

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
MARCH 08, 2011**

CACHE COUNTY COUNCIL
March 08, 2011

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**CACHE COUNTY COUNCIL MEETING
March 08, 2011**

The Cache County Council convened in a regular session on March 08, 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, absent**
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: Don Linton (**James Swink, absent.**)

The following individuals were also in attendance: Janeen Allen, Kate Auman, Brigham J. Bagnes, Peter Daniels, Bryan Dixon, Erica Evans, Kate Gourley, Jack Greene, Julie Hollist, Sharon L. Hoth, Jessica Jarvis, Kree Lindsay, Esterlee Molyneux, Dave Nielsen, Doyle Peck, Earl Rouse, Andrew Semadeni, Larry Soule, Rebecca Watson, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jamie Forbush, Jeremy Threlfall & Nannette Miller (KUTA-TV), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Val Potter gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

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

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the February 22, 2011 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 6-0. Buttars absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 08-20-2010 to 08-26-2010, 12-17-2010, 12-18-2010, 12-20-2010, 02-11-2011 to 02-17-2011, 02-18-2011 to 02-24-2011 and 02-25-2011 to 03-03-2011 were given to the Clerk for filing.

OTHER ITEMS

- Cloud Seeding Report** – Executive Lemon reported that the February 2011 snow water equivalent was 136% and precipitation was 140%. As of today's date the snow water equivalent is 143% of normal. In light of the high numbers,

Executive Lemon asked the Council if it wishes to continue cloud seeding through the end of March. The fixed fee is already paid and the county pays only for generator hours at this point. The Council recommended discontinuance of the cloud seeding program for this season.

- ❑ **RAPZ/Restaurant Tax** – Executive Lemon provided the Council with a handout he received from Cameron Jensen listing information on all the applicants for the RAPZ/Restaurant Tax. There are seventy-nine applications requesting \$3.77 million. The amount of RAPZ/Restaurant Tax available for allocation \$1.7 million. The Committee will meet and submit its recommendation to the Council by April 26, 2011.

ITEMS OF SPECIAL INTEREST

- **Employee of the Quarter** was presented to Sergeant Roy Hall of the Sheriff's Department by Jim Smith.
- **Proclamation – Child Abuse Prevention Month – Esterlee Molyneux** introduced the proclamation with a DVD summarizing the work of the Child and Family Support Center and urged the Council's support of the Proclamation.

Chairman White asked Council member Robison to read the proclamation.

(Attachment 1)

ACTION: Motion by Council member Zilles to proclaim April 2011 as Child Abuse Prevention Month. Potter seconded the motion. The vote was unanimous, 6-0. Buttars absent.

- **Presentation – KUTA-TV8 – GAP Channels and how they work** – Nannette Miller stated that local media benefits the county by reporting and covering events, accidents, crisis situations and local government meetings and asked the Council to consider funding help for KUTA-TV8.

Jamie Forbush explained that Northern Utah Media (KUTA) has acquired numerous websites and band-width costs are high. Forbush gave the Council a chart detailing band-width capabilities and comparisons. Forbush also asked the Council to consider sitting down with KUTA-TV representatives to discuss possible funding assistance.

- **Presentation – Logan High School Environmental Action Force – Erica Evans** introduced herself and Peter Daniels as representing the Logan High School Environmental Action Force and Kate Auman from the USU Sustainability Council. Daniels asked the Council to "take immediate action on improving our air quality" and presented a petition to the Council Chairman with over 560 signatures of high school and university students asking Cache County to implement the following by the end of 2011: (1) re-establish the \$2.00 vehicle registration fee to be used for public education stressing clean air and (2) establish a vehicle emissions testing program. Evans and Auman pointed out that Cache County is one of only two counties in the state that does not have a

vehicle emissions testing program and noted that the Logan City Council has voted in favor of emissions testing in the past.

Chairman White commented that the federal government has a program to help farmers dispose of old equipment and upgrade to equipment with biofuel capabilities.

Council member Petersen complimented Evans, Daniels and Auman on their presentation stressing that they correctly identified the issue that Cache County residents have an older fleet of vehicles and the group is asking to focus emissions testing on those vehicles.

Executive Lemon reminded the Council of the State Department of Air Quality presentation scheduled for the March 29, 2011 Joint Councils Meeting with Logan City.

Council member Petersen said the thrust of a meeting with Bear River Health Department last week was the desire for the creation of a steering committee of local people to move with the DAQ as they develop the SIP. He will advocate for the formation of such a committee at the March 29, 2011 meeting.

UNIT OR COMMITTEE REPORTS

★ **Cache Valley Visitors' Bureau** – Julie Hollist described the operations of the Visitors' Bureau during the past year including:

- an increase in the Transient Room Tax collection
- numerous requests for information on Cache Valley
- board memberships
- hosting of the State Tourism Conference
- summer citizen program
- historic home show tour

Hollist expressed concern that the increase in gas prices will affect tourism and has shifted to a promotion targeting people within the distance of "a tank full of gas or less." The Bureau helped support the MS 150, Beaver Mountain Hill Climb, the Wellsville Stampede, The Celebrate America Show, the Cruise-In, Doonesbury Festival and the first ever Cache Valley Cowboy Rendezvous. Hollist commented that good inroads have been made on the international market, especially the French market. Logan is now featured in French publications as a stopover spot on the way to Jackson Hole and Yellowstone National Park.

Council member Zilles complimented Hollist's managing to have Cache Valley images displayed on Delta Airlines' monitors.

Chairman White expressed appreciation for the CV Visitors' Bureau's assistance to Dale Majors with the Cache Valley Cowboy Rendezvous.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Yeates to convene as a Board of Equalization. Zilles seconded the motion. The vote was unanimous, 6-0. Buttars absent.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION.

BOARD OF EQUALIZATION

- o **Tax Exemption Request** *(Details are on file in the Cache County Auditor's Office)*
 - Beaver Mountain Ski Patrol (a Subordinate of National Ski Patrol)
 - Boy Scouts of America – Logan Scout Shop
 - Bridgerland Community Ice Arena, Inc.
 - Cache Valley Center for the Arts
 - Church of Jesus Christ of Latter-day Saints
 - Corporation of the Episcopal Church in Utah
 - Ebenezer Church of God (Iglesia de Dios)
 - Emmanuel Baptist Church
 - English Language Center of Cache Valley, Inc.
 - Family Institute of Northern Utah
 - Holy Trinity Lutheran Church
 - Logan Church of Christ
 - Logan English Congregation of Jehovah's Witnesses
 - Logan Regional Hospital
 - Maranatha Baptist Church
 - Neighborhood Non-Profit Housing Corporation
 - Options for Independence
 - Prince of Peace Lutheran Church
 - Somebody's Attic
 - Stokes Nature Center
 - Sunshine Terrace Foundation, Inc.
 - USU Research Foundation
 - Whittier Community Center

ACTION: Motion by Council member Zilles to approve the recommended property tax exemption requests listed above and request additional information on the Providence Place Housing Corporation and Carl Inoway Senior Housing Corporation requests. Yeates seconded the motion. The vote was unanimous, 6-0. Buttars absent.

