

**APPROVED**

**CACHE COUNTY  
COUNCIL SPECIAL  
MEETING MINUTES  
SEPTEMBER 11, 2012**

**CACHE COUNTY COUNCIL  
SEPTEMBER 11, 2012**

**APPOINTMENT – Barsuhn, Joshua-Cache County Deputy Sheriff ..... 1**

**APPOINTMENT – Bateman, Bret-Cache County Deputy Sheriff..... 1**

**APPOINTMENT – Crowther, Brandt-Cache County Deputy Sheriff ..... 1**

**APPOINTMENT – Stokes, Carl-Cache County Deputy Sheriff..... 1**

**APPOINTMENT – Thomas, Charity-Cache County Deputy Sheriff ..... 1**

**APPOINTMENT – Whittier, Jason-Cache County Deputy Sheriff ..... 1**

**ARMOR STORAGE HYRUM REZONE – Public Hearing-August 28, 2012-5:30 p.m..... 6**

**BARSUHN, JOSHUA – Appointment-Cache County Deputy Sheriff..... 1**

**BATEMAN, BRET – Appointment-Cache County Deputy Sheriff ..... 1**

**BOARD OF EQUALIZATION ..... 5,6**

**BUDGET – Public Hearing Set-September 25, 2012-6:00 p.m.-Open 2012 Budget ..... 6**

**CACHE VALLEY COMMUNITY HEALTH CENTER – Property Tax Exemption Request..... 5**

**CLOUD SEEDING – 2012-2013 ..... 7**

**CROWTHER, BRANDT – Appointment-Cache County Deputy Sheriff ..... 1**

**HARDSHIP REQUESTS..... 5**

**INTERMOUNTAIN HEALTHCARE BOND ISSUANCE – Public Hearing Set-September 25, 2012-5:45 p.m. .... 6**

**PARADE – Apple Days-River Heights-September 22, 2012-3:00 p.m. .... 7**

**PROPERTY TAX EXEMPTION REQUEST – Cache Valley Community Health Center ..... 5**

**PROVIDENCE CANYON ROAD CLOSURE..... 2**

**PUBLIC HEARING SET – September 25, 2012-5:45 p.m.-Intermountain Healthcare Bond Issuance ..... 6**

**PUBLIC HEARING SET – September 25, 2012-6:00 p.m.-Open 2012 Budget ..... 6**

**RESOLUTION NO. 2012-19 – Replacing Resolution No. 2012-17 which was incorrectly numbered ..... 7**

**ROAD DEPARTMENT REPORT ..... 4**

**STOKES, CARL – Appointment-Cache County Deputy Sheriff..... 1**

**THOMAS, CHARITY– Appointment-Cache County Deputy Sheriff ..... 1**

**USACCC CONFERENCE – September 12-14, 2012-Midway..... 7**

**UTAH DIVISION OF AIR QUALITY..... 2**

**WEED DEPARTMENT..... 5**

**WHITTIER, JASON – Appointment-Cache County Deputy Sheriff ..... 1**

**CACHE COUNTY COUNCIL MEETING**  
**September 11, 2012**

The Cache County Council convened in a regular session on September 11, 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, Alex Andersen, Luke Andersen, Bryce Bird, Kellan Cutler, Senator Lyle Hillyard, Sharon L. Hoth, Stan Kane, Curtis Knight, Grant Koford, Jean Lown, Dave Nielsen, Director Josh Runhaar, Joe Thomas, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

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

**REVIEW AND APPROVAL OF AGENDA**

**ACTION:** Motion by Council member Yeates to approve the amended agenda. Potter 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 28, 2012 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

**REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

<b><u>APPOINTMENTS:</u></b>	Joshua Barsuhn	Cache County Deputy Sheriff
	Bret Bateman	Cache County Deputy Sheriff
	Brandt Crowther	Cache County Deputy Sheriff
	Carl Stokes	Cache County Deputy Sheriff
	Charity Thomas	Cache County Deputy Sheriff
	Jason Whittier	Cache County Deputy Sheriff

**ACTION:** Motion by Vice Chairman Potter to approve the recommended appointments. Yeates seconded the motion. The vote was unanimous, 7-0.

**WARRANTS:** There were no warrants.

**OTHER ITEMS:**

- **Providence Canyon Road Closure** – Executive Lemon informed the Council that the US Forest Service now has the funding to complete the needed repairs and the road will re-open towards the end of November.

**ITEMS OF SPECIAL INTEREST**

- **Utah Division of Air Quality** – Executive Lemon told the Council that the county has been in a three to four year process of developing a SIP (State Implementation Program) and the Utah DAQ (Department of Air Quality) have assured Cache County that the implementation of a vehicle I/M (Inspection and Maintenance) program was the decision of the county. DAQ contacted Lemon around August 21, 2012 and requested a meeting. During that meeting Bryce Bird, DAQ, indicated they were going to meet with the Governor and Lemon asked to be included in that meeting. Lemon sent a letter to Bird on September 4, 2012 asking, once again, that Cache County be part of the meeting with the Governor. Lemon requested and received an official opinion from the Cache County Attorney's office whether the state could impose an I/M program without the county's consent. The opinion was that the state Air Quality Board does not have the authority to put the I/M program in the SIP without the county's approval. DAQ officials met with Lemon on August 23, 2012 where Lemon told them he didn't have a vote on whether the county would implement an I/M program; you need to meet with County Council. That's why this is on the agenda tonight.

Bryce Bird, Utah Director of Air Quality, noted that DAQ representatives are not elected officials; they function under the Executive Branch and serve as technical experts to the policy making advisory board. The advisory board is appointed by the Governor.

Bird reviewed the history of the SIP via a Powerpoint presentation pointing out that the attainment inventory of 20.76 tons per day must be reached for Cache County to be in compliance with the Clean Air Act. If the county does not meet the SIP deadlines, the EPA could determine that the state is not implementing the plan and could initiate sanctions on federal highway funding state-wide.

