

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
FEBRUARY 10, 2015**

COUNTY COUNCIL MEETING

February 10, 2015

NATURE OR ORDER OF PROCEEDING	DATE
ARMOR STORAGE REZONE TO COMMERCIAL ZONE.....	3
BOARDS AND COMMITTEES ASSIGNMENTS – Review-2015 Council Member.....	3
BUDGET – Public Hearing Set-February 24, 2015-6:00 p.m.-Open 2015 Budget	2
CHILDREN’S JUSTICE CENTER.....	2
DEPARTMENT ASSIGNMENTS – Review – 2015 Council Member.....	3
HUMAN RESOURCES DIRECTOR.....	2
LEGISLATORS’ MEETINGS	4
MILITARY PROPERTY TAX EXEMPTION REQUEST – Active.....	3
ORDINANCE NO. 2015-02 – Establishing Boundaries of 85 Precincts in Cache County	2
PRECINCTS IN CACHE COUNTY – Ordinance No. 2015-02-Establishing Boundaries of 85.....	2
PROPERTY TAX ABATEMENTS – Approval of 2014 Parcels with Abatements.....	2
PROPERTY TAX EXEMPTION REQUEST – Active Military Duty.....	3
PROPERTY TAX – Approval of 2014 Parcels with Back Tax Penalty and Interest Cancellations.....	2
PROPERTY TAX DEFERRAL REQUEST.....	3
PUBLIC HEARING SET – February 24, 2015-6:00 p.m.-Open 2015 Budget.....	2
UAC MEETINGS – Bear River Health Department.....	4
UTAH DIVISION OF WILDLIFE PRESENTATION OF PILT CHECK – Rescheduled.....	2
UTAH LOCAL GOVERNMENTS TRUST LETTER.....	1
WARRANTS – 01-17-2015 to 01-23-2015, 01-24-2015 to 01-30-2015, 01-31-2015 to 02-06-2015.....	1

CACHE COUNTY COUNCIL MEETING
February 10, 2015

The Cache County Council convened in a regular session on February 10, 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, Val Potter, Jon White, Cory Yeates & Gordon Zilles.
County Executive: Craig "W" Buttars
County Clerk/Auditor: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Janeen Allen, Troy Cooper, Chris Harrild, Sharon L. Hoth, Curtis Knight, Korene Knight, Kylan Knight, Treasurer Craig McAllister, Erik Merkley, Susanne Moore, Dave Nielsen, Tim Rawlings, Dianna Schaeffer, Mike Stauffer, **Media:** Shannon Nielsen (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member David Erickson gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

Chairman Robison asked that Items 12d-*Approval of 2014 Parcels with Abatements*-and 12e-*Approval of 2014 Parcels with Back tax Penalty and Interest Cancellations*-be inserted before Item 12a-*Ordinance No. 2015-02-Establishing Boundaries of 85 Precincts in Cache County*.

ACTION: Motion by Council member Yeates to approve the agenda as amended. Erickson seconded the motion. The vote was unanimous, 7-0

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the January 27, 2015 Council meeting as written. Zilles seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 01-17-2015 to 01-23-2015, 01-24-2015 to 01-30-2015 and 01-31-2015 to 02-06-2015 were given to the Clerk for filing.

OTHER ITEMS:

- Utah Local Governments Trust Letter** – Executive Buttars has received notice that Cache County will be receiving a dividend payout of \$8,785.00 in July.

- **Human Resources Director** – Executive Buttars stated that a decision will probably be made tomorrow on the position of Human Resources Director. There were several very good applicants.

ITEMS OF SPECIAL INTEREST

- **Utah Division of Wildlife Presentation of PILT Check – Justin Dolling** – Chairman Robison indicated that this item will be rescheduled as per a request by Dolling.

UNIT OR COMMITTEE REPORTS

- **Children’s Justice Center – Mike Stauffer** reported that the Children’s Justice Center is a forensic investigation of child abuse agency. The Center is funded by an appropriation from the State Legislation of about \$177,000.00 per year. The 2014 case load was down by about fifty cases. The building is owned by a 501c3, Friends of the Children’s Justice Center, which cares for the grounds, pays for the utilities and maintenance. Cache County supports the Center in kind, such as IT support, some payroll, auditing and bookkeeping functions. Primary Children’s Hospital furnishes medical services through a contractual agreement and the Center provides services for three counties, Box Elder, Cache and Rich.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: FEBRUARY 24, 2015 – 6:00 P.M. – OPEN 2015 BUDGET

ACTION: Motion by Council member Yeates to set a Public Hearing – February 24, 2015-6:00 p.m.-Open 2015 Budget. Erickson seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Approval of 2014 Parcels with Abatements** – Clerk Zollinger distributed a chart to Council members listing the various types of abatements and explained the criteria associated with applications for those abatements. *(Details are on file in the Cache County Clerk/Auditor’s office.)*

ACTION: Motion by Council member Zilles to approve the 2014 Parcels with Abatements list. White seconded the motion. The vote was unanimous, 7-0.

- **Approval of 2014 Parcels with Back Tax Penalty and Interest Cancellations** – Council members will review the document and address the item at a future Council meeting.
- **Ordinance No. 2015-02-Establishing Boundaries of 85 Precincts in Cache County** – Clerk/Auditor Zollinger apprised the Council of minor updates in the language.

(Attachment 1)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2015-02-Establishing Boundaries of 85 Precincts in Cache County. White seconded the motion. The vote was unanimous, 7-0.

