

**APPROVED**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
AUGUST 11, 2015**

# COUNTY COUNCIL MEETING

## August 11, 2015

NATURE OR ORDER OF PROCEEDING	DATE
ARCHIBALD, KYLER – Public Comment .....	4
BOARD OF EQUALIZATION – Hearing Dates .....	2
BUDGET – Public Hearing Set–August 25, 2015-6:00 p.m.-Open 2015 Budget .....	2
CDA – Resolution No. 2015-15 – A resolution consenting to the Logan Redevelopment Agency receiving the Cache County Tax Increment generated in the Auto Mall Community Development Project Area .....	3
CACHE COUNTY FAIR AND RODEO .....	1,3
COUNTY COUNCIL SUMMER SOCIAL .....	6
DOWNTOWN ALLIANCE – Joint Library Complex .....	7
EMINENT DOMAIN – Resolution No. 2015-18 – A Resolution Authorizing Eminent Domain Proceedings (NO ACTION TAKEN) .....	5
FAIR – Cache County Fair & Rodeo .....	1,3
HUMAN RESOURCES .....	2
LIBRARY COMPLEX – Downtown Alliance .....	7
LITTLE BEAR FIELD SUBDIVISION – Request for approval of a 1-lot subdivision and agricultural remainder on 6.19 acres located at 4341 South 3600 West, Wellsville, Agricultural (A10) Zone .....	3
NORTH VALLEY LANDFILL ROAD – Resolution No. 2015-17-A Resolution Approving an Interlocal agreement to Provide for the Funding, Construction, Use, Control and Operation, Acquisition and Maintenance of the North Valley Landfill Road .....	4
ORDINANCE NO. 2015-11 – Amendment to Title 17-Definition of 5100 Recreation Facility-Public Hearing-August 11, 2015-5:30 p.m.(NO ACTION TAKEN) .....	3
PARKER, BRENT – Public Comment .....	4
PARKING LOT REPAIRS .....	6
PROPERTY TAX RELIEF .....	3
PUBLIC COMMENT – Archibald, Kyler .....	4
PUBLIC COMMENT – Parker, Brent .....	4
PUBLIC HEARING – August 11, 2015-5:30 p.m.-Ordinance No. 2015-11-Amendment to Title 17- Definition of 5100 Recreation Facility .....	3

<b>PUBLIC HEARING SET – August 25, 2015-6:00 p.m.-Open 2015 Budget .....</b>	<b>2</b>
<b>RDA – Resolution No. 2015-15 – A Resolution consenting to the Logan Redevelopment Agency receiving the Cache County Tax Increment generated in the Auto Mall Community Development Project Area .....</b>	<b>3</b>
<b>RESOLUTION NO. 2015-15 – A Resolution consenting to the Logan Redevelopment Agency receiving the Cache County Tax Increment generated in the Auto Mall Community Development Project Area .....</b>	<b>3</b>
<b>RESOLUTION NO. 2015-17 – A Resolution Approving an Interlocal agreement to Provide for the Funding, Construction, Use, Control and Operation, Acquisition and Maintenance of the North Valley Landfill Road ....</b>	<b>4</b>
<b>RESOLUTION NO. 2015-18 – A Resolution Authorizing Eminent Domain Proceedings (NO ACTION TAKEN).....</b>	<b>5</b>
<b>RIVER HEIGHTS CITY APPLE DAYS PARADE .....</b>	<b>6</b>
<b>ROAD – Resolution No. 2015-17 – A Resolution Approving an Interlocal agreement to Provide for the Funding, Construction, Use, Control and Operation, Acquisition and Maintenance of the North Valley Landfill Road ....</b>	<b>4</b>
<b>ROAD CONSTRUCTION AND SERVICES POLICY – Discussion .....</b>	<b>5</b>
<b>SUBDIVISION – Request for approval of a 1-lot subdivision and agricultural remainder on 6.19 acres located at 4341 South 3600 West, Wellsville, Agricultural (A10) Zone-Little Bear Field Subdivision .....</b>	<b>3</b>
<b>TITLE 17 – Definition of 5100 Recreation Facility-Public Hearing-August 11, 2015-5:30 p.m.-Ordinance No. 2015-11-Amendment to .....</b>	<b>3</b>
<b>TOUR OF UTAH.....</b>	<b>1,6</b>
<b>WARRANTS – 08-01-2015 to 08-07-2015 .....</b>	<b>1</b>
<b>WELLSVILLE FOUNDER’S DAY PARADE.....</b>	<b>6</b>

**CACHE COUNTY COUNCIL MEETING**  
**August 11, 2015**

The Cache County Council convened in a regular session on August 11, 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, Cory Yeates & Gordon Zilles. **Jon White 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, Kyler Archibald, Attorney Jody Burnett, Robert Cronquist, Sylvia Cronquist, Kendon Godfrey, Issa Hamud, Chris Harrild, Sharon L. Hoth, Director Bartt Nelson, Dave Nielsen, Brent Parker, John Powell, Tim Rawlings, Director Josh Runhaar, Cory Wood, Robert Wright, **Media:** Clayton Gefre (Herald Journal), Jennie Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

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. Erickson seconded the motion. The vote was unanimous, 6-0. White absent.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Yeates to approve the minutes of the July 28, 2015 Council Meeting as amended. Merrill seconded the motion. The vote was unanimous, 6-0. White absent.

**REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS**

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** Warrants for the period 08/01/2015 to 08/07/2015 were given to the Clerk for filing.

**OTHER ITEMS:**

- Tour of Utah** – Executive Buttars commended those involved with the planning and execution of the Tour of Utah. Buttars feels it was beneficial to Cache County and worth the time and effort expended.
- Cache County Fair and Rodeo** – Executive Buttars thanked Clerk/Auditor Jill Zollinger and her staff for the successful County Fair and Rodeo.

