

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
OCTOBER 25, 2011**

CACHE COUNTY COUNCIL
October 25, 2011

APPOINTMENT – Davis, Paul-Merit Commission..... 1

BOARD OF EQUALIZATION 3

BUDGET – Public Hearing Set-November 8, 2011-6:00 p.m.-Open 2011 Budget; Public Hearing Set-November 22, 2011-6:00 p.m.-Adoption of 2012 Budget and Property Tax Rate Increase if Needed; Public Hearing Set-December 13, 2011-6:00 p.m.-Open 2011 Budget..... 3

BUDGET – Tentative 2011 7

CCI UPDATE 2

CACHE COUNTY REDEVELOPMENT DISTRICT 9

CACHE VALLEY TRANSIT DISTRICT..... 8

CANAL REBUILD – Cost Participation Agreement 8

CANNELL – L & D-Subdivision-Consent Agenda 2

CONSENT AGENDA – L & D Cannell Subdivision 2

COUNTY COUNCIL MEETING SCHEDULE AND COUNTY OFFICES HOLIDAY SCHEDULE – Approval of 2012 6

COUNTY SEAT PROGRAM..... 6

DAVIS, PAUL – Appointment-Merit Commission..... 1

HOLIDAY SCHEDULE – Approval of 2012 County Council Meeting Schedule and County Offices 6

HOWELL, STUART – Recognition of Service on Merit Commission 2

L & D CANNELL SUBDIVISION 2

MEETING SCHEDULE AND COUNTY OFFICES HOLIDAY SCHEDULE – Approval of 2012 County Council..... 6

MERIT COMMISSION – Appointment-Davis, Paul-Recognition of Service-Howell, Stuart..... 1

MOUNT STERLING RANCHES SUBDIVISION AND BOUNDARY LINE ADJUSTMENT 5

NORTH VALLEY LANDFILL REZONE – Ordinance No. 2011-15 2,4

ORDINANCE NO. 2011-15 – North Valley Landfill Rezone 4

PROPERTY TAX HARDSHIP APPLICATIONS..... 3

PUBLIC HEARINGS SET – November 8, 2011-6:00 p.m.-Open 2011 Budget; November 23, 2011-6:00 p.m.-Adoption of 2012 Budget and Property Tax Rate Increase if Needed; December 13, 2011-6:00 p.m.-Open 2011 Budget..... 3

REZONE – North Valley Landfill-Ordinance No. 2011-15 2,4

SUBDIVISION – L & D Cannell-Consent Agenda 2

SUBDIVISION – Mount Sterling Ranches Subdivision and Boundary Line Adjustment..... 5

TV TRANSLATOR LICENSES..... 2

UAC ANNUAL CONVENTION – November 16-18, 2011..... 9

WARRANTS – 09-30-2011 to 10-06-2011, 10-07-2011 to 10-13-2011, 10-14-2011 to 10-20-2011..... 2

WARRANTS: Warrants for the period 09-30-2011 to 10-06-2011, 10-07-2011 to 10-13-2011 and 10-14-2011 to 10-20-2011 were given to the Clerk for filing.

OTHER ITEMS

- **Licenses for TV Translator**– Executive Lemon reminded the Council that licenses for two television channels were approved and were installed at the Clarkston site and are in the process of being moved to Mt. Pisgah. KBYU and CW30 should be available by the end of October.

CONSENT AGENDA

- ◇ **L & D Cannell Subdivision** – Doug Cannell requesting approval for 2-lot subdivision on 4.7 acres of property in Agricultural (A-10) Zone located approximately 975 West Highway 218, Smithfield.

(Attachment 1)

ACTION: Motion by Council member Petersen to approve the Consent Agenda – L & D Cannell Subdivision. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

ITEMS OF SPECIAL INTEREST

- **Service on Merit Commission** – Sheriff Lynn Nelson presented Stuart Howell with a plaque recognizing his nine years of service on the Merit Commission. Nelson explained that the Merit Commission is similar to a civil service commission for law enforcement which sets the rules for hiring and promotion within the Sheriff's office.
- **North Valley Landfill Rezone** – Mayor Kendon Godfrey challenged the rezone request for the North Valley Landfill and had questions concerning the access plan. Godfrey requested that the County Council either change the application or have Logan City resubmit the application with the maps to reflect Hamud's statement that the access will bypass Clarkston and Newton. Godfrey commented it is not unprecedented to deny a rezone request because of the lack of a clear access plan. Godfrey contended that since the Citizens Advisory Committee is going to present two access options, the access is still unclear. Godfrey asked that the County Council refrain from a vote on the rezone until the Citizens Advisory Committee has come up with a single access route as required by the application request. Godfrey requested an access route along 11800 North and then to Stink Creek Road.

UNIT OR COMMITTEE REPORTS

- ★ **CCI (Colorado Customware, Inc.) Software Update** – Assessor Howell reviewed some of the background on the CAMA (Computer Assisted Mass Appraisal) Realware system mandated by the legislature. When CCI released Version 5 of Realware program, it had a lot of problems. They have been working those out and counties already using Version 5 are satisfied that the problems are being addressed. Howell is comfortable waiting until the bugs have been corrected before Cache County begins using CCI.

Cache County will participate in writing the recorder's portion that is needed. Recorder Gleed is also comfortable with waiting and has met with CCI representatives about the development of the recorder's portion of the program. Howell asserted that Mike Gleed is the most knowledgeable person in the state and should be the one to help CCI develop the recorder's program. Some counties are using Tyler software, but it makes sense for Cache County to have the entire county on one system, and CCI offers a better integration.

Director Todd Jenkins, IT, agreed that CCI has issues to work through and the present Cache County system is stable and works and is structured similar to what CCI wants to move toward. The assessor's piece is separate and can be worked on simultaneously with the recorder's piece. The challenge will be incorporating all this at the same time. The current system is old, but the county has a method to continue to use it – it's not optimal, but it works. Jenkins also feels good about waiting for CCI to work out the problems with Version 5 before converting to their software.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

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

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION.

BOARD OF EQUALIZATION

- o **Property Tax Hardship Applications** – The Council reviewed hardship applications. *(Details are on file in the Office the Cache County Auditor)*

ACTION: Motion by Vice Chairman Buttars to approve all the property tax hardship requests. Potter seconded the motion. The motion passed, 5 aye – Buttars, Potter, Robison, White & Zilles and 1 nay – Petersen. Yeates absent.

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

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PUBLIC HEARINGS SET: NOVEMBER 8, 2011 AT 6:00 P.M.-OPEN 2011 BUDGET

NOVEMBER 22, 2011 AT 6:00 P.M.-ADOPTION OF 2012 BUDGET AND PROPERTY TAX RATE INCREASE IF NEEDED

DECEMBER 13, 2011 AT 6:00 P.M.-OPEN 2011 BUDGET

ACTION: Motion by council member Potter to set the following Public Hearings: November 8, 2011 at 6:00 p.m. – Open 2011 Budget; November 22, 2011 at 6:00 p.m. – Adoption of 2012 Budget and Property Tax Rate Increase if needed;

December 13, 2011 at 6:00 p.m. – Open 2011 Budget. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PENDING ACTION

- **Ordinance No. 2011-15 – North Valley Landfill Rezone – Issa A. Hamud is requesting approval for a rezone to amend 320.36 acres of the Agricultural (A-10) Zone to include the Public Infrastructure (PI) Overlay Zone located off Stink Creek Road, north of Clarkston** – Council member Petersen said he understands there are two issues to consider: Whether the location is suitable for a landfill and whether the legal requirements for the application have been met. Petersen asked Attorney Swink to offer an opinion on the legality of the application. Swink reported he looked at the issue thoroughly and is sure the county is on legal footing and has complied with all the state and county laws and ordinances and there are no legal barriers from the Council going forward with the decision on the rezone. Petersen questioned Swink on the charges that there is not a clearly defined access plan, no clearly defined reclamation proposal and there is no transportation element in the County Code.

Swink stated there is a transportation element in the general plan and he has reviewed the draft ordinance and found it adequate to survive any contest. The landfill issue is a two-part process – the rezone and the permitting process, which will require study and evaluation and require the Council to make additional findings. That requirement does not exist now.

Director Runhaar stated he provided a memo to the Council and at this point the application is complete. Council member Zilles said he believes the Council feels that it is not acceptable to take the access route through Clarkston and Newton. Runhaar responded that the access will be discussed with the Citizens Advisory Committee and during the conditional use permit process. That process will start with the Planning Commission who will forward a recommendation to the County Council. The Council will have to approve what access is used. At this point all that is being looked at is can access be provided?

Petersen asked if it is within the Council's authority to designate an access route from the point of transfer all the way to the landfill? Runhaar said they could as the Solid Waste Board of Trustees, but not as the land use authority.

Chairman White commented that all sides of the issue have been presented for the Council to consider. Limited impact on Clarkston and Newton can be arranged by rerouting the access. The county has neither the staff nor the knowledge to evaluate seismic tests and water results. The state will do that – that is why there is a permit process. The Council owes the applicant an answer.

Council members Zilles, Potter, Robison and Vice Chairman Buttars expressed support for an access route that avoids Clarkston and Newton.

In response to a citizen's question, Buttars observed that the intent of the application is to simply show there is access to the site with a county or state road, not necessarily the exact route that will be used to deliver the solid waste.

Vice Chairman Buttars said the only way he would approve an access route that went through Clarkston is if citizens of Clarkston were willing to work out an agreement with Logan City.

Chairman White noted the roads are public roads for the use of the public. The county will try to mitigate the impact as much as possible.

Council member Potter expressed appreciation for all the citizen input. Potter visited the site last week and is confident the Council will try to make the best decision possible for the good of the entire county.

Petersen asked if 8100 West and the Clarkston Cemetery are in the Clarkston city boundaries? Mayor Godfrey replied they are not. Petersen asked Hamud if one of the routes would go on 8100 West to 11000 North to Stink Creek Road and would not be within the city of Clarkston's boundaries? Hamud said that is correct.

(Attachment 2)

ACTION: Motion by Council member Potter to approve Ordinance No. 2011-15 – North Valley Landfill Rezone. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Discussion on the motion:

Clair Christiansen said Clarkston citizens are concerned about the landfill itself, yes, but the main citizen concern is the access route. It is going to cost millions of dollars - \$12.1 million has been mentioned - to develop the access roads. Where does the accountability for Logan City come into play for this much money? Who is going to pay for it? Christiansen asked the Council to reflect on those things as they consider the motion.