- **Property Tax Deferral Request** – During the discussion of this application, Council member Merrill asked how much “benevolence” the county gives. How long will an individual have to be in arrears of payments before action is taken? There has been no specific time limit and no effective tracking method of deferral payments in the past. Council member White and other Council members agreed that some kind of time limit for nonpayment should be imposed and consequences spelled out. Treasurer McAllister interjected that specific terms would be good. Attorney Swink recommended an agreement document with a default section be formulated and Deputy Auditor Schaeffer suggested a 90-day breach of contract letter. Schaeffer and Swink both feel the agreement should be formalized via a resolution or ordinance. *(Details are on file in the Cache County Clerk/Auditor’s office.)*

ACTION: Motion by Council member Yeates to approve the property tax deferral request and charge the county with the implementation of a payment agreement that includes all property owned by an individual requesting a deferral and also includes 90-days’ in arrears and 30-days’ notice sections. Potter seconded the motion. The vote was unanimous, 7-0.

- **Active Military Duty Property Tax Exemption Request** – *(Details are on file in the Cache County Clerk/Auditor’s Office.)*

ACTION: Motion by Council member White to approve the Active Military Duty Property Tax Exemption Request. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Armor Storage Rezone to Commercial Zone** – Chris Harrild briefly reviewed the request noting that staff recommends denial based on two findings of fact: parcels are within the City of Hyrum annexation area and most services required would be provided by an adjacent municipality, and as such should be annexed so as to meet the municipal standards requested by Hyrum City; the Planning Commission recommends approval with no findings; and Hyrum City requests denial till annexed.

(Attachment 2)

ACTION: Motion by Council member White to deny the Erik Merkley-Armor Storage Rezone to Commercial Zone request. The motion passed, 6 aye – Erickson, Potter, Robison, White Yeates & Zilles and 1 nay – Merrill.

OTHER BUSINESS

- ✓ **Review – 2015 Council Member Boards and Committees Assignments** – No changes were made.
- ✓ **Review – 2015 Council Member Department Assignments** – No changes were made. In response to Chairman Robison’s question as to when and how reports on Council member department assignments should be given, Council member White proposed the reports be made as needed during individual Council member reports that are a part of each Council meeting.

- ✓ **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 Yeates left the meeting at 6:10 p.m.

- ✓ **UAC Meetings at Bear River Health Department on Thursdays** – Chairman Robison urged Council members to attend these meetings if possible.

COUNCIL MEMBER REPORTS

Executive Craig “W” Buttars said the CMPO is going to try to get legislation drafted that will allow counties flexibility on how the third ¼% sales tax can be used.

ADJOURNMENT

The Council meeting adjourned at 6:11 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Kathy Robison
Chairman

CACHE COUNTY ORDINANCE NO. 2015-02

AN ORDINANCE AMENDING ORDINANCE NO. 2013-03 AND ESTABLISHING THE BOUNDARIES OF THE 85 PRECINCTS IN CACHE COUNTY.

Section 1: Chapter 1.10 is hereby added to the Cache County Code as amended to read as follows:

- 1.10.010** There is established 85 precincts in Cache County. All boundary descriptions are set forth below generally and more fully set forth on the Cache County Precinct map available for inspection in the office of the Cache County Clerk. All descriptions start on the northwest corner and continue clockwise to the point of origin. Where a description refers to streets that do not presently exist follow the lines where the north/south and east/west coordinates would most reasonably place the street in Cache County.
- 1.10.020** **AMALGA PRECINCT:** The Amalga Precinct is established with the following general boundaries: The Bear River on the north and east and south to 4600 North Street then west along 4600 North Street to Sam Fellow Road to the Utah House of Representatives District 1 boundary, the Amalga Town boundary, and the Trenton municipal boundary on the west.
- 1.10.030** **BENSON PRECINCT:** The Benson Precinct is established with the following general boundaries: Sam Fellow Road on the north to 4600 North Street then east along 4600 North Street to the Bear River on the north to SR-218 on the north to 1200 West Street in Cache County; then south along 1200 West Street in Cache County and its extension to the Hyde Park and Logan Municipal boundaries on the east and south to SR-30 on the south to the Little Bear River on the west to 4800 West Street.
- 1.10.040** **CLARKSTON PRECINCT:** The Clarkston Precinct is established with the following general boundaries: The Utah State border on the north; Stink Creek Road on the east to 11800 North Street to 7200 West Street to SR-142 on the east and north; then north along 5200 West Street excepting the Trenton Municipal Boundaries to 11400 North Street in Cache County then east to the Utah House of Representatives District 1 boundaries on the east to the extension of 8800 North Street on the south and the Cache County boundary on the west.
- 1.10.050** **COLLEGE/YOUNG PRECINCT:** The College/Young Precinct is established with the following general boundaries: The Utah House of Representatives District 4 boundaries on the north and east to 1000 South Street then following the Logan Municipal boundaries on the east to 3000 South Street then along the Utah Senate District 17 boundaries on the south to the Little Bear River on the west.
- 1.10.060** **CORNISH PRECINCT:** The Cornish Precinct is established with the following general boundaries: The Utah State border on the north; the Utah House of Representatives District 3 boundaries on the east and south to 5200 West Street then south along 5200 West Street excepting the Trenton municipal boundaries, to SR-142 to 7200 West Street to 11800 North Street to Stink Creek Road on the west.

1.10.70 COVE PRECINCT: The Cove Precinct is established with the following general boundaries: the Utah State line on the north; the Utah State House of Representatives District 3 boundaries on the east; to the extension of 11400 North Street in Cache County; then westerly to 2000 East Street in Cache County, then westerly along the northern municipal boundary of Richmond to 11400 North Street in Cache County, then westerly along 11400 North Street in Cache County and its extension on the south; and the Lewiston municipal boundaries on the west.