Council member Yeates told the Council there is a "For Rent" sign on the property at 55 North 200 West street for which the Utah Festival Opera has requested a tax exemption. The Council requested additional information on the request before acting. Council Petersen also questioned the qualification of the Utah Theater and the Dansante Building as tax exempt properties for the Utah Festival Opera. Executive Lemon will gather additional information for the Council.

ACTION: Motion by Council member Yeates to approve the recommended property tax exemption request for Fast Forward Charter High School. Zilles seconded the motion. The vote was unanimous, 6-0. Buttars absent.

ACTION: Motion by Council member Petersen to adjourn from the Board of Equalization. Yeates seconded the motion. The vote was unanimous, 6-0. Buttars absent.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PUBLIC HEARING SET: MARCH 22, 2011 – 6:00 P.M. TO OPEN 2011 BUDGET

ACTION: Motion by Council member Petersen to set a Public Hearing-March 22, 2011 at 6:00 p.m. to Open 2011 Budget. Zilles seconded the motion. The vote was unanimous, 6-0. Buttars absent.

PENDING ACTION

- Discussion – Proposed Amendments to the Cache County Road Standards**
– There was no new information for discussion.
- Ordinance No. 2011-01 – Amendments to Title 17.18, Sensitive Areas Overlay and to Title 17.07, Definitions**

(Attachment 2)

ACTION: Motion by Council member Petersen to adopt Ordinance No. 2011-01 – Amendments to Title 17.18, Sensitive Areas Overlay and to Title 17.07, Definitions. Robison seconded the motion. The vote was unanimous, 6-0. Buttars absent.

Ordinance No. 2011-01: The vote was 6-0. Buttars absent.

	BUTTARS	POTTER	PETERSEN	ROBISON	WHITE	YEATES	ZILLES	VOTES CAST
AYE		X	X	X	X	X	X	6
NAY								0
ABSTAINED								0
ABSENT	X							1

INITIAL PROPOSAL FOR CONSIDERATION

- **Wyatt Christensen Subdivision – Requesting a 2-lot Subdivision on 32.8 acres located at approximately 11900 North 800 East, Cove** – Chris Harrild indicated the only issue is the widening of the road which is listed in Conditions of Approval. Planning staff and the Planning Commission recommend approval with findings of fact and conditions of approval as noted.

(Attachment 3)

ACTION: Motion by Council member Yeates to waive the rules and approve the Wyatt Christensen Subdivision-Requesting a 2-lot Subdivision on 32.8 acres located at approximately 11900 North 800 East, Cove. Petersen seconded the motion. The vote was unanimous, 6-0. Buttars absent.

PENDING ACTION

- **Resolution No. 2011-06 – Declaring Surplus Property – Vivian S. Christensen Trust** – Executive Lemon commented that the value of the 1.3 acre parcel of land has been established as \$2,860.00.

(Attachment 4)

ACTION: Motion by Council member Yeates to approve Resolution No. 2011-06 – Declaring Surplus Property – Vivian S. Christensen Trust. Potter seconded the motion. The vote was unanimous, 6-0. Buttars absent.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2011-07 – Approving and adopting a deposit fee for writs of execution enforced by the Cache County Sheriff’s Office** – Attorney Linton explained that the Sheriff’s Office presently has to try to collect the cost of executing writs of execution after the fact, which sometimes proves difficult. Requiring a deposit before the writs are executed will alleviate those difficulties.

(Attachment 5)

ACTION: Motion by Council member Potter to waive the rules and approve Resolution No. 2011-07-Approving and adopting a deposit fee for writs of execution enforced by the Cache County Sheriff’s Office. Yeates seconded the motion. The vote was unanimous, 6-0. Buttars absent.

- **Discussion and possible action authorizing County Executive to execute agreement settling potential litigation and pending Complaints regarding Uinta Academy’s request for a “Reasonable Accommodation” for occupancy by 12 unrelated persons in a home located at 8135 South 3600 West**

ACTION: Motion by Council member Petersen to authorize County Executive to execute agreement settling potential litigation and pending Complaints regarding Uinta Academy’s request for a “Reasonable Accommodation” for occupancy by 12 unrelated persons in a home located at 8135 South 3600 West. Zilles seconded the motion. The vote was unanimous, 6-0. Buttars absent.

OTHER BUSINESS

- ✓ **Joint Council Meeting with Logan, North Logan, Hyde Park, and Smithfield – March 29, 2011 – 5:30 p.m. in the Cache County Administrative Building Multipurpose Room 109** – Executive Lemon listed the discussion items as the EIS for the Highline Canal project(s) and the presentation by the State Department of Air Quality SIP.

COUNCIL MEMBER REPORTS

Kathy Robison shared with the Council an outline for a possible public relations plan for Cache County and asked Council members to review it for a future discussion.

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Chairman White directed Allen to place this on the April 12, 2011 Council meeting agenda.

Val Potter reported that the Airport Authority Board is a very active board. Potter will be working with Zan Murray to develop an airport overlay zone for Smithfield and Hyde Park. The Board is also working on making changes to its website and obtaining a sign for the airport.

Gordon Zilles commented that the Cache Valley Cowboy Rendezvous was quite an event and asked that a letter be drafted commending Dale Majors for his efforts.

Jon White referred the Council to a Planning and Zoning ordinance revisions work list and asked them to review it and assign an importance rating to each item. These ratings will be used to evaluate the order in which the planning staff will address them.

Executive Lemon remarked that Janeen Allen helped Cameron Jensen with much of the work on the RAPZ/Restaurant Tax applications.

ADJOURNMENT

The Council meeting adjourned at 7:02 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Jon White
Chairman

CHILD ABUSE PREVENTION MONTH PROCLAMATION

CACHE COUNTY'S GREATEST ASSET IS OUR CHILDREN,
NOW AND FOR THE FUTURE.

WHEREAS; ALL CHILDREN deserve to grow up in a safe and nurturing environment to ensure they reach their full potential.

