

**M. LYNN LEMON**  
COUNTY EXECUTIVE / SURVEYOR

199 NORTH MAIN  
LOGAN, UTAH 84321  
TEL: 435-755-1850  
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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

**August 11, 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, AUGUST 12, 2014**

## **AMENDED AGENDA**

- 5:00 p.m.**
1. **CALL TO ORDER**
  2. **OPENING / PLEDGE** – Cory Yeates
  3. **REVIEW AND APPROVAL OF AGENDA**
  4. **REVIEW AND APPROVAL OF MINUTES** (July 22, 2014)
  5. **REPORT OF COUNTY EXECUTIVE**
    - a. Appointments
    - b. Warrants
    - c. Other Items
  6. **CONSENT AGENDA**
  7. **ITEMS OF SPECIAL INTEREST**
    - a. 2013 Audit Report – Jones Simkins
  8. **UNIT OR COMMITTEE REPORTS**
  9. **BUDGETARY MATTERS**
  10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
    - a. Set Board of Equalization Dates – September 4, 11, 13, 16, 18
    - b. **Set Public Hearing for August 26, 2014 at 6:00 p.m. – Open 2014 Budget**
    - c. **Public Hearing – Country Living Rezone** – Steven Russell  
requesting the rezone of 16.62 acres from Agricultural (A10) Zone to Rural 2 (RU2) Zone located approximately 900 West 2200 South, College Ward
    - d. **Public Hearing – 2014 Tax Increase**
- 5:30 p.m.\***
- 6:00 p.m.\***
11. **PENDING ACTION**

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

- a. Land Water Conservation Fund (LWCF) - Land Conversion / Sponsorship
- b. Cache Recreational Complex – Concept Plan
- c. Discussion – Funding for Airport Parking Lot
- d. Discussion – Transportation Fund Work Group
- e. Discussion – By-mail Balloting for November General Election

13. **OTHER BUSINESS**

- a. River Heights Apple Days Parade – Saturday, August 23, 2014 at 4:00 p.m
- b. Wellsville Founders' Day Parade – Monday, September 1, 2014 at 10:00 a.m.

14. **COUNCIL MEMBER REPORTS**

15. **EXECUTIVE SESSION** – Utah Code 52-4-205(1)(a) – Discussion of the character, professional competence, or physical or mental health of an individual  
Utah Code 52-4-205(1)(c) – Discussion of pending litigation

16. **ADJOURNMENT**



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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.

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**August 8, 2014**

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    - a. Appointments
    - b. Warrants
    - c. Other Items
  6. **CONSENT AGENDA**
  7. **ITEMS OF SPECIAL INTEREST**
    - a. 2013 Audit Report – Jones Simkins
  8. **UNIT OR COMMITTEE REPORTS**
    - a. Road Department – Josh Runhaar, Joel Merritt
  9. **BUDGETARY MATTERS**
  10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
    - a. Set Board of Equalization Dates – September 4, 11, 13, 16, 18
    - b. **Public Hearing – Country Living Rezone** – Steven Russell  
requesting the rezone of 16.62 acres from Agricultural (A10) Zone to Rural 2 (RU2) Zone located approximately 900 West 2200 South, College Ward
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- 5:30 p.m.\***
- 6:00 p.m.\***
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12. **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**
  - a. **Resolution 2014-16 – Amendments to 2014 Budget**
  - b. Land Water Conservation Fund (LWCF) - Land Conversion / Sponsorship
  - c. Cache Recreational Complex – Concept Plan
  - d. Discussion – Funding for Airport Parking Lot
  - e. Discussion – Transportation Fund Work Group
  - f. Discussion – By-mail Balloting for November General Election
  
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### STAFF REPORT: COUNTRY LIVING REZONE

10 July 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:** Steven Russell

**Parcel ID#:** 03-006-0014

**Staff Recommendation:** Denial

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by: Chris Harrild - Planner II*

**Project Address:**

900 West 2200 South  
Logan, Utah 84321

**Current Zoning:**

Agricultural (A10)

**Acres:** 16.62

**Surrounding Uses:**

North – Agricultural/Residential/City of Logan  
 South – Agricultural/Residential/City of Nibley  
 East – Agricultural/Residential/City of Millville  
 West – Agricultural/Residential/City of Logan



#### PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed Country Living Rezone request to rezone a portion of the Agricultural (A10) Zone to the Rural (RU2) Zone.

