

**APPROVED**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
JANUARY 13, 2015**

# COUNTY COUNCIL MEETING

## January 13, 2015

<u>NATURE OR ORDER OF PROCEEDING</u>	<u>DATE</u>
<b>APPOINTMENT – Fullmer, Kassie-Cache County Deputy Sheriff .....</b>	<b>1</b>
<b>APPOINTMENT – Hatch, Jake Denton-Cache County Deputy Sheriff .....</b>	<b>1</b>
<b>APPOINTMENT – Maughan, Derek Craig-Cache County Deputy Sheriff.....</b>	<b>1</b>
<b>APPOINTMENT – Ricks, Jeff-Resolution No. 2015-01-Approviing the Re-appointment of a Trustee to the Cache Mosquito Abatement District Board of Directors .....</b>	<b>4</b>
<b>ARMOR STORAGE REZONE TO COMMERCIAL ZONE – Merkley, Erik-Public Hearing Set- January 27, 2015-5:30 p.m. ....</b>	<b>3</b>
<b>BEAR RIVER MENTAL HEALTH – Annual Financial Audit Report .....</b>	<b>2</b>
<b>BUDGET – Public Hearing Set-January 27, 2015-6:00 p.m.-Open 2015 Budget.....</b>	<b>3</b>
<b>BY-MAIL ELECTIONS .....</b>	<b>6</b>
<b>CACHE COUNTY LIBRARY – Report .....</b>	<b>2</b>
<b>CLOUD SEEDING.....</b>	<b>2</b>
<b>COUNCIL MEMBER GOALS FOR 2015 .....</b>	<b>4</b>
<b>COUNCIL MEMBER BOARDS AND COMMITTEES ASSIGNMENTS-2015 / COUNCIL MEMBER DEPARTMENT ASSIGNMENTS-2015.....</b>	<b>5</b>
<b>COUNCIL WINTER SOCIAL.....</b>	<b>5</b>
<b>COUNTY CODE – Ordinance No. 2015-01-Amendments to the County Code: Title 173.06-Uses; Title 17.10-Development Standards.....</b>	<b>3</b>
<b>FOX HOLLOW SUBDIVISION – Duane Williams requesting approval of a 4-Lot Subdivision with the Remainder Parcel on 49.6 acres in the Agriculture (A10) Zone located approximately 320 North 6000 West, north of Mendon .....</b>	<b>4</b>
<b>FULLMER, KASSIE – Appointment-Cache County Deputy Sheriff .....</b>	<b>1</b>
<b>HATCH, JAKE DENTON – Appointment-Cache County Deputy Sheriff .....</b>	<b>1</b>
<b>HUMAN RESOURCE DIRECTOR – Retirement-Smith, Jim .....</b>	<b>2</b>
<b>LEGISLATORS – Meetings with-during 2015 Legislative Session .....</b>	<b>5</b>
<b>LIBRARY – Cache County-Report .....</b>	<b>2</b>
<b>MAUGHAN, DEREK CRAIG – Appointment-Cache County Deputy Sheriff .....</b>	<b>1</b>