WHEREAS; CHILD ABUSE is a serious and growing problem affecting millions of our nation's children and thousands of children in Utah annually; and,

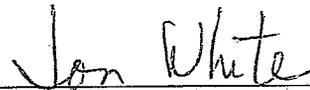
WHEREAS; CHILD ABUSE respects no racial, religious, class or geographic boundaries; and,

WHEREAS; IT IS IMPORTANT for all citizens of Cache County to become more aware of child abuse and the critical need for prevention within their respective neighborhoods and community; and,

WHEREAS; DECREASING the occurrence of child abuse relies upon the efforts of every individual in order to make a positive, substantial impact upon the children of today, who will become the leaders of tomorrow;

THEREFORE; We, the Cache County Council, do hereby proclaim April 2011 as Child Abuse Prevention Month. We support child abuse prevention efforts and education, and we encourage all citizens to actively help protect our children and work to create strong families within this community.

In witness whereof, I hereunto set my hand on this 8th day of March, 2011.



Jon White, Council Chair



Child & Family Support Center
380 West 1400 North
Logan, UT 84341
(435) 752-8880
www.CacheCFSC.org

**CACHE COUNTY, UTAH
ORDINANCE NO. 2011-01**

**Zoning Ordinance Amendments
Sensitive Areas Overlay**

Disclaimer:

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

**AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 18 AND PORTIONS
OF CHAPTER 7 OF TITLE 17 OF THE CACHE COUNTY CODE REGARDING
CACHE COUNTY'S SENSITIVE AREAS OVERLAY**

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

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

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

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Code to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

WHEREAS, the amendments to Title 17 of the Cache County Code was submitted to the Cache County Planning Commission ("Planning Commission") and on April 1, 2010 the Planning Commission recommended approval of the proposed changes to the County Council; and

WHEREAS, on February 8th, 2011, at 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Code. The County Council accepted all comments; and

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

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 7 and 18 of Title 17 of the Cache County Code is hereby amended and superseded as follows:

1. Statutory Authority.

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

2. Purpose of Provisions.

The purpose of this ordinance is to amend and supersede Chapters 7 and 18 of Title 17 of the Cache County Code regarding Zoning Districts and Development Standards is to insure compatibility with surrounding land uses, conformity with the Cache County General Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. Findings

- A. The amendments to Title 17 of the Cache County Code are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Code will insure compatibility with surrounding land uses, conformity with the Cache County General Plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Code be approved.

4. Title 17, Chapter 7 of the Cache County Code is amended to read as follows:

NATURAL WATERWAYS: Including but not limited to rivers, creeks, or streams. Identified as those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include storm water runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices. Water courses where the definition may apply are those that appear on the U.S. Geological Survey Quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt but others would be exempt.

OPEN WATER: Lakes, lagoons, ponds, or other areas where there is consistently surface water, either year round or intermittently throughout a year.

Title 17, Chapter 18 of the Cache County Code is amended as follows:

SEE EXHIBIT A

5. Prior Ordinances, Resolutions, Policies And Actions Superseded.

This ordinance amends and supersedes Chapter 7 and 18 of Title 17 of the Cache County Code, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Effective Date.

This ordinance takes effect on March 23rd, 2011. 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 8th day of March, 2011.

	In Favor	Against	Abstained	Absent
Potter	X			
Buttars				X
White	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1

CACHE COUNTY COUNCIL

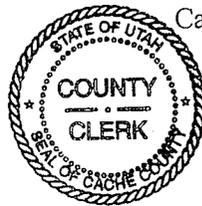
Jon White

Jon White, Chair
Cache County Council

ATTEST:

Jill Zollinger

Jill Zollinger
Cache County Clerk



Publication Date: March 23, 2011

EXHIBIT A

CHAPTER 17.18
SENSITIVE AREAS OVERLAY

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17.18.090 Disclosure of a Natural Hazard by a Engineering Geotechnical Report 5

17.18.010 Purpose

The purpose of this Chapter is to provide a mechanism for the protection of those areas of Cache County which are determined to be environmentally sensitive or that may pose a potential threat or danger to development. This Chapter is intended to:

- A. Protect the general health, welfare, and safety of the citizens of Cache County.
- B. Minimize public and private property damage and emergency tax assistance.
- C. Provide for an awareness of sensitive areas.
- D. Provide a mechanism with which to determine developable acreage for development within Cache County.

17.18.020 Non-Developable Sensitive Areas Defined

The following areas are non-developable. None of the acreage encumbered by any of the following sensitive areas may be considered for development density, and none of the areas may be built upon or within except for required public utility and facilities. Any acreage encumbered by the following sensitive areas may be appealed to the Cache County Council, and a determination of their development potential may be made.

- A. Jurisdictional Wetlands: As defined by the U.S. Army Corps of Engineers.
- B. Steep Slopes: Where the rise or fall of the land is equal to or exceeds thirty (30) percent over a horizontal distance of twenty (20) feet or greater.
- C. Natural waterways or open water: As defined by this title.

17.18.030 Potentially Developable Sensitive Areas Defined

The following areas are determined to be sensitive areas of Cache County and are subject to the requirements of this Chapter. These areas may be built upon based on the requirements of this section and other applicable County, State, and Federal requirements. All acreage encumbered by any of the following sensitive areas may be considered for development density at the discretion of the Cache County Council. Additional requirements within these areas are addressed within 17.18.070 Supplementary Development Standards.

- A. Steep Slopes: Where the rise or fall of the land is equal to or exceeds twenty (20) percent over a horizontal distance of twenty (20) feet or greater.
- B. Floodplains: As identified and defined by Federal Emergency Management Agency (FEMA) – Flood Insurance Rate Maps (FIRM).
- C. Crucial Wildlife Habitat Areas: As identified by the State Division of Wildlife Resources

(DWR).

- D. Geologic Hazard Areas: Earthquake fault lines, or areas prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the U.S. Geological Survey (USGS).
- D. Wildfire Hazards Areas: Areas of the County designated as having moderate to extreme potential for wildfires hazards as identified by the Bureau of Land Management (BLM).

17.18.040 Sensitive Areas Overlay Map

A map indicating the approximate location of unidentified sensitive lands shall be available at the County's Development Services Office. The sensitive lands map will provide the best available data, and may be updated as new or more accurate data becomes available. All mapped data is reference material only, and may require site specific analysis or study to confirm the location of sensitive lands as defined within Title 17. In some cases, hazards may be present on a site without having been mapped and shall be required to meet the requirements of this Title.

