

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
AUGUST 28, 2012**

CACHE COUNTY COUNCIL

AUGUST 28, 2012

ARMOR STORAGE HYRUM REZONE – Public Hearing-August 28, 2012-5:30 p.m.....	8
BENSON COUNTRY ESTATES – Design exception: Subdivision Amendment	2
BUDGET TRANSFER.....	2
COUNTY 401k CONTRIBUTIONS	11
INTERMOUNTAIN HEALTH CARE BOND ISSUANCE.....	8
JOINT COUNCIL MEETING – Logan City and Cache County Councils-Canal Rebuild Design in Lundstrom Park Area	2
ORDINANCE NO. 2012-11 – Spring Ridge Estates Rezone (<i>Tabled</i>)	1
PARADE – Wellsville Founders’ Day Parade-September 3, 2012-10:00 a.m.	11
PUBLIC HEARING – August 28, 2012-5:30 p.m.-Armor Storage Hyrum Rezone	8
REZONE – Public Hearing-August 28, 2012-5:30 p.m.-Armor Storage Hyrum Rezone.....	8
REZONE – Sierra Estates.....	9
ROAD – UDOT Proposed Road Closure at 2000 West/Highway 89-91.....	10
SIERRA ESTATES REZONE	9
SPRING RIDGE ESTATES REZONE – Ordinance No. 2012-11 (<i>Tabled</i>)	1
UDOT PROPOSED ROAD CLOSURE – 2000 WEST/HIGHWAY 89-91	10
UTAH COUNTIES INDEMNITY POOL (UCIP).....	9
UTAH LOCAL GOVERNMENTS TRUST.....	9

CACHE COUNTY COUNCIL MEETING
August 28, 2012

The Cache County Council convened in a regular session on August 28, 2012 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Janeen Allen, Jean Andra, Abhay Baji, Robbin Black, Jenny Box, Thad Box, Sherry Burton, K C Bushman, Scott Bushman, Gregory Cano, Lori Cano, Chris Chambers, Tere Champ-Major, Barbara Child, Lyle Coleman, Carol Denniston, Joanna Endter-Wada, Frank Dickson, Vicky Dickson, ? Downs, Dave Erickson, Darin Evans, Ron Flessner, Faye Frazer, Nat B Frazer, Alexis Goble, Edwin Marlowe Goble, Michele Goble, Jon Gudmundson, Steven Hansen, Chris Harrild, Valerie Harris, Dennis Hassan, Ryan Hatch, Kirt Hoggan, Barbra Holdaway, Don Holdaway, Sharon L. Hoth, Frank Howe, James Huppi, Wendy Hurd, Doug Jacobsen, Marilyn Jensen, Laurie John, Doug Johnson, Reese Johnson, Gary Joy, Daleen King, A. Leo Krebs, Arden Lauritzen, Lorna Larsen, Paul Larsen, Jim Laub, Charles R Major, Rick Major, Susan H. McGregor, Brenda Meikle, Keith Meikle, Robert Meikle, Johnnie Miller, Art Moss, Zan Murray, Dave Nielsen, Donna Nielson, Karli Nielson, Sheri Nielson, Tony Nielson, Christopher Okelberry, Randy Oldham, Susan Oldham, Jenifer Peeples, Jack Peterson, Marsha Peterson, Nancy Potter, LaMont Poulsen, Lynn Poulsen, Richard Ratliff, Polly Richman, Brent Rose, Director Josh Runhaar, Pat Sadoski, Peter Sadoski, Susan Salmon, Keith Shaw, Bruce Snow, Charles Swallow, Lynne Swallow, Arthur Taylor, Louise Thomas, Lyle Thornley, Brent Toolson, Gilberto Urroz, Janet Voldness, Lucy Peterson Watkins, Cary Watkins, Charles Waugh, Owen Waugh, Andrew Wegener, Tony Wegener, Sue Williams, JoAnn Wilson, Kyle Yonk, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

Executive Lynn Lemon indicated that Item 11b – *Design Exception: Subdivision Amendment: Benson Country estates* – has been resolved and asked that it be removed from the agenda.

ACTION: Motion by Council member Petersen to table Item 11a – *Ordinance No. 2012-11-Spring Ridge Estates Rezone* – at the request of the applicant. Yeates seconded the motion. The motion passed 6 aye – Buttars, Petersen, Potter, Robison, Yeates & Zilles and 1 nay – White.

ACTION: Motion by Vice Chairman Potter to delete Item 11b – *Design Exception: Subdivision Amendment: Benson Country Estates* – from the agenda. Yeates seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the August 14, 2012 Council Meeting as amended. Zilles seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were none.

OTHER ITEMS: There were none.

BUDGETARY MATTERS

◆ **Inter-Departmental Transfer**

Class B Road

Transfer \$9,690.00 from Misc Expense to Noncapitalized Equipment (\$6,057.00), Travel (\$410.00) and Temp Employees (\$3,223.00) to purchase a paint sprayer and cover cost overruns

(Attachment 1)

ACTION: Motion by Council member Yeates to approve the inter-departmental budget transfer. Robison seconded the motion. The vote was unanimous, 7-0.

ITEMS OF SPECIAL INTEREST

- **Joint Meeting with Logan City Council – Canal Rebuild Design in Lundstrom Park Area** – Chairman Buttars explained how the meeting would be conducted since it was not a public hearing. Presentations will be given by Cache County Water Manager and Zan Murray (J-U-B Engineers). The two Councils will engage in a discussion on the issue followed by three 4-minute presentations from residents opposed to the canal design and three 4-minute presentations from individuals in favor of the current project design options. Buttars noted this is an emotionally charged issue for some and cautioned the public to be courteous and exhibit a modicum of decorum.

Cache County Water Manager Bob Fotheringham reviewed the project's purpose and need stating that NRCS believes the water should be in a conduit of some kind.

Fotheringham restated the SLO objectives, the NRCS Objectives, and the Cache Water Restoration Project Goals. Primary concerns are safety, minimizing specialized construction, minimizing temporary and permanent impacts and promote secondary benefits. The objectives were categorized

as critical, significant and important. Cost is critical – promotion of secondary benefits is important. Project agreements and public involvement were also reviewed.

Zan Murray reviewed the public involvement and the design/construction phases and shared cross-sections of possible design alternatives and presented additional design alternates developed after the meeting with Logan City Council last week. Logan and Cache County Council members' questions were answered by Murray. County Council member Petersen asked what the "drop dead" date is for the final design? Murray replied the final engineering design deadline is about two weeks; however, supplies must be ordered in time for the early October 2012 construction start date.

Chairman Buttars turned the time to parties speaking in opposition to the proposed canal project design – three citizens to speak for four minutes each. Jim Laub and Marlowe Goble opposed the project and asked the Logan City Council to stand down with respect to the present NRCS program citing concerns that 2 ½ miles of free flowing canal water was being taken out of Logan City never to appear again and no one can properly explain why the city should give up those 2 ½ miles. They were concerned that Utah State University department of hydrology has never been consulted.

Lynn Poulsen from the Logan Golf and Country Club opposed enclosing the canal. The canal is used as a water hazard on the golf course and a golf course without water is like a golf course without trees. Poulsen contends the integrity of the canal through the golf course is sound and questions the need to cover it for this short distance. Poulsen said there has not been a demonstrated water loss through this stretch and there have not been safety issues associated with it. Poulsen asked that the plan be altered to leave the canal open.

Council member Petersen asked Poulsen if an adequate water feature is maintained, would the Country Club consider allowing a trail to extend through the golf course? Poulsen hesitated, citing safety and liability concerns, but said he would be happy to discuss it if the canal remains open. Council member Zilles asked Poulsen if liability is a concern for the Country Club if a trail is allowed through it and Poulsen responded it is.

Chairman Buttars turned the floor to three individuals who favor the project.

Jim Gass, City Manager and Engineer for Smithfield, stated this canal project is critical to saving every single drop possible because Smithfield owns one-fourth of all the shares in the Logan, Smithfield, Hyde Park Canal and being at the end of the canal they sometimes don't get any water. As much as 20% of the canal water is lost between the head and the Lundstrom Park area. One third of their water comes from Smithfield Canyon, but it is only theirs in the winter because Smithfield Irrigation Company has summer rights to the water and an exchange agreement allows trading secondary water for culinary water. There are times when the exchange cannot be met. Gass appreciates the amenities the canal offers but has a responsibility to make sure not one single drop of water is lost so Smithfield has sufficient water.

Dave Erickson, member of Logan Northern Canal board, said that 1/3 of all shares of Logan Northern are from 400 North in Smithfield and north. Canal maintenance costs have risen from \$50,000.00 to \$300,000.00 annually. Enclosed systems greatly reduce costs. Insurance costs have risen five times because of safety and liability issues. It is a property right to shareholders to get water where needed.

Brent Rose, representing the two canal companies, said that the canal owners have been lost in this debate. The canals were built for irrigation purposes. Any aesthetic purposes are incidental to those who have ownership interests. The canal owners have the right to use the land on both sides of the canal, but have bent over backwards to try to accommodate the nearby property owners. Every canal owner Rose is aware of is trying to enclose canals in trying to keep their statutory mandate to prevent waste of water and damage to others.

Chairman Buttars returned the discussion to the Councils for questions and comments.

Council member Petersen remarked that three of the NRCS objectives have been ignored; namely, retaining the existing character of landscape and habitat, is socially defensible and is environmentally defensible. Petersen said Ron Godfrey, a member of the canal boards, indicated that at a meeting on September 28, 2011 he posed the question and was told by presidents of both canal companies that the water along the golf course would be retained as open. Petersen said the alternates offered are "tokenism" and recommended putting together a group of people, residents, etc. to come up with something better. The neighborhood has been basically ignored on this issue.

Council member White asked how the businessmen who spoke earlier would feel if they were deprived of half of their profit yet their expenses remained the same? That is what is happening to the farmers who rely on this water. The farmers, who hold the water shares, have taken the hit. If those residents in Logan want an open waterway, let them use their water shares to do it. If they have enough shares, it will be beautiful. If they don't, then take the water to the people who own the water.

Executive Lemon disagreed with Petersen's comment that the alternates offered by the engineers were "tokenism". Lemon said J-U-B has made an exorbitant effort to reach a compromise and accommodate what the residents want and still get the water to the people who want it.

Petersen said it isn't an 'either/or' situation – there can be a compromise where everyone gets what they want.

White said there has been a compromise.

Lemon said that all over the state canals are being enclosed based on liability issues. The fact that J-U-B is trying to provide an amenity is a great compromise.