Ordinance No. 2011-15: The vote was 6-0.

| | <u>BUTTARS</u> | <u>POTTER</u> | <u>PETERSEN</u> | <u>ROBISON</u> | <u>WHITE</u> | <u>YEATES</u> | <u>ZILLES</u> | <u>VOTES CAST</u> |
|-----------|----------------|---------------|-----------------|----------------|--------------|---------------|---------------|-------------------|
| AYE | X | X | X | X | X | | X | 6 |
| NAY | | | | | | | | 0 |
| ABSTAINED | | | | | | | | 0 |
| ABSENT | | | | | | X | | 1 |

INITIAL PROPOSAL FOR CONSIDERATION

- **Mount Sterling Ranches Subdivision and Boundary Line Adjustment – Wayne Crow is requesting approval for a 25-lot subdivision and boundary line adjustment on 209.42 acres of property in the Agricultural (A-10) Zone located approximately 7400 South 4000 West, Mt. Sterling** – Chris Harrild noted that this was previously rezoned from the FR Zone to the A-10 Zone as a proper reflection of what the land is used for. Harrild showed the proposed subdivision via maps for the Council's review

Council members Zilles, Petersen and Potter all observed that this subdivision would have been an excellent one for clustering.

Director Runhaar stated the applicant meets the current county code requirements; however, the county is losing agricultural land and in the near future needs to address this problem. It is most likely that these lots will not be put back into greenbelt – it's possible, but in Runhaar's experience, it is not probable. Clustering would provide the same intrinsic value to the buyer, but at a much lower cost. This development is as good as the Council will see under the current ordinance and the developer has been very agreeable, but it doesn't meet the Council's desire to retain agricultural land.

Vice Chairman Buttars said this highlights where the county should be putting it's emphasis as soon as possible and agreed with Runhaar's assessment that these 51/2 acre lots with homes on them will probably not have a viable agricultural operation and will not qualify for greenbelt status. Buttars indicated that it scares him how we are rapidly losing agricultural land and every time subdivisions like these are approved, it makes it harder to defend greenbelt assessing. But without greenbelt assessment we would have a lot of agricultural land that would be targeted for development. This subdivision is not the kind of development he would like to see.

(Attachment 3)

ACTION: Motion by Council member Zilles to waive the rules and approve the Mount Sterling Ranches Subdivision and boundary Line Adjustment. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **County Seat Program** – Executive Lemon said he has found the programs beneficial, but if no one is watching, he won't support it. Lemon quoted Visitors Bureau Director Julie Hollist as saying she doesn't think the program is worth it from an advertising dollar standpoint.

Council member Petersen said he sees the question not as is it a good program, but is the \$29,000.00 cost the highest and best use of that money?

Council member Zilles asked what other vehicle is available to counties to present information to the public such as the issue that large corporations are not paying their fair share of taxes? If people are not watching the show, perhaps it is the responsibility of the county to push to have it aired at a better time.

Council member Potter suggested it might be better to take a portion of the money and publish a newsletter that is sent to all residents once or twice a year.

ACTION: Motion by Vice Chairman Buttars to recommend that Cache County not participate in the County Seat program. Petersen seconded the motion. The motion passed, 5 aye – Buttars, Petersen, Potter, White & Zilles and 1 nay – Robison. Yeates absent.

- **Approval of 2012 County Council Meeting Schedule and County Offices Holiday Schedule**

(Attachment 4)

ACTION: Motion by Vice Chairman Buttars to close county offices at noon on Monday, December 24, 2012. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

ACTION: Motion by Council member Petersen to approve the 2012 County Council Meeting Schedule and County Offices Holiday Schedule with the February 14, 2012 County Council meeting changed to February 7, 2012. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **2011 Tentative Budget** – Executive Lemon stated he has not met with Department Heads, but he has worked with Deputy Executive Cameron Jensen to develop a tentative budget and wants to discuss some budget issues with the Council. Lemon stressed a desire to budget something for employees – either a wage increase or a one-time stipend or bonus. However, July sales tax numbers were terrible and he doesn't know if the August numbers will be better or not. Lemon, Attorney Swink and Council member Zilles are concerned that the Sheriff's department is losing employees to other local law enforcement agencies which offer better pay.

Lemon and Chairman White favor a one-time bonus and Council member Zilles prefers a pay increase for employees on the lower end of the pay scale.

Sheriff Nelson verified his office is losing employees to better paying law enforcement agencies and stated the starting wage has not kept pace. His office is one of the top law enforcement agencies in the state, his deputies love their work, but low wages are slowly killing them. Retirement for law enforcement used to be 50% at twenty years, but the state changed it to 35% at twenty-five years. Low wages lower the amount of retirement revenue available. Two weeks ago 62 people applied for the Logan City Police Department test and only 20 applied for the test at the Sheriff's department. Seventy-five percent of his department has been employed for less than ten years and only five percent have been there more than twenty years. Most of his employees are young and at the lower end of the pay scale and new hires are given a list of government programs for which they qualify. That is sad.

Lemon reaffirmed that he prefers to do something with the reserve account or a one-time financial event for employees.

Potter recommended going back over the budget to see if there are areas that can be cut back.

Petersen noted that a one-time Christmas bonus is appreciated, but it doesn't have any impact on the underlying problem of getting employees to stay.

Bob Fotheringham suggested talking to Human Resources Director Jim Smith about salary surveys to pinpoint the greatest inequities and recommend adjustments on those employees.

Lemon said that was looked at last year, but the problem was that some employees were underpaid 20% and others were overpaid 10%.

Lemon asked Council members to look over the budget and contact him with concerns. He will have a recommended budget by the November 8, 2012 Council meeting.

- **Cache Valley Transit District** – Executive Lemon said there has been a seat on the Transit Board that has not been filled because based on the bylaws, the people who sat on the board were to be in the transit district and there were only very small slivers of land that connected the transit district and they couldn't find anyone who wanted to or could serve from those very small areas. Todd Beutler said there is nothing in state statute that requires a board member to be in the transit district, but the district's bylaws do. The transit district could change its bylaws so that anyone in the unincorporated areas or anyone in the county could serve. What are the feelings of the Council?

Council member Robison recommended opening up the board to anyone living in the unincorporated areas.

Chairman White would like to have a representative from an area that does not have transit service.

The preference of the Council is to have a board member from the unincorporated areas or a board member who lives in an area without service.

Beutler will effect the change in the bylaws and get back to the County Council on the issue.

- **Tax Abatement Request – Wayne Cardon** – Executive Lemon said this parcel of land was never a buildable lot. The value was changed this year but taxes for 2009 and 2010 need to be abated because of the error. Lemon recommends abatement.

ACTION: Motion by Council member Potter to approve the recommended tax abatement. Petersen seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Cost Participation Agreement – Canal Rebuild** – Water Manager Bob Fotheringham reminded the Council of the combined Councils meeting held earlier this month addressing cost participation. The county has received an extension on its agreements and the county now needs to move forward and hire a design engineer before March. In order to do that the SOQ (Statement of Qualifications) needs to go out sometime in January. If the county does not move forward, the funding will be pulled. We need to move the cost share agreement forward. Other options may change the figures, but not over 10%. The quicker the county supports this the sooner other councils will get on board.

(Attachment 5)

ACTION: Motion by Council member Petersen that the Cache County Council is supportive of the cost share agreement as presented at the October 25, 2011 County Council meeting and will take formal action at a future meeting. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Cache County Council
10-25-2011

Fotheringham remarked that the County Seat show will address the canal reconstruction project next Sunday.

OTHER BUSINESS

- ✓ **2011 UAC Annual Convention – November 16-18, 2011**

COUNCIL MEMBER REPORTS

There were no reports.

**THE COUNCIL ADJOURNED TO A MEETING OF THE CACHE COUNTY
REDEVELOPMENT AGENCY**

ACTION ITEMS:

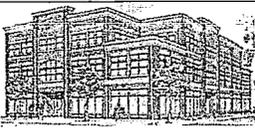
- 1. Resolution – Authorization of Area Plan for a Community Development Area** – Executive Lemon reported that the county cannot make the area public because the state has not finalized its decision. This issue will be on the November 8, 2011 County Council agenda.

ADJOURNMENT

The Council adjourned from the Cache County Redevelopment Agency meeting at 8:01 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Jon White
Chairman



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: Development Services Office
Date: October 18, 2011
Subject: Development Services Agenda Items

A request for the Cache County Council to place the following on the October 25, 2011 Agenda:

Consent Agenda

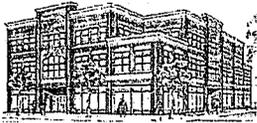
- 1. L&D Cannell Subdivision** – Doug Cannell is requesting approval for a 2-lot subdivision on 4.7 acres of property in the Agricultural (A-10) Zone located at approximately 975 West Highway 218, Smithfield.
Recommended Findings of Fact: Four (4)
Recommended Conditions of Approval: Six (6)
Planning Commission Recommendation: Approval (5, 0)

Pending Items

- 2. Ordinance 2011-15: North Valley Landfill Rezone** – Issa A. Hamud is requesting approval for a rezone to amend 320.36 acres of the Agricultural (A-10) Zone to include the Public Infrastructure (PI) Overlay Zone located off Stink Creek Road, north of Clarkston.
Recommended Findings of Fact: Four (4)
Planning Commission Recommendation: Approval (4, 2)

Initial Consideration

- 3. Mount Sterling Ranches Subdivision and Boundary Line Adjustment** – Wayne Crow is requesting approval for a 25-lot subdivision and boundary line adjustment on 209.42 acres of property in the Agricultural (A-10) Zone located at approximately 7400 South 4000 West, Mt. Sterling.
Recommended Findings of Fact: Four (4)
Recommended Conditions of Approval: Ten (10)
Planning Commission Recommendation: Approval (5, 0)



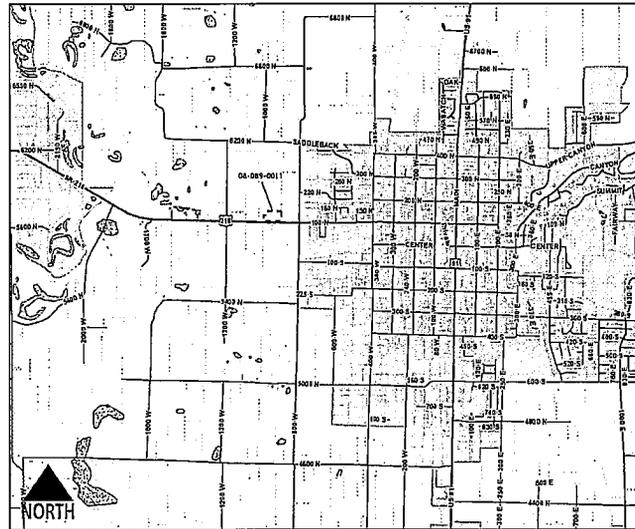
CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

JOSH RUNHAAR, AICP
 DIRECTOR / ZONING ADMINISTRATOR
 PAUL BERNITSON
 CHIEF BUILDING OFFICIAL

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

Project Name: L&D Cannell Subdivision

Agent: Douglas Cannell
Request: 2-lot Subdivision
Tax ID: 08-089-0011
Current Zoning: Agricultural (A-10)
Project Address: 975 West Hwy 218
 Smithfield, Utah 84335



Surrounding Uses: North – Ag/Residential
 South – Ag/Residential
 East – Ag/Residential/Smithfield
 West – Ag/Residential

Type of Action: Recommendation to County Council
Staff Advisement: Approval with conditions

Reviewed by: Christopher S. Harrild, Planner II

PURPOSE

To make a recommendation regarding the preliminary and final plat for the L&D Cannell Subdivision to the Cache County Council.

