

**CRAIG W BUTTARS**  
COUNTY EXECUTIVE / SURVEYOR

199 NORTH MAIN  
LOGAN, UTAH 84321  
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**CACHE COUNCIL**  
GREGORY MERRILL, CHAIR  
DAVID L. ERICKSON, VICE CHAIR  
VAL K. POTTER  
KATHY ROBISON  
JON WHITE  
CORY YEATES  
GORDON A. ZILLES

**February 5, 2016**

**PUBLIC NOTICE** is hereby given that the Cache County Council of Cache County, Utah will hold a **REGULAR MEETING** in the Cache County Historic Courthouse, County Council Chambers, 199 North Main, Logan, Utah 84321 at **5:00 p.m.** on **TUESDAY, FEBRUARY 9, 2016**

## **AGENDA**

- 5:00 p.m.**
1. **CALL TO ORDER**
  2. **OPENING / PLEDGE** – Cory Yeates
  3. **REVIEW AND APPROVAL OF AGENDA**
  4. **REVIEW AND APPROVAL OF MINUTES** (January 26, 2016)
  5. **MINUTES FOLLOW-UP**
  6. **REPORT OF COUNTY EXECUTIVE**
    - a. Appointments
    - b. Warrants
    - c. Other Items
  7. **CONSENT AGENDA**
  8. **ITEMS OF SPECIAL INTEREST**
    - a. Introduction of new County Special Investigator, Sean D Marshall
    - b. Sunshine Terrace Proposal – Bryan Erickson
    - c. Chamber of Commerce Report – Sandy Emile
  9. **UNIT OR COMMITTEE REPORTS**
    - a. County Library – Cheri Mickelson
  10. **BUDGETARY MATTERS**
  11. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
- 5:30 p.m.\***
- a. **Public Hearing – Whittier Rezone** – A request for the rezone of 5 acres from the Agricultural (A10) Zone to the Rural (RU2) Zone, located at 580 South 3200 West, west of Logan
- 6:00 p.m.\***
- b. **Public Hearing – Open 2016 Budget**

12. **PENDING ACTION**

13. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**

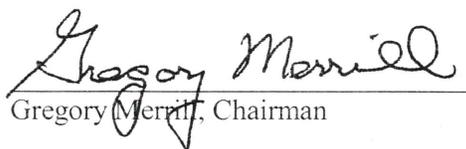
- a. **Resolution 2016-02 – Declaring Certain Real Property as Surplus Property**
- b. **Resolution 2016-03 – Amendments to 2016 Budget**
- c. Approval of 2015 Parcels with Abatements
- d. Approval of 2015 Parcels with Backtax Penalty and Interest Cancellations
- e. Discussion: Unfinished RAPZ Projects in the County
- f. Discussion: Interns Working in the County

14. **OTHER BUSINESS**

- a. Meetings with Legislators during 2016 Legislative Session – Saturdays from 7:30 a.m. to 9:00 a.m.  
Beginning January 30, 2016 and running through March 5, 2016  
Cache County Administration Building Multipurpose Room
- b. Meeting with Utah Attorney General, Sean Reyes – Wednesday, February 17, 2016 at 1:00 p.m.  
Historic Courthouse, County Council Chambers

15. **COUNCIL MEMBER REPORTS**

16. **ADJOURN**

  
Gregory Merrill, Chairman

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



Cache  
County  
1857

**DEVELOPMENT SERVICES DEPARTMENT**

BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

**To:** Cache County Council  
**From:** Chris Harrild, Senior Planner  
**Subject:** Agenda items for February 9, 2016

**PUBLIC HEARING**

- 1. Whittier Rezone - 5:30 p.m.** – A request of approval for the rezone of 5 acres of property from the Agricultural (A10) Zone to the Rural (RU2) Zone, located at 580 South 3200 West, west of Logan.

Planning Commission Recommendation: Approval (5, 0)  
Findings of Fact: 1

### STAFF REPORT: WHITTIER REZONE

07 January 2016

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:** Dick and Betty Whittier

**Parcel ID#:** 11-002-0023

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by: Chris Harrild - Senior Planner*

