

M. LYNN LEMON
COUNTY EXECUTIVE / SURVEYOR

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**Cache
County**
1857

COUNTY COUNCIL
VAL K. POTTER, *CHAIRMAN*
KATHY ROBISON, *VICE CHAIR*
CRAIG "W" BUTTARS
GREG MERRILL
JON WHITE
CORY YEATES
GORDON A. ZILLES

April 17, 2014

PUBLIC NOTICE is hereby given that the Cache County Council of Cache County, Utah will hold a Regular Meeting in the **Cache County Historic Courthouse, County Council Chambers**, 199 North Main, Logan, Utah 84321 at **5:00 p.m.** on **TUESDAY, APRIL 22, 2014**

AGENDA

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING / PLEDGE** – Jon White
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (April 8, 2014)
 5. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
 6. **CONSENT AGENDA**
 - a. **Kimball Subdivision** – Mark Donaldson requesting approval for a 2-lot subdivision and remainder parcel on 21.25 acres in the Agricultural (A10) Zone located approximately 5650 North 1200 West, west of Smithfield
 7. **ITEMS OF SPECIAL INTEREST**
 - a. Tour of Utah – Mayor H. Craig Petersen, Gary Saxton, Kirk Jensen (10 minutes)
 8. **UNIT OR COMMITTEE REPORTS**
 9. **BUDGETARY MATTERS**
 10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - a. **Board of Equalization**
 1. Property Tax Exemption Request
 - b. **Set Public Hearing for May 13, 2014 at 5:30 p.m. – Ordinance 2014-06**
Amendments to Title 17.18 – Sensitive Areas
 - c. **Set Public Hearing for May 13, 2014 at 5:45 p.m. – Ordinance 2014-07**
Amendments to Title 17.20 – Telecommunications Facilities
 - d. **Public Hearing - Falslev Agriculture Protection Area**
Michael B. & Pauline Falslev requesting 196.6 acres in the Agricultural (A10) Zone be placed in an Agriculture Protection Area located approximately 4800 North 4000 West, southwest of Amalga
- 5:30 p.m.***

11. **PENDING ACTION**

12. **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

a. ***Resolution 2014 -08 – Approving the Appointments of Representatives to Various Cemetery District Boards throughout Cache County***

b. ***Ordinance 2014-08 – Rose Hill Subdivision Rezone***

Stephen Eliason requesting approval of 11.48 acres in the Agricultural (A-10) Zone to be rezoned to the Rural 2 (RU2) Zone located approximately 3230 South Highway 23, Wellsville

c. Property Tax Deferral Requests

d. Property Tax Penalty and Interest Abatement Request

e. Discussion – State Road 30 Concept Funding

13. **OTHER BUSINESS**

14. **COUNCIL MEMBER REPORTS**

15. **ADJOURNMENT**



Val K. Potter, Chairman

*Citizens desiring to be heard are encouraged to submit their messages in writing during or prior to the hearing

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen at 755-1850 at least three working days prior to the meeting.

Appointments

04/22/14

Cache County Audit Committee

1. Greg Merrill, 1289 North 1500 East, Logan, UT 84341 (435) 753-1394
2. Val K. Potter, 2185 North 1400 East, North Logan, UT 84341 (435) 753-1828
3. Cory Yeates, 281 South 100 East, Logan, UT 84321 (435) 752-9027
4. M. Lynn Lemon, 360 Spring Creek Road, Providence, UT 84332 (435) 753-1159
5. Dwight Cook, 631 Circle Place, Providence, UT 84332 (435) 753-5005

STAFF REPORT: KIMBALL SUBDIVISION

10 April 2014

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: Mark Donaldson

Parcel ID#: 08-090-0007

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Stephanie Nelson - Planner I

Project Address:

5650 North 1200 West
Smithfield, Utah 84335

Current Zoning:

Agricultural (A-10)

Acres: 21.25

Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

Purpose:

To review and make a recommendation to the County Council regarding the proposed Kimball 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 ten (10) acres.

