

**APPROVED**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
AUGUST 13, 2013**

**CACHE COUNTY COUNCIL  
AUGUST 13, 2013**

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**CACHE COUNTY COUNCIL MEETING**  
**August 13, 2013**

The Cache County Council convened in a regular session on August 13, 2013 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Val Potter  
**Vice Chairman:** H. Craig Petersen  
**Council Members:** Craig "W" Buttars, 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, Kaylene Allen, Mike Allen, Lance Anderson, Mayor Lloyd Berentzen, Cathy Brooksby, Mayor Clair Christiansen, Rosemary Christiansen, Mayor Bryan Cox, Vern Fielding, Darrel Gibbons, Jeff Gilbert, Mayor Kendon Godfrey, Joni Grant, Marlin Grant, Chief Rod Hammer, Issa Hamud, Heidi Hodgson, Sharon L. Hoth, Director Cameron Jensen, Jeff Jorgensen, Michael Kidman, Leslie Larson, Representative Ronda Menlove, Dave Nielsen, Kyle Nielsen, Shannon Nielsen, Nancy Potter, Alexandra Rasband, Director Josh Runhaar, Annette Summers, Danny Thain, Rosalee Thain, Ryan Thain, Helen Winings. **Media:** Shannon Nielsen (Herald Journal).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Council member Robison 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 as written. White seconded the motion. The vote was unanimous, 7-0.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Buttars to approve the minutes of the July 23, 2013 Council Meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

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

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** Warrants for the period 06-21-2013 to 07-19-2013 were given to the Clerk for filing.

**OTHER ITEMS:**

- Fire Update** – Executive Lemon turned the time to Chief Rod Hammer for a report on the various fires in the county. Chief Hammer reported on the Millville

and Blacksmith Fork Canyon fire which is about 25% contained, the burnout near a Hyrum subdivision – a controlled burn to protect the subdivision and the Cherry Creek Canyon fire between Cove and Richmond that was extinguished quickly. The North Utah Interagency Fire Center has taken over command of the fire suppression efforts with state and federal manpower. About 2,250 acres have burned and Hammer estimates the cost at about \$160,000.00 each day; however, there will be state and federal cost-sharing.

Executive Lemon thanked Hammer and all the firefighters, including many volunteers, for their service.

- ❑ **Fair and Rodeo** – Executive Lemon thanked Clerk Jill Zollinger, LaMont Poulsen and all the committee members and volunteers who put in many hours to make the fair and rodeo a success.
  
- ❑ **HB 103 Meeting** – Executive Lemon reported there is a meeting at the State Capitol on August 15, 2013 at 10:00 a.m. to discuss the possible repeal of HB 103. This bill changed the terms of office for some elected officials which will mean that about half of county elected officials will be on a presidential election year ballot and the others on a regular county election year. Executive Lemon asked Clerk Zollinger to explain some of the reasons County Clerks are seeking repeal of the bill.

Zollinger indicated there are concerns with increased costs – paper, manpower, machines, etc. – of longer ballots as well as county candidates' names being "lost" on a long presidential ballot. There is a lot of support for repeal.

Executive Lemon asked if the Council wants to take an official position for or against the repeal of HB 103. The Council is supportive of the repeal.

- ❑ **Utah's Water Future Meeting** – Executive Lemon announced that the Governor will host a meeting on Utah's Water Future on Thursday, August 15, 2013 at 7:00 p.m. at the Mount Logan Middle School.

### **CONSENT AGENDA**

- ◇ **Mike Allen Subdivision** – Mike and Kaylene Allen requesting approval for a 4-lot subdivision on 31.58 acres in the Rural 5 (RU5) Zone located approximately 12851 North High Creek Road, Cove.
  
- ◇ **Legacy Ranch at Monte Cristo Subdivision Amendment** – Kirk Laughter requesting approval for an amendment to Lot #48 of the existing subdivision on 94.60 acres in the Forest Recreation (FR40) Zone located in the Monte Cristo area on Ant Flat Road.
  
- ◇ **Thain Subdivision and Boundary Line Adjustment** – Danny Thain requesting approval for a 2-lot subdivision and boundary line adjustment on 131.69 acres in the Agricultural (A10) Zone located approximately 4748 North 3200 West, Benson.

(Attachment 1)

**ACTION: Motion by Council member Buttars to approve the Consent Agenda Items-Mike Allen Subdivision, Legacy Ranch at Monte Cristo Subdivision Amendment and Thain Subdivision and Boundary Line Adjustment. White seconded the motion. The vote was unanimous, 7-0.**

**ITEMS OF SPECIAL INTEREST**

- **200 East Project Review – CMPO, Cache School District, North Logan, Hyde Park** – Chairman Potter asked Executive Lemon to give some background of the 200 East Street issue to be followed by Jeff Gilbert, CMPO; North Logan Mayor Berentzen and Lance Anderson, Cache County School District.

Executive Lemon said the county was asked to consider the *de minimis* findings on one of the alternatives for 200 East. Mayors from North Logan and Hyde Park asked the county to not agree with the *de minimis* findings. Another environmental assessment was required which lead to the present proposed route for 200 East Street.

Jeff Gilbert, CMPO, gave the Council a written response to questions Executive Lemon had given him. Originally there were five alternatives for the 200 East Street alignment and towards the end of the alternative selection process Hyde Park and North Logan Cities had no opinion. The county was asked by the federal agency to concur with their *de minimis* findings, but North Logan and Hyde Park asked the county to not concur and the county did as asked by the cities; hence, the county supported Alternative 5. The cities' stance was based on information which was later found to be in error. The proposed future high school and the discovery that a dairy in the 200 East area was not historically significant impacted the route selection. The favored alternative is 3 modified, but the county has supported Alternative 5. Gilbert reviewed speed limits, costs, right-of-way acquisitions and the needs of the proposed high school. There are CCCOG funds for 200 East available that have been held in reserve as well as federal funding.

Mayor Berentzen explained that the misunderstanding by the North Logan and Hyde Park mayors on the federal *de minimis* findings was that they thought that Alternative 6B was being chosen by the federal office, but the federal request was actually to approve the *de minimis* findings on all the alternatives. Berentzen said his research indicates that residents purchased homes in the area with the assurance that 200 East Street would dead end at the county property. A later master plan shows 200 East Street going through to 3100 North Street. Berentzen apologized for the former mayors' misinformation and asked the Council to support the present proposed 200 East Street route.

Council member Zilles observed that the Council has a responsibility to go with the least expensive alternative. Hyde Park Mayor Cox observed that traffic study versus cost equals the best use of dollars.

Lance Anderson, Cache County School District, provided a power point visual of the proposed high school and the two routes – Alternative 5 and Alternative 3 modified. Alternative 3 modified works best for the proposed school, whereas, Alternative 5 takes about ten acres out of the area.

Executive Lemon noted that regardless of the situation created by the misinformation of the past, this is what is needed for the school to work. The Federal Highways office has made its decision and the county needs to go forward and support it.

Council member Zilles stated that the county favored Alternative 5 because the county had the needed money and there were no federal funds available.

Gilbert said it has always been the intent to use federal dollars. The CMPO receives \$1.5 million a year to be used with local discretion. There is \$3 million in reserve and the possibility of \$6 million in federal funds in 2014 or 2015. The CCCOG money will be the last in; therefore, if the federal funding is enough, the CCCOG money will not be needed.

(Attachment 2)

#### PENDING ACTION

- Decision on CCCOG Recommendation – 200 East Project** - Chairman Potter called for a decision from the Council on the CCCOG's recommendation for the 200 East Street project.

(Attachment 3)

**ACTION: Motion by Council member Yeates to accept the CCCOG recommendation – 200 East Project including the monies held in reserve for 200 East by previous actions of the County Council. Petersen seconded the motion. The vote was unanimous, 7-0.**

#### ITEMS OF SPECIAL INTEREST

- **2012 Audit Report – Jones Simkins** – Mike Kidman reviewed the audit report for the Council noting there were no significant findings. There was a delay in completing the audit due to county software conversion difficulties and health problems in the auditor's office. *(The full report is on file in the County Clerk's Office.)*

(Attachment 4)

**ACTION: Motion by Council member Yeates to accept the 2012 Audit Report. Petersen seconded the motion. The vote was unanimous, 7-0.**

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

**ACTION: Motion by Council member Yeates to convene as a Board of Equalization. Petersen seconded the motion. The vote was unanimous, 7-0.**

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

- **Property Tax Exemption Request – Center for Excellence in Higher Education** – Executive Lemon recommends denial of the property tax exemption request based on the opinion received from the County Attorney's office. *(Details are on file in the Cache County Auditor's Office.)*

**ACTION: Motion by Council member Zilles to deny the Property Tax Exemption Request – Center for Excellence in Higher Education. White seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET: AUGUST 27, 2013 – 5:30 P.M. – AT&T PROVIDENCE TOWER REZONE** – Glenn Bernard requesting the rezone of 1,500 square feet of a 2.07 acre property currently in the Agricultural (A10) Zone to include the Public Infrastructure (PI) Overlay Zone located approximately 310 East 2100 South, Providence area.

**ACTION: Motion by Council member Butters to adjourn from the Board of Equalization and to set a Public Hearing – August 27, 2013 – 5:30 p.m.-AT&T Providence Tower Rezone. Robison seconded the motion. The vote was unanimous.**

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

**PUBLIC HEARING SET: AUGUST 27, 2013 – 5:45 P.M. – MARLIN J. GRANT MINI SUBDIVISION REZONE** – Marlin Grant requesting approval for the rezone of 8.60 acres from the Agricultural (A10) Zone to the Rural 1 (RU2) Zone located approximately 3500 South 3100 West, north of Wellsville.

**ACTION: Motion by Council member Zilles to set a Public Hearing – August 27, 2013 – 5:45 p.m.-Marlin J. Grant Mini Subdivision Rezone. White seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING SET: SEPTEMBER 24, 2013 – 5:30 P.M. – VACATING A SECTION OF A COUNTY ROAD AND RIGHT-OF-WAY, 11000 NORTH, NEAR 3400 EAST, EAST OF RICHMOND**

**ACTION: Motion by Council member Butters to set a Public Hearing – September 24, 2013 – 5:30 p.m. – Vacating a Section of a County Road and Right-of-Way, 11000 North, near 3400 East, east of Richmond. White seconded the motion. The vote was unanimous, 7-0.**

**PUBLIC HEARING: AUGUST 13, 2013 – 6:00 P.M.-OPEN 2013 BUDGET** – Executive Lemon went over the budget changes. *(See Attachment 5 to Resolution No. 2013-16 – Adjustments to 2013 Budget for details.)*

Chairman Potter opened the Public Hearing and invited public comment. There was none.

**ACTION: Motion by Council member Yeates to close the Public Hearing – Open 2012 Budget. Robison seconded the motion. The vote was unanimous, 7-0.**

**INITIAL PROPOSAL FOR CONSIDERATION**

- **Resolution No. 2013-16 – Adjustments to 2013 Budget**

(Attachment 5)

**ACTION:** Motion by Council member Yeates to waive the rules and approve Resolution No. 2013-16 – Adjustments to 2013 Budget. Robison seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2013-17 – To Adopt the 2012 Revised Cache County Emergency Operations Plan** – *(Complete plan on file in the Cache County Emergency Management Office)*

(Attachment 6)

**ACTION:** Motion by Council member Yeates to waive the rules and approve Resolution No. 2013-17 – To Adopt the 2012 Revised Cache County Emergency Operations Plan. Robison seconded the motion. The vote was unanimous, 7-0.

- **Brooksby Subdivision – David Brooksby requesting approval for a 4-lot subdivision and one agricultural remainder on 17.05 acres in the Agricultural (A10) Zone located approximately 2200 East 11000 North, east of Richmond** – Chris Harrild explained these are two separate requests being presented at the same time. They are all pre-1970 parcels. Concerns are access from 2000 East and mailbox that must be moved. The Planning Commission recommended approval.

(Attachment 7)

**ACTION:** Motion by Vice Chairman Petersen to approve the Brooksby Subdivision – David Brooksby requesting approval for a 4-lot subdivision and one agricultural remainder on 17.05 acres in the Agricultural (A10) Zone located approximately 2200 East 11000 North, east of Richmond with the conditions of approval as recommended by staff. Yeates seconded the motion. The vote was unanimous, 7-0.

- **North Valley Landfill Conditional Use Permit – Issa Hamud requesting approval for a Conditional Use Permit to allow the placement of a solid waste landfill on 320.26 acres in the Agricultural (A10) Zone and Public Infrastructure (I) Overlay Zone located approximately 14200 Stink Creek Road, about 4.5 miles north of Clarkston** – Chairman Potter observed that because the Herald Journal failed to publish the agenda notice sent them by the county, there will be no decision issued on this matter tonight. It will be discussion only.

Director Josh Runhaar stated that all of the documents, etc. pertaining to this issue are available on the county website, but it is too large to furnish hard copy to each Council member. Runhaar said the information contains the staff report which was reviewed and approved unanimously by the Planning Commission with conditions

of approval, compliance with code sections, the conditional use memorandum with access route comments on impact, etc., the memo from the county engineer regarding access and access roads and turning safety issues, the memo from the County Attorney's office regarding sensitive areas (steep slopes) pertaining to the landfill, the geo-technical analysis, the summary of public comment and staff's responses, and minutes from the August Planning Commission meeting where the motion was made.

Helen Winings, Providence resident who owns farmland in Clarkston, expressed concerns with the number of trucks that will be on the roads going to and from the proposed landfill. She is concerned with the safety of children, farmers and their equipment, the effect on property value and feels the truck traffic will change the character of the town of Clarkston.

Representative Ronda Menlove said that HB 357, passed during the last legislative session, asks that as part of landfill siting a transportation study be presented and a financial study be made that will tell the public the impact on taxpayers. Menlove noted this bill is not retroactive, but urged the Council to abide by it.

Executive Lemon asked about the possibility of a different return route for trucks. Council member White responded the County Attorney indicated the county cannot dictate traffic on state roads.

**(Attachment 8)**

**OTHER BUSINESS**

- ✓ **Wellsville Founders Day Parade – Monday, September 2, 2013-10:00 a.m.**
- ✓ **River Heights Apple Days Parade – Saturday, September 7, 2013 – 3:30 p.m.**
- ✓ **USU Homecoming Parade – Saturday, September 14, 2013** – Chairman Potter asked Janeen Allen to check on the Homecoming parade information.
- ✓ **Utah Airport Operators Association (UAOA) Fall Conference Dinner** will be September 5, 2013 at the airport from 5:30 to 8:00 p.m. Council members and their spouses are invited.
- ✓ **UAC Fall Conference – September 25-27, 2013** – Robison, Yeates, Buttars and Potter will attend.

**COUNCIL MEMBER REPORTS**

**Jon White** asked for a brief synopsis of the canal project's progress. Chairman Potter replied there will be a full report at the next Council meeting.

**Craig "W" Buttars** reminded the Council of the Summer Social at Council member Zilles' home August 20, 2013 at 6:00 p.m.

**Kathy Robison** said there will be an Open House on September 24, 2013 in honor of the BRAG building being one hundred years old and to honor Roger Jones' forty years of service

**Executive Session** – Discussion of the character, professional competence, or physical or mental health of an individual as per Utah Code Annotated 52-4-205(1)(a).

**ACTION:** Motion by Council member Buttars to adjourn to an Executive Session to discuss the character, professional competence, or physical or mental health of an individual as per Utah Code Annotated 52-4-205(1)(a). Yeates seconded the motion. The vote was unanimous, 7-0.

The Council moved into an Executive Session at 7:35 p.m.

Vice Chairman Petersen left the Executive Session at 8:15 p.m.

**ACTION:** Motion by Council member Yeates to adjourn from the Executive Session and from the Council meeting. Robison seconded the Motion. The vote was unanimous, 6-0. Petersen absent.

The Council Adjourned from the Executive Session at 8:31 p.m.

**ADJOURNMENT**

The Council meeting adjourned at 8:31 p.m.

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

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**APPROVAL:** Val Potter  
Chairman



### STAFF REPORT: MIKE ALLEN SUBDIVISION

18 July 2013

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Michael and Kaylene Allen  
**Staff Determination:** Approval with conditions  
**Type of Action:** Administrative  
**Land Use Authority:** Cache County Council

**Parcel ID#:** 18-046-0011, 0012, 0014

#### Location

*Reviewed by: Chris Harrild, Planner II*

#### Project Address:

12851 North High Creek Road  
Cove

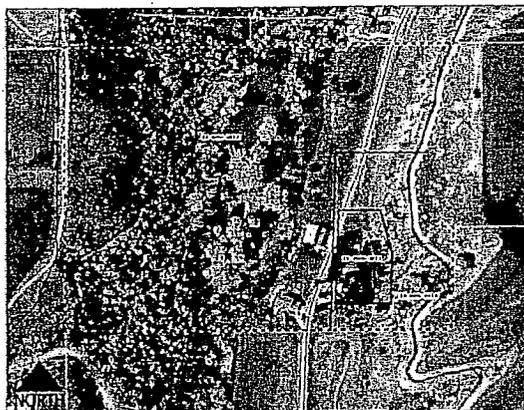
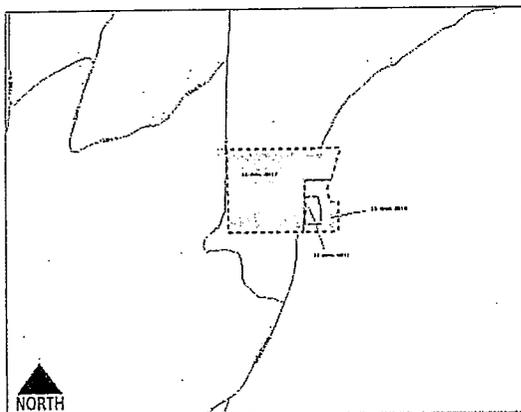
#### Current Zoning:

Rural 5 (RU5)

**Acres:** 31.58

#### Surrounding Uses:

North – Agricultural/Residential  
South – Agricultural/Residential  
East – Agricultural/Residential  
West – Agricultural/Residential



### PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT

#### Purpose:

To review and make a recommendation to the County Council regarding the proposed Mike Allen Subdivision.