<b>MOSQUITO ABATEMENT DISTRICT –Ricks, Jeff-Resolution No. 2015-01-Approving the Re-appointment of a trustee to the Cache Mosquito Abatement District Board of Directors .....</b>	<b>4</b>
<b>ORDINANCE NO. 2015-01 – Amendments to the County Code: Title 17.06-Uses; Title 17.10-Development Standards .....</b>	<b>3</b>
<b>PROPERTY TAX HARDSHIP APPLICATIONS .....</b>	<b>4</b>
<b>PROPERTY TAX MILITARY EXEMPTION REQUEST .....</b>	<b>4</b>
<b>PROPERTY TAX WIDOW ABATEMENT REQUEST.....</b>	<b>4</b>
<b>PUBLIC HEARING SET – January 27, 2015-5:30 p.m.-Armor Storage Rezone to Commercial Zone–Merkley, Erik... 3</b>	<b>3</b>
<b>PUBLIC HEARING SET – January 27, 2015-6:00 p.m.-Open 2015 Budget.....</b>	<b>3</b>
<b>RESOLUTION NO. 2015-01 – Approving the Re-appointment of a Trustee to the Cache Mosquito Abatement District Board of Directors – Ricks, Jeff .....</b>	<b>4</b>
<b>RETIREMENT – Human Resource Director-Smith, Jim.....</b>	<b>2</b>
<b>REZONE – Public Hearing Set-January 27, 2015-5:30 p.m.-Armor Storage Rezone to Commercial Zone-Merkley, Erik.....</b>	<b>3</b>
<b>RICKS, JEFF – Resolution No. 2015-01-Approving the Re-appointment of a trustee to the Cache Mosquito Abatement District Board of Directors .....</b>	<b>4</b>
<b>SMITH, JIM – Retirement-Human Resource Director.....</b>	<b>2</b>
<b>SUBDIVISION – Fox Hollow Subdivision Duane Williams requesting approval of a 4-Lot Subdivision with the Remainder Parcel on 49.6 acres in the Agriculture (A10) Zone located approximately 320 North 6000 West, north of Mendon .....</b>	<b>4</b>
<b>WARRANTS – 12-06-2014 to 12-12-2014, 12-13-2014 to 12-19-2014, 12-20-2014 to 12-24-2014, 12-27-2014 to 01-02-2015, 01-03-2015 to 01-09-2015 .....</b>	<b>1</b>
<b>WATER CONSERVANCY DISTRICT MEETINGS.....</b>	<b>2</b>
<b>WILLIAMS, DUANE – Fox Hollow Subdivision Duane Williams requesting approval of a 4-Lot Subdivision with the Remainder Parcel on 49.6 acres in the Agriculture (A10) Zone located approximately 320 North 6000 West, north of Mendon .....</b>	<b>4</b>
<b>YEAR-END BUILDING REPORT .....</b>	<b>2</b>

**CACHE COUNTY COUNCIL MEETING**  
**January 13, 2015**

The Cache County Council convened in a regular session on January 13, 2015 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Kathy Robison  
**Vice Chairman:** G. Gregory Merrill  
**Council Members:** David Erickson, Jon White, Cory Yeates & Gordon Zilles.  
**Val Potter absent.**  
**County Executive:** Craig "W" Buttars  
**County Clerk/Auditor:** Jill N. Zollinger  
**County Attorney:** James Swink

**The following individuals were also in attendance:** Janeen Allen, Reed Ernstrom, Chris Harrild, Alton Hebdon, Sharon L. Hoth, Sheriff Chad Jensen, Rob Johnson, Cheri Mickelson, Dave Nielsen, Tim Rawlings, Duane Williams **Media:** Shannon Nielsen (Herald Journal), Jennie Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

County Executive Craig "W" Buttars gave the opening remarks and led those present in the Pledge of Allegiance.

**REVIEW AND APPROVAL OF AGENDA**

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

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Yeates to approve the minutes of the December 09, 2014 Council meeting and the minutes of the January 05, 2015 Special Council meeting as written. Zilles seconded the motion. The vote was unanimous, 6-0. Potter absent.

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

<b><u>APPOINTMENTS:</u></b>	Cache County Deputy Sheriff	Kassie Fullmer
	Cache County Deputy Sheriff	Jake Denton Hatch
	Cache County Deputy Sheriff	Derek Craig Maughan

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

**WARRANTS:** Warrants for the periods 12-06-2014 to 12-12-2014, 12-13-2014 to 12-19-2014, 12-20-2014 to 12-24-2014, 12-27-2014 to 01-02-2015 and 01-03-2015 to 01-09-2015 were given to the Clerk for filing.

**OTHER ITEMS:**

- ❑ **Cloud Seeding** – Executive Buttars indicated that the Council had received a copy of the cloud seeding report from North American Weather Consultants for their review.
- ❑ **Year-end Building Report** – Buttars invited the Council to check over the Year-end Building Report from Development Services that he received.
- ❑ **Retirement** – Human Resources Director Jim Smith is scheduled to retire by January 31, 2015 and Cache County is currently advertising to fill that position.
- ❑ **Water Conservancy District Meetings** – Bob Fotheringham is scheduling meetings with the Council to discuss the water conservancy district issue.

**ITEMS OF SPECIAL INTEREST**

- **Bear River Mental Health Annual Financial Audit Report** – Reed Ernstrom, Director of Bear River Mental Health Services (BRMH) thanked the County for its support and turned the time to Robert Johnson, Chief Financial Officer, who presented the report. Johnson also noted that the Council needs to sign a certification that the audit has been received and reviewed by the Council and the Council has had an interview with the executive officers.