**Ordinance:**

The current Cache County Ordinance does not specify appropriate locations for the RU2 Zone. The Cache County Comprehensive Plan does not currently support the RU2 Zone.

The Cache County Ordinance Title §17.08.030[C][3] requires that development within the RU2 Zone must be appropriately served by suitable public roads, have access to necessary water and utilities, and have adequate public service provision.

Any impacts related to permitted development and conditional uses allowed within the RU2 Zone shall be addressed as part of each respective approval process required prior to site development activities.

**Summary:**

Staff has identified general information as pertains to the context of the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map and in the following text:

**Property Context:** There are no existing homes on this parcel. The requested rezone may allow up to eight (8) lots on the 16.62 acre property. This property is nearby, and/or contiguous to, the municipal boundaries of Logan, Nibley, and Millville. The properties within the municipal boundaries are a mix of commercial, residential, and agricultural uses.

**Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of said zone was the areas of the unincorporated county adjacent to municipalities. This proposed rezone is located within an unincorporated island adjacent to municipalities.

**Annexation:** The property is within Logan City's annexation boundary, and the applicant met with Logan City regarding annexation however, the applicant indicated that he is not interested in seeking annexation at this time. The preferred course of action for the development of property located within an unincorporated island, and within the annexation of a municipality, is annexation into that municipality.

**Density:** A map reflecting the density of surrounding properties is not necessary in this instance as the majority of properties are within municipal jurisdictions.

**Maintenance Capability:** It is appropriate to consider the consolidation of services with municipalities to limit leap frog provision between county and municipal jurisdictions. The county has difficulty maintaining small patches of unincorporated islands.

**Access:** Access to this property is from 2200 South (20' wide pavement, 4' wide gravel shoulder). The road standard requires 22' of pavement and 1' of gravel. This roadway is a total of ~28' wide. A design exception would be necessary for the approval of a subdivision at this site.

**Service Provision:** Access for emergency services is adequate. Water supply for fire protection will be provided by the Logan City Fire Department.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet and to municipalities within 1 mile of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

**DETERMINATION AND FINDINGS OF FACT (1)**

It is staff's determination that the Country Living Rezone located at approximately 900 West 2200 South with parcel number 03-006-0014 should be recommended for denial to the Cache County Council. This determination is based on the following findings:

1. The determined course of action for the development of said parcel is annexation into a municipality, given that:
  - a. The parcel proposed for rezone is part of an unincorporated island surrounded by Logan, Nibley, and Millville, and is located within Logan City's annexation area.
  - b. Developing rural density housing adjacent to and in the path of future municipal annexation hinders further growth and development in this area. Services should be consolidated with municipalities to limit the provision of services between municipal jurisdictions by the county.