**Project Address:**  
580 South 3200 West  
West of Logan

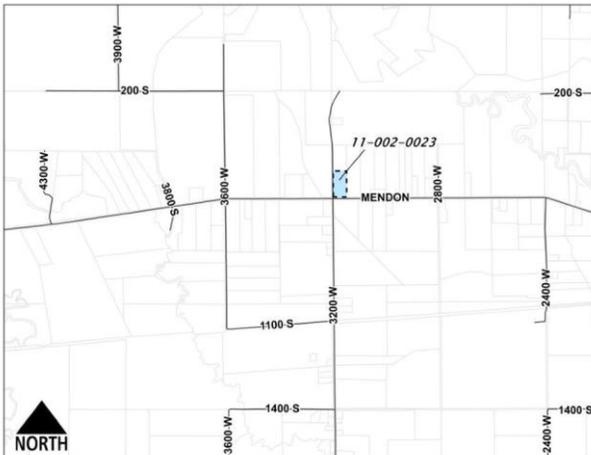
**Acres:** 5

**Current Zoning:**  
Agricultural (A10)

**Proposed Zoning:**  
Rural 2 (RU2)

#### Surrounding Uses:

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



#### PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT

##### **Purpose:**

To review the proposed Whittier Rezone; a request to rezone the 5 acre parcel 11-002-0023 currently zoned Agricultural (A-10) to the Rural 2 (RU-2) Zone.

##### **Ordinance:**

Current Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone. The Cache County Comprehensive Plan also does not currently support the RU2 Zone.

The Cache County Ordinance Title §17.08.030[A] identifies the purpose of the RU2 Zone and includes the following:

“A. Rural 2 Zone (RU2):

1. To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent

agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.

2. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
3. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”

Any impacts related to permitted and conditional uses allowed within the Rural 2 (RU2) Zone will be addressed as part of each respective approval process required prior to site development activities.

**Summary:**

Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map and in the following text:

**Property Context:** This is a legal parcel as per a CUP recorded in 1991 for the expansion of the existing home on this property. If rezoned, a subdivision of the property would be required for an additional residence, and the RU2 Zone would allow no more than one additional building lot.

**Density (see map):** Within a one-mile radius of this property, the surrounding parcels reflect an average parcel size of 19.4 acres, and an average parcel size of 9.9 acres of properties with a dwelling.

**Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of said zone was the areas of the unincorporated county adjacent to municipalities. While this proposed rezone is approximately 1.2 miles west of Logan City, this property is within Logan City’s future annexation area.

**Access and Maintenance:** Access to this property from county roads 600 South (Mendon Road) and 3200 West and is adequate. There is existing county winter maintenance on both roads. Access for fire protection and emergency services will require further review prior to development but appears adequate at this time.

**Water:** Access to water will require further review prior to development. The existing dwelling has an existing water right and relies on a private well for culinary water.

**Public Comment:**

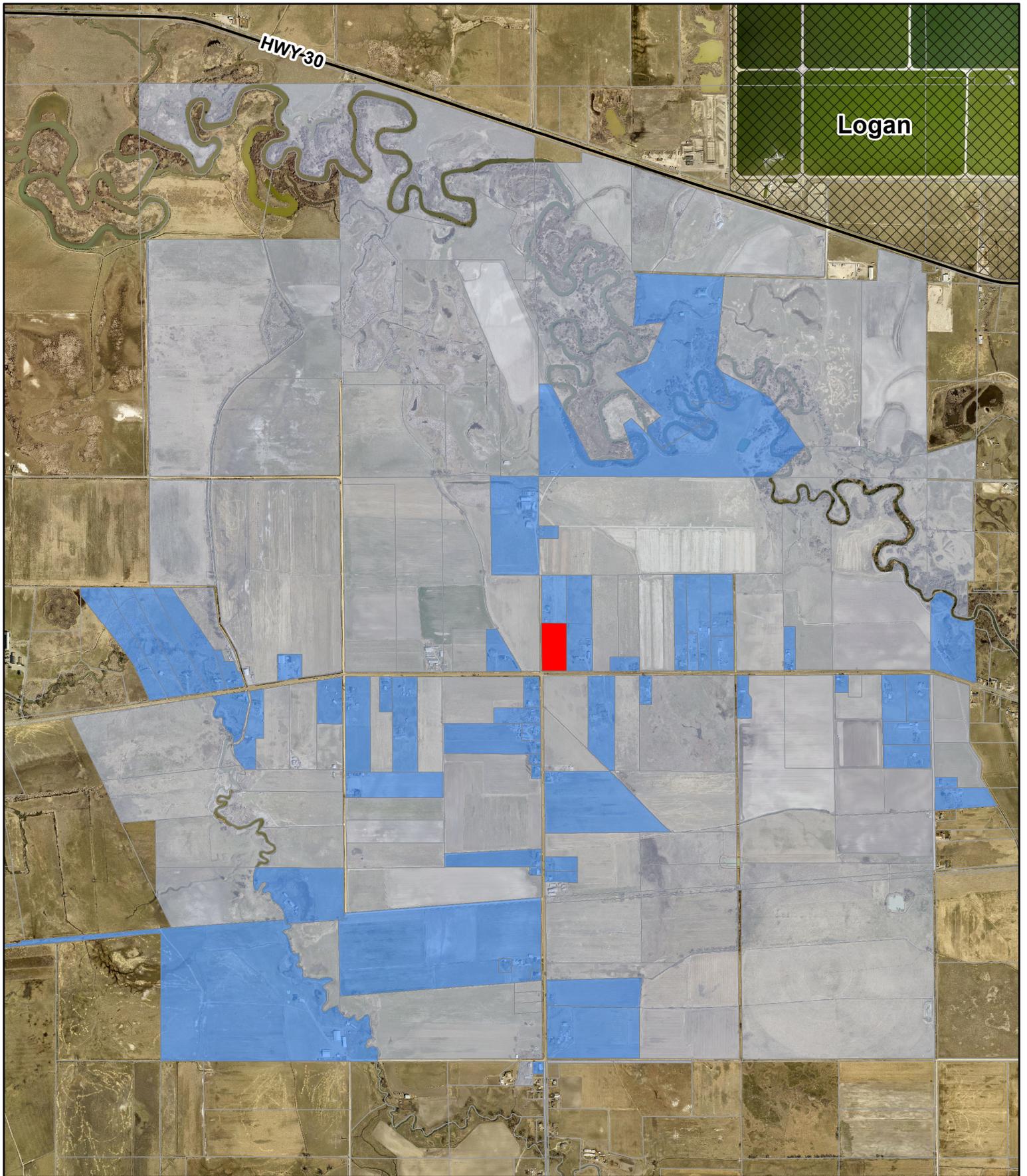
Notices were mailed to the property owners located within 300 feet and municipalities within one mile of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

