would adjourn from the Council meeting and reconvene in five minutes in an Executive Session to discuss pending litigation.**

ACTION: Motion by Vice Chairman Buttars to adjourn from the Council meeting. Zilles seconded the motion. The vote was unanimous, 7-0.

ADJOURNMENT

The Council meeting adjourned at 6:38 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Jon White
Chairman

SWORN STATEMENT OF CLOSED MEETING PURPOSE

STATE OF UTAH)
)
COUNTY OF CACHE)

Affiant, being duly sworn, states as follows:

I, Jon White, Chair of the Cache County Council, presiding over the duly convened closed meeting of the County Council held on the 11th day of January, 2011, do hereby affirm, that the sole purpose for closing the meeting was to discuss: (check the applicable box(es))

- Strategy session to discuss pending or reasonably imminent litigation.
- The character, professional competence, or physical or mental health of an individual.
- The deployment of security personnel, devices, or systems.

Jon White
Jon White
Chair, Cache County Council

DATED THIS 11th day of January, 2011.



James R. Zollinger
Notary Public
Cache County Clerk

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

199 N. MAIN
LOGAN, UTAH 84321
TEL 435-755-1850
FAX 435-755-1981

January 11, 2011

COUNTY COUNCIL

JON WHITE
CRAIG "W" BUTTARS
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBISON
VAL K. POTTER
GORDON A. ZILLES

Congressman Rob Bishop
United States House of Representatives
123 Cannon Building
Washington, DC 20515

Dear Representative Bishop,

You are no doubt familiar with specific, targeted measures taken by Representative Jim Hansen in 1995 and 1996 to prevent the Clinton/Babbitt Department of Interior and BLM from diminishing county RS 2477 road and access rights. These measures include the following:

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995
PUBLIC LAW 104-59

Nov. 28, 1995

SEC. 349. Roads on Federal Lands.

(a) MORATORIUM.—

(1) IN GENERAL. — Notwithstanding any other provision of law, no agency of the Federal Government may take any action to prepare, promulgate, or implement any rule or regulation addressing rights-of-way authorized pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932), as such section was in effect before October 21, 1976.

(2) SUNSET. — This subsection shall not be effective after September 30, 1996.

OMNIBUS CONSOLIDATED RESCISSIONS AND
APPROPRIATIONS ACT OF 1996

Public Law 104-134

Apr. 26, 1996

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

Public Law 104-208

Sept. 30, 1996

SEC. 108. No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to [R.S. 2477] shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.

(The US Government Accounting Office has determined in Opinion No. B-277719 dated Aug. 20, 1997 that this provision is permanent law.)

Now that you are about to assume the House Natural Resource Subcommittee Chairmanship which Representative Hansen once held, we urge you to follow Jim Hansen's example and add a similar moratorium in order to protect and preserve the six Utah 2008 Utah BLM Resource Management Plans from post-hoc changes by the Obama/Salazar/Abbey Administration, and blunt the current efforts to implement Interior Secretary Salazar's December 23, 2010 Wilderness Order 3310 – an illegal dictate that threatens to convert at least 6 to 7 million more acres of BLM land (above and beyond Wilderness Study Areas) into de-facto, administrative wilderness without Congressional authority, all in violation of FLPMA, the 2008 Utah RMPs, and the 2003 Utah-Norton Settlement Agreement.

We respectfully urge you to consider the following 2-part moratorium on DOI/BLM spending and exercise of authority, patterned after the Hansen sponsored measures quoted above for all future House appropriations, Dept of Interior, Bureau of Land Management and other public lands and natural resource measures. The first part would prevent any change to the six Utah BLM RMPs that were finalized and approved in 2008. The second part would prevent implementation of Secretary Salazar's December 23, 2010 Order 3310:

PART I. SIX APPROVED UTAH BLM 2008 RMPs.

