

**APPROVED**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
JANUARY 14, 2014**

**CACHE COUNTY COUNCIL  
JANUARY 14, 2014**

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03-2014 and 01-04-2014 to 01-10-2014 ..... 2**

**CACHE COUNTY COUNCIL MEETING**  
**January 14, 2014**

The Cache County Council convened in a regular session on January 14, 2014 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Val Potter  
**Vice Chairman:** Kathy Robison,  
**Council Members:** Craig "W" Buttars, G. Gregory Merrill, 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, Sharon L. Hoth, Chris Harrild, Scott Moake, Sharon Moake, Dave Nielsen, Jeff Nielsen, Director Josh Runhaar, Justin Taylor, Steve Taylor, Austin Owens, **Media:** Shannon Nielsen (Herald Journal), Jenny Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Vice Chair Robison gave the opening remarks and led those present in the Pledge of Allegiance.

**REVIEW AND APPROVAL OF AGENDA**

**ACTION:** Motion by Council member Zilles to approve the agenda as written. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member White to approve the minutes of the December 10, 2013 Council Meeting and the January 07, 2014 Special Council Meeting as written. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

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

**APPOINTMENTS:** Jaime Garcia Cache County Deputy Sheriff  
Cameron Jensen Cache County Deputy Auditor

**ACTION:** Motion by Council member Buttars to approve the recommended appointments. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

**WARRANTS:** Warrants for the periods 11-28-2013 to 12-06-2013, 12-07-2013 to 12-13-2013, 12-21-2013 to 12-27-2013, 12-28-2013 to 12-31-2013, 01-01-2014 to 01-03-2014 and 01-04-2014 to 01-10-2014 were given to the Clerk for filing.

**OTHER ITEMS:**

- ❑ **PILT Funding** – Executive Lemon explained that Cache County receives about \$600,000.00 from PILT (Payment in Lieu of Taxes) and PILT may not be continued. Lemon contacted Utah’s Federal legislators who told him they will try to include PILT in the Farm Bill. Lemon distributed letters sent to the appropriations chairman and the House and Senate leadership.
- ❑ **Cloud Seeding Report** – Executive Lemon stated that the precipitation report for Cache County was 71% at the end of December and is now at 91%.

**ITEMS OF SPECIAL INTEREST**

- **Bear River Mental Health Annual Financial Audit Report** will be on a future agenda.

**UNIT OR COMMITTEE REPORTS**

- **Report on Surveyor Transition/Duties – Josh Runhaar** presented the transition timeline as follows:
  - September 30, 2013 – Surveyor Ward retired
  - October 1, 2013 – Surveyor’s office closed
  - October 8, 2013 – Made consultant selection
  - December 12, 2013 – met with private/public surveyor’s to discuss transition plan and get feedback
  - JUB Engineering – awarded engineering services and survey review
  - Foresight Surveying – awarded field survey work and section corner monuments
  - Doing cleanout of surveyor’s office and storage
  - Full review of existing records of survey, section corners and historic data
  - Surveyor and engineering budgets

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

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

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

- **Property Tax Exemption Request – Mount Horeb Northwest Latin Conference of the International Pentecostal Holiness Church** – Executive Lemon confirmed all of this property is being used by the church. *(Details are on file in the Cache County Auditor’s Office.)*

**ACTION:** Motion by Council member Buttars to approve the property tax exemption request for Mount Horeb Northwest Latin Conference of the International Pentecostal Holiness Church. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

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

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

**PUBLIC HEARING SET: JANUARY 28, 2014 – 5:30 P.M.-OPEN 2014 BUDGET**

**ACTION:** Motion by Council member Zilles to set a Public Hearing-January 28, 2014 at 5:30 p.m. to Open 2014 Budget. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

**PUBLIC HEARING SET: JANUARY 28, 2014 – 5:45 P.M.-CIB FUNDING REQUEST – To receive public comment regarding the submission of an application to the Community Impact Board requesting financial assistance through a grant or loan to update the Cache County General Plan which will include planning for land use, population projections, water and other infrastructure, transportation and trails coordination, affordable housing evaluation, and update guiding ordinances for the elements of the General Plan**