Logan Council member Olsen said he appreciates the efforts of J-U-B, but what was presented tonight was a considerably different package than what was presented a week ago; however, it is an improved package. In reference to Jim Gass' statement that Smithfield shareholders are entitled to their water, Olsen said that is accurate at one level, but he is not sure if they are entitled to have either the Federal government or Logan City help pay to transport that water to them. The water users and shareholders have to bear that, but Logan City may be willing to compromise and assist in paying for that if there are equitable benefits to both sides of the equation. Tonight's presentation was helpful and is a start, but doesn't address all the issues. Olsen said he doesn't think the Councils are in a position tonight to make hard and firm decisions about something as complex and expensive as discussed. There is value in Petersen's proposal to see what else can be done to improve this within the existing engineering and financial confines and crucial time frames. A group could be put together from all of the component parties to seek what else can be done to address all the needs that have been discussed about water delivery, which is crucial, about preserving a heritage, which is also crucial. Olsen thinks Logan City would be willing to cooperate and have participants on that committee.

Council member Potter disagreed with the idea of forming another committee noting that this has been going on for a year and there have been weekly meetings as a committee of shareholders, attorneys, cities, everybody who has an interest in this. About the city aspect of it, the canal runs through Logan, but those involved – Cache County, Hyde Park, North Logan, Logan – all benefit from this water and there is a direct benefit there. The water is not just being transported through. The canal has been there for over 100 years, long before the houses were there. It is an amenity, but it is not a public transportation thoroughfare; it's owned by the shareholders. Decisions have to be made that are in the best interest of the communities, Cache County and those that are using the money, for making money. We have a contract, an agreement, between the communities and the County and that is important to remember – the contract is signed, it's done.

Petersen said the neighborhood has never been involved in this process. The last rendering was an enclosed culvert and now it has changed. The neighborhood has never been involved. That is the fundamental problem; this has been driven by engineering, not the NRCS objectives. Potter asked how many public hearings have there been in the various cities of the county? Petersen responded, "None, since the design took place. There were public hearings during the EIS phase, but none since we saw concrete designs. That's the issue here. We have a changing target."

Lemon said what was presented in the EIS was a 9-foot open waterway, now they're proposing a 10-foot open waterway. There is a real effort to try to do what was proposed.

Olsen and Petersen continued to protest that they have not been kept informed and things keep changing.

Logan Council member Daines observed that after last week's discussion, the engineers have tried to come back with a win/win proposition. Olsen agreed it was a significant improvement over a week ago and in another week additional progress might be made.

Chairman Buttars asked Bob Fotheringham what he thinks the value of more input into the process will produce. Buttars said he understood that there may still be changes to the design.

Fotheringham said they have looked at the amenities, they've looked at the problem with the pipeline height, through this whole process the possibilities presented have been looked at. This is an emergency process and Fotheringham doesn't believe NRCS will allow a design without a conduit because of safety issues. It could be left above ground with fencing and concertina, but there is still a liability issue. No one wants the liability. As far as the environmental issue, the canal is a canal; it is not the Logan River. It transports water for irrigators. When the Army Corps of Engineers looked at this, they said "Great" because there is water going back into the Logan River. The Logan River is the environmental concern in this process, not the canal. The environmental issue is how much water comes out of the Logan River and all environmentalists would say close all the canals down and put the water back in the Logan River.

Mayor Watts said he agrees with Lemon that compromise has been made. If the profile can be lowered and a water feature is part of the design, Watts is appreciative of that.

Council member Robison asked that Denise Ciebien explain the implications of delaying the decision on the design. Ciebien said every day of delay will cost taxpayers a lot of money. The canal companies are willing to work with everyone, cities have come together for weeks and years, residents have been contacted and a tree specialist has met with the design team. Ciebien stressed the need for prompt action.

Petersen asked what the downside is to letting the neighborhood have a seat at the table, which they have never had, to see if there are alternatives that might be considered?

Buttars replied that he thinks they have had a seat at the table. There was a request to lower the pipeline and the berm; that is reflected in Alternative 4. The main determination is getting water to the stockholders. That is what needs to be focused on.

Potter asked for the Logan Council members' opinions.

Olsen reiterated support for Petersen's suggestion to form another committee and said he would not be comfortable making a decision tonight.

Potter said he doesn't believe one week or ten days in a government situation gets anything done. Olsen said it did between last week and this week. Potter responded that was because J-U-B did the work, not a committee.

Buttars asked if Murray had stopped receiving input on the engineering design? Murray said they are at the point now, if the plans are not finalized so work can begin, delay will come at an extensive cost; especially if the work is postponed until next spring. Murray said he has spent time in the homes of some of the individuals who have spoken tonight; they have tried to adhere and listen. The design group they are working with is very experienced in canal design. Murray needs two weeks to finish the design presented tonight to be ready by September 13, 2012.

Petersen asked if the Council would entertain putting together a committee to do the best they can and if they don't come up with anything new, then move forward.

Buttars said that if it means moving the project to next summer, then no. Petersen said he agrees with that, but doesn't think that will be the case.

Council member Jensen asked if construction could begin from 1500 North to the north and the portion being discussed be done after? Murray responded 1500 North has already been started because it is not in the canal and they can allow irrigators to get what water they can out of the system.

Olsen asked if the design of critical elements could proceed and soft items continue to be tweaked?

Potter asked if there was a hold on the project from the Logan Council?

Council member Daines said her concerns have been addressed and noted that there has been a recent Supreme Court case that says canal companies have the legal right to enclose a canal. She believes they should move forward and make it the best possible scenario they can for all. J-U-B has made a very good faith effort.

Zilles concurred with Daines. J-U-B has gone to the maximum of their budget to make the changes proposed in Alternative 4 and no one wants to contribute additional funding for delays.

Council member Quayle again expressed concerns that the design might change again without Logan or the residents knowing about it.

Council member Yeates supported Petersen's suggestion for the formation of a committee.

Murray said tweaking (landscaping, additional water shares being contributed to the open water feature, etc.) can still occur, but the engineering design is on a critical timeline.

(Attachment 2)

ACTION: Motion by Council member Zilles to offer a vote of confidence to J-U-B in the design process and the Cache County Council desires to move forward with Alternative 4. White seconded the motion. The motion passed 5 aye - Buttars, Potter, Robison, White & Zilles and 2 nay – Petersen & Yeates.

Chairman Buttars called a five-minute break in the meeting while the room cleared from the canal discussion.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: AUGUST 28, 2012 – 5:30 P.M. – ARMOR STORAGE HYRUM REZONE – Marshall Saunders requesting approval of a rezone from the Agriculture (A-10) Zone to the Industrial Manufacturing (IM) Zone of four parcels; a total of 24.82 acres located approximately 50 West 4400 South, north of Hyrum – Chris Harrild reminded the Council that storage units can only occur in the Industrial Manufacturing (IM) Zone. This is within the Hyrum City annexation plan area and Hyrum City has expressed opposition and wants the applicant to apply to annex into Hyrum so they will have control over the entrance to their city. Staff recommends denial.

Council member Yeates asked why Hyrum or Nibley cities didn't object when the first conditional use permit was issued? Harrild answered that Hyrum is more uncomfortable with the rezone than they were with a conditional use permit because if the property is rezoned, then anything acceptable in the IM Zone will be allowed.

Chairman Buttars opened the Public Hearing and invited public comment.

Curtis Knight, the applicant, said he met with Hyrum about annexing, but hesitates because Hyrum can't provide his utility needs. Nibley is presently providing those services.

Dave Nielsen, representing Bruce Stevenson, who owns acreage on the west end of 4400 South, said that a study done of the area indicates 4400 South is a logical major connector of Highway 165 and Highway 89/91 on the west. It would require 1200 feet going from 4400 South to 4300 South by the Caine Dairy and Stevenson is willing to donate some of his land to make that happen. Nielsen recommends the county pay particular attention to 4400 South for reasonable setback to have a road between the highways.

ACTION: Motion by Council member Yeates to close the Public Hearing – August 28, 2012 – 5:30 p.m.-Armor Storage Hyrum Rezone. Robison seconded the motion. The vote was unanimous, 7-0.

- **Intermountain Health Care Bond Issuance –Dustin Matsumori**, Director of Financial Planning for Intermountain Health Care, said Intermountain is in the process of issuing bonds for Utah County and Cache County needs to hold a TEFRA (Tax Equity and Fiscal Responsibility Act) hearing to notify the public of Intermountain's intent to issue bonds in Utah County. There will need to be a resolution stating Cache County has held the public hearing and Cache County enters into an interlocal agreement which sole purpose is to recognize the fact that Utah County is acting as the issuer of the bonds.

Cache County has no financial responsibility and there will be no financial or bonding capacity or rating impact. Matsumori will publish the notice of the hearing. The hearing will be on September 25, 2012. If the county wants to have their own bond counsel review the papers, Intermountain will pay those costs.

Executive Lemon noted that scheduling of the September 25, 2012 meeting will be on the September 11, 2012 County Council meeting agenda.

- **Utah Counties Indemnity Pool – Johnnie Miller**, Chief Executive Officer, reviewed what the organization has done for Cache County referring to financial statements, equity statement; Cache County growth, contributions compared to growth, coverages and excess limits.

(Attachment 3)

- **Utah Local Governments Trust – Ryan Hatch** turned some time to Steve Hansen, Executive Director and President of Utah Local Governments Trust, said they have submitted a proposal for Cache County's liability program and asked the Council to take a close look at it. Hansen said the difference between them and others is that they work with members in providing what is really needed in this market. If Cache County determines something isn't working for the county, there are no conditions attached to moving your coverage.

Executive Lemon stated he sent a letter to UCIP (Utah Counties Indemnity Pool) July 31, 2012 saying the county intended to consider a bid from the Utah Local Governments Trust. The bid has been opened today and the analysis process has begun. Cache County needs to notify UCIP if the county decides to stay with the Pool before October 1, 2012. A recommendation will be brought to the Council at one of the September Council meetings.

Council member Petersen left the meeting at 8:09 p.m.

INITIAL PROPOSAL FOR CONSIDERATION

- **Sierra Estates Rezone: - Michael Burton requesting approval for a rezone of a 10.57 acre property in the Agricultural (A-10) Zone to the Rural 5 (RU-5) Zone located approximately 10525 South Old Highway 165, south of Paradise** – Chairman Buttars asked if there were any questions about this rezone? Staff has recommended denial.

Council member Yeates received three emails about this request from neighboring people asking that it be denied.

Executive Lemon asked if Yeates had received the email from the applicant? He replied he had.

The Planning Commission struggled with this issue and voted to approve 3-2. Council member White said the discussion centered on the size of the lots

surrounding this property. White said he doesn't think it is necessarily going to detract from the neighborhood, but the surrounding neighbors want it to stay ten acres.

Ty Haguewood, the agent helping the applicant, said spot zoning has been the main concern; however this is one-half mile from Paradise which has 1 ½ acre lots. There are some smaller parcels near and this will create parcels larger than any of the adjacent properties.