#### Ordinance:

As per the Cache County Zoning Ordinance Table 17.10.030 Development Density and Standards Specific to Base Zoning Districts, this proposed subdivision qualifies for a development density of one (1) unit per five (5) acres as it is located within the Rural 5 (RU5) Zone. Also §17.18.020 Non-Developable Sensitive Areas Defined specifies that slopes  $\geq 30\%$  and natural waterways or open water are not considered when calculating development density.

**Summary:**

This is a request to divide two existing parcels into four (4) developable lots, one of which will be a dry lot. Steep slopes, natural waterways or open water, and road rights-of-way have been identified and removed in the calculations regarding development density. The developable acreage is 24.36 acres. At a density of one (1) unit per five (5) acres, there is the potential for 4 developable lots.

**Access:**

- Access to the site is from County Road North High Creek Road. At this location, North High Creek Road consists of a 21' wide paved surface, and gravel shoulders averaging 1.5' to 2' in width.
- The Cache County Road Standard requires a 22' wide paved surface. Staff recommends a design exception be made in this circumstance to eliminate the requirement of further road improvements as pertains to this subdivision request.

**Water & Septic:**

- An adequate, approved, domestic water right must be in place at the time of final plat recordation for lots 1, 2, and 3.
- A certificate must be recorded against lot 4 stating that "Lot 4 has been approved but an approved, domestic water right in the owner's name is required prior to the issuance of a zoning clearance or building permit."
- A note must be included on the final plat that clearly labels Lot 4 as, "Dry Lot – Restricted for development until an approved, domestic water right in the owner's name is provided."
- The proposed lots are feasible for on-site septic tank systems.

**Service Provision:**

- Sufficient shoulder space for the residential refuse and recycle containers for the existing dwellings must be provided to allow said containers to sit four feet apart and be out of the travel lane on North High Creek Road. Additional dwellings must be addressed at the time of obtaining a building permit.
- A school bus stop is located at 2589 East High Creek Road approximately 2 blocks from the proposed subdivision.
- Any driveways shall meet all applicable requirements of the current International Fire Code, minimum County standards, and any other applicable codes.
- Water supply for fire suppression will be provided by the city of Lewiston Fire Department. Access for emergency services is adequate.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

**STAFF DETERMINATION AND FINDINGS OF FACT (5)**

It is staff's determination that the Mike Allen Subdivision, a 4-lot subdivision for property located at approximately 12851 North High Creek Road with parcel numbers 18-046-0011, 0012, 0014, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

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

2. The Mike Allen Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Mike Allen Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Mike Allen Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. A design exception has been approved to allow the 21' wide paved surface of High Creek Road for access to the Mike Allen Subdivision.

#### CONDITIONS OF APPROVAL (6)

The following conditions must be met prior to the recordation of the final plat for the developments to conform to the County Ordinance and the requirements of county service providers.

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. Adequate, approved, domestic water rights shall be in place for lots 1, 2, and 3.
3. A certificate must be recorded against lot 4 stating that "Lot 4 has been approved but an approved, domestic water right in the owner's name is required prior to the issuance of a zoning clearance or building permit."
4. A note must be included on the final plat that clearly labels Lot 4 as, "Dry Lot – Restricted for development until an approved, domestic water right in the owner's name is provided."
5. The applicant shall reaffirm their 33' portion of Cache County's 66' wide right-of-way for all county roads along or within the proposed subdivision boundary.
6. Sufficient shoulder space for the residential refuse and recycle containers for the existing dwellings must be provided to allow said containers to sit four feet apart and be out of the travel lane on North High Creek Road.

1  
2 **Michael Scott Spindler** I've lived there for 24 years. This is an agricultural area, we all farm  
3 and a subdivision does not fit there. The road is overwhelmed now because of the American  
4 West Heritage Center. Now the road is full of sightseers. A subdivision does not fit out here,  
5 this does not fit in our neighborhood; this is just for profit. The road has had accidents; the  
6 corners are very tight and are blind. The road narrows and has steep drop offs and a subdivision  
7 does not fit in our neighborhood.

8  
9 **06:16:00**

10  
11 *Sands motioned to close the public hearing; Allen seconded; Passed 5, 0.*

12  
13 Staff and commission discussed the application. In the past the commission has been pretty  
14 consistent in approving/denying these types of applications. If there have been access issues or  
15 other major issues the commission had denied them.

16  
17 *Sands motioned to recommend denial to the County Council of the Marlin Grant Rezone due to*  
18 *inadequate access and the context of the area being that of large lot, agricultural character;*  
19 *Ellis seconded; Passed 5, 0.*

20  
21 **6:21:00**

22  
23 **#4 Michael Allen Subdivision (Michael and Kaylene Allen)**

24  
25 **Allen** excused himself for this item due to a family relationship.

26  
27 **Harrild** reviewed Mr. Michael and Ms. Kaylene Allen's request for a recommendation of  
28 approval to the County Council for a 4-lot subdivision on 31.28 acres of property located in the  
29 Rural 5 (RU5) Zone at approximately 12851 North High Creek Road, Cove. A design exception  
30 has been recommended to allow the 21' wide paved surface of High creek Road for access to the  
31 subdivision.

32  
33 Staff and commission discussed the road issues. This application differs from the previous  
34 application for roads because the previous application would require 6'8" more of road where the  
35 current application is 21' wide with a 1 foot shoulder on each side and that is only a foot to 1'6"  
36 difference. Also to add the 1'6" would require the entire road to be redone.

37  
38 *Smith motioned to recommend approval to the County Council of the Michael Allen Subdivision*  
39 *with the noted conditions and findings of facts; Ellis seconded; Passed 4, 0.*

40  
41 **06:30:00**

42  
43 **#5 Brooksby Subdivision (David Brooksby)**

44  
45 **Harrild** reviewed Mr. David Brooksby's request for a recommendation of approval to the  
46 County Council for a 4-lot subdivision and 1 agricultural remainder on 17.05 acres of property  
47 located in the Agricultural (A10) Zone at approximately 2200 East 11000 North, east of

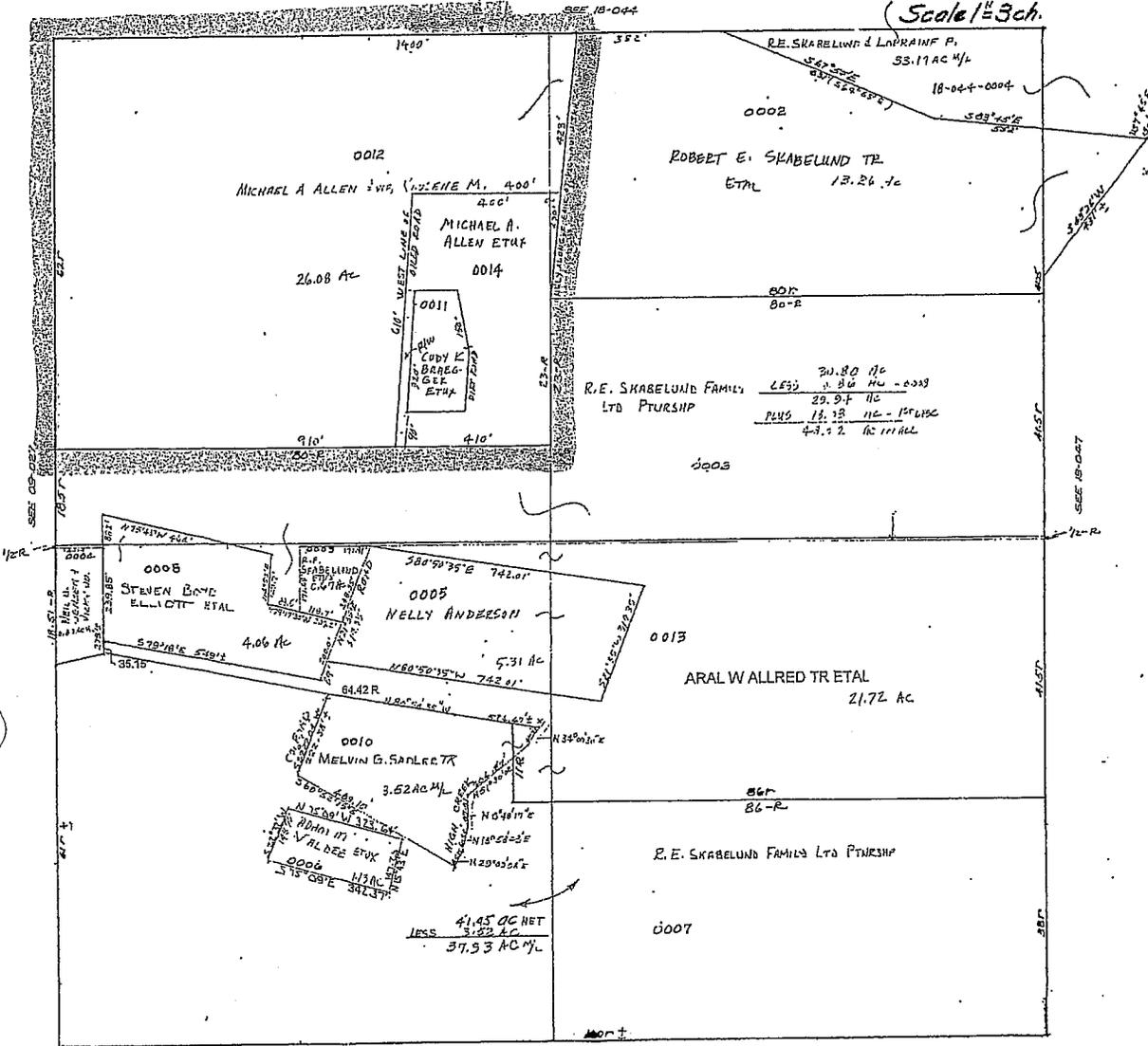


SW<sup>1</sup> SECTION 7, TOWNSHIP 14 NORTH  
 RANGE 2 E.

TAX UNIT 17

18-046

Scale 1" = 3ch.



SEE 18-062

**STAFF REPORT: LEGACY RANCH SUBDIVISION AMENDMENT**

18 July 2013

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Kirk Laughter  
**Staff Determination:** Approval  
**Type of Action:** Administrative  
**Land Use Authority:** Cache County Council

**Parcel ID#:** 16-109-0048

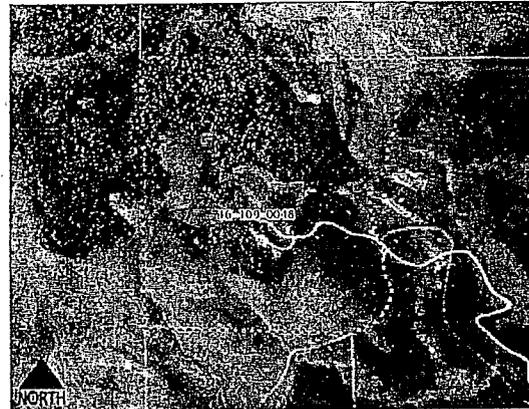
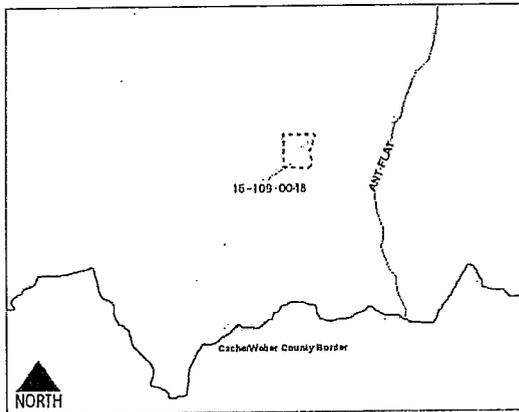
**LOCATION**

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

**Project Address:**  
Lot 48 of Legacy Ranch

**Current Zoning:** Forest Recreation (FR-40)      **Acres:** 94.6

**Surrounding Uses:**  
North – Forest Recreation (FR-40)  
South – Forest Recreation (FR-40)  
East – Forest Recreation (FR-40)  
West – Forest Recreation (FR-40)



**PURPOSE AND SUMMARY**

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed division of Lot 48 of the Legacy Ranch Subdivision.

**Summary:**

This proposal is to divide the existing parcel 16-109-0048, lot 48 of the Legacy Ranch Subdivision, into two separate parcels; Lot #48 has an existing recreational dwelling, and Lot #73 would then have the potential for a recreational dwelling.

**Access:**

- The access to this recreational parcel is from County Road Ant Flat Road, a 25' wide gravel road.
- The private access road to this parcel is a 15' wide gravel mountain road. This roadway has been approved by the Cache County Fire District.

***Water & Septic:***

- Water rights are currently in place for the existing recreational dwelling.
- Potable water will be provided to the new lot by a shared well located on lot 48.
- The proposed amendment is feasible for an on-site septic tank system as per the letter issued by the Bear River Health Department.

***Service Provision:***

- Property owners are responsible for the removal of their solid waste.
- Fire department access to the property is adequate. Water supply for fire suppression would be provided by the Hyrum City Fire Department.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

**STAFF DETERMINATION AND FINDINGS OF FACT (4)**

It is staff's determination that the Legacy Ranch Subdivision Amendment, Lot 48 with parcel number 16-109-0048, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The Legacy Ranch Subdivision Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Legacy Ranch Subdivision Amendment has been revised and amended by the conditions of project approval to conform to the requirements of the Cache County Code, State Code, and the requirements of various departments and agencies.
3. The Legacy Ranch Subdivision Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Legacy Ranch Subdivision Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

1 Present: Chris Harrild, Josh Runhaar, Rob Smith, Leslie Larson, Chris Sands, Clair Ellis, Chris Allen,  
2 Jon White, Denise Ciebien, Megan Izatt

3  
4 Start Time: 5:31:00

5  
6 Larson welcomed and Sands gave opening remarks/pledge.

7  
8 5:36:00

9  
10 Agenda

11  
12 Passed

13  
14 Minutes from June 6, 2013

15  
16 Passed.

17  
18 05:37:00

19  
20 Consent Agenda

21  
22 #1 Cache Humane Society Conditional Use Permit Expansion (Roland Bringhurst)

23  
24 Harrild reviewed Mr. Roland Bringhurst's request for approval for the expansion of a  
25 conditional use permit (CUP) to allow an additional storage shed on 1.42 acres of property  
26 located in the Commercial (C) Zone at approximately 2370 West 200 North, west of Logan.

27  
28 #2 Legacy Ranch at Monte Cristo Subdivision Amendment (Kirk Laughter)

29  
30 Harrild reviewed Mr. Kirk Laughter's request for a recommendation of approval to the County  
31 Council for an amendment to lot #48 of the existing subdivision on 94.60 acres of property in the  
32 Forest Recreation (FR40) Zone in the Monte Cristo area on Ant Flat Road.

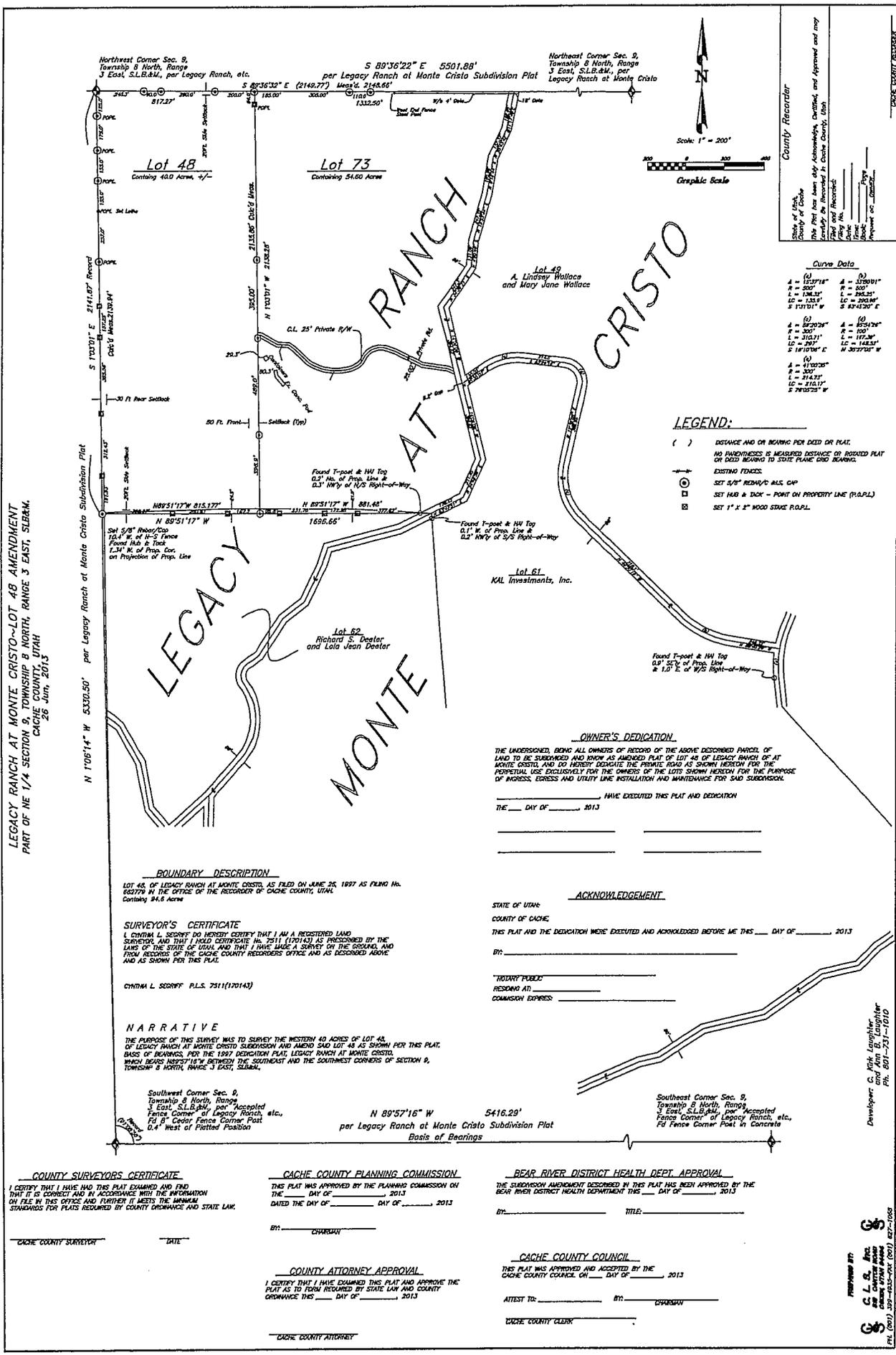
33  
34 *Ellis motioned to accept the items on the consent agenda with the stated conditions and findings*  
35 *of fact; Smith seconded; Passed 5, 0.*

36  
37 05:39:00

38  
39 Regular Action Items

40  
41 #3 Public Hearing – 5:40:00 p.m.: Marlin J. Grant Mini Subdivision Rezone (Marlin  
42 Grant)

43  
44 Harrild reviewed Mr. Marlin Grant's request for a recommendation of approval to the County  
45 Council for a rezone of 8.60 acres of property from the Agricultural (A10) Zone to the Rural 2  
46 (RU2) Zone located at approximately 3500 South 3100 west, north of Wellsville. The access  
47 road for this subdivision Highway 89/3900 south is adequate but as it turns north the road



County Recorder  
 State of Utah  
 This plat has been duly acknowledged, certified, and approved and may  
 be recorded in the Office of the County Clerk, Utah  
 Date of Filing: \_\_\_\_\_  
 Plat No.: \_\_\_\_\_  
 Book: \_\_\_\_\_  
 Page: \_\_\_\_\_  
 Recorder or Assistant: \_\_\_\_\_

Curve Data

(1)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W
(2)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W
(3)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W
(4)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W
(5)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W
(6)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W
(7)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W
(8)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W
(9)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W
(10)	A = 137.71'	R = 300'	L = 138.33'	LC = 135.51'	S 13.71° 17' W

**LEGEND:**

- ( ) DISTANCE AND OR BEARING PER DEED OR PLAT.
- NO DIMENSIONS IS MEASURED DISTANCE OR BEARING PLAT OR DEED BEARING TO STATE PLANE AND BEARING.
- EXISTING FENCES.
- SET 3/4" REBAR/4" BLS CAP.
- SET 1/4" x 1/4" POINT ON PROPERTY LINE (P.O.P.L.)
- SET 1" x 2" WOOD STAKE P.O.P.L.