Bird reminded the Council of the SIP schedule:

September 5, 2012	Proposed by the Air Quality Board for public comment
October 1, 2012	Publish SIP
October 1-30, 2012	Public comment
October 2012	Open houses and public hearings on proposed SIP
November 2012	Respond to public comments and prepare SIP documentation
December 5, 2012	Final action by the Air Quality Board
December 14, 2012	Transmit the PM2/5 SIP to the EPA with Governor's letter

Council member Petersen observed that he has heard two differing legal opinions. The Cache County Attorney's office issued an opinion that the state cannot impose the I/M program on the county without the county's consent. The Utah Attorney General's office issued an opinion that the state can impose the program without the county's consent. Why the two different legal opinions?

Bird responded it is too early to start legal opinion discussions.

Executive Lemon reiterated that DAQ has repeatedly told Cache County that the implementation of an I/M program was a county decision and now DAQ is saying it is not up to the county.

Council member Zilles echoed Lemon's sentiments.

Council member White remarked he has always understood that, if the county could come up with something better than the I/M program, then that would be considered. Otherwise, this is the best that can be recommended for now.

Lemon argued that it is not reasonable to spend \$1 million for a 5-6% reduction in particulates on a few days a year.

Chairman Buttars asked what five counties are designated nonattainment areas? Bird replied all of Salt Lake County, all of Davis County, western portion of Weber County, Tooele Valley portion of Tooele County and the Tremonton, Brigham City areas of Box Elder County.

Buttars asked why Box Elder County is not required county-wide?

Bird said that test models have shown that all of the county can meet the standards with controls imposed only in specific areas.

Using that logic, Council member White suggested setting the monitors in Paradise, Mendon, etc. and Logan City should be the only area needing an I/M program.

Council member Zilles commented that many cars enter Cache County from Franklin County every day yet Franklin County is not required to test vehicles. The same can be said for cars coming from Box Elder County to Cache County every day.

Council member Petersen stated that, if logic is suspended, the Utah DAQ must present a SEP acceptable to the EPA. Utah DAQ has identified that emissions testing will reduce the particulates by .46 tons per day. So, how does the county do that? Either by an I/M program or another strategy. Petersen recommended the inviting viable public comment at the October 9, 2012 Council meeting. Any proposed solutions must be able to be quantified.

Lemon agreed with Petersen's suggestion.

Vice Chairman Potter asked if the state would accept an alternative proposal?

Bird said there is no predetermination.

**(Attachment 1)**

**ACTION: Motion by Council member Petersen that Cache County set a Public Hearing for the October 9, 2012 Council meeting at 5:30 p.m. to receive suggestions for improving air quality in Cache County. Suggestions must focus on winter inversion days and have a quantifiable means of determining results. Potter seconded the motion. The vote was unanimous, 7-0.**

Attorney Don Linton, Cache County Attorney's office provided the legal opinion that the State Statute 19-02-104 that the state cannot require counties to impose any program without a county's consent. However, the county may suffer possible penalties if it does not implement the recommended I/M program.

Lemon said the county was originally told that only Cache County federal road funding might be affected, not state-wide federal road funding. Lemon asked Bird if the Utah Attorney General's office has told him the state will forfeit federal road funds? Are we forfeiting Cache County funds or state-wide funds? Bird replied he did not know, but the Clean Air Act, Section 110 states that if a state fails to develop a SIP, the EPA can impose sanctions. A later "SIP call" created a rule stating that if the rule was not addressed to the EPA's satisfaction within eighteen months, the first sanction would start on that day and it would be state-wide federal highway funding. EPA would put the state on notice with eighteen months to address the problem.

Vice Chairman Potter asked Attorney Linton if the Council has done the right thing regarding the public hearing and receiving public input or should the Council hold firm where it is at now? Linton said he is not telling the Council to do anything on a policy level; that is up to the Council. It is not inappropriate to ask experts for other evaluations. Maybe they can't come up with a new solution, but the public hearing is consistent with the policy of Title 19 to build public consensus.

**Chairman Buttars turned the gavel to Vice Chairman Potter and left the meeting.**

**UNIT OR COMMITTEE REPORTS**

- ★ **Road Department – Darrell Erickson** reported on the operations of the road department the past year noting that the mild winter helped get a lot of work done earlier than usual. Specific projects mentioned were the Millville Bridge, the chip/seal program, an NRCS project on South Canyon, the evaluation of Blacksmith Fork restoration projects and the replacement of signs to meet the new reflective requirements.

Council member Zilles asked if the county would benefit if a dozer was purchased or would it not be cost effective? Erickson said it would be very helpful for gravel pits and other projects.

Vice Chairman Potter asked the cost of a bulldozer. Erickson said a new one would be \$500,000.00 to \$600,000.00, but he would recommend purchasing a used one rather than new.

- ★ **Weed Department – Joel Merritt** related county efforts to combat invasive species and shared photos of some of those species and their ill effects with the Council. Merritt also displayed imitation plants that are quite attractive, but very destructive. Weed management areas have been created and are highly successful. The county furnishes the chemical(s) and the board takes it to the landowner who provides the manpower to do the work. He has received \$800,000.00 to increase the program and have the landowners report back on the results. The Medusahead project has received \$125,000.00 and Merritt commended Council member White for his help with that project. Utah State University is doing a study on Medusahead also. Merritt also praised the bio-control program and the way it involves youth.

Council member Yeates asked about the status of the Dyer's Woad program. Merritt said if funding is received for it, the program will be reinstated. Yeates praised Merritt's quick response to Yeates' report of a Scotch Thistle weed problem on 100 East.

#### **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

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

#### **THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION**

- **Property Tax Exemption Requests** (*Details are on file in the office of the Cache County Auditor*) – Cache Valley Community Health Center – Executive Lemon said Auditor Stones told him that this entity does not meet the criteria for a tax exemption because its charitable gift to community is not more than the tax.

Council members remarked that Lemon's information conflicts with what is on the written request. Lemon said he will hold this and get further information from Stones and bring it back at the October 9, 2012 Council meeting.

- **Hardship Applications** (*Details are on file in the office of the Cache County Auditor*) – Executive Lemon referred to Nos. 1120 and 1126 and said the problem is that this is three parcels, but two are landlocked by a canal on the back of the landowner's property and totals over four acres. The code reads that hardships are not considered if the individual owns more than an acre of property because the property could be sold to raise money for the taxes.