Director Runhaar explained there is a difference between lot size and density issues. The Planning Commission's concern was – if approved, is the county saying this area is appropriate for the RU-5 Zone throughout? If the area does develop out, does the county have the capability to handle it?

(Attachment 4)

ACTION: Motion by Council member Zilles to deny the Sierra Estates Rezone. White seconded the motion. The motion passed 4 aye – Buttars, Potter, White, Yeates & Zilles and 1 abstention – Robison. Petersen absent.

- **UDOT Proposed Road Closure at 2000 West Highway 89-91 – UDOT** requesting the county review a project to alleviate safety concerns of vehicles entering and exiting Highway 89-91 at the skewed intersection north of Ted's Service Station – Director Runhaar said UDOT is proceeding on the north side of 2000 West to deal with realignment issues. This portion of the road on the south side is partially in Cache County. There is limited impact to Cache County relative to maintenance.

Executive Lemon asked if 2000 West street will be blocked off at both entrances. Runhaar said UDOT will be terminating those accesses. On the north side there will be a realignment.

Council member Zilles objected to the project because large farm equipment or vehicles with trailers need this access to safely access the highway. Zilles said UDOT is closing the only access that works. The other accesses do not accommodate large equipment, etc.

Lemon and the Cache County Council are not supportive of the present proposed project on 2000 West street and are of the opinion that 3200 South and 3000 South accesses need to be fixed or squared up at the same time.

Runhaar said he will relay that information to UDOT, Mark Nielsen and Jeff Gilbert.

(Attachment 5)

PENDING ACTION

- **County 401k Contributions**– Executive Lemon distributed a sheet listing the cost in terms of retirement and social security if the amount the county has been contributing to employees' 401k plans is added to their salaries. Lemon

recommends adding the amount to salaries and leaving the decision of whether to contribute it to the 401k up to the employees. Lemon indicated the rebate received on health insurance this year will help alleviate the cost.

(Attachment 6)

ACTION: Motion by Vice Chairman Potter to accept the recommendation of Executive Lemon to add to employees' salaries the amount Cache County normally contributes to employees' 401k plans and let the employees decide what to do with that money. Yeates seconded the motion. The vote was unanimous, 6-0. Petersen absent.

OTHER BUSINESS

- ✓ **Wellsville Founders' Day Parade – September 3, 2012 at 10:00 a.m.** – Zilles, White and Lemon will attend. Council member Zilles said the Council's entry number is 13A and they need to line up at 9:15 a.m.

COUNCIL MEMBER REPORTS

Jon White and Gordon Zilles thanked Vice Chairman Potter for the summer social held at his home.

ADJOURNMENT

The Council meeting adjourned at 8:53 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Craig "W" Buttars
Chairman

REQUEST FOR INTER-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Class B Road
 DATE: 16-Aug-12

Amount to be transferred -- (rounded to the nearest dollar) \$ 9,690

Transfer From ---

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
200-4415-620	Miscellaneous Expense	\$ 10,000		\$ (9,690)	\$ 310
		\$ -		\$ -	\$ -
				\$ -	\$ -

Transfer To ---

200-4415-251	Noncapitalized Equipment	\$ 4,000	\$ 6,057		\$ 10,057
200-4415-230	Travel	\$ 2,000	\$ 410		\$ 2,410
200-4415-120	Temporary Employees	\$ 59,233	\$ 3,223		\$ 62,456
	Totals		\$ 9,690	\$ (9,690)	

Net adjustment \$ -

Description of needs and purpose of transfer ---
 to purchase a paint sprayer and cover cost overruns.

James S. Smith
 Department Head

Recommendation: Approval Disapproval

Date: 16-Aug-12

James Stones
 Cache County Auditor

Recommendation: Approval Disapproval

Date: 16-Aug-12

M. Lynn Benson
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 28th day of August, 2010.

Jim Zollinger
 Cache County Clerk

Logan Municipal Council Questions and Concerns

1. Delay 1500 North Pipeline construction until Council is comfortable with the project.

The Project team has agreed to hold off installing the 42" pipeline on 1500 North until we respond to the questions that have been asked by Logan City Council in the meeting on the 28th of August. We plan to resume construction on the 29th of August. In the meantime we will continue to install service relocations to allow for installation of the pipe along 1500 North.

2. Prepare a brief synopsis of the 42-inch pipe design that addresses the projected life of the pipe, the working pressures versus the pipe allowable pressures, and the safety of the surrounding residents should the pipe ever burst.

The 42 inch pipe is made of PVC, not HDPE, and is classified as C-905 by the American Water Works Association. This is a standard specification of pipe that is used across the nation for pressure pipe applications. The design life of the pipe is 50 years. The working pressure of the pipe is 165 PSI. Each standard and random length of pipe is tested to two times the rated pressure of the pipe for a minimum of 5 seconds. You will find that this pipe is allowed for use for water pipe in Logan City's public works standards.

Operating pressures in the pipe will be 90 PSI maximum. This is approximately one half the existing water pressure that Logan City has in their water system on the west end of the city. It is very normal for a pressurized water system whether culinary or secondary to have pressures of this magnitude. Typical water pressures in a home are reduced from the water main pressure to 50-60 PSI.

Pipelines of this type rarely cause any damage when they develop a leak. I am not aware of a pipe in this application bursting, but rather developing leaks that surface to the ground just as in any City street. When a leak is noticed, the pipeline will be shut down by a valve at the upper canal and the line will be repaired. We are designing the pipe so it will not have any connections to it. This will reduce the probability of leaking by fittings or other appurtenances.

3. Is there any chance mortgage companies would require homes along the 1500 North pipeline to purchase flood insurance?

We are not aware of any situation where this has been required. Flood plain zones are established by FEMA. I do not know of any circumstance where installation of a buried pipe has constituted a change in a flood plain zone.

4. Lower the pipe in the Logan Hyde Park Smithfield Canal so it does not stick up above the existing bank or change to a box culvert that does not stick up above the existing bank.

We have reviewed the design of the canal between the canyon and 1500 North and are checking to see if the design and operation can be changed under NRCS design requirements to lower the pipe and still provide water to all of the shareholders. We will also provide cross sections of a box culvert design as shown in the EIS, the existing 66" pipeline and other practical designs for review on Tuesday. We hope to lessen the visual impact of the pipeline if possible while meeting all the design requirements.

5. What will be the response of the parties if Logan wishes to withdraw from the project and get out of the cost participation agreement.

The Project is very important to Cache Valley, North Logan, Hyde Park and Smithfield and will proceed as planned. Hyde Park and Smithfield rely on the canal for their culinary water exchanges to provide water to their citizens. North Logan uses irrigation water to reduce demand on their culinary water system. This prolongs the life of the water system and reduces costs in oversizing the system for irrigation purposes. Project benefits to Logan City, including storm water conveyance in the Logan and Northern Canal, would not be available if the City withdraws from the project. Please review the cost participation agreement which contains a costs and benefits worksheet for more information on the cost savings to Logan City to utilize the Logan and Northern Canal for storm water conveyance.

6. Provide documentation regarding the 1500 North right of way along the Hancey Property.

The existing county plat maps show a 66 foot right of way along 1500 North along the Hancey Property. This is supported by the 1891 plat map of Logan City in the City records. No records indicate that the right of way has been vacated.

There is an existing Logan City power line located in the 66 foot wide right of way and no easement recorded on the property description. This would indicate that the City did not obtain an easement because it was a public right of way for utilities.

Most recently, a boundary line adjustment between North Logan and Logan City states that the city boundary has changed from the South right of way line of 1500 North to the centerline of 1500 North. The mention of the right of way and adjustment to the centerline is another indicator of the width and location of the right of way.

Logan City is pursuing a property survey to determine the location of the right of way.



CACHE WATER Restoration Project

A Community Partnership



Project Purpose and Need

Logan Northern Canal Reconstruction Final EIS

1. Restore safe water delivery capability to the Logan and Northern Canal
2. Address remaining hazards in the 2009 landslide zone



SLO Objectives

Logan Northern Canal Reconstruction Final EIS

1. Restore water while optimizing safety.
2. Promote amenities along the canal route.
3. Promote secondary benefits such as, water conservation, improved water quality, and energy conservation.
4. Minimize temporary and permanent impacts.
5. Minimize unknown cost and time associated with the project and avoid unnecessary delay.
6. Minimize the need for specialized construction techniques and foster competitiveness within the bid process.
7. Minimize the operation and management cost for overseeing the canal system in the future.



NRCS Objectives

Logan Northern Canal Reconstruction Final EIS

1. Economical
2. Least damaging practical construction techniques
3. Retain existing characteristics of the landscape and habitat
4. Socially defensible
5. Environmentally Defensible
6. Technically Sound



Cache Water Restoration Project Goals

Logan Northern Canal Reconstruction Final EIS

Critical

- Restore water for all canal users while optimizing safety.
- Manage project expenses to a maximum of \$27.06 Million.
- Construct a quality project promoting ease of operation and maintenance.
- Minimize unknown cost and time associated with the project and avoid unnecessary delay.

Significant

- Minimize project risk to the public and project participants.
- Create and maintain positive public perception.
- Minimize construction and permanent impacts to private and public entities.
- Incorporate features that result in efficient operations.
- Promote secondary benefits including, efficient use of water, water conservation, improved water quality, and energy conservation.
- Efficient O&M in the future

Important

- Promote amenities along the canal route for recreation and aesthetic appreciation, including preserving or restoring vegetation.
- Simplify construction techniques and promote competition.



Project Agreements

- ▶ **Cost Participation Agreement**
 - Project Participant Benefit
 - Irrigation companies – conveyance of water
 - Municipalities – conveyance of storm water
- ▶ **Operation and Maintenance Agreements**
- ▶ **Project Management Agreement**
 - Representation by groups participating in project costs
 - Irrigation Companies, Cities, County
- ▶ **Other Project Agreements**
 - Project Manager, Engineer, CMGC, Construction

Public Involvement

Design/Construction Phases

- ▶ Spring 2012: Situational Assessment included Key Person Interviews with over 30 individuals/organizations
- ▶ Mid-May 2012: 250+ fliers with project update delivered in person to residents along canals, including personal contact with approximately 50%; same info flier mailed to 1,300 water shareholders
- ▶ Individual and neighborhood meetings as requested by stakeholders
- ▶ Updates to City/Neighborhood/County Councils
- ▶ Project Website, Hotline, Email Address
- ▶ Press Releases to News Media
- ▶ Mid-August 2012: Prior to construction beginning, 55+ fliers hand delivered to 1500 N. residents including 20+ personal contacts
- ▶ Late Summer/Fall 2012: Door-to-door resident/property owners visits and mailers planned prior to construction; email status updates as needed

1500 North Pipeline

- ▶ Pipeline - 42" PVC
 - AWWA C-905 Specification
 - Design life - 50 Years
 - Operating Pressure 90 psi
 - Pipe working pressure 165 psi
 - Designed as a transmission line (no service connections)
 - Work is being completed in the right-of-way and an easement from USU.