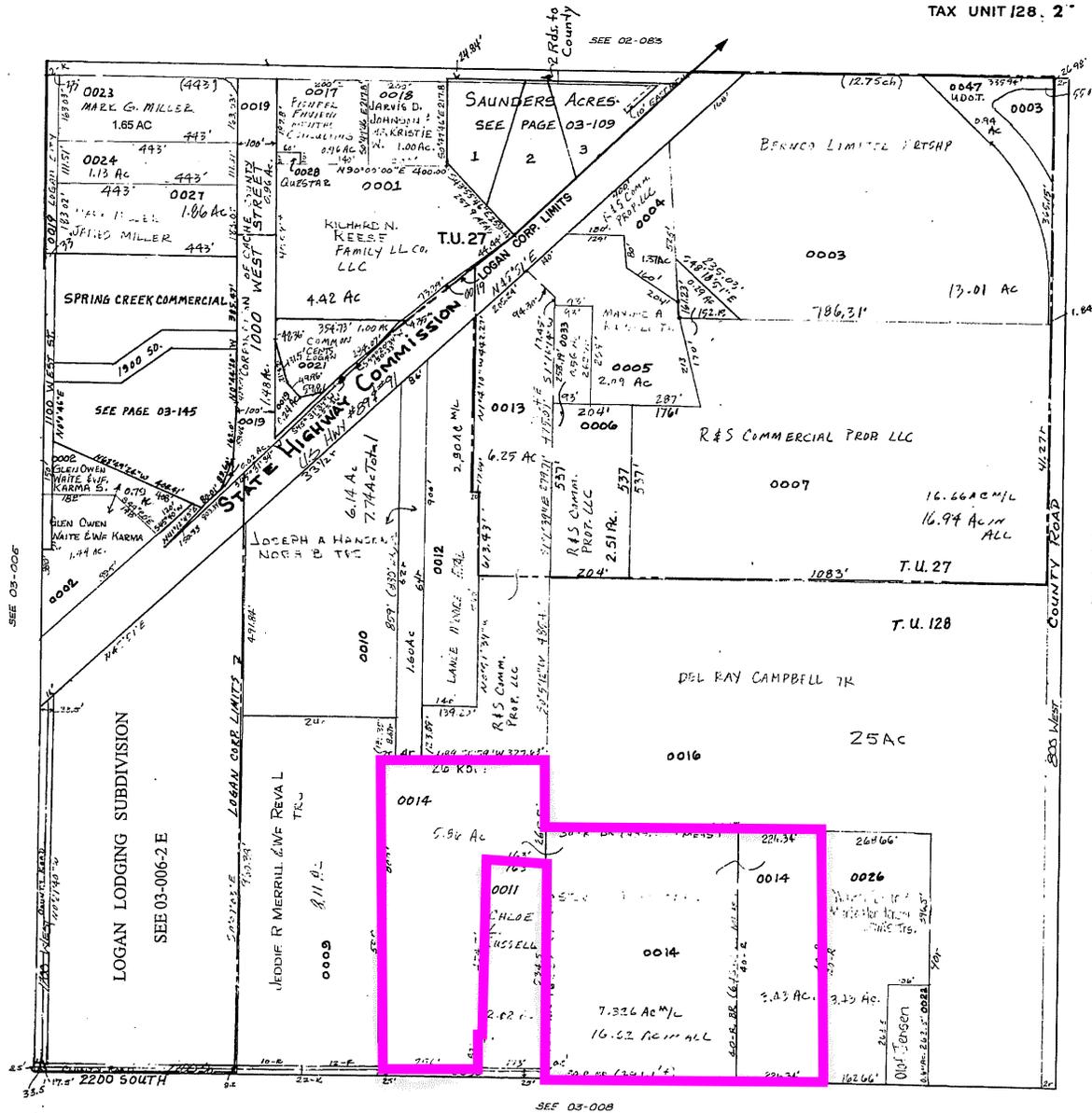
NE<sup>4</sup> Section 17 Townsh. 11 North Range 1 Eas.

Scale 1 Inch = 3 CHAINS

03-006

-1-

TAX UNIT 128, 2"