**UNIT OR COMMITTEE REPORTS**

- \* **Human Resources – Cory Wood** reported on operations of the Human Resources Office and thanked the Council, Executive Buttars and Diane Williamson for their support and help. His report included the following:
  - USR Audit successfully completed
  - Will be changing to Caselle reporting system – Caselle Human Resource Module
  - Risk management
  - 2015 TAP Award application submitted
  - Employee Appreciation Day
  - Compensation
  - Wellness Program – may be changing from Orriant to HMC Movere, ICON or Healthy Utah
  - Future plans – interview all employees, defrag rest of county, social events

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

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

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

**SET BOARD OF EQUALIZATION DATES**

- o **Hearing Dates** – The following hearing dates were proposed:

Tuesday	September 8
Thursday	September 10
Tuesday	September 15
Thursday	September 17
Tuesday	September 22
Tuesday	September 29
Thursday	October 1
Tuesday	October 6
Thursday	October 8

**ACTION: Motion by Vice Chair Merrill to set the hearing dates as proposed. Zilles seconded the motion. The vote was unanimous, 6-0. White absent.**

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

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

**PUBLIC HEARING SET: AUGUST 25, 2015-6:00 P.M.-OPEN 2015 BUDGET**

**ACTION: Motion by Council member Yeates to set a Public Hearing – August 25, 2015-6:00 p.m.-Open 2015 Budget. Erickson seconded the motion. The vote was unanimous, 6-0. White absent.**

**PENDING ACTION**

- **Resolution No. 2015-15-A resolution consenting to the Logan Redevelopment Agency receiving the Cache County Tax Increment generated in the Auto Mall Community Development Project Area** – Chairman Robison acknowledged that this resolution formalizes the Council’s decision at the July 28, 2015 Council meeting.

(Attachment 1)

**ACTION: Motion by Council member Potter to approve Resolution No. 2015-15 – A resolution consenting to the Logan Redevelopment Agency receiving the Cache County Tax Increment generated in the Auto Mall Community Development Project Area. Merrill seconded the motion. The motion passed, 5 aye – Merrill, Potter, Robison, Yeates & Zilles and 1 nay – Erickson. White absent.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Property Tax Relief Requests** *(Details are on file in the office of the Cache County Clerk/Auditor)*
  - Parcel #11-075-0013 – Active Duty Military
  - Parcel #03-052-0015 – Disabled Veteran

**ACTION: Motion by Council member Yeates to approve the two property tax relief requests. Potter seconded the motion. The vote was unanimous, 6-0. White absent.**

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

**PUBLIC HEARING: AUGUST 11, 2015 – 5:30 P.M.-ORDINANCE NO. 2015-11-AMENDMENT TO TITLE 17-DEFINITION OF 5100 RECREATION FACILITY** – Chris Harrild explained the changes to the Council.

Chairman Robison opened the Public Hearing and invited public comment. There was none.

**ACTION: Motion by Council member Yeates to close the Public Hearing-Ordinance No. 2015-11-Amendment to Title 17-Definition of 5100 Recreation Facility. Zilles seconded the motion. The vote was unanimous, 6-0. White absent.**

**PENDING ACTION**

- **Little Bear Field Subdivision – Request for approval of a 1-lot subdivision and agricultural remainder on 6.19 acres located at 4341 South 3600 West, Wellsville, Agricultural (A10) Zone** – Director Runhaar stated his office has recently had three or four requests for permits on unimproved roads that are not serviced by the county. Runhaar showed a chart indicating the base requirements for a subdivision, what is required of the developer and what is required of the county and/or other agencies, if approved. Runhaar gave the specifics on this request noting that it will cost the county more money than it receives. The county cannot afford to continue to allow building on roads other than established improved roads that are already serviced by the county. If the county wants to remain fiscally conservative, it has to put development where the

county can support and sustain it. Otherwise, all county residents are paying for an individual's particular development. Staff and Planning Commission recommend denial. Kyler Archibald, property owner, asked for the road to be declared a private road.

Runhaar remarked that, based on previous experience, the problem is that within ten years or less the residents will want the county to take over the road and provide services.

Brent Parker, realtor, noted that other counties in the state are doing aggressive development in the county. How are those counties doing it? Would impact fees be a solution?

Runhaar replied impact fees are a one-time fee and do not and cannot pay for maintenance, only for capacity, and are not a viable solution. He doesn't know how other counties are affording to develop aggressively in the county, but the data indicates that after fifteen years the costs start to increase while taxes stay flat and those counties will be in the same situation as Cache County is presently.

Council members Potter and Yeates asked why abandoning the road is not a good idea. Runhaar responded that all the property owners would have to be noticed and they usually want the road to remain a county road. However, perhaps the county should vacate some of these roads. Attorney Swink observed that vacating the road may not be the best alternative for providing public safety services such as fire, law enforcement, etc. Runhaar concurred that the county is still responsible to provide public safety services even when waivers are signed by property owners acknowledging no services will be provided. Creation of a special service district was also discussed, but that would require all of the parcels to cooperate and pay for services that are not mitigated by greenbelt.

(Attachment 2)

**ACTION: Motion by Council member Zilles to deny the Little Bear Field Subdivision-request for approval of a 1-lot subdivision and agricultural remainder on 6.19 acres located at 4341 South 3600 West, Wellsville, Agricultural (A10) Zone based on Staff Determination & Findings of Fact (1). Potter seconded the motion. The vote was unanimous, 6-0. White absent.**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2015-17 – A Resolution Approving an Interlocal agreement to Provide for the Funding, Construction, Use, Control and Operation, Acquisition and Maintenance of the North Valley Landfill Road** – Director Runhaar indicated this agreement is part of the conditional use permit and provides a buffer for the county from the costs of the road and is explained in more detail on pages 5 and 6 of the agreement.