EIS Typical Cross-Section B

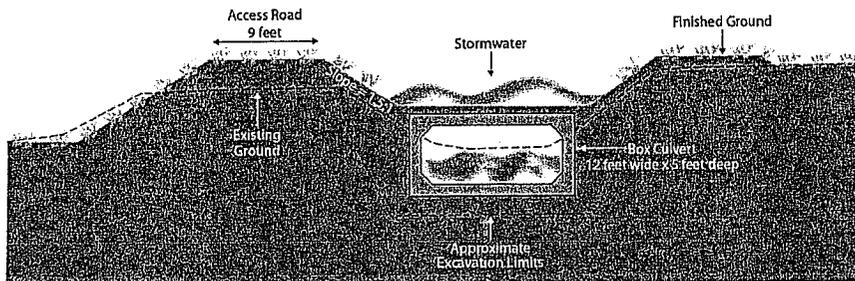
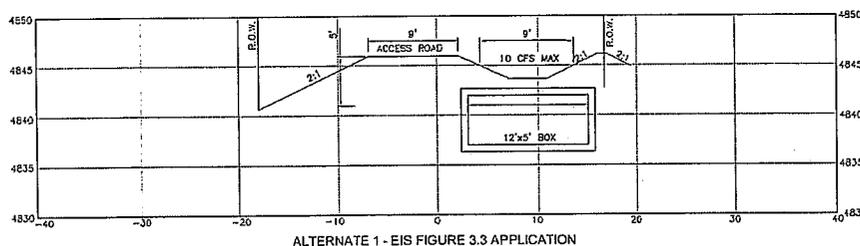


Figure 3-3. Typical Cross-Section B: 12-foot-wide by 5-foot-deep box culvert at about 1200 North in Logan (looking downstream)



Cross-Sections



ADVANTAGES

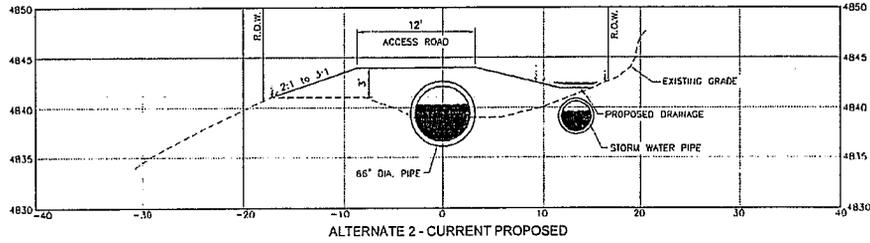
- Easily Extended
- Moderate ability to provide water to turnouts under low flow conditions

DISADVANTAGES

- Increase in construction costs (\pm \$2M)
- Height of berm along canal
- Does not fit within the easement
- Narrow access road
- Oversized Box Culvert
- Steep Cross Section Slopes
- Does not have adequate storm water capacity



Cross-Sections



ADVANTAGES

- Cost Effective
- Ease of Construction
- Easily Extended
- Gasketed Joints
- Work inside of Easement
- Reasonable Access Road Width
- Moderate ability to provide water to turnouts under low flow conditions.
- Moderate Cross Section Slopes

DISADVANTAGES

- Height of berm along canal.



EIS Typical Cross-Section D

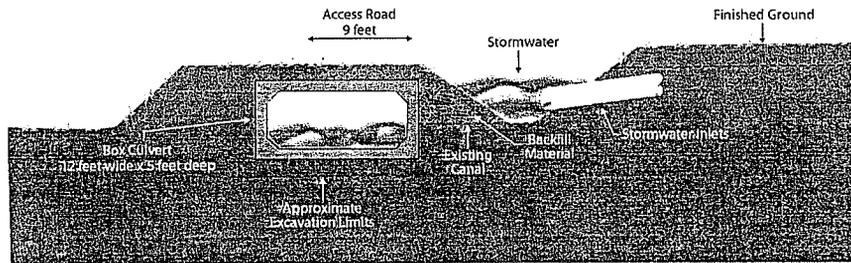
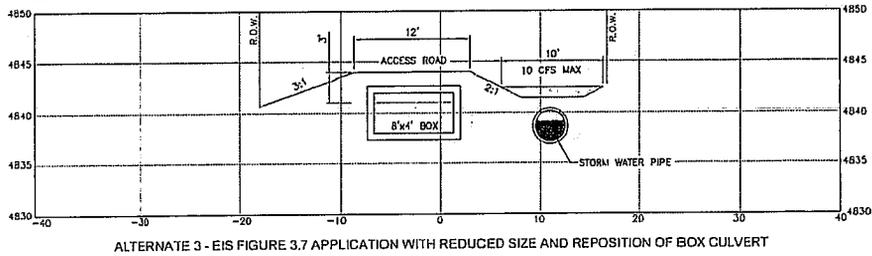


Figure 3-7. Typical Cross-Section D: 12-foot-wide by 5-foot-deep box culvert at about 2700 North in North Logan (looking downstream)



Cross-Sections



ALTERNATE 3 - EIS FIGURE 3.7 APPLICATION WITH REDUCED SIZE AND REPOSITION OF BOX CULVERT

ADVANTAGES

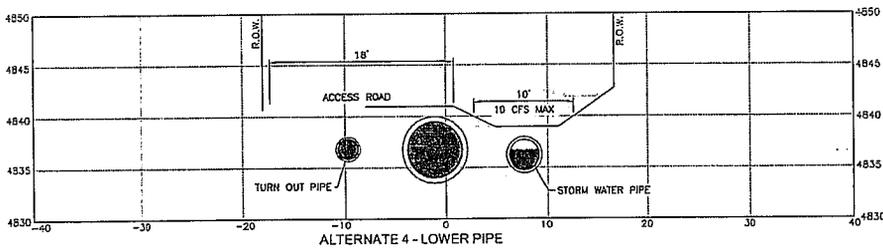
- Easily Extended
- Reasonable access road width
- Fits within the easement
- Moderate cross section slopes

DISADVANTAGES

- Increases in construction costs (±\$1M)
- Height of berm along canal
- Difficult to provide water to turnouts during low flow situations.



Cross-Sections



ALTERNATE 4 - LOWER PIPE

ADVANTAGES

- No berm height increase
- Flat slopes
- Wide access road width
- Control of runoff from easement
- Easy ability to provide water to turnouts during low flow situations
- Pipe uses gasketed joints

DISADVANTAGES

- Increase in construction cost (±\$700K)
- More difficult to construct 3 pipelines
- Additional utility relocations

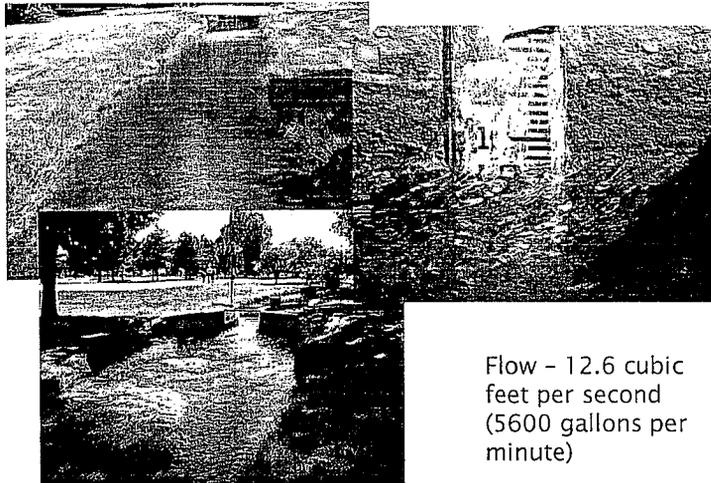


Canal Flows near Lundstrom Park

	June	July	August	September	Maximum
Prior to 2009 (cfs)	39.4	40	32.1	25.4	51.8
Post Construction (cfs)	71.4	74.0	60.9	46.9	95.5

80% of USGS and Utah Water Rights Stream Gauge Data 2002-2008

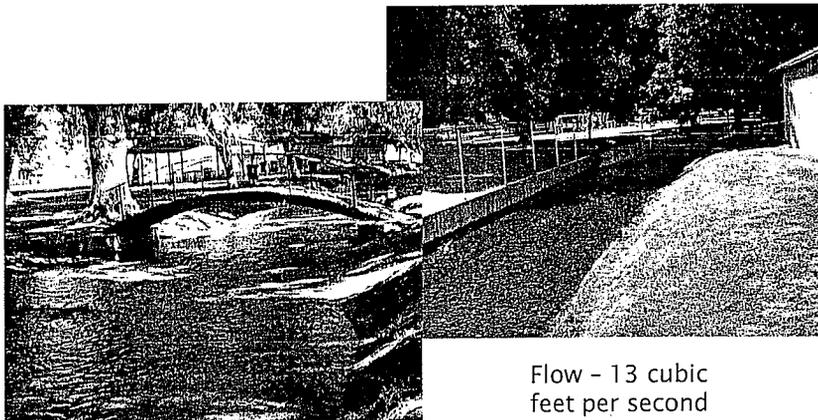
Flow Example - Birch Creek



Flow - 12.6 cubic feet per second
(5600 gallons per minute)



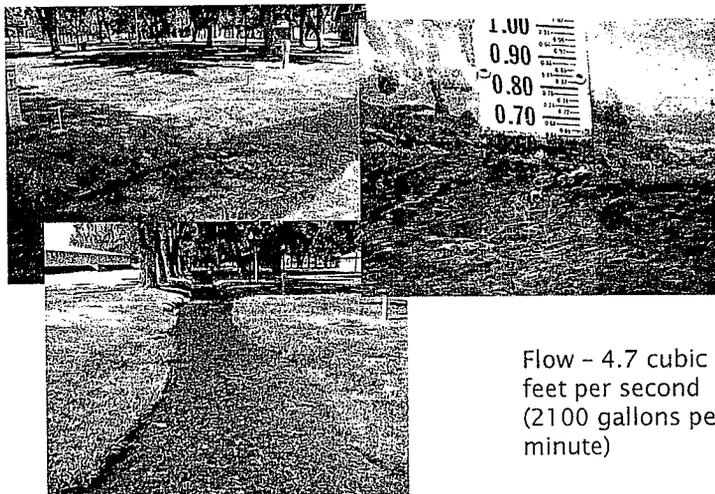
Flow Example - Merlin Olsen Park



Flow - 13 cubic feet per second (6,000 gallons per minute)