**ACTION:** Motion by Council member Zilles to set a Public Hearing January 28, 2014-5:45 p.m. – CIB Funding Request. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

**PUBLIC HEARING SET: FEBRUARY 25, 2014-5:30 P.M.-TO VACATE A PUBLIC ROAD-200 WEST BEGINNING AT 9800 NORTH STREET AND PROCEEDING SOUTH 80 RODS, RICHMOND**

**ACTION:** Motion by Vice Chair Robison to set a Public Hearing-February 25, 2014-5:30 p.m.-To Vacate a Public Road-200 West beginning at 9800 North Street and proceeding south 80 rods, Richmond. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

**PENDING ACTION**

- Resolution No. 2014-01 – Supporting the Full and Present Implementation of the Transfer of Public Lands Act (HB148 2012)** – The Council is supportive of the bill.

(Attachment 1)

**ACTION:** Motion by Council member Zilles to approve Resolution No. 2014-01 – Supporting the Full and Present Implementation of the Transfer of Public Lands Act (HB148 2012). Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Moake Rezone from A10 to RU2** – Chris Harrild reviewed the request. The Council raised questions about access roads, safety of access roads, snow removal, future development and the financial impact on the county to maintain the roads.

**Council member Yeates arrived at 5:55 p.m.**

Council member Buttars observed that the Planning Commission's recommendation is for approval because the request meets the requirements of the present ordinance.

Council members desire more discussion on the request.

The Council asked Director Runhaar to bring information about the possibility of creating a special taxation district for road funding in the proposed rezone area. Runhaar will compile the information and present it to the Council at the February 11, 2014 Council meeting.

- **Top of the World Estates Rezone from A10 to RU5** – Chris Harrild explained that the property is near Hyrum Dam, the road needs improvement and wells will be needed. There is an RU5 area to the north, but it is not developed.

**(Attachment 2)**

**ACTION: Motion by Council member Buttars to deny the rezone request. Robison seconded the motion. The vote was unanimous, 7-0.**

**Chris Harrild will bring a record of decision on this request to the January 28, 2014 Council meeting.**

- **Discussion on Policies and Procedures for Deferral of Property Taxes Requests** – Executive Lemon explained the current policy: Residents having multiple years of taxes owed are granted a deferral to go against the oldest year's taxes and given one year to pay the balance so the property will not be on the tax sale. Does the Council agree with the procedure? The Council does.

**OTHER BUSINESS**

✓ **Council Members' Goals for 2014**

Chairman Potter:

- Define responsibilities between auditor and accounting
- Canal litigation updates
- Water conservancy district plan
- Road Department budget and efficiencies

Council member Yeates:

- Define clerk/auditor responsibilities
- Davenport Road issue update
- Midyear budget update/employee compensation

Council member Merrill:

-Land master plan

Council member White:

-Water conservancy district  
-General plan done  
-Budget review as done this year  
-Public works director possibility

Vice Chair Robison:

-Public works director  
-Each Council member write two or three statements of feelings about RU2 zone  
-Review elected officials expectations about hours in office – wants Attorney Swink’s legal opinion

Council member Zilles:

-Davenport Road opening  
-Water conservancy district

Council member Buttars:

-Water conservancy district

- ✓ **2014 Council Member Boards and Committees Assignments** – Chairman Potter suggested the following changes:
  - Cache County Municipal Building Authority – remove Potter, add Merrill
  - CCEMS Governing Board – remove Potter, add Merrill
  - Audit Committee – add Potter & Merrill
  - North Park Interlocal Cooperative – add Merrill
  - Fairgrounds – remove Yeates, add Merrill
  - Solid Waste Advisory – add Yeates
  - RAPZ – add Potter
  - IT Committee – add Merrill
  - Law Enforcement – add /Yeates in addition to Chair and Vice Chair
  - Policy and Procedures – remove Robison, add White
  
- ✓ **County Council Winter Social** –Tuesday, January 21, 2014 at 6:30 p.m. at the Bluebird Restaurant.
  
- ✓ **Meetings with Legislators during Legislative Session** – Saturdays at 7:30 a.m. beginning February 1, 2014 and running through March 8, 2014-Cache County Administration Building Multipurpose Room

**COUNCIL MEMBER REPORTS**

**Craig “W” Buttars** remarked that the canal project is cited in the Utah Construction and Design magazine as the Outstanding Municipal Utility Project. Buttars also commented there is a good article on water and water development in the Utah Science publication.