1.10.080 HYDE PARK PRECINCTS:

A. The Hyde Park 01 Precinct is established with the following general boundaries: Center Street in Hyde Park (3700 North Street and its extension to the west in Cache County) east to 400 East Street in Hyde Park; then north along 400 East Street to 450 North Street in Hyde Park; then eastward to 490 East Street in Hyde Park to 410 North Street in Hyde Park to 600 East Street in Hyde Park to 300 North Street in Hyde Park to 1000 East in Hyde Park; then south on 1000 East Street to Canyon Road in Hyde Park on the north; then along the Hyde Park municipal boundaries on the east to the westward extension of Center Street in Hyde Park and the Utah State House of Representatives District 3 boundaries on the east to 200 South Street and its extension in Hyde Park; the Hyde Park, North Logan and Logan municipal boundaries on the south and the extension of 1200 West Street in Cache County on the west.

B. The Hyde Park 02 Precinct is established with the following general boundaries: 600 feet (one block) north of 4200 North Street in Cache County west of U.S. Highway 91, then north along said Highway 91 to 4500 North Street in Cache County, then east along 4500 North Street and its extension on the east; then northward and eastward following the Hyde Park municipal boundaries on the north to the eastward extension of 4500 North Street in Cache County to the Utah State House of Representatives District 3 boundary on the east; then south to Center Street and its extension in Hyde Park westward to the Hyde Park municipal boundaries; then northward along the municipal boundaries to Canyon Road; then west along Canyon Road to 1000 East Street in Hyde Park; to 300 North Street in Hyde Park to 600 East Street in Hyde Park to 410 North Street in Hyde Park to 490 East Street in Hyde Park to 450 North Street in Hyde Park, then west along 450 North Street in Hyde Park to 400 East Street in Hyde Park; then south to Center Street in Hyde Park; then westward along Center Street to 3700 North Street in Cache County on the south to the approximate extension of 1200 West Street in Cache County on the west.

1.10.090 HYRUM PRECINCTS:

A. The Hyrum 01 Precinct is established with the following general boundaries: Main Street and its extension in Hyrum on the north; 200 East Street and its extension in Hyrum on the east; 7400 South Street and its extension in Cache County to the extension of 900 West Street in Cache County to the extension of 1500 West Street in Cache County to approximately 8000 South Street in Cache County on the south; and 2400 West Street in Cache County on the west.

B. The Hyrum 02 Precinct is established with the following general boundaries: The Nibley municipal boundaries on the north; the southern extension of 500 East Street in Cache County and all territory within Hyrum municipal boundaries north of SR-101 on the east; SR-101 in Cache County westward to Main Street in Hyrum then along Main Street on the south; and 200 East Street in Hyrum (700 West Street in Cache County) on the west.

C. The Hyrum 03 Precinct is established with the following general boundaries: 4000 South Street in Cache County on the north; the Nibley municipal boundaries and 700 West Street in Cache County and 200 East Street in Hyrum on the east; Main Street in Hyrum on the south; and 2400 West Street in Cache County on the west.

D. The Hyrum 04 Precinct is established with the following general boundaries: Main Street in Hyrum on the north; SR-165 on the east; 7400 South Street in Cache County on the south; and 200 East Street and its southern extension on the west.

E. The Hyrum 05 Precinct is established with the following general boundaries: SR-101 in Cache County on the north; the Utah House of Representatives District 5 boundaries on the east; approximately 7100 South Street in Cache County on the south; and SR-165 on the west.

1.10.100 LEWISTON PRECINCTS:

A. The Lewiston 01 Precinct is established with the following general boundaries: The Utah State border on the north; Lewiston municipal boundaries on the east; Cub River on the south; and 800 West Street in Lewiston on the west.

B. The Lewiston 02 Precinct is established with the following general boundaries: The Utah State border on the north; 800 West Street in Lewiston on the east; the Cub River on the south and the Trenton and Cornish municipal boundaries on the west.

1.10.110 LOGAN PRECINCTS: The Logan Precincts Number 1 through 33:5 are established within the Logan municipal boundaries and such internal boundaries as set forth on the Logan Precinct map available for inspection in the office of the Cache County Clerk.

1.10.120 MENDON PRECINCTS:

A. The Mendon 01 Precinct is established with the following general boundaries: The Utah State House of Representatives District 3 boundaries on the north; the Little Bear River on the east and the Utah State House of Representatives District 3 boundaries on the south and west.

B. The Mendon 02 Precinct is established with the following general boundaries: The Utah State House of Representatives District 3 boundaries on the north; the Little Bear River on the east and the Utah State Senate District 17

boundaries on the south and the Utah State House of Rep District 5 boundaries on the west.

1.10.130 MILLVILLE PRECINCTS:

A. The Millville 17 Precinct is established with the following general boundaries: The Utah State Senate District 17 boundaries on the north and east; the Utah State House of Representatives District 5 boundaries on the east; then west at approximately 5000 South Street in Cache County on the south; along the Nibley municipal boundaries on the west.

B. The Millville 25 Precinct is established with the following general boundaries: Beginning at a point on U. S. Highway 89/91 midway between 800 West and Park Avenue (approximate coordinates X:429088.49 and Y:4617150.53) on U.S. Highway 89/91 then along the Logan, Millville and Providence municipal boundaries on the north and the Utah State House of Representatives District 4 boundaries on the east and the Utah Senate District 17 boundaries on the south to the Millville municipal boundaries and 800 West Street in Cache County on the west.

1.10.140 NEWTON PRECINCT: The Newton Precinct is established with the following general boundaries: Approximately 8800 North Street in Cache County on the north, the Amalga Town boundary, and the Utah House of Representatives District 1 boundaries, excepting the Trenton municipal boundaries on the north, east and south; the Cache County boundary on the west.