(a) MORATORIUM ON SPENDING. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be obligated or expended by, nor made available to, the Secretary of Interior, the Department of Interior any Bureau, Service or other agency or office with in the Department of Interior for any activity, or for paying the salary of any Government employee, or for paying any contractor where

funding an activity or paying a salary to a Government employee or paying a contractor would result in a decision, determination, rule, regulation, directive, order, policy or other action that would develop, promulgate, implement, administer, carry out or enforce any final or interim action, decision, rule, instruction, policy guidance, memorandum or other directive by any agency of the Federal Government pertaining to any alteration, amendment, modification, retraction or supplement to the following six Bureau of Land Management Resource Management Plans in Utah, or any of them: October 2008 Bureau of Land Management Vernal Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-003-1610, UT-080-2005-71; October 2008 Bureau of Land Management Price Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-005-1610, UT-070-2002-11; October 2008 Bureau of Land Management Moab Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-001-1610, UT-060-2007-04; October 2008 Bureau of Land Management Richfield Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-002-1610, UT-050-2007-090; October 2008 Bureau of Land Management Kanab Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-006-1610, UT-110-2007-022; and November 2008 Bureau of Land Management Monticello Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-004-1610, UT-090-2007-40.

(b) MORATORIUM ON EXERCISE OF AUTHORITY. Notwithstanding any other provision of law, no final or interim action, decision, rule, instruction, policy guidance, memorandum or other directive by any agency of the Federal Government pertaining to any alteration, amendment, modification, retraction or supplement to the following six Bureau of Land Management Resource Management Plans in Utah, or any of them, shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act: October 2008 Bureau of Land Management Vernal Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-003-1610, UT-080-2005-71; October 2008 Bureau of Land Management Price Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-005-1610, UT-070-2002-11; October 2008 Bureau

of Land Management Moab Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-001-1610, UT-060-2007-04; October 2008 Bureau of Land Management Richfield Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-002-1610, UT-050-2007-090; October 2008 Bureau of Land Management Kanab Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-006-1610, UT-110-2007-022; and November 2008 Bureau of Land Management Monticello Field Office Record of Decision and Approved Resource Management Plan, BLM-UT-PL-09-004-1610, UT-090-2007-40.

PART II. SECRETARY OF INTERIOR ORDER 3310.

a. MORATORIUM ON SPENDING.

Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be obligated or expended by, nor made available to, the Secretary of Interior, the Department of Interior, nor any Bureau, Service or other agency or office within the Department of Interior for any activity, or for paying the salary of any Government employee, or for paying any contractor where funding an activity or paying a salary to a Government employee or paying a contractor would result in any action, decision, rule, instruction, policy guidance, memorandum, or other action by any agency of the Federal Government to finalize, implement, carry out or enforce in any way the following: Secretary of Interior Order No. 3310 signed December 22, 2010 by Secretary of Interior Ken Salazar and made public on or about December 23, 2010; U.S. Department of Interior Bureau of Land Management 6300-1 Wilderness Inventory Manual and all drafts thereof, the initial draft of which was made public on or about December 23, 2010; and U.S. Department of Interior 6300-2 Manual and all drafts thereof, the initial draft of which was made public on or about December 23, 2010.

b. MORATORIUM ON EXERCISE OF AUTHORITY.

Notwithstanding any other provision of law, no final or interim action, decision, rule, instruction, policy guidance, memorandum, directive or other action by any agency of the Federal Government pertaining to the following order and manuals, including the finalization, execution, carrying out or enforcement thereof, shall take effect unless expressly authorized by an Act of Congress

subsequent to the date of enactment of this Act: Secretary of Interior Order No. 3310 signed December 22, 2010 by Secretary of Interior Ken Salazar and made public on or about December 23, 2010; U.S. Department of Interior Bureau of Land Management 6300-1 Wilderness Inventory Manual and all drafts thereof, the initial draft of which was made public on or about December 23, 2010; and U.S. Department of Interior 6300-2 Manual and all drafts thereof, the initial draft of which was made public on or about December 23, 2010.

We tried to make the foregoing language as comprehensive as possible to prevent any loopholes whereby Interior or BLM may obtain funding or authority from some unknown source, in order to proceed to diminish the 2008 Utah BLM RMPs and/or implement the Secretary's Order 3310. If there are other funding sources or avenues that you and your staff can think of, that we have not addressed in the foregoing language, we would ask you and your staff to modify the foregoing to effectively cut off all such sources and avenues of authority.