PROJECT SUMMARY

The proposal is to create a 2-lot subdivision located at 975 West Highway 218, Smithfield, in the Agricultural (A-10) Zone on 4.7 acres of property. The subdivision will consist of one new building lot and one lot with an existing home.

Access:

- The shared access to this property is from Highway 218. The applicant has attended a CAMP meeting with UDOT and will be required to pave the throat of the shared access within the UDOT right-of-way to the UDOT standards.
- The applicant will be required to submit a copy of the UDOT approval prior to recordation of a final plat.

Water & Septic:

- An adequate, approved, domestic water right is currently in place for this property and must be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- The proposed property is feasible for an on-site septic tank system.

Service Provision:

- All refuse and recycling containers shall be placed along the side of Highway 218 for Friday 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.
- Elementary students would attend Birch Creek and not be eligible for busing. A school bus stop for secondary students would be located at 975 West Highway 218.
- 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. The water supply tenders from the Smithfield Fire Department.

Cache County Planning Commission

Minutes for 6 October, 2011

Present: Chris Harrild, Josh Runhaar, Phillip Olsen, David Erickson, Leslie Larson, Lamont Godfrey, Chris Allen, Jon White, Denise Ciebien, Megan Izatt

Start Time: 5:31:00 (Video time shown on DVD)

Larson welcomed and **Erickson** gave opening remarks.

5:32:00

Agenda

Passed

Minutes

September 1, 2011 – Minutes passed.

5:34:00

Consent Agenda

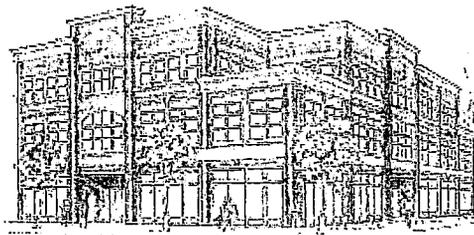
#1 L&D Cannell Subdivision (Douglas R. Cannell)

Harrild reviewed Mr. Douglas R. Cannell's request for a recommendation of approval to the County Council for a 2-lot subdivision on 4.70 acres of property in the Agricultural Zone located at approximately 975 West Highway 218, west of Smithfield. This does need to have UDOT approval due to its location on Highway 218 and we have built that into the conditions and findings of fact.

Erickson motioned for approval to the County Council with the stated conditions and findings of fact; Allen seconded; Passed 5, 0.

6:27:00

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>9/1/2011</u> | Received By: <u>JB</u> | Receipt Number: <u>6015</u> | Amount/Check Number: <u>\$600 + \$500 deposit / #007</u> |
|-----------------------------------|---------------------------|--------------------------------|---|

| PROJECT INFORMATION | AGENT/OWNER INFORMATION |
|---|--|
| REQUEST TYPE <u>Subdivision</u> | AGENT NAME <u>Douglas R. Cannell</u> |
| PROJECT NAME <u>L&D Cannell Subdivision</u> | ADDRESS <u>101 East 630 North #18</u> |
| PROJECT ADDRESS <u>975 West Hwy 218</u> | <u>Smithfield, UT 84335</u> |
| <u>Smithfield, UT 84335</u> | TELEPHONE (DAY) <u>915-6042</u> (CELL) <u>764-2436</u> |
| SERIAL NUMBER(S) <u>08-089-0011</u> | OWNER NAME <u>L&D Cannell Properties LLC</u> |
| ZONE <u>Agricultural</u> | ADDRESS <u>1015 West Hwy 218</u> |
| PROJECT LOCATION <u>Smithfield</u> | <u>Smithfield, UT 84335</u> |
| | TELEPHONE (DAY) <u>563-5488</u> (CELL) _____ |

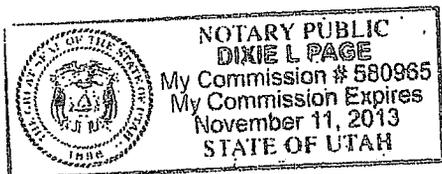
State of Utah)

§

County of Cache)

On this 1 day of September, 2011, personally appeared before me, Douglas R. Cannell, 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 [Signature]
(Property Owner or Agent)



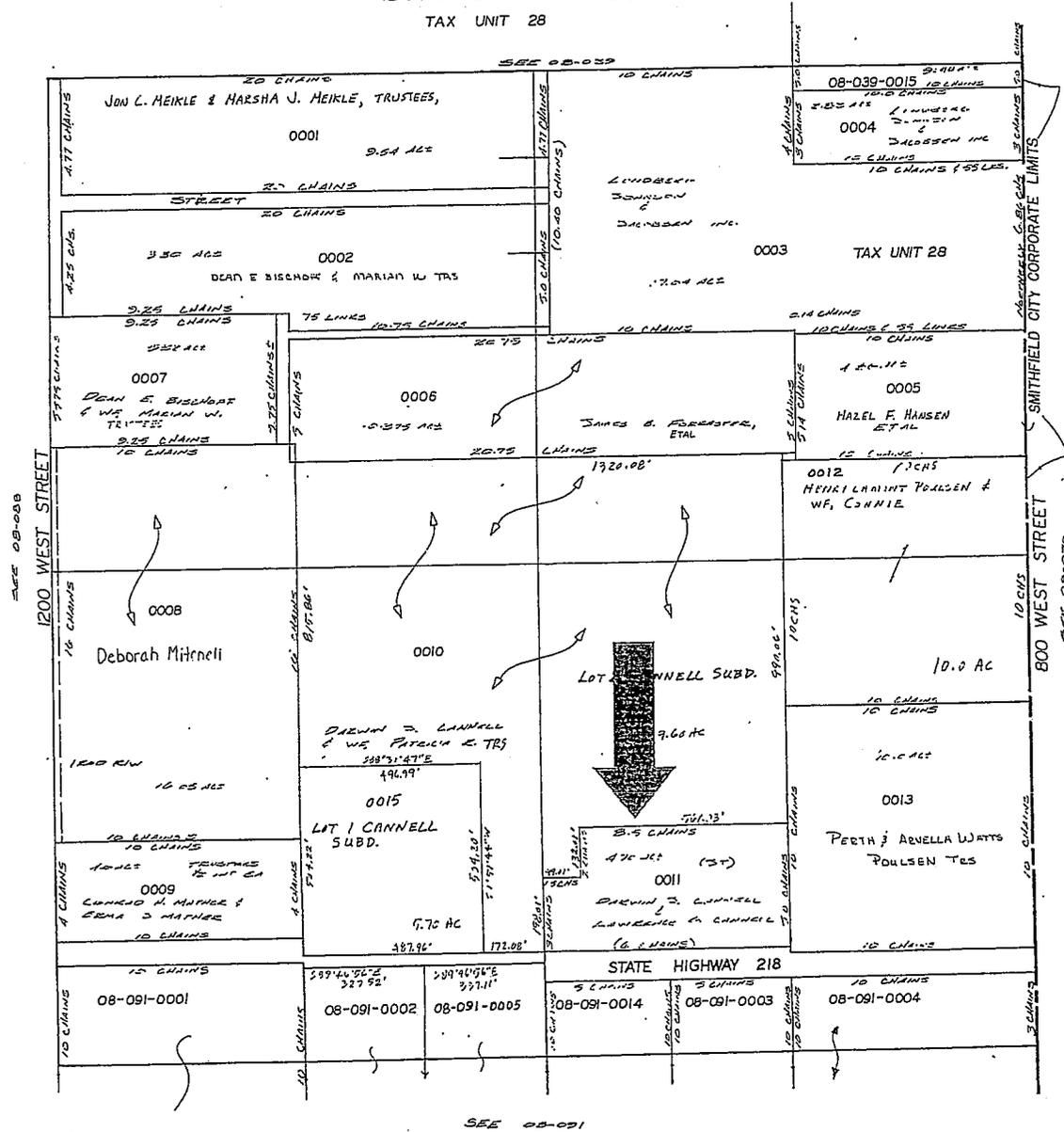
[Signature] Page 9/1/11
Notary Public

NE 1/4 Section 29 Township 13 North Range 1 East

08-089

Scale 1 Inch = 200 FEET

TAX UNIT 28



SEE 08-091

This Plat is Provided as an accommodation only and Does not Constitute an Actual Survey of the Premises

**CACHE COUNTY, UTAH
ORDINANCE NO. 2011-15**

**REZONE
NORTH VALLEY LANDFILL**

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 THE CACHE COUNTY ZONING MAP

WHEREAS, the "County Land Use Development and Management Act," Utah Code Ann. §17-27a-101 *et seq.*, as amended (the "Act"), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the County's Planning Commission (the "Planning Commission") shall prepare and recommend to the County's legislative body, following a public meeting, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission's recommendations for zoning the area within the county; and

WHEREAS, the Act also provides certain procedures for the County's legislative body to adopt or amend the land use ordinance and zoning map for the County; and

WHEREAS, the County Council caused notice of the hearing 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, on July 7, 2011, the Planning Commission held a public hearing to consider the request for a rezone to amend parcel ID#'s 15-003-0001, 15-051-0007, 15-051-0008, 15-051-0009, 15-051-0010, 15-051-0012, 15-051-0013, and 15-051-0014, a total of 320.36 acres of the Agricultural Zone to include the Public Infrastructure Overlay Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone; and

WHEREAS, on August 4, 2011, the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action; and

WHEREAS, on September 13, 2011, at 5:45 P.M., the County Council held a public hearing to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed rezone was discussed, and recommendation of County staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to approve such rezone;

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority.