1.10.150 NIBLEY PRECINCTS:

A. The Nibley 01 Precinct is established with the following general boundaries: Along the Nibley municipal boundaries continuing along 2200 South Street in Cache County on the north; south on 800 West Street following the Nibley municipal boundaries to 1000 West Street; east along 2600 South Street; south along 800 West Street; west along 3200 South Street; following the Nibley municipal boundaries on the east; 4000 South Street on the south; northward along the Wellsville municipal boundaries and the Utah Senate District 25 boundaries on the west.

B. The Nibley 17 Precinct is established with the following general boundaries: the Nibley municipal boundaries beginning at 800 West Street eastward along 2200 South Street to RR; then south along RR to 2600 South Street in Cache County; then west to SR 165; then north to Nibley municipal boundary; then east and south along Nibley municipal boundary to 3100 South Street in Cache County; then west on 3100 South Street to SR 165; south on SR 165 to 3200 South Street in Cache County; west to 640 West Street; south on 640 West Street; then along the Nibley municipal boundaries northerly to 3200 South Street; north on 800 West Street; west on 2600 South Street; north along 1000 West Street and its extension; northward along the Nibley municipal boundaries.

C. The Nibley 25 Precinct is established with the following general boundaries: 2200 South Street and the Blacksmith Fork River to 2400 South Street on the north; the Millville municipal boundaries on the east to the Nibley

municipal boundary; then south to the Utah Senate District 17 boundaries on the south and west.

C. The Nibley 03 Precinct is established with the following general boundaries: 3200 South Street on the north to SR-165 north to 3100 South Street; south along the Blacksmith Fork River turning east at approximately 5000 South Street in Cache County and continuing along the Utah State House of Representatives District 5 boundaries on the east; the Hyrum municipal boundaries on the south; turning north at approximately 500 East Street in Cache County to the Nibley municipal boundaries and 640 West Street on the west to 3200 South Street.

1.10.160 NORTH LOGAN PRECINCTS:

A. The North Logan 01 Precinct is established with the following general boundaries: 2200 North Street in North Logan on the north; 800 East Street in North Logan on the east and the Logan municipal boundaries on the south and west.

B. The North Logan 02 Precinct is established with the following general boundaries: 3100 North Street in North Logan and the Hyde Park municipal boundaries on the north; 400 East Street in North Logan on the east; 2200 North Street in North Logan on the south and the Logan municipal boundaries on the west.

C. The North Logan 03 Precinct is established with the following general boundaries: The Hyde Park municipal boundaries on the north; 1200 East Street in North Logan southward to 1250 East Street; then south to 2300 North Street in North Logan; then westward to 1200 East Street in North Logan; then southward to 2200 North Street in North Logan on the east; 2200 North Street in North Logan on the south and 400 East Street in North Logan on the west.

D. The North Logan 04 Precinct is established with the following general boundaries: 3400 North Street and its eastward extension in Cache County and the Hyde Park municipal boundaries on the north; the Utah House of Representatives District 3 boundaries on the east; 2300 North Street in North Logan on the south; and 1250 East Street and 1200 East Street in North Logan on the west.

E. The North Logan 05 Precinct is established with the following general boundaries: 2200 North Street in North Logan eastward to 1200 East Street in North Logan; then northward on 1200 East Street to 2300 North Street in North Logan, then eastward on 2300 North Street on the north; the Utah House of Representatives District 3 boundaries on the east; Green Canyon Road westward to 1900 North Street and then westward to 1800 North Street on the south; and 800 East Street on the west.

F. The North Logan 06 Precinct is established with the following general boundaries: 1800 North Street to 1900 North Street to the Green Canyon Road on the north; the Utah House of Representatives District 3 boundaries on the

east; the Logan municipal boundaries on the south; and 800 East Street on the west.

1.10.170 PARADISE PRECINCT: The Paradise Precinct is established with the following general boundaries: Starting at approximately 8000 South Street in Cache County; then east to approximately 1500 West Street, then north to approximately 7800 South Street; then east to 800 West Street; then north to 7400 South Street; then east to SR-165 and north along SR-165 to approximately 7100 South Street on the north; the Cache County boundaries on the east and south; and the Cache County boundaries and 2400 West Street in Cache County on the west.

1.10.180 PROVIDENCE PRECINCTS:

A. The Providence 01 Precinct is established with the following general boundaries: The Providence municipal boundaries and 800 South Street and its extension in Cache County on the north; the Utah House of Representatives District 5 boundaries on the east; Eagle View Drive and its eastward extension to Sherwood Drive in Providence, then south to Center Street in Providence on the south and Main Street in Providence north to 200 North Street in Providence; then west along 200 North Street to 100 West Street in Providence on the west.

B. The Providence 02 Precinct is established with the following general boundaries: Center Street in Providence to Sherwood Drive to Eagle View Drive on the north; the Utah House of Representatives District 5 boundaries on the east; Canyon Road westerly to 600 South Street in Providence and westerly to 650 South Street in Providence on the south; 100 East Street in Providence northerly to 200 South Street in Providence; then northerly along Main Street to Center Street on the west.

C. The Providence 03 Precinct is established with the following general boundaries: 100 South Street in Providence and its westward extension on the north; Main Street in Providence on the east; the Millville municipal boundaries on the south and the Millville and Logan municipal boundaries on the west.

D. The Providence 04 Precinct is established with the following general boundaries: The Providence municipal boundaries on the north; 100 West Street in Providence on the east to 200 North Street in Providence; then east along 100 North Street and its extension to Main Street in Providence on the east; 200 South in Providence on the south and the Logan municipal boundaries on the west.