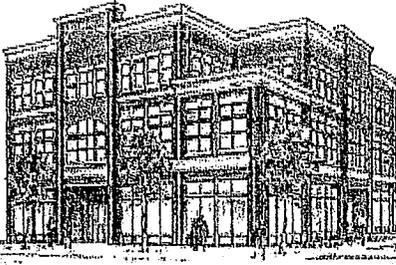
Representative Bishop, thank you for protecting our county's interests in this regard. We stand ready to support you any way we can in your efforts to implement this spending moratorium and stop this Administration's unfortunate agenda to roll back reasonable access to public lands resources.

Sincerely,

M. Lynn Lemon, County Executive

Jon White, County Council Chair

cc. Governor Herbert
Other Utah Congressional Delegation Members
Utah Association of Counties
Utah Senate and House Leadership
National Association of Counties, Western Interstate Region



CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

JOSH RUNHAAR, AICP ♦ DIRECTOR / ZONING ADMINISTRATOR

PAUL BERNTSON ♦ CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1640 ♦ FAX (435)755-1987

Development Services Agenda Items

To: Cache County Council
From: Christopher Harrild, Development Services, Planner I
Date: January 04, 2011
Subject: Development Services Agenda Items

A request for the County Council to place the following on the January 11, 2011 Agenda:

ITEMS FOR INITIAL CONSIDERATION

1. **Amigos Meadow Subdivision** – Bruce Kidman is requesting approval for a 2-Lot subdivision on 37.50 acres of property in the Agricultural Zone located at approximately 37 North 6330 West, Petersboro.
Recommended Findings of Fact: Five (5)
Recommended Conditions of Approval: Six (6)
Planning Commission Recommendation: Approve with Conditions (7, 0)

ITEMS FOR CONSENT AGENDA – N/A

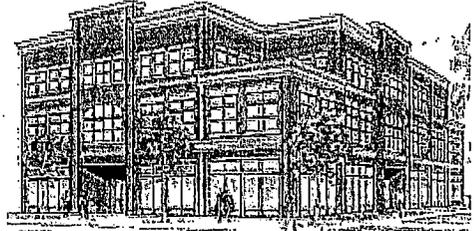
ITEMS FOR PENDING ACTION – N/A

PUBLIC HEARING ITEMS – N/A

Attachments:

- Application
- Staff Report
- Plat Map
- Survey Plat

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



JOSH RUNHAAR, AICP
DIRECTOR/
ZONING ADMINISTRATOR

PAUL BERNTSON
CHIEF BUILDING
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1630 ♦ FAX (435)755-1987

APPLICATIONS ARE DUE BY 3:00 PM ON THE DAY OF THE DEADLINE
PLEASE ALLOW STAFF 20-30 MINUTES TO PROCESS THE APPLICATION
LATE APPLICATIONS WILL BE HELD FOR THE NEXT MEETING'S AGENDA
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROJECT APPLICATION

REVIEW AUTHORITY

- CACHE COUNTY COUNCIL
- CACHE PLANNING COMMISSION
- BENSON PLANNING COMMISSION
- BOARD OF ADJUSTMENTS
- ADMINISTRATIVE REVIEW

TYPE OF APPLICATION

- SUBDIVISION
- CONDITIONAL USE PERMIT
- ZONE CHANGE
- CODE AMENDMENT
- BOUNDARY LINE ADJUSTMENT

Date Received: 1-27-10	Received By: . LM	Receipt Number: 4903	Amount/Check Number: 1400 ⁰⁰ + 500 ⁰⁰ 367
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PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>4-1st subdivision</u>	AGENT NAME <u>Bruce Kidman</u>
PROJECT NAME <u>Amigos meadow</u>	ADDRESS <u>6333 west center</u>
PROJECT ADDRESS <u>6333 west center</u> <u>Petersboro, utah.</u>	<u>Petersboro, utah 84325</u>
SERIAL NUMBER(S) <u>12-036-0010</u> <u>0034</u>	TELEPHONE (DAY) _____ (CELL) <u>770-5600</u>
ZONE <u>A9</u>	OWNER NAME <u>STAN CHEC KETTS</u>
PROJECT LOCATION <u>Petersboro</u>	ADDRESS <u>805 CANYON RD.</u>
	<u>Providence, utah. 84337</u>
	TELEPHONE (DAY) _____ (CELL) <u>757-4282</u>

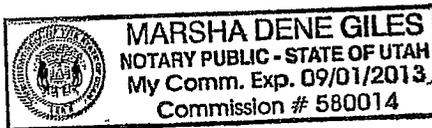
Dean a. Willits / David Mullin

State of Utah)

County of Cache)

On this 27 day of JANUARY, 2010, personally appeared before me, Bruce Kidman, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to on this instrument, and acknowledged that they executed the same.