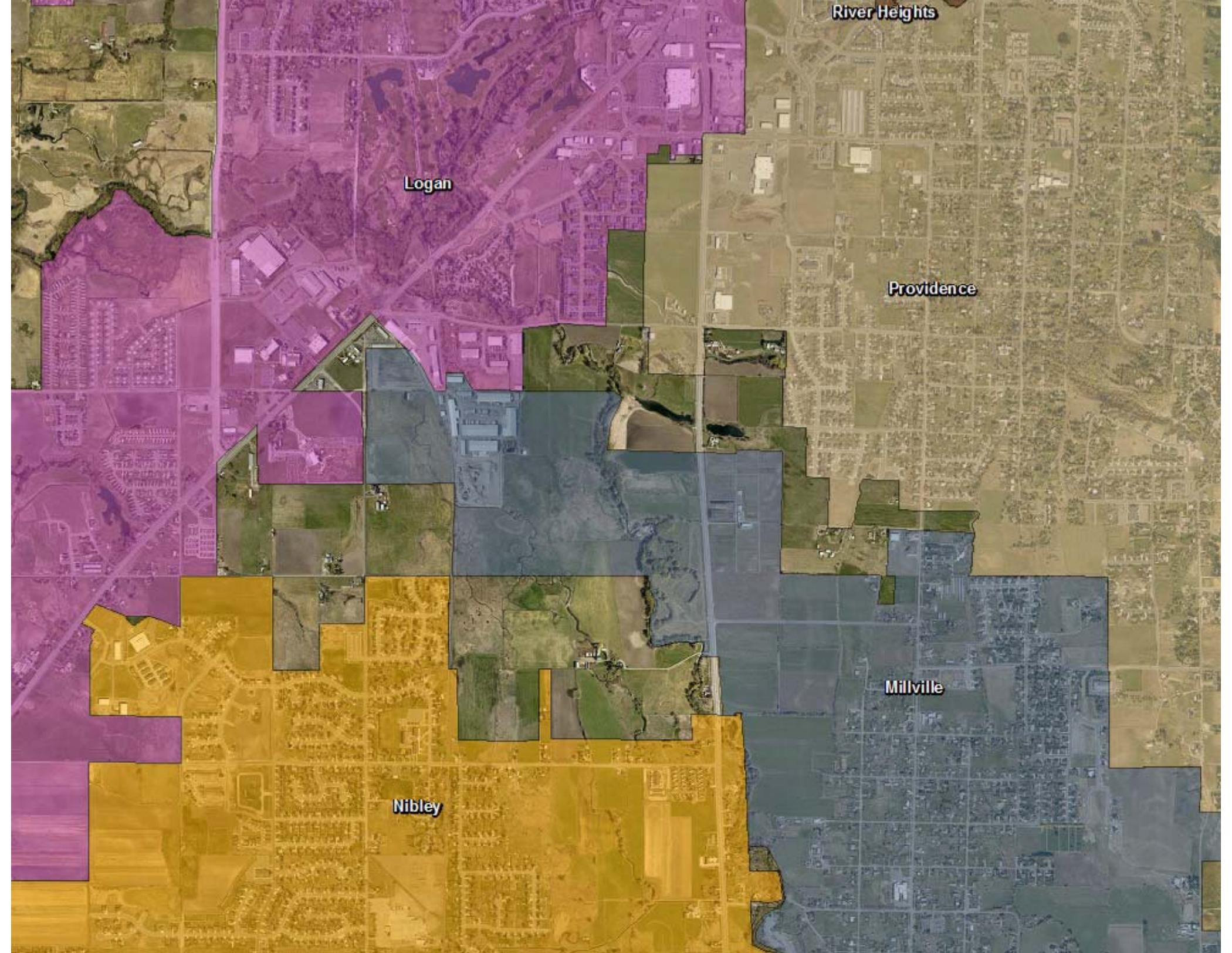
River Heights

Logan

Providence

Millville

Nibley



**Public Hearing – 5:40: Country Living Rezone (Steven A. Russell)**

*Larson motioned to open the hearing; Olsen seconded; Passed 4, 0.*

**Harrild** reviewed Mr. Steven A. Russell's request for a recommendation of approval to the County Council for approval of 16.62 acres of property in the Agricultural (A10) Zone to be rezoned to the Rural 2 (RU2) Zone located at approximately 900 West 2200 South, College Ward. It currently qualifies for one home but if the rezone were approved up to eight lots would be permitted. This property is an unincorporated island surround by Logan, Millville, and Nibley and is within Logan City's annexation area. The applicant met with Logan City regarding annexation however he has indicated that he is not interested in annexation at this time. Logan City stated that they are not interested in annexation at this time. Staff noted that it is appropriate to consider the consolidation of services with municipalities to limit leap frog provision between county and municipal jurisdictions. The county has difficulty maintaining small patches of unincorporated islands. Staff noted the best option for the county would be annexation. Staff recommends denial.

**Staff and Commission** discussed annexation. The county doesn't want to put resources into areas that are going to be annexed within the next couple of years.

**Mr. Steven Russell** I've got a couple reasons for selling my property. My family isn't here anymore and I would like to follow them. My intention, years ago, was to try and acquire more ground around there and it's been impossible to do that. I've been farming three different plots of land away from my home and in order to do that I'm fighting road traffic and other things. I started this process two years ago and have had the property listed for several years with a realtor and nothing happened. But I've listed it myself since the beginning of the year and there have been a number of people interested. They came to the county and were denied a building permit. I came in and talked with Chris and it took a couple of months and it was determined that I could get one permit. Anyway, I'm trying to rezone this to the RU2 Zone because there are people out there who would like a larger lot to have horses, etc. All of the neighbors are sitting on larger lots and I don't feel like they would have a problem with this.