E. The Providence 05 Precinct is established with the following general boundaries: 200 South Street in Providence easterly to 100 East Street in Providence; then southerly to 650 South Street in Providence; then easterly to 600 South Street in Providence; then easterly to Canyon Road in Providence on the north; the Millville municipal boundaries on the east; the Providence municipal boundaries on the south; then the Providence municipal boundaries and Main Street in Providence on the west.

RICHMOND PRECINCTS:

A. The Richmond 01 Precinct is established with the following general boundaries: Beginning at an extension of 11400 North Street in Cache County and the Lewiston municipal boundary, then east to the northern Richmond municipal boundary; then following the northern boundary of Richmond to 2000 East Street in Cache County, then continuing easterly along an extension of 11400 North Street in Cache County on the north; the Utah House of Representatives District 3 boundaries on the east; 100 South Street in Richmond and its extension on the south and the Lewiston municipal boundaries on the west.

B. The Richmond 02 Precinct is established with the following general boundaries: The Lewiston municipal boundaries and the extension of 100 South Street in Richmond on the north; the Utah House of Representatives District 3 boundaries on the east; 8300 North Street and its extensions on the south and the Bear River and Cub River on the west.

1.10.200 RIVER HEIGHTS PRECINCTS:

A. The River Heights 01 Precinct is established with the following general boundaries: The River Heights municipal boundaries, but including the residence at 495 River Heights Blvd and the residence at 292 South 500 East Street on the north; 600 East Street in Cache County on the east; the Providence municipal boundaries on the south and the Logan municipal boundaries on the west.

B. The River Heights 02 Precinct is established with the following general boundaries: The Logan municipal boundaries from the approximate southern extension of 560 South Street in Logan then along the River Heights municipal boundaries on the north; the Logan municipal boundaries on the east; the Providence municipal boundaries and the extension of 800 South Street in Cache County on the south; 600 East Street in Cache County northward to the Logan municipal boundaries on the west.

1.10.210 SMITHFIELD PRECINCTS:

A. The Smithfield 01 Precinct is established with the following general boundaries: 8300 North Street in Cache County and its extensions on the north; the Utah House of Representatives District 3 boundaries on the east; Smithfield Canyon Road in Cache County southwesterly to the intersection of Smithfield Canyon Road and Upper Smithfield Canyon Road then following the Upper Smithfield Canyon Road westerly to 200 North Street in Smithfield then west on 200 North Street on the south; U.S. Highway 91 (Smithfield Main Street) northward on the west.

B. The Smithfield 02 Precinct is established with the following general boundaries: 200 North Street in Smithfield eastward to the Upper Smithfield Canyon Road then easterly along the Upper Smithfield Canyon Road to the intersection with the Smithfield Canyon Road, then northeasterly along the

Smithfield Canyon Road on the north; the Utah State House of Representatives District 3 boundaries on the east; 30 South Street in Smithfield and its easterly extension to 1000 East Street in Smithfield to the easterly extension of 20 North Street in Smithfield; then along the western extension of 20 North Street to the western boundary of the Birch Creek Golf Course to Center Street in Smithfield and its extension on the south; U.S. Highway 91 (Smithfield Main Street) on the west.

C. The Smithfield 03 Precinct is established with the following general boundaries: Center Street in Smithfield to the western boundary of the Birch Creek Golf Course then along 20 North Street in Smithfield and its western extension to 1000 East Street in Smithfield to 30 South Street in Smithfield and its easterly extension on the north; the Utah House of Representatives District 3 boundaries on the east; Smithfield Dry Canyon Road in Cache County westerly to 5400 North Street in Cache County then to 300 South Street in Smithfield then westerly along 300 South Street on the south; U.S. Highway 91 (Smithfield Main Street) on the west.

D. The Smithfield 04 Precinct is established with the following general boundaries: 300 South Street in Smithfield easterly to the Smithfield Dry Canyon Road in Cache County then easterly on the north; the Utah House of Representatives District 3 boundaries on the east; the easterly extension of 4500 North Street in Cache county and the Hyde Park municipal boundary and 4500 North Street and its extension on the south; 455 East Street in Smithfield on the west.

E. The Smithfield 05 Precinct is established with the following general boundaries: 300 South Street in Smithfield on the north; 455 East Street in Smithfield on the east; the extension of 4500 North Street in Cache County on the south; U.S. Highway 91 (Smithfield Main Street) on the west.

F. The Smithfield 06 Precinct is established with the following general boundaries: SR-218 (Smithfield 100 North Street) on the north; U.S. Highway 91 (Smithfield Main Street) on the east; 600 feet (one block) north of 4200 North Street in Cache County on the south; 1500 West Street in Cache County and its extension, then along Summit Creek and 1200 West Street in Cache County on the west.

G. The Smithfield 07 Precinct is established with the following general boundaries: 8300 North Street in Cache County on the north; U.S. Highway 91 (Smithfield Main Street) on the east; SR-218 (Smithfield 100 North Street) on the south; the Bear River on the west.

1.10.220 **TRENTON PRECINCT:** The Trenton Precinct is established with the following general boundaries: the Trenton municipal boundaries.

1.10.230 WELLSVILLE PRECINCTS:

A. The Wellsville 01 Precinct is established with the following general boundaries: Utah Senate District 17 boundaries on the north; a line which is the extension of Center Street in Wellsville southward to Main Street on

the east; Main Street in Wellsville west to the Wellsville municipal boundaries; then westerly along the Wellsville municipal boundaries to a point approximately half way between the western extension of Main Street in Wellsville and the western extension of 100 North Street in Wellsville on the south to the Utah State House of Representatives District 5 boundaries on the west.