The statutory authority for enacting 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. Approval of Rezone.

The County Council hereby rezones parcel ID#'s 15-003-0001, 15-051-0007, 15-051-0008, 15-051-0009, 15-051-0010, 15-051-0012, 15-051-0013, and 15-051-0014, a total of 320.36 acres of the Agricultural Zone to include the Public Infrastructure Overlay Zone, as described within Exhibit A.

3. Adoption of Amended Zoning Map.

The County Council hereby amends the County's zoning map to reflect the rezone of the Property effected by this ordinance and hereby adopts the amended zoning map that is attached as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

4. Findings

- A. The location of the subject property is compatible with the purpose of the Public Infrastructure (PI) Overlay Zone.
- B. The subject property is suitable for development within the Public Infrastructure (PI) Overlay Zone without increasing the need for variances or special exceptions.
- C. The subject property is suitable as a location for all permitted uses within the Public Infrastructure (PI) Overlay Zone.
- D. The subject property when used for the permitted uses in the Public Infrastructure (PI) Overlay Zone, is not incompatible with adjoining land uses and is in the best interests of the citizens of Cache County.

5. Severability.

All parts of this ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

6. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes the Zoning Map of Cache County, 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.

7. Exhibits.

Exhibit A: Affected parcels of the North Valley Landfill Rezone: 15-003-0001, 15-051-0007, 15-051-0008, 15-051-0009, 15-051-0010, 15-051-0012, 15-051-0013, and 15-051-0014.

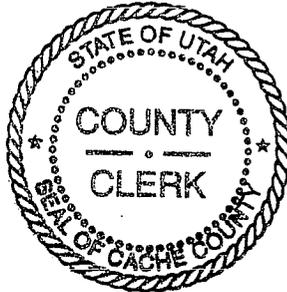
Exhibit B: Zoning Map of Cache County

8. Effective Date.

This ordinance takes effect on November 8, 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 25th day of October, 2011.

| | In Favor | Against | Abstained | Absent |
|----------|----------|---------|-----------|--------|
| Potter | X | | | |
| Buttars | X | | | |
| White | X | | | |
| Petersen | X | | | |
| Robison | X | | | |
| Yeates | | | | X |
| Zilles | X | | | |
| Total | 6 | 0 | 0 | 0 |



CACHE COUNTY COUNCIL

Jon White

Jon White, Chair
Cache County Council

ATTEST:

Jill Zollinger

Jill Zollinger
Cache County Clerk

Publication Date: November 8, 2011

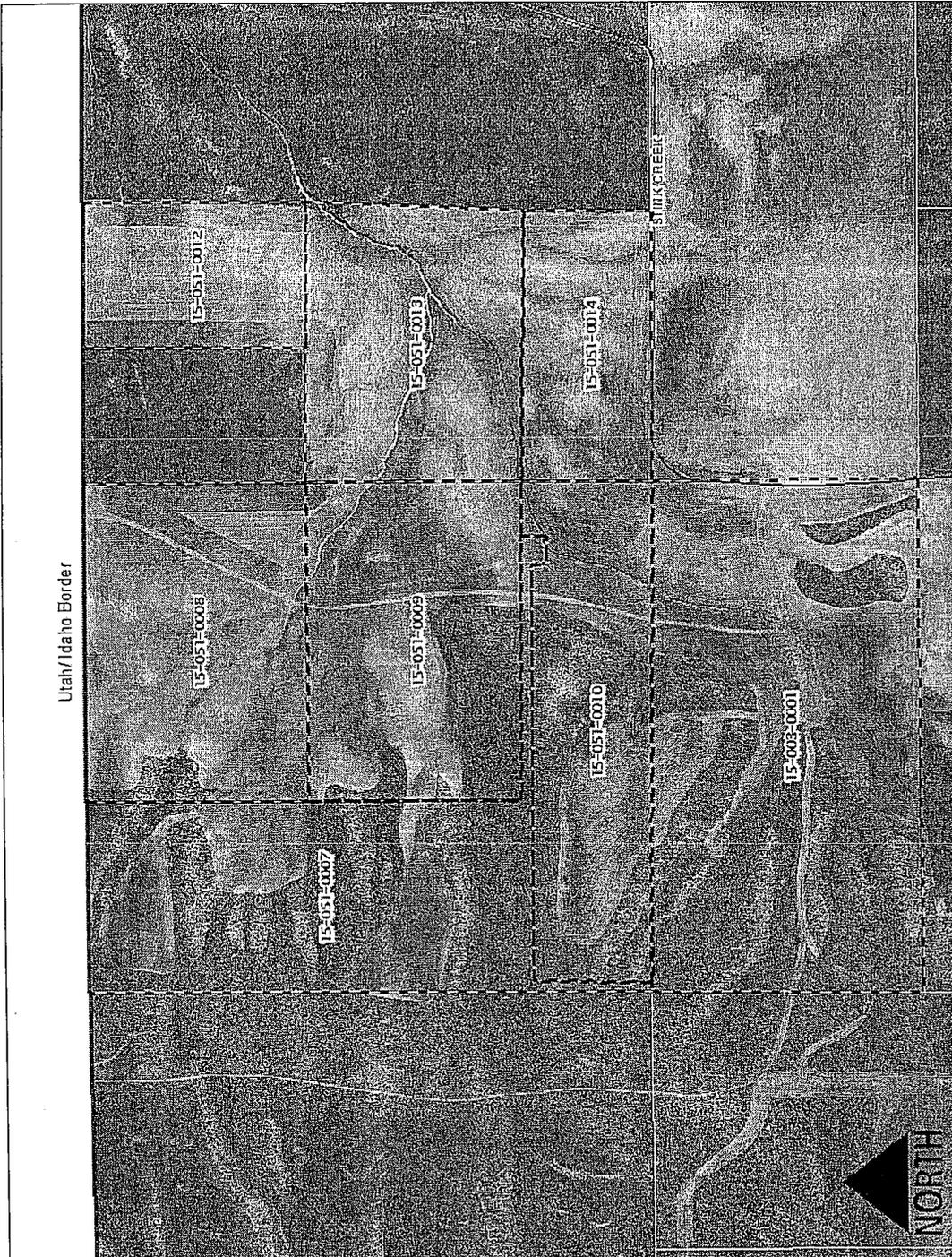
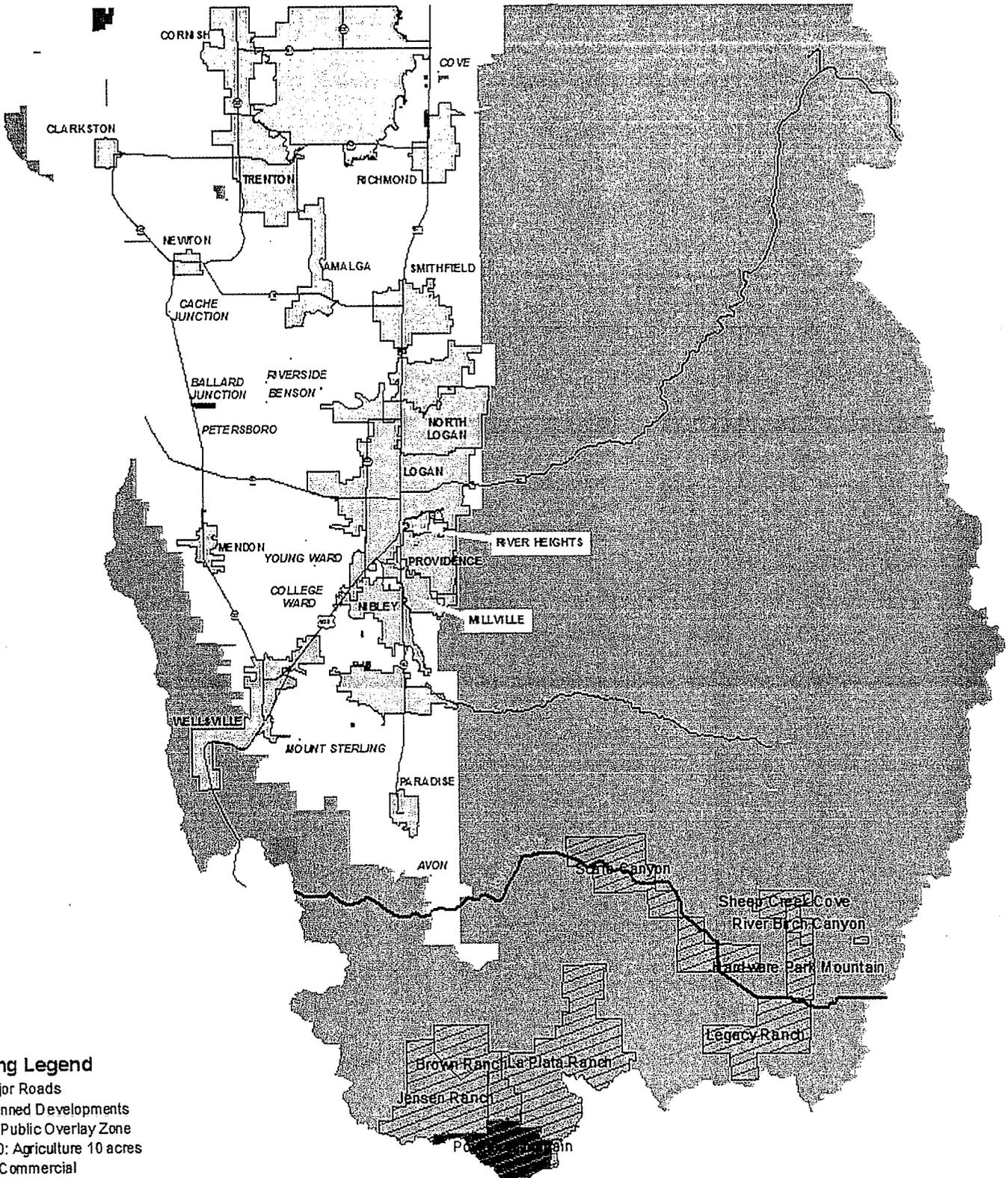