**OWNER'S DEDICATION**

THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE DESCRIBED PARCELS OF LAND TO BE SUBDIVIDED AND KNOW AS SHOWN PLAT OF LOT 48 OF LEGACY RANCH AT MONTE CRISTO, AND DO HEREBY DEDICATE THE PRIVATE ROAD AS SHOWN HEREON FOR THE PERPETUAL USE EXCLUSIVELY FOR THE OWNERS OF THE LOTS SHOWN HEREON FOR THE PURPOSE OF ACCESS, EGRESS AND UTILITY LINE INSTALLATION AND MAINTENANCE FOR SAID SUBDIVISION.

WE, \_\_\_\_\_ HAVE EXECUTED THIS PLAT AND DEDICATION  
 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013

**ACKNOWLEDGEMENT**

STATE OF UTAH  
 COUNTY OF CACHE,  
 THIS PLAT AND THE DEDICATION WERE EXECUTED AND ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013

BY: \_\_\_\_\_

NOTARY PUBLIC  
 RESIDING AT \_\_\_\_\_  
 COMMISSION EXPIRES \_\_\_\_\_

**BOUNDARY DESCRIPTION**

LOT 48 OF LEGACY RANCH AT MONTE CRISTO, AS FILED ON JUNE 25, 1897 AS PLAT NO. 88279 IN THE OFFICE OF THE RECORDER OF CACHE COUNTY, UTAH, CONTAINING 34.8 ACRES

**SURVEYOR'S CERTIFICATE**

I, CYNTHIA L. SCORFF DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 7511 (170143) AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE MADE A SURVEY ON THE GROUND, AND FROM RECORDS OF THE CACHE COUNTY RECORDERS' OFFICE AND AS DESCRIBED ABOVE AND AS SHOWN PER THIS PLAT.

CYNTHIA L. SCORFF P.L.S. 7511(170143)

**NARRATIVE**

THE PURPOSE OF THIS SURVEY WAS TO SURVEY THE WESTERN 40 ACRES OF LOT 48 OF LEGACY RANCH AT MONTE CRISTO SUBDIVISION AND AMEND SAID LOT 48 AS SHOWN PER THIS PLAT. BASIS OF BEARINGS FOR THE 1897 DEDICATION PLAT, LEGACY RANCH AT MONTE CRISTO, WHICH BEARS N33°27'18" W BETWEEN THE SOUTHWEST AND THE SOUTHWEST CORNERS OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 3 EAST, S18E4M.

Southwest Corner Sec. 9, Township 8 North, Range 3 East, S18E4M, per Accepted Fence Corner of Legacy Ranch, etc., Pd 8' Cedar Fence Corner Post 0.4' West of Flatted Position

N 89°57'16" W 5416.29'  
 per Legacy Ranch at Monte Cristo Subdivision Plat  
 Basis of Bearings

Southeast Corner Sec. 9, Township 8 North, Range 3 East, S18E4M, per Accepted Fence Corner of Legacy Ranch, etc., Pd Fence Corner Post in Concrete

**COUNTY SURVEYORS CERTIFICATE**

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND FURTHER IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

CACHE COUNTY SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

**CACHE COUNTY PLANNING COMMISSION**

THIS PLAT WAS APPROVED BY THE PLANNING COMMISSION ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013  
 DATED THE DAY OF \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

BY: \_\_\_\_\_ CHAIRMAN

**COUNTY ATTORNEY APPROVAL**

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM REQUIRED BY STATE LAW AND COUNTY ORDINANCE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013

CACHE COUNTY ATTORNEY \_\_\_\_\_

**BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL**

THIS SUBDIVISION AMENDMENT DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER DISTRICT HEALTH DEPARTMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

**CACHE COUNTY COUNCIL**

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON \_\_\_\_ DAY OF \_\_\_\_\_, 2013

ATTEST TO: \_\_\_\_\_ BY: \_\_\_\_\_ CHAIRMAN

CACHE COUNTY CLERK \_\_\_\_\_

Developer: C. Kirk Laughlin and Ann B. Laughlin  
 PH. 801-731-1010

PREPARED BY:  
 C. L. G. Inc.  
 1000 N. 1000 W.  
 PH. (801) 397-4425 FAX (801) 397-1058

LEGACY RANCH AT MONTE CRISTO--LOT 48 AMENDMENT  
 PART OF NE 1/4 SECTION 9, TOWNSHIP 8 NORTH, RANGE 3 EAST, S18E4M,  
 CACHE COUNTY, UTAH  
 25 Jun, 2013

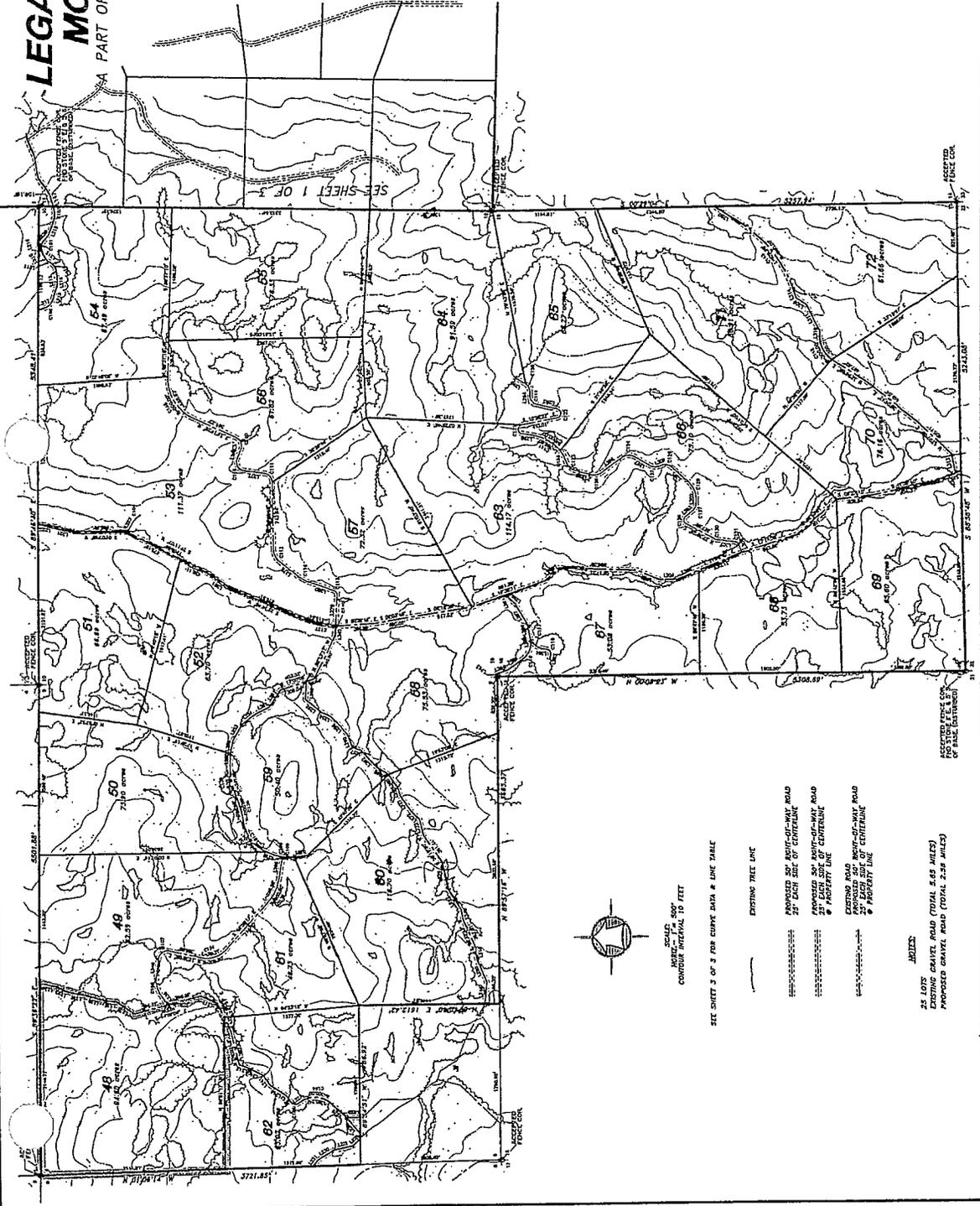
# LEGACY RANCH MONTE CRISTO

A PART OF SEC 9 & SEC. 1,2,10,11,&12,15  
T.8N. R.3E., S.L.B.&M.  
MARCH, 1997  
SHEET 2 OF 3

### PROTECTIVE COVENANTS

1. NO LAND OR BUILDING SHALL BE USED SO AS TO PERMIT THE STORAGE OF ARTICLES EXPOSED TO PUBLIC VIEW.
2. AN AREA USED FOR STORAGE SHALL BE FENCED WITH A SECURING FENCE AT LEAST 8 FEET IN HEIGHT OR WITH AN APPROVED LANDSCAPE BARRIER.
3. NO STORAGE WILL BE ALLOWED IN THE FRONT STORAGE AREA.
4. PRESENT AND FUTURE OWNERS MUST BE AWARE OF SIGNAGE, SIGNS, AND SIGNS OF AGRICULTURAL ACTIVITIES WHICH ARE THE PERMITTED USE IN THE R-40 ZONE.
5. ANY FURTHER DIVISION OF THESE LOTS IS PROHIBITED.
6. DEVELOPERS WILL PROVIDE WALKS TO ACCESS EACH PROPERTY SOLD WITHIN THIS DEVELOPMENT.
7. MAINTENANCE AND REPAIR OF THE ROADS WITHIN THE SUBDIVISION ARE THE RESPONSIBILITY OF THE LOT OWNERS.
8. CACHE COUNTY IS NOT RESPONSIBLE TO PROVIDE ANY SERVICE TO THIS DEVELOPMENT.
9. CARS MAY NOT BE LINED IN YARD AREAS, BUT MAY BE USED THROUGHOUT THE YEAR ON A RECREATIONAL BASIS.
10. NO STRUCTURE MAY BE CONSTRUCTED TO A HEIGHT GREATER THAN 35 FEET WITHOUT FIRST OBTAINING A CONDITIONAL USE PERMIT APPROVED BY CACHE COUNTY PLANNING COMMISSION.
11. EACH LOT OWNER WILL BE RESPONSIBLE TO ACQUIRE THEIR OWN WELL PERMIT FOR CULINARY WATER AND A PERMIT FOR SEPTIC TANK SYSTEM OR PRIVATE PUMP.
12. DUE TO THE LARGE SIZE OF EACH LOT, ALTHOUGH THIS SUBDIVISION HAS BEEN APPROVED BY THE HEALTH DEPARTMENT, APPROPRIATE FEES AND APPROVALS WILL BE REQUIRED PRIOR TO BUILDING ON EACH LOT. NO DRY LOT APPLICATION WILL BE APPROVED ON ANY LOT.
13. ONE CARAVAN WILL BE ALLOWED PER LOT.

**HANSEN & ASSOCIATES, INC.**  
 Consulting Engineers and Land Surveyors  
 233 North Main Highgate City, Utah 84002  
 PHONE: 462-3297 FAX: 462-3297  
 84-1549496



SEE SHEET 3 OF 3 FOR CURVE DATA & LINK TABLE

- EXISTING TREE LINE
- PROPOSED 30' RIGHT-OF-WAY ROAD 25' EACH SIDE OF CENTERLINE
- PROPOSED 30' RIGHT-OF-WAY ROAD 10' PROPERTY LINE
- EXISTING ROAD PROPOSED 30' RIGHT-OF-WAY ROAD 10' PROPERTY LINE

**NOTES:**

25 LOTS  
 EXISTING GRAVEL ROAD (TOTAL 3.68 MILES)  
 PROPOSED GRAVEL ROAD (TOTAL 2.58 MILES)



**STAFF REPORT: THAIN SUBDIVISION AND BOUNDARY LINE ADJUSTMENT 01 August 2013**

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Danny Thain  
**Staff Determination:** Approval with conditions  
**Type of Action:** Administrative  
**Land Use Authority:** Cache County Council

**Parcel ID#:** 13-055-0009, 0019

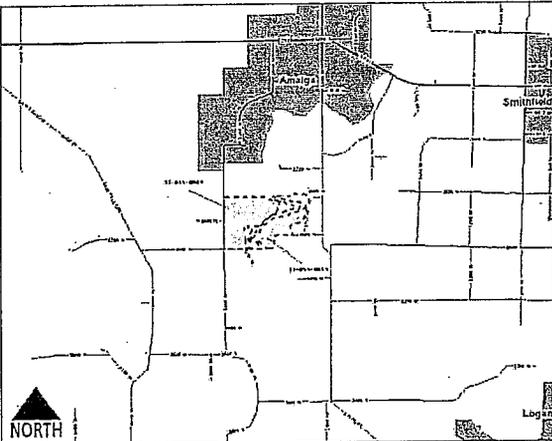
**LOCATION**

*Reviewed by: Chris Harrild, Planner II*

**Project Address:**  
4748 North 3200 West  
Benson  
**Current Zoning:**  
Agricultural (A-10)

**Acres:** 131.69

**Surrounding Uses:**  
North – Agricultural/Residential/Amalga  
South – Agricultural/Residential  
East – Agricultural/Residential/Bear River  
West – Agricultural/Residential



**PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY**

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed Thain subdivision and boundary line adjustment.

**Ordinance:**

This property is currently in violation of the Cache County Ordinance. Known land use violations that have occurred include:

- A single family dwelling was built/placed without any permits and currently exists and is occupied on parcel number 13-055-0009
- This parcel is also occupied by the original single family dwelling that was built in approximately 1915. Ordinance §17.05 requires that no more than one single family dwelling may be placed on an approved lot.

- The northeast corner property line was adjusted with parcel 13-055-0019 without approvals in August of 2003.

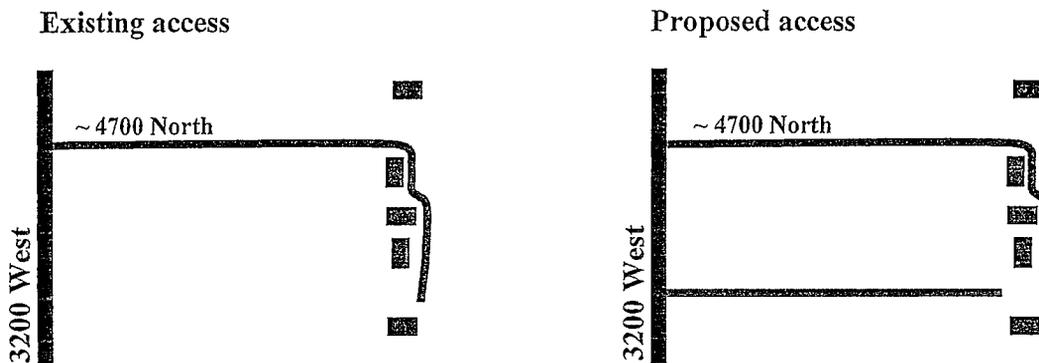
As per the Cache County Zoning Ordinance Table §17.10.010 Site Development Standards, this proposed subdivision qualifies for a development density of one (1) unit per ten (10) acres as it is located within the Agricultural (A-10) Zone.

**Summary:**

This proposal is to create a 2-lot subdivision on parcel 13-055-0009 that will create a legal, approved lot for the single family dwelling that was built and/or placed without permits and to legally adjust the northeast boundary line between 13-055-0009 and 13-055-0019.

