

CRAIG W BUTTARS
COUNTY EXECUTIVE / SURVEYOR

199 NORTH MAIN
LOGAN, UTAH 84321
TEL: 435-755-1850
FAX: 435-755-1981



COUNTY COUNCIL
KATHY ROBISON, COUNCIL CHAIR
GREG MERRILL, COUNCIL VICE CHAIR
DAVID L. ERICKSON
VAL K. POTTER
JON WHITE
CORY YEATES
GORDON A. ZILLES

December 4, 2015

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, DECEMBER 8, 2015**

AGENDA

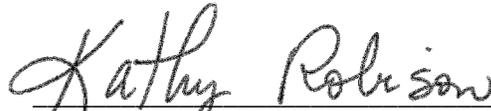
- 5:00 p.m. 1. **CALL TO ORDER**
- 2. **OPENING / PLEDGE – Val Potter**
- 3. **REVIEW AND APPROVAL OF AGENDA**
- 4. **REVIEW AND APPROVAL OF MINUTES (December 1, 2015)**
- 5. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
- 6. **CONSENT AGENDA**
- 7. **ITEMS OF SPECIAL INTEREST**
 - a. UAC Report – Lincoln Shurtz, Adam Trupp
- 8. **UNIT OR COMMITTEE REPORTS**
- 9. **BUDGETARY MATTERS**
- 10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - 5:30 p.m.* a. **Public Hearing – Ordinance 2015-13 Powder Mountain / Sprint**
Robert Blackie / Sprint requesting a rezone of a 0.69 acre portion of 73.69 acres in the Resort Recreation (RR) Zone to include the Public Infrastructure (PI) Overlay Zone, located at the Cache / Weber County line, Powder Mountain
 - 6:00 p.m.* b. **Public Hearing – Open 2015 Budget**
- 11. **PENDING ACTION**
 - a. **Resolution 2015-27 – Adoption of 2016 Cache County Budget**

12. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
 - a. ***Ordinance 2015-13 – Powder Mountain / Sprint***
 - b. ***Resolution 2015-28 – Amendments to 2015 Budget***
 - c. ***Resolution 2015-29 – Support of a Water Conservancy District in Cache County***
 - d. Property Tax Relief Requests
 - e. Election of Council Chair and Vice Chair for 2016 Cache County Council

13. **OTHER BUSINESS**
 - a. Cache County Employees Christmas Dinner – Wednesday, December 9, 2015 at 6:30 p.m.
Riverwoods Conference Center
 - b. County Legislature Day – January 29, 2016
 - c. County Council Winter Social

14. **COUNCIL MEMBER REPORTS**

15. **ADJOURNMENT**


Kathy Robison, Council Chair

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



To: Cache County Council
From: Chris Harrild, Senior Planner, Development Services,
Subject: Development Services agenda items for December 8, 2015

PUBLIC HEARING

- 1. 5:30 p.m. – Ord. 2015-13 Powder Mountain/Sprint** – Robert Blackie/Sprint are requesting a rezone of a 0.69 acre portion of 73.69 acres of property in the Resort Recreation (RR) Zone to include the Public Infrastructure (PI) Overlay Zone, located at the Cache/Weber County line, Powder Mountain.

Staff Recommendation: Approval

Planning Commission Recommendation: Approval (4, 0)

Findings of Fact: 2

INITIAL CONSIDERATION

- 1. Ord. 2015-13 Powder Mountain/Sprint** – Robert Blackie/Sprint are requesting a rezone of a 0.69 acre portion of 73.69 acres of property in the Resort Recreation (RR) Zone to include the Public Infrastructure (PI) Overlay Zone, located at the Cache/Weber County line, Powder Mountain.

Staff Recommendation: Approval

Planning Commission Recommendation: Approval (4, 0)

Findings of Fact: 2

#2 Public Hearing: 5:40 p.m. - Powder Mountain Sprint Rezone (Robert Blackie and Shammikka Chisolm)

Harrild reviewed Mr. Robert Blackie and Ms. Shammikka Chisolm's request for a recommendation of approval for a rezone of a 0.69 acre portion of 73.69 acres of property from the Resort Recreation (RR) Zone to the Public Infrastructure (PI) Zone, located at Powder Mountain. The existing facility at this site is at present a legal, nonconforming use. Approval of the rezone request would bring the tower into conformance with the Cache County Code, and allow additional permitting to occur on the site. While the closest fire protection on the Cache County side is from Wellsville, it is more likely that fire protection would come from the Weber County side.