EXHIBIT B



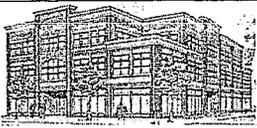
Zoning Legend

- ~ Major Roads
- ▨ Planned Developments
- PI: Public Overlay Zone
- A10: Agriculture 10 acres
- C: Commercial
- ▨ FR40: Forest Recreation 40 acres
- IM: Industrial/Manufacturing
- ▨ ME: Mineral Extraction
- RR: Resort Recreation
- ▨ RU-2 Rural- 2 Zoning District
- ▨ RU-5 Rural- 5 Zoning District

0 2.5 5 10 Miles

Map produced Oct. 2011 by Cache County Development Services





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)755-1640 ♦ FAX (435)755-1987

Development Services Agenda Items

To: Cache County Council
From: Development Services Office
Date: October 18, 2011
Subject: Development Services Agenda Items

A request for the Cache County Council to place the following on the October 25, 2011 Agenda:

Consent Agenda

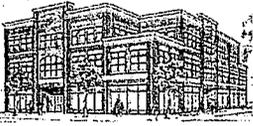
- L&D Cannell Subdivision** – Doug Cannell is requesting approval for a 2-lot subdivision on 4.7 acres of property in the Agricultural (A-10) Zone located at approximately 975 West Highway 218, Smithfield.
Recommended Findings of Fact: Four (4)
Recommended Conditions of Approval: Six (6)
Planning Commission Recommendation: Approval (5, 0)

Pending Items

- Ordinance 2011-15: North Valley Landfill Rezone** – Issa A. Hamud is requesting approval for a rezone to amend 320.36 acres of the Agricultural (A-10) Zone to include the Public Infrastructure (PI) Overlay Zone located off Stink Creek Road, north of Clarkston.
Recommended Findings of Fact: Four (4)
Planning Commission Recommendation: Approval (4, 2)

Initial Consideration

- Mount Sterling Ranches Subdivision and Boundary Line Adjustment** – Wayne Crow is requesting approval for a 25-lot subdivision and boundary line adjustment on 209.42 acres of property in the Agricultural (A-10) Zone located at approximately 7400 South 4000 West, Mt. Sterling.
Recommended Findings of Fact: Four (4)
Recommended Conditions of Approval: Ten (10)
Planning Commission Recommendation: Approval (5, 0)



CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

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 CHIEF BUILDING OFFICIAL

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

Project Name: **Mount Sterling Ranches**

Agent: Wayne Crow

Request: 25-lot subdivision and BLA

Tax ID: 10-048-0016, 0017, 10-055-0001

Current Zoning: Agricultural (A-10)

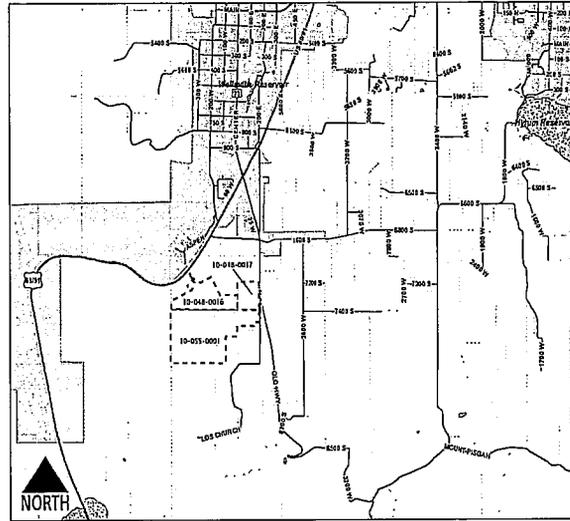
Project Address: 7400 South 4000 West
 Mt. Sterling, Utah

Surrounding Uses: North – Agricultural/Residential
 South – Forest Rec/Agricultural/Residential
 East – Agricultural/Residential
 West – Forest Rec/Hwy 89/91/Wellsville

Type of Action: Recommendation to County Council

Staff Advisement: Approval with conditions

Reviewed by: Christopher S. Harrild, Planner II



PURPOSE

To make a recommendation regarding the preliminary and final plat for Mount Sterling Ranches to the Cache County Council.

PROJECT SUMMARY

A portion of parcel ID# 10-055-0001 was recommended for approval by the Planning Commission to the County Council for a rezone from the Forest Recreation (FR-40) Zone to the Agricultural (A-10) Zone. The request was approved by the Cache County Council on May 24, 2011.

This proposal is to create a 25-lot subdivision located at approximately 7400 South 4000 West, Mt. Sterling, in the Agricultural (A-10) Zone on 209.42 acres of property on parcel ID#'s 10-048-0016, 10-048-0017, and 10-055-0001. The boundary line adjustment will adjust the boundary line between parcel ID#'s 10-048-0015 and 10-048-0016 with no measurable net gain or loss of acreage to either parcel.

ORDINANCE

Cache County Ordinance Title §17.010.020 [B] allows a 1970 parcel in the Agricultural (A-10) Zone to be divided at a density of 1 lot per two acres for the first three lots. All development beyond the first three lots shall conform to the A-10 density of 1 lot per ten acres. Parcel ID#'s 10-048-0016 and 10-048-0017 are the same size and configuration as they were in 1970 and therefore the two acre density applies for the first three lots divided from each parcel and the ten acre density thereafter. Parcel ID# 10-055-0001 is not a 1970 parcel and therefore the ten acre density applies to all lots of that parcel.

10-048-0016 – 3 lots at two acre density, 4 lots at ten acre density (7 total lots)

10-048-0017 – 3 lots at two acre density, 3 lots at ten acre density (6 total lots)

10-055-0001 – 12 lots at ten acre density (12 total lots)

(All parcels: 25 total lots)

The applicant's proposal combines the three parcels and the development potential of each parcel as noted above to create a single development. Staff supports this as an appropriate approach to the division of the property as opposed to dividing each property individually.

Access:

- Access to this property from 4000 West is adequate. At this access point, county road 4000 North is a 20'-22' wide paved surface with 1 foot shoulders.
- When completed, the top surface of any approaches from 4000 West shall be even with or lower than the existing edge of pavement on 4000 West.
- Culverts may be necessary as lots are developed.
- The proposed private roads within the subdivision will consist of 12 foot wide, 3 inch thick asphalt travel lanes and 2 foot wide gravel shoulders.

Water & Septic:

- An adequate, approved, domestic water right must be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- The applicant is currently seeking approval from the State to establish a private water system to provide culinary water to the proposed lots. The State has performed a preliminary evaluation of the proposed private water system and no final approval has been given, however, the State has noted that the system appears to be feasible.
- Final approval from the State for the private water system must be obtained prior to recordation of a final plat.
- The proposed lots are feasible for on-site septic tank systems.
- All septic systems must be located 100 feet from canals, ditches, streams, rivers, or deep wells, 200 feet from shallow wells and culinary springs which are at a lower elevation, and must be outside any areas subject flooding and Source Protection Zones.
- Septic systems shall not be installed on more than a 25% slope.

Service Provision:

- As a private road, a liability waiver must be signed and kept with the Logan City Environmental Department before solid waste collection will be made available.
- All refuse and recycling containers shall be placed along the side of the private roads, or for Lot #7, along the side of 4000 West.
- 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 for Tuesday pickup
- During winter or stormy weather, collection trucks will not attempt access if the road is not properly plowed or maintained.
- A school bus stop would be located 7400 South 4000 West adjacent to the proposed subdivision.
- Any driveways 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. The water supply tenders from the Wellsville Fire Department.
- The CC&R's for the proposed subdivision have required attic fire sprinklers in each single family dwelling.
- To support water supply for fire suppression via fire hydrants as verbally described by the applicant to the State, the State has required a total fire suppression water storage tank of no less than 120,000 gallons.

STAFF DETERMINATION

It is staff's determination that the Mount Sterling Ranches subdivision, a 25-lot subdivision for property located at approximately 7400 South 4000 West with parcel ID#'s 10-048-0016, 10-048-0017, and 10-055-0001 is in conformance with the Cache County Ordinance requirements for preliminary and final plat approval to the County Council. This determination is based on the following findings of fact:

FINDINGS OF FACT

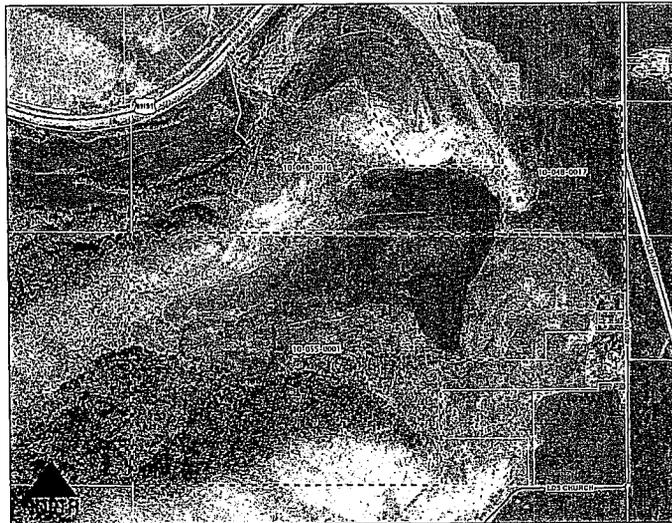
1. The Mount Sterling Ranches subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.

2. The Mount Sterling Ranches 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 Mount Sterling Ranches 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 Mount Sterling Ranches 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 conditions 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 subdivision.
3. Prior to final plat recordation, final approval from the State for the private water system must be obtained and a copy of the approval must be submitted to the Development Services Office.
4. Prior to final plat recordation, the design of all private roads within the development shall be reviewed and approved by the County Engineer for compliance with applicable codes. A full set of engineered design and construction plans shall be submitted and shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. Also include locations and language of MUTCD type signs to be posted at the entrance of the proposed subdivision stating that the road is private and there will be no county maintenance or snow removal on the road.
5. An encroachment permit must be obtained for any work within the Cache County right-of-way.
6. The applicant shall reaffirm their 33' portion of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision boundary.
7. As a private road, a liability waiver must be signed and kept with the Logan City Environmental Department before solid waste collection will be made available.
8. All lots shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
9. For all developable lots of the final plat that are accessed by means of the private road(s), a note shall be recorded against each stating the following: "This is a private road. There will be no County maintenance or snow removal provided. Non-emergency County services may be limited or discontinued if the private road is not adequately maintained."
10. A master plan for the open space areas that addresses use, maintenance, ownership, and vegetation shall be submitted to the Cache County Director of Development Services for review and approval.