- A. Cache County automatically adopts all FEMA effective Flood Insurance Studies and all effective FEMA Flood Insurance Rate Maps.

17.18.050 All development(s) to be Considered a Conditional Use in Sensitive Areas

Because of the environmental conditions existing in sensitive areas, all developments proposed within an area determined to be a sensitive area shall be considered a conditional use and shall be reviewed and considered consistent with the procedures for the review of a conditional use as provided in this Title.

17.18.060 Review of Proposed Development in Sensitive Areas

The Land Use Authority, prior to hearing any application for a development proposed to be located wholly or partially, within any sensitive area as identified by this Chapter, shall provide notice and opportunity for comments and recommendations from the reviewing agencies, as applicable.

17.18.070 Supplementary Development Standards

These standards are provided to ensure that any development proposed wholly, or in part, within a sensitive area recognizes the physical and environmental constraints of the development site. These standards shall supplement, and are in addition to, other development standards provided by this Title.

- A. Areas of Steep Slope - Development may be permitted by the County upon the review and approval of an engineering geotechnical report.
 1. The location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics and a copy of the Soil Conservation Service soil survey for the site.
 2. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
 3. The identification of measures proposed for soil and sediment control, including a schedule of the sequence for the installation of planned erosion and sediment control measures, including anticipated starting and completion dates.

4. Plans for the proposed vegetation of all disturbed site areas.
- B. Jurisdictional Wetlands - No building, structure, construction, excavation or land filling shall occur on any area determined to be a jurisdictional wetland without the approval and necessary wetlands permit(s), as required by the U.S. Army Corps of Engineers. Where potential wetlands exist, a wetlands delineation may be required.
- C. Areas Lying within a Mapped Floodplain
1. All buildings, structures, construction, excavation or land filling proposed within a mapped floodplain, as identified on the latest maps issued by Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) or located within the County's one hundred (100) foot buffer zone from a designated floodplain shall provide an Elevation Certificate from a State Certified Surveyor and be approved by the County Floodplain Manager.
 2. Methods of reducing flood losses.
 - a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which may result in increased erosion or in flood heights or velocities;
 - b. Require the uses vulnerable to floods, including facilities which serve such uses, to be protected against flood damage at the time of initial construction;
 - c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
 - d. Control filling, grading, dredging, and other development which may increase flood damage; and
 - e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- D. Natural Waterways and Open Water - All proposed development adjacent to a natural waterway or open water, shall be subject to the following, but excluding bridges, boat ramps, culverts, dams, trestles, and similar structures:
1. A minimum setback of fifty (50) feet for all structures and one hundred (100) feet for all on-site septic systems shall be required. Additional setback may be required, if necessary, as determined by the Planning Commission to avoid the possibility of any stream or water pollution.
 2. The stripping of any vegetation area is prohibited within the fifty (50) foot setback.
 3. The mean high water mark shall be the point of reference as to the edge of the waterway.
 4. The introduction of concentrated sources of pollution into the waterways is prohibited including, but not limited to, septic tanks, untreated sewage, commercial and residential garbage, manure, dead animals, waste, and other hazardous materials.
- E. Crucial Wildlife Habitat - The Utah Division of Wildlife shall be provided noticed of any development, (building, structure, construction, excavation, or land filling) that occurs on any area determined to be crucial wildlife habitat. The County will accept review and/or comment within 21 days of said notice.
- F. Earthquake Fault Areas and Areas Prone to Landslide - For those areas identified as an active or potential mapped earthquake fault and landslide areas, or areas determined by review to contain geologically unstable conditions, development may be permitted by the County upon the review and approval of an engineering geotechnical report identifying the following:
1. Accurately identifying the location of earthquake faults and landslide areas.
 2. The location and description of proposed changes to the site, including any grading and

excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.

3. The identification of measures and actions proposed to mitigate the risks from earthquake, landslides, and soil disturbance including a schedule of the sequence for the installation of planned mitigation actions, including anticipated starting and completion dates.
4. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults or structures) designed for human occupancy shall be built astride an active fault. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements of the International Uniform Building Code. The Planning Commission may increase footing setback requirements where information from a geotechnical report indicates a slope condition warrant a greater setback distance.

G. Wildfire Hazard Areas.

1. Development shall provide for ready access to fire and other emergency equipment and for routes of escape to safely handle evacuations.
2. Measures to mitigate wildfire hazards and risks may be required based on the recommendation and review of the Cache County Fire District.

17.18.080 Engineering Geotechnical Report

- A. The Engineering Geotechnical Report shall be prepared by a licensed geotechnical engineer and licensed geologist. The report shall be signed and dated by the preparer and shall also include the qualifications of the preparer.
- B. The report shall be site-specific and identify all known or suspected potential geotechnical or natural hazards, originating on-site or off-site, affecting the particular property.
- C. The report shall include a detailed site map showing the location of the hazard(s) with delineation of the recommended setback distances from such hazards(s) and the recommended location for proposed structures.
- D. The report shall address the potential effects of the hazard(s) on the proposed development and occupants, thereof, in terms of risk and potential damage.
- E. The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s). The evidence on which the recommendations and conclusions are based shall be clearly stated in the report. Trench logs, aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.
- F. All Engineering Geotechnical Reports submitted to the County shall be reviewed by the Utah Geological Survey for completeness, accuracy, and appropriate recommendations.

17.18.090 Disclosure of a Natural Hazard by an Engineering Geotechnical Report.

Whenever a potential natural hazard is identified by a required geotechnical report under this Chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the County prior to the approval of any development or subdivision of such parcel which shall include the following:

- A. Notice of the existence and availability of the engineering geotechnical report that identifies the natural hazards for public inspection in the County Zoning Office; and
- B. An agreement by the owner of the parcel and any successor in interest to comply with any

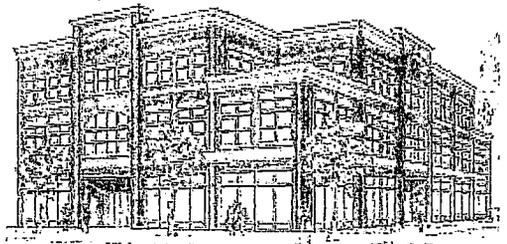
conditions set by the County Planning Commission to minimize potential adverse effects of the natural hazard(s).

17.07.020 Terms Defined

NATURAL WATERWAYS: Including but not limited to rivers, creeks, or streams. Identified as those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include storm water runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices. Water courses where the definition may apply are those that appear on the U.S. Geological Survey Quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt but others would be exempt.