Attorney Swink stated that his office has reviewed the agreement and without the agreement the county is on its own. If the county wants Logan City to pick up these costs, the Council should approve the agreement.

Council member Potter concurred. The county is responsible for oversight of the Solid Waste Advisory Board and has the responsibility to be sure costs are not burdensome to the citizens.

(Attachment 3)

**ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2015-17-A Resolution Approving an Interlocal Agreement to Provide for the Funding, Construction, Use, Control and Operation, Acquisition and Maintenance of the North Valley Landfill Road. Potter seconded the motion. The motion passed, 5 aye – Merrill, Potter, Robison, Yeates & Zilles and 1 nay – Erickson. White absent.**

- **Resolution No. 2015-18 – A Resolution Authorizing Eminent Domain Proceedings (NO ACTION TAKEN)** – Attorney Swink turned the time to Attorney Jody Burnett, who is handling the eminent domain procedures. Burnett explained that Logan City will be paying for his services and noted that this resolution cannot be acted on tonight because ten business days' notice must be given to the affected property owners. There was a well-attended public informational meeting regarding this last October in Clarkston. Those property owners affected by eminent domain proceedings will have the opportunity to address the Council at the August 25, 2015 Council meeting. Twenty of the twenty-three right-of-ways needed have been acquired. The eminent domain action is required to get authorization from the court so work on the project can proceed. Property owners will still be able to go forward with negotiations on their property.

John Powell, JUB engineers, described the design of the roadway and why the portions of properties are needed.

Attorney Swink said maintaining safety on the road is the number one concern.

Issa Hamud, Logan City, said the road will be wide enough to accommodate farm equipment.

Burnett commented that property owners are being compensated for anything beyond a 14-foot gravel surface.

Chairman Robison clarified that the acreage being affected is about 15 to 17 acres – mostly strips of property along the road and will not affect the property owners' building ability. Attorney Swink stated the reality is that property values will increase with an improved road.

Council member Potter spoke for the Council in saying this action is taken very seriously by the county and referred interested parties to a press release regarding the necessity of the action.

- **Discussion – Road Construction and Services Policy** – Director Runhaar outlined two pieces of policy of concern – actual development of roadways and the servicing of them which includes construction standards, interface of public and private, roadway services, and maintenance standards. The county needs to put 100% of improvement costs back to the developer and ensure the county is getting a quality product. Runhaar recommends updating policies in “chunks” as quickly as possible. The first step would

be no building on roads without services. Farm roads are not provided services. His office is identifying roads and the level of service on the various types of roads. Once identified it will be easier to see where development makes sense and is financially feasible for the county. The county does not have sufficient policies in place to say a city can't annex unless they take the road. Does the Council have issues with not expanding services until the time the county can make it happen reasonably? Is that an acceptable policy statement? The county needs to build out a method for understanding when it makes sense to expand those services.

Council member Erickson remarked that Runhaar may have an explosion of requests if people believe the county will shortly not approve requests for subdivisions on unimproved and no-service roads. Runhaar responded that less than 5% of the roads in the county are in a no-service condition. He will update policy quickly to limit building to established county roads first and address the other issues as soon as possible.

### **OTHER BUSINESS**

- ✓ **County Council Summer Social – Tuesday, August 18, 2015 – Bear Lake** – Buttars, Erickson, Merrill, Potter, Robison, Yeates and Zilles will attend.
- ✓ **River Heights City Apple Days Parade – Saturday, August 29, 2015** – Zilles, Yeates and Buttars will attend.
- ✓ **Wellsville Founder's Day Parade – Monday, September 7, 2015 – 10:00 a.m.** – Buttars, Erickson, White, Yeates and Zilles will attend.

### **COUNCIL MEMBER REPORTS**

**Cory Yeates** said the new Tourist signs look good and noted that building permits are up.

**Greg Merrill** stated the county's contribution to the Tour of Utah was money well spent.

**Gordon Zilles** thanked Clerk/Auditor Zollinger for a wonderful County Fair.

**Val Potter** also thanked Clerk/Auditor Zollinger for a great Fair and commented the elephant event was a good idea.

Potter also reminded Council members that Saturday, August 15 is the State Republican Convention and urged their attendance.

**David Erickson** thanked Clerk/Zollinger for the Fair and said he heard many good comments. He has also received remarks of appreciation for the Farmers Market on the county plaza.

**Executive Craig Buttars** reminded the Council of the parking lot repairs taking place on August 18-20, 2015. He will contact Logan City Police about the possibility of not issuing parking tickets around the county block during that time.

Cache County Council  
08-11-2015

**Chairman Kathy Robison** reported the Downtown Alliance would like to enter into a discussion with Executive Buttars and Logan Mayor Petersen about a joint library complex. Executive Buttars replied he will be happy to tell them no because the county needs that space for future exclusive county use.

**ADJOURNMENT**

The Council meeting adjourned at 7:52 p.m.