Signed Bruce Kidman
(Property Owner or Agent)



Marsha Dene Giles
Notary Public

**CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT**

Project Name: Amigos Meadow Subdivision

Agent: Bruce Kidman

Request: 2-lot Subdivision

Type of Action: Approval

Current Zoning: Agricultural (A)

Project Address: Approximately 6333 West Center,
Petersboro

Staff Recommendation: Approval with conditions

Tax ID: 12-036-0010; 12-036-0036

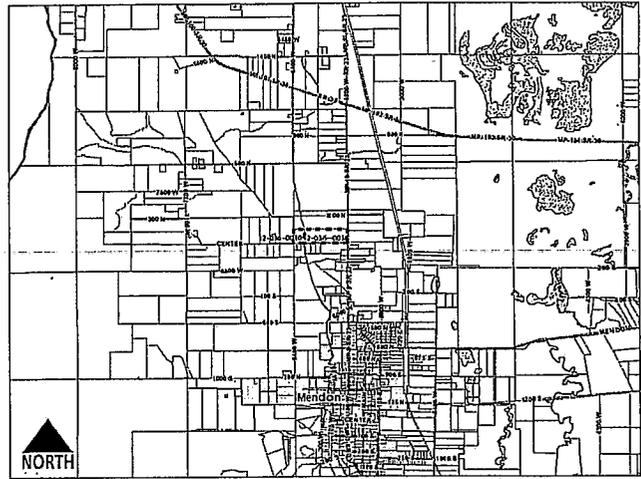
Surrounding Uses: North – Agriculture

South – Residential

East – Agriculture

West – Residential

Reviewed by: Christopher S. Harrild, Planner I



THIS APPLICATION FALLS UNDER THE ORDINANCE IN EXISTENCE PRIOR TO THE UPDATE WHICH OCCURRED IN FEBRUARY OF 2010.

PURPOSE: To approve the final plat for the Amigos Meadow Subdivision.

PROJECT SUMMARY

The proposal is to create a 2-lot subdivision located approximately 6333 West Center in Petersboro in the Agricultural Zone. There is currently one single family dwelling (SFD) on Lot 1. Lot 2 will be available for development. A natural barrier determination has been made recognizing the Hyrum/Mendon Canal as an existing natural barrier between parcel 12-036-0010 and the parcel to the east, 12-036-0036.

Access:

- Access from Center Street (0 North) provides adequate access. The subject road is a 21' wide paved surface.
- Encroachment permits will be required as lot 2 is developed.

Water & Septic:

- Adequate, approved, domestic water rights will be in place at the time of final plat recordation.
- The proposed lots are feasible for on-site septic tank systems and wells.

Service Provision:

- All refuse and recycling containers must be placed along the north side of county road Center Street (0 North) for collection.
- Property owners should allow sufficient space along the shoulder of the road for the placement of the containers to be placed four feet apart, and will not interfere with traffic flow.
- A school bus stop would be located at 6333 Center Street.

STAFF DETERMINATION

It is staff's determination that the Amigos Meadow Subdivision, a 2-lot subdivision for property located at approximately 6333 West Center Street, Petersboro with TIN # 12-036-0010 is in conformance with the Cache County Ordinance requirements for final plat approval. This determination is based on the following **findings of fact:**

1. The Amigos Meadow Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.

2. The Amigos Meadow Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Amigos Meadow Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Amigos Meadow Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. Center Street (0 North), the road that provides access to the subject property, has an adequate capacity, or suitable level of service for the proposed level of development.

CONDITIONS OF APPROVAL

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

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
3. All private driveways shall meet applicable requirements of the 2009 International Fire Code and any other applicable codes as adopted by Cache County.
4. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
5. The Applicant shall reaffirm the County's 33' from centerline right-of-way for the County road, Center Street, across the entire frontage of the proposed subdivision.
6. A drainage plan will be set in place with special consideration given to excess water run-off so that it will not be collected in the canal, and to ensure that water run-off will not flow onto adjacent properties.