OPEN WATER: Lakes, lagoons, ponds, or other areas where there is consistently surface water, either year round or intermittently throughout a year.

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



JOSH RUNHAAR, AICP
DIRECTOR/
ZONING ADMINISTRATOR

PAUL BERTSON
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: <u>1-5-11</u>	Received By: <u>CH</u>	Receipt Number: <u>5569</u>	Amount/Check Number: <u>1100⁰⁰ 1656</u>
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*600⁰⁰
500⁰⁰*

PROJECT INFORMATION

REQUEST TYPE Subdivision

PROJECT NAME Christensen Sub

PROJECT ADDRESS 11920N AVE
Cove, UT 84320

SERIAL NUMBER(S) 09-030-0020

ZONE Ag

PROJECT LOCATION COVE

AGENT/OWNER INFORMATION

AGENT NAME Wyatt L Christensen

ADDRESS PO Box 393
Richmond, UT 84333

TELEPHONE (DAY) 435225-4532 (CELL) →

OWNER NAME Wyatt L Christensen LLC

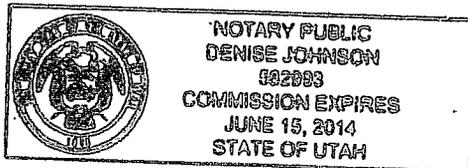
ADDRESS PO Box 321
Richmond, UT 84333

TELEPHONE (DAY) 770-2138 (CELL) →

State of Utah)
County of Cache) §

On this 29 day of DECEMBER, 20 10, personally appeared before me, WYATT CHRISTENSEN, 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 Wyatt L Christensen
(Property Owner or Agent)



DENISE JOHNSON
Notary Public

Section 15 Township 14 North Range 1 East

09-030

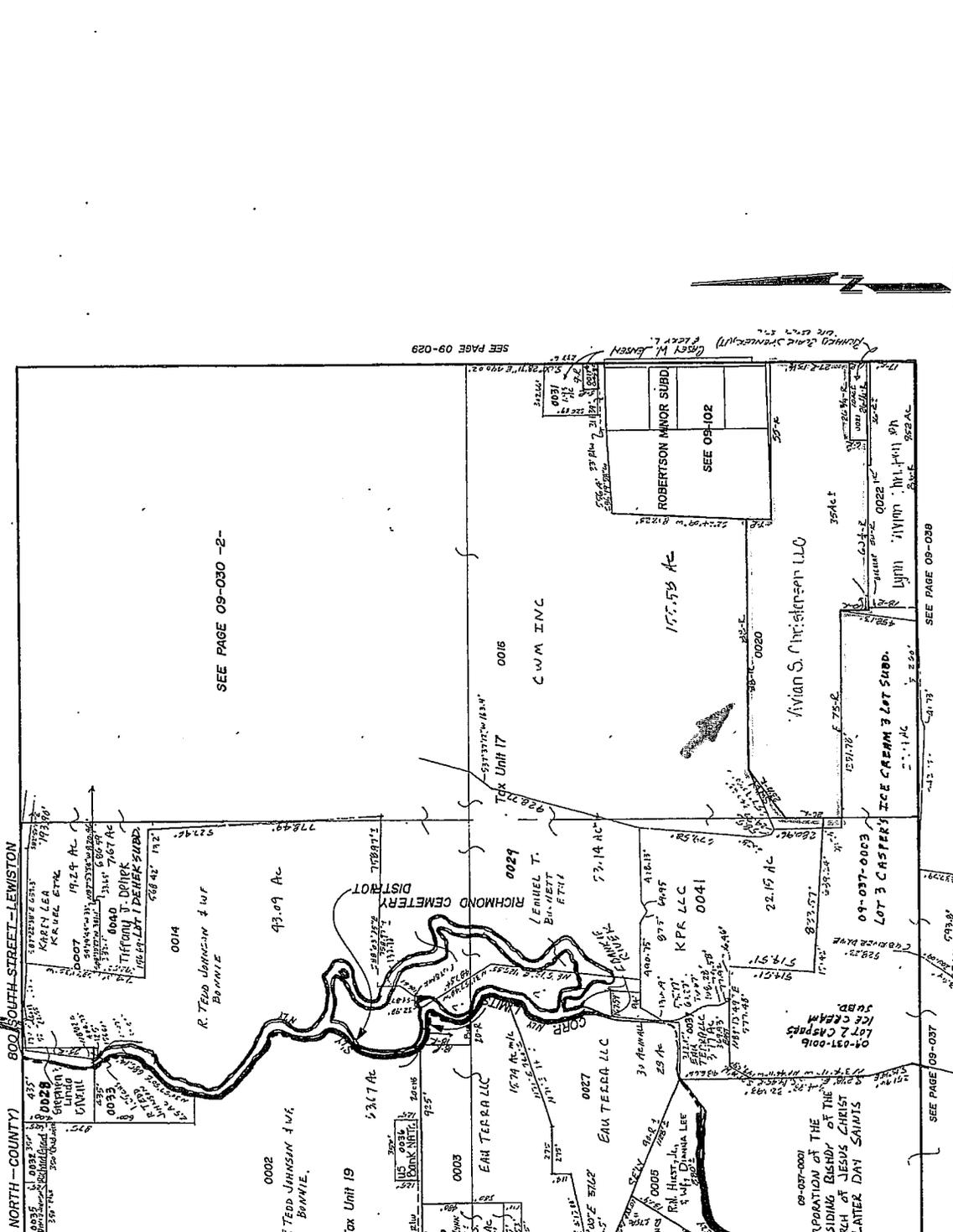
Scale 1 Inch = 400 Feet

TAX UNIT 17 & 19

SEE PAGE 09-025

SEE PAGE 09-029

SEE PAGE 09-038



CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

Project Name: Wyatt Christensen Subdivision

Agent: Wyatt Christensen

Request: 2-Lot Subdivision

Tax ID: 09-030-0020

Current Zoning: Agricultural (A-10)