Flow Example - Fair Grounds

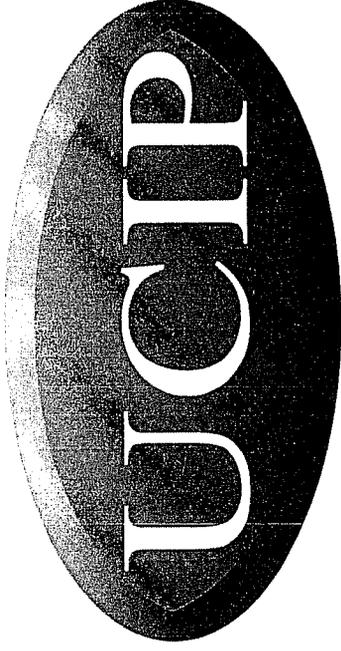


Flow - 4.7 cubic feet per second (2100 gallons per minute)



Questions





Utah Counties Indemnity Pool
Serving Counties Since 1992

Cache County Review

August 28, 2012

Utah Counties Indemnity Pool
Statements of Revenues, Expenses and Changes in Net Assets
December 31, 2011 and 2010

	2011	2010
Operating Income		
Premiums	5,947,738	5,990,293
Premiums Audit	(32,894)	19,993
Investment Income	498,448	281,207
Miscellaneous Income	23,319	18,159
Total Income	6,434,611	6,009,652
Underwriting Expenses		
Losses and Loss Expense	3,053,104	3,073,281
Reinsurance Coverage	1,377,843	1,347,633
Total Underwriting Expense	4,430,947	4,420,914
Administration Expenses		
Board of Trustees	44,696	44,578
Depreciation	20,536	28,547
Loss Control	45,244	48,865
Marketing	13,731	15,597
Office Operations	180,010	181,941
Professional Services	39,503	88,485
Self Insurer's Tax	-	(9,943)
Staff	690,995	698,875
Total Administration Expenses	1,024,715	1,096,945
Total Operating Expenses	5,455,662	5,517,859
Net Operating Income	978,950	491,793
Other Income		
Realized Gain on Investments	-	3,336
Change in Net Assets	978,950	495,129
Net Assets at Beginning of Year	4,744,927	4,249,798
Net Assets at End of Year	5,723,877	4,744,927



Utah Counties Indemnity Pool
 Statement of Net Assets
 December 31, 2011 and 2010

	2011	2010
ASSETS		
Current Assets		
Cash and cash equivalents	9,619,077	9,076,334
Accounts Receivable	7,932	1,517,631
Reinsurance Recoverable	151,300	145,492
Prepaid Expenses	234,770	219,633
Total Current Assets	10,013,079	10,959,090
Investments	3,018,806	587,263
Capital Assets	583,524	600,897
Net of accumulated depreciation of \$203,596 and \$183,060 respectively		
Security Deposit	11,336	11,336
Total Assets	13,626,745	12,158,586
LIABILITIES & EQUITY		
Current Liabilities		
Reserves Losses and Loss Adjustment	6,658,344	6,638,401
Accounts Payable	6,942	28,012
Payroll Liabilities	-	1,450
Compensated Absences Payable	39,691	28,767
Premiums Paid in Advance	1,197,891	719,028
Total Current Liabilities	7,902,868	7,413,658
Net Assets		
Invested in Capital Assets	600,897	600,897
Unrestricted	5,122,980	4,144,031
Total Net Assets	5,723,877	4,744,928
Total Liabilities and Net Assets	13,626,745	12,158,586



Equity

- Each member's share of UCIP's Net Assets
- Cache equity at 12/31/2011 = \$388,989
- Review with your independent auditor as some entities report this as an asset each year.
- UCIP Interlocal Agreement states members forfeit their equity to the other members if they terminate their membership.

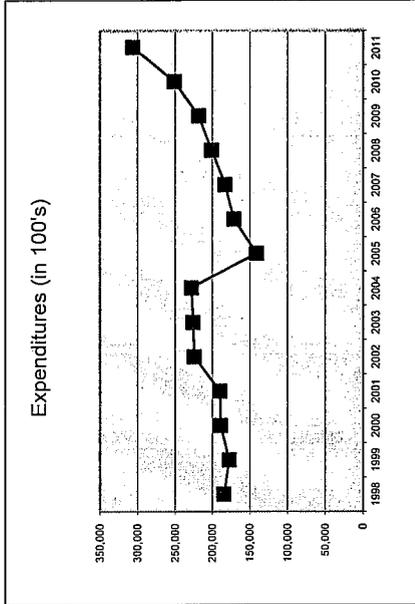
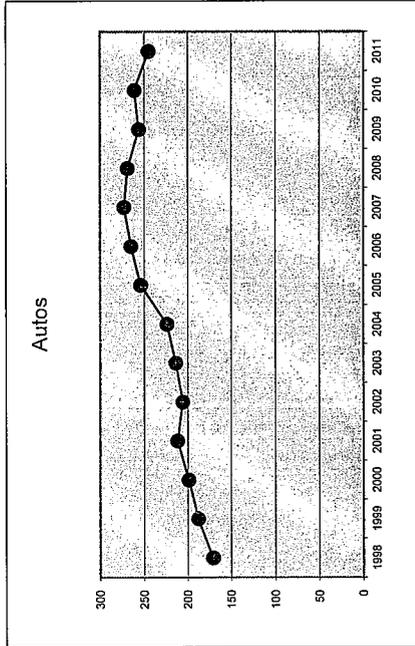
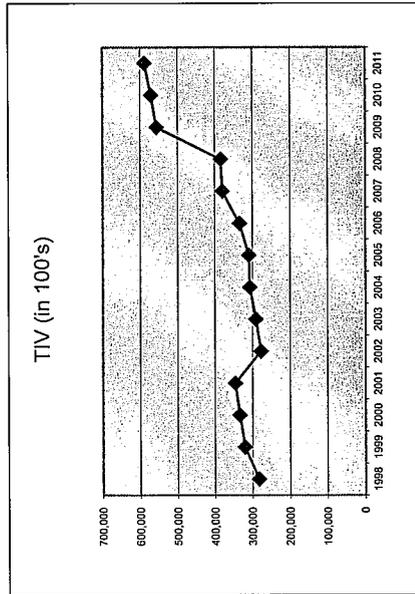


Cache County Growth

Property
94%

Autos
42%

Budget
56%

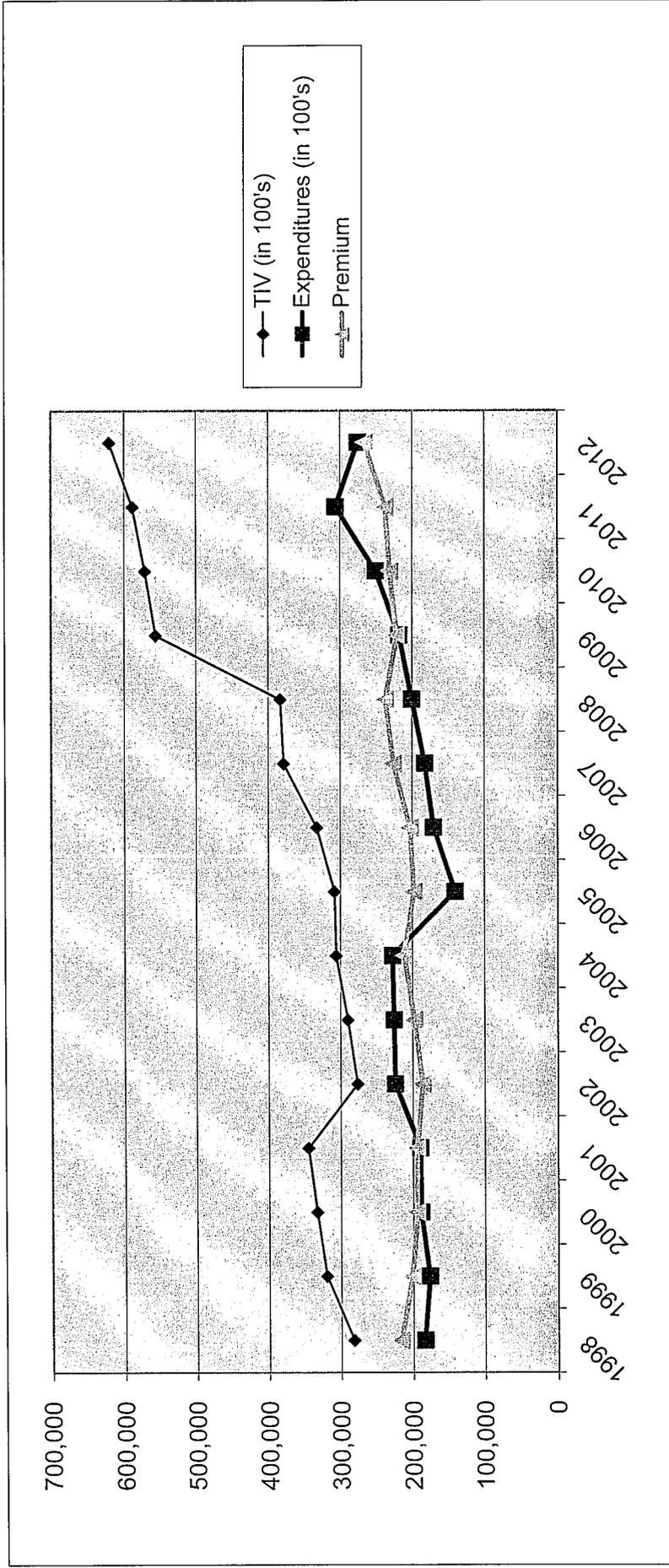


Cache County Growth & Cost

Property
94%

Budget
56%

Contribution
32%



Average Annual Growth = 6.7% Property & 3.9% Budget. Average Annual Cost = 2.3%



Coverages

- **Property**– Group Self-Insurance Pool
 - Buildings, contents, equipment, vehicles
- **Bonds** – Joint Purchase Program with Joint Self-Insurance for large deductible
- **Liability** – Joint Liability Reserve Fund
 - Auto, General, Public Officials, Employee Benefits, Law Enforcement
- **Workers Comp** – Joint Purchase Program with WCF
 - Cache County purchases workers compensation insurance from ULGT.



Limits in Excess of Tort Caps

- Excess limits are a consideration for:
 - **Federal Claims** that are not limited by State Statute (Federal Civil Rights Claims);
 - **State and Federal Constitutional Claims**; and
 - **Out-of-state auto liability claims.**
- Be sure excess limits apply only to these claims.
 - Where local governments buy limits in excess of tort caps, tort caps go up.
- How much is enough?
 - Most large claims not covered anyway (intentional acts, punitive damages...)
- How much is worthwhile? Cost vs. Probability
- If you are going to buy higher limits, make sure they coordinate with your underlying limits.

CACHE COUNTY
CORPORATION

M. LYNN LEMON
COUNTY EXECUTIVE/SURVEYOR

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

July 31, 2012

COUNTY COUNCIL

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

Mr. Johnny Miller, CEO
Utah Counties Indemnity Pool
PO Box 95730
10980 So. Jordan Gateway
South Jordan, UT 84095

Re: 120 Day Notice Requirement

Dear Johnny,

Cache County is considering options for Property & Casualty Insurance and related services for the 2013 policy year. In reference to the Policy, Amended Bylaws, and/or Interlocal Agreement for the Utah Counties Indemnity Pool, Cache County is providing written notice in accordance with the 120-day notice requirement.