**ACTION: Motion by Council member Yeates to table the request for Nos. 1120 and 1126 until the October 9, 2012 Council meeting when additional information and a map will be available. Robison seconded the motion. The vote was unanimous, 6-0. Buttars absent.**

**ACTION: Motion by Council member Yeates to approve the remaining Property Tax Hardship requests. Zilles seconded the motion. The vote was unanimous, 6-0. Buttars absent.**

- o **Reconfirm Board of Equalization Dates: September 18, 20, 25 and 27, 2012**  
– Council members confirmed the dates as listed.

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

#### **THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION**

#### **PUBLIC HEARING SET: SEPTEMBER 25, 2012 – 5:45 P.M. – INTERMOUNTAIN HEALTHCARE BOND ISSUANCE**

**ACTION: Motion by Council member Zilles to set a Public Hearing-September 25, 2012 at 5:45 p.m.-Intermountain Healthcare Bond Issuance. Yeates seconded the motion. The vote was unanimous, 6-0. Buttars absent.**

#### **PUBLIC HEARING SET: SEPTEMBER 25, 2012 – 6:00 P.M. – OPEN 2012 BUDGET**

**ACTION: Motion by Council member Zilles to set a Public Hearing –September 25, 2012 – 6:00 p.m. - to Open the 2012 Budget. Yeates seconded the motion. The vote was unanimous, 6-0. Buttars absent.**

Executive Lemon left the meeting at 7:04 p.m.

#### **INITIAL PROPOSAL FOR CONSIDERATION**

- **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– Director Runhaar indicated the public hearing on this issue was held last month. Hyrum City has expressed disapproval of the proposal and the Cache County Planning Commission has recommended denial.

Council member Zilles said storage sheds are already on the one parcel and that is what will be on the other parcels. What's the difference?

Director Runhaar observed that fringe development on the edge of cities is a concern to cities in the county because of problems relating to services, etc.

**(Attachment 2)**

**ACTION: Motion by Council member White to deny the Armor Storage Rezone. The motion passed, 5 aye – Petersen, Potter, Robison, White & Yeates and 1 nay – Zilles. Buttars absent.**

- **Resolution No. 2012-19 – Replacing Resolution No. 2012-17 which was incorrectly numbered**  
(Attachment 3)

**ACTION:** Motion by Council member Petersen to waive the rules and approve Resolution No. 2012-19 – Replacing Resolution No. 2012-17 which was incorrectly numbered. Robison seconded the motion. The vote was unanimous, 6-0. Buttars absent.

- **Decision on Cloud Seeding Program for 2012-2013 Winter Season**

**ACTION:** Motion by Council member Yeates that the Cache County Council go on record as supporting the Cloud Seeding Program for 2012-2013 Winter Season. White seconded the motion. The vote was unanimous, 6-0. Buttars absent.

#### **OTHER BUSINESS**

- ✓ **USACCC Conference – September 12-14, 2012 in Midway** – Council members Yeates and Robison and Chairman Buttars will attend
- ✓ **River Heights Apple Days Parade – September 22, 2012 at 3:00 p.m.** – Executive Lemon and Council member Zilles will attend. Yeates is uncertain.

#### **COUNCIL MEMBER REPORTS**

**Val Potter** reported he will be attending the League of Cities and Towns conference and plans on discussing the RAPZ issue with Mayors and others.

**Craig Petersen** announced Logan City Planning and Zoning will hold a public hearing on storm water and the canal issue on Wednesday, September 12, 2012 at 5:30 p.m.

**Jon White** remarked that the Council needs to come up with a plan for the public hearing on the air quality issue.

#### **ADJOURNMENT**

The Council meeting adjourned at 7:15 p.m.

---

**ATTEST:** Jill N. Zollinger  
County Clerk

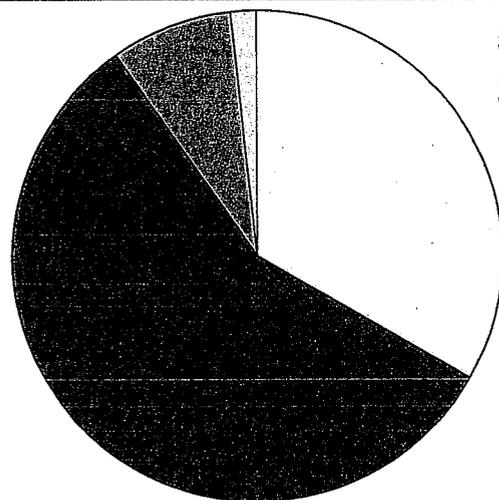
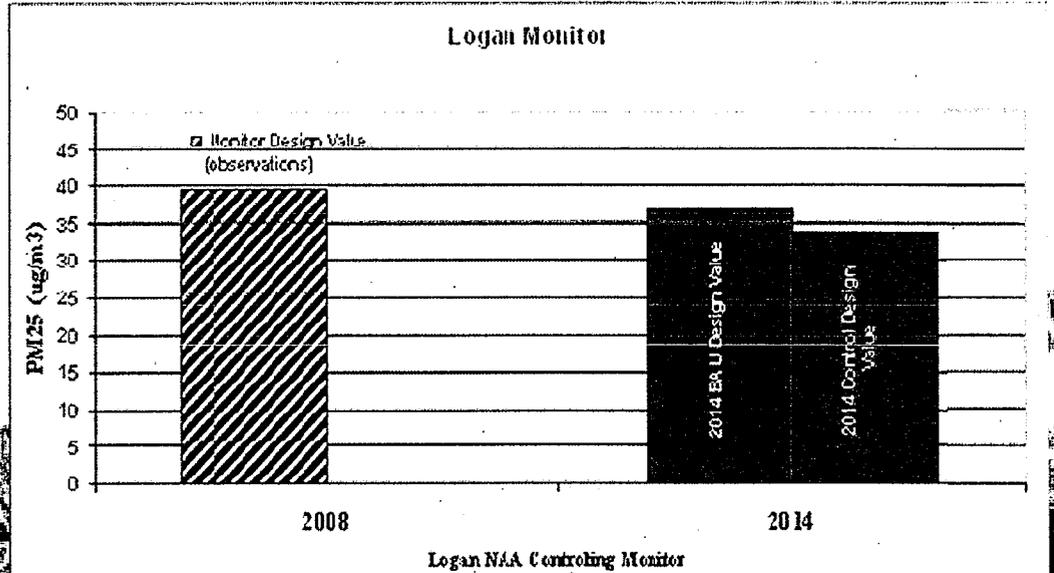
---