Johnson reviewed the audit findings including:

- Independent auditors' report – no findings in this year's audit.
- Internal controls report – no material weaknesses
- Communication with those charged with governance – no difficulties encountered

Johnson asked if there were any questions from the Council. Vice Chair Merrill asked if there is anything in the audit the Council needs to be aware of. Johnson responded they have opened a new residential facility next to the day program building on 1000 North in Logan. *(The complete report is on file in the Cache County Auditor's Office.)*

**(Attachment 1)**

**ACTION: Motion by Council member Yeates to accept the Bear River Mental Health Annual Financial Audit Report. White seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**UNIT OR COMMITTEE REPORTS**

- ❑ **Cache County Library** – Cheri Mickelson reported on the operations of the Cache County Library consisting of the following: Year-end report, circulation increase, usage of downloadable content, Bookmobile, story time, June 3, 2015 kickoff for Summer Reading Program, collection update, creation of Friends of Library organization, underserved groups, upgrading technology/equipment, need for more space

Council member White asked how many computers the Library has. There are six for adult usage and two for the children.

Vice Chair Merrill asked what the relationship is between the Bookmobile and the County Library. The Library houses the collection that is shared with the Bookmobile.

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

**PUBLIC HEARING SET: JANUARY 27, 2015 – 5:30 P.M. – ARMOR STORAGE REZONE TO COMMERCIAL ZONE Erik Merkley requesting a rezone of 25 acres from Agriculture (A10) Zone to Commercial © Zone located approximately 4400 South Hwy 165, Nibley**

**PUBLIC HEARING SET: JANUARY 27, 2015 – 6:00 P.M. – OPEN 2015 BUDGET**

**ACTION: Motion by Council member White to set a Public Hearing-January 27, 2015 at 5:30 p.m.-Armor Storage Rezone to Commercial Zone and a Public Hearing-January 27, 2015 at 6:00 p.m.-Open 2015 Budget. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Ordinance No. 2015-01 – Amendments to the County Code: Title 17.06-Uses; Title 17.10-Development Standards** – Chris Harrild observed that this was on a previous agenda as a Public Hearing item and the Council wanted more information before approving it. There are three main changes –
  - Temporary Uses has been removed; a use is either permitted or conditionally permitted.
  - Small Businesses has about half of the section deleted.
  - Criteria for how the Planning Commission address conditional use permits.

Other smaller changes involved some language cleanup and changing the expiration time for conditional use approvals from 18 to 12 months. Harrild said these changes have the full support of the Planning Commission.

**(Attachment 2)**

**ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2015-01 – Amendments to the County Code: Title 17.06-Uses; Title 17.10-Development Standards. White seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**Ordinance No. 2015-01: The motion passed 6-0. Potter absent**

	<u>ERICKSON</u>	<u>MERRILL</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X		X	X	X	X	6
NAY								0
ABSTAINED								0
ABSENT			X					1

- **Resolution No. 2015-01 – Approving the Re-appointment of a Trustee to the Cache Mosquito Abatement District Board of Directors** – Chairman Robison mentioned that the Council approved the re-appointment of Jeff Ricks in December; however, a formal resolution is needed for appointment to this board.

(Attachment 3)

**ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2015-01 – Approving the Re-appointment of a Trustee to the Cache Mosquito Abatement District Board of Directors. White seconded the motion. The vote was unanimous, 6-0. Potter absent.**

- **Property Tax Hardship Applications** – The Council referred the applications back to the Auditor for additional information. It was noted that these are property tax deferral requests.
- **Property Tax Military Exemption Request** – *(Details are on file in the Cache County Clerk/Auditor's Office.)*

**ACTION: Motion by Council member Yeates to approve the Property Tax Military Exemption Request. Erickson seconded the motion. The vote was unanimous, 6-0. Potter absent.**

- **Property Tax Widow Abatement Request** – Janeen Allen informed the Council the applicant needs time to gather pertinent information. The request will be on a future agenda.
- **Fox Hollow Subdivision – Duane Williams requesting approval of a 4-Lot Subdivision with the Remainder Parcel on 49.6 acres in the Agriculture (A10) Zone located approximately 320 North 6000 West, north of Mendon** – Chris Harrild remarked there was a previous rezone on this same property to allow high density, which was denied. Staff recommends approval of the current request based on 5 Findings of Fact and 8 Conditions of Approval relating to road standards, refuse and recycling collection, water drainage and fault line findings.

