

CRAIG W BUTTARS
COUNTY EXECUTIVE / SURVEYOR

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



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

March 25, 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, MARCH 29, 2016**

AGENDA

- 5:00 p.m.
1. **CALL TO ORDER**
 2. **OPENING / PLEDGE** – Craig Buttars
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (March 8, 2016)
 5. **MINUTES FOLLOW-UP**
 6. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
 7. **CONSENT AGENDA**
 - a. **Kelly Spackman Subdivision 3rd Amendment**
Request for approval to amend the subdivision boundary and add an additional buildable lot on 52.64 acres located at 2977 North 2400 West in Benson, Agricultural (A10) Zone
 8. **ITEMS OF SPECIAL INTEREST**
 - a. **Proclamation** – Child Abuse Prevention Month
 9. **UNIT OR COMMITTEE REPORTS**
 - a. County Weed Department – Joel Merritt
 - b. Approval of 2016 Cache County Weed Control Policy
 10. **BUDGETARY MATTERS**
 11. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - a. **Board of Equalization**
 1. Property Tax Exemption Requests
 - b. **Set Public Hearing for April 12, 2016 at 5:30 p.m. – Esplin Andersen Rezone**
Request for approval for a rezone of 5 acres from Agricultural (A10) Zone to Commercial (C) Zone at 4600 North 400 West, southwest of Smithfield
 - c. **Set Public Hearing for April 12, 2016 at 5:50 p.m. – Title 16 Code Amendments**
Subdivision Requirements and Review

d. **Set Public Hearing for April 12, 2016 at 6:10 p.m. – Title 17 Code Amendments**

Miscellaneous Land Use Updates and Revisions

12. **PENDING ACTION**

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

- a. **Ordinance 2016-05 – Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power**
- b. **Resolution 2016-06 – Providing for Amendments to the Service Fee Schedule of the Office of the Cache County Clerk/Auditor**
- c. **Nautica Subdivision** – Request for an 11-lot Subdivision and Agricultural Remainder on 129 acres located at 1550 West 6700 South, Hyrum, Agricultural (A10) Zone
- d. Discussion – County Gravel Roads – County Obligations for Maintenance and/or Extension of Services
- e. Discussion – Open Public Comment at County Council Meetings

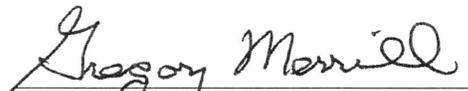
14. **OTHER BUSINESS**

- a. Budget Workshop – April 12, 2016 at 3:00 p.m.
- b. UAC Management Conference – April 13-15 at the Davis Conference Center
Craig Buttars, Greg Merrill
- c. Health Days Parade – Saturday, May 14, 2016 at 10:00 a.m.

15. **COUNCIL MEMBER REPORTS**

16. **EXECUTIVE SESSION – Utah Code 52-4-205(1)(c) – Discussion of pending litigation**

17. **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

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen at 755-1850 at least three working days prior to the meeting



To: Cache County Council
From: Chris Harrild, Senior Planner
Subject: Agenda items for March 29, 2016

CONSENT

1. **Kelly Spackman Subdivision 3rd Amendment**—A request for a recommendation of approval to the County Council to amend the subdivision boundary and add an additional buildable lot on 52.64 acres of property located at 2977 North 2400 West in Benson, Agricultural (A10) Zone.

Staff Recommendation: Approval

Planning Commission Recommendation: Approval (5, 0)

Findings of Fact: 5

Conditions: 4

SET PUBLIC HEARING

2. **April 12, 2016, 5:30 p.m. – Esplin Andersen Rezone** — A request for a recommendation of approval to the County Council for a rezone of 5 acres of property from the Agricultural (A10) Zone to the Commercial (C) Zone at 4600 North 400 West, southwest of Smithfield City.