**APPROVAL:** Craig "W" Buttars  
Chairman

# PM2.5 State Implementation Plan

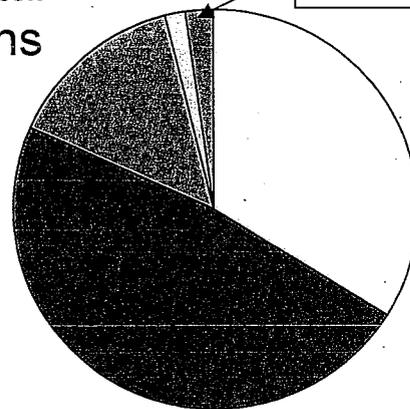
## Cache County Summary

The controls identified as "reasonable" by the stakeholder process result in a modeled attainment test below the standard at the attainment date.



2008 – 26.7 Tons, Attainment Plan Precursors per Typical Winter Day

5.94 Tons Total SIP Reductions

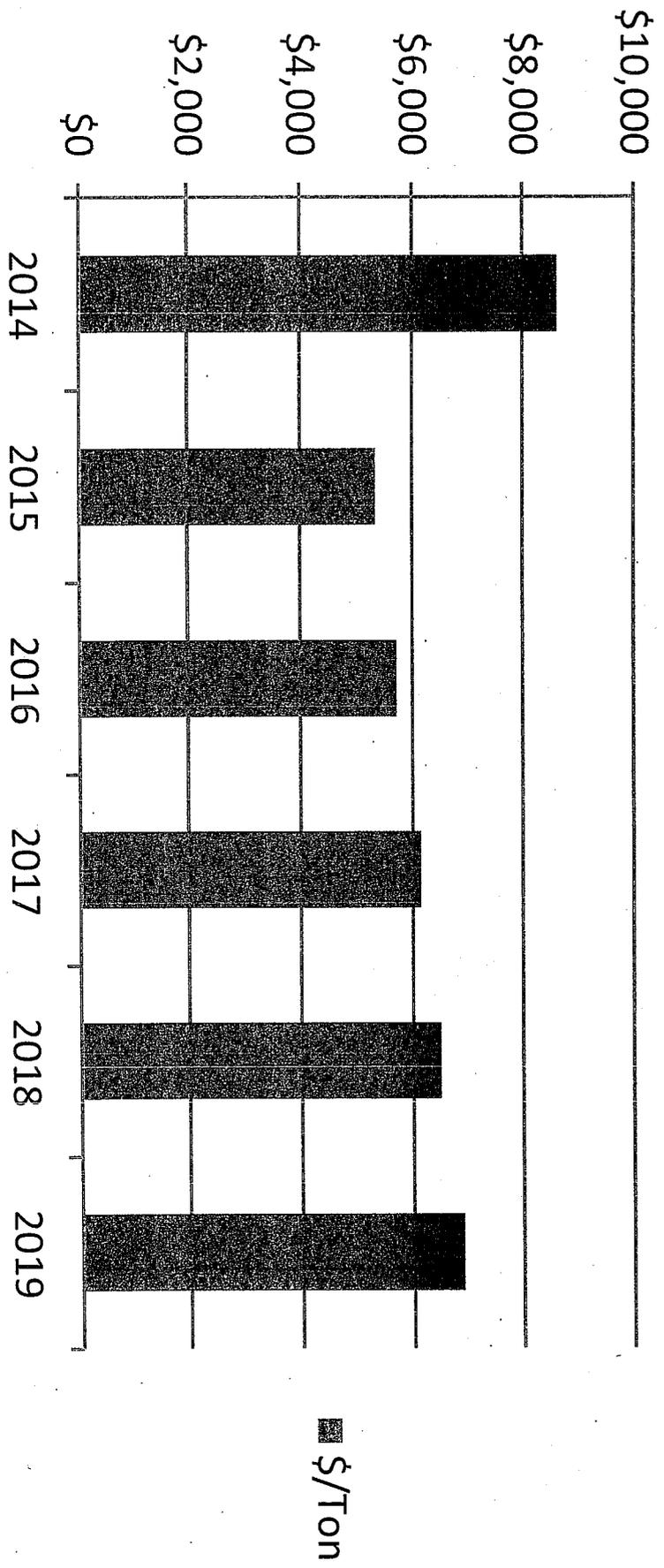


2014 – 20.76 Tons, Attainment Plan Precursors per Typical Winter Day

Vehicle I/M .46 Tons

In order to demonstrate attainment, the vehicle I/M program will need to be implemented or an additional .46 tons per day of reductions will be identified.

# Cost per ton of emissions reduced Cache County Vehicle I/M



**CACHE COUNTY, UTAH  
RECORD OF DECISION**

---

**REZONE – ARMOR STORAGE HYRUM**

---

WHEREAS, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a *et seq.*, as amended (the “Act”), provides that each county 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 August 2, 2012 at 5:45 P.M. the Planning Commission held a public hearing for a rezone from the Agricultural (A-10) Zone to the Industrial/Manufacturing (IM) 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 28, 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 Armor Storage Hyrum rezone based on the following findings of fact:

1. These parcels are located within Hyrum's annexation area and any development on these parcels would likely be defined as Urban Development by State Code restricting further development based on Hyrum City's objections to the rezone request.
2. Hyrum has indicated its objection to this rezone as it is incompatible with the City's adjacent zoning and future land use plans for this location that is within their annexation area.
3. Most services required for the potential development that could be located within the requested Industrial/Manufacturing rezone would be provided by an adjacent municipality, and as such any future development should be annexed so as to meet with municipal standards for development and land use, as has been requested by Hyrum City.