Summary:

This proposal is to divide parcel number 08-090-0007 into two (2) developable lots and an agricultural remainder. The total developable acreage for this subdivision is 19.54 acres. The maximum development potential is four (4) lots.

Access:

- Access to this property is from county road 1200 West and is adequate. No access is permitted from SR 218.

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 existing dwelling and shop each have septic systems in place. The Bear River Health Department has approved this new lot configuration.

Service Provision:

- There is sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane on 1200 West.
- A school bus stop is located at 1200 West Highway 218, approximately 3 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 Smithfield 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 Kimball Subdivision, a 2-lot subdivision and agricultural remainder for property located at approximately 1200 East 5650 North with parcel number 08-090-0007, 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 Kimball 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 Kimball 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 Kimball 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 Kimball Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

CONDITIONS OF APPROVAL (4)

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

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. 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. No access is permitted from SR 218.

1 **#4 Kimball Subdivision (Mark Donaldson)**
2

3 **Nelson** reviewed Mr. Mark Donaldson's request for a recommendation of approval to the County
4 Council for a 2-lot subdivision and remainder parcel on 21.25 acres of property in the
5 Agricultural (A10) Zone located at approximately 5650 North 1200 West, Smithfield. Staff
6 considers this a consent agenda item now that the surveyor has provided all the necessary
7 information regarding wetlands on the property. Access to the property is adequate but no access
8 from SR 218 will be allowed. Utilities are adequate and the current buildings have a septic
9 system in place that Bear River Health Department has approved. No public comment has been
10 received for this application.

11
12 **Staff and commission** discussed the wetlands that are currently on the property. Any additional
13 homes would have to respect the wetlands boundaries and would not be allowed to build in those
14 areas. Also, the land taken out for wetlands does affect the developable acreage. The applicant
15 is eligible for up to four lots but is only requesting two lots and an undevelopable remainder.
16 Houses more than 150 feet from the county roadway will require a 20 foot wide access.

17
18 ***Smith** motioned to recommend approval to the County Council based on the findings of fact and*
19 *conditions of approval; **Larson** seconded; **Passed 7, 0.***
20

STAFF REPORT: FALSLEV AGRICULTURE PROTECTION AREA

06 March 2014

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 Pauline Falslev
Staff Determination: Approval
Type of Action: Legislative
Land Use Authority: Cache County Council

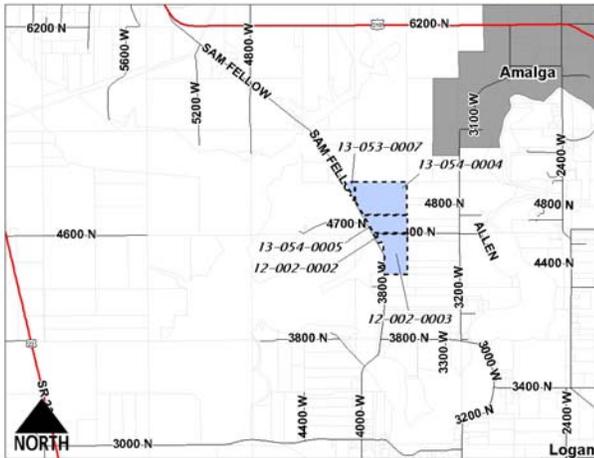
Parcel ID#: 12-002-0002, 0003, 13-053-0007,
 13-054-0004, and 0005

PROJECT LOCATION

Reviewed by: Chris Harrild, Planner II

Project Address:
 4800 North 4000 West
 Southwest of Amalga
Current Zoning: Agricultural (A-10)
Acres: 196.66

Surrounding Uses:
 North – Agriculture/Amalga
 South – Agriculture
 East – Agriculture
 West – Agriculture



PROJECT PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

The Cache County Executive has forwarded an application to the Planning Commission for a review and recommendation to the County Council regarding the request for an agriculture protection area.