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

\_\_\_\_\_  
**APPROVAL:** Kathy Robison  
Chair

**CACHE COUNTY, STATE OF UTAH  
RESOLUTION 2015-15**

**A RESOLUTION CONSENTING TO THE LOGAN REDEVELOPMENT AGENCY RECEIVING THE CACHE COUNTY TAX INCREMENT GENERATED IN THE AUTO MALL COMMUNITY DEVELOPMENT PROJECT AREA**

WHEREAS, the City of Logan (hereinafter "Logan City") and the Redevelopment Agency of the City of Logan (hereinafter "Agency") have complied with the process and requirements for adopting a community development project area plan pursuant to U.C.A. § 17C-4-102 and U.C.A. § 17C-4-103; and

WHEREAS, pursuant to U.C.A. § 17C-4-201, the Agency has requested that Cache County agree to contribute a portion of Cache County's tax increment for the purposes of carrying out the adopted Auto Mall Community Development Project Area Plan; and

WHEREAS, the Cache County Council has determined that participating in the manner set forth below is in the best interests of Cache County;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF CACHE, STATE OF UTAH, AS FOLLOWS:

SECTION 1: The Logan Redevelopment Agency shall receive a portion of Cache County's tax increment generate in the Auto Mall Community Development Project Area based upon the following requirements:

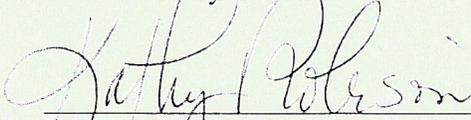
- a. The base year shall be 2015.
- b. The base year taxable value shall be \$8,458,774.00.
- c. The number of years that the Agency will receive Cache County tax increment from the Project Area shall be 6 years with 2017 being the first payment year.
- d. The percentage of Cache County's tax increment received by the Agency shall be 100 percent.

The method of calculating the amount of tax increment from the Project Area and the Project Area boundaries are set forth in the attached Exhibit A.

SECTION 2: Effective Date. This resolution shall become effective upon publication.

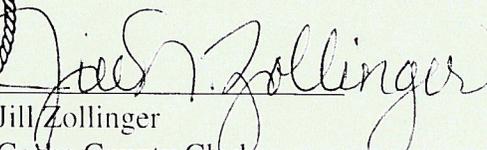
APPROVED AND ADOPTED BY THE CACHE COUNTY COUNCIL THIS 11<sup>th</sup>  
DAY OF August 2015.

Cache County Council

  
Kathy Robison, Chair  
Cache County Council



Attest:

  
Jill Zollinger  
Cache County Clerk



# Auto Mall Community Development Project Area (Proposed)

City Limits

1800' N  
1800' N

HAMPTON PL

MAIN ST

MAIN ST

AUTOMALL DR

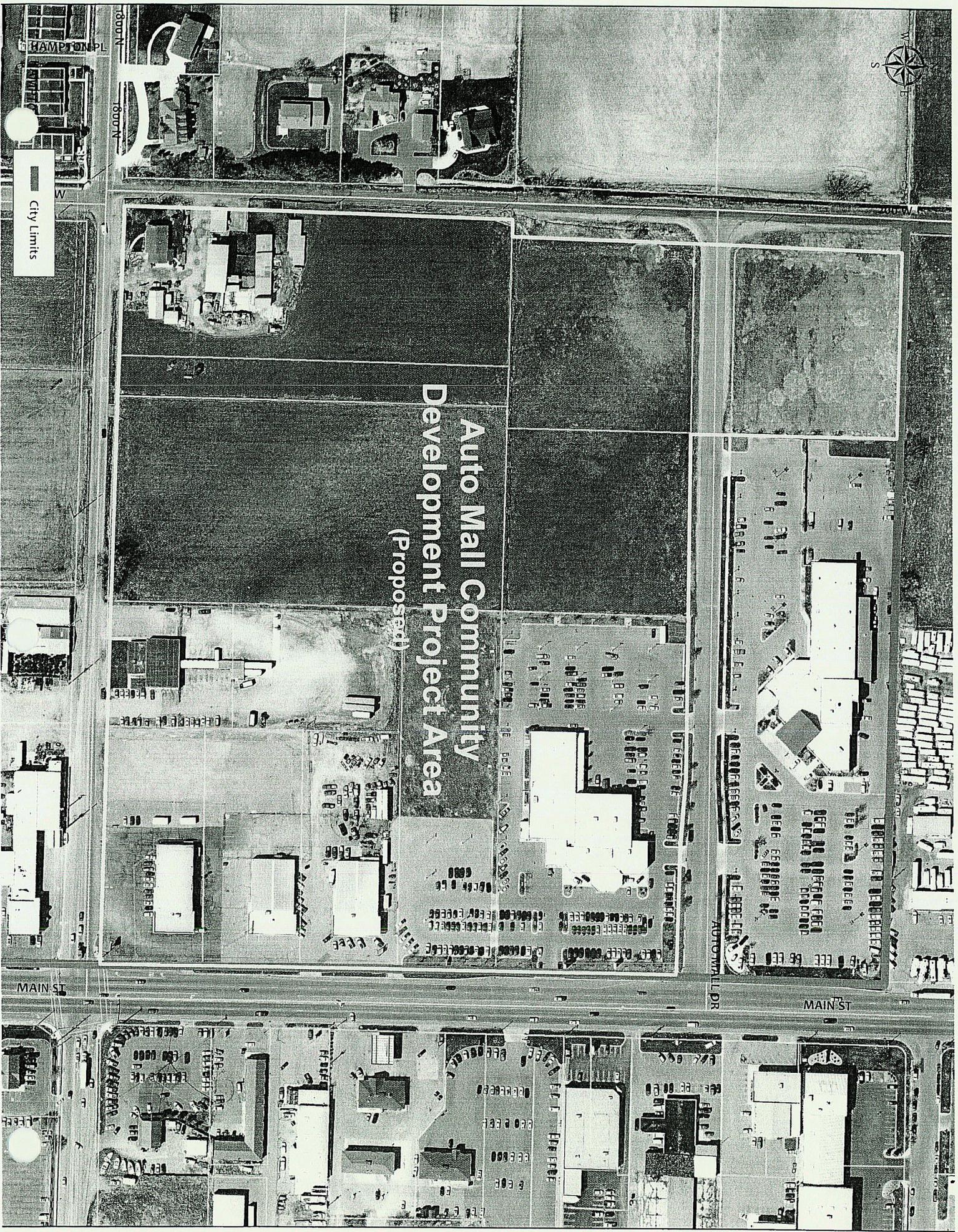
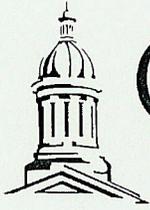


Exhibit A





Date: July 29<sup>th</sup> 2010  
To: Josh Runhaar, Director  
From: Joel Merritt, Foreman  
Subject: Maintenance Questions

I have been asked to research the past history of the following roads: 3600 West (RIN # 347) and 4300 South (RIN #348). These roads are in unincorporated county on the north side of Wellsville. To determine the history of maintenance performed I talked to Joe Fisher, Dusty Davis and Kevin Bankhead. From our conversation it has been established that there has been minor maintenance over the years over a portion of the road.