#3 Mount Sterling Ranches Subdivision (Wayne L. Crow)

Harrild reviewed Mr. Wayne L. Crow's request for a recommendation of approval to the County Council for a 25-lot subdivision on 378.83 acres of property in the Agricultural Zone located at approximately 7400 South 4000 West, Mt. Sterling. There is a boundary line adjustment with this proposal but there will be no measurable net gain or loss of acreage to either parcel. The applicant's proposal combines three parcels and the development potential of each parcel as noted above to create a single development. Access to the property is from 4000 west and is adequate for the project. Culverts may be necessary as lots are developed within the subdivision. The proposed private roads within the subdivision will consist of 12 foot wide, 3 inch thick asphalt travel lanes and 2 foot shoulders. This exceeds the County standard. The applicant is currently seeking approval from the state to establish a private water system to provide culinary water to the proposed lots. The state has performed a preliminary evaluation of the proposed private water system while no final approval has been given the State has noted that the system appears to be feasible. As the roads in the subdivision are private, a liability waiver must be signed and kept with the Logan City Environmental Department before Solid Waste collection will be made available. We do have some questions regarding the fire protection and the applicant is working on answering our questions.

Staff and planning commission discussed Wellsville City's concerns about homes being built on ridgelines. This subdivision has no homes being built on a ridgeline. Runhaar did inform the commission that this area is in Wellsville City's annexation area, but Wellsville has supplied no comments regarding this subdivision. The developer's plans show that the road leading up to the subdivision meets the county standards and that within subdivision the road exceeds county standards. Commission and staff discussed condition 10. Condition 10 asks that the developer provide a plan for how the open space is going to be maintained. The developer does not need to have open space in the subdivision but has chosen to do so and staff would like to see a maintenance plan for that open space.

Wayne Crow what the owners have planned is to build fences around the properties and for the open space to remain as it is today. Access to the open space will be to the south. They may have cattle up there, there are cattle now, but it's planned to remain natural. It is the owner's request to have both hydrants and fire sprinklers. The CC&Rs do need to be changed regarding the fire sprinklers. The open space and large basin will remain natural and will be used for drainage. Most of the homes will not be able to be seen.

Erickson for the water for these homes, is there secondary water?

Mr. Crow we do have a well that has a 120 acre feet. We've gone over this with the state. What will happen is each home will have an acre and a ¼ of irrigation, plus their culinary and 120 animals divided among the 25 lots.

Erickson the source for that is on this property?

Mr. Crow it's a well located on the property and we are currently having it tested for quality.

Rodger Nicks I am neighbor to this property. I've just recently heard of this. First of all I feel like Mr. Crow and the owner have done a good job of laying this out. I do have some concerns regarding 4000 west. When you enter the basin, 90% of these homes will not be visible, but right up on top of the bluff is what I'm concerned with. From the research that I've done today, the county has been considering a bonus for some of the landowners for clustering their development in one area. I know they are maximizing their lots for profitability, but my question is, is it possible for the county to bonus them land on the bluff due to them clustering their development and block the view of the Wellsville's? As has been noted, it is an agricultural area and that is part of the reason we've moved out there and we would like to see as much remain in agriculture as possible. Is it possible to allow more building lots down around the basin and leave the bluffs free of development?

Mr. Crow if you look at the map of that area that has been shaded that is a 30% slope. Where the homes have been placed there is no construction going up the slope or on top of the bluff. The thing that the owner was really trying to do, is if you look at the size of the lots they all exceed 5.5 acres and the owner has done that to have them be green belt compliant. The owner originally wanted to put homes up on the bluffs, but through county, Wellsville and other things he has agreed not to put homes up there.

Mr. Nicks There is 737 acres for sale to the north and west currently for sale. As this piece develops it's possible that the other side of the bluff will be developed as well. I just want the natural beauty of Wellsville and the mountains and how to develop that land beautifully as well.

Mr. Crow the acres that were just brought up are contiguous to Wellsville City and would most likely have to be addressed according to Wellsville City's ordinances.

Runhaar it doesn't have to be, but that is discussion for the future. County ordinance limits any development across a 30% grade. The only concern would maybe be to put limitations on lots 2 and 3 that they would have to access from Mount Sterling Court only. The other option you have is to self restrict the back of those lots for no residential building.

Brent Hansen I also live in this area. I'm not here to talk against this, but I do have a couple of questions. Does the county have a plan for clustering to try and keep development clustered together so that there is a lot of agricultural area and open space? What are the thoughts on clustering?

Larson we actually have worked on a cluster ordinance so that developers do have that option. It's not something that we require but it's a tool that a developer can use to figure their developments in that way. A lot of developers like it because it minimizes infrastructure for them. There are a variety of options, but we don't force developers to use it.

Runhaar we are still looking at clustering. Our current ordinance is ineffectual because it states that if you want to cluster you can. The committee did recommend that we have a stronger statement on clustering. We've discussed it with several entities and the plan is to work on it in the near future.

Mr. Hansen do we have a master plan for growth and development in the county?

Runhaar we do have a comprehensive plan that was written in 1996 and adopted in 1998 that hasn't been followed. That is something we are working on.

Mr. Hansen why do you not follow it?

Runhaar it's made up of 127 goals and half of them contradict the other half. Also, it doesn't look at future development but what is there now.

Mr. Hansen most of my neighbors have had well problems and most the people I know out in that area have well problems. We have 25 homes going in and is there enough water for sure?

Mr. Crow it pumps 450 gallons per minute and we are only required to have 150 gallons per minute.

Runhaar that is a common problem that happens to cities as well as homes, however, the state is really the only authority on provisioned water.

Mr. Hansen right now there were questions on open space, and I would like to see a little more solidification regarding the open space.

Larson just as an fyi, they have offered open space but we don't require it. We are not set up to require open space. We also can't require them to not build on the ridge tops but they have chosen to design the subdivision to not breach those ridge tops.

Mr. Nicks if you look at just where you were pointing, you could access that road from the canyon and 6800 south.

Runhaar you could, but it would have to be discussed at that point in time.

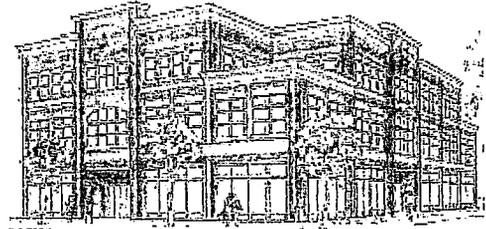
Mr. Nicks I understand that, I'm just wondering what can and can't be required for the development.

Runhaar at this time they cannot develop it. In the future they can change that and open it up for development, but at this time there is no conceivable way to develop there.

Olsen it looks like they have really done their homework and come forth with something that is really feasible.

Godfrey motioned for approval to the County Council with the stated conditions and findings of fact and the amended wording to condition 10; Erickson seconded; Passed 5, 0.

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



JOSH RUNHAAR, AICP
DIRECTOR/
ZONING ADMINISTRATOR

PAUL BERTNISON
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>6 SEP 2011</u> | Received By: <u>Chris</u> | Receipt Number: <u>6020</u> | Amount/Check Number: <u>\$195</u> (+ \$500 CARRIED OVER FROM REZONE.) <u>\$5950.00 + \$500 dep = \$6,450.00</u> |
|-------------------------------------|------------------------------|--------------------------------|---|

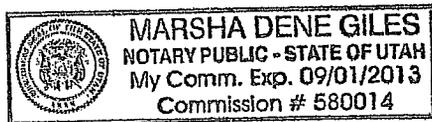
| PROJECT INFORMATION | AGENT/OWNER INFORMATION |
|---|--|
| REQUEST TYPE <u>SUBDIVISION</u> | AGENT NAME <u>WAYNE L. CROW</u> |
| PROJECT NAME <u>MT. STERLING RANCHES</u> | ADDRESS <u>380 SPRING CREEK Rd.</u> |
| PROJECT ADDRESS <u>7400S 400W</u> | <u>PROVIDENCE, UT 84332</u> |
| <u>MT. STERLING, UT</u> | TELEPHONE (DAY) <u>752-9755</u> (CELL) <u>757-5120</u> |
| SERIAL NUMBER(S) <u>10-055-0001,</u> | OWNER NAME <u>M. CLAIR WEBB</u> |
| <u>10-048-0016, 0017</u> | ADDRESS <u>20180 SW ENGLK DRIVE</u> |
| ZONE <u>AGRICULTURAL</u> | <u>ALOHA, OR. 97007</u> |
| PROJECT LOCATION _____ | TELEPHONE (DAY) _____ (CELL) _____ |

State of Utah)

County of Cache)

On this 6 day of September 20, personally appeared before me, Wayne L. Crow, 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.