Lane Fishburn/Sprint our application is actually for a microwave dish. I've seen the build projects for the next 5 years and I have not seen anything in the plans for another tower at all.

5:49:00

Smith motioned to open the public hearing; **Parker** seconded; **Passed 4, 0.**

5:50:00

Smith motioned to close the public hearing due to no public comment; **Parker** seconded; **Passed 4, 0.**

Smith motioned to recommend approval of the Powder Mountain Sprint Rezone to the County Council with the stated conditions and findings of fact; **Parker** seconded; **Passed 4, 0.**

05:51:00

STAFF REPORT: POWDER MOUNTAIN - SPRINT REZONE

05 November 2015

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: Sprint / Robert Blackie and Shammikka Chisolm

Parcel ID#: 16-001-0009

Staff Recommendation: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Christopher Harrild, Senior Planner

Project Address:

Powder Mountain

Surrounding Uses:

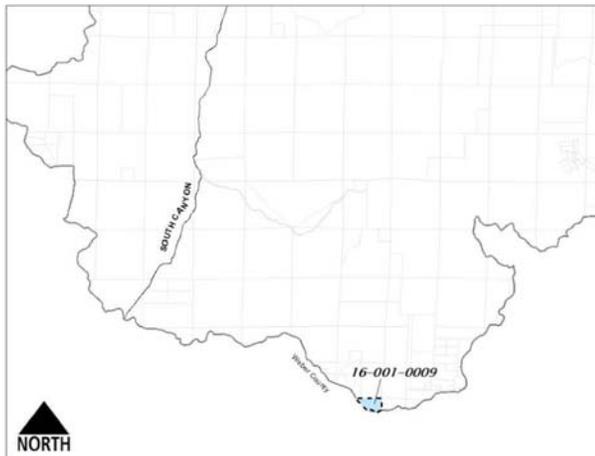
North – Resort Recreation

South – Resort Recreation/Weber County

East – Resort Recreation

West – Resort Recreation/Weber County

Current Zoning: Resort Recreation (RR) **Acres:** 0.69 ac. portion
of 73.69 ac



PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

Purpose:

To review and make a recommendation to the County Council regarding a request to rezone a 0.69 acre portion of a 73.69 acre property in the Resort Recreation (RR) Zone to include the Public Infrastructure (PI) Overlay Zone.

Ordinance:

As per Title §17.19 Public Infrastructure (PI) Overlay Zone, the purpose of this zone is:

- A. To provide for the siting and operation of public infrastructure in an environmentally sound and economically competitive manner.
- B. To inform current and potential residents of the county of the possible location of future public infrastructure locations.
- C. To ensure that any public infrastructure be designed, constructed, and operated in a safe and efficient manner, and in compliance with all federal, state, and local laws and regulations for the protection of the general health, welfare, and safety of the citizens of the county.”

As per §Title 17.09 Schedule of Zoning Uses, the PI Overlay Zone permits telecommunication facilities as conditional and permitted uses. The existing facility at this site is at present a legal, nonconforming use. Approval of the rezone request would bring the tower into conformance with the Cache County Code, and allow additional permitting to occur on the site.

Summary:

The existing facilities on the site are located on the Hidden Lake Lodge (Image 1) and consist of five antennas and a 10' X 12' equipment structure located under the existing deck (CUP in Dec. of 2000). An 80' tall monopole with co-location potential of up to 12 antennas was also approved prior to that date but does not appear to have been built or has now been removed. As the structure was not built or removed, the CUP approval for said 80' tower and associated facilities is now void as per the permit.



As per the Cache County Code the request by the proponent to expand the original conditional use permit requires a rezone to the PI Overlay, Commercial, or Industrial Zone. The proponent has elected to request a rezone of a 0.69 acre portion of the property to the PI Overlay Zone (Image 2 – approximate location). Additional permitting for any expansion shall be required if the rezone request is approved.