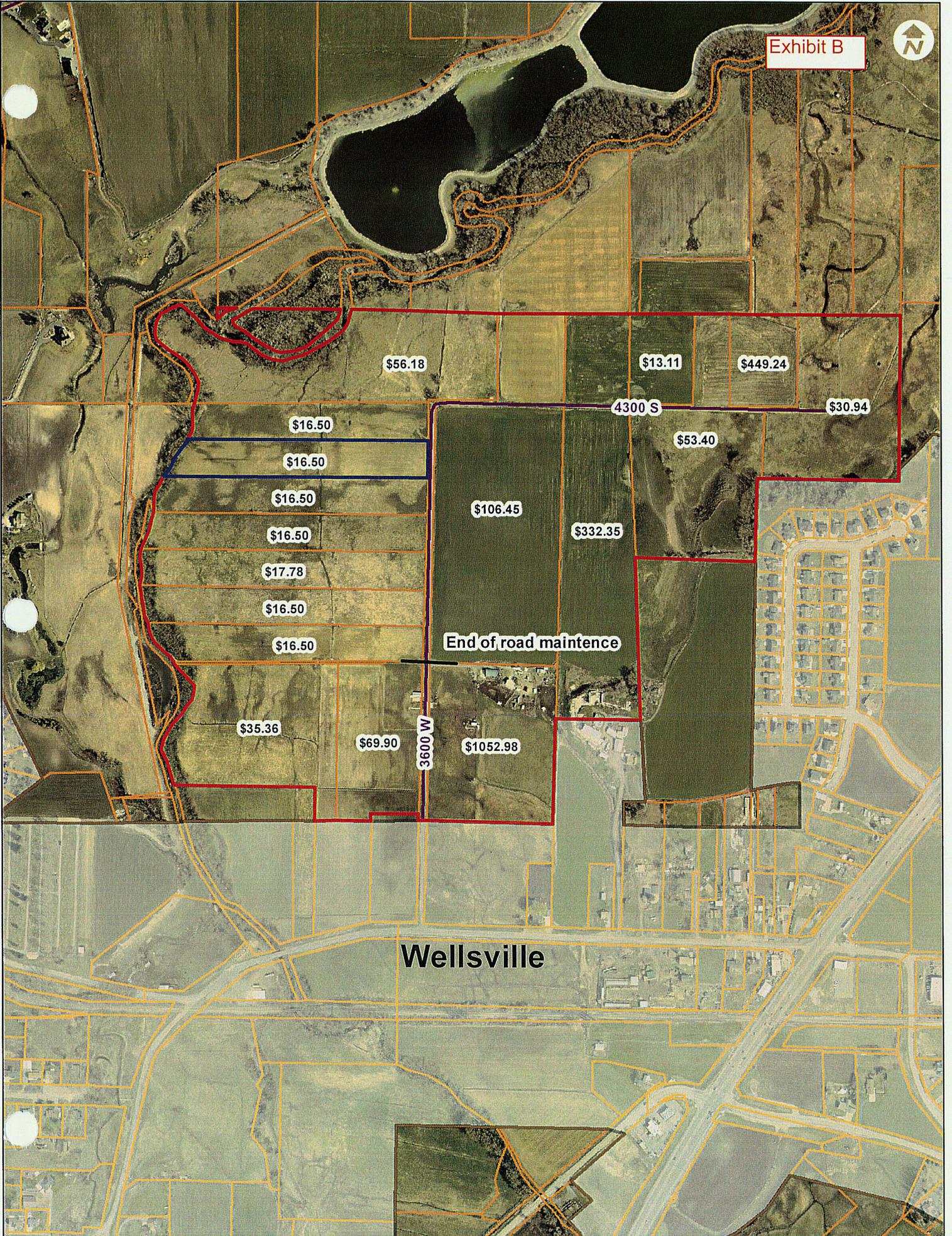
Snow removal for these roads has been sparse. In the past, snow removal was completed only on an on-call basis. Starting in 2012, Darrell Erickson (previous Road Superintendent) started having the Road Department complete snow removal to the driveway of Mr. Haslam regularly, and on some occasions beyond that point to allow for access to feed animals (only when property owners requested – when the snow prohibited access with winter equipment).

In 2009 the county put road base down along both sections of road. Maintenance since then has been to grade the road once (on occasion a fall grading may occur depending on weather and time). The Road Department considers this road as a low maintenance road.