(Attachment 4)

**ACTION: Motion by Council member Zilles to approve the Fox Hollow Subdivision-Duane Williams requesting approval of a 4-Lot Subdivision with the Remainder Parcel on 49.6 acres in the Agriculture (A10) Zone located approximately 320 North 6000 West, north of Mendon. Merrill seconded the motion. The vote was unanimous, 6-0. Potter absent.**

**OTHER BUSINESS**

- ✓ **Council Member Goals for 2015** – In response to Chairman Robison's request, Council members stated their goals as follows:  
**Yeates**  
Audit Committee setting the scope and parameters of internal audits

Water Conservancy District

**White**

Water Conservancy District

Staff recommendations on development requests with the cost of the proposed subdivision, etc.

Finish the road study and come up with funding for roads

Procedure for checking compliance

Treasurer's office – direct deposit of money

**Merrill**

Each Council member given opportunity to work with major departments and meet with those department heads three or four times a year – this will help with the budgeting process.

County Executive give additional training to county employees and elected officials on public relations and communication with the public

**Potter (via an email)**

Consider passing a ¼% sales tax for county road funding

Utilize employee evaluations for raises, etc.

Report from County Attorney for a plan for remote and county roads

**Zilles**

Davenport Road issue resolution

Water Conservancy District

**Erickson**

Visit with each Department Head to learn functions of their departments

Water Conservancy District

**Buttars**

Keep abreast of the legislature and transportation funding issues

Improving facilities at fairgrounds

Increased communication between department heads and elected officials

**Robison**

Clearly define criteria for RU2 and RU5 zones

Review job responsibilities and salaries by first meeting in August

- ✓ **2015 Council Member Boards and Committees Assignments/2015 Council Member Department Assignments** – Chairman Robison asked Council members to review their current board and committee assignments and email her any suggested changes before the January 27, 2015 Council meeting. Robison also asked Janeen Allen to compile a list of the major departments in the county so Council members can check for a correlation between their board and committee assignments and which department(s) they may be assigned to.

Executive Buttars observed that he would like to have Council members attend the department head budget meetings for the department(s) they may be assigned.

- ✓ **County Council Winter Social – January 20, 2015 at 6:00 p.m. – Logan Country Club**

- ✓ **Meetings with Legislators during 2015 Legislative Session – Saturdays from 7:30 a.m. to 9:30 a.m. beginning January 31, 2015 and running through March 7, 2015- Cache County Administration Building Multipurpose Room**

**COUNCIL MEMBER REPORTS**

There were no Council member reports.

Chairman Robison asked Attorney Swink if he had any comments.

Attorney James Swink asked Council members to talk with their legislators about legislation that would reduce many drug offenses to misdemeanors instead of felonies. Swink feels this will impact the crime rate, the family, neighborhoods, etc. The solution is really more funding for drug courts and prevention.

Swink also said his office is advertising for a civil deputy attorney.

Chairman Robison asked Clerk/Auditor Zollinger for comments.

Zollinger said several cities have asked about whether the county is going to continue with by-mail elections. They need the information to help their cities decide if they want to administer their municipal elections as by-mail elections. Zollinger asked the Council if they are supportive of continuing the by-mail process for elections. They were supportive.

The Council expressed the hope that the state voter information pamphlet would be available sooner. Zollinger explained that the agency the state contracted with for the pamphlets was the problem. They anticipate an earlier distribution date in the future.

The Council also asked if there will be polling places on Election Day other than the County Administration Building. Zollinger said she is considering locations in Hyrum and Smithfield as possibilities.

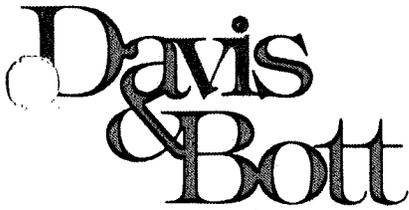
Zollinger said she is comfortable with the security of the voters' privacy with the by-mail process.