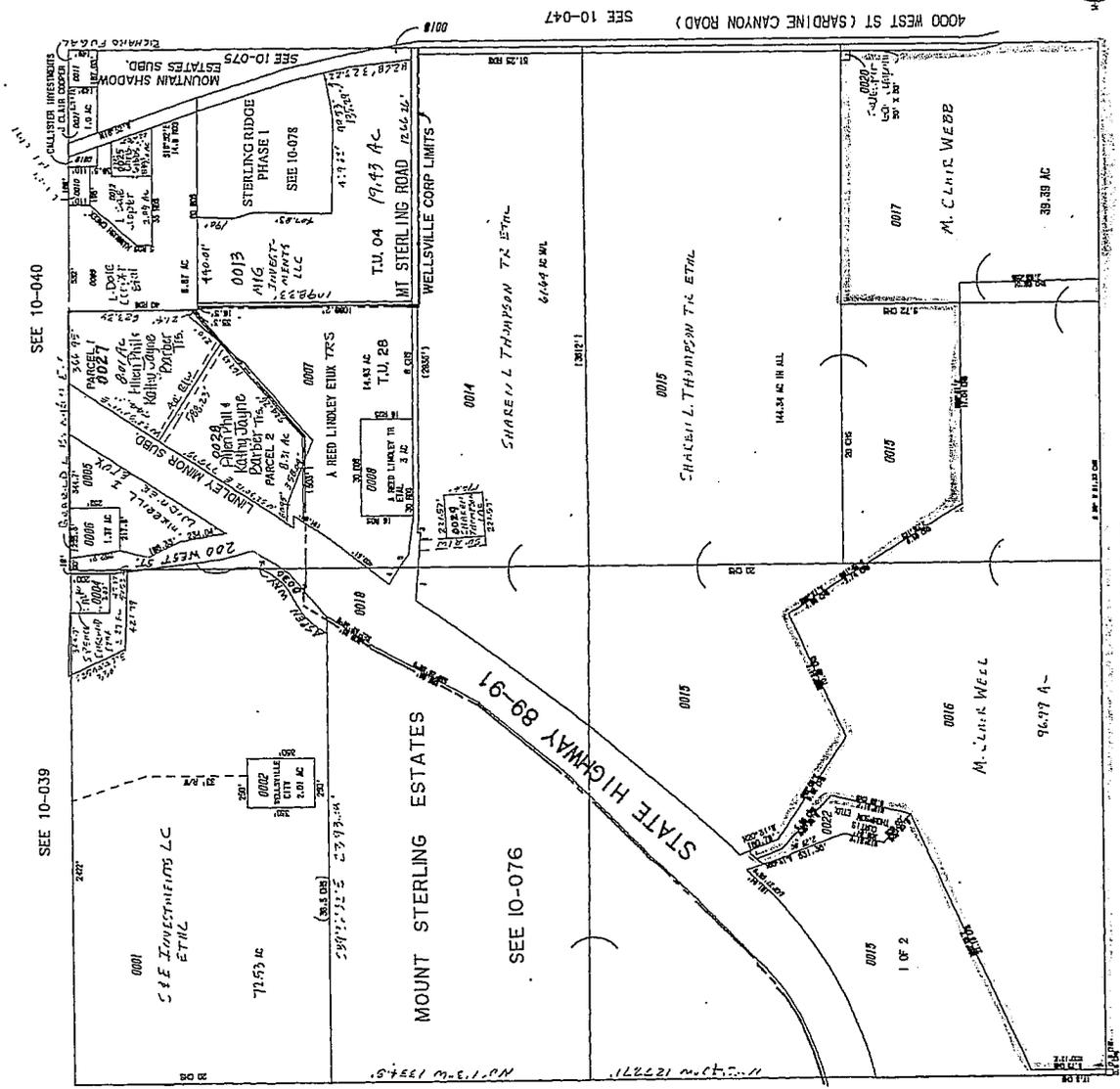
Signed _____
(Property Owner or Agent)



Marsha Dene Giles
Notary Public

Section 15, Township 10 North, Range 1 West
Scale 1" = 400 Feet

TAX UNIT 28,04



SEE 10-049

RECEIVED
AUG 31 2011

D. MOUNT STERLING RANCHES
CONSTRUCTION DRAWINGS
PART OF SOUTH HALF OF SECTION 15
AND THE NORTH HALF OF SECTION 22,
TOWNSHIP 10 NORTH, RANGE 1 WEST
OF THE SALT LAKE BASE AND MERIDIAN

SHEET INDEX

- SHEET 1 OF 6 COVER SHEET
- SHEET 2 OF 6 LINDLEY BASIN DRIVE & MT. STERLING COURT
- SHEET 3 OF 6 LINDLEY BASIN LAKE & LINDLEY BASIN COURT
- SHEET 4 OF 6 LINDLEY BASIN LAKE
- SHEET 5 OF 6 LINDLEY BASIN DRIVE
- SHEET 6 OF 6 WATER SUPPLY LINE

General Notes

1. ALL CONSTRUCTION TO BE IN CACHE COUNTY.
2. ALL UTILITIES TO BE AS SHOWN ON THESE DRAWINGS.
3. ALL UTILITIES TO HAVE A 6" MINIMUM COVER.
4. UTILITIES TO BE C-90, R10.

LEGEND

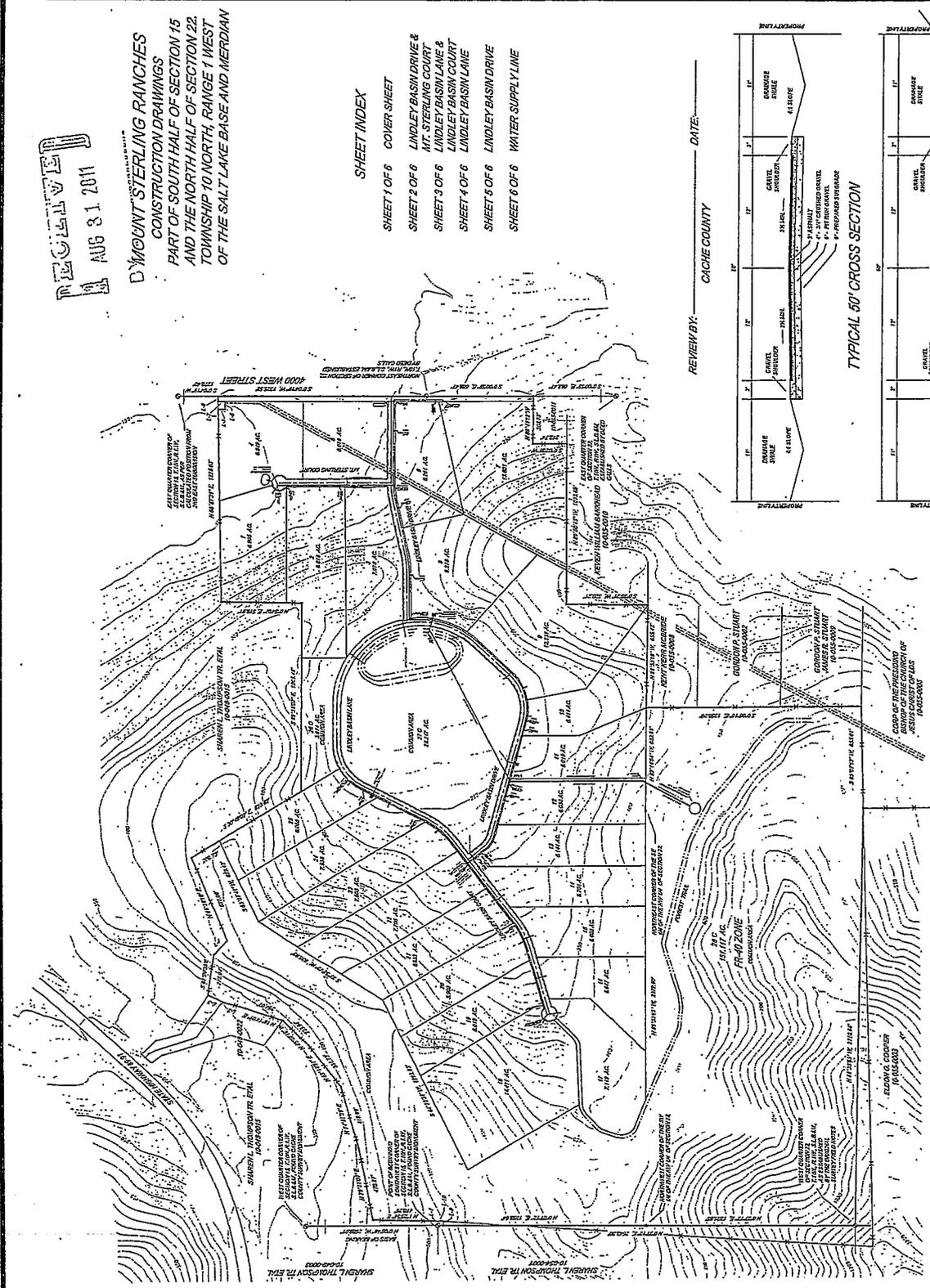
- FRANCE LINE
- FRONT PROPERTY LINES
- SET OF 2" REBAR CLOS
- BOUNDARY LINE
- COVER LINE
- DRAINAGE DITCHES

| No. | Revision/Issue | Date |
|-----|----------------|------|
| | | |

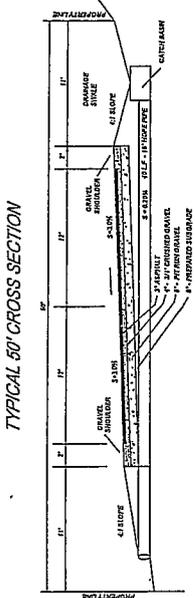
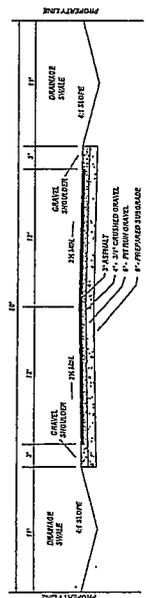
Prepared by:
MICHAEL CROWLAND ASSOCIATES, INC.
CIVIL ENGINEER
200 SPRING GREEN ROAD
PROVINCETON, UT 84302
(435) 825-8755

Project Name and Address:
MOUNT STERLING RANCHES
CONSTRUCTION DRAWINGS
PLAN AND PROFILE
7400 SOUTH 4000 WEST
CACHE COUNTY, UTAH

Sheet: 1 OF 6
August 2011
Scale: 1" = 300'



REVIEW BY: _____ DATE: _____
CACHE COUNTY



CACHE COUNTY
CORPORATION

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

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

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

NOTICE OF THE ANNUAL CACHE COUNTY COUNCIL
MEETING AND COUNTY OFFICES HOLIDAY SCHEDULE

PUBLIC NOTICE is hereby given that the 2012 meeting schedule of the Cache County Council is as follows:

| | | | | | | | |
|----------|----|-----|----|-----------|----|-----|----|
| JANUARY | 10 | and | 24 | JULY | 10 | and | 31 |
| FEBRUARY | 7 | and | 28 | AUGUST | 14 | and | 28 |
| MARCH | 13 | and | 27 | SEPTEMBER | 11 | and | 25 |
| APRIL | 10 | and | 24 | OCTOBER | 9 | and | 23 |
| MAY | 8 | and | 22 | NOVEMBER | 13 | and | 27 |
| JUNE | 12 | and | 26 | DECEMBER | 11 | and | 18 |

Regular meetings of the Council will be held in the Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321 beginning at 5:00 p.m. unless notice is given otherwise. Special and emergency meetings may be called as necessary pursuant to Utah State law.