**Access:**

- The existing access from approximately 4700 North provides access to 5 homes. This proposal will maintain the northern access for the three homes to the north and establish a new access from 3200 West for the two homes to the south.



- An agreement has been reached by all property owners regarding the change to the existing access to the existing properties. This agreement must be recorded prior to recordation of the final plat.
- County road 3200 West provides adequate access to this property and consists of a 22 foot wide paved surface with 2 foot wide paved shoulders.
- The private road at ~ 4700 North provides adequate access to the proposed lots 1 and 2 and consists of a 20 foot wide surface; ~12 feet of the center is paved and the edges are gravel. The County standard requires a minimum 33 foot wide right-of-way and 20 foot wide gravel roadway.

**Water & Septic:**

- Culinary water will be provided by the Benson Culinary Water Improvement District.
- The proposed lots/homes have obtained permit approval and have installed septic systems. All refuse and recycling containers shall be placed along the side of the interior roads.
- Residential refuse and recycle containers for the residents of the subdivision are currently and will continue to be collected at the end of the private road 4700 North in the common area at the farm.
- Residential refuse and recycle containers for the residents of the homes on the proposed access must be addressed with Logan City Environmental at the time that access is completed.
- A school bus stop is located at 4807 North 3200 West 0.5 blocks from the proposed subdivision.
- Any driveways shall meet all applicable requirements of the current International Fire Code, minimum County standards, and any other applicable codes.
- The proposed subdivision is in an area that has an adequate water supply for fire suppression. There is a hydrant three blocks south of the property. Access to this property for emergency response is adequate.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

**STAFF DETERMINATION AND FINDINGS OF FACT (4)**

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It is staff's determination that the Thain subdivision and boundary line adjustment, a 2-lot subdivision and boundary line adjustment for property located at approximately 4748 North 3200 West with parcel numbers 13-055-0009 and 13-055-0019, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The Thain subdivision and boundary line adjustment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Thain subdivision and boundary line adjustment has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Thain subdivision and boundary line adjustment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Thain subdivision and boundary line adjustment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

**CONDITIONS OF APPROVAL (5)**

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The following conditions must be met prior to recordation or with financial surety in place for the developments to conform to the County Ordinance and the requirements of county service providers.

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. The applicant shall reaffirm their 33' portion of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision boundary.
3. The access agreement for the amendment of the existing access to the existing dwellings as submitted to the Development Services Department shall be recorded in the County Recorder's Office.
4. The driveway as proposed that will provide access from County Road 3200 West to parcels 13-055-0011 and 13-055-0025 must meet and/or exceed the minimum standards of the Cache County Manual of Roadway Design and Construction Standards. An encroachment permit is required prior to any work within the Cache County right-of-way.
5. An access easement for parcel number 13-055-0011 across parcel 13-055-0025 for the proposed driveway must be recorded.

**#3 Thain Subdivision and Boundary Line Adjustment (Danny Thain)**

**Harrild** reviewed Mr. Danny Thain's request for a recommendation of approval from the County Council for a 2-lot subdivision and a boundary line adjustment on 131.69 acres of property located in the Agricultural (A10) Zone at approximately 4748 North 3200 West, Benson. This item was continued from the June 6, 2013 meeting. An agreement regarding access has been reached and the application is ready to move forward.

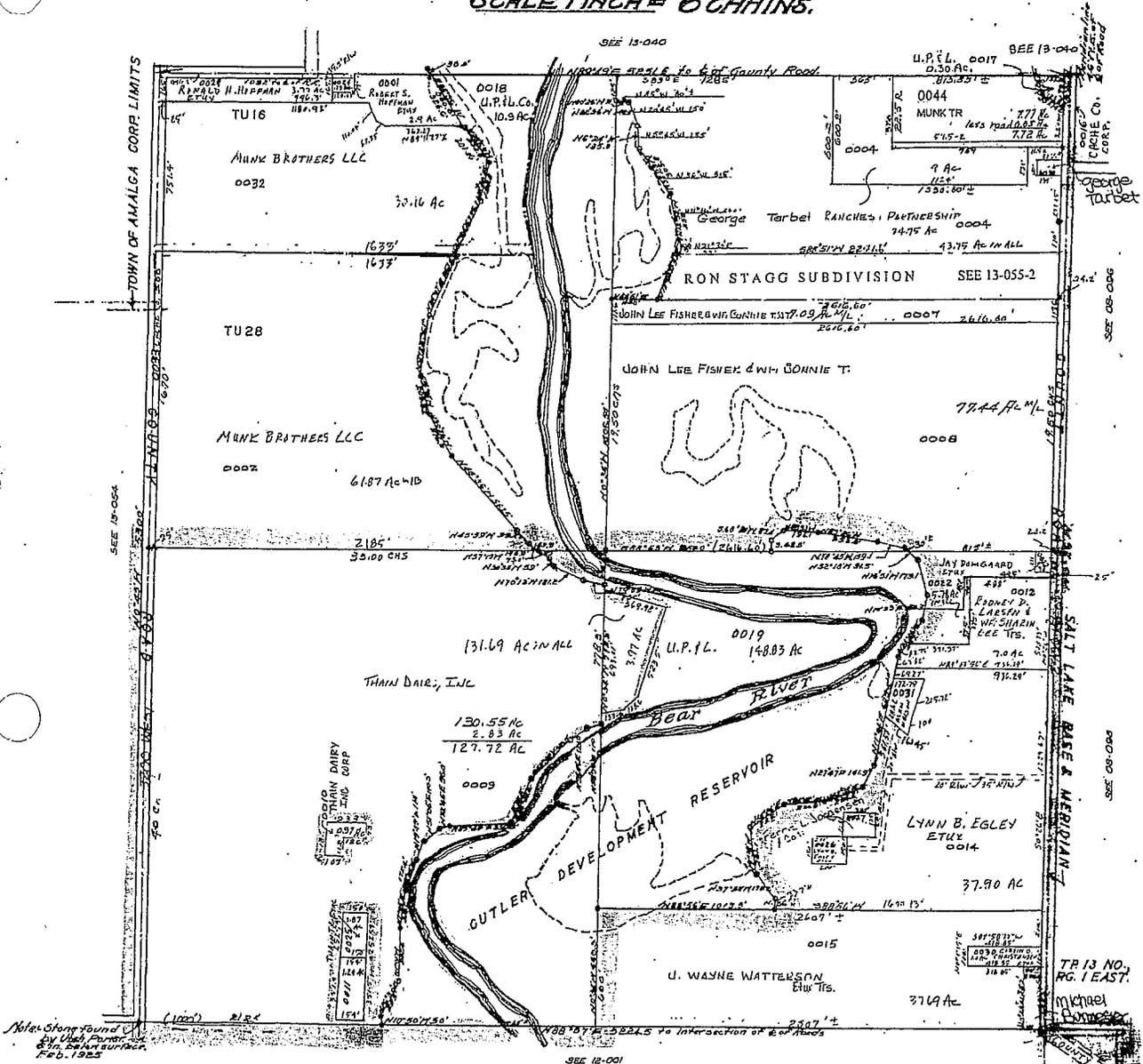
*Watterson* motioned to recommend approval to the County Council for the Thain Subdivision and Boundary Line Adjustment with the stated conditions and findings of facts: **Olsen** seconded; **Passed 7, 0.**

**07:24:00**



# SECTION 36, TOWNSHIP 13 NORTH, RANGE 1 WEST.

SCALE 1 INCH = 6 CHAINS.



**STAFF REPORT: BROOKSBY SUBDIVISION**

18 July 2013

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** David Brooksby  
**Staff Determination:** Approval with conditions  
**Type of Action:** Administrative  
**Land Use Authority:** Cache County Council

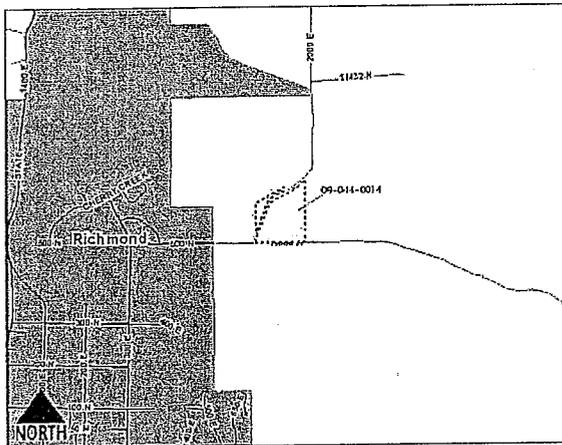
**Parcel ID#:** 09-044-0014

**LOCATION**

*Reviewed by: Chris Harrild, Planner II*

**Project Address:**  
2200 East 11000 North  
East of Richmond  
**Current Zoning:** Agricultural (A10)  
**Acres:** 17.04

**Surrounding Uses:**  
North – Agricultural/Residential  
South – 11000 North/Agricultural/Residential  
East – Agricultural/Residential  
West – 2000 East/Ag./Residential/Richmond City



**PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT**

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed Brooksby Subdivision.

**Ordinance:**

A boundary line adjustment (BLA) of three Pre-1970 parcels has been completed as part of the subdivision request. The newly reformed parcel to be divided (09-044-0014) is considered as though it were a Pre-1970 parcel as the processes are occurring together.

Therefore, as per the Cache County Zoning Ordinance Table §17.10.030 Development Density and Standards Specific to Base Zoning Districts, this proposed subdivision qualifies for a development density of one (1) unit per two (2) acres for the first three lots and one (1) unit per ten (10) acres for any additional lots. As a 17.04 acre parcel, 4 developable lots are possible.

The two other parcels, numbers 09-044-0013 and 09-045-0003 that were part of the BLA will be developable, legal parcels, but will not be considered as pre-1970 parcels.

As per §17.10.050 [4][b] Water and Sewage Requirements, septic systems must be located outside of zones 1 and 2 as defined by the current drinking water source protection plan for a public culinary water system.

**Summary:**

This request is to divide one parcel into four developable lots following the adjustment of the boundary lines between three pre-1970 parcels.

***Access:***

- Access to the lots from 2000 East meets the minimum county standards. At this location 2000 East consists of paved travel lanes 20' wide and gravel shoulders consisting of a 1' width of pavement and a 1' width of gravel.
- A mailbox located within the county right-of-way and impeding access along 2000 East must be moved.
- Due to a lack of sight distance around a curve of 2000 East that occurs along northern portion of the subdivision, access to the individual lots from 2000 East shall be restricted to locations to be identified by the County engineer. The allowed access points shall also be identified on the final subdivision plat.

***Water & Septic:***

- An adequate, approved, domestic water right must be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- The proposed lots are feasible for on-site septic tank systems.
- The proposed lots are within zone 4 of the current drinking water source protection plan for a public culinary water system. Septic systems are permitted within zone 4.

***Service Provision:***

- The residents shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane of 2000 East.
- A school bus stop is located at 11007 North 2000 East approximately 2 blocks from the proposed subdivision.
- Any driveways shall meet all applicable requirements of the current International Fire Code, minimum County standards, and any other applicable codes.
- Water supply for fire suppression will be provided by the city of Richmond Fire Department. Access for emergency services is adequate.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

**STAFF DETERMINATION AND FINDINGS OF FACT (4)**

It is staff's determination that the Brooksby Subdivision, a 4-lot subdivision for property located at approximately 2200 East 11000 North with parcel number 09-044-0014, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

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

2. The Brooksby Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Brooksby Subdivision and conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Brooksby Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

#### CONDITIONS OF APPROVAL (5)

The following conditions must be met prior to final plat recordation, or adequate financial surety must be provided for the developments to conform to the County Ordinance and the requirements of county service providers.

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. Adequate, approved, domestic water rights shall be in place for all building lots within the subdivision.
3. The applicant shall reaffirm their 33' portion of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision boundary.
4. Access to the individual lots from 2000 East shall be restricted to the locations identified by the County engineer. The said access points shall also be identified on the final subdivision plat.
5. The mailbox located within the county right-of-way and impeding access along 2000 East must be moved to a position as determined by the County engineer.

1  
2 **Michael Scott Spindler** I've lived there for 24 years. This is an agricultural area, we all farm  
3 and a subdivision does not fit there. The road is overwhelmed now because of the American  
4 West Heritage Center. Now the road is full of sightseers. A subdivision does not fit out here,  
5 this does not fit in our neighborhood; this is just for profit. The road has had accidents; the  
6 corners are very tight and are blind. The road narrows and has steep drop offs and a subdivision  
7 does not fit in our neighborhood.

8  
9 **06:16:00**

10  
11 *Sands motioned to close the public hearing; Allen seconded; Passed 5, 0.*

12  
13 Staff and commission discussed the application. In the past the commission has been pretty  
14 consistent in approving/denying these types of applications. If there have been access issues or  
15 other major issues the commission had denied them.

16  
17 *Sands motioned to recommend denial to the County Council of the Marlin Grant Rezone due to*  
18 *inadequate access and the context of the area being that of large lot, agricultural character;*  
19 *Ellis seconded; Passed 5, 0.*

20  
21 **6:21:00**

22  
23 **#4 Michael Allen Subdivision (Michael and Kaylene Allen)**

24  
25 **Allen** excused himself for this item due to a family relationship.

26  
27 **Harrild** reviewed Mr. Michael and Ms. Kaylene Allen's request for a recommendation of  
28 approval to the County Council for a 4-lot subdivision on 31.28 acres of property located in the  
29 Rural 5 (RU5) Zone at approximately 12851 North High Creek Road, Cove. A design exception  
30 has been recommended to allow the 21' wide paved surface of High creek Road for access to the  
31 subdivision.

32  
33 Staff and commission discussed the road issues. This application differs from the previous  
34 application for roads because the previous application would require 6'8" more of road where the  
35 current application is 21' wide with a 1 foot shoulder on each side and that is only a foot to 1'6"  
36 difference. Also to add the 1'6" would require the entire road to be redone.

37  
38 *Smith motioned to recommend approval to the County Council of the Michael Allen Subdivision*  
39 *with the noted conditions and findings of facts; Ellis seconded; Passed 4, 0.*

40  
41 **06:30:00**

42  
43 **#5 Brooksby Subdivision (David Brooksby)**

44  
45 **Harrild** reviewed Mr. David Brooksby's request for a recommendation of approval to the  
46 County Council for a 4-lot subdivision and 1 agricultural remainder on 17.05 acres of property  
47 located in the Agricultural (A10) Zone at approximately 2200 East 11000 North, east of

1 Richmond. 2000 East meets the minimum county standards and is being improved by the Cherry  
2 Peak Ski Resort but due to a lack of sight distance around the curve of 2000 East that occurs  
3 along northern portion of the subdivision, access to the individual lots from 2000 East shall be  
4 restricted to locations to be identified by the County Engineer. The allowed access points shall  
5 also be identified on the final subdivision plot. There is also a mailbox currently located within  
6 the county right-of-way and impeding access along 2000 East that must be moved.

7  
8 Staff and commission discussed the Brooksby Subdivision. After this subdivision, the parcels to  
9 the East will not be pre-1970 because of the boundary line adjustment and the applicant is aware  
10 and fine with that. Agricultural remainders were discussed. The commission has a pretty  
11 consistent history regarding agricultural remainders. Agricultural remainders are not  
12 developable; it only comes into play if it is labeled a lot otherwise it is open ground and cannot  
13 be developed. The mailbox was discussed; if the mailbox was moved back 10 to 15 feet it would  
14 be fine.

15  
16 **Mark Russell** are the positions of the driveways recommendations or requirements?

17  
18 **Harrild** it's a requirement.

19  
20 **Mr. Russell** so whoever builds on those lots are going to have to put their driveways in the spots  
21 marked?

22  
23 **Harrild** where ever the engineer identifies it is safe and effective.

24  
25 **Mr. Russell** my concerns are it extremely limits the developability of the lots. If you look at lot  
26 5, that spot on the map is a ditch. That is a creek bed that runs through right there.

27  
28 **Harrild** that would have to be addressed by the engineer. I'm just saying that it's wise not to put  
29 the point of access on a corner.

30  
31 **Mr. Russell** and I agree with that, but if it's limited to what is listed here, if this gets approved as  
32 is he restricted to that spot? Or is he eligible to work with the engineer?

33  
34 **Harrild** let me read the condition to you: "Due to a lack of sight distance around a curve of 2000  
35 East that occurs along northern portion of the subdivision, access to the individual lots from 2000  
36 East shall be restricted to locations to be identified by the County engineer. The allowed access  
37 points shall also be identified on the final subdivision plat."

38  
39 **Mr. Russell** so they are not identified yet?

40  
41 **Runhaar** they are not, but will be by the time it comes to County Council.

42  
43 *Allen motioned to recommend approval to the County Council for the Brooksby Subdivision with*  
44 *the stated conditions and findings of facts; Smith seconded; Passed 5, 0.*

45  
46 **06:45:00**





Mayor Randy Watts, Chair  
Todd Beutler, Vice Chair

James P. Gass, Executive Director

**Cache Metropolitan Planning Organization**

179 North Main Street, Rm. 305 Logan, Utah 84321 Phone: 435-755-1634 [www.cachempo.org](http://www.cachempo.org)

**MEMORANDUM**

TO: Cache County Council  
FROM: Jeff Gilbert  
DATE: August 6, 2013  
SUBJECT: 200 East Alignment

This is written in response to a request for information related to the history of the 200 east, 1400 north to Hyde Park Lane federal environmental (EIS) process.

**Request #1- Maps showing the original six proposals including the alternative that was being considered on the east side of the Ice Arena**

The EIS process started with 14 alignment alternatives (including the “no-build) and through two screening processes narrowed them down to five (one being a slight modification of alternative 3 called Alternative 3 Modified). See attached **Figure ES.2**.