B. The Wellsville 02 Precinct is established with the following general boundaries: The western extension of a point halfway between Main Street in Wellsville and 100 North Street in Wellsville to the Wellsville municipal boundary; following the municipal boundaries to Main Street in Wellsville and its western extension on the north; Center Street south to U.S. Highway 89/91 then southerly to the Old Sardine Canyon Road in Cache County then southerly along the Old Sardine Canyon Road on the east; the Cache County boundaries on the south and the west.

C. The Wellsville 03 Precinct is established with the following general boundaries: The Utah Senate District 17 boundaries and the Wellsville municipal boundary to 4000 South Street on the north; 2400 West Street in Cache County on the east; SR-101 westward to the intersection of Main and Center Streets in Wellsville on the south; and Center Street in Wellsville and its extension on the west.

D. The Wellsville 04 Precinct is established with the following general boundaries: Main Street in Wellsville and SR-101 on the north; 2400 West Street in Cache County on the east; the Cache County boundary on the south; the Old Sardine Canyon Road in Cache County northward to U.S. Highway 89/91 then northward to Center Street in Wellsville then northward along Center Street in Wellsville on the west.

Section: This Ordinance shall become effective immediately upon publication, in the manner required by law.

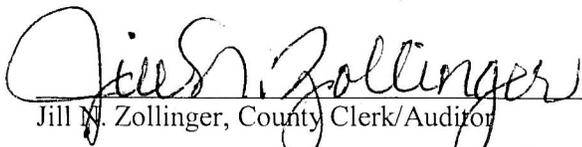
This Ordinance was adopted by the County Council, Cache County, Utah on the 10th Day of February 2015, upon the following vote:

	Voting in Favor	Voting Against	Abstaining	Excused/Absent
David Erickson	X			
Val Potter	X			
G. Gregory Merrill	X			
Kathy Robison	X			
Jon White	X			
Cory Yeates	X			
Gordon Zilles	X			

Cache County Council


Kathy Robison, Chairman

ATTEST:


Jill N. Zollinger, County Clerk/Auditor



Publication Date: February 25, 2015



To: Cache County Council
From: Chris Harrild, Planner II, Development Services,
Subject: Development Services agenda items for February 10, 2015

INITIAL CONSIDERATION

- 1. Armor Storage Rezone to Commercial Zone** – Erik Merkley is requesting a rezone of 25 acres from the Agricultural (A10) Zone to the Commercial (C) Zone located at approximately 4400 South Highway 165, Nibley.

Staff Recommendation: Denial

Findings of Fact: 2

Hyrum City Recommendation: Denial

Planning Commission Recommendation: Approval (5, 0)

Findings of Fact: 0



STAFF REPORT: ARMOR STORAGE REZONE

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: Erik Merkley

Parcel ID#: 03-063-0013, 0014, 0018

Staff Recommendation: Denial

and 03-065-0004

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Stephanie Nelson - Planner I

Project Address:
4400 South Highway 165
Nibley, Utah 84321

Acres: 24.82

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Commercial (C)

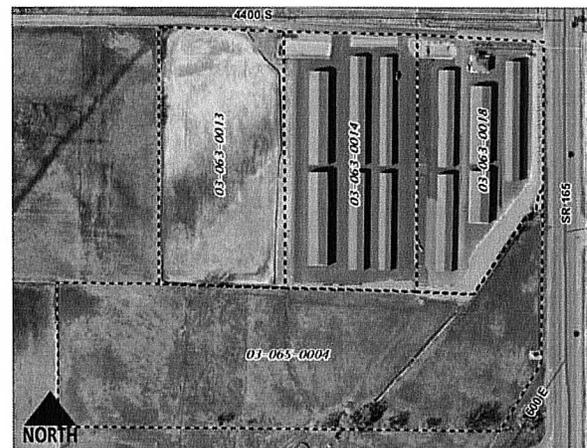
Surrounding Uses:

North – Agricultural/Nibley City

South – Agricultural/Hyrum City

East – Hwy. 165/Gravel Extraction/Nibley City

West – Agricultural/Nibley City



PROJECT PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

To review and make a decision regarding the proposed Armor Storage Rezone request to rezone 24.82 acres of property from the Agricultural (A10) Zone to the Commercial (C) Zone.

Ordinance:

As per §Title 17.08.030 [E], the purpose of the Commercial (C) zone is to provide locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the county's tax base.

Summary:

The following is a brief history of the permits obtained at this site (it does not include zoning clearances, building permits, or business licenses):

- 17 May 2010 - A conditional use permit (CUP) for two (2) self-service storage units on parcel number 03-065-0004 was recorded.
- 21 December 2010 - A boundary line adjustment involving parcel number(s) 03-065-0004 and 03-063-0017 was recorded. Also, at that time, parcel number 03-063-0017 became parcel number 03-065-0004 and parcel number 03-065-0004 became parcel number 03-063-0018. There is no record of why the numbers for these parcels were eliminated and reassigned. The original CUP recorded on 17 May 2010 no longer applies to parcel number 03-065-0004 but now applies to parcel number 03-063-0018.
- 21 March 2011 – Mr. Knight proposed additional expansion of the use. This request was reviewed by the Planning Commission and an expansion and update of the existing CUP as Urban Development on parcel number 03-063-0018 was recorded.
- 24 April 2012 – An expansion of the existing CUP as Urban Development on parcel number 03-063-0018 to include self-service storage units on parcel number 03-063-0014 was approved by the County Council. Recorded on 30 July 2012.
- 02 August 2012 – A rezone request as Urban Development from the Agricultural (A10) Zone to the Industrial Manufacturing (IM) Zone of the four parcels was submitted, reviewed, and denied by the Planning Commission and Council. Hyrum submitted comment (Exhibit A) at that time requesting that the county deny the request, and that Mr. Knight pursue annexation instead, due to their concern that the proposed zone did not support uses appropriate for the area.