**ADJOURNMENT**

The Council meeting adjourned at 6:55 p.m.

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

\_\_\_\_\_  
**APPROVAL:** Kathy Robison  
Chairman



**INDEPENDENT AUDITORS' REPORT**

Certified Public Accountants, L.C.

Governing Board  
Bear River Mental Health Services, Inc.  
Logan, Utah 84321

50 West Forest, Suite 101  
P.O. Box 369  
Brigham City, Utah 84302  
435-723-5224

We have audited the accompanying financial statements of Bear River Mental Health Services, Inc. (a nonprofit organization), which comprise the statements of financial position as of June 30, 2014 and 2013, and the related statements of activities, functional expenses and cash flows for the years then ended, and the related notes to the financial statements.

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

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

**Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are

INDEPENDENT AUDITORS' REPORT

(Continued)

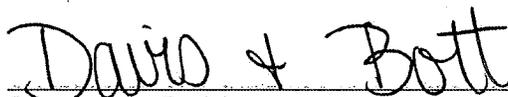
appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Opinion**

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Bear River Mental Health Services, Inc. as of June 30, 2014 and 2013, and the changes in its net assets, functional expenses and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated October 13, 2014, on our consideration of Bear River Mental Health Services, Inc.'s internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grants. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and important for assessing the results of our audit.

Our audits were conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The accompanying detail statement of activities listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.



Davis & Bott

Certified Public Accountants, L.C.

Brigham City, Utah  
October 13, 2014

# ORDINANCE NO. 2015-01

CACHE COUNTY, UTAH

## AMENDMENTS TO TITLES 17.06 AND 17.10

---

AN ORDINANCE AMENDING AND SUPERSEDING THE ENTIRETY OF CHAPTER 6 AND PORTIONS OF CHAPTER 10 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING USES

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances, and;

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners, and;

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Zoning Ordinance for all citizens, and;

WHEREAS, on October 2, 2014 at 6:00 P.M., the Planning Commission held a public hearing for the amendments to Title 17, 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 October 2, 2014, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Ordinance 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 December 9, 2014, at 5:45 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Ordinance. The County Council accepted all comments, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these amendments.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that the noted portions of Chapters 6 and 10 of Title 17 of the Cache County Ordinance are hereby amended and superseded as follows:

**1. STATUTORY AUTHORITY**

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

*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.*

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede the entirety of Chapter 6 and portions of Chapter 10 of Title 17 of the Cache County Ordinance regarding permitted, conditional, and prohibited uses, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 17 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Ordinance are necessary to establish accurate standards for permitted, conditional, and prohibited uses.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 17, Chapters 6 and 10 of the Cache County Ordinance are amended as follows: See Exhibit A

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes the entirety of Chapter 6 and portions of Chapter 10 of Title 17 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the applicable 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.

6. EFFECTIVE DATE.

This ordinance takes effect on January 28<sup>th</sup>, 2015. Following its passage but prior to the effective date, a copy of the ordinance amendments shall be deposited with the County Clerk and a short summary of the same shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 13<sup>th</sup> day of January, 2015.

	In Favor	Against	Abstained	Absent
Potter				X
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1

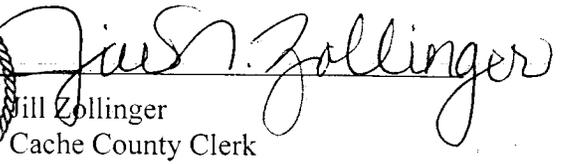
CACHE COUNTY COUNCIL:



Kathy Robison, Chair  
Cache County Council

ATTEST:



  
Jill Zollinger  
Cache County Clerk

Publication Date:

January 28, 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.*

**CACHE COUNTY  
RESOLUTION 2015-01**

**A RESOLUTION APPROVING THE RE-APPOINTMENT OF A TRUSTEE TO THE  
CACHE MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES**

The County Council of Cache County, Utah, in a regular meeting lawful notice of which has been given, finds that pursuant to 17b-1-304(5) of the Utah Code, the Cache County Executive shall appoint an individual to serve on the Cache Mosquito Abatement District.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED, that the following individual has been recommended by the Cache County Executive to serve on the Cache Mosquito Abatement District Board of Trustees.