Ordinance:

State Code §17-41-305 provides specific criteria to be applied when evaluating a proposal for the creation of an agriculture protection area. These criteria are addressed in the summary. County Code §2.70 specifies there be a minimum of 5 contiguous acres in each agriculture protection area.

Summary:

County road 4600 North bisects, and 3800 West (Sam Fellow Road) borders this property. It is necessary for the county to recognize and hold open a 66 foot wide Cache County right-of-way (33 feet each side of center line) for 4600 North and 3800 West.

As per State and County Code, the following criteria have been considered:

- Is the area proposed greater than 5 acres in size?
Yes. The contiguous acreage is 196.6 acres in size.
- Is the land currently being used for agriculture production?
Yes. It is currently used for the production of corn, wheat, and barley and also for the raising of livestock (hogs).
- Is the land zoned for agricultural use?
Yes. The land is currently in the Agricultural (A10) Zone.
- Is the land viable for agriculture production?
Yes. This noted parcels are viable for agriculture production.
- What is the extent and nature of the existing or proposed farm improvements?
Improvements proposed and currently in process consist of barns for livestock and irrigation system improvements.
- What are the anticipated trends in the agricultural and technological conditions?
This is a sizeable piece of agriculture, has functioned as such, and will likely continue to function in that manner into the future.

Public Comment:

Notice to surrounding property owners has been provided as per State Code. No public comment regarding this proposal has been received by the Development Services Office.

STAFF DETERMINATION AND FINDINGS OF FACT (3)

It is staff's determination that the request for a agriculture protection area for parcels 12-002-0002, 12-002-0003, 13-053-0007, 13-054-0004, and 13-054-0005, located in the Agricultural (A-10) at approximately 4800 North 4000 West is in conformance with the Cache County Ordinance and State Code and should be approved. This determination is based on the following findings of fact:

1. The Falslev Agriculture Protection Area has been reviewed in conformance with, and meets the requirements and criteria of, §17-41-305 of State Code and §2.70 of the County Code.
2. The Falslev Agriculture Protection Area has been revised and amended to address the issues and concerns raised within the public and administrative records.
3. The Falslev Agriculture Protection Area shall not include any portion of the 66 foot wide Cache County right-of-way, reflecting 33 feet of each side from the center line, for county roads 4600 North and 3800 West.

ORDINANCE NO. 2014-08
CACHE COUNTY, UTAH
ROSE HILL SUBDIVISION REZONE

AN ORDINANCE AMENDING THE COUNTY ZONING MAP

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

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

WHEREAS, the act also provides certain procedures for the county’s legislative body to adopt or amend the land use ordinance and zoning map for the county, and;

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

WHEREAS, on March 6, 2014, at 5:40 P.M. the Planning Commission held a public hearing for a request for rezone from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on March 6, 2014 the Planning Commission recommended the approval of said rezone (5, 0) and forwarded such recommendation to the County Council for final action, and;

WHEREAS, on April 8, 2014, 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed rezone. The County Council accepted all comments, and;

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

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

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

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).

2. Approval of Rezone.

The County Council hereby rezones parcels 11-048-0008, 11-048-0010, and 11-048-0017 as described within Exhibit A currently zoned as the Agricultural (A10) Zone to the Rural 2 (RU2) Zone

3. Adoption of Amended Zoning Map.

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

4. Findings

A. The subject property is suitable for development within the Rural 2 (RU2) Zone district without increasing the need for variances or special exceptions within this zone or the underlying Agricultural (A10) Zone. The location of the subject property is compatible with the purpose of the proposed Rural 2 zoning district and is appropriately served by a major state highway corridor, does not require additional highway access, has access to necessary water and utilities, and adequate public service provision.