**Larson** what was the issue with the building permit?

**Mr. Russell** I don't know what it was originally.

**Harrild** In our initial review of this parcel we found numerous changes to this parcel and were unable to find any documentation to legally support those divisions and therefore his parcel was considered restricted. I reviewed it more recently and was able to find sufficient documentation to establish his property as a legal, buildable lot.

**Sands** so that is one lot.

**Larson** so that is one lot for now, but if planned out right in the future they could have more lots.

**Mr. Russell** I believe the neighbors, like me, would like to try to keep it rural. I'm not trying to develop a subdivision there but I am trying to move on and this seemed like the best way to do this. In order to get the opportunity to build on this parcel I need to have it rezoned and move away from that A10 Zone.

**Olsen** Have you checked with the local municipalities with what zoning they would have you do?

**Mr. Russell** at this point neither Nibley nor Logan want to annex it. The surrounding individuals don't want to be annexed either.

**Sands** is it because it is not a contiguous piece of land that the cities aren't interested?

**Mr. Russell** yes, they would have to annex the whole thing.

**Staff and Commission** discussed annexation laws and if there was a possibility of Nibley annexing. Nibley wouldn't be able to annex this without annexing the parcel to the south as well.

**Larson** is two acre density not a high density to you?

**Mr. Russell** I don't know, not really where I usually deal with 100's of acres.

**Larson** I ask because, for this Commission, a two acre density is a high acre density. Usually a low density is 10 acres.

**Mr. Russell** ok, but it seems like individuals can't necessarily take care of, or want 5 acres.

**Gary Larsen** we have property directly south of Mr. Russell that is in the county presently. 2200 south presents an interesting concept. Logan City has an annexation policy to the North and Nibley has an annexation policy to the south and neither city is willing to provide services to individuals. The Logan services are over on Highway 91 and Mr. Russell couldn't bring those services over, it is cost prohibitive. Nibley has a sewer line that runs down that road, but you cannot pay for those services to be run to this area. We don't intend to ask for annexation at this time to Nibley and our situation is a little bit better than his because we do have those services on the southern border of our property. He's stuck in a rock and hard spot because neither Logan nor Nibley is going to help with services. I would strongly encourage the commission to approve this RU2 zone. He is still going to have to drill the wells and get the water rights there. There is a road issue there. It is a very narrow road and we would like to see that road brought up to standard also.

**Olsen** do you have a home in that area?

**Mr. Larsen** no.

**Olsen** all the homes in that area are on wells and septic tanks?

**Mr. Larsen** yes.

**Jed Merrill** I live just west of where Steve is. I have no objection to Steve doing this but if you look into the long term road plans we were told there would be a road to come along to hook up to 10<sup>th</sup> west to help with the traffic coming out of Nibley.

**Steve Albiston** I own property across the street to the south. My only concern is if he going to have to dig a well for every two acres of property? If he is, I'm very against that. My father owned that property at one time and shortly after he lost it they put a drain in that crosses that entire property and goes over the road to Spring Creek. I feel like whatever utilities or other work has to be down there risks digging up that drain.

**Olsen** how deep is your well?

**Mr. Albiston** 168 feet.

**Olsen** so you believe additional wells would affect your well?

**Mr. Albiston** I do.

**Paul Campbell** I own a parcel a little ways away and my father owns a parcel also. I appreciate the thoughts Steve has had for this. Our only concern is the wells. We have two wells on our property, one is agricultural and it was free flowing and it was re-dug about 10 years ago and I can't pump anything out of that. The well for our home was re-drilled about 5 to 6 years ago and we had to go a long ways down to get water. So that is our concern.

**06:19:00**

*Larson motioned to close the hearing; Christensen seconded; Passed 4, 0.*

**Staff and Commission** discussed the concerns that the public raised. While wells are typically a state concern, they can be taken into consideration with a rezone. This is a unique situation where it is located near three cities and the county is trying not to patch work services and roads. There is a consistency of service issues and it's going to be difficult to put development in the county in these types of situations. It would be very unlikely for this parcel to be annexed if it is developed as residential because it would require higher taxes. The county is backing off of services for islands like this. Staff's recommendation for denial is not based solely on the density, the concern is with development in general because of the possibility of annexation for the three cities surrounding this area.

*Larson motion to recommend denial of the Country Living Rezone to the County Council with the stated conditions and findings of fact; Christensen seconded; Passed 4, 0.*