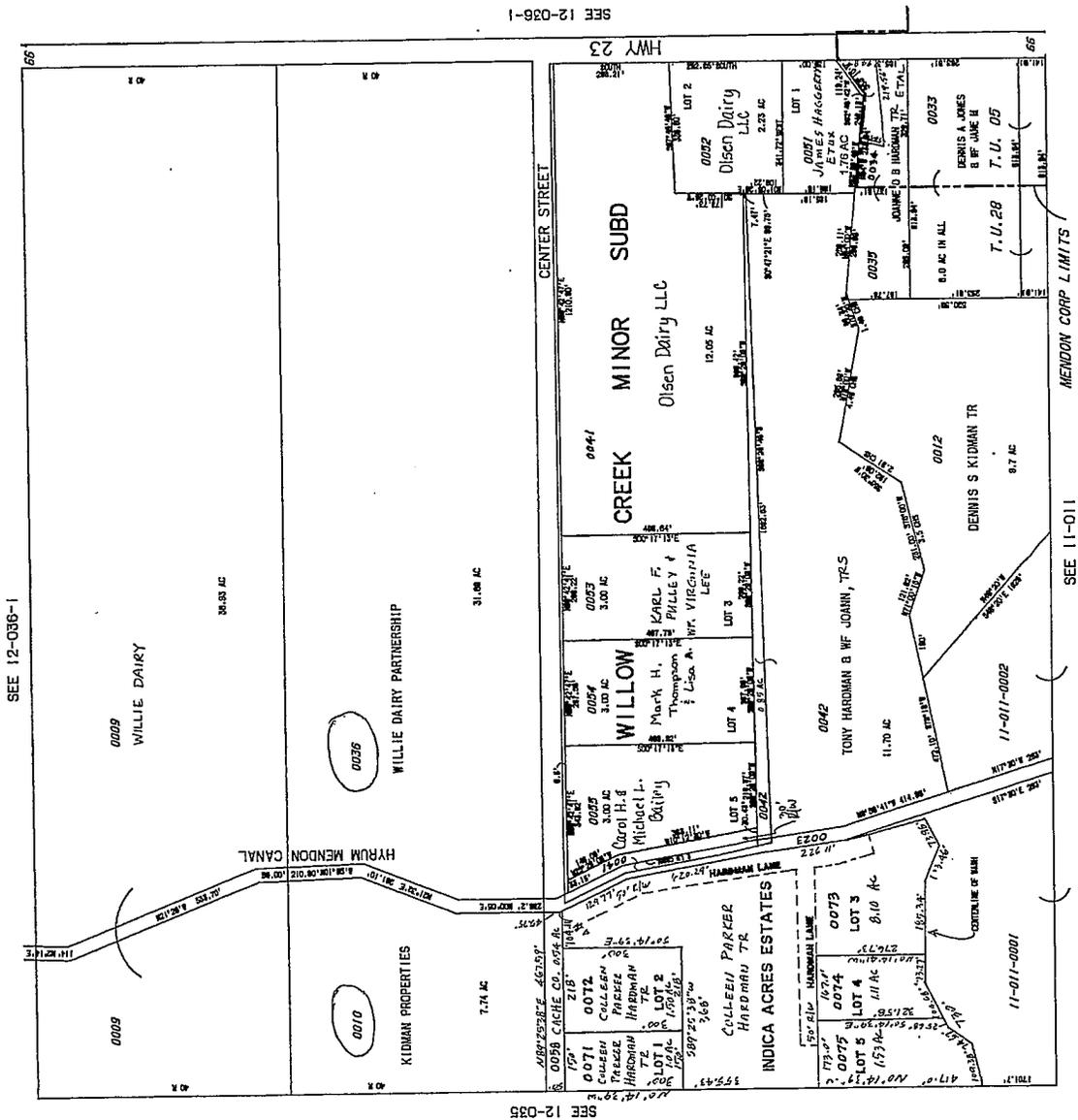
12-036

-2-

SW/4 Section 32 Twp 12 North, Range 1 West

Scale 1" = 200 Feet

TAX UNIT 28 B 05



SEE 12-036-1

SEE 12-036-1

SEE 11-011

SEE 12-036

AMIGOS MEADOW MINOR SUBDIVISION

A PART OF THE SW¼ OF SEC 32, T 12 N, R 1 W, SLB&M CACHE COUNTY, UTAH

PLAT NO. 12-036-0038
 DATE: 12-06-2008
 BY: [Signature]