B. The subject property is suitable for development within the proposed Rural 2 zoning district without increasing the need for variances or special exceptions.

C. The subject property is suitable as a location for all of the permitted uses within the proposed Rural 2 zoning district.

D. The existing cluster of homes forms a perimeter for the placement of potential development as infill to the existing subdivision.

E. The scale of the subject property, when used for the permitted uses in the Rural 2 zoning district, would be compatible with adjoining land uses.

5. Severability.

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

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

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

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7. Exhibits.

Exhibit A: Description/map of parcels 11-048-0008, 11-048-0010, and 11-048-0017.

Exhibit B: Zoning Map of Cache County

8. Effective Date.

This ordinance takes effect on May 7, 2014. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the county as required by law.

APPROVED AND ADOPTED this 22nd day of April, 2014.

	In Favor	Against	Abstained	Absent
Potter				
Buttars				
White				
Merrill				
Robison				
Yeates				
Zilles				
Total				

CACHE COUNTY COUNCIL

ATTEST:

Val Potter, Chair
Cache County Council

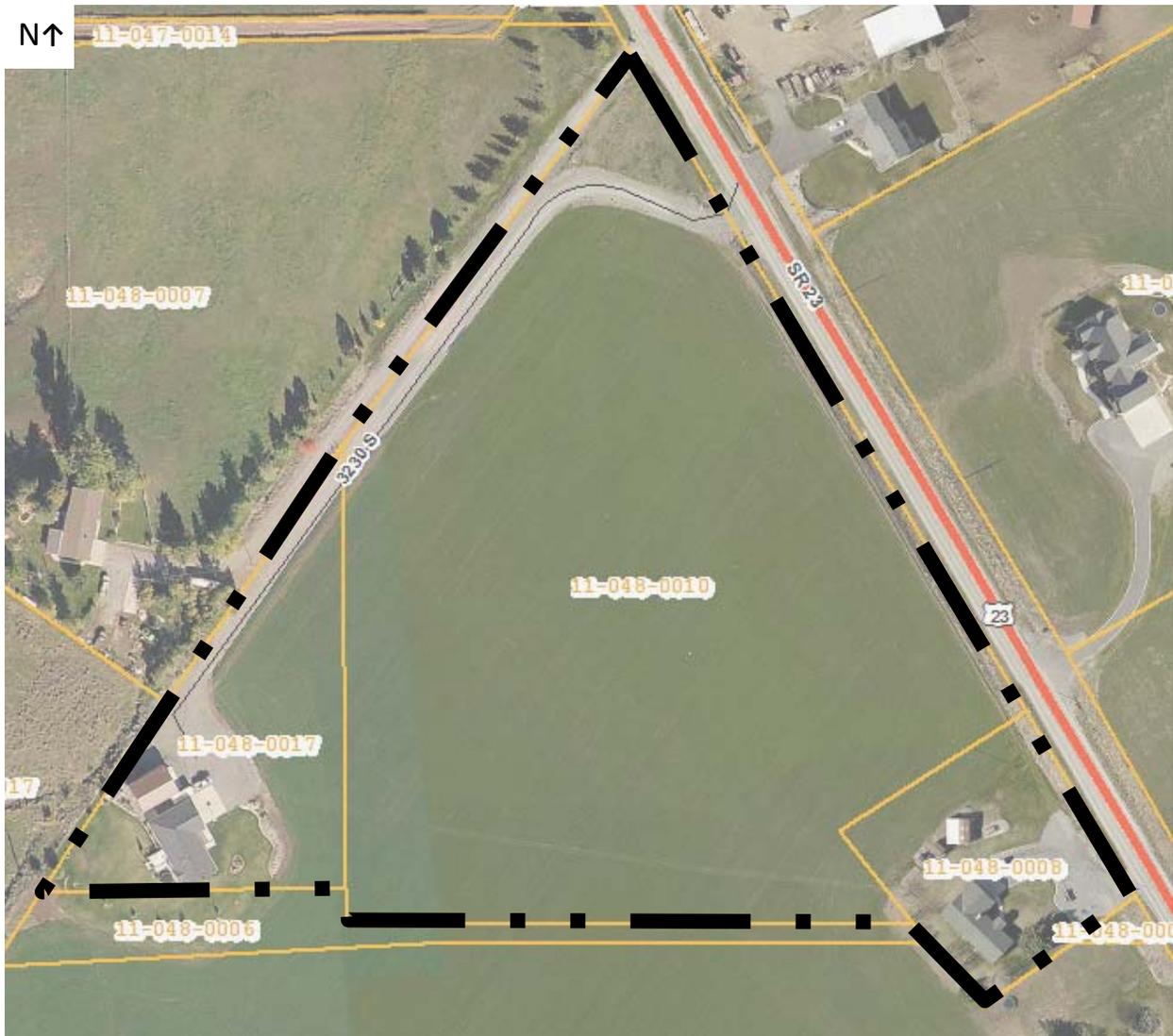
Jill Zollinger
Cache County Clerk

Publication Date:

_____, 2014

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Ordinance 2014-08: Exhibit A



Legal Descriptions