The following legal holidays will be observed in 2012 by Cache County Government. County offices, except emergency services, shall be closed on these days:

| | | | |
|-----------|----|-----------|--|
| JANUARY | 2 | Monday | New Year's Day |
| JANUARY | 16 | Monday | Dr. Martin Luther King, Jr. Day |
| FEBRUARY | 20 | Monday | Washington and Lincoln Day |
| MAY | 28 | Monday | Memorial Day |
| JULY | 4 | Wednesday | Independence Day |
| JULY | 24 | Tuesday | Pioneer Day |
| SEPTEMBER | 3 | Monday | Labor Day |
| OCTOBER | 8 | Monday | Columbus Day |
| NOVEMBER | 12 | Monday | Veteran's Day |
| NOVEMBER | 22 | Thursday | Thanksgiving Day |
| NOVEMBER | 23 | Friday | Personal Preference Day |
| DECEMBER | 24 | Monday | Christmas Eve County offices close at noon |
| DECEMBER | 25 | Tuesday | Christmas |

And all days which may be set apart by the President of the United States, or the governor of the State of Utah by proclamation as days of fast or thanksgiving shall also be observed as legal holidays.

Witness my hand and official seal this 25th day of October, 2011.

Attest
Jill N. Zollinger
Jill N. Zollinger
Cache County Clerk



Jon White
Jon White, Chairman
Cache County Council

COST PARTICIPATION AGREEMENT SUMMARY

1. Parties. CACHE COUNTY (the "County"), CACHE HIGHLINE WATER ASSOCIATION ("Cache Highline"), whose sole shareholders are Logan & Northern Irrigation Company ("L&N"), and Logan, Hyde Park, Smithfield Canal Company ("LHPS"); the CITY OF LOGAN ("Logan City"), the CITY OF NORTH LOGAN ("North Logan City"), the CITY OF HYDE PARK ("Hyde Park City"), and the CITY OF SMITHFIELD ("Smithfield City"). Logan City, North Logan City, Hyde Park City and Smithfield City are sometimes referred to herein collectively as the "Cities."

2. Project Description. The County has applied for and obtained an Emergency Watershed Protection Program grant through the United States Department of Agriculture, Natural Resources Conservation Service ("NRCS"), to design and construct improvements to the Logan Hyde Park Smithfield Canal system and additional new features that will restore full irrigation water delivery to L&N and LHPS shareholders. The project is referred to by the NRCS and the Parties as the "Cache Community Emergency Watershed Project" (the "Project")

3. Project Benefits.

(a) Benefits to Cache Highline. Cache Highline is the primary beneficiary of the Project, whereby L&N shall be restored to full irrigation water deliveries and its capacity to satisfy its contractual municipal exchange obligations, and LHPS shall be restored to full irrigation water deliveries at historic rates of flow.

(b) Benefits to the Cities and County.

(1) The Cities shall receive perpetual capacity in Project storm and drainage water collection and conveyance facilities within the L&N Canal and LHPS Canal, for the collection of municipal storm and drainage waters originating within the Cities and conveyance of the same for discharge into Summit Creek.

(2) Logan City shall have a duly authorized point of delivery from the LHPS Canal for the delivery of irrigation water owned by the City to facilitate the irrigation of the City's Lundstrom Park. The turn-out structure is be constructed and installed by Cache Highline as part of the Project.

(3) Logan City, Hyde Park City and Smithfield City shall continue to receive the benefits of municipal water exchange agreements which would otherwise have been rendered impossible to perform as a result of the failure of the L&N Canal. As further consideration, Cache Highline has agreed that it will, to the extent reasonably possible, deliver water under L&N and/or LHPS shares owned or controlled by those Cities holding existing culinary water exchange agreements in respect to said shares, on a priority basis over the delivery of irrigation water, subject to the terms and conditions of company water rights, the availability of water supply, etc.

(4) Benefits to the County include enhanced water management and water for future development.

(c) Agreement to Participate. In consideration for the Project benefits to be received, the County and the Cities have agreed to participate as provided in this Agreement.

3. NRCS Financing.

(a) NRCS Grant. Under the Construction Funding Cooperative Agreement entered into between NRCS and the County, the Project Work is to be financed through a grant from the NRCS in an amount not to exceed 75% of the allowable Project construction costs, up to \$19,350,000.00 ("NRCS Funds"). NRCS Funds are to be disbursed by NRCS to the County as reimbursement for the actual construction costs incurred by the County for the Project Work.

(b) Local Cost Share. The Construction Funding Cooperative Agreement requires the County to contribute a minimum of 25% of the total allowable Project construction costs (the "*Local Cost Share*"), for the actual construction phase, to be satisfied by the payment of County funds and/or in-kind value in the form of labor, materials, or equipment, in an amount up to \$6,450,000.00 (figured at the maximum contribution by the NRCS of \$19,350,000.00).

(c) Other Project Costs. The County is further obligated to pay 100% of all costs incurred relative to obtaining all required local, state and federal permits, licenses, property rights related to the Project Work, cost overruns and all other costs and expenses incurred in connection with the Project not allowable for reimbursement with NRCS Funds.

4. Local Participation; Allocation and Payment.

(a) Allocations Among the Parties. The Total Local Cost Share is to be allocated among the Parties as set forth in Section 2 of the attached Exhibit.

(b) UDWR Loan. Cache Highline has received a commitment from the Utah Division of Water Resources ("*UDWR*"), for a loan to finance up to approximately 85% of the Local Cost Share which Cache Highline is obligated to pay to the County (the "*UDWR Loan*"). As a condition to the UDWR Loan, Cache Highline is obligated to provide matching funds, in cash, or in-kind in the form of labor, materials or equipment, in an amount equal to approximately 15% of the Local Cost Share (the "*Local Match*").

(c) Payment During the Project Design and Construction Period. During construction, as each progress payment comes due, the County will be reimbursed 75% of the progress payment amount out of NRCS grant funds, and the 25% Local Match will be paid 85% from DWR Loan funds and 15% by the Parties from the Local Match. The Local Match portion of each progress payment will be reimbursed by the County and the Cities in an amount equal to their respective percentages of participation as set forth in Section 3 of the attached Exhibit. In addition to its share of the Local Match, Logan City will also pay the cost of acquiring as many as possible of the remaining structures situated within the area of the L&N canal failure along Canyon Road as set forth in Section 3 of the attached Exhibit.

(d) Payment During the Post-Construction Loan Repayment Period. Subsequent to construction, the Parties will be obligated to repay the UDWR Loan in annual payments, according to their respective percentages, in the approximate amounts set forth in Section 4 of the attached Exhibit.

5. Reliance on Participation of the Parties. The Construction Funding Cooperative Agreement expressly provides that the County is allowed and said agreement anticipates that Cache Highline, the County and the municipalities will participate in covering a portion of the Local Cost Share and Other Costs of the Project, as defined herein, through loans or other in-kind contributions. Cache County entered into the Cooperative Agreements with NRCS and assumed responsibility for payment of the Local Cost Share, and Cache Highline has agreed to reimburse the County and has applied for the DWR Loan and agreed to assume full responsibility for payment of the UDWR Loan Obligation, all in reliance upon the agreement of the County and the Cities to participate in the Project and pay their respective portions of the Municipal Cost Share as set forth herein.

6. Future Operating Agreement. All matters pertaining to relationships, ownership, administration, control, management, operation, maintenance, repair and replacement of the Project facilities upon completion of the Project Work shall be the subject of a General Operating Agreement and other agreements which are contemplated to be executed later by and among the Parties.

EXHIBIT COST SHARE SUMMARY

(PRELIMINARY, SUBJECT TO CHANGE)

| | | | |
|-------------------------------|----|------------|---|
| 1. Maximum Total Project Cost | \$ | 25,800,000 | (Financial Assistance Grant) ¹ |
| 75% NRCS EWPP GRANT | \$ | 19,350,000 | |
| 25% LOCAL COST SHARE | \$ | 6,450,000 | (Includes Structure Acquisition Cost --See Section 3) |

2. Allocation of Local Cost Share:

| | | | |
|------------------------------|-----|--------------|--------------|
| Association Local Cost Share | 60% | \$ 6,450,000 | \$ 3,870,000 |
| Municipal Local Cost Share | 40% | \$ 6,450,000 | \$ 2,580,000 |
| Logan City | 40% | \$ 2,580,000 | \$ 1,032,000 |
| N. Logan City | 25% | \$ 2,580,000 | \$ 645,000 |
| Hyde Park City | 15% | \$ 2,580,000 | \$ 387,000 |
| Smithfield City | 15% | \$ 2,580,000 | \$ 387,000 |
| Cache County | 5% | \$ 2,580,000 | \$ 129,000 |

3. Payment of 25% Local Cost Share and Other Costs During Design and Construction Period:

| | | | | | | |
|-----------------------------|--------------------|--------------|-------------------|----------------|---------------------------------------|--------------|
| Local Cost Share Obligation | \$ | 6,450,000 | | | | |
| DWR Loan ² | 85% | \$ 5,482,500 | | | | |
| Local Match | 15% | \$ 967,500 | | | (Includes easement cost of \$250,000) | |
| Structure Acquisition | \$ | 784,300 | | | | |
| | | | Local Match (15%) | DWR Loan (85%) | Structure Acquisition ³ | Total Costs |
| Association Cost Share | | | | | | |
| Cache Highline | \$ 3,870,000 @100% | \$ 580,500 | \$ 3,289,500 | | | \$ 3,870,000 |
| Municipal Cost Share | | | | | | |
| Logan City | \$ 2,580,000 @40% | \$ 154,800 | \$ 877,200 | \$ 784,300 | | \$ 1,816,300 |
| N. Logan City | \$ 2,580,000 @25% | \$ 96,750 | \$ 548,250 | | | \$ 645,000 |
| Hyde Park City | \$ 2,580,000 @15% | \$ 58,050 | \$ 328,950 | | | \$ 387,000 |
| Smithfield City | \$ 2,580,000 @15% | \$ 58,050 | \$ 328,950 | | | \$ 387,000 |
| Cache County | \$ 2,580,000 @5% | \$ 19,350 | \$ 109,650 | | | \$ 129,000 |

4. UDWR Loan Repayment Annual Allocation (22 Year Repayment Period @ 0% Interest)

| | DWR Loan | Yearly Payment |
|-----------------|--------------|----------------|
| Cache Highline | \$ 3,289,500 | \$ 149,523 |
| Logan City | \$ 877,200 | \$ 39,873 |
| N. Logan City | \$ 548,250 | \$ 24,920 |
| Hyde Park City | \$ 328,950 | \$ 14,952 |
| Smithfield City | \$ 328,950 | \$ 14,952 |
| Cache County | \$ 109,650 | \$ 4,984 |

1. In addition, NRCS is providing a Technical Assistance Grant for \$1,300,000 @ no cost share obligation
2. Maximum amount currently authorized by DWR Board is \$5,875,000
3. Local cost share portion of total estimated acquisition cost of \$3,137,200