**Section 1: Appointment**

Appointment of Jeff Ricks – 4275 North 3200 West, Benson, Utah 84335  
Telephone – 435-752-8916

**Section 2: Authorization**

The Cache County Council hereby ratifies the above appointment to the Cache Mosquito Abatement District Board of Trustees pursuant to the recommendation of the Cache County Executive.

**Section 3: Terms**

The term of this appointment shall be for a period of four years, expiring on December 31, 2016

**Section 4: Effective Date**

This appointment shall become effective immediately upon the adoption of this resolution.

This resolution was adopted by the Cache County Council on the 13th day of January, 2015

Cache County Council

Attest:



By: Kathy Robison  
Kathy Robison, Chair

By: Jill N. Zollinger  
Jill N. Zollinger, County Clerk/Auditor



### STAFF REPORT: FOX HOLLOW SUBDIVISION

04 December 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:** Duane Williams

**Parcel ID#:** 12-036-0005

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by: Stephanie Nelson - Planner I*

#### Project Address:

320 North Highway 23

Petersboro

#### Current Zoning:

**Acres:** 49.6

Agricultural (A10)

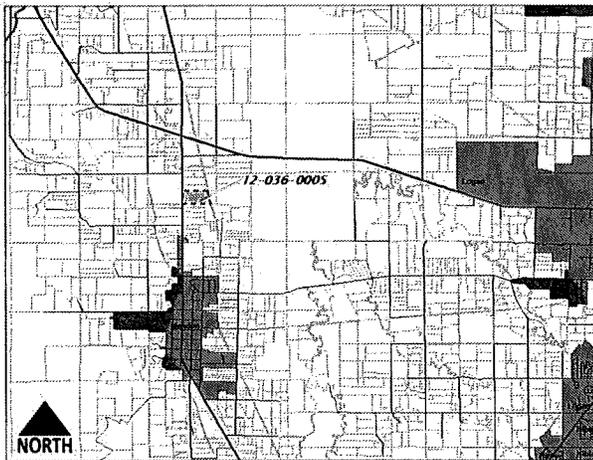
#### Surrounding Uses:

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 Fox Hollow 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 12-036-0005 into four (4) developable lots and one (1) agricultural remainder. The total developable acreage for this subdivision is 49.6 acres. The maximum development potential is four (4) lots.

**Access:**

- Highway 23 is an adequate access route. UDOT has reviewed and identified requirements for access from Highway 23. At a minimum this includes paving the throat of the access within the UDOT right-of-way.
- The access road to the proposed lots must meet the minimum county requirements, specifically, a 22' wide paved surface with 1' wide gravel shoulders from Highway 23.
- The Cache County Manual of Roadway Design and Construction Standards Section 2.5 specifies that the maximum length of terminal roads shall not be longer than 500 feet from the centerline of the adjoining road to the center of the cul-de-sac. The proposed private road 320 North is 398' long.
- The county road standard required that this be considered a county road once built to the county standard. However, staff proposes that a design exception be granted to allow this roadway to function as a private road as it is not contiguous to other county roadways.

**Water & Septic:**

- An adequate, approved, domestic water right must be in place for all buildable lots prior to final plat recordation.
- The proposed lots are feasible for an on-site septic tank system.

**Service Provision:**

- Residential refuse and recycling collection:
  - a. The proponent must provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane on Highway 23. A UDOT permit may be required, or;
  - b. If collection is to be on 320 North, the road and the turnaround must meet county specifications to provide all weather access for large collection trucks. A liability waiver must also be submitted to Logan City before they can begin collection on the private road.
- A school bus stop is located at the intersection of 320 North and Highway 23.
- 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 Mendon City Fire Department. Access for emergency services will require further review following the construction of the private road.

**Sensitive Areas:**

- Wetlands may be located within the subdivision boundary, but do not appear to be located on the proposed development lots.
- A fault line crosses this property, but the specific location is not known. A geotechnical report shall be required as specified B §17.18.060 to determination the location of said fault line.
- The existing drainage ditch, and flow, through the center of the property must be maintained.

**Public Comment:**

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

## STAFF DETERMINATION AND FINDINGS OF FACT (5)

It is staff's determination that the Fox Hollow Subdivision, a 4-lot subdivision for property located at approximately 320 North Highway 23 in Petersboro with parcel number 12-036-0005, 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 Fox Hollow 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 Fox Hollow 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 Fox Hollow 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 Fox Hollow Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. A design exception is granted, to allow 320 North to function as a private roadway, and shall not be maintained by the county as it not contiguous to existing county roadways.