Access:

- Access to this property is from a private road from Weber County. Due to the type of use, access to this facility is adequate.

Storm Water:

- Any additional development and /or future land disturbance shall require additional storm water review.

Service Provision:

- Emergency access to the site is adequate. Water supply for fire protection will be provided by the Wellsville 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 (2)

It is staff's determination that the Powder Mountain-Sprint rezone request to include the Public Infrastructure (PI) Overlay Zone in the Resort Recreation (RR) Zone at Powder Mountain, on a 0.69 acre leased portion of parcel 16-001-0009 is in conformance with the Cache County Ordinance and should be recommended for approval to the Cache County Council. This determination is based on the following findings of fact:

1. The location of the subject property is compatible with the purpose of the proposed Public Infrastructure (PI) Overlay Zone.
2. The subject property is suitable for development within the Public Infrastructure (PI) Overlay Zone district without increasing the need for variances or special exceptions within this zone or the underlying Resort Recreation (RR) Zone.

ORDINANCE NO. 2015-13

CACHE COUNTY, UTAH

POWDER MOUNTAIN - SPRINT 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 November 5, 2015, at 5:40 P.M. the Planning Commission held a public hearing for a rezone in the Agricultural (A10) Zone to include the Public Infrastructure (PI) Overlay 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 November 5, 2015 the Planning Commission recommended the approval of said rezone (4, 0) and forwarded such recommendation to the County Council for final action, and;

WHEREAS, on December 8, 2015, 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 the 0.69 acre portion of parcel 16-001-0009 as described within Exhibit A currently zoned as the Resort Recreation (RR) Zone to include the Public Infrastructure (PI) Overlay 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 location of the subject property is compatible with the purpose of the proposed Public Infrastructure (PI) Overlay Zone.

B. The subject property is suitable for development within the Public Infrastructure (PI) Overlay Zone district without increasing the need for variances or special exceptions within this zone or the underlying Resort Recreation (RR) Zone.

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.

7. Exhibits.

Exhibit A: Description/map of the affected portion of parcel 16-001-0009.

Exhibit B: Zoning Map of Cache County

8. Effective Date.

This ordinance takes effect on December 24, 2015. 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.

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.

APPROVED AND ADOPTED this 8th day of December, 2015.

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

CACHE COUNTY COUNCIL

ATTEST:

Kathy Robison, Chair
Cache County Council

Jill Zollinger
Cache County Clerk

Publication Date:

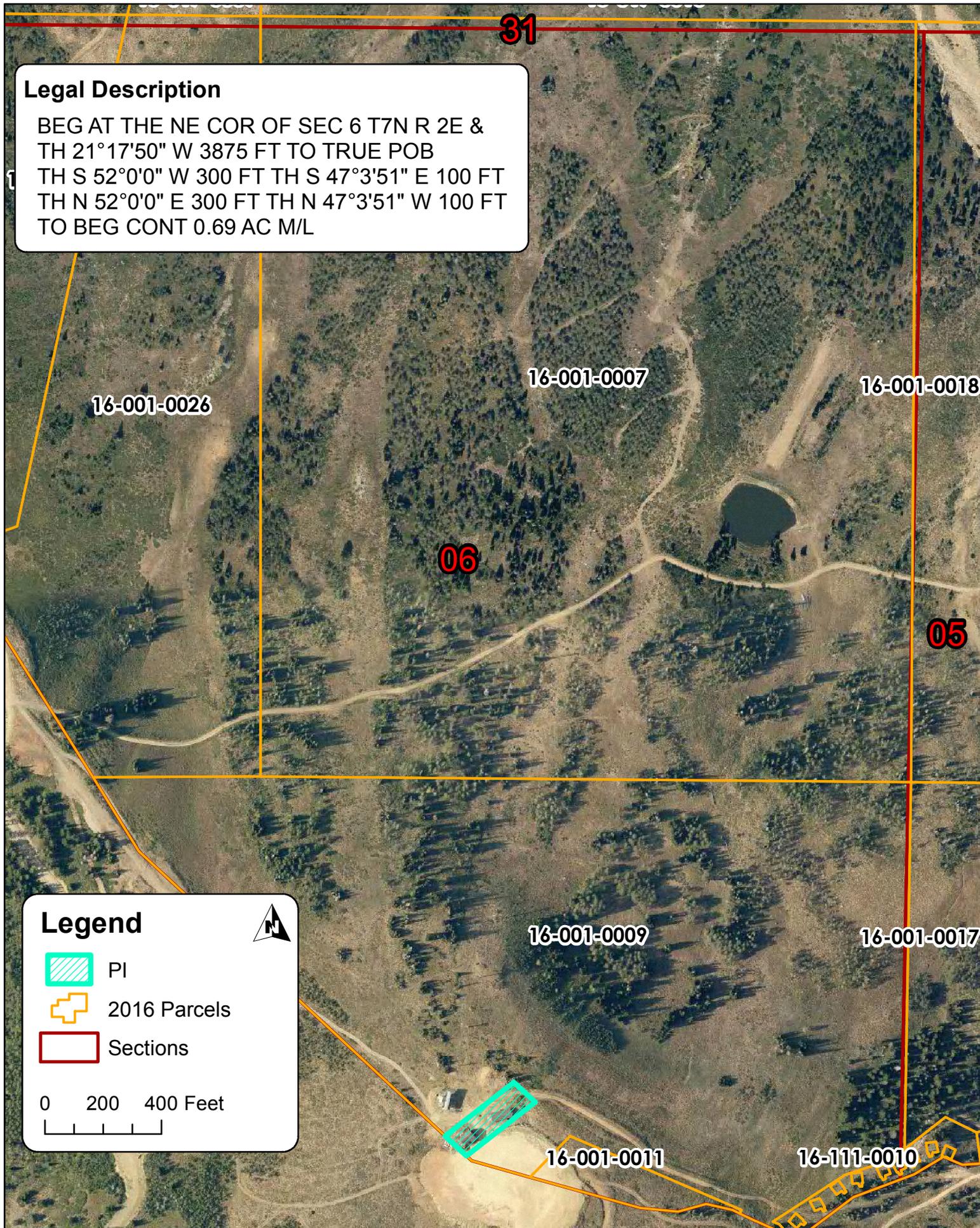
_____, 2015

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.

Proposed Area of Public Infrastructure (PI) Overlay Zone

Legal Description

BEG AT THE NE COR OF SEC 6 T7N R 2E &
TH 21°17'50" W 3875 FT TO TRUE POB
TH S 52°0'0" W 300 FT TH S 47°3'51" E 100 FT
TH N 52°0'0" E 300 FT TH N 47°3'51" W 100 FT
TO BEG CONT 0.69 AC M/L