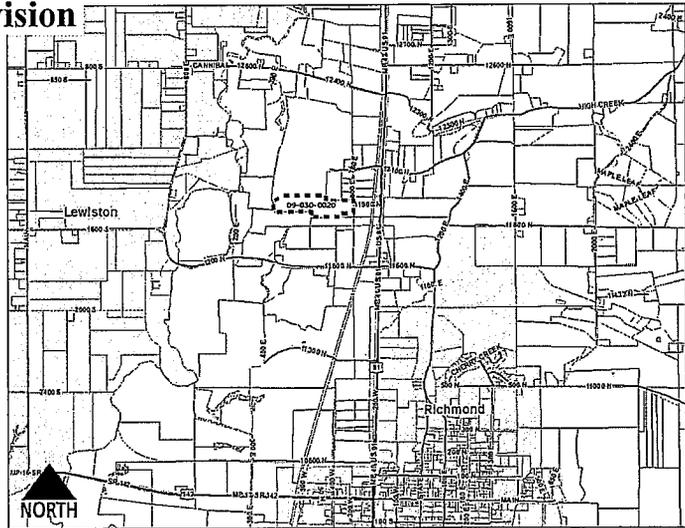
Project Address: 11900 North 800 East
Cove, Utah 84320

Surrounding Uses: North – Agricultural/Residential
South – Agricultural/Residential
East – Agricultural/Residential
West – Agricultural/Residential

Type of Action: Recommend to County Council

Staff Recommendation: Approval with conditions

Reviewed by: Christopher S. Harrild, Planner I



PURPOSE

To recommend approval of the preliminary and final plat for the Wyatt Christensen Subdivision to the Cache County Council.

PROJECT SUMMARY

The proposal is to create a 2-lot subdivision located at 11900 North 800 East, Cove, Utah, in the Agricultural Zone on 32.8 acres of property. The proposed subdivision will consist of one (1) developable lot and one (1) nondevelopable agricultural parcel.

Access:

- The county engineer has reviewed the access to Lot #1 via the existing farm access off 800 East and 11900 North and provided the following information:
 - The approach from the north on 800 East has a gravel surface width of 20 feet. 800 East narrows along the subdivision frontage to 16 feet and maintains this width along the frontage to 11900 North.
 - The approach from the east on 11900 North has a gravel surface width of 17'.
 - The proposed private access to Lot #1 that would become the west leg to the present T intersection is acceptable.
- A driveway greater than 150' in length shall be a 20' drivable surface and an approved turnaround shall be constructed at the end of the driveway as required by the 2009 International Fire Code.

Water & Septic:

- Adequate, approved, domestic water rights will be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- The proposed Lot #1 is feasible for on-site waste water system. The soil will allow for standard trench systems with trench depth limited to 48 inches below natural grade.

Service Provision:

- All refuse and recycling containers shall be placed along the side of 800 East for collection.
- The residents shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
- A school bus stop is located at 11900 North Highway 91, approximately 1 block from the proposed subdivision.

- The driveway shall meet all applicable requirements of the 2009 International Fire Code, minimum County standards, and any other applicable codes.
- The proposed subdivision is being developed in an area without adequate water supply for fire protection.

STAFF DETERMINATION

It is staff's determination that the Wyatt Christensen Subdivision, a 2-lot subdivision for property located at approximately 11900 North 800 East, Cove, Utah with TIN # 09-030-0020 is in conformance with the Cache County Ordinance requirements for preliminary and final plat approval, therefore, a recommendation of approval to the County Council is advised. This determination is based on the following findings of fact:

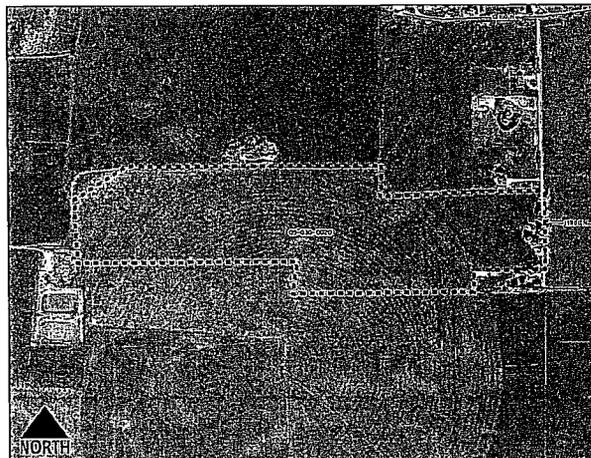
FINDINGS OF FACT

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

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 for all building lots within the Wyatt Christensen Subdivision.
3. The applicant shall widen the portion of 800 East along the length of the subdivision frontage to a gravel surface width of 20 feet with one foot shoulders. An encroachment permit must be obtained for any work within the county right of way. All lots shall provide sufficient space for placement of refuse and recycle containers along 800 East so they do not interfere with traffic.
4. The driveway shall meet all applicable requirements of the 2009 International Fire Code and any other applicable codes as adopted by Cache County. If longer than 150', the driveway shall be a 20' drivable surface and an approved turnaround shall be constructed at the end of the driveway.
5. The Applicant shall reaffirm the County's 33' right-of-way for the County road, 800 East, across the entire frontage of the proposed subdivision.
6. Fire protection for all buildable lots shall be provided for in accordance with the 2009 International Fire Code and as approved by the Cache County Fire Chief.



1
2 **5:36:00**
3

4 **#3 Wyatt Christensen Subdivision (Wyatt Christensen)**
5

6 **Harrild** reviewed Mr. Wyatt Christensen's request for a 2-lot subdivision on 32.8 acres of property in the
7 Agricultural Zone located at approximately 11900 North 800 East in Cove. The access to the subdivision
8 is currently inadequate. Staff recommends requiring the applicant to improve the subdivision frontage
9 along 800 East to the county standard of a 20 foot wide gravel surface with one foot shoulders.
10

11 **Mr. Christensen** since we are accessing the property from 11900 North, what does widening the frontage
12 mean?
13

14 **Harrild** the county felt it would be fairer to have you widen 800 East rather than the other access option
15 of widening the length of 11900 North.
16

17 **Mr. Christensen** so we just need to widen from the Robertson subdivision down?
18

19 **Runhaar** right.
20

21 **Cannon Thornley** I live directly north of this property, does this require Mr. Christensen to remove all
22 the trees along this property for the widening?
23

24 **Harrild** only if they infringe on the area that needs to be widened.
25

26 **Mr. Thornley** okay because in general coming down from 11900 North the road is the same width and
27 then narrows.
28

29 *Sands moved to recommend approval to the County Council for the Wyatt Christensen 2-lot Subdivision*
30 *with the stated conditions and findings of fact; Erickson seconded; Passed 6, 0.*
31

32 **FINDINGS OF FACT**

- 33 1. The Wyatt Christensen Subdivision has been revised and amended by the conditions of project approval
34 to address the issues and concerns raised within the public and administrative records.
35 2. The Wyatt Christensen Subdivision has been revised and amended by the conditions of project approval to
36 conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of
37 various departments and agencies.
38 3. The Wyatt Christensen Subdivision conforms to the preliminary and final plat requirements of §16.03.030
39 and §16.03.040 of the Cache County Subdivision Ordinance.
40 4. The Wyatt Christensen Subdivision is compatible with surrounding land uses and will not interfere with
41 the use and enjoyment of adjoining or area properties.