**Request # 2- Cost information for alternatives**

The following are concept level costs that were generated by JUB engineers with some update factors to bring them to year 2010 estimates (done by Lochner Engineering). These costs give a general idea of anticipated costs. These estimates come from Appendix B of the 200 East EIS. These costs include engineering design, right-of-way acquisition/relocations and construction for the entire project from 1400 north to Hyde Park Lane. This also assumes the full roadway cross-section identified in the EIS. The reality of project delivery suggests the project will be completed in segmented phases and there is yet a need to build the full four lanes on any segment.

Alternative	Estimated 2010 Total Project Cost
Alt 3	\$17,335,000
Alt 3 Modified	\$15,913,275
Alt 5	\$13,908,583
Alt 6A	\$28,242,450
Alt 6B	\$14,924,599

**Request # 3- History of North Logan & Hyde Park city’s request to the county to not concur with the “de minimus” finding with the understanding that Alternative 5 would become the preferred alternative.**

Section 4(f) of the Department of Transportation Act of 1966 requires any use of federal funds to avoid or minimize impacts to public park and recreation lands. The North Park Interlocal Cooperative

Executive Council:

Mayors: Bryan Cox, Hyde Park; Dean Howard, Hyrum City; William Baker, River Heights; Lloyd Berentzen, North Logan; Mike Johnson, Millville; Ron Liechty, Providence; Gerald Knight, Nibley; Randy Watts, Logan City; Darrell Simmons, Smithfield; Thomas Bailey, Wellsville. Other Members: Wayne Barlow, Utah Transportation Commission; Lynn Lemon, Cache County Executive; Todd Beutler, Cache Valley Transit District, Holly Daines, Logan City Council

(NPIC) land (where Eccles Ice Arena is located) as well as other associated public land such as the Meadow View Park was identified as meeting the federal criteria for Section 4(f) analysis and concern with regard to the 200 east project.

UDOT completed the Section 4(f) analysis and in a letter dated June 30, 2008 they wrote to inform Lynn Lemon (on behalf of Cache County) and Dave Kooyman (chair of NPIC) that the Federal Highway Administration (FHWA) had reviewed the analysis and intended to make a finding of Section 4(f) *de minimis* impact. This means that while some impacts to the recreation property were evident (if the 200 east project were to be built), nonetheless these impacts could be mitigated and were not significant enough to justify an "adverse impact" finding. In the June 30, 2008 letter FHWA was seeking local concurrence with this finding.

In this letter UDOT made a critical error in the concurrence language. They sought concurrence only for alternative 6b which at the time was identified as the "preferred alternative". Locally, the language in the letter gave the impression that refusal to concur with the *de minimis* finding for alternative 6b would force FHWA to select some other alternative.

Officially at the time North Logan had not selected a preferred alternative. While the city did provide input on impacts of some of the alternatives, officially their position was to let FHWA decide based on the EIS process. However individual North Logan City officials were supportive of alternative 5 and advocated the county refuse signing the concurrence letter in hopes this would increase the likelihood that alternative 5 would be selected by FHWA. Since the alignment is roughly the same for each of the different corridor alignments, Hyde Park City has established a mostly neutral position throughout this process (at least officially). Eventually in a joint resolution dated September 22, 2010 they were supportive of Alternative 3 modified.

Soon UDOT and FHWA discovered their error in the June 30, 2008 letter. At that point UDOT/FHWA indicated that federal law requires a *de minimis* finding on all alternatives (since all alternatives impact the recreation property more-or-less the same). They then sought concurrence on all alternatives.

At the time, FHWA suggested that refusal to concur with the *de minimis* finding (for all the alternatives) would result in an "adverse impact" determination that would then trigger a much more extensive section 4(f) analysis. This effort would cost a great deal more and take additional time and would likely not change the basis used for their decision making for alternative selection (because all alternatives are determined to be an adverse impact). Also FHWA indicated it would slightly increase the likelihood that the "no build" alternative would be selected.

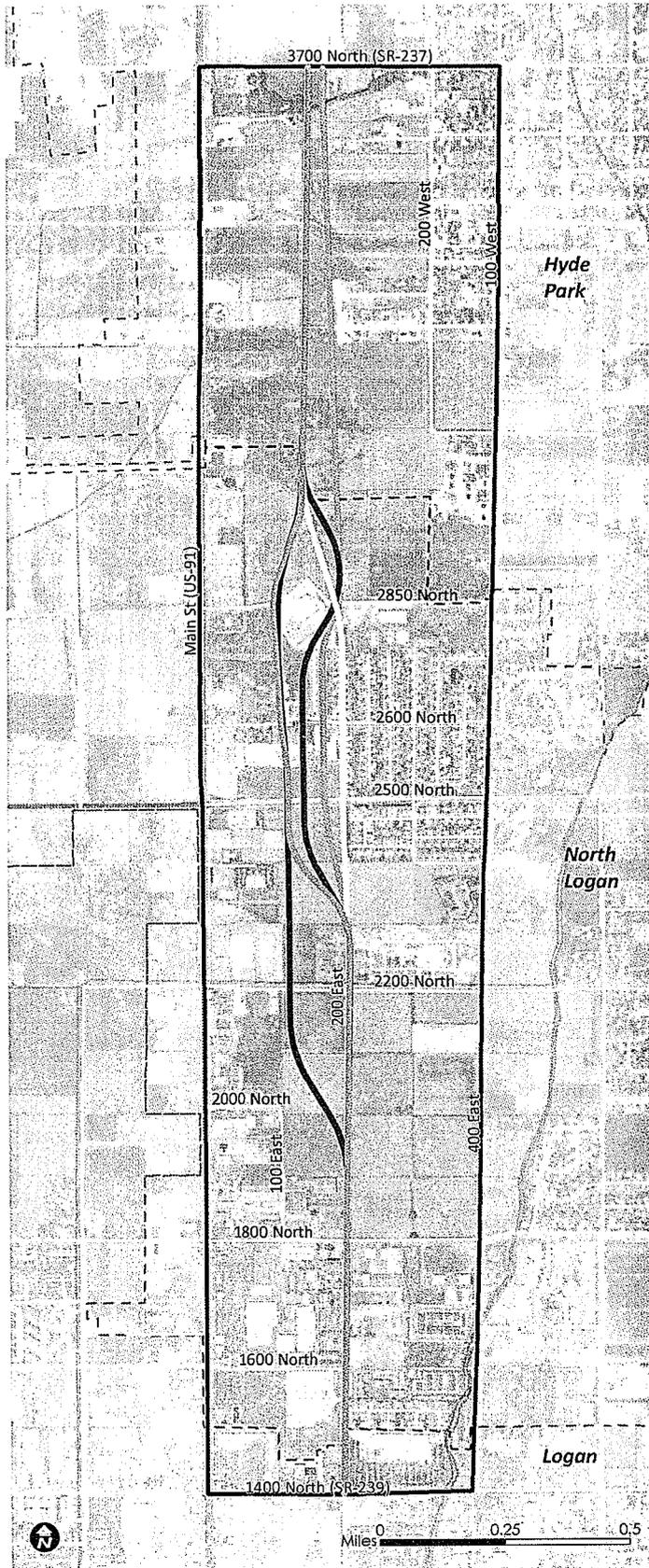
Given the delays, in a March 4, 2009 email FHWA informed the CMPO that FHWA would no longer be seeking *de minimis* concurrence and would require the project to proceed with full section 4(f) analysis with an "adverse impact" determination. Since there were not sufficient funds remaining for the EIS to proceed in this manner, the EIS project was put on hold.

In 2010 the EIS project resumed and a reevaluation of the draft EIS was prepared. In the summer of 2010, North Logan, Hyde Park and Cache County all agreed that the recreation property impacted by any of the 200 east alternatives were not considered significant in meeting the recreation goals and objectives of the community and should not qualify for protection under section 4 (f).

**Request # 4- Show a map showing how we got from the original 200 east road to the alternative we have today.**

See attached figure ES.2 for map of alternatives. The EIS process is what has lead to the selection of alternative 3 modified. See attached "Section 2.5.4 Basis for the selection of the preferred alternative" for the justification included in the EIS and record of decision for alignment selection.

**HYDE PARK TO NORTH LOGAN  
TRANSPORTATION CORRIDOR (200 EAST)**  
Environmental Impact Statement



Thematic Data layers are from Utah AGRC and H.W. Lochner.

Alignment Alternatives

- 3
- - - 3 Modified
- ..... 5
- - - - 6A
- - - - 6B
- Irrigation and Canals
- ▭ Study Area
- - - Municipal Boundaries



Project Location

**Figure ES.2**  
**Build Alternatives**

### **2.5.4 Basis for the Selection of the Preferred Alternative**

*Alternative 3 Modified was identified as the Preferred Alternative for the project. The reasoning behind this selection was based on the results of the Section 4(f) least overall harm analysis, a comparison of impacts and benefits among alternatives, agency and public input, and city council recommendations. The basis for selecting Alternative 3 Modified as the Preferred Alternative was supported by the findings discussed below. All of the factors listed below were taken into account.*

#### **Least Overall Harm (23 CFR 774.3(c)(1))**

---

*A least overall harm analysis was prepared as part of the Section 4(f) Evaluation for the project (Section 5.5 of this FEIS). This analysis compared the five Build Alternatives according to seven factors (e.g., ability to mitigate impacts to Section 4(f) resources, purpose and need, adverse impacts to resources, etc.). The results of this analysis showed that Alternative 3 Modified would cause the least overall harm in light of the statute's preservation purpose and in balancing these factors.*

#### **City Council and Public Support**

---

- *North Logan City identified Alternative 3 Modified as the City's Preferred Alternative in the joint Hyde Park and North Logan City Council resolution dated September 22, 2010.*
- *Hyde Park City identified Alternative 3 Modified as the City's Preferred Alternative in the joint Hyde Park and North Logan City Council resolution dated September 22, 2010.*
- *Public comments obtained from the 2010 public open house favored Alternative 3 Modified in comparison to the other alternatives considered.*
- *The Cache County Council identified Alternative 5 as the County's Preferred Alternative in the Cache County resolution dated September 28, 2010.*

#### **Impacts and Benefits**

---

- *Alternative 3 Modified would avoid impacts to the residences and neighborhood located along 200 East from 2500 North to 2700 North.*
- *Alternative 3 Modified would avoid impacts to the Thomas Edison Charter School.*
- *Alternative 3 Modified would provide additional access to commercial properties fronted along US 91 because of its close proximity to 150 East from approximately 2300 North to 2900 North.*
- *Compared with Alternative 3, Alternative 3 Modified would result in fewer affected properties in which the remaining bisected parcels are too small for development.*
- *Alternative 3 Modified would have the least impact to the George S. Eccles Ice Center.*
- *Alternative 3 Modified would have the least impact to noise receptors, after reasonable and feasible mitigation according to UDOT policy.*
- *Alternative 3 Modified would have the least impact to wetlands when compared to the other Build Alternatives (same as Alternative 5).*
- *Alternative 3 Modified would have fewer relocations and partial property acquisitions than the other Build Alternatives.*
- *Alternative 3 Modified would meet the project's purpose and need.*

- *Alternative 3 Modified and the other Build Alternatives would generally perform the same in providing traffic benefits within the study area.*
- *Alternative 3 Modified would reduce traffic on US 91 by 8 percent (on average) for design year 2040.*
- *In 2040, Alternative 3 Modified would serve 12,000 to 15,000 vehicles a day, increasing mobility within the study area.*
- *Alternative 3 Modified would reduce traffic on 400 East by 38 percent (on average) for design year 2040, increasing mobility within the study area.*
- *Alternative 3 Modified would be consistent with the economic development goals of North Logan City and Hyde Park City.*

# Cache County Council of Governments (CCCOG)

Voter Approved County Option Sales Tax for Transportation Fund Balance

Total Fund Revenue (Through End of July 2013)	\$14,587,096
Estimated Funding Year Revenue (August 2013 to February 2014 @ \$200,000 per month)	\$1,400,000

Committed Expenses:	Sponsor	Final Approval Date	Year	Approved Amount	Disbursed to-date	Remaining Expenses*	Project Total Expenses
---------------------	---------	---------------------	------	-----------------	-------------------	---------------------	------------------------

100 East (300 S. to Providence Lane)	Providence	12/9/2008	2008	\$4,391,787	\$239,151	\$563,510	\$802,661
200 East (1800 N. to 2500 N.) Design	No. Logan	12/9/2008	2008	\$250,000	\$250,000	\$0	\$250,000
3200 South (SR 165 to 250 W.)	Nibley	12/9/2008	2008	\$658,244	\$658,244	\$0	\$658,244
200 East (1800 N. to 2200 N.) Construction	No. Logan	7/28/2009	2008	\$2,900,251	\$2,474,906	\$125,000	\$2,599,906
200 East (400 N. to 950 N.) Design & ROW	Logan	9/28/2010	2010	\$480,000	\$54,257	\$425,743	\$480,000
200 East (1000 N. to 1250 N.) Design & ROW	Logan	9/28/2010	2010	\$1,928,000	\$88,663	\$1,059,337	\$1,928,000
200 East (2200 N. to 2500 N.) ROW	No. Logan	9/28/2010	2010	\$200,000	\$0	\$200,000	\$200,000
200 East (400 N. to 950 N.) Construction	Logan	7/31/2012	2012	\$3,100,000	\$1,455,081	\$1,644,919	\$3,100,000
South Hwy 89/91 Corridor Pres	Cache County	7/31/2012	2012	\$465,000	\$0	\$465,000	\$465,000
400 East, 270 N. to 450 N.	Hyde Park	7/31/2012	2012	\$200,000	\$200,000	\$0	\$200,000
2400 West	Amalga	7/31/2012	2012	\$337,650	\$337,650	\$0	\$337,650
600 South	Richmond	7/31/2012	2012	\$146,737	\$146,737	\$0	\$146,737
1700 South	Cache, Logan, Providence	7/31/2012	2012	\$1,235,000	\$0	\$1,235,000	\$1,235,000
1700 South	Cache, Logan, Providence	7/5/2013	2013	\$2,132,945	\$0	\$2,132,945	\$2,132,945
4200 N./Hwy 91 (Intersection Improvements)	Cache County	7/5/2013	2013	\$46,500	\$0	\$46,500	\$46,500
3200 S. Hwy 165 (Intersection engineering design study)	Nibley	7/5/2013	2013	\$186,000	\$0	\$186,000	\$186,000
3200 S. Hwy 89-91 (Intersection engineering design study)	Logan	7/5/2013	2013	\$93,000	\$0	\$93,000	\$93,000
100 West, South extension (engineering design study)	Logan	7/5/2013	2013	\$93,000	\$0	\$93,000	\$93,000
200 East, 2200 N. to 3100 N.	No. Logan	COG Approved	2013	\$865,076	\$0	\$865,076	\$865,076
				\$15,057,669	\$6,684,689	\$4,483,509	\$15,819,719

Estimated County Option Sales Tax for Transportation Fund Balance (End of February 2014)	\$167,376
Funding Available to Consider for Allocation	\$167,376

\* Remaining Expenses:  
 Projects highlighted in yellow came in under budget but had subsequent approvals to use a portion of the remaining funds as follows:  
 100 East \$553,510 approved for Providence Lane round-a-bout (2-7-2012) + Reserving \$10,000 local match buffer for Federal aid closeout item.  
 Projects highlighted in red require Cache County review and approval before proceeding as follows:  
 200 East (1800 N. to 2200 N.) \$125,000 in cost savings approved to be used for engineering 2200 No to 2500 No. phase (12-1-2009)  
 200 East (2200 N. to 2500 N.) Right-of-way purchase  
 200 East (2200 N. to 3100 N.) Construction



**Certified Public Accountants**

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Salt Lake City, UT 84121  
Phone: (801) 561-6026  
Fax: (801) 561-2023

## INDEPENDENT AUDITORS' REPORT

To the Cache County Council  
Logan, Utah

### **Report on the Financial Statements**

We have audited the accompanying financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Cache County, Utah (the County) as of and for the year ended December 31, 2012, and the related notes to the financial statements, which collectively comprise the County's basic financial statements as listed in the table of contents.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of Bridgerland Community Ice Arena (a component unit of North Park Interlocal Cooperative), which represent 3 percent, 3 percent, and 6 percent, respectively of the assets, net position, and revenues of the aggregate discretely presented component units of the County. We also did not audit the financial statements of Cache County Emergency Medical Service Authority, which represent 6 percent, 7 percent, and 21 percent, respectively, of the assets, net position, and revenues of the aggregate discretely presented component units of the County. Those financial statements were audited by other auditors whose reports have been furnished to us, and our opinion, insofar as it relates to the amounts included for Bridgerland Community Ice Arena and Cache County Emergency Medical Service Authority, is based solely on the reports of the other auditors. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### **Opinions**

In our opinion, based on our audit and the reports of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Cache County, Utah as of December 31, 2012, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### **Other Matters**

#### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We and other auditors have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

#### *Other Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the County's basic financial statements. The supplementary information listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of

additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and is also not a required part of the basic financial statements. The accompanying schedule of expenditures of transient room taxes and tourism, recreation, cultural and convention facilities taxes is presented for purposes of additional analysis as required by Utah Code section 17-31-5.5(3) and is also not a required part of the basic financial statements.

The supplementary information and the schedules described above are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America by us and other auditors. In our opinion, based on our audit, the procedures performed as described above, and the reports of the other auditors, the supplementary information and the schedules described above are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

#### **Other Reporting Required by Government Auditing Standards**

In accordance with Government Auditing Standards, we have also issued our report dated July 30, 2013 on our consideration of the County's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the County's internal control over financial reporting and compliance.

*Jones Simkins LLC*

JONES SIMKINS LLC  
Logan, Utah  
July 30, 2013

RESOLUTION NO. 2013- 16

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2013 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2013 budget for Cache County:

see attached

Section 2.

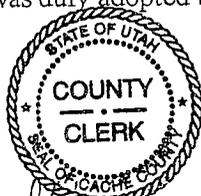
Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

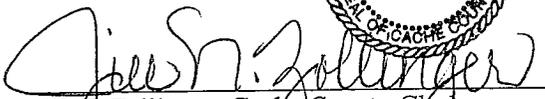
Section 3.