OWNER:
 Eric & Dawn Korman
 1414 W. 1200 N.
 Provo, UT 84606

OWNER:
 Wills Deedy Partnership
 1414 W. 1200 N.
 Provo, UT 84606

OWNERS DEDICATION
 KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE LAND HEREIN DESCRIBED, HAVE GRANTED TO THE MUNICIPALITY OF CACHE COUNTY, UTAH, THE RIGHT TO USE THE LAND HEREIN DESCRIBED FOR THE PURPOSES OF THE MUNICIPALITY'S USE, OPERATION, AND MAINTENANCE. THESE WARRANT, DEFEND, AND SAVE THE MUNICIPALITY FROM ALL LIABILITY AND DAMAGES WHICH MAY BE INCURRED BY THE MUNICIPALITY IN THIS REGARD. IN WITNESS WHEREOF, WE HAVE HEREON SET OUR SIGNATURES AND AFFIXED OUR SEALS ON THIS DAY OF _____, 20____.

NOTARY ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF CACHE
 ON THIS _____ DAY OF _____, 20____
 I, _____, Notary Public in and for the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my office.

NOTARY ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF CACHE
 ON THIS _____ DAY OF _____, 20____
 I, _____, Notary Public in and for the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my office.

SURVEYOR'S CERTIFICATE
 I, DONALD J. JOHNSON, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR AND HOLD THIS CERTIFICATE IN FULL FORCE AND EFFECT. I HAVE MADE A SURVEY OF THE LAND SHOWN AND DESCRIBED ON THIS PLAT AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

COUNTY SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND ACCORDANT WITH THE REQUIREMENTS OF THE UTAH LAND SURVEYING ACT. I HAVE FILED THIS PLAT IN THE COUNTY SURVEYOR'S OFFICE.

COUNTY PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____, A.D., 20____
 BY: _____, CHAIRMAN
 _____, MEMBER

HEALTH DEPARTMENT APPROVAL
 I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND THAT THE SUBDIVISION DESCRIBED ON THIS PLAT AND THAT APPROVED BY THE HEALTH DEPARTMENT OF CACHE COUNTY, UTAH, AND THE LAND USE ORDINANCE OF CACHE COUNTY, UTAH.