## CONDITIONS OF APPROVAL (8)

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

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. An adequate, approved, domestic water right shall be in place for all building lots within the subdivision.
3. Residential refuse and recycling collection:
  - a. The proponent must provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane on Highway 23. A UDOT permit may be required. Or;
  - b. If collection is to be on 320 North, the road and the turnaround must meet county specifications to provide all weather access for large collection trucks. A liability waiver must also be submitted to Logan City before they can begin collection on the private road.
4. The design of all roads providing access to the development shall be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans shall be submitted and shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. Fees for any engineering review shall be borne by the proponent.
5. The private road 320 North shall be built to meet and/or exceed county roadway standards, including but not limited to:
  - a. 22' wide paved surface with 1' wide gravel shoulders to the specifications of the Cache County Roadway Construction Manual.
  - b. Costs for any and/or all engineering review shall be borne by the proponent.
  - c. Evidence of UDOT approval and acceptance of work required to connect the private road 320 North to Highway 23.
6. The applicant shall post MUTCD compliant signage to indicate that the road is private and there shall be no county maintenance or snow removal on 320 North.
7. A geotechnical report shall be required on the proposed development to determine the location of said fault line.
8. The existing drainage ditch, and flow, through the center of the property must be maintained.



1 **#4 Fox Hollow Subdivision (Duane Williams)**

2  
3 **Harrild** reviewed Mr. Duane Williams request for a recommendation of approval to the County  
4 Council of a 4-lot subdivision with one agricultural remainder parcel on 49.6 acres of property in  
5 the Agricultural (A10) Zone located at approximately 320 North 6000 West, north of Mendon.  
6 There was a previous application that came before the commission for a rezone and it was  
7 denied. The applicant has come back to seek a subdivision under the current zone. Access is  
8 from a state highway and the applicant has met with UDOT regarding the road and will work  
9 with UDOT to meet those requirements. Typically the road standard would require that this  
10 road, once built, be taken over by the county. Staff recommends that a design exception be  
11 granted to allow this roadway to function as a private road as it is not contiguous to other county  
12 roadways. There are wetlands that have been identified within the subdivision boundary but do  
13 not appear to be located on the proposed development lots. There is also a fault line that crosses  
14 this property but the specific location is not known. A geotechnical report shall be required as  
15 specified by §17.18.060 to determine the location of the fault line. There is an existing drainage  
16 ditch, and flow, through the center of the property that must be maintained.

17  
18 **Mr. Williams** that drainage ditch will run on the side of the road and the lots that are impacted  
19 by that will have to have a culvert but other than it will not affect those homes.

20  
21 **White** was there a specification on the size of the culvert?

22  
23 **Runhaar** it's a private road so we wouldn't have a specified culvert side.

24  
25 **Mr. Williams** I will have an engineer look at it and recommend a culvert size.

26  
27 **Harrild** the only thing we can require is that the flow of the ditch not be impacted.

28  
29 **Mr. Williams** the houses are located high and won't be affected by the ditch but we will  
30 maintain it. It runs a little bit to the west there and last time we had a neighbor complain about  
31 the water flowing well there. Thanks to Josh's contacts, I saw a road grader from the state that  
32 was cleaning that out. So it is clean now and the flow is good.

33  
34 **White** I'm just worried about the runoff from the homes but if you use the barrow pits as a  
35 buffer, so to speak, it should take care of it.

36  
37 **Staff and Commission** discussed the geotechnical report condition. As long as there are no red  
38 flags, meaning the fault runs through the buildable area of the lots, there should be no problems.  
39 If there was an issue as to the location of the fault, the lots would have to be adjusted. Signage  
40 was also discussed. There will be a stop sign and a private road indicator on the road sign. The  
41 HOA will be required to place a stop sign and be responsible for the upkeep of the private road.  
42 At the developer requests, the county can install the sign at the cost of the developer.

43  
44 *Larson motioned to recommend approval to the County Council with the stated conditions and*  
45 *findings of fact; Watterson seconded; Passed 5, 0.*

46