This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

This resolution was duly adopted by the Cache County Council on the 13th day of August, 2013.

ATTESTED TO:



  
Jill N. Zollinger, Cache County Clerk

CACHE COUNTY COUNCIL

  
Val K. Potter, Chairman

FUND 100 GENERAL FUND REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
100-33-10300	FED GRANT-UCCJ	\$ -	\$ -	\$(5,000)	\$(5,000)	CCJJ JAG Grant->>software
100-38-90000	appropriated surplus	\$ (3,084,963)	\$ -	\$(37,946)	\$(3,122,909)	to sdjust to actual
	Totals		\$ -	\$(42,946)		
	Net Adjustment				\$(42,946)	

FUND 100 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
100-4141-311	Auditor - software mainenance	\$ 10,000	\$ 9,000	\$ -	\$ 19,000	to cover maintenance costs
100-4141-999	Auditor - A&C Allocation 46%	\$(174,499)	\$ -	\$(4,140)	\$(178,639)	to adust to actual
100-4142-250	Clerk -supplies & maint	\$ 6,500	\$ -	\$(1,330)	\$ 5,170	transfer to software for Sire maint
100-4142-311	Clerk - Software	\$ -	\$ 1,330	\$ -	\$ 1,330	Sire maint
100-4142-620	Clerk - Misc Services	\$ 2,500	\$ 2,015	\$ -	\$ 4,515	Sterling codifiers ordiance updates
100-4211-311	Support Serv - Software	\$ -	\$ 5,000	\$ -	\$ 5,000	CCJJ ex->dBase and software
100-4511-250	Fairgrounds Equipment Supplies&Maint	\$ 23,000	\$ 5,000	\$ -	\$ 28,000	Repairs on water truck
100-4580-200	Bookmobile	\$ 82,964	\$ 1,071	\$ -	\$ 84,035	to meet State Contract amount
100-4800-936	Contrib to Cache County Redevelopment A	\$ -	\$ 30,000	\$ -	\$ 30,000	contrib for RDA Proj Start up costs
100-4960-600	Sundry expense	\$ 115,499	\$ -	\$(5,000)	\$ 110,499	transfer to Fairgraounds for Water ttruck repair
	Totals	\$ 53,416	\$ (10,470)	\$ -	\$ -	
	Net Adjustment				\$ 42,946	

FUND 150 ASSESSING & COLLECTING REVENUES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
150-38-92000	approp surplus A&C	\$ (246,517)	\$ -	\$(4,140)	\$(250,657)	to adjust to actual
	Totals		\$ -	\$(4,140)		
	Net Adjustment				\$(4,140)	

**FUND 150 ASSESSING & COLLECTING EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
150-4141-999	Auditor - A&C Allocation 46%	\$ 174,499	\$ 4,140	\$ -	\$ 178,639	to adjust to actual
Totals			\$ 4,140	\$ -		
Net Adjustment					\$ 4,140	

**FUND 200 MUNICIPAL SERVICES FUND REVENUES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
200-34-22000	\$0.75/HOUSEHOLD FROM ENTITIES	\$ -	\$ -	\$ (42,861)	\$ (42,861)	CPDO moved to Planning and Zoning
200-34-32000	CLASS B CONTRACTS OTHER	\$ -	\$ -	\$ (53,000)	\$ (53,000)	4800 South Project (Hyrum City & Millers)
200-36-90000	Sundry Revenue	\$ (1,100)	\$ -	\$ (1,696)	\$ (2,796)	CMPO office expense fees
200-38-75000	Transfer from other funds	\$ -	\$ -	\$ (42,861)	\$ (42,861)	CPDO fund combined with MSF Planning and Zoning
Totals			\$ -	\$ (140,418)	\$ (140,418)	
Net Adjustment					\$ (140,418)	

**FUND 200 MUNICIPAL SERVICES FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase	Decrease	Amended Budget	Reason for Change
200-4415-760	NEW ROAD CONSTRUCTION-CAPITAL	\$ 100,000	\$ 53,000	\$ -	\$ 153,000	4800 South Project
200-4800-910	transfers to other funds	\$ -	\$ 1,537	\$ -	\$ 1,537	CPDO moved to Planning and Zoning
200-4180-110	ZONING -SALARY	\$ 129,682	\$ 52,311	\$ -	\$ 181,993	CPDO moved to Planning and Zoning
200-4180-130	ZONING -EMPLOYEE BENEFITS	\$ 65,777	\$ 28,635	\$ -	\$ 94,412	CPDO moved to Planning and Zoning
200-4180-210	ZONING -SUBSCRIPTIONS & MEMBERSHIPS	\$ 1,300	\$ 150	\$ -	\$ 1,450	CPDO moved to Planning and Zoning
200-4180-230	ZONING -TRAVEL-SEMINARS	\$ 6,000	\$ 500	\$ -	\$ 6,500	CPDO moved to Planning and Zoning
200-4180-250	ZONING -EQUIPMENT SUPPLIES & MAINT	\$ 2,500	\$ 1,250	\$ -	\$ 3,750	CPDO moved to Planning and Zoning
200-4180-510	ZONING -INSURANCE	\$ 913	\$ 448	\$ -	\$ 1,361	CPDO moved to Planning and Zoning
200-4180-620	ZONING -MISC SERVICES	\$ 7,211	\$ 2,587	\$ -	\$ 9,798	CPDO moved to Planning and Zoning
Totals			\$ 140,418	\$ -	\$ 140,418	
Net Adjustment					\$ -	

FUND 270 COUNTY WIDE PLANNING & DEVELOPMENT FUND REVENUES

ACCOUNT	DESCRIPTION	Recommended		Increase	Amended	Reason for Change
		Current Budget	Decrease DEBIT			
270-34-22000	\$0.75/HOUSEHOLD FROM ENTITIES	\$ (50,004)	\$ 50,004	\$ -	-	Terminate fund; move to Plan/Zoning
270-38-30000	TRANSFER FROM GEN FUND (50%)	\$ (50,004)	\$ 50,004	\$ -	-	Terminate fund; move to Plan/Zoning
270-38-92000	transfer from municipal service funds	\$ -	\$ -	\$ (1,537)	(1,537)	to offset fund deficit
	Totals		\$ 100,008	\$ (1,537)		
	Net Adjustment				\$ 98,471	

FUND 270 COUNTY WIDE PLANNING & DEVELOPMENT FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended		Decrease	Amended	Reason for Change
		Current Budget	Increase DEBIT			
270-4181-110	SALARY	\$ 59,828	\$ -	\$ (59,828)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-130	EMPLOYEE BENEFITS	\$ 31,453	\$ -	\$ (31,453)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-210	SUBSCRIPTIONS & MEMBERSHIPS	\$ 300	\$ -	\$ (300)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-230	TRAVEL	\$ 750	\$ -	\$ (750)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-240	OFFICE EXPENSE & SUPPLIES	\$ 350	\$ -	\$ (350)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-250	EQUIPMENT SUPPLIES & MAINT	\$ 2,000	\$ -	\$ (2,000)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-280	COMMUNICATIONS	\$ 1,000	\$ -	\$ (1,000)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-290	RENTAL OF FACILITIES/UTILITIES	\$ 2,400	\$ -	\$ (2,400)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-311	PROF & TECHNICAL - ACCOUNTING	\$ 1,000	\$ -	\$ (1,000)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-510	INSURANCE	\$ 448	\$ -	\$ (448)	\$ -	Terminate fund; move to Plan/Zoning
270-4181-990	CONTRIBUTIONS TO FUND BALANCE	\$ 479	\$ 1,537	\$ (479)	\$ 1,537	Terminate fund; move to Plan/Zoning
	Totals		\$ 1,537	\$ (100,008)		
	Net Adjustment				\$ (98,471)	

FUND 400 CAPITAL PROJECTS-CANAL REVENUE

ACCOUNT	DESCRIPTION	Recommended		Increase	Amended	Reason for Change
		Current Budget	Decrease DEBIT			
400-33-70010	GRANTS OTHER-LOGAN CITY	\$ -	\$ -	\$ (162,615)	\$ (162,615)	LC CANAL BETTERMENTS
	Totals			\$ (162,615)		
	Net Adjustment				\$ (162,615)	

FUND 400 CAPITAL PROJECTS CANAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Recommended		Decrease	Amended	Reason for Change
		Current Budget	Increase DEBIT			
400-4115-482	CANAL REBUILD-CONSTRUCTION	\$ -	\$ 162,615	\$ -	\$ 162,615	LC CANAL BETTERMENTS
	Totals		\$ 162,615			
	Net Adjustment				\$ 162,615	

CACHE COUNTY  
RESOLUTION NO. 2013-17

A RESOLUTION TO ADOPT THE 2012 REVISED CACHE COUNTY EMERGENCY  
OPERATIONS PLAN

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to adopt the 2012 Revised Cache County Emergency Operations Plan.

WHEREAS, pursuant to Utah Code Annotated 53-2-104, local government coordinates emergency plans with state and federal plans, in order to "...prepare, implement, and maintain programs and plans to provide for: (i) prevention and minimization of injury and damage caused by disasters; (iv) coordination of hazard mitigation and other preventive and preparedness measures designed to eliminate or reduce disasters..." and

WHEREAS, the Cache County Emergency Operations Plan serves as a basis for effective response to any hazard that threatens Cache County; and

WHEREAS, the Cache County Emergency Operations Plan, in accord with Utah's Emergency Management Act, provides a plan of action and details response and recovery procedures that County Officials, municipal jurisdictions, incident management and emergency response disciplines, the private sector, non-governmental organizations, and volunteer agencies and organizations should follow during, or immediately following, a large scale emergency or disaster.

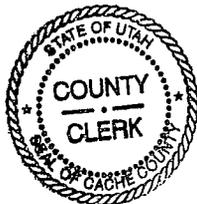
NOW, THEREFORE, BE IT RESOLVED that the Cache County Council hereby adopts the 2012 Revised Cache County Emergency Operations Plan as prepared by the Cache County Office of Emergency Management; and

THEREFORE, Cache County departments and agencies should become familiar with this plan. County departments and agencies should formulate Standard Operating Procedures that will be used to complement this plan. Implementation of this plan is under the direction of the Cache County Executive and Cache County Emergency Management Director.

This Resolution shall take effect immediately upon adoption. Dated this 13th day of August, 2013.

CACHE COUNTY COUNCIL

By:   
Val K. Potter, Chairman



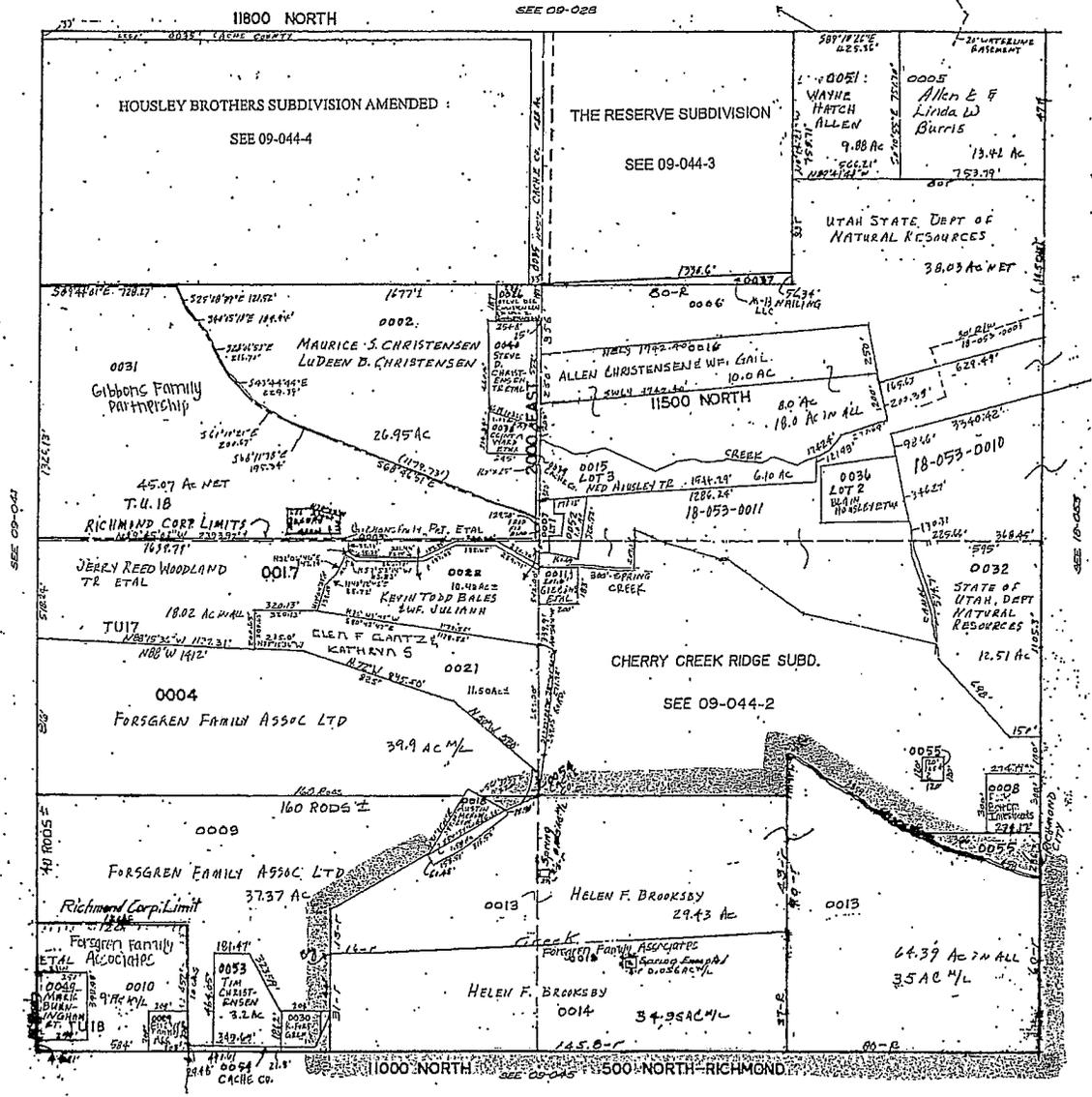
ATTEST:

By:   
Jill N. Zollinger, County Clerk



SECTION 24, TOWNSHIP 14 NORTH, RANGE 1 EAST  
 SCALE 1 INCH = 6 CHAINS

09-044



**STAFF REPORT: NORTH VALLEY LANDFILL CONDITIONAL USE PERMIT** 01 August 2013

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Issa Hamud  
**Staff Determination:** Approval with conditions  
**Type of Action:** Administrative  
**Land Use Authority:** Cache County Council

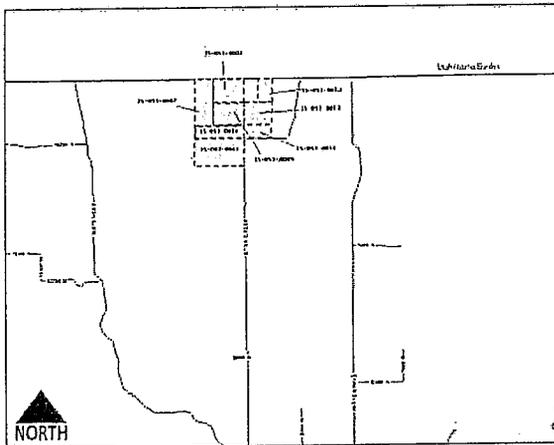
**Parcel ID#:** 15-051-0007, 0008, 0009, 0010, 0012, 0013, and 0014; 15-003-0001

**PROJECT LOCATION**

*Reviewed by: Chris Harrild, Planner II*

**Project Address:**  
14200 Stink Creek Road  
~4.5 miles north of Clarkston  
**Current Zoning:** Acres: 320.26  
Agricultural (A10) and Public Infrastructure  
(PI) Overlay

**Surrounding Uses:**  
North – State line-Idaho/Agricultural  
South – Agricultural  
East – Agricultural  
West – Agricultural



**PROJECT PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT**

**Purpose:**

To review and make a recommendation to the County Council regarding the request for a conditional use permit to allow a solid waste landfill.

**Cache County Ordinance**

The requirements of the Cache County Ordinance have been included in the attached memorandum titled Attachment A.

**State Permitting:**

The State of Utah defines the proposed landfill as a Class I Landfill. Logan City has obtained a State permit that allows them to own, construct, and operate a Class I Landfill at the proposed site.

### **Summary:**

The project properties are located between Stink Creek Road and Dirty Head Road, ~4.5 miles north of Clarkston and partially contiguous to the Idaho/Utah State line. The site will operate from 8:00 a.m. to 5:00 p.m. Monday through Saturday. Garbage will be brought to the transfer station in Logan City and then trucked to the North Valley Landfill Site on semi trucks. There will be an average of 7 transfer load semis each day. One day a week there will be an average of 35 local dump trucks of additional traffic. On the local dump truck day, deliveries to the landfill will be made prior to 8:00 a.m., however no other site activity will occur. No public waste hauling will be available at the proposed North Valley Landfill location. There will typically be 3-4 employees operating the landfill site. No structures are proposed for the site at this time with the exception of a truck scale. A scale house and maintenance building may be placed on the site at some future date.

There are no residential structures within 3 miles of the proposed use in Utah or Idaho. The Idaho Department of Environmental Quality (IDEQ) worked with the Utah Department of Environmental Quality in their review of the landfill design and noted that they were satisfied with the design but concerned with long term monitoring. The IDEQ requested notification on an annual and/or as needed basis regarding ground water monitoring. This is being completed for the State permit as item F of the State issued permit.

The 320.26 acres (8 parcels) were rezoned to include the Public Infrastructure (PI) Overlay Zone on November 8, 2011 as Ordinance 2011-15. The proposed landfill site will serve as a final destination for waste materials transferred from the existing Logan City Landfill which will serve as a transfer station for garbage collection. A site suitability analysis was previously conducted to determine the most suitable site for an in-county landfill. This analysis considered various sites in the county and in 2004 the Cache County Service Area No. 1 Board of Trustees (the Cache County Council) was provided the recommendation and findings of the Solid Waste Advisory Board and Citizens Advisory Committee that identified the proposed rezone area (Site C) as the most suitable location. The Board of Trustees adopted Resolution 2004-01 recommending Site C as the best possible location for an in-county landfill. This analysis was also submitted in a format that reflects the definition of "Site Suitability Analysis" as identified under 17.07.040 General Definitions.