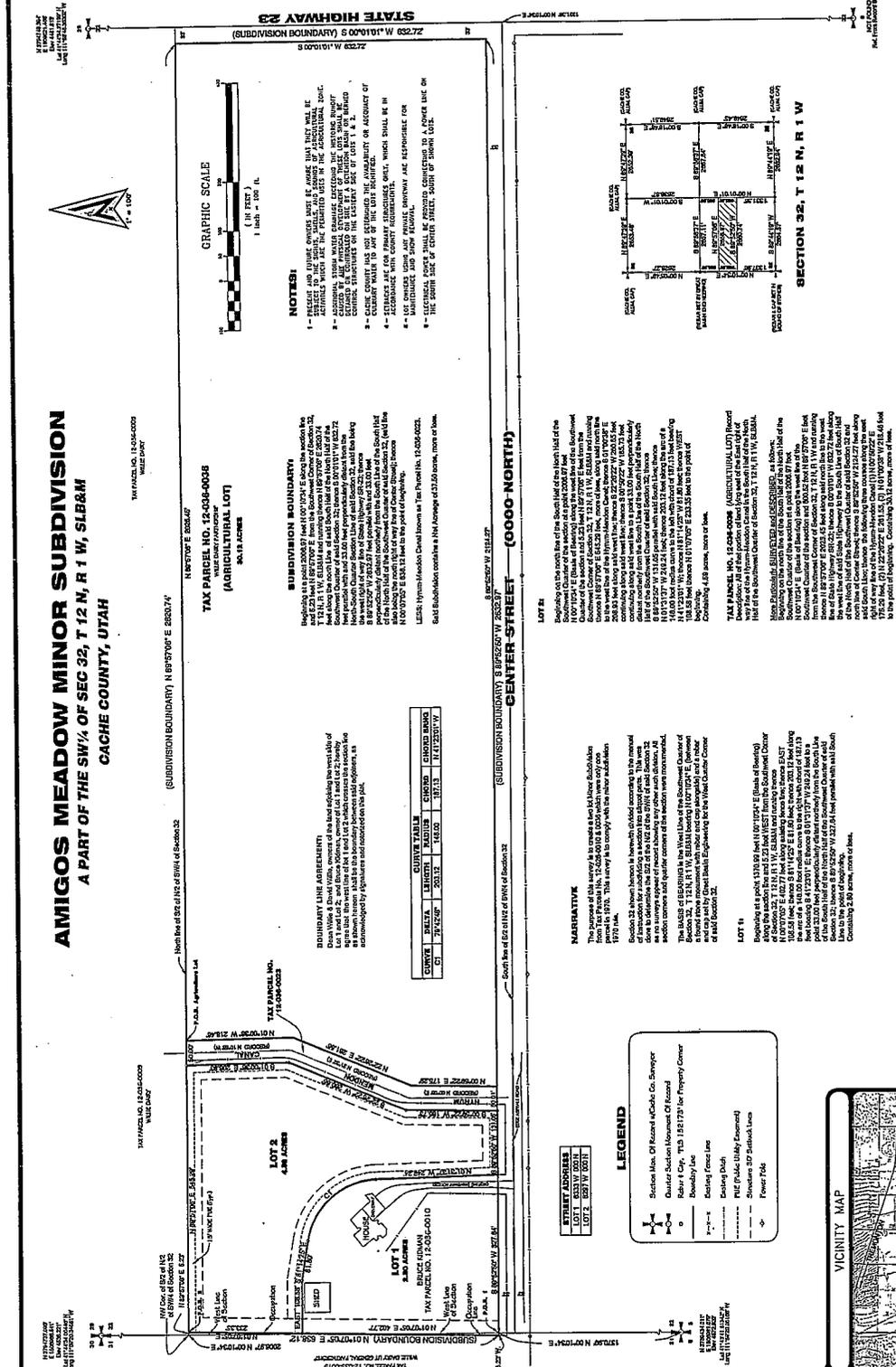
ZONING DEPARTMENT APPROVAL
 I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND THAT IT IS IN ACCORDANCE WITH THE ZONING ORDINANCE, UTAH, AND THE LAND USE ORDINANCE OF CACHE COUNTY, UTAH.

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

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

COUNTY RECORDER'S NO.
 AT THE REQUEST OF _____, THE _____ COUNTY RECORDER HAS RECORDED THIS PLAT IN THE COUNTY SURVEYOR'S OFFICE.

INDEX
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 CACHE COUNTY, UTAH

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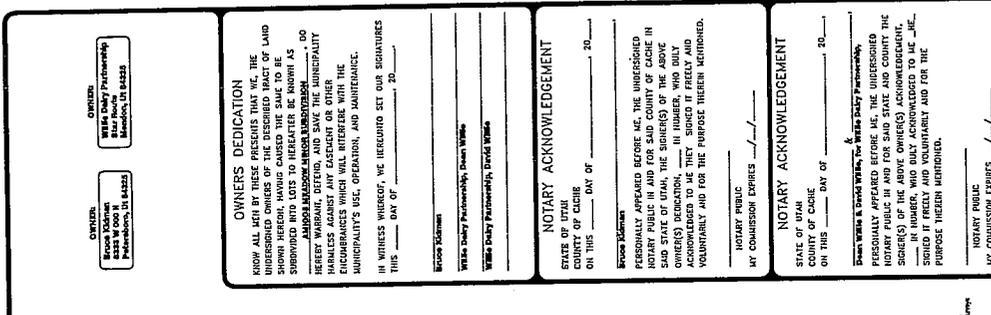
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STREET ADDRESSES

LOT 1	6331 W. 1200 N.
LOT 2	6331 W. 1200 N.

LEGEND

- Section lines of Record of Deeds Co., Surveyor
- Quarter Section Monument of Record of Deeds Co., Surveyor
- Boundary line
- Existing Fence Line
- Existing Ditch
- PLC (Public Utility Encroachment)
- Structure 30' Setback Line
- Power Pole