16.04.100 Suitability of an Area for a Subdivision - Little Bear Field Subdivision

Base Requirement(s)	Required of the Development	Required of the County/other agencies
Fire Control	<p>Minimum 20' all weather surface</p> <p>Build a suitable roadway</p> <p>Turn around (hammerhead or full circle)</p> <p>Build a suitable turnaround, provide adequate ROW if required</p> <p>Water supply for fire suppression</p>	<p>Addition of 2nd annual (fall) grading (~\$200/yr: 1.5hrs, \$135/hr rate)</p> <p>Snow plowing services (\$1,100-\$1,600/yr: 1hr grader time per event x8-12, \$135/hr rate)</p> <p>Provided by Wellsville Fire Dept. Tenders</p>
School Bus Service	Enable Bus traffic	Bus stop will be located at 3600 W 400 N (.5 miles south)
County Roads	<p>Build a 20' road with 2' shoulders (24' total width)</p> <p>Provided engineered schematics showing the construction of the roadway</p> <p>Build a 24' gravel roadway to minimum County standards</p> <p>Move power poles, fences, and/or irrigation ditch</p> <p>Provide a 2 year warrenty bond for the improvements</p> <p>Replace existing roadway culvert to allow for widening</p>	<p>Inspect work (Costs covered under the encroachment permit)</p> <p>Expand grading and winter plowing operations (see above)</p> <p>Make repairs as necessary outside the warrenty period (unknown)</p> <p>Other miscellaneous services (winter damage repair, mowing, etc. - cost unknown)</p>
Solid Waste	<p>Provide adequate access for pickup</p> <p>Place containers at 3600 W 400 N (.5 miles)</p>	

Area Total Tax	County Portion (18.1%)	Road Portion of County (6.2% of 18.1%)	Potential Cost to Expand Services
\$2,317	\$419 (\$181 per \$1000 in taxable value)	\$26 (\$11 per \$1000 in taxable value)	\$1,300-\$1,800 per year (No additional Class B Funds)



**STAFF REPORT: LITTLE BEAR FIELD SUBDIVISION**

28 July 2015

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Kyler Archibald

**Parcel ID#:** 11-084-0009

**Staff Determination:** Denial

**Type of Action:** Administrative

**Land Use Authority:** Cache County Council

**LOCATION**

*Reviewed by: Stephanie Nelson - Planner I*

**Project Address:**

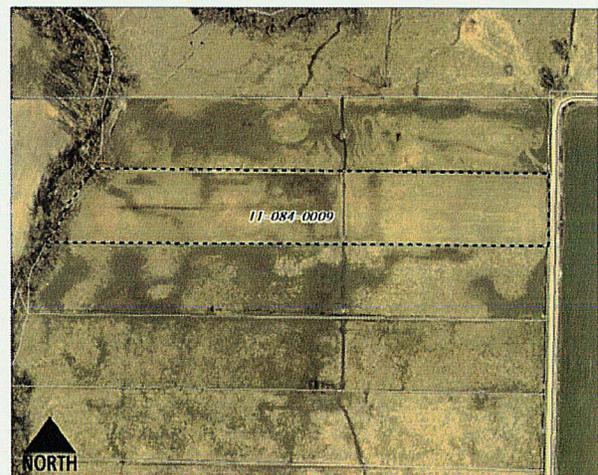
4341 South 3600 West  
Wellsville, Utah 84339

**Current Zoning:**  
Agricultural (A10)

**Acres:** 6.19

**Surrounding Uses:**

North – Agricultural/Residential  
South – Agricultural/Residential  
East – Agricultural/Residential  
West – Agricultural/Residential



**PROJECT PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT**

**Purpose:**

To review and make a determination regarding the proposed The Little Bear Field 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 11-084-0009 into one (1) developable lot and an agricultural remainder. The total developable acreage for this subdivision is 6.19 acres.

**Access:**

- Access to this property is from county road 3600 West and is inadequate. 3600 West consists of an average 12' wide graveled surface with vegetation on each shoulder.
- Improvement of 3600 West (county road) must meet the minimum county requirements, specifically, a 22' wide gravel surface from 400 North to the access to Lot #1. This may require either the realignment of the irrigation ditch on the east side of the road or moving the utility poles on the west side.

**Water & Septic:**

- The proposed lot is feasible for an on-site septic tank system. Additional review and permitting by the Bear River Health Department is required prior to placement of a septic system.

**Service Provision:**

- Access for emergency services will require further review following the construction 3600 West. Water supply for fire suppression will be provided by the Wellsville Fire Department.
- 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 along 400 North.
- 3600 West has historically functioned as a farm access road and does not currently receive adequate roadway maintenance services for a single family dwelling. There is also an insufficient width and no turn around for these services.

**Sensitive Areas:**

- The FEMA floodplain is located on the east end of this property, but is not located on the proposed Lot #1.
- Wetland areas may be present on the agricultural remainder parcel. Additional development of this property may require a full wetland delineation.
- There is a moderate to high liquefaction potential that includes all property within the subdivision boundary.

**Public Comment:**

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

**STAFF DETERMINATION & FINDINGS OF FACT (1)**

It is staff's determination that the Little Bear Field Subdivision, a 1-lot subdivision and remainder parcel for property located approximately 4341 South 3600 West with parcel number 11-084-0009 is not in conformance with the Cache County Ordinance requirements and should be denied. This determination is based on the following finding of fact:

1. County Road 3600 West has historically functioned as a farm access road. As per §16.04.100 of the Cache County Code, 3600 West does not currently receive adequate roadway maintenance services for a single family dwelling and a turn-around area for these services available.

However, if the Cache County Council opts to increase the level of service provided on 3600 West, the proponent may be permitted to make the necessary improvements to 3600 West as per the Cache County Manual of Roadway Design and Construction Standards. If that is the case, staff may be directed to draft new findings & conditions of approval.