### **Access:**

- The Cache County School District bus routes access the Clarkston area on State, County, and City roadways on weekdays between 6:30 - 8:30 a.m. (2 buses), 11:30 a.m. - 12 p.m. (2 buses), and 2 p.m. - 4 p.m. (2 buses).
- The Cache County Engineer has provided a review stating that based on the proposed number of trucks accessing County roads en route to and from the site each day a traffic impact study is not needed or required.
- Any improvements to County roadways to be done within a State right-of-way shall meet the requirements of the Utah Department of Transportation. A copy of any required UDOT permits must be provided to the Cache County Development Services Department.
- North of SR 142/Clarkston

A proposal identifying four alternative access routes has been submitted. Any of the proposed routes meet and/or exceed the minimum requirements of the Cache County roadway standards. The Solid Waste Advisory Board has made recommendation for alternative 1 or 2. The Cache County Council has recommended alternative 2.

As the Council has provided a recommendation as to the preferred routing, staff has provided no further recommendation on the routing. While all four proposed routes function and have their pros and cons, the preference was for a route that avoided further disturbance to the residents of Clarkston.

Prior to any road work final plan sets shall be submitted to staff for review and approval as relates to the feasibility of each route as regards the Cache County standards for roadway design and construction. The Planning Commission may also make a recommendation.

▪ South of SR 142/Clarkston

Cache County has no land use authority regarding access on a state route. As per the Cache County Attorney memorandum dated 04 April 2013, the County cannot “regulate, restrict, or prohibit the use of ...various classes of vehicles or traffic [ ]” on the Highway pursuant to Utah Code Ann §72-6-117(2).

***Water, Septic, and Utilities:***

- Any culinary water provided at the site will be hauled in for employees.
- Portable toilets will be located at the site for employee use.
- Utilities at the site will consist of on-site generators or overhead power lines.

***Sensitive Areas:***

- Staff recommends that the proposed revisions to the landform on 20%-30% and 30%+ slopes be accepted by the County Council based on the geologic and geotechnical analysis that have been reviewed and approved by the State in conformance with §17.18.070 of the Cache County Ordinance.
- There is a potential impact to sensitive species in the area that was addressed within the State Permit. Staff is recommending that the State required monitoring occur, but that no additional conditions be placed on this issue.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet of the subject property and to the cities of Weston, ID, and Clarkston, and Cornish. Comment has been received and has been summarized to identify topics of concern. That summary is attached. Individual comment may be reviewed in the Development Services Department or found on-line at:

<http://www.cachecounty.org/pz/current/cup/nvl.html>

Staff has reviewed the project application, ordinance requirements, and the topics presented in the public comment. Many of the public comments focus on topics that are beyond the authority of the Planning Commission and County Council for a conditional use permit.

Issues regarding the finances of the project, routing of traffic along State roads, the enforcement of H.B. 357 (2013) and many other specific requests are clearly outside the scope that can be resolved through the County's existing ordinances dealing with conditional use permits. There are also a number of items (ground/storm water, geotechnical concerns, wildlife, etc.) that have been submitted to and approved by the State of Utah as part of the permit to operate a Class I Landfill. Cache County is a political subdivision of the State, and does not maintain greater permitting authority on these items than what State Code grants to State regulatory agencies. While staff has reviewed all materials provided to and approved by the State, staff has not attempted to provide redundant regulations on those items. Staff has found that the material provided by the applicant to the State meets and/or exceeds the requirements of the Cache County Ordinance on those items.

**STAFF DETERMINATION AND FINDINGS OF FACT (4)**

It is staff's determination that the request for a conditional use permit for a Solid Waste Facility, located in the Agricultural (A10) Zone and Public Infrastructure (PI) Overlay Zone at approximately 14200 Stink Creek Road with parcel numbers 15-051-0007, 15-051-0008, 15-051-0009, 15-051-0010, 15-051-0012, 15-051-0013, 15-051-0014 and 15-003-0001 is in conformance with the Cache County Ordinance and should be approved. This determination is based on the following findings of fact:

1. The North Valley Landfill conditional use permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records that are within the authority of the Land Use Authority and the County Code.
2. The North Valley Landfill has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The North Valley Landfill conditional use permit has been reviewed in conformance with §17.06.070 of the Cache County Ordinance, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval.
4. Impacts to sensitive areas at the site have been reviewed and the geologic and geotechnical analysis and the requirements of the State of Utah for a Class I Landfill are adequate and in conformance with §17.18 of the Cache County Ordinance.

### CONDITIONS OF APPROVAL (13)

The following conditions must be met prior to recordation or with the provision of financial surety for the development to conform to the County Ordinance and the requirements of county service providers. No site development activities shall occur until the permit has been recorded.

1. The proponent shall meet all applicable standards of the Cache County Ordinance in compliance with the findings of fact.
2. Hours of operation for the site shall be from 8:00 a.m. to 5:00 p.m. Monday through Saturday with the exception of deliveries to the landfill once a week by dump trucks that will be made prior to 8:00 a.m. No other site activity shall occur prior to 8:00 a.m.
3. The County roadways north of State Route 142 designated by the Cache County Council as the preferred access route to the landfill site shall at a minimum be improved to meet the roadway standards of Cache County.
4. The design of County roadways providing access to the development shall be reviewed and approved by the County Engineer for compliance with applicable codes and standards. A full set of engineered design and construction plans shall be submitted and shall address issues of grade, drainage, base preparation and construction, and surfacing for all improvements to County roadways.
5. A long term maintenance and management plan for access to the landfill along County roadways shall be submitted to the Development Services Department for review and approval.
6. A weed control plan for the entire site shall be submitted to the Development Services Department for review and approval.
7. Evidence of the required right-of-way, a minimum of 66', for the proposed roadway solution shall be submitted to Cache County including a full dedication of all right-of-way along the frontage of the development.
8. Necessary State and County permits for all improvements must be obtained. A copy of any State permit(s) must be submitted to the Development Services Department.
9. The applicant must abide by the master plan and construction specifications as submitted to the Cache County Development Services Office.
10. All waste shall be delivered to the landfill via transfer semis with the exception of once per week when local collector trucks shall make direct deliveries to the landfill. Allowance will be made to accommodate holiday schedules or other minor servicing needs.

11. An annual report shall be filed with the Development Services Department detailing the operations, compliance with State and County Permitting, and any outstanding permit or operational issues.
12. All solid waste transported by the transfer semis and local collector trucks must be covered and secured. The proponent shall provide a fugitive waste plan to address any waste that escapes during transport.
13. Any further expansion or modification of the facility, site, or permit shall require the approval of the designated land use authority and any modifications to the State landfill permit shall be submitted to the Development Services Department for review by the appropriate Land Use Authority.



**ATTACHMENT A: CACHE COUNTY ORDINANCE REQUIREMENTS & STAFF COMMENT**

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**Authority: §17.02.070**

“4. County Council: The County Council shall be the land use authority to hear and act on the following land use actions:

- h. Conditional use permit requests for:  
(3) Solid waste facilities”

**Definition: §17.07**

This proposed use is best defined as index number 6400, “Solid Waste Facility”, under Cache County Ordinance §17.07.020 Definitions:

“SOLID WASTE FACILITY: A facility engaged in solid waste management, including:  
1. A landfill;”

**Schedule of Uses: §17.09**

As per §17.09.030 Schedule of Uses by Zone, this use is permitted as a conditional use in the Public Infrastructure (PI) Overlay Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses and in accordance with §17.19 Public Infrastructure (PI) Overlay Zone.

**Conditional Use Permit Requirements: §17.06**

The standards specific to a conditional use are detailed under §17.06.060 Conditional Uses and §17.06.070 Standards and Criteria for Conditional Use. These requirements specify:

- “A. The Planning Commission [County Council] shall review a conditional use permit request with the following general standards and criteria:
1. The use applied for at the location proposed is necessary or desirable to provide a facility that will contribute to the general well being of the area and the county;
  2. Compatibility of the proposed use is with the intent, function, and policies established in the Cache countywide comprehensive plan;
  3. Compatibility of the proposed use with the character of the site, adjacent properties, and other existing and proposed development;
  4. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation;
  5. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
  6. If the Planning Commission [County Council] determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the

**ATTACHMENT A: CACHE COUNTY ORDINANCE REQUIREMENTS & STAFF COMMENT**

**Authority: §17.02.070**

“4. County Council: The County Council shall be the land use authority to hear and act on the following land use actions:

- h. Conditional use permit requests for:  
(3) Solid waste facilities”

**Definition: §17.07**

This proposed use is best defined as index number 6400, “Solid Waste Facility”, under Cache County Ordinance §17.07.020 Definitions:

“SOLID WASTE FACILITY: A facility engaged in solid waste management, including:

1. A landfill;”

**Schedule of Uses: §17.09**

As per §17.09.030 Schedule of Uses by Zone, this use is permitted as a conditional use in the Public Infrastructure (PI) Overlay Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses and in accordance with §17.19 Public Infrastructure (PI) Overlay Zone.

**Conditional Use Permit Requirements: §17.06**

The standards specific to a conditional use are detailed under §17.06.060 Conditional Uses and §17.06.070 Standards and Criteria for Conditional Use. These requirements specify:

“A. The Planning Commission [County Council] shall review a conditional use permit request with the following general standards and criteria:

1. The use applied for at the location proposed is necessary or desirable to provide a facility that will contribute to the general well being of the area and the county;
2. Compatibility of the proposed use is with the intent, function, and policies established in the Cache countywide comprehensive plan;
3. Compatibility of the proposed use with the character of the site, adjacent properties, and other existing and proposed development;
4. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation;
5. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
6. If the Planning Commission [County Council] determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the

standards and criteria, the Planning Commission [County Council] may deny the request for a conditional use permit.

B. In approving a conditional use permit, the planning commission may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, flood control, time limits, and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.”

### **Sensitive Areas: §17.18**

A. Portions of the proposed landfill contain areas of steep slopes. As per §17.18.020 Non-Developable Sensitive Areas Defined and §17.18.030 Potentially Developable Sensitive Areas Defined, slopes equal to or exceeding 30% shall not be built upon or within except for required public utility or facility, and slopes equal to or exceeding 20% may be considered for development at the discretion of the County Council. As per §17.18.070 Supplementary Development Standards, development of areas of steep slopes may be permitted by the County upon the review and approval of an engineering geotechnical report as identified by said title.

An engineering geotechnical report as identified by §17.18.070 Supplementary Development Standards is required and must be reviewed and approved by the County prior to any development on areas of steep slopes.

Said geotechnical information has been submitted and county staff has reviewed the analysis. The State has also reviewed the geologic and geotechnical analysis and noted that these studies demonstrate the proposed landfill location meets the siting criteria of the State.

Staff recommends that the proposed revisions to the landform on 20%+ slopes be accepted by the County Council based on the geologic and geotechnical analysis.

B. The proposed landfill is located in an area identified as crucial wildlife habitat. As per §17.18.070 Supplementary Development Standards, the Utah Division of Wildlife Resources (DWR) shall be provided notice of said development. The County will accept review and/or comment within 21 days of said notice.

DWR provided comment during the original site analysis in 2004. This process also requires that a request for comment be sent to the DWR. Notice was given to the DWR on March 15, 2013. No response has yet been received by the County.

### **Requirements specific to a “Solid Waste Facility”: §17.19**

A. As per §17.19.050 Application Requirements, an application must be made to the zoning administrator that includes:

**1. A site drainage and grading plan**

A State approved site drainage and grading plan has been submitted. The County Engineer has reviewed the plan and determined that it is adequate.

**2. An access plan**

**North of SR 142/Clarkston:**

A proposal identifying four separate access routes has been submitted. Each route meets and/or exceeds the minimum County standards. The Solid Waste Advisory

Board has made recommendation for alternative 1 or 2. The Cache County Council has recommended alternative 2. The Planning Commission may also make a recommendation.

**South of SR 142/Clarkston:**

Cache County has no land use authority regarding access on a state route. As per the Cache County Attorney memorandum dated 04 April 2013, the County cannot “regulate, restrict, or prohibit the use of ... various classes of vehicles or traffic [ ]” on the Highway pursuant to Utah Code Ann §72-6-117(2).

**3. An operation management and maintenance plan**

A State approved operation management and maintenance plan has been submitted. County staff has reviewed the operation management and maintenance plan and determined that it is adequate. Any additional impacts noted in public comment or staff review have been identified in the staff report.

**4. A landscape plan that addresses potential impacts to undeveloped property as regards any uses permitted within the applicable zoning districts.**

A landscape plan has been submitted. Issues regarding mitigation of noise, dust, and similar impacts have additionally been reviewed and approved by the State. County staff has reviewed the landscape plan and determined that in conjunction with the State permitting requirements that the plan meets the ordinance requirements.

B. As per §17.19.060 Commencement of Operations, operations on the site shall not begin until all approvals have been granted and any conditions of a conditional use permit have been met.

**Completed:** Logan City has obtained and submitted a copy of the approved State permit for a Class I Landfill.

**Remaining:** A conditional use permit for the proposed landfill must be approved, all conditions met, and the conditional use permit recorded prior to commencement of operations.

C. As per §17.19.080 [A][1-3] Supplemental Standards Specific to Use:

**1. The minimum lot size for any solid waste facility shall be no less than 40 acres,**

The proposed facility is located on 8 parcels that have been rezoned to the PI zone – a total of 320.26 acres.

**2. A licensed professional:**

**a. Must complete a site suitability analysis and approval of said analysis must be obtained from the Board of Trustees prior to application,**

A site suitability analysis was completed and approved by the Board of Trustees of Service Area #1 in 2004. This analysis was also submitted in a format that reflects the definition of “Site Suitability Analysis” as identified under 17.07.040 General Definitions. County staff has reviewed the site suitability analysis and determined that it meets the ordinance requirements.

**b. Must complete a closure and post closure plan**

A State approved closure and post closure plan has been submitted. County staff has reviewed the closure and post closure plans and determined that they are adequate.



**PLANNING COMMISSION MEMORANDUM: ACCESS ROUTE CONSIDERATIONS**

In the place of making a recommendation for a preferred access route to the proposed North Valley Landfill site, the Cache County Planning Commission has identified general issues associated with potential impacts affecting land use planning and development. A final determination of an access route and road improvements for the North Valley Landfill will be based on many factors, and as part of that decision the Planning Commission recommends that the County Council give due consideration to these impacts in the selection of a preferred route:

- Disturbance of farm lands
- Purchasing/condemning land outside of the county right of way
- Location and desirability of future development on roads improved on the route
- Truck travel distances, turns, stops and starts, and the associated fuel use, pollutants and safety issues
- Truck encounters at intersections
- Truck encounters with farm vehicles
- Truck encounters with pedestrians
- Truck encounters with community centers and events
- Opportunities for improvements that enhance existing communities



Memorandum

To: Chris Harrild  
Cache County Planner

From: Lynn Zollinger, P.E.  
Cache County Engineer

Date: July 1, 2013

Subject: North Valley Land Fill

The North Valley Landfill Access Road Alternatives study predicts daily traffic volumes to and from the proposed facility to be well under 100 vehicles per day. Other than agricultural land uses there are no other traffic generators in the regional area of the land fill. The community of Clarkston is on the south border of the regional area of the land fill, but this community would not contribute to traffic volumes in the regional area of the land fill other than in support of agricultural operation. In view of the traffic demands of the proposed land fill and the component of locally generated traffic, there is no need to conduct a traffic impact study to evaluate traffic related impacts of the proposed land fill facility. However, the following list of concerns needs to be addressed as studies and recommendations are advanced toward completion:

- SR-23 is being advanced as a preferred access route to the landfill facility. From previous experience, the pavement structure on SR-23 north of SR-30 is generally weak. This pavement is affected by wet soil conditions that are typically present during springtime thaw conditions when snow and ice are melting and frost is leaving ground. Previously during these conditions UDOT has considered placing load restriction on the use of the road until more stable conditions return. The Access Alternatives report should identify a preferred secondary access route if the primary route becomes load restricted.
- The Access Alternatives report shows four alternatives to access the land fill site from SR-142. These alternatives typically include minor alignment revisions to accommodate landfill traffic. Additional detail should be provided that shows how public road intersections will be handled in consequence of the alignment modifications.
- The landfill access road will have a HMA paved surface. A pavement design will need to be prepared that demonstrates the proposed roadway section is adequate for a 20-year design life.
- A study should be prepared to evaluate drainage conditions and the sufficiency of the existing drainage culverts.
- The advisability of fencing the right of way should be addressed.
- Evidence of coordination with UDOT and resolution of any state road access issues.
- Evidence of coordination with the County Development Services Office and address conditions of an encroachment permit application.

# CACHE COUNTY ATTORNEY



## MEMORANDUM

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TO: Cache County Planning Commission

FROM: Denise Ciebien, Deputy Cache County Attorney

DATE: August 1, 2013

REGARDING: Sensitive Areas Landfill

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The Cache County Attorney's Office has reviewed the Cache County Ordinance as regards the requirements pertaining to development in sensitive areas as prescribed by §17.18 Sensitive Areas and hereby issues this memorandum.

The following section of the Cache County Ordinance specifies the following regarding non-developable areas:

**“ 17.18.020 Non-Developable Sensitive Areas Defined**

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

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

As a required public utility or facility, the proposed development of a landfill is therefore considered an exception to this requirement. Additionally, finding #4 of the current staff report will allow the Cache County Council to make a decision on the exception or this sensitive area.