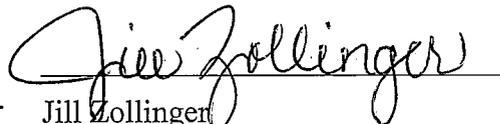
CACHE COUNTY COUNCIL



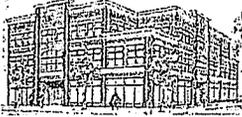
~~Craig Butters, Chair~~ Val K. Potter, ~~Vice Chair~~  
Cache County Council



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

**Staff Report: Armor Storage Hyrum Rezone**

August 2, 2012

**Agent:** Marshall Saunders  
**Staff Determination:** Denial  
**Type of Action:** Legislative

**Parcel ID#:** 03-063-0013, 0014, 0018, and  
 03-065-0004

**Location**

*Reviewed by: Christopher S. Harrild, Planner II*

**Project Address:**

50 West4400 South  
 Hyrum, Utah 84319

**Current Zoning:** Acres: 24.82

Agricultural (A-10)

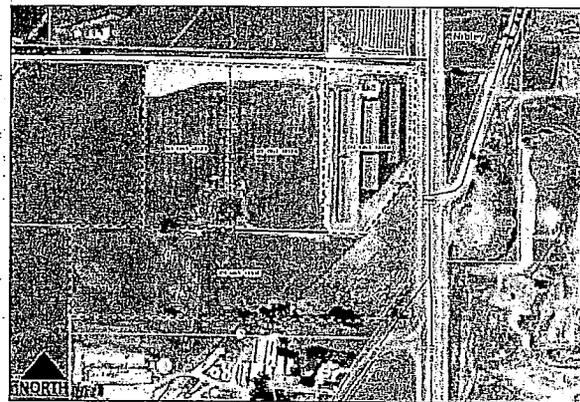
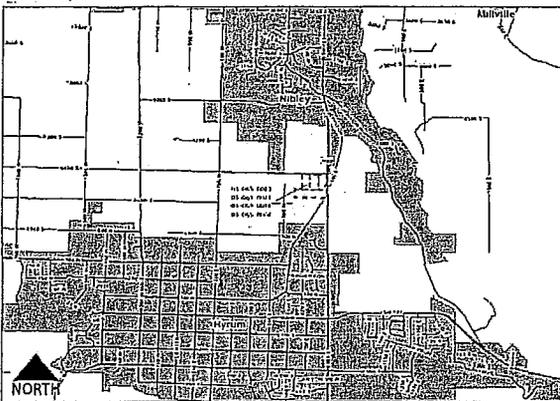
**Surrounding Uses:**

North – Agricultural/Nibley City

South – Agricultural/Hyrum City

East – Hwy. 165/Gravel Extraction/Nibley City

West – Agricultural/Nibley City



**Purpose, Applicable Ordinance, and Summary**

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed Armor Storage Hyrum rezone; a request to rezone parcel #'s 03-063-0013, 0014, 0018, and 03-065-0004 a total of 24.82 acres currently zoned Agricultural (A-10) to the Industrial/Manufacturing (IM) Zone.

**Summary:**

The following is a brief history of the permits obtained at this site (it does not include zoning clearances, building permits, or business licenses):

- May 17, 2010 - A conditional use permit (CUP) for two (2) self-service storage units on parcel #03-065-0004 was recorded.
- December 21, 2010 - A boundary line adjustment involving parcel #'s 03-065-0004 and 03-063-0017 was recorded. Also, at that time, parcel # 03-063-0017 became parcel #03-065-0004 and parcel #03-065-0004 became parcel #03-063-0018. There is no record of why the numbers for these parcels were eliminated and reassigned. The original CUP recorded on May 17, 2010 no longer applies to parcel #03-065-0004 but now applies to parcel #03-063-0018.
- March 21, 2011 - An expansion and update of the existing CUP as urban development on parcel # 03-063-0018 was recorded.

- April 24, 2012 – An expansion of the existing CUP as urban development on parcel # 03-063-0018 to include self-service storage units on parcel #03-063-0014 was approved by the County Council. As of July 27, 2012 it has not been recorded.

Currently two of the parcels (03-063-0018, 0014) being proposed for rezone have been approved for self-service storage units as this use is currently permitted as a conditional use in the Agricultural (A-10) Zone. No request has been made for this use on the two parcels (03-063-0013, 03-065-0004) that are also part of this rezone request.

At the request of the Planning Commission the ordinance language specific to self-service storage units was reviewed by staff. A revision of that ordinance language was recommended for approval by the Planning Commission and is currently being considered for approval by the County Council. That revision will restrict self-service storage units to the Industrial/Manufacturing (IM) Zone as a conditional use.

This area is within Hyrum City's annexation area. Hyrum City has indicated that the future land use designation for this area would be Commercial adjacent to highway and Residential/Agricultural not adjacent to the highway. Hyrum City has stated their opposition to the Industrial/Manufacturing rezone request and has requested that the applicant pursue annexation into Hyrum (Exhibit A).

Parcel #'s 03-063-0018 and 03-063-0014 have previously been approved for self-service storage facilities. There are also ordinance revisions before the County Council and if approved, said facilities will become a nonconforming use. Therefore, The rezone of parcel #'s 03-063-0018 and 03-063-0014 to the Industrial/Manufacturing (IM) Zone is appropriate to reflect the existing use and address the likely potential of a non-conforming use in the Agricultural (A-10) Zone.

The subject parcels are located in the Agricultural (A-10) Zone and are surrounded by parcels west of Highway 165 that are primarily agricultural in use. The subject parcels are also in close proximity to Nibley and Hyrum and as the currently vacant properties (parcel #'s 03-063-0013 and 03-065-0004) are within Hyrum City's annexation area any further development on those parcels would be considered urban development as defined by the State and would require input from Hyrum City. Regarding this proposal, Hyrum City has stated concern and opposition, and has requested that the property owner(s) work to annex the parcels into Hyrum. Therefore, the rezone of parcel #'s 03-063-0013 and 03-065-0004 to the Industrial/Manufacturing (IM) Zone is neither appropriate nor recommended.

In supporting a decision, standards for findings of a legislative action must find that said action supports, or does not support the general welfare of the county and its citizens.

***Access:***

- The access from county road 4400 South to parcel 03-063-0014 is currently inadequate, and must be improved by the proponent as part of previous conditional use permits. If a rezone is approved, access requirements would need to be addressed at the time of permit application.

***Service Provision:***

- If a rezone is approved, additional hydrants will be required for fire suppression at the time of permit application if structures are built more than 450 feet from the existing hydrants. Existing hydrant service is provided by Nibley City.