**CACHE COUNTY  
RESOLUTION 2015-17**

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT TO PROVIDE FOR THE  
FUNDING, CONSTRUCTION, USE, CONTROL AND OPERATION, ACQUISITION AND  
MAINTENANCE OF THE NORTH VALLEY LANDFILL ROAD**

WHEREAS, Cache County ("County") is a county and political subdivision of the State of Utah and is authorized to acquire private property for public use through the exercise of eminent domain; and

WHEREAS, the Logan City ("City") is located within the County; and

WHEREAS, the City has been providing solid waste collection and landfill services for all of Cache County since 1979; and

WHEREAS, the City's existing landfill has limited capacity and has an expected closing date of 2022; and

WHEREAS, following the recommendation of the Cache County Solid Waste Advisory Board, in 2004 the City purchased approximately 520 acres of property located within unincorporated Cache County, near Clarkston, Utah to construct a future landfill site ("Landfill Site"); and

WHEREAS, in February 2013 the City obtained a Class I Landfill Permit from the State of Utah Division of Solid Waste and Hazardous Waste for the Landfill Site; and

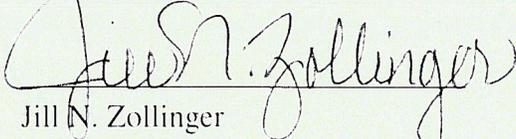
WHEREAS, in August 2013 the City obtained a conditional use permit from the County to develop the Landfill Site and construct the North Valley Landfill Road ("Access Road") to access the Landfill Site; and

WHEREAS, an Interlocal Agreement has been proposed providing for the funding, construction, use, control and operation, acquisition and maintenance of the North Valley Landfill Road; now

THEREFORE, the Cache County Council, hereby approves the Interlocal Agreement attached as Exhibit A which is incorporated as part of this resolution. This resolution takes effect immediately upon adoption.

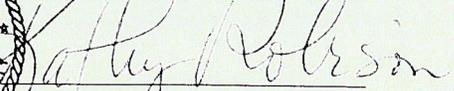
Dated this 11<sup>th</sup> day of August 2015.

ATTESTED TO:

  
Jill N. Zollinger  
Cache County Clerk/Auditor



CACHE COUNTY COUNCIL

  
Cathy Robison  
Council Chair

## INTERLOCAL COOPERATION AGREEMENT

THIS IS AN INTERLOCAL COOPERATION AGREEMENT made and entered into by and between CACHE COUNTY (hereinafter referred to as "COUNTY"), a political subdivision of the State of Utah, and the City of Logan (hereinafter referred to as "CITY"), a political subdivision of the State of Utah.

### WITNESSETH

**WHEREAS**, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements providing for the funding, construction, use, control and operation, and acquisition of facilities or property; and

**WHEREAS**, COUNTY and CITY, through their respective governing bodies, have voluntarily determined that the interests and welfare of the public within their respective jurisdictions will best be served by this Interlocal Cooperation Agreement to provide for the funding, construction, use, control and operation, acquisition and maintenance of a Cache County road between SR-142 and the North Valley Landfill site which consists of Hart's Grave Road (800 West), Stink Creek Road, and the portion of 1800 North that connects Hart's Grave Road and Stink Creek Road (hereinafter referred to as the "North Valley Landfill Road"); and

**WHEREAS**, the North Valley Landfill Road will provide access to the North Valley Landfill and to other privately owned property in Cache County; and

**WHEREAS**, the North Valley Landfill Road is situated inside the COUNTY's boundaries;

and

**WHEREAS**, the North Valley Landfill Road is currently recognized as a COUNTY road right-of-way that has not been fully developed; and

**WHEREAS**, the governing bodies of COUNTY and CITY have by resolution approved this Interlocal Cooperation Agreement to provide for the funding, construction, use, control and operation, acquisition and maintenance of the North Valley Landfill Road;

**NOW, THEREFORE**, the parties do mutually agree, pursuant to the terms and provisions of the Interlocal Cooperation Act, as follows:

**Section 1. PURPOSES.**

This Interlocal Cooperation Agreement has been established and entered into between COUNTY and CITY for the following purposes:

- a. To collaborate in the funding, construction, use, control and operation, acquisition and maintenance of the North Valley Landfill Road.
- b. To set forth the duties and responsibilities of the parties for the funding, construction, use, control and operation, acquisition and maintenance of the North Valley Landfill Road.
- c. To outline other mutually agreed upon legal and financial issues regarding the funding, construction, use, control and operation, acquisition and maintenance of the North Valley Landfill Road.

**Section 2. EFFECTIVE DATE.**

This Interlocal Cooperation Agreement shall become effective and shall enter into force, within the meaning of the Interlocal Cooperation Act, upon the submission of this Interlocal

Cooperation Agreement to and the approval and execution hereof by the governing bodies of COUNTY and CITY.

**Section 3. ADMINISTRATION.**

- a. The parties to this Interlocal Cooperation Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Agreement. The parties hereto agree that, pursuant to Section 11-13-207, Utah Code Annotated, 1953 as amended, the Cache County Director of Development Services or designee shall act as the administrator responsible for the administration of this Interlocal Cooperation Agreement. The administrator shall keep all books and records in such form and manner as the Cache County Finance Director or designee shall specify and that said books shall be open for examination by COUNTY and CITY, at all reasonable times.
- b. The parties agree that this Interlocal Cooperation Agreement does not anticipate nor provide for any organizational changes in the parties.
- c. The parties agree that there shall not be a separate budget to carry out the terms of this Interlocal Cooperation Agreement, rather the CITY shall fund and pay for all responsibilities as set forth in this Agreement.

**Section 4. COUNTY RESPONSIBILITIES.**

COUNTY shall have the following duties and responsibilities for the funding, construction, use, control and operation, acquisition and maintenance of the portions of the North Valley Landfill Road:

- a. To negotiate for the acquisition and purchase of the additional properties

needed to complete the North Valley Landfill Road, together with any necessary temporary construction easements;

- b. To exercise its right of eminent domain, if necessary and appropriate, to condemn the portions of the North Valley Landfill Road which are not able to be obtained through negotiation, together with any necessary temporary construction easements, pursuant to Title 78B, Chapter 6, Part 5 Utah Code Annotated, 1953 as amended;
- c. To obtain an appraisal by a certified licensed appraiser of its choosing at CITY's expense for the purpose of assessing compensation and damages to the landowners of the portions of the North Valley Landfill Road not part of the existing Cache County right-of-way;
- d. To obtain the consent of CITY for the acquisition and purchase of the portions of the North Valley Landfill Road, together with any necessary temporary construction easements, if and only if the total compensation to the landowners exceeds the COUNTY's appraisal.