At this time, the subject parcels are located in the Agricultural (A10) Zone and are surrounded by parcels west of Highway 165 that are primarily agricultural in use. The subject parcels are also in close proximity to Nibley and Hyrum and are within Hyrum City's annexation area and receives culinary water from Nibley City. Any further development on the noted parcels would be considered Urban Development as defined by State Code and requires input from Hyrum City.

Hyrum City has provided comment (Exhibit B), and has stated concern and opposition, and requested that the property owner(s) work instead to annex the parcels into Hyrum City.

Access:

- The access from county road 4400 South to parcel 03-063-0014 is adequate.
- Access to 4400 South is from Highway 165 and is adequate.

Service Provision:

- Existing hydrant service and water supply for fire protection is provided by Nibley City.

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.

PLANNING COMMISSION DETERMINATION (NO FINDINGS)

It is the Planning Commission's determination that the Armor Storage Hyrum rezone with parcel number(s) 03-063-0013, 03-063-0014, 03-063-0018, and 03-065-0004 located at approximately 50 West 4400 South should be recommended for approval to the Cache County Council.

STAFF DETERMINATION AND FINDINGS OF FACT (2)

It is staff's determination that the Armor Storage Hyrum rezone with parcel number(s) 03-063-0013, 03-063-0014, 03-063-0018, and 03-065-0004 located at approximately 50 West 4400 South 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. These parcels are located within the City of Hyrum annexation area, and as per State Code are defined as Urban Development. Therefore, this designation requires the county to obtain input from Hyrum City regarding the rezone request. Hyrum City has provided comment and specified objection to this rezone request and requested that the proponent(s) work instead to pursue future annexation of the property into Hyrum City.
2. Most services required for the potential development that could be located within the requested Commercial (C) rezone would be and/or are provided by an adjacent municipality, and as such any future development should be annexed so as to meet with municipal standards for development and land use, as has been requested by Hyrum City.



HYRUM CITY

83 West Main • Hyrum, Utah 84319

Phone (435) 245-6033

Dean Howard, Mayor

Council Members

Martin L. Felix
Paul C. James
Stephanie Miller
Craig L. Rasmussen
Aaron Woolstenhulme

City Administrator

D. Brent Jensen

Recorder

Stephanie B. Fricke

Treasurer

Todd Perkins

July 27, 2012

Jay Baker
Countywide Planner
179 North Main, Suite 305
Logan, Utah 84321

Re: Armor Storage Rezone

Mr. Baker:

Pursuant to discussion in a recent public meeting, the governing body of Hyrum City desires to inform you of the city's opposition to the proposed rezone of Armor Storage from Agriculture to Industrial/Manufacturing (I/M). In the same meeting the City Council advised Curtis Knight of its preference for him to pursue annexation of this property to Hyrum City.

Armor Storage lies at the gateway to our community and well within our annexation policy declaration area and is highly visible to traffic entering and leaving Hyrum. While Mr. Knight is to be commended for his landscaping and general maintenance of the storage complex thus far, a subsequent owner may not be as congenial or as sensitive to the lifestyle and esthetics of the surrounding area or as concerned about inappropriate uses the I/M zone allows, such as sexually oriented businesses, manufacturing plants, meat processing facilities, salvage yards, etc., none of which are desirable land uses at the entrance to our city.

Hyrum City's general plan projects rural and low-medium density residential and agricultural-related uses for the area between Hyrum and Nibley along SR165. Some commercial activities may fit adjacent to the highway but certainly not many of those allowed by the county's I/M zone. We urge the county to leave its current zoning in place and encourage Mr. Knight to seek annexation to Hyrum City.

Respectfully,

HYRUM CITY CORP.

Dean Howard
Mayor



HYRUM CITY

83 West Main • Hyrum, Utah 84319
Phone (435) 245-6033

Stephanie Miller, Mayor

Council Members

Scot M. Allgood
Jared L. Clawson
Martin L. Felix
Paul C. James
Aaron Woolstenhulme

City Administrator

Ron W. Salvesen

Recorder

Stephanie B. Fricke

Treasurer

Todd Perkins

October 27, 2014

Josh Runhaar
Cache County Development Services Director
179 North Main, Suite 305
Logan, Utah 84321

Re: Armor Storage Rezone

Mr. Runhaar

Pursuant to discussion in a recent public meeting, the governing body of Hyrum City desires to inform you of the city's opposition to the proposed rezone of Armor Storage from Agriculture to Commercial (C) Zone. In the same meeting the City Council indicated its preference for Armor Storage to pursue future annexation of this property to Hyrum City.

Armor Storage lies at the gateway to our community and well within our annexation policy declaration area and is highly visible to traffic entering and leaving Hyrum. While Mr. Knight is to be commended for his landscaping and general maintenance of the storage complex thus far, a subsequent owner may not be as congenial or as sensitive to the lifestyle and esthetics of the surrounding area.

Hyrum City's general plan projects rural and low-medium density residential and agricultural-related uses for the area between Hyrum and Nibley along SR165. Some commercial activities may fit adjacent to the highway. We urge the county to leave its current zoning in place and encourage Mr. Knight to seek annexation to Hyrum City.

Respectfully,

HYRUM CITY CORP.

Stephanie Miller
Mayor

#2 Public Hearing: 5:45 p.m. – Armor Storage Rezone (Merkley)

Harrild reviewed Mr. Erik Merkley's request for a rezone of 25 acres from the Agricultural (A10) Zone to the Commercial (C) Zone, located at approximately 4400 South Highway 165, Nibley. Since the existing storage units were built, the ordinance has been revised and storage units are no longer allowed in the Agricultural (A10) Zone. There was a previous request for a rezone to the Industrial Manufacturing (IM) Zone and that request was denied. Since this is on the edge of Hyrum City and is considered urban development, this requires that the county contact Hyrum City and request their input. Hyrum has provided comment and stated opposition to this rezone, requesting that the property owner(s) work instead toward annexation of the parcels into Hyrum City. Staff recommended that request be denied given the noted findings of fact.