Geologic and geotechnical analyses have been completed that address the State of Utah requirements, and the requirements of the Cache County Ordinance §17.18 regarding steep slope sensitive areas. Those analyses were reviewed and approved by the State of Utah in the State's consideration of the application for a Class I Landfill. As regards that analysis, the State has specified,

“The application, as required by the Solid Waste Rules, contains site-specific studies, such as slope stability (page 15, Section 3.1.2.3, Part III, and Appendix M); geological and geotechnical analysis, Appendix J; and the studies addressing the remainder of the

siting criteria presented in Appendices J, M, and K. *These studies demonstrate that the proposed landfill location meets siting criteria.* [emphasis added]

A separate geotechnical review of the Logan City geologic and geotechnical analyses as has been received as public comment. This comment points to recommendations that are redundant with the analysis provided by the applicant. The observation provided by the State, as noted above, addresses those recommendations as does the State issued permit and the requirements of the State for the operation of the proposed landfill.

Additionally, the current staff report includes a condition of approval that provides the County opportunity for additional monitoring of any impacts to the site. It states,

“An annual report shall be filed with the Development Services Department detailing the operations, compliance with State and County Permitting, and any outstanding permit or operational issues.”

Given the exception for public utilities and facilities as stated within the Cache County Ordinance, the ability for the County Council to allow development on these slopes, and given the State's review and approval of the geological and geotechnical analyses for a Class I Landfill, the Cache County Attorney's Office has determined that the provided analyses are adequate and meet or exceed the requirements of the Cache County Ordinance.

**SUMMARY OF PUBLIC COMMENT AND STAFF RESPONSE**

The written public comment specific to County review regarding the proposed North Valley Landfill conditional use permit has been compiled for the purpose of identifying any impacts and possible mitigation regarding the proposal. The major topics and/or concerns from said comment have been noted. When considering a conditional use permit, the land use authority may not consider fees, finances, routing on State roads, or other topics of concern under State jurisdiction.

The individual comments are available online at: <http://www.cachecounty.org/pz/current/cup/nvl.html>

**Public Comment Topics - 36 topics from 27 individuals/4 groups.**

Comment Topics	Land Use Authority - CUP; staff response	Authority of the Board of Trustees; Service Area #1
1 The applicant should document the residential structures in the proximity of the landfill on the Idaho side of the state line.	There are no residential structures within 3 miles of the proposed landfill in Idaho.	
2 The conditional use permit should state that the location of the City of Weston springs, the city's primary water source, is within 3 miles of the North Valley Landfill.	This has been noted in the State permit process and the County application. The proposed landfill is not in the watershed that supplies Weston City's drinking water.	
3 The Planning Commission is too narrowly constrained in considering essential information as regards the compatibility and appropriateness of the proposal.	The Planning Commission is appropriately constrained by the Cache County Ordinance when considering a conditional use permit. An extension of authority outside those confines is not appropriate.	
4 Valid concerns that do not preclude the siting of the landfill at Clarkston, as well as scientific evidence and cost and countywide impacts that should be deal-breakers, have been sidelined, ignored, and carefully avoided.	The siting of a landfill was reviewed and approved by the Citizens Advisory Committee, the Solid Waste Advisory Board, and the Board of Trustees for Service Area #1 of Cache County.  This siting study considered scientific evidence, cost, and countywide impacts.	

Comment Topics	Land Use Authority - CUP; staff comment	Authority of the Board of Trustees; Service Area #1
5 The process has not been transparent, and feels insincere. This process damages all citizens and on numerous topics.	This does not identify specifics that can be addressed by the Planning Commission.	
6 Hydrologic, geologic, and environmental impact studies necessary for a good decision have not been done. The studies contracted by the applicant were only cursory and were only done to meet state requirements. The county's approval process should be held until the necessary studies including impacts due to roadway improvements are completed.	The Planning Commission and County Council are required to follow the Cache County Ordinance when determining if sufficient information "necessary for a good decision" has been provided when considering a conditional use permit. If either body identifies deficiencies exist as per the County Ordinance, further information or review may be required either before or after a decision is made.	This topic was addressed by the by the Board of Trustees at the time of site determination/analysis.
7 An RFP has not been made to elicit proposals from other trash collection entities.	This is not a requirement of the Cache County Ordinance and is therefore outside the jurisdiction of the land use authority.	This topic may be addressed by the Board of Trustees.
8 A proper cost analysis has not been done.	This is not a requirement of the Cache County Ordinance and is therefore outside the jurisdiction of the land use authority.	This topic was addressed by the by the Board of Trustees at the time of site determination/analysis.
9 The State of Utah is not an adequate regulatory body as regards the permitting of landfills. The County needs more regulatory controls.	The State is the regulatory authority for solid waste facilities as established by State code. The County CUP regulations are based on Title 17.  Any conditions required for the landfill as per the State are under the jurisdiction of the State and will not be redundantly covered by the county.	

Comment Topics	Land Use Authority - CUP; staff comment	Authority of the Board of Trustees; Service Area #1
<p>10 Staff has not done a thorough review of the public comment over the last 5-6 years. The comments of the citizens of Clarkston and Newton have been ignored/dismissed.</p> <p>The residents of Clarkston and Newton have been told that the access to the landfill would not come through our communities. Why don't these commitments mean anything now?</p>	<p>Staff has reviewed all written public comment as pertains to this current application.</p> <p>Any additional issues beyond what has been presented should be brought forward at this time.</p> <p>Cache County has no jurisdiction or authority over the management of State routes.</p> <p>State routes are managed by the State of Utah.</p>	
<p>11 Please explain the financial connection between Logan City and Cache County regarding the construction and business of the landfill, especially road construction and maintenance. Who will pay for what? It seems from what we have heard that Cache County will provide the money and Logan City will keep the profits.</p>	<p>This permit process does not involve the consideration of (financial connections) between the entities. Road construction will be the responsibility of the applicant as it is with any other development project.</p> <p>Maintenance plans for that road are under review.</p> <p>The County attorney has provided a memorandum regarding this topic.</p>	<p>This topic may be addressed by the Board of Trustees.</p>
<p>12 There are no sidewalks or barriers along the highway in Newton. Who will pay to put sidewalks in and improve the safety of pedestrians as there will be an increase in trucks and semis on the road? Who will enforce the speed limits?</p>	<p>State routes are managed by the State of Utah and speed limits and traffic violations are enforced by the Utah Highway Patrol and the Cache County Sheriff.</p>	
<p>13 By allowing an increase in traffic, you take away our freedom to enjoy our rural lifestyle. Increased truck traffic will have a negative effect tourism and therefore revenue in the area.</p>	<p>Impacts due to an increase in traffic will be addressed by the land use authority as per the Cache County Ordinance.</p>	

Comment Topics	Land Use Authority - CUP; staff comment	Authority of the Board of Trustees; Service Area #1
14 There are no shoulders on existing roadways in this area of the county and this is a safety issue.	County roadways providing access to the landfill must meet the minimum County standards. This standard specifies a minimum 2 foot width of shoulder in addition to the travel lanes.	
15 Promises regarding the landfill have not been kept.	County must review the application as presented to render a land use decision based on county code.	
16 The development of a landfill in this area goes against the general plan.	The Cache County Comprehensive Plan functions as a set of policies that guide the development of a land use ordinance.  The land use authority must make administrative decisions based on the land use ordinance.	
17 The location of the proposed landfill will not allow for the use of new technology for waste disposal such as power generation.	This is not a requirement of the Cache County Ordinance and is therefore outside the jurisdiction of the land use authority.	This topic may be addressed by the Board of Trustees.
18 Information regarding the number of trucks accessing the rural roadways has been inconsistent.  How will conflict with existing agricultural use of the State and County roadways be handled as regards trucks going to the landfill that are using the same roadways as tractors?	The application identifies 6-10 transfer trucks/day, 6 days/week and 6-10 local collection trucks 1 day/week.  Traffic issues shall be addressed by the land use authority as per the Cache County ordinance.  All vehicles using public roads (County, City, or State) are required to follow all traffic laws.	

Comment Topics	Land Use Authority - CUP; staff comment	Authority of the Board of Trustees; Service Area #1
19 The applicant and/or government staff has in ignorance or intention provided inaccurate information related to impacts from traffic due to the proposed landfill.	Staff has not yet provided an assessment from their review of the application and other provided information. The county engineer will identify any traffic impacts.	
20 Logan City should be required to renumerate property owners for any loss in residential or agricultural property values.	It is not legal to require such and is therefore outside the jurisdiction of the land use authority.  Land needed for roadway construction must be renumerated by Logan City.	
21 It is within the authority of the Planning Commission to require the following information prior to issuance of a permit: a. A traffic study conducted by UDOT as regards the landfill. b. A complete analysis of the financial impact on customer waste disposal rates both now and in the future. As Logan City is a political subdivision, increased scrutiny of financial information is warranted to protect tax payers.	The State of Utah H.B. 357, 2013 is not in effect and cannot legally be applied to this application.	This topic may be addressed by the Board of Trustees.
22 What, if any, utilities will be provided at the landfill site?	This has been addressed in the staff report.	Utility specifications may be addressed by the Board of Trustees.

Comment Topics	Land Use Authority - CUP; staff comment	Authority of the Board of Trustees; Service Area #1
<p>23 Portions of the proposed landfill site contain areas of steep slopes and may also contain geologic hazards and crucial wildlife habitat areas. As per the county ordinance, development of these areas is prohibited and/or a geotechnical report is required and comment from the DWR is requested.</p>	<p>Impacts to sensitive lands shall be addressed by the land use authority as per the Cache County Ordinance.</p> <p>A geotechnical report has been submitted and reviewed.</p> <p>Comment has been requested from the DWR. No response to this request has been received.</p>	
<p>24 How will odor from the landfill site be addressed? In order to reduce odor, a gas collection system should be required as a condition of approval.</p>	<p>Odor control is a State requirement with established guidelines overseen by the State.</p>	
<p>25 The following conditions should be included in the CUP:</p> <ul style="list-style-type: none"> <li>a. Reclamation/Weed management plan</li> <li>b. No self-hauling</li> <li>c. No friable asbestos disposal</li> <li>d. No out-of-county trash disposal</li> <li>e. Litter fencing</li> </ul>	<p>The Cache County Ordinance requires plans to be in place that would include reclamation, weed management, and litter control (at the site) plans. Self-hauling will not be permitted.</p> <p>As per State law, friable asbestos is permitted in a Class I Landfill.</p> <p>Out-of-county trash disposal is beyond the jurisdiction of the land use authority.</p> <p>The application specifies the use of litter fencing at the landfill site.</p>	<p>Out-of-county trash disposal may be addressed by the Board of Trustees.</p>
<p>26 Citizen boards are in place to protect the county from abuse and should be heard and considered by the Council.</p>		<p>The comments/review of the Solid Waste Advisory Board are heard and considered by the Council.</p>
<p>27 The county should be compensated for having the landfill located in the county just as Logan City currently is compensated for having the landfill located in Logan City.</p>	<p>This is not a requirement of the Cache County Ordinance and is therefore outside the jurisdiction of the land use authority.</p>	

Comment Topics	Land Use Authority - CUP; staff comment	Authority of the Board of Trustees; Service Area #1
28 The county identified 66 foot wide right-of-way does not exist.	Once a route has been identified, the existing width of the county right-of-way will be reviewed.	
29 How will the 6 foot wide wash that bisects the proposed landfill site be addressed?	Storm water run-on and run-off have been addressed by the application and have been reviewed and approved by the State.	
30 How will stray garbage originating from the trucks transporting waste or from the landfill be addressed?	This impact may be addressed by the land use authority.	
31 How will the impact to air quality due to the travel to and from the landfill be addressed?	This is not a requirement of the Cache County Ordinance and is therefore outside the jurisdiction of the land use authority.  Impacts to air quality specific to the landfill site have been reviewed and approved by the State.	
32 The landfill should be located closer to Logan City.	A siting study for the landfill has been completed and approved.	
33 Impacts to the culinary and secondary water of surrounding communities have not been addressed.	Mitigation for impacts to culinary water systems is under the authority of the State and they have been reviewed and approved by the State.	
34 The loss of open space and agricultural ground has not been adequately addressed.	Open space requirements for this type of development are not specified in the Cache County Ordinance.  The use or development of the private property is permitted under the ordinance as a Solid Waste Facility.	

<b>Comment Topics</b>	<b>Land Use Authority - CUP; staff comment</b>	<b>Authority of the Board of Trustees; Service Area #1</b>
35 The proposed waste management approach is outdated. Other approaches such as waste minimization and combustion should be fully explored. A committee should be formed to explore these options.	This is not a requirement of the Cache County Ordinance and is therefore outside the jurisdiction of the land use authority.	Further review of solid waste disposal may be addressed by the Board of Trustees.
36 Fees for the disposal of waste should reflect the amount of waste each person actually generates.	This is not a requirement of the Cache County Ordinance and is therefore outside the jurisdiction of the land use authority.	Assessment of fees may be addressed by the Board of Trustees.

#### #4 North Valley Landfill Conditional Use Permit (Issa Hamud)

**Harrild** reviewed Mr. Issa Hamud's request for a recommendation of approval to the County Council for a conditional use permit (CUP) to allow the placement of a solid waste facility on 320.26 acres of property in the Agricultural (A10) Zone and Public Infrastructure (PI) Overlay Zone at 14200 Stink Creek Road, ~4.50 miles north of Clarkston. This item was continued from the July 18, 2013 meeting. Staff has received a letter from the applicant Logan City as regards condition #10 and the number of trucks. The Cache County Attorney's office has also provided a memo regarding development in non-developable sensitive areas. The memo states that in regards to any acreage with sensitive areas on it, none of the areas may be developed or built on except for required public utilities and facilities. If it is not one of those entities it may be appealed to the County Council for an exception. The County Council can make a decision regarding the sensitive areas and their developability. It also specifies that the state has completed a geotechnical analysis and has approved it and issued a permit. What this means is that given the exception for public utilities and facilities as stated within the Cache County Ordinance, the ability for the County Council to allow development on these slopes, and given the State's review and approval of the geotechnical and geotechnical analyses for a Class 1 Landfill, the Cache County Attorney's Office has determined that the provided analyses are adequate and meet or exceed the requirements of the Cache County Ordinance.

Staff and Commission discussed the public comment regarding the geotechnical report and review. The ordinance available through Sterling Codifiers has not been updated. The new language reads 'or' instead of 'and'. The commenter has been contacted and notified of the correct language. The county does not have the expertise to review the geotechnical report so typically staff sends it to the state for review. In this case the state had already reviewed the geologic and geotechnical information and issued approval. Condition #10 was discussed. The current wording is hard to enforce and doesn't accomplish what the commission believes it should. Also the number of trucks is driven by economics and the amount of garbage that is being collected. Logan City has no desire to run trucks that are not full. Part of the reason for this condition was concern expressed through public comment regarding the truck traffic generated by the landfill. If the landfill begins taking garbage from other areas that would require a new state permit and expanded county permit.

**Mr. Hamud** you have a condition already in there and if the landfill accepts garbage from an outside area you have that condition here that we have to reapply.

**White** and don't you have to reapply to the state?

**Mr. Hamud** absolutely. Like has been mentioned, we are not going to run dry trucks. Our long term plan is to develop a transfer station on the north end to eliminate that one day a week run but we don't know when that will exactly be. That depends on the growth and development of the north end. We want to be efficient as possible and with regards to the transfer; we are trying to minimize traffic.

Condition #10 was discussed and the language was changed. It now reads, "All waste shall be delivered to the landfill via transfer semis with the exception of once per week when local

collector trucks shall make direct deliveries to the landfill. Allowance will be made to accommodate holiday schedules or other minor servicing needs". Condition 11 was discussed and no changes were needed. Condition 12 was discussed; many commissioners had questions regarding the fencing of the landfill.

**Larson** the trash fencing, is that going to be around the individual cell while it's being used or around then entire property?

**Mr. Hamud** there are two types of fencing. The fencing on the property that we will operate at that particular time and also the trash fencing that will move to meet the direction of the wind. Also with regards to the roadway we do have volunteers that help with trash pickup.

**Larson** 320 acres, so the perimeters of that acreage will be open or fenced?

**Mr. Hamud** it will be open, but the immediate 5 to 10 acres in use will be fenced and then that fence will grow to meet our needs.

**Larson** will the cell in use ever be at the property line or will it always have a buffer of acreage around it?

**Mr. Hamud** there is a buffer. Some areas will be closer to the property line but there will always be a buffer.

**Larson** so what would be the smallest buffer zone?

**Mr. Hamud** I couldn't say off the top of my head.

**Larson** so you couldn't go right to the property line?

**Mr. Hamud** there is a buffer requirement, especially if there are homes or a church near the property.

**Brett Mickelson** around landfills there is typically enough room for maintenance so that we can have control for the water runoff. So the minimum could be 30 feet or in other instances hundreds of feet.

**Larson** in the public comment we've received, a lot has been mentioned regarding soils, runoff, and sloughing when you excavate. If with the excavation you are farther away from the perimeter of the property then if something runs off you still on your property, right?

**Mr. Mickelson** yeah, the smallest buffer is on the north end and everything on the west there is hundreds of feet.

**Larson** okay, what has been mentioned has mainly been the Westside so if you have a bigger buffer there that may resolve some of those issues.

Condition 13 was discussed. Any expansion or modification would trigger a review of the permit at the state and county level. Access route considerations were discussed. Staff has written a report to be forwarded to the County Council with the conditions of approval and findings of facts regarding access route considerations.

**Sands** I need to disclose that the company I work in and have part ownership in does work for the City of Logan but I have not worked on any projects regarding this proposal.

All public comment that was received as of July 30, 2013 has been posted to the County website. Comment after that has not been posted but will be before the County Council meeting.

*Sands motioned to extend the meeting up to 8:30; Allen seconded; Passed 6, 0.*

*Allen motioned to recommend approval to the Cache County Council for the North Valley Landfill Conditional Use Permit with the stated conditions and findings of facts; Watterson seconded; Passed 6, 0.*

*Ellis motioned to approved the memorandum as a recommendation to the County Council; Olsen seconded; Passed 6, 0.*

**08:05:00**