Should Cache County elect to continue coverage with the Utah Counties Indemnity Pool, Cache County will withdrawal this notice no later than 90 days prior to policy renewal.

In our efforts to make an objective comparison, Cache County is requesting that UCIP provide renewal premiums for 2013 by September 1, 2012. This will allow Cache County the opportunity to weigh the various options, and make an informed decision.

Thank you for your cooperation and help with this matter.

Sincerely,



M. Lynn Lemon
County Executive

CACHE COUNTY, UTAH
RECORD OF DECISION

REZONE – SIERRA ESTATES

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 hearing, a proposal that represents the Planning Commission’s recommendations for zoning the area within the county; and

WHEREAS, on July 12, 2012 at 5:35 P.M. the Planning Commission held a public hearing for a rezone from the Agricultural (A-10) Zone to the Rural 5 (RU-5) 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 at which meeting a recommendation was provided to the County Council for final action; and

WHEREAS, on August 14, 2012, at 5:30 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 not in the best interest of the citizens of Cache County to approve said rezone;

NOW THEREFORE, the Cache County Council denies the Spring Ridge Estates rezone based on the following findings of fact:

1. The rezone is contrary to the stated purposes of the Cache County Council to direct development to cities.
2. Rezoning single parcels in the midst of larger agricultural areas degrades the effectiveness and purpose of the Agricultural Zone. Spot zoning is not an appropriate method of clustering development.
3. The current Cache County Zoning Ordinance does not specify appropriate locations for the Rural 5 (RU-5) Zone. The Cache County Comprehensive Plan also does not currently support the RU-5 Zone in this area

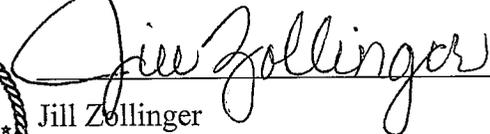
CACHE COUNTY COUNCIL



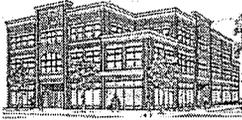
Craig Buttars, Chair
Cache County Council

ATTEST:





Jill Zollinger
Cache County Clerk



CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

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

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

Development Services Agenda Items

To: Cache County Council
From: Christopher Harrild, Development Services, Planner II
Subject: Development Services Agenda Items

A request for the County Council to place the following on the August 28, 2012 agenda:

Pending

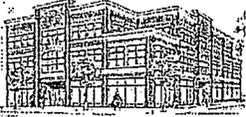
- 1. Ordinance 2012-11: Spring Ridge Estates Rezone** – Brent Ventura and Rod Blossom are requesting approval for a rezone of 349 acres from the Agricultural (A-10) Zone to the Rural 2 (RU-2) Zone located at approximately 2150 North 8000 West, Petersboro.
Staff Findings of Fact (Denial): Three (3)
Planning Commission Findings of Fact (Denial): Two (2)
Planning Commission Recommendation: Denial(4, 0; Godfrey abstained)

Public hearing

- 2. Public Hearing: Armor Storage Hyrum Rezone: 5:30 p.m.** – Marshall Saunders is requesting a recommendation of approval to the County Council of a rezone from the Agricultural (A-10) Zone to the Industrial Manufacturing (IM) Zone of four parcels; a total of 24.82 acres located at approximately 50 West 4400 South, north of Hyrum
Findings of Fact (Denial): Three (3)
Planning Commission Recommendation: Denial (5, 0; Ellis recused)

Initial Consideration

- 3. Sierra Estates Rezone:** Michael Burton is requesting approval for a rezone of a 10.57 acre property in the Agricultural (A-10) Zone to the Rural 5 (RU-5) Zone located at approximately 10525 South Old Highway 165, south of Paradise.
Staff Findings of Fact (Denial): Three (3)
Planning Commission Findings of Fact (Approval): Four (4)
Planning Commission Recommendation: Approval (3, 2; Larson, Watterson)
- 4. UDOT Road Project at 2000 West and Hwy 89/91:** UDOT is requesting that the county review a project to alleviate safety concerns of vehicles entering and exiting HWY 89/91 at the skewed intersection just north of Ted's Service Station.



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

Staff Report: Sierra Estates Rezone

12 July 2012

Agent: Michael Burton
Staff Recommendation: Denial
Type of Action: Legislative

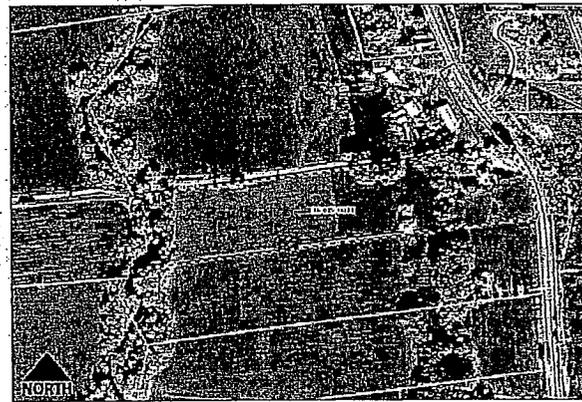
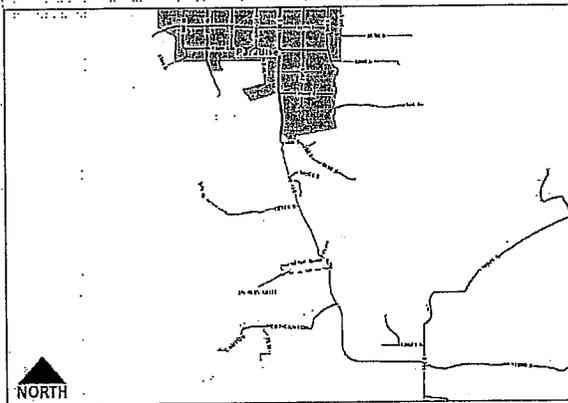
Parcel ID#: 16-035-0011

Location

Reviewed by: Christopher S. Harrild, Planner II

Project Address:
 10525 South Old Highway 165
 South of Paradise
Current Zoning:
 Agricultural (A-10)

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



Purpose, Applicable Ordinance, and Summary

Purpose:

To review and make a recommendation to the County Council regarding the proposed Sierra Estates rezone; a request to rezone the 10.57 acre parcel # 16-035-0011 currently zoned Agricultural (A-10) to the Rural 5 (RU-5) Zone.

Ordinance:

Current Ordinance does not specify appropriate locations for the Rural 5 (RU-5) Zone. The Cache County Comprehensive Plan also does not currently support the RU-5 Zone in this area.

The Cache County Ordinance §17.08.030[C][3] does require that development within the Rural 5 (RU-5) Zone must be appropriately served by suitable public roads, have access to necessary water and utilities, and have adequate public service provision.

Any impacts related to permitted and conditional uses allowed within the Rural 5 (RU-5) Zone will be addressed as part of each respective approval process required prior to site development activities.

Summary:

Current zoning allows one (1) building lot as this is a legal, previously divided, non-1970 parcel. There is currently a home on the existing lot. The applicant is requesting a rezone that would then allow subdivision of the property at a density of one (1) unit per five (5) acres. This would allow for a total of two (2) lots and one (1) additional house to be developed.

Within a one-mile radius of this parcel, the surrounding vicinity is comprised of parcels with an average density of one (1) unit per 50 acres and an average parcel size of 26 acres. Of the parcels that have homes on them, the average parcel size is 13 acres. This provides a contextual indication of the principally agricultural surroundings.

Access:

- This property access is from Old Highway 165, a county road which is a 24 foot wide paved roadway.

Service Provision:

- The proposed rezone is located in an area without adequate water supply for fire suppression. Access for fire suppression is acceptable. Water supply will be provided by the Paradise fire department.

Staff Recommendation and Findings of Fact (3)

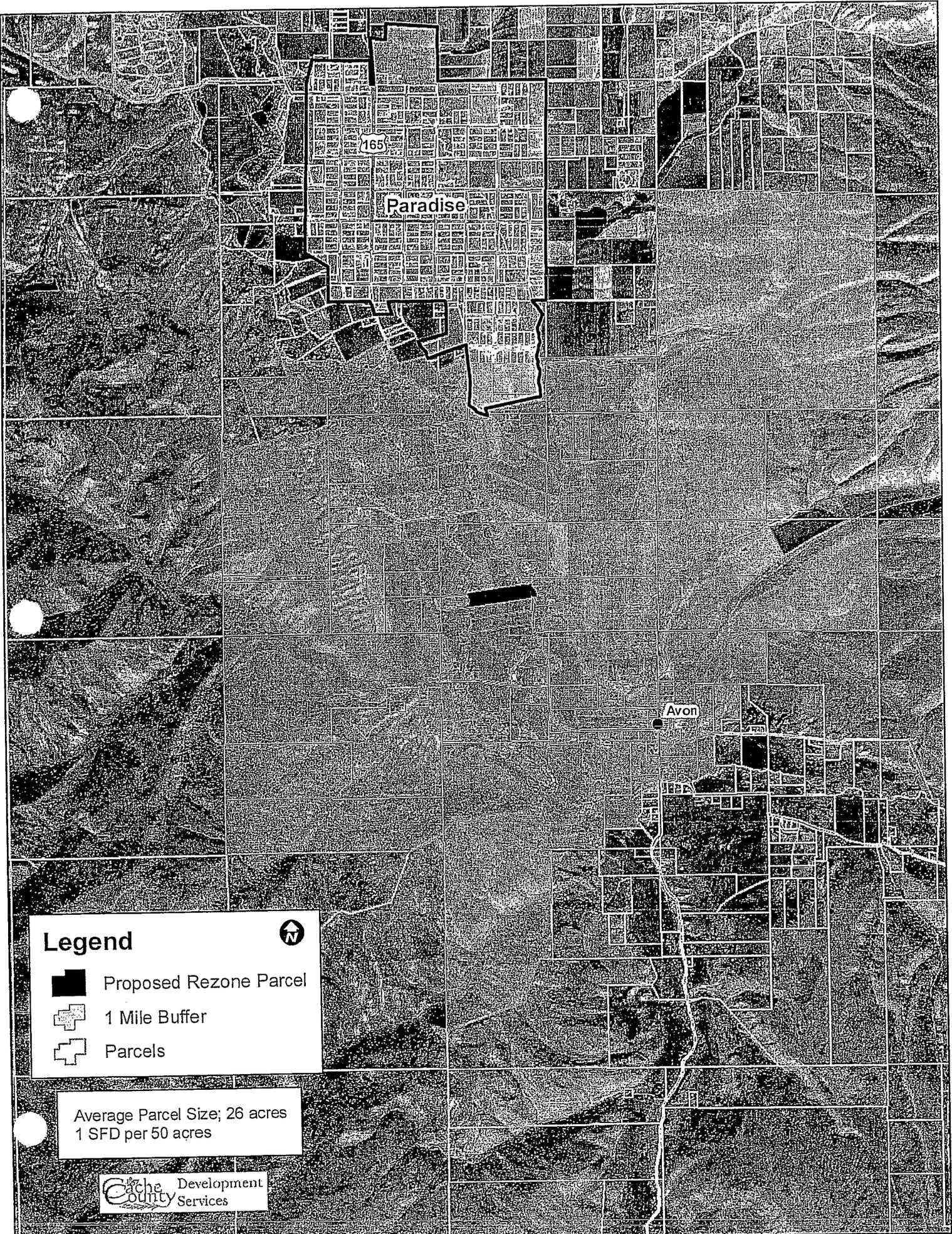
It is staff's determination that the Sierra Estates rezone located at approximately 10525 South Old Highway 165, south of Paradise with parcel # 16-035-0011 should be recommended for denial to the Cache County Council. This recommendation is based on the following findings of fact:

1. The rezone is contrary to the stated purposes of the Cache County Council to direct development to cities.
2. Rezoning single parcels in the midst of larger agricultural areas degrades the effectiveness and purpose of the Agricultural Zone. Spot zoning is not an appropriate method of clustering development.
3. The current Cache County Zoning Ordinance does not specify appropriate locations for the Rural 5 (RU-5) Zone. The Cache County Comprehensive Plan also does not currently support the RU-5 Zone in this area

Determination of Approval and Findings of Fact (4)

If the Planning Commission or County Council do not support a recommendation of denial of the Sierra Estates rezone, and have determined that the request be approved, then such a recommendation may be based upon the following findings of fact:

1. The location of the subject property is compatible with the purpose of the proposed Rural 5 zoning district and is appropriately served by suitable public roads, has access to necessary water and utilities, and has adequate public service provision.
2. The subject property is suitable for development within the proposed Rural 5 zoning district without increasing the need for variances or special exceptions.
3. The subject property is suitable as a location for all of the permitted uses within the proposed Rural 5 zoning district.
4. The subject property, when used for the permitted uses in the Rural 5 zoning district, would be compatible with adjoining land uses.



Legend



Proposed Rezone Parcel



1 Mile Buffer



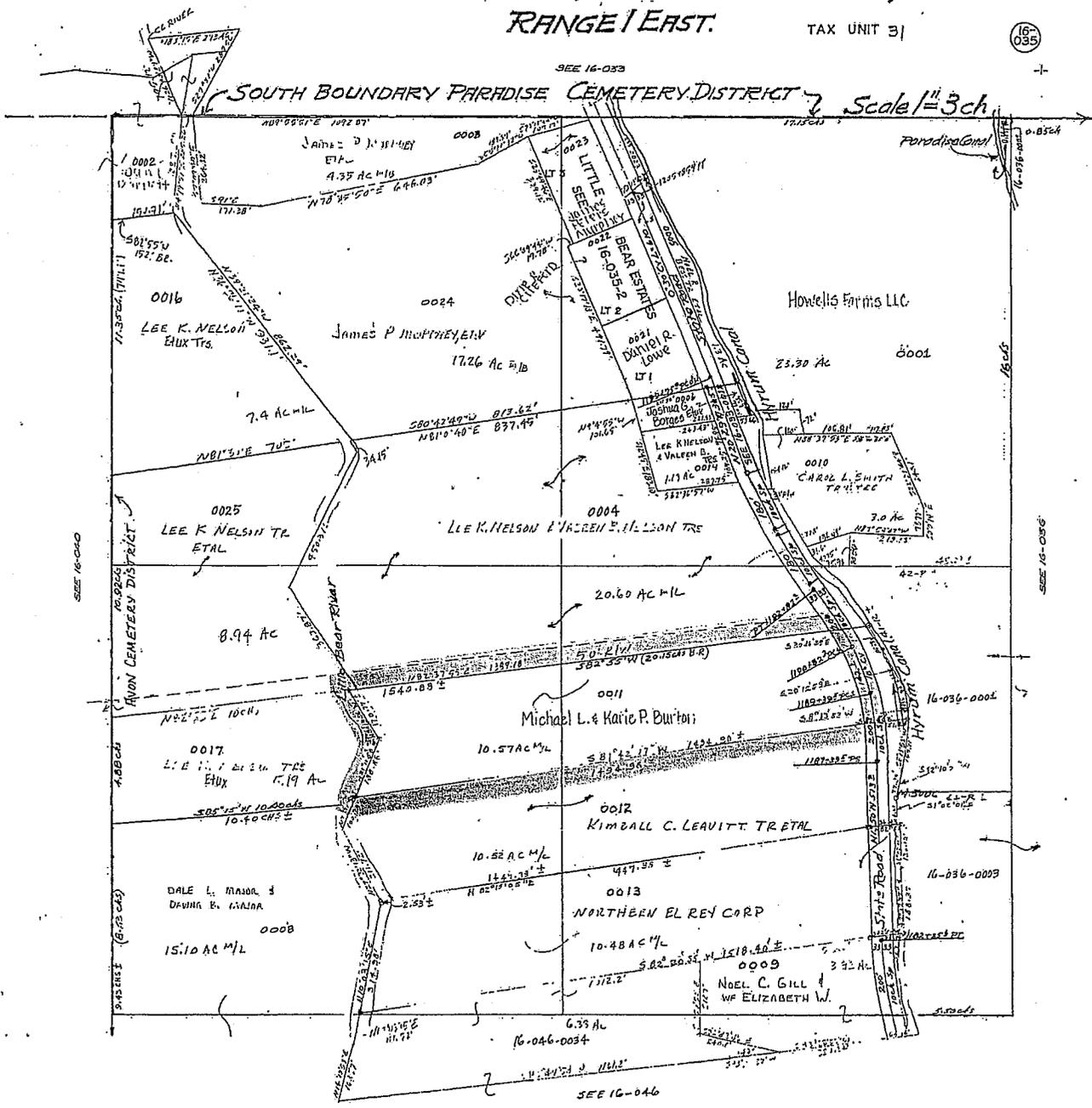
Parcels

Average Parcel Size; 26 acres
1 SFD per 50 acres

SW⁴ SECTION 3, TOWNSHIP 9 NORTH,
RANGE 1 EAST.

TAX UNIT 31

16-035



Cache County Planning Commission

Minutes for 12 July 2012

Present: Chris Harrild, Josh Runhaar, Jason Watterson, Phillip Olsen, Chris Sands, Leslie Larson, Clair Ellis, Jon White, Denise Ciebien, Megan Izatt

5:32:00

Larson welcomed and gave opening remarks.

Agenda

Passed

Minutes

Passed with noted editorial changes.

5:35:00

Public Hearing

#1 Sierra Estates Rezone (Michael Burton)

Harrild reviewed Mr. Michael Burton's request for a recommendation of approval to the County Council for a rezone from the A-10 Zone to the RU-5 Zone of a 10.57 acre parcel located at approximately 10525 South Old highway 165, south of Paradise. Currently, the applicant can have one legal lot. The rezone would allow them to add one more buildable lot and no more. The average density in this area is one unit per 50 acres and the average parcel size is 13 acres. This area is primarily agricultural and no issues were received from the other departments. Staff did receive a letter from the property owner to the south stating they are strongly opposed to this development. Staff is recommending denial for this rezone due to the stated findings of fact in the staff report.

Olsen motioned to open the public hearing for the Sierra Estates Rezone; Watterson seconded; Passed 5, 0.

Michael Burton there is about 3 acres that I would like to split off. I have a preliminary plan drawn from a survey and this is in a flood plain ... the buildable spot would be directly west of the existing home. I own the property across the highway as well, but it will be a 3 acre piece broken off the larger parcel.

Larson this would be a flag lot?

Mr. Burton legally, yes it would be a flag lot. If it's a make or break deal by saying we want to have a standard lot instead of a flag lot, I can still do that.

Sands motioned to close public hearing; Watterson seconded; Passed 5, 0.

Staff and Commission discussed finding of fact #3. The Commission felt that the Planning Commission doesn't deny rezones because the ordinance does not specify appropriate locations for the RU zones. That is not grounds for denial but merely an observation. Staff would like to keep the issue that the ordinance does not specify where these zones should be located and it is becoming an issue of spot zoning which is not effective planning. Many members of the planning commission do not like the wording of findings of fact #1 and #3. There are several homes that have been built along that road that are on smaller lots and some members of the commission feel that this is appropriate. There is access from the highway and this area is suitable for development. The biggest concern is where the access point is going to be and how the lot is going to be broken up. This is not an original 1970 parcel, but is a lot that is buildable.

Mr. Burton when I first presented this, I was told there were already two applications similar to what I'm doing. I understand Mr. White's and Mr. Ellis's concerns, but are you going to put your foot down with me and say no more?

Larson those two applications were not in this area and the surrounding areas for those applications were similar to what they were applying for.

Harrild there was one in Mount Sterling and the Janet Ryan Rezone. I can see the similarities that Mr. Burton is seeing.

Mr. Burton the person to the south doesn't live there. What happened 5 years ago was that I was advised by Mr. Baker to wait and see how it changes.

Larson your neighbors are given an opportunity to comment and we see it as helpful if they cite ordinances or things like that. However, just because they don't like it doesn't mean we are going to deny.

Mr. Burton I just find it ironic that they are opposing me when they built a home last year.

Ellis have you talked to other neighbors?

Mr. Burton I have, but they have expressed no issues with it.

Ellis my comment of this setting a precedent isn't necessarily negative because maybe this is a great area for more homes.

Staff pointed out that this is similar to stringing subdivisions and could cause problems a couple of years down the road. With this action there isn't a comprehensive view of the area and you can't design it cohesively. Planning Commission members asked about possibly rezoning the whole corridor. However, the County has expressly indicated that property owner initiated rezones are preferred, and that County driven rezones are to be avoided. Staff and commission discussed the difference between legislative and administrative decisions and the findings of fact for those different decisions. This is a legislative action and there is more flexibility with the

decision. Staff and planning commission discussed the possibilities for the future of this area however staff has no idea if there are other people who will want to develop in this area in the near future. Approving this one application might not do anything, but it would set a precedent and could open the flood gates for more development in this area. Commissioner Ellis expressed his concern with the proposed rezone but deferred to Commissioner Olsen as Mr. Olsen lives in the vicinity.

Olsen motioned to recommend approval of the Sierra States Rezone to the County Council with the four findings of fact stating approval; Ellis seconded;

Discussion on the motion Some members of the commission are wondering about the scale of the proposal and if it really fits with the area. Members feel they would be able to justify a denial in the future if an application were to come in stringing parcels to gain more lots.