42 **CONDITIONS OF APPROVAL**

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

- 45 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County
46 Ordinance.
47 2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place for all building
48 lots within the Wyatt Christensen Subdivision.
49 3. The applicant shall widen the portion of 800 East along the length of the subdivision frontage to a gravel
50 surface width of 20 feet with one foot shoulders. An encroachment permit must be obtained for any work

1 within the county right of way. All lots shall provide sufficient space for placement of refuse and recycle
2 containers along 800 East so they do not interfere with traffic.

- 3 4. The driveway shall meet all applicable requirements of the 2009 International Fire Code and any other
4 applicable codes as adopted by Cache County. If longer than 150', the driveway shall be a 20' drivable
5 surface and an approved turnaround shall be constructed at the end of the driveway.
- 6 5. The Applicant shall reaffirm the County's 33' right-of-way for the County road, 800 East, across the
7 entire frontage of the proposed subdivision.
- 8 6. Fire protection for all buildable lots shall be provided for in accordance with the 2009 International Fire
9 Code and as approved by the Cache County Fire Chief.

10
11 5:43:00

12
13 **#4 Black Ridge Farms Conditional Use Permit (Lynn & Tama Mathews)**

14
15 **Harrild** Lynn & Tama Mathews are requesting approval for the expansion of an existing Conditional Use
16 Permit (CUP) to allow the construction of additional buildings on 22.90 acres of property in the
17 Agricultural Zone located at approximately 200 East 6400 South of Hyrum; this item was continued from
18 the January 6, 2011 meeting. We have been reviewing this proposal about how mink ranching is classified
19 and we have determined that mink are included in the agricultural definition. There are some other
20 issues, regarding possible infractions, involved with this and they will be addressed outside of this board.
21 Because mink are included in the definition of Agriculture, staff is recommending that the existing CUP
22 be annulled and that the processing of off-premise mink cease.

23
24 **Scott Rawlins** I am the Black Ridge Farms legal counsel. Although I practice in SLC, my background is
25 in agricultural law. What my position is has been stated here, and that is originally mink were not
26 included in the original statutes, but those statutes were later amended and furbearing animals were
27 included in the original statute that defined agriculture. My initial feeling about this issue was to do away
28 with the CUP, but there are other things tied into this. My hesitation in having the CUP annulled was
29 there are concerns in regards to an activity being performed upon the Mathews Ranch. They do provide
30 service to neighboring or nearby mink ranchers in regards to pelting the mink. Essentially the Mathews
31 and Black Ridge farms earns less than 1% of their gross income from pelting other rancher's mink.
32 While this income isn't essential to the Mathews, this service of processing other rancher's mink is
33 essential for the other ranchers. However, it is not in the Mathews financial interests to seek a business
34 permit due to this pelting. So, if this body requires that they seek a business permit, it could be
35 detrimental to these other ranchers because buying the equipment is cost prohibitive. The mink are
36 transported to the Mathews ranch for this processing and as such could be subject to taxing. There is a
37 very specific term or definition that should apply in this situation and that is temporary use. Pelting is
38 temporary and done seasonally and is completed in a 1 ½ to 2 month period of the year. For the
39 remaining 10-10 ½ months of the year this equipment is stored and not used. The final issue I have has to
40 do with zoning and setbacks. Obviously the Mathews have a primary building where they do their
41 business and conduct transactions. They have a restroom, storage space for their equipment, and the mink
42 sheds as well. There should be a 5 foot setback and their closest building is setback 20 feet from the rear
43 of the property. That means they have met the ordinance and are in excess of the ordinance. In defense
44 of the administrators of this planning commission they have been concerned with information in regards
45 to the Mathews activities on their ranch. One issue regarding feed was brought up and the Mathews do
46 buy their feed. However, how many feed trucks entering their property the Mathews do not wish to
47 disclose due to eco-terrorists.

48
49 **Ellis** arrives.

50
1 **Larson** thank you.

RESOLUTION 2011-06

A RESOLUTION APPROVING THE SALE OF DECLARED SURPLUS REAL PROPERTY TO THE VIVIAN S. CHRISTENSEN TRUST AND AUTHORIZATION TO THE CACHE COUNTY EXECUTIVE AND CACHE COUNTY CLERK TO EXECUTE A QUIT CLAIM DEED FOR THE CONVEYANCE OF SAID PROPERTY

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that certain real property was declared by the County Council on February 22, 2011 to be surplus property; that a public hearing was held on February 22, 2011 and that it is in the best interest of Cache County that title to the property be conveyed to the Vivian S. Christensen Trust.

NOW THEREFORE the Cache County Council adopts the following resolution:

BE IT RESOLVED that

Section 1: Transfer of Title Authorized

The Cache County Council approves the conveyance of title to the following described real property to the VIVIAN S. CHRISTENSEN TRUST for the consideration of \$2,860, said property being located in Cache County at approximately 450 East 11700 North, Richmond, Utah.

BEG 15 RDS E OF PT 30 RDS S OF NW COR NE/4 SEC 22 T 14N R 1E & TH S 11 RDS TH E 6 RDS TH NE'LY 6.5 RDS TH N 3.8 RDS TH NE'LY 41 RDS TO N LN OF SD 1/4 SEC 32 RDS E OF NW COR OF SD 1/4 SEC TH W 4.5 RDS TO WATER DITCH TH SE'LY ALG SD DITCH 34 RDS TO BEG CONT 1.3 AC M/L

Section 2: Authorization to Execute Deed.

The Cache County Executive and Cache County Clerk are hereby authorized and directed to execute and deliver a Quit Claim Deed from Cache County conveying title to said real property to the Vivian S. Christensen Trust.

Section 3: Effective Date.

This resolution shall become effective immediately upon adoption.

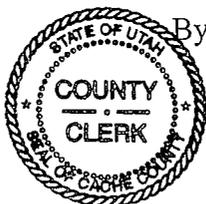
This resolution was adopted by the Cache County Council on the 8th day of March, 2011.