Staff Recommendation: Denial

Planning Commission Recommendation: Denial (5, 0)

Findings of Fact: 2

3. **April 12, 2016, 5:50 p.m. - Title 16 Code Amendments** — Amendments regarding subdivision requirements and review.

Planning Commission Recommendation: Approval (5, 0)

4. **April 12, 2016, 6:10 p.m. - Title 17 Code Amendments** — Miscellaneous land use updates and revisions.

Planning Commission Recommendation: Approval (5, 0)

INITIAL CONSIDERATION

5. **Nautica Subdivision** - A request of approval for an 11-lot subdivision and agricultural remainder on 129 acres of property located at 1550 West 6700 South, Hyrum (Agricultural (A10) Zone).

Staff Recommendation: Denial

Planning Commission Recommendation: Denial (4, 1; Phil Olsen)

Findings of Fact: 3

STAFF REPORT: KELLY SPACKMAN SUBDIVISION 3RD AMENDMENT

03 March 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: Dustin Ward

Parcel ID#: 12-016-0004

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

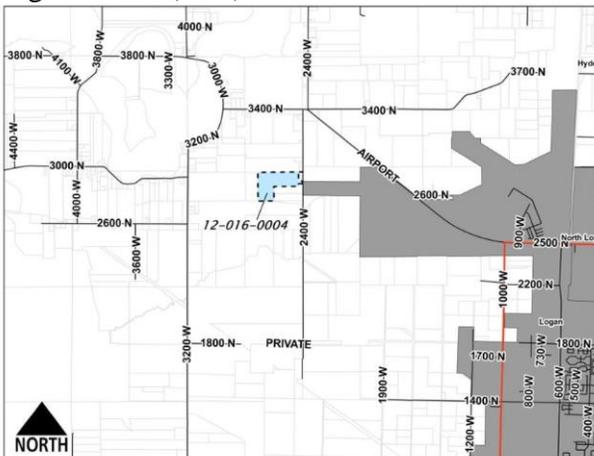
2977 N 2400 W
Benson, UT 84335

Current Zoning:
Agricultural (A10)

Acres: 52.64

Surrounding Uses:

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



PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

Purpose:

To review the proposed Kelly Spackman Subdivision Third Amendment and recommend a course of action to the County Council.

Ordinance:

As per Cache County Land Use Code §17.10.030, “Development Density and Standards Specific to Base Zoning Districts,” this proposed subdivision is in the Agricultural (A10) zone and qualifies for a development density of five (5) buildable lots. This amendment increases the overall size of the subdivision from 42.14 acres to 52.64 acres, enabling the addition of an additional buildable lot in the gap between the existing Lots 2 and 3.

Summary:

This application would amend the existing Kelly Spackman Subdivision 2nd Amendment to add Lot #5, a ½ acre lot similar to the existing lots that fills in the final gap along 2400 West. In order to meet the density requirements of the A10 zone, the western boundary of the subdivision has been amended to add an additional 10.5 acres. The resulting 50 acre parcel is labeled as an agricultural remainder and is not eligible for development.

Access:

- County Land Use Code § 16.04.030 B requires all lots created by a subdivision to have access to a dedicated street improved to standards. The County Road Manual requires any road serving more than three homes to have 22 feet of paved width with 1 foot wide gravel shoulders on each side. Access to the proposed lot is from 2400 West, a county road that has a 20 foot paved width with 2 foot wide gravel shoulders.
- While the existing road does not meet the current county road standard, a design exception is proposed by staff because the total width meets county standards and adding a two-foot wide strip of pavement is impractical.
- Any driveways shall meet all applicable requirements of the International Fire Code, minimum county standards, and any other applicable codes. This includes the placement of a culvert in existing drainages for access to the county road.
- Due to seasonal flooding issues, driveway access to the proposed lot shall be at the same grade as County Road 2400 West.
- The creation of the proposed lot limits access to the agricultural remainder parcel to a small strip roughly 20 feet wide situated between Lot #4 and the northern border of the subdivision.
- Parcel 12-