## Staff Determination and Findings (3)

It is staff's determination that the Armor Storage Hyrum rezone with parcel #'s 03-063-0013, 03-063-0014, 03-063-0018, and 03-065-0004 located at approximately 50 West 4400 South is not in conformance with the Cache County Ordinance and should be recommended for denial to the Cache County Council. This determination is based on the following findings of fact:

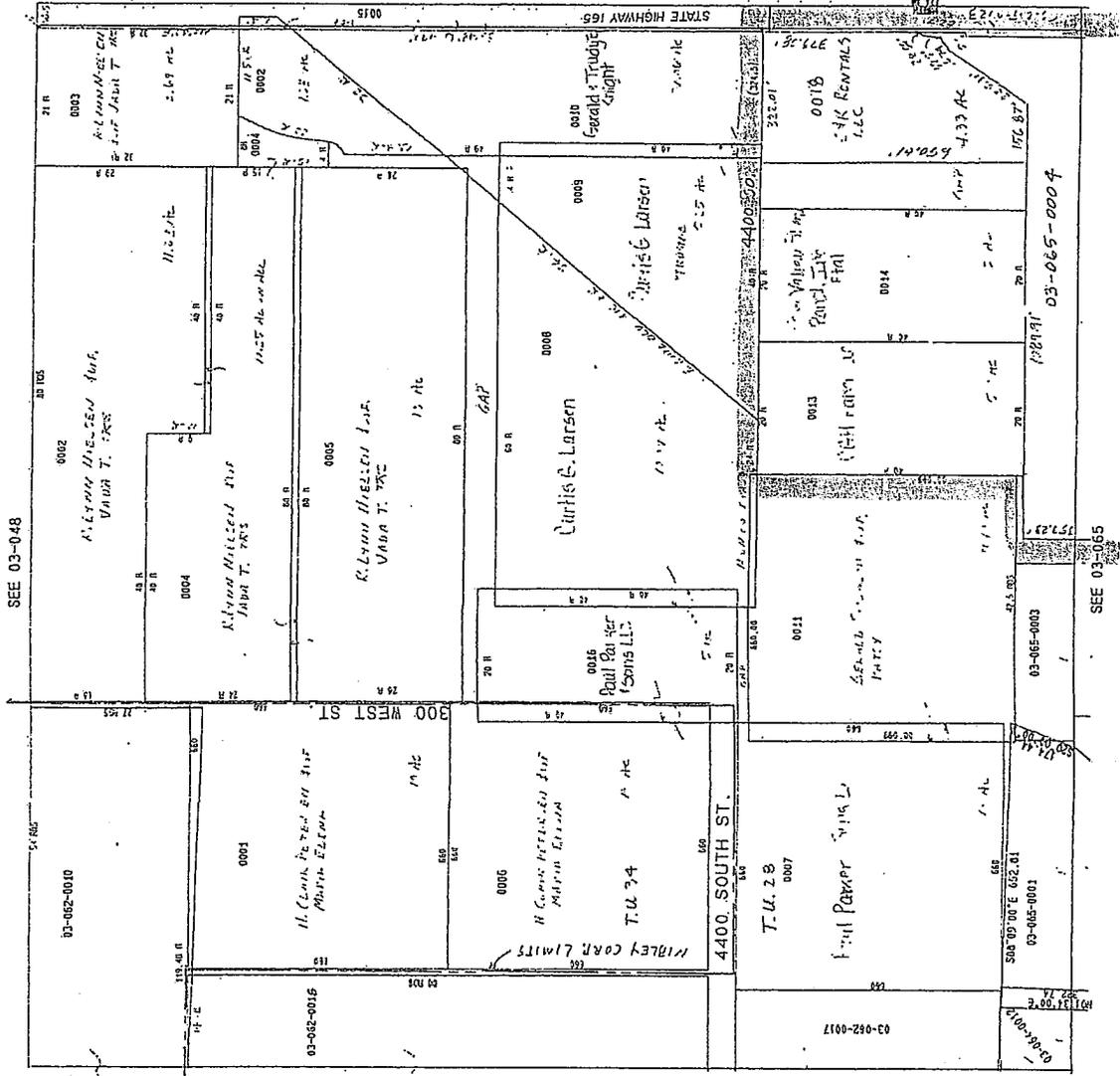
1. These parcels are located within Hyrum's annexation area and any development on these parcels would likely be defined as Urban Development by State Code restricting further development based on Hyrum City's objections to the rezone request.
2. Hyrum has indicated its objection to this rezone as it is incompatible with the City's adjacent zoning and future land use plans for this location that is within their annexation area.
3. Most services required for the potential development that could be located within the requested Industrial/Manufacturing rezone would be provided by an adjacent municipality, and as such any future development should be annexed so as to meet with municipal standards for development and land use, as has been requested by Hyrum City.