11-048-0008 - BEG IN W LN OF ST HWY 23 462.2 FT N & 3770.74 FT E OF SW COR SEC 21 T 11N R 1W & TH S 60° W 181.27 FT TH N 40°02'22" W 221.5 FT TH N 60°16' 42" E 219.87 FT TH S 30° E IN W LN OF HWY 217.04 FT TO BEG CONT 1.0 AC AKA LOT 2 ROSE HILL SUBD

11-048-0010 - BEG IN W LN OF ST HWY 3286.33 FT E & 1300.99 FT N OF SW COR SEC 21 T 11N R 1W & TH S 30° E (S 30°55' E BR) IN W LN OF HWY 751.5 FT TH S 60°16'42" W 219.87 FT TH S 40°02' 22" E 143.47 FT TH S 89°44'W 602.83 FT TH N 0°16' W 451.33 FT TH N 35° 31' E 54.6 FT TH N 38°06' E 479.7 FT TO BEG CONT 9.08 AC M/B SUBJ TO 50 FT EASEMENT FOR ACCESS TO PARCEL 0017 ENT 837809 BK 1256 PG 599 AKA AGRICULTURAL PARCEL REMAINDER ON PLAT OF ROSE HILL SUBD

11-048-0017 - BEG AT SW COR OF SEC 21 T 11N R 1W & TH N 89°34'13" E 2681.76 FT TO S/4 COR SD SEC 21 TH N 89°31'46" E 271.02 FT TH N 0°27' W 406.61 FT TH N 0°16' W 25.5 FT TO TRUE POB TH S 89°44' W 291.45 FT TH N 33°38'53" E 280.1 FT TH N 35°34'24" E 230.85 FT TH S 0°16' E 419.58 FT TO TRUE POB CONT 1.43 AC M/B WITH A 50 FT EASEMENT ACROSS PARCEL 0010 ENT 837809 BK 1256 PG 599 AKA LOT 1 ROSE HILL SUBD



Exhibit B: Ordinance 2014-08 Zoning Map of Cache County



11-048-0010
11-048-0017
11-048-0008 Rezone

Legend

-  Major Roads
-  Proposed Rezone
-  City Boundary
- Zone Type**
-  Mineral Extraction and Excavation Overlay (ME)
-  Public Infrastructure Overlay (PI)
-  Public Infrastructure Overlay (PI) (Ruby Pipeline)
-  A10: Agriculture 10 acres
-  C: Commercial
-  FR40: Forest Recreation 40 acres
-  IM: Industrial/Manufacturing
-  RR: Resort Recreation
-  RU-2: Rural - 2 Zoning District
-  RU-5: Rural- 5 Zoning District

April, 2014