Staff and Planning Commission discussed the state code requiring Hyrum City's input. Because this project would be more than \$750,000, state code requires that the County request input from Hyrum City regarding the application. If you look at the map Hyrum is growing north and Nibley is growing south; the possible annexation of this property is high.

05:46:00

Larson motioned to open the public hearing; Watterson seconded; Passed 5, 0.

Curtis Knight I'm the owner of these storage units. When we first applied for rezone to the Industrial Manufacturing (IM) Zone Hyrum City wrote a letter in opposition because they didn't want a sexually oriented business there and the Industrial Manufacturing (IM) Zone allows that type of business. If you look at Hyrum City's configuration the eastside is commercial until you get to the gravel pits and they recommended that we work on annexation. They felt like the Commercial (C) Zone is what would work here so we tried to get annexed into the city. But because it is an island they can't annex. We thought we maybe had the value to force annexation but the neighbors didn't like that. Hyrum did hold meetings and it was denied. The County's Commercial (C) Zone is more restrictive than what their commercial zone is. When we built these it was in the ordinance to build storage units in the Agricultural (A10) Zone. We put in the entire infrastructure and put in the office building so that we wouldn't have to do that later. To pay for the entire infrastructure, it was very expensive but we were fine with that. We are to the point that if we can put in more units we would be making a profit. That's not happening now; I have to subsidize these storage units at least 5 months of the year. I wasn't notified about the ordinance change regarding not allowing storage units in the Agricultural (A10) Zone. If you look at these units they are well kept and the landscaping is immaculate. This rezone would help us get back to where we were when we first put them in and would help us to make a profit. I have obeyed every ordinance/request that has been made and feel that we are a partner with the county and would hope the rezone would be approved.

Smith could you tell me more about the ordinance change?

Mr. Knight we own 25 acres here and when we first put the storage units in they were allowed in the Agricultural (A10) Zone. But a couple years after they were approved the ordinance was

changed and storage units are no longer allowed in the Agricultural (A10) Zone. I would have come in and talked with staff and the commission to figure out how to accomplish what I needed with the ordinance change taken into account. There are 3 parcels that are zoned commercial on 1200 West and if I can put outside storage on those it would be profitable but I haven't done that.

Smith have you talked to any of your neighbors?

Mr. Knight the ones I have talked to have no problem with them. They think they look nice. I understand nobody wants buildings next to you but they haven't had a problem. I do have the acreage and now storage units are no long allowed. We've been down zoned essentially. I don't know how it works but Cache Storage is in the County and they have outside storage and outside storage would allow me to bring my value back up to what I need it to be.

Eric Merkley just to clarify the changes on the land use ordinance, I think that was changed in February 2013. As you can see Mr. Knight wants to be able to maintain his property value. In all the research I have done, it looks like commercial zoning is what should be there based on examples that are nearby. The Commercial (C) Zone seems to fit this well and we are taxed on a commercial base. The rezone would let us keep the value and we would be profitable. It would not only benefit us but also the County because our tax value would increase. One thing about annexation into Hyrum City, it isn't a reality in the foreseeable future. We don't think annexation would happen anytime soon but if it happens we wouldn't be opposed. One thing to note is that our services are provided by Nibley and they are not opposed to us rezoning these parcels to the Commercial (C) Zone.

Smith what other services are provided?

Mr. Merkley fire protection is provided by the County and water is provided by Nibley. The Fire District came out and said our access was adequate and Nibley is providing water.

Runhaar just a note, the fire district does the fire inspection but Nibley provides fire protection.

Joe Chambers I live in Providence but have a storage unit at this business. It is a top class facility and I don't see that it is incompatible at all with what is currently there. I think this should be approved.

Duane Williams I have no business/personal interest in this business but it is a wonderful business and is kept in very good condition.

06:06:00

Larson motioned to close the public hearing; Watterson seconded; Passed 5, 0.

Staff and the Planning Commission discussed the ordinance change. Staff noted that they do not contact businesses/entities for ordinance amendments unless those entities file the paperwork to request notice. However, notice is posted and made available to the public in the newspaper

and online. The ordinance change that removed storage units as a conditionally permitted use in the Agricultural (A10) Zone was part of a collective change to the entire ordinance.

Some commissioners felt that the initial storage units were permitted because they fit with the surroundings then and nothing has really changed in that area between now and then. They felt the rezone for this application should be approved because of that, and because it is not the county's intent to zone people out of business.

Staff provided additional background information in response to the applicant's and commissioner's comments. When the storage units were first approved the applicant stated that these were the only storage unit buildings that would be built in this area, and therefore it did not qualify as urban development threshold as per state code. The approval issued at the time was essentially required as the ordinance allowed self service storage units in the A10 zone if known impacts were mitigated.

Many commissioners did not agree that this was a compelling argument to deny the rezone. At the time of the initial application that was approved, commissioners did not feel storage units were appropriate in the A10 zone, but they met the ordinance requirements so the application was approved. After that, the ordinance was changed to take the use out of the A10 zone as the commission recognized that storage units were not an appropriate use for the agriculture zone. However, some commissioners felt that this is going to be annexed into Hyrum or Nibley and they don't feel like they can dictate what the front door of those cities are going to look like. Some commissioners felt that the commercial zone would fit well in this area.

Larson motioned to recommend approval to the County Council for the Armor Storage Rezone; ***Christensen*** seconded; **Passed 5, 0.**