NE/4 SEC 33 TWP 11 NORTH RANGE 1 EAST

Scale 1 Inch = 200 Feet

TAX UNIT 28, 34

03-063



SEE 03-062

SEE 03-067

SEE 03-048

SEE 03-065

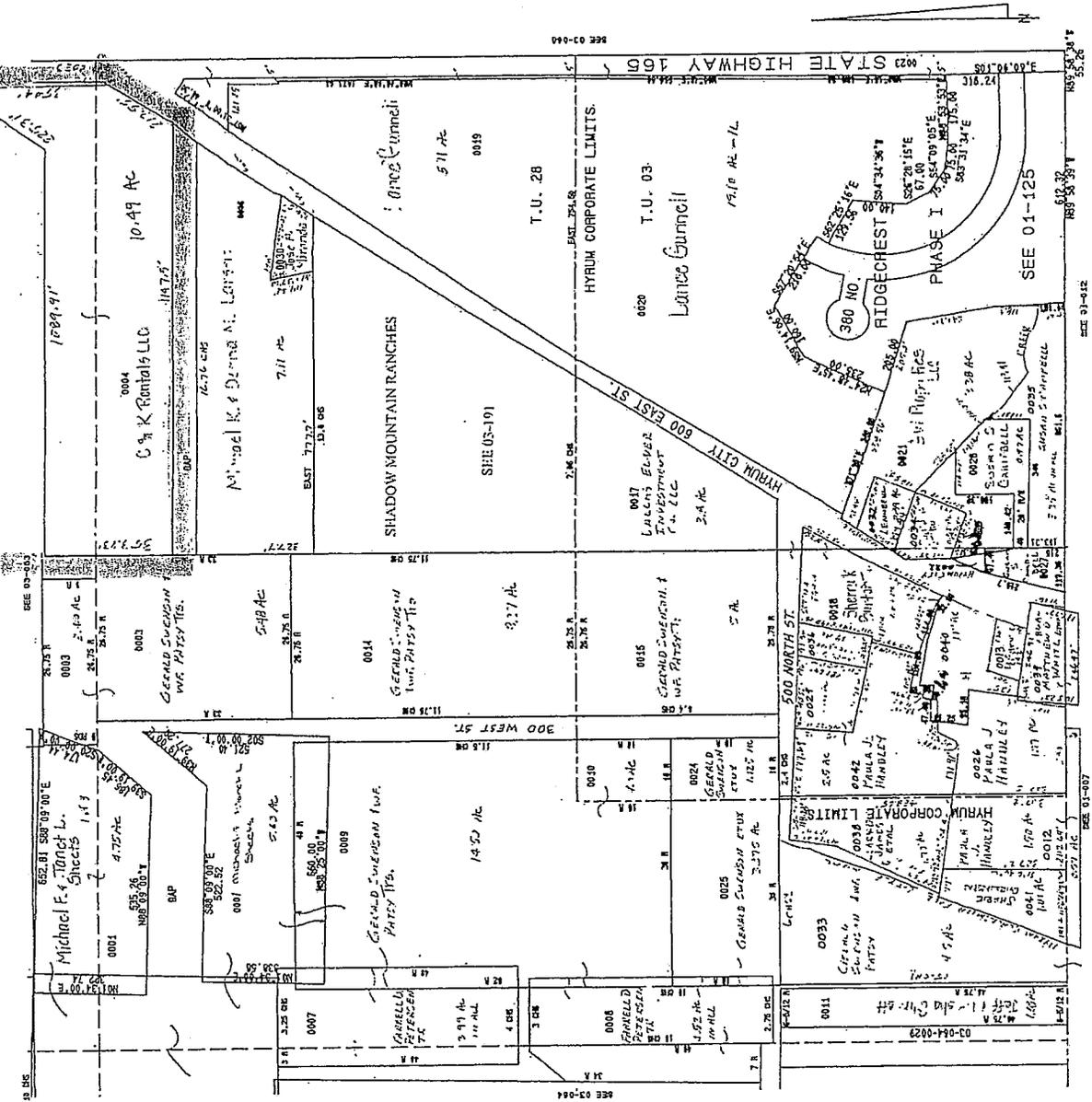
03-065-0004

03-065-0001

03-062-0017

03-063-0012

SE/4 SEC 33 TWP 11 NORTH RANGE 1 EAST  
 Scale 1" = 200 Feet



03-085

SEE 03-044

SEE 01-125

SEE 01-007

SEE 01-023

SEE 01-012

SEE 01-011

SEE 01-010

SEE 01-009

SEE 01-008

SEE 01-007

SEE 01-006

SEE 01-005

1 #2 Armor Storage Hyrum Rezone (Marshall Saunders)

2  
3 *Olsen motioned to open the public hearing; Godfrey seconded; Passed 6, 0.*

4  
5 **Harrild** reviewed Mr. Marshall Saunders request for a recommendation of approval to the  
6 County Council of a rezone from the Agricultural (A-10) Zone to the Industrial Manufacturing  
7 (IM) Zone of four parcels; a total of 24.82 acres located at approximately 50 West 4400 South,  
8 north of Hyrum. When a CUP is issued it is appurtenant to the property. This is important as  
9 some parcel numbers have been swapped around and those changes have been noted in the staff  
10 report. Two of the parcels have already received a CUP for storage units, the other two parcels  
11 have not. The County Council did approve the ordinance amendment to only allow storage units  
12 to the Industrial Manufacturing Zone with a CUP. Staff would like to note that we have received  
13 comments back from Hyrum City. They are in opposition to this rezone because the area is in  
14 line with Hyrum's annexation plan and they do not want the Industrial Manufacturing (IM) Zone  
15 in that corridor between Hyrum and Nibley. They have requested the applicant pursue  
16 annexation into Hyrum City. Staff feels that it is appropriate to rezone the two parcels that are  
17 currently connected with CUP for self-storage. However, the other 2 parcels are currently  
18 agricultural. If the applicant does go ahead with a process for a CUP for the other 2 parcels  
19 would be considered urban development and the county would have to request input from Hyrum  
20 City prior to any decision. As for access to the site, 4400 South to parcel 03-063-0014 is  
21 currently inadequate and must be improved by the proponent as part of previous CUP. If a  
22 rezone is approved, access requirements would need to be addressed at the time of permit  
23 application. Also, the applicant would need to have additional hydrants for fire suppression if  
24 the structures are built more than 40 feet from the existing hydrants.

25  
26 **5:56:00**

27  
28 **Ellis** excused himself due to personal reasons.

29  
30 Staff and commission members discussed services that are currently provided to the site; Nibley  
31 City is the current service provider. If the rezone is not approved, the non-conforming use of the  
32 first two parcels where storage units are currently approved was discussed. Staff suggests that  
33 these two parcels be rezoned to the IM Zone and the other two lots to remain as A-10. Many  
34 commissioners were uncomfortable with rezoning the two lots that are currently tied to CUPs to  
35 the IM Zone when Hyrum has expressed dissatisfaction with the rezone.

36  
37 **Marshall Saunders** we received the letter that storage units were no longer going to be  
38 acceptable in the Agricultural Zone. From our stand point those lots that are proposed for the  
39 rezone are a potential expansion for us. The other reasoning for that as well is to allow outside  
40 storage. Currently in the Agricultural Zone the county doesn't allow outside storage. We still  
41 want the facility to look nice and don't plan for junk to be out there. We did have a meeting with  
42 Hyrum and personally, we would rather have it commercial. But currently in the County we  
43 can't have outside storage and industrial allows us to have that outside storage that people are  
44 asking for.

45  
46 **Larson** in your meetings with Hyrum, what transpired?