**STAFF DETERMINATION**

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

Staff recommends that the Planning Commission and County Council strongly consider the intended location of the RU2 Zone and the long term cost and burden to the county associated with the maintenance of road systems that serve high density areas, and arrive at a determination based on finding(s) of fact prior to any legislative action. Staff will assist in the drafting of a determination and finding(s) of fact once they have been identified by the Planning Commission and/or County Council.



**Legend**

- Proposed Rezone
- Parcels with Dwellings
- Parcels in 1 Mile Buffer
- Parcels



**Average Parcel Size: 19.4 Acres**  
**Average Parcel Size With a Home: 9.9 Acres**

Dec. 2015

**CACHE COUNTY  
RESOLUTION 2016 - 02**

**A RESOLUTION DECLARING CERTAIN REAL PROPERTY AS SURPLUS PROPERTY**

WHEREAS, Cache County intends to sell real property described in Exhibit “A”; and

WHEREAS, Utah Code Ann. Section 17-50-312 provides that the county legislative body shall provide by ordinance, resolution, rule or regulation for the manner in which property shall be acquired, managed, and disposed of; and

WHEREAS, prior to the sale of said Property, Cache County Ordinance Section 3.40.010 requires the Cache County Council to declare said property as “Surplus Property”; and

WHEREAS Cache County Ordinances Sections 3.40.020 and 3.40.040 establish the procedures and protocols that must be followed prior to declaring the property as “Surplus Property” before it can be conveyed to a purchaser; and

WHEREAS the Cache County Council must hold a public hearing pursuant to Cache County Ordinance Section 3.40.040(B) before, by motion and vote, the Cache County Council can declare the Property as “Surplus Property” so that it can be conveyed to a purchaser; now

THEREFORE, the Cache County Council finds as follows:

1. That it is in the public interest that the subject real property be disposed of as surplus property. In determining whether the property shall be declared surplus, the County Council has taken into consideration:
  - a. Whether the county has, or anticipates that it will have, no practical, economical, efficient or appropriate use for the property currently or in the reasonably foreseeable future.
  - b. Whether the purpose served by the property can be better accomplished by other alternatives or property.
  - c. Whether the purpose served by the property or its use either no longer exists or has significantly changed because of the needs and demands of the county or as may be determined by a change of policy evidenced by an ordinance or resolution of the county council.
  - d. Whether the property is so damaged, depreciated or worn that it is inoperable or limited in operation without repairs and the cost of such repairs is unreasonable, excessive or impractical.
  - e. Whether the purposes and interests of the county would be better served by the declaration of the property as surplus and the disposition of that property.

THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in "Exhibit A" shall be declared surplus, and that such surplus property may be disposed of by the County Executive subject to the provisions of Cache County Code Chapter 3.40. This resolution takes effect immediately upon adoption.

Dated this \_\_\_\_th day of February 2016.

ATTESTED TO:

CACHE COUNTY COUNCIL

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Jill N. Zollinger  
Cache County Clerk/Auditor

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Gregory Merrill  
Council Chair



**Exhibit A**

THE NW/4 OF THE NE/4 SEC 24 T 14N R 1E CONT 39.09 AC BY SVY OF THE RESERVE SUBD  
LESS: THE RESERVE SUBDIVISION CONT 38.23 AC NET 0.86 AC