**Section 5. CITY RESPONSIBILITIES.**

CITY shall have the following duties and responsibilities for the funding, construction, use, control and operation, acquisition and maintenance of the portions of the North Valley Landfill Road which are situated outside CITY's municipal boundaries together with any necessary temporary construction easements:

- a. To pay any and all costs associated with COUNTY's negotiation and use of its right of eminent domain, including but not limited to:

- (1) any and all costs of appraisals;
- (2) any and all closing costs and recording fees, including title insurance;
- (3) any and all reimbursement for COUNTY employees' time expended for the negotiation and use of its right of eminent domain;
- (4) any and all expert witness fees;
- (5) any and all witness fees;
- (6) any and all trial preparations costs, such as depositions, trial exhibits, etc.;
- (7) any and all legal fees necessary for the COUNTY's negotiation and use of its right of eminent domain;
- (8) any and all costs of purchasing the North Valley Landfill Road together with any necessary temporary construction easements and any damages related thereto.

b. To pay all costs associated with the design and construction of the North Valley Landfill Road, including but not limited to:

- (1) construction;
- (2) engineering, design and legal expenses;
- (3) permits and the cost to review the engineering and design;
- (4) licenses;
- (5) signs;
- (6) drainage;
- (7) fencing;

(8) shoulders;

(9) striping.

c. To enter into a separate Maintenance Agreement with COUNTY that will specify how City will pay for or perform the maintenance, repair, and replacement of the North Valley Landfill Road. Items addressed in the Maintenance Agreement shall include the following:

(1) snow removal,

(2) drainage,

(3) fencing,

(4) striping,

(5) crack sealing,

(6) shoulders,

(7) weed control, and

(8) maintenance, repair, upkeep and replacement.

**Section 6. OWNERSHIP OF NORTH VALLEY LANDFILL ROAD.**

The parties agree that the North Valley Landfill Road is a Cache County Road.

**Section 7. HOLD HARMLESS.**

CITY agrees to indemnify and hold harmless COUNTY for damages, claims, suits, costs, attorney's fees and actions arising out of the funding, construction, and CITY maintenance of the North Valley Landfill Road and said obligation shall survive the termination of this Interlocal Cooperation Agreement.

**Section 8. DURATION.**

- a. The initial term of this Interlocal Cooperation Agreement shall be from the date of execution hereof until one of the parties has given notice of its election to terminate this Agreement. If said election to terminate has been exercised, the termination of this Agreement shall be according to the following paragraph.

- b. The termination of this Interlocal Cooperation Agreement cannot be accomplished until any and all monies owed by CITY to COUNTY under this Agreement have been paid. Thereafter, termination of this Agreement shall be accomplished by the service of a notice of termination by one of the parties. A notice of termination shall be served upon COUNTY by serving the Cache County Executive. Said notice of termination shall be served upon CITY by serving the City of Logan Mayor. Such a notice of termination shall give at least six (6) month's actual notice to the parties involved.
- c. This Interlocal Cooperation Agreement shall be for a maximum term of fifty (50) years, pursuant to Section 11-13-216, Utah Code Annotated, 1953 as amended.

**Section 9. ADOPTION REQUIREMENTS.**

This Interlocal Cooperation Agreement shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and approved by an Authorized Attorney as required by Section 11-13-202.5, Utah Code Annotated, 1953 as amended, and (d) filed with the keeper of official records of each of the parties.

**Section 10. FILING OF INTERLOCAL COOPERATION AGREEMENT.**

Executed copies of this Interlocal Cooperation Agreement shall be placed on file in the office of the Cache County Clerk and in the office of the City of Logan Recorder, and shall remain on file for public inspection during the term of this Interlocal Cooperation Agreement.

**Section 11. AMENDMENTS.**

This Interlocal Cooperation Agreement may not be amended, changed, modified or altered

except by an instrument in writing which shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and approved by an Authorized Attorney as required by Section 11-13-202.5, Utah Code Annotated, 1953 as amended, and (d) filed with the official keeper of records of each of the parties.

**Section 12. SEVERABILITY.**

If any term or provision of this Interlocal Cooperation Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Interlocal Cooperation Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Interlocal Cooperation Agreement unenforceable.

**Section 13. GOVERNING LAW.**

All questions with respect to the construction of this Interlocal Cooperation Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

**Section 14. ENFORCEMENT.**

If either party files an action to enforce this Interlocal Cooperation Agreement or any of its terms, the party in default shall pay the other party's reasonable attorney's fees and costs associated with the enforcement of this Agreement or any of its terms, including any appeal.

**IN WITNESS WHEREOF**, the parties have signed and executed this Interlocal Cooperation Agreement, after resolutions duly and lawfully passed, on the dates listed below:

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

CACHE COUNTY

By: \_\_\_\_\_  
Craig Buttars, Cache County Executive

ATTEST:  
Cache County Clerk

By: \_\_\_\_\_

APPROVED AS TO FORM AND COMPATIBILITY WITH THE LAWS OF THE STATE OF UTAH:

Cache County Attorney

By: \_\_\_\_\_  
Deputy Cache County Attorney

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF LOGAN

By: \_\_\_\_\_  
Craig Petersen, Mayor

ATTEST: City of Logan Recorder

By: \_\_\_\_\_  
Teresa Harris, City Recorder

APPROVED AS TO FORM AND COMPATIBILITY WITH THE LAWS OF THE STATE OF UTAH:

City of Logan Attorney

By: \_\_\_\_\_  
Kymber Housley  
City Attorney