Original motion Passed 3, 2 (Watterson & Larson voted nay).

6:54:00

Regular Action Items:

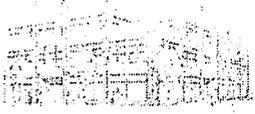
#2 Edge Excavation (Justin Robinson)

Harrild reviewed Mr. Justin Robinson's request of approval for a conditional use permit (CUP) to allow a transfer yard for rock products on 16.64 acres of property in the Industrial Manufacturing (IM) Zone located at approximately 1100 West 2200 North, Logan. This item has come before the planning commission before, however Edge Excavation never recorded their permit and allowed it to lapse but still proceeded to operate business activities on the site. They are currently in violation as they have no permit and are operating. They were given the option from staff to reapply for a CUP and come into compliance with County code or to terminate all activities and remove the material from the site. There are no changes from the previous application except they have improved the county road 2200 North from 16 feet wide to 20 feet wide without a permit. The applicant is still working on the wetlands delineation. The applicant will need to submit documents on how they've improved the road and documents stating how they will improve the road once they pave it. The applicant will need to work with UDOT to fix the intersection of 2200 North and State Route 252 and then pave the road.

Mr. Jay Pitcher the reason due to the lapse is a misunderstanding on our side with UDOT. UDOT was supposed to have all this done and we went on the recommendations of UDOT and Logan City. They are trying to fix that road. All the other conditions that we were asked to do have been met. We've been working with Frontier Engineering on the wetlands delineation and they've been helping keep to the standards of the Army Corps of Engineers. The reason for the lapse was because UDOT never got back to us.

Runhaar the applicant was utilizing Logan City road standards, however they failed to actually communicate with the County to obtain the required permits.

Ellis you understand all the new conditions?



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

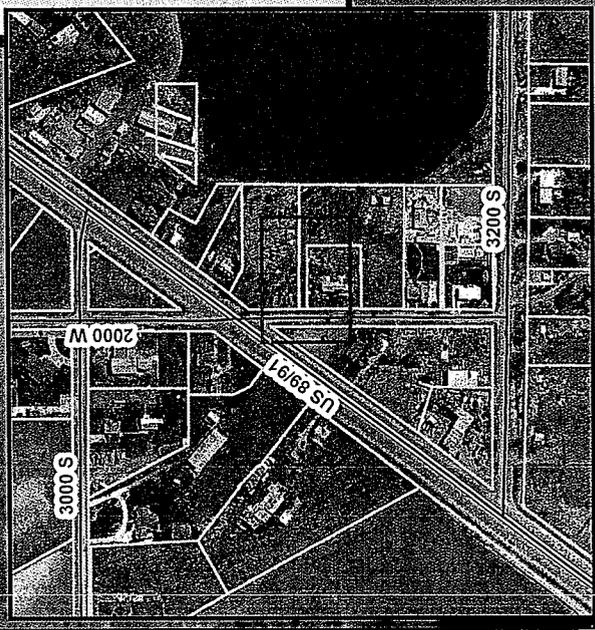
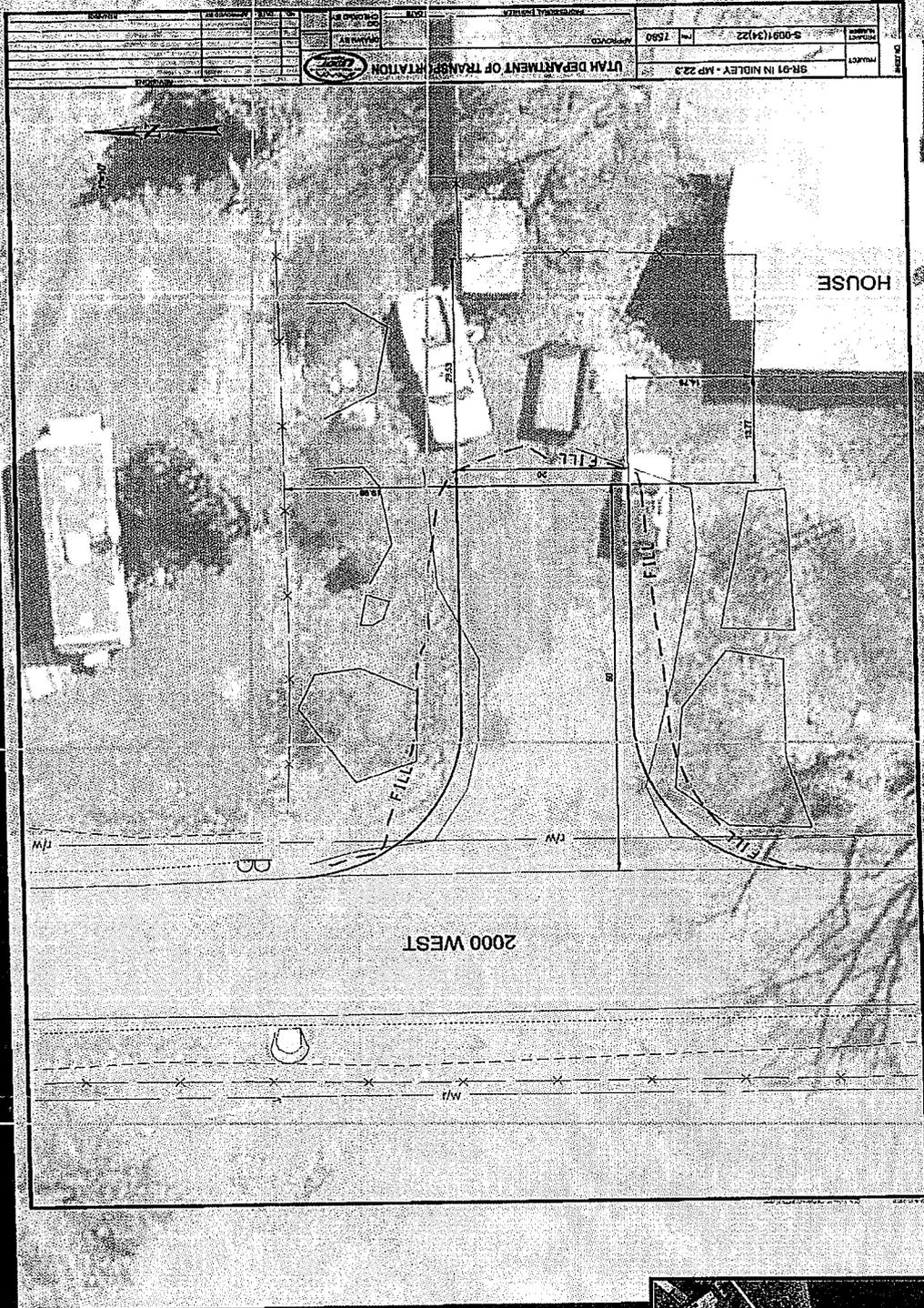
Memorandum

From: Josh Runhaar, Director/Zoning Administrator *JR*
Date: 23 August 2012
Subject: UDOT Road Project at 2000 West and Hwy 89/91

Please review the attached information about a potential road project by UDOT. This project is being proposed to alleviate safety concerns of vehicles entering and exiting HWY 89/91 at the skewed intersection just north of Ted's Service Station. UDOT has asked the County to review the southern approach of 2000 West that will have its access to the HWY 89/91 terminated, and will no longer be a through road. All traffic seeking to access this area would have to utilize 3200 South. This was one of the highest benefits in safety vs. cost to complete projects for UDOT, but it requires agreement from the local jurisdiction as the road, in this case 2000 West which is under 1/2 ownership by Cache County (other half is Logan City), is our facility. I see no issues with the design, and will reiterate that they need to confirm that solid waste collection approves of the design. I am also communicating with Logan City Public Works to ensure that they have approved the design.

UDOT had also enquired as to the reduction of the width of the hammer head turnaround from the initial 20 foot design to a 15 foot width. In talking with Jason Wynn of the Fire District, the minimum fire standard for a hammer head is 26 feet, though a 20 foot width in this situation is appropriate. This has been communicated back to UDOT. ROW on which the hammer head is sited would be turned over to Cache County for ownership, however Logan City currently completes the maintenance on this roadway and as such they would be handle the snow plowing on the hammer head. Attached is the proposed design overlaid on our aerial photography for easier reference.

2000 W Hammer Head Detail



CACHE COUNTY
ANALYSIS OF 401(K)/SALARY SWAP
AS OF JULY 28, 2012

401(K) BENEFIT

Fund	Full / Part	Temporary	Overtime	Other Pay	Benefits	Total	Percent
General	\$ 8,333,028	\$ 588,050	\$ 265,780	\$ 27,300	\$ 4,732,051	\$ 13,946,209	79.0
Assessing and Collecting	665,151	4,896	2,500	-	355,089	1,027,636	5.8
Municipal Services	944,109	84,112	8,500	-	539,857	1,576,578	8.9
Visitors Bureau	83,323	34,753	1,200	1,450	33,196	153,922	0.9
Council on Aging	243,922	49,273	-	-	119,484	412,679	2.3
Development Services	52,114	-	-	-	29,704	81,818	0.5
Childrens Justice Center	84,727	7,650	-	-	34,699	127,076	0.7
Ambulance	-	191,116	-	26,100	19,051	236,267	1.3
Airport	62,935	6,800	-	-	29,856	99,591	0.6
2012 Total	\$ 10,469,309	\$ 966,650	\$ 277,980	\$ 54,850	\$ 5,892,987	\$ 17,661,776	

401(K) SWAP TO SALARY

Fund	Full / Part	Temporary	Overtime	Other Pay	Benefits	Total	Percent
General	\$ 8,594,714	\$ 588,050	\$ 265,780	\$ 27,300	\$ 4,523,905	\$ 13,999,749	78.9
Assessing and Collecting	697,266	4,896	2,500	-	330,902	1,035,564	5.8
Municipal Services	990,460	84,112	8,500	-	505,146	1,588,218	9.0
Visitors Bureau	87,247	34,753	1,200	1,450	30,193	154,843	0.9
Council on Aging	256,263	49,273	-	-	109,986	415,522	2.3
Development Services	54,615	-	-	-	27,837	82,452	0.5
Childrens Justice Center	92,540	7,650	-	-	27,758	127,948	0.7
Ambulance	-	191,116	-	26,100	19,051	236,267	1.3
Airport	65,945	6,800	-	-	27,599	100,344	0.6
2012 Total	\$ 10,839,050	\$ 966,650	\$ 277,980	\$ 54,850	\$ 5,602,377	\$ 17,740,907	

DIFFERENCE	\$ 369,741	\$ -	\$ -	\$ -	\$ (290,610)	\$ 79,131	
-------------------	-------------------	-------------	-------------	-------------	---------------------	------------------	--