CACHE COUNTY COUNCIL

By: Jon White
Jon White, Chairman

Attest:

Jill N. Zollinger
Jill N. Zollinger, Cache County Clerk

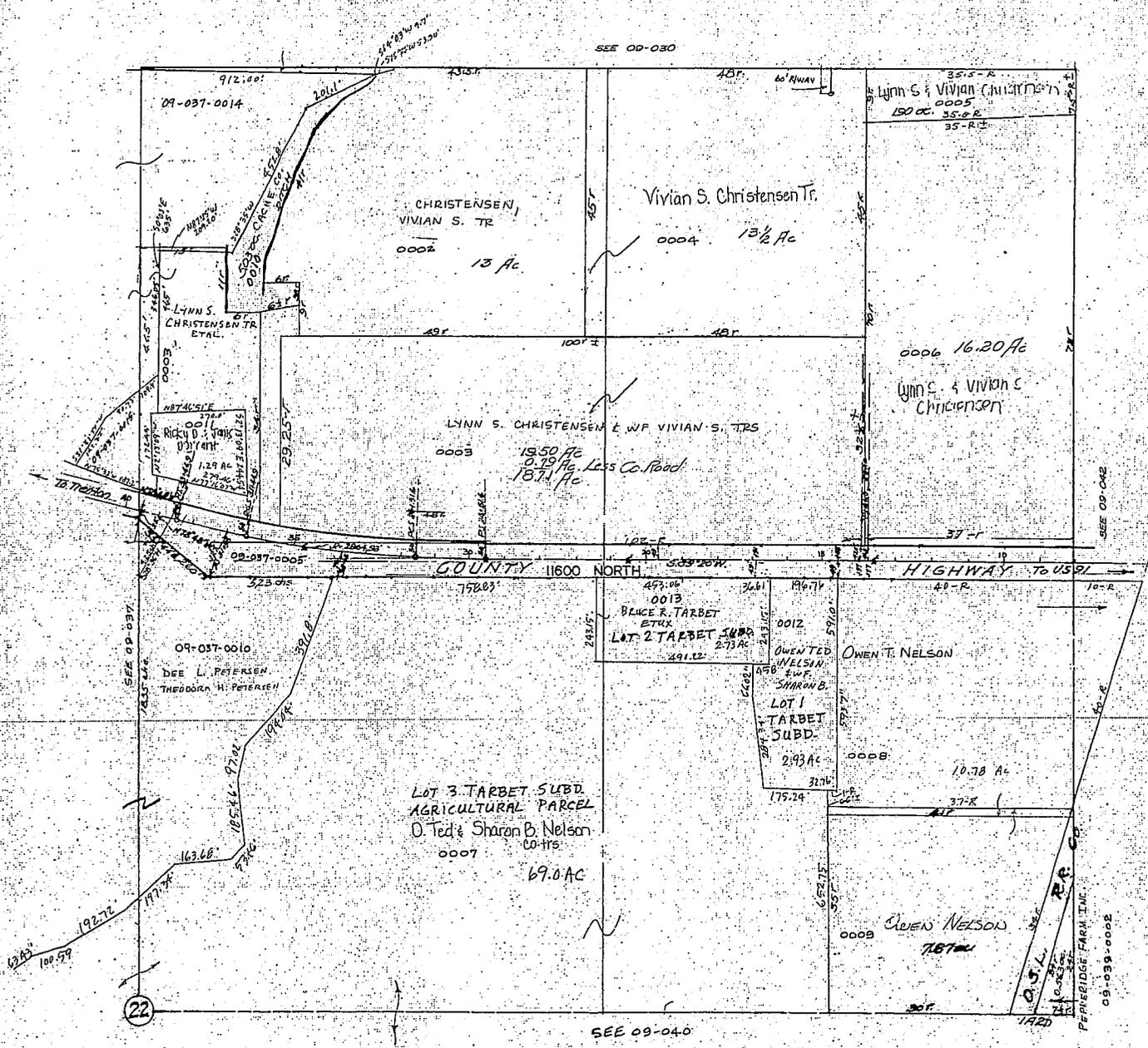


NE 1/4 SECTION 22, TOWNSHIP 14 NORTH, RANGE 1 EAST

SCALE 1 INCH = 3 CHAINS

TAX UNIT 17

09-038



RESOLUTION 2011-07

A RESOLUTION OF CACHE COUNTY APPROVING AND ADOPTING A DEPOSIT FEE FOR WRITS OF EXECUTION ENFORCED BY THE CACHE COUNTY SHERIFF'S OFFICE

WHEREAS, the Cache County Sheriff's Office is required by Utah State Law to preserve the peace, make all lawful arrests, attend to court security, take charge of and keep the county jail, and to attend to perform other various civil and criminal duties under §17-22-2 of the Utah Code; and

WHEREAS, in the conduct of such law enforcement duties, the Cache County Sheriff's Office seeks to conduct such duties in a manner that does not unduly burden the public; and

WHEREAS, many of the fees charged by the Cache County Sheriff's Office are authorized by §17-22-2.5 of the Utah State Code; and

WHEREAS, the Cache County Sheriff's Office has determined that various expenses which are incurred in the conduct of its law enforcement duties, and which are not specifically authorized by statute for reimbursement, should more properly be passed on to those individuals necessitating the expenses rather than the residents of Cache County who are not involved in such criminal and/or civil matters; and

WHEREAS, Cache County is authorized by §17-50-302 of the Utah Code to collect fees for benefits conferred by Cache County; and

WHEREAS, the Cache County Council has previously discussed, reviewed and passed a fee schedule for the various expenses incurred by the Cache County Sheriff's Office so that appropriate expenses can be passed on to those individuals who have necessitated the expenses rather than having such expenses passed onto the residents of Cache County;

NOW THEREFORE, BE IT RESOLVED by the County Legislative Body of Cache County, State of Utah, with 6 members present and 6 members voting in favor thereof that the following fees of the Cache County Sheriff's Office are hereby approved and authorized:

A A \$500.00 deposit to be filed with the Cache County Sheriff's Office prior to the enforcement of any Writ of Execution to cover expenses for the enforcement of the writ, including, but not limited to:

1. Postings,
2. Copies,
3. Conducting of the Sale,
4. Certificate of Sales,
5. Advertising fees and costs,
6. Notary Service,
7. Recording Fees,
8. Service Fees,
9. Any other costs associated with service of the Writ, Preparation for Sale, Seizure, or Incidental to the Sale,
10. All other fees previously authorized by the Cache County Council and/or authorized by Utah State law.

Adopted by the County Council of Cache County, Utah this 8th day of March 2011.

CACHE COUNTY COUNCIL

Jon White

Jon White, Chair
Cache County Council



ATTEST:

Jill N. Zollinger

Jill N. Zollinger
Cache County Clerk