Cache County Council  
01-14-2014

**Kathy Robison** reported a Disc Golf Course is being developed at the Fairgrounds.

**ADJOURNMENT**

The Council meeting adjourned at 7:42 p.m.

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

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**APPROVAL:** Val Potter  
Chairman

**CACHE COUNTY  
RESOLUTION 2014-01**

**SUPPORTING THE FULL AND PRESENT IMPLEMENTATION OF  
THE TRANSFER OF PUBLIC LANDS ACT (HB148 2012)**

**WHEREAS**, at statehood, the federal government promised all states that it would transfer title to the public lands within the newly created states; and

**WHEREAS**, the U.S. Supreme Court has called these promises “solemn compacts,” “bilateral agreements,” and “trusts” that must be performed “in a timely fashion”; and

**WHEREAS**, Utah and the other western states are still waiting for the federal government to keep the same promise to them that it made and kept with all states east of Colorado; and

**WHEREAS**, states like Illinois, Missouri, Indiana, Florida, Louisiana, Arkansas, Alabama, and Mississippi were once as much as 90% federally controlled for decades; and

**WHEREAS**, these “western states” (as they called themselves at the time) succeeded in compelling the federal government to transfer their public lands because they understood the history of the public lands and the duty of the federal government to dispose of the same, and they banded together and refused to take “No” for an answer because federally controlled public lands prevented them from (i) generating tax revenues to educate their children, (ii) growing their economies, and (iii) responsibly managing their abundant natural resources. (See, [www.AmericanLandsCouncil.org](http://www.AmericanLandsCouncil.org) for more information); and

**WHEREAS**, despite the fact that the promise is the same to dispose of the public lands upon being admitted as states, states east of Colorado have less than 5% federally controlled lands, while the Western States (excluding Hawaii) have more than 50% federally controlled lands; and

**WHEREAS**, in Utah, the federal government controls nearly 65% of our lands; and

**WHEREAS**, withdrawals of public lands from use and economic activity, through such federal action as monuments and wilderness designations, constricts the value of Utah’s School Trust Lands and reduces the funds available for educating our children; and

**WHEREAS**, state and local government officials have a crucial responsibility to manage our abundant lands and resources strategically and prudently for the health, safety and welfare of our citizens; and

**WHEREAS**, in the 2012 session, the Utah House and Senate passed by supermajorities the Transfer of Public Lands Act and Joint Resolution on Federal Transfer of Public Lands to establish the framework and a deadline for the orderly transfer of federal public lands to the State; and

**WHEREAS**, under the Transfer of Public Lands Act, federal public lands will become state public lands to be managed through local planning for the multiple-use (including traditional uses like hunting, fishing, recreation, grazing, open space, economic activity, etc.) and the sustained yield of our abundant natural resources on state public lands; and

**WHEREAS**, the Transfer of Public Lands Act has received broad support from the governor, attorney general, state legislators, members of Utah's congressional delegation and other public officials, and private individuals and organizations within the state and in our neighboring western states; and

**WHEREAS**, our neighboring western states are looking to Utah to lead out on the persistent and relentless implementation of the Transfer of Public Lands Act as they prepare legislation to join with Utah; and

**WHEREAS**, the implementation of the Transfer of Public Lands Act will require the persistent and relentless efforts of Utah's governor, attorney general, and legislature along with the unwavering support of local governments and public and private individuals and organizations.

**NOW WHEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF CACHE COUNTY THAT** the CACHE COUNTY COUNCIL wholeheartedly supports the passage of the Transfer of Public Lands Act in order to hold the federal government to its long-overdue promise to transfer title to public lands to the State, to protect the State's public education system and economic vitality, and to preserve the important historical and cultural contribution that our public lands provide to the State of Utah, the nation and world; and

**BE IT FURTHER RESOLVED THAT** the CACHE COUNTY COUNCIL calls upon its fellow towns, cities, and counties to do all in their power and influence to support Utah's elected including particularly Utah's governor, attorney general, legislature, congressional delegation and county commissioners to exert their utmost abilities, influence and authority to fully implement the Transfer of Public Lands Act and secure the transfer of our public lands to the State, with time being of the essence.

**BE IT FURTHER RESOLVED THAT** copies of this resolution be sent to the Governor, Attorney General, Senate President, Speaker of the House, each member of Utah's congressional delegation, the Utah Association of Counties, the Utah League of Cities and Towns, Superintendent of Utah State Office of Education and State School Board, State School Boards Association, State Superintendents Association, Utah PTA, Director of the School and Institutional Trust Lands Administration (SITLA), Utah State Chamber of Commerce, the CACHE & LOGAN School Districts Boards, and the Cache Chamber of Commerce.

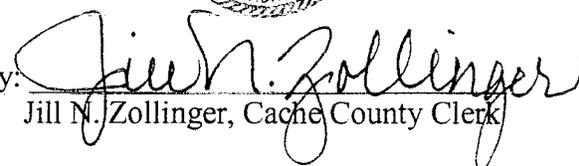
**PASSED, APPROVED AND ADOPTED** this the 14th day of January, 2014.

CACHE COUNTY COUNCIL

By:   
Val K. Potter, Chairman



ATTEST:

By:   
Jill N. Zollinger, Cache County Clerk

### STAFF REPORT: TOP OF THE WORLD ESTATES REZONE

10 December 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:** Bob Wright

**Parcel ID#:** 01-081-0001

**Staff Recommendation:** None

and 01-081-0017

**Planning Commission Recommendation:** Denial

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

### LOCATION

*Reviewed by: Chris Harrild, Planner II*

**Project Address:**

1550 West 6600 South

Hyrum, Utah 84319

**Current Zoning:**

Agricultural (A-10)

**Acres:** 129

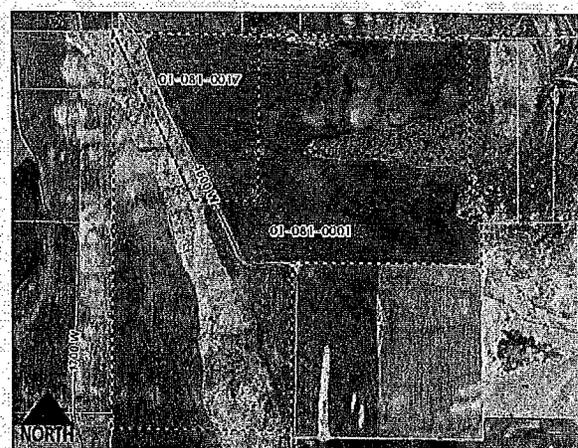
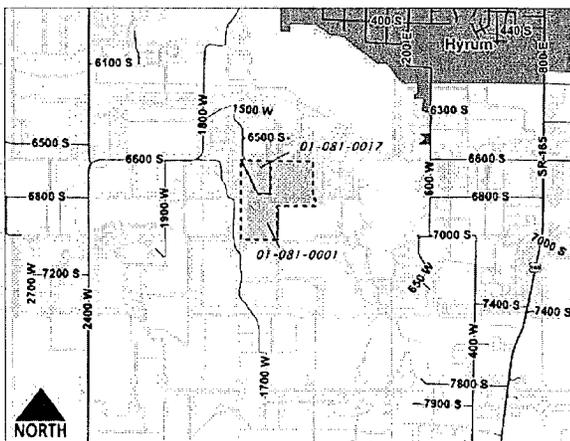
**Surrounding Uses:**

North – Rural 5/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 Top of the World Estates Rezone; a request to rezone the 129 acre parcel number 01-081-0017 currently zoned Agricultural (A10) to the Rural 5 (RU5) Zone.

**Ordinance:**

Current Ordinance does not specify appropriate locations for the Rural 5 (RU5) Zone. The Cache County Comprehensive Plan also does not currently support the RU5 Zone.

The Cache County Ordinance Title §17.08.030[C][3] requires that development within the Rural 5 (RU5) Zone must be appropriately served by suitable public roads, have access to necessary water and utilities, and have adequate public service provision.

Any impacts related to permitted and conditional uses allowed within the Rural 5 (RU5) Zone will 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 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:** The total 129 acres of property does not reflect the total acreage available for development. Approximately 9 acres of property is encumbered with sensitive, steep slope areas. Therefore, the requested rezone would allow up to 24 lots on the 129 acre property.

This parcel is adjacent to a 16 acre property that was rezoned to the RU5 zone. However, the incremental expansion of high density areas should not be based upon this association alone.

**Density (see map):** Within a one-mile radius of this property, the surrounding parcels reflect an average parcel size of 14.57 acres with an average lot size of 4.5 acres. This does include a portion of Hyrum City.

**Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of said zone was the areas of the unincorporated county adjacent to municipalities. This proposed rezone is approximately ¾ of a mile from Hyrum City, across Hyrum Reservoir without a future plan for annexation or the provision of municipal services.

**Maintenance Capability:** The approval of the RU5 Zone in locations that are distant and/or not adjacent to municipalities increases the maintenance burden and cost to the county. The county is not currently capable of maintaining the existing county roadway systems, and therefore this increased burden is likely to impact the maintenance of all county roads. Consideration of the long term cost to maintain and serve high density areas in the unincorporated county is an appropriate tool when determining necessary action regarding such requests.

**Access:** Access to this property from county road 1600 West is adequate with the exception of an approximately 800 foot long portion that averages 16 feet in width and is a substandard dirt/gravel road.

Access for fire protection and emergency services will require further review prior to development. Water supply for fire protection will be provided by the Hyrum 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 Development Services.

**STAFF DETERMINATION**

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This report has been provided to the Planning Commission and County Council to assist them in their review of this rezone request. No determination or finding(s) of fact has been identified by staff, however all relevant information regarding the rezone request has been provided.

Staff recommends that the Planning Commission and County Council strongly consider the intended location of the RU5 Zone and the long term cost and burden to the county associated with the maintenance of road systems that serve high density areas, and arrive at a determination based on finding(s) of fact prior to any legislative action. Staff will assist in the drafting of a determination and finding(s) of fact once they have been identified by the Planning Commission and/or County Council.

## PLANNING COMMISSION DETERMINATION AND FINDINGS OF FACT (2)

It is the Planning Commission's determination that the Top of the World Estates Rezone located at approximately 1550 West 6600 South with parcel numbers 01-081-0001 and 01-081-0017 is not in conformance with the Cache County Ordinance and should be recommended for denial to the Cache County Council. This determination is based on the following findings of fact:

1. Consistency with the existing density of the surrounding area was not shown.
2. Appropriate service by suitable public roads, access to necessary water and utilities, and adequate public service provision was not shown.

Hyrum

**Legend**



-  Parcels With Homes
-  Proposed Rezone
-  One Mile Buffer
-  Parcels

Average Parcel Size: 14.57 Acres  
Average Parcel Size With a Home: 4.5 Acres

1 **Present:** Chris Allen, Chris Sands, Clair Ellis, Phillip Olsen, Stephanie Nelson, Chris Harrild, Josh  
2 Runhaar, Megan Izatt, Denise Ciebien

3  
4 **Start Time:** 05:34:00

5  
6 **Larsen** welcomed and **Allen** gave opening remarks

7  
8 **Agenda**

9  
10 Item #2 was removed because it was not ready to be heard.

11  
12 **Minutes**

13  
14 Passed - no changes.

15  
16 **05:37:000**

17  
18 **Consent Agenda**

19  
20 **#1 Daug's Subdivision Amendment (Nathan Daug's)**

21  
22 **Harrild** reviewed Mr. Nathan Daug's request for a recommendation of approval to the County Council to  
23 amend the Daug's Minor Subdivision including the adjustment of the line between the existing lots 1 and 2  
24 and creation of an additional lot from lot 1, on 12.82 acres of property located in the Rural 2 (RU2) Zone  
25 at approximately 2460 South 1800 West, Young Ward.

26  
27 *Sands motioned to accept the consent agenda with the noted findings of fact and conditions of approval;*  
28 *Allen seconded; Passed 5, 0.*

29  
30 **05:40:00**

31  
32 **#3 Public Hearing 5:40 pm: Moake Rezone (Steven Taylor)**

33  
34 **Harrild** reviewed Steven Taylor's request for a recommendation of approval to the County Council for  
35 the rezone of 10 acres of property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at  
36 approximately 13975 North 400 West, Beaver Dam. There is currently one dwelling located on the  
37 property and this rezone would allow the potential of up to four more buildable lots. This parcel is  
38 adjacent to a 70 acre property that was rezoned to the RU2 Zone. Within a one-mile radius of this parcel,  
39 the surrounding vicinity is comprised of parcels with an average parcel size of 19.8 acres. Of the parcels  
40 that have homes on them the average parcel size is 28.26 acres.

41 The intent behind the RU2 Zone adoption was discussed. The county is not currently capable of  
42 maintaining the existing county roadway systems, and therefore this increased burden is likely to impact  
43 the maintenance of all county roads. Consideration of the long term cost to maintain and serve high  
44 density areas in the unincorporated county is an appropriate tool when determining necessary action  
45 regarding such requests. This is an area where Box Elder and Cache County share winter maintenance of  
46 the road. Access by 8000 West is adequate but there are issues on 600 North. At this time no public  
47 comment has been received regarding this application.

48  
49 **05:53:00**

50  
51 *Ellis motioned to open the public hearing; Olsen seconded; Passed 5, 0.*

1  
2 **Steven Taylor** I represent the Moake family. This subdivision is currently for the Moake family only.  
3 The staff report was excellent but within a mile of the home there are 30 completed homes that are being  
4 lived in. There are 52 lots just behind this that are less than an acre each and there are 12 lots under  
5 construction or in various planning stages as well.  
6

7 **Sands** does this area have a water system?  
8

9 **Mr. Taylor** yes, there is a state approved water system. There are new roads and those roads have been  
10 accepted by the County and the Box Elder roads are in the process of being accepted as well. There is  
11 one road that is substandard. It is graded but it gets wash boarded and I have been informed that that is to  
12 be paved in early spring by Box Elder. The Moake's came to us and I suggested that they build on their  
13 own property because the larger lots in the county aren't selling. So having a smaller density is a little  
14 more effective in selling these lots and getting people to move to this location. The water company will  
15 serve these new homes and the water company has the water and capability to do so. This is an adequate  
16 subdivision. They are looking for two additional lots and the reason for the RU2 Zone was because an  
17 RU5 zone will not allow us to subdivide to get the additional lots we needed.  
18

19 **Sands** the water company will provide water?  
20

21 **Mr. Taylor** yes and the water company currently serves the home that is there as well.  
22

23 Notification of adjacent property owners was sent out.  
24

25 **06:03:00**  
26

27 *Ellis motioned to close the public hearing; Olsen seconded; Passed 5, 0.*  
28

29 Currently under the A10 Zone the applicants are allowed one lot. Under the RU2 Zone there is the  
30 potential for four lots. The previous rezone request in this area was recommended for denial due to the  
31 scale of the project. There are people who want to live in the country and the county is better served if  
32 those homes are clustered together in one area and this rezone application seems to fit with the  
33 surrounding area where there is a subdivision behind this already. Some of the commissioners expressed  
34 concerns with the argument of the cost to the county for road maintenance to recommend denial. It  
35 doesn't seem at this point like the county is trying to address the cost issue of meeting the growth demand  
36 for road building and maintenance. However, the money to pay for roads comes only from gas tax.  
37 There are several problems facing the road issue but at the moment there are no viable solutions for those  
38 problems. Budgeting for roads from the general fund not only affects the unincorporated area of the  
39 county but the city residents. The county has never had to use general fund money for roads but that is  
40 going to have to change in the future to keep the road department running. Staff and commission  
41 discussed language for findings of fact and conditions. The location of the subject property is compatible  
42 with the purpose of the proposed RU 2 zoning district and is appropriately served by suitable public  
43 roads, has access to necessary water and utilities, and adequate public services. There is minimal impact  
44 to agriculture with this rezone. The scale of the development is suitable to the area and is consistent with  
45 the adjoining 70 acre properties zoning.  
46

47 *Olsen motioned, Ellis seconded; Passed 5, 0, to recommend approval for the rezone with the findings of*  
48 *fact as follows:*

- 49 1. *The location of the subject property is compatible with the purpose of the proposed Rural 2*  
50 *zoning district and is appropriately served by suitable public roads, has access to necessary*  
51 *water and utilities, and has adequate public service provision.*

- 1 2. The subject property is suitable for development within the proposed Rural 2 zoning district
- 2 without increasing the need for variances or special exceptions.
- 3 3. The subject property is suitable as a location for all of the permitted uses within the proposed
- 4 Rural 2 zoning district as there is an existing cluster of homes in the immediate area.
- 5 4. The subject property, when used for the permitted uses in the Rural 2 zoning district, would be
- 6 compatible with adjoining land uses.

7  
8 **06:32:00**

9  
10 **#4 Public Hearing 6:00 pm: Top of the World Estates Rezone (Bob Wright)**

11  
12 **Harrild** reviewed Mr. Bob Wright's request for a recommendation of approval to the county Council for  
13 the rezone of 129 acres of property from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located  
14 at approximately 1550 West 6600 South, Hyrum. There is a portion of 129 acres of the property that is  
15 undevelopable due to steep slopes. Therefore, the requested rezone would allow up to 24 lots on the 129  
16 acre property. The density within a one-mile radius of this property reflects an average parcel size of  
17 14.57 acres. Of the parcels that have homes on them the average parcel size is 4.5 acres. This proposed  
18 rezone is about ¾ of mile from Hyrum City. The maintenance of the roads is an issue because the county  
19 is not currently capable of maintaining the existing county roadway systems, and therefore this increased  
20 burden is likely to impact the maintenance of all county roads. Access to the property from county road  
21 1600 west is adequate with the exception of an approximately 800 foot long portion that averages 16 feet  
22 in width and is a substandard dirt/gravel road. The applicant has expressed a willingness to improve the  
23 road to meet county standards. Notice was sent to surrounding property owners and no public comment  
24 has been received at this time. Wells will provide culinary water. Finding water is hit or miss in this  
25 area, but staff has no detailed information. There is a 16 acre parcel adjacent to this property that was  
26 rezoned to the RU 5 zone. This property was previously recommended for approval to the Council by the  
27 Commission as a 1 lot subdivision. Council approved that request but the approval is now void as the plat  
28 was not recorded.

29  
30 **06:41:00**

31  
32 *Ellis motioned to open the public hearing; Olsen seconded; Passed 5, 0.*

33  
34 **Jake Young** I represent the applicant. When we looked at putting together a concept plan, the idea is to  
35 do a cluster development and put all the homes and the lots in the middle and leave ag and pasture land  
36 out to the side and everything west of the hillside undeveloped. If this were developed a new road would  
37 replace the existing dirt road. The owner has done research and has found there is adequate water for  
38 wells. Electricity is nearby and for gas they would have to do propane. I did look at lots close by this and  
39 there are some lots that are in the 1.5 acre range and some that are 5 acres. I just wanted to bring up that  
40 there is some precedent of smaller cluster lots being close by. We looked at the zoning and we did feel  
41 that this meets the intent of the RU5 zone.

42  
43 **Sands** does the applicant own other large parcels adjacent to this one?

44  
45 **Mr. Young** no.

46  
47 **Sands** I remember there were some big development plans for this area, but it doesn't look like that went  
48 anywhere?

49  
50 **Runhaar** incorporation for this area was looked at but not pursued.

1 **Allen** is the farm ground irrigated or dry?  
2  
3 **Mr. Young** Dry farm. The area to the upper right is not farmed and neither is the area to the west but the  
4 rest is dry farm.  
5  
6 **Larsen** what percentage of the dry farm would be taken out of production?  
7  
8 **Runhaar** at least half if not more.  
9  
10 **Larsen** you've already been to the water department?  
11  
12 **Mr. Young** the owner of the property has talked to adjacent landowners and they have had good success  
13 with wells. So no, we haven't talked to the water department but the owner is hoping to do smaller lots as  
14 well. The goal is to cluster the lots.  
15  
16 **Larsen** so you are looking for the density not specific lot sizes?  
17  
18 **Mr. Young** yes.  
19  
20 **Ellis** are you looking for multiple wells or what is the plan?  
21  
22 **Mr. Young** I think it would be one well per multiple lots.  
23  
24 **Larsen** is that permissible?  
25  
26 **Runhaar** it can be but it depends on how many dwellings will be served. The state has been forcing  
27 those types of situations into public water systems.  
28  
29 **Mr. Young** if the water is a big concern could that it be a requirement for the owner to do a test before  
30 the County Council meeting?  
31  
32 **Runhaar** no because we have no power over that.  
33  
34 **Staff and Commission** discussed the ordinance requirement for adequate water. Many commissioners  
35 would like to see some sort of evidence of adequate water. This would require a judgment call because  
36 usually that type of evidence is required at time of development. This is a difficult area for the county to  
37 service and there are going to be issues with maintenance. The parcel immediately to the north was  
38 rezoned but no subdivision has been approved. Water is still a concern for many commissioners.  
39  
40 **Bob Wright** one of the other proposals that has been brought forward was to do a holding tank with an  
41 oversized well because of the way the gravity is up there it could service all the lots. But that is  
42 something that I don't want to go into as this is a bank owned property.  
43  
44 **Runhaar** you are going to have some issues with a community well because zones 1 and 2 have to be  
45 kept clear of septic tanks. So there are going to be some issues.  
46  
47 **Richard Miller** I own a lot of the property north of this. From my stand point, you can see the cluster  
48 that I developed and you can see all of the remaining farm land. So it makes sense to me, and I think  
49 when you worry about farm ground it makes sense to cluster it. This proposed development leaves a lot  
50 of ground available for farming. I personally think that 5 acres is a mistake because people can't take  
51 care of it. To cluster and make small acreages is what should be considered proper for this area.

1  
2 **Larsen** one of the things that is not obvious to people who don't deal with this all the time, is that it used  
3 to be that we considered lot size but that has changed and when we talk about RU5 that is a density  
4 standard.

5  
6 **Mr. Miller** the property in front of this is 5 acres.

7  
8 **Runhaar** no, it was rezoned to RU5 but they can do 1 acre lot sizes

9  
10 **Mr. Miller** well I do know the property up here and we have drilled many wells and have had no  
11 problems with them but they are at a much lower level than these would be. The road access, the county  
12 won't even take care of it. The private road is taken care of by the landowners.

13  
14 **07:00:00**

15  
16 *Sands motioned to close the hearing; Ellis seconded; Passed 5, 0.*

17  
18 **Staff and Commission** discussed the application. One concern raised is this is a bank owned property  
19 and while the applicant has presented a clustered approach that isn't guaranteed. Whoever buys this  
20 property can come in and do whatever they want as long as they meet the ordinance. They don't have to  
21 cluster the lots. Some commissioners felt like this could be spot zoning. Also, no services are currently  
22 there and this area is hard to access. The current road is a county road but it is not serviced or maintained.  
23 The road that is currently serving homes in that area is a private road. There is no evidence of the  
24 services needed for this area like there has been for other applications that have been approved. Many  
25 commissioners expressed the need for development in this area to catch up to the location of the property.  
26 If there was more development in the area many commissioners would be inclined to approve the rezone  
27 but at this point it is hard to make a case for a rezone here.

28  
29 **Mr. Young** if it was left at A10 and developed at 12 lots they would not be able to cluster it?

30  
31 **Larsen** no, you could still cluster. It's a density standard not a lot size. The one concern is the drainage  
32 area for septic fields, and that will need to be determined with help from the Bear River Health  
33 Department.

34  
35 **Mr. Young** okay.

36  
37 The possibility of this being a private road was discussed. That would be considerably harder to do  
38 because of the way the ordinance is now.

39  
40 *Ellis motioned, Allen seconded; Passed 5, 0, to recommend denial to the County Council with the*  
41 *findings of fact as follows:*

- 42 1. *Consistency with the existing density of the surrounding area was not shown.*
- 43 2. *Appropriate service by suitable public roads, access to necessary water and utilities, and*  
44 *adequate public service provision was not shown.*

45  
46 **07:25:00**

47  
48 **#5 2014 Planning Commission and Board of Adjustments Meeting Dates and Deadlines**

49  
50 *Sands motioned to adopt the meeting schedule with the noted meeting date changes; Allen seconded;*  
51 *Passed 4, 0. (Olsen not in room at time of vote)*