Legend



PI



2016 Parcels

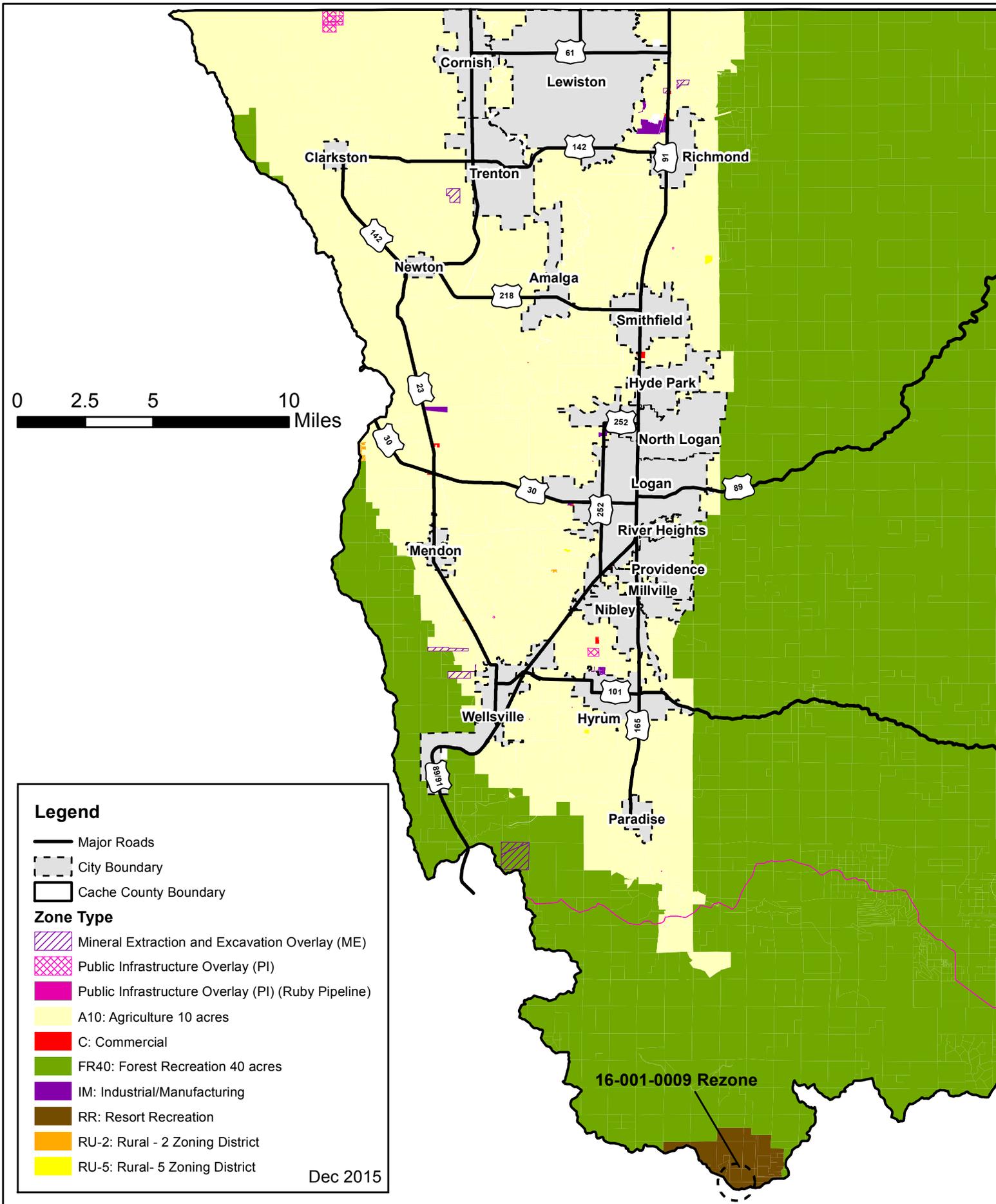


Sections

0 200 400 Feet



Exhibit B: Ordinance 2015-13 Zoning Map of Cache County



**CACHE COUNTY
RESOLUTION NO. 2015 - 29**

**A RESOLUTION IN SUPPORT OF A WATER
CONSERVANCY DISTRICT IN CACHE COUNTY.**

WHEREAS, the Water Conservancy District Act, Title 17B, Chapter 2a, Utah Code Annotated, 1953, as amended, authorizes the creation of water conservancy districts;

WHEREAS, Cache County completed a comprehensive water master plan in 2013 that recommended the formation of a water conservancy district (District);

WHEREAS, the District will provide the citizens of Cache County the structure, leadership and resources needed to meet future regional water demands, and provide greater prosperity.

WHEREAS, the District will provide opportunities for water users of all interests on a regional level.

WHEREAS, water is crucial to agricultural, industrial, municipal and business interests in the valley and their contribution to the local economy.

WHEREAS, the District will provide regional water leadership and a robust voice to represent all water interests on, conservation, education, funding, research and environmental considerations, and facilitation of water development;

WHEREAS, the District will provide the resources and authority needed to manage the statutory allocation of water provided in the Bear River Water Development Act;

WHEREAS, the district will facilitate the development of water strategies and physical infrastructure projects to meet the future regional water needs.

WHEREAS, the District will serve the purpose of handling all funds appropriated for the management and development of regional water resources in the most efficient manner.

WHEREAS, the Cache County Council has been involved in the process to assess a District and has found that the District promotes and facilitates the public interests and is necessary to meet future water demands, protect water interests and support economic growth;

NOW, THEREFORE, BE IT RESOLVED by the Cache County Council that it supports the creation of the District and that this Resolution in support be effective immediately.

PASSED AND ADOPTED this ____ day of _____, 2015.

By: _____
Kathy Robison, Cache County Council Chair

ATTEST:

Jill N. Zollinger, County Clerk / Auditor