47

1 **Mr. Saunders** their main concern was having someone may come in later and an undesirable .  
2 business may go in. They would rather have us go commercial. My understanding is that there  
3 are a couple of lots between us and Hyrum City that would have to be annexed.  
4

5 Staff and commission discussed possible annexation and applying for a CUP for the other parcels  
6 before the ordinance change. The application for the other parcels would have been denied due  
7 to the ordinance change.  
8

9 **Wayne Jewkes** we own the ground directly west of this proposed zone change. Our concerns  
10 are not a lot, but if you change it are they just going to put storage sheds on it? The water levels  
11 are already raised in the northeast corner of our pasture down there. They've raised the ground  
12 over there and it's forced extra water into our field. All of our ground is under agricultural  
13 protection and we are worried to any changes they make to the irrigation system. We're also  
14 concerned with the trash and things coming into our fields.  
15

16 **Mike Jackson** I live directly to the east of this facility. We're not opposed to the storage unit  
17 out there, but we do have problems with the lighting that is out there. Our bedrooms are always  
18 lit up, even with blinds. My concern is with the buildings and what goes in there after this  
19 possible rezone. I bought this because it was residential/agricultural area and that's what I want  
20 it to be.  
21

22 Staff and commission members discussed the lighting issues that were raised. Unless lighting  
23 was brought up when the CUP was approved, the county doesn't typically require special  
24 lighting.  
25

26 **Mr. Saunders** As far as the lighting, it's a great deterrent to theft.  
27

28 **Sands** yes, but it doesn't need to be sprayed everywhere and bug your neighbors.  
29

30 **Olsen** do you have plans for those other lots?  
31

32 **Mr. Saunders** we are waiting to see how the new units fill up before making plans.  
33

34 **Mr. Jewkes** we already are having problems with water in this field and I can't get in there to  
35 cut without problems with the water. If they are putting that new pond in then what is that going  
36 to do to the field? The natural slope of the ground is to the west and that water is going to settle  
37 right into my field and come further up to the south.  
38

39 **Larson** we're you dry there prior to this development?  
40

41 **Mr. Jewkes** yes they have been, but our fields have always been dry by the time we cut.  
42

43 **Larson** I know these two parcels well, and they've always been wet.  
44

45 **Mr. Jewkes** yes, but by the end of June the fields would dry out and we could cut our hay.  
46

1 **Sands** with the natural slope being west, in what way do you think the storage units affect the  
2 water on your property?  
3

4 **Mr. Jewkes** the ground goes to the west there and the natural drainage comes around this way.  
5 If they put a pond right here I'm concerned it is going to be wetter.  
6

7 **Sands** it's not that the existing development has create more water on our property?  
8

9 **Mr. Jewkes** yes I believe they have forced more underground water down that way. The  
10 development is forcing all the water down into that northwest corner from all that area.  
11

12 **Runhaar** if we are putting drain lines in from north to south. So instead of it sheet falling  
13 straight west, we're draining it all to the ponds and draining it from the ponds along the northern  
14 edge of the property. The south end is probably drying more than it is used to and the north end  
15 is getting more water. I'll have to talk to the engineer.  
16

17 **Larson** is that an accurate representation?  
18

19 **Mr. Jewkes** yes that sounds like what is happening.  
20

21 **White** where is the ditch?  
22

23 **Mr. Jewkes** there is a ditch on the south side. But there is no ditch here or down around here.  
24

25 **White** isn't there is a ditch on the north side of the road? Before we were worried about a  
26 culvert for the north.  
27

28 **Runhaar** we will get an engineer out there to look at it and determine what is happening with the  
29 water.  
30

31 **Mr. Saunders** just to be clear that the future retention pond is going to be on this parcel right  
32 here and that far west parcel is still agricultural. There is what is called an orifice plat that goes  
33 in the retention pond that controls the amount of out flow.  
34

35 **Watterson** where is the water drainage going after the pond?  
36

37 **Mr. Saunders** I would have to go back and look at the plans. There was a small ditch on the  
38 south side that it was draining into, but I'm not sure I with the expansion if that is what it is still  
39 doing or if it's to the north.  
40

41 **Harrild** the plan was for it to go through the culvert to the north ditch.  
42

43 *Sands motioned to close public hearing; Watterson seconded; Passed 5, 0.*  
44

45 Staff and commission discussed the possibility of allowing storage units in the Commercial  
46 Zone. It worries some commissioners to have the land rezoned to the IM Zone due to what could

1 happen regarding potential uses in the future. It opens the door for some businesses to go in  
2 there that would not be the best where it is the gateway to Hyrum City.

3

4 *Sands motioned to recommend denial for the Armor Storage Hyrum Rezone with the noted*  
5 *changes to Findings 2 to include all 4 parcels; Watterson; Passed 5, 0.*

6

**CACHE COUNTY  
RESOLUTION 2012 – 19**

A RESOLUTION AMENDING THE BALLOT LANGUAGE APPROVED IN RESOLUTION 2012-14 OF THE RECREATION, ARTS, PARKS, AND ZOOS (RAPZ) TAX OPINION QUESTION ON THE NOVEMBER 6, 2012 GENERAL ELECTION BALLOT.

WHEREAS, Cache County Resolution 2012-14 was approved on June 12, 2012 that set the RAPZ Tax ballot language to read as follows: "Shall the Cache County Council, Utah, be authorized to impose a 1/10th of 1% sales and use tax for the purpose of funding recreation, arts, parks and zoos in Cache County, Utah?" and

WHEREAS, the Lieutenant Governor's office approved the ballot language used to renew the "ZAP" Tax in 2004 and Cache County prefers it over the language set forth in Resolution 2012-14.

THEREFORE, BE IT RESOLVED, that the RAPZ Tax opinion question on the November 6, 2012 General Election ballot be amended to read as follows:

**CACHE COUNTY PROPOSAL NO. 1**

Should Cache County renew and re-authorize the 1/10th of 1% "RAPZ" tax which was first approved by the voters in 2002, to continue for the purpose of funding recreation, arts, parks and zoos in Cache County, Utah?

This resolution shall become effective immediately upon adoption.

DATED this 4th day of September, 2012.

CACHE COUNTY COUNCIL:

By: Craig W. Buttars  
Craig "W" Buttars, Chairman



ATTEST TO:

By: Jill N. Zollinger  
Jill N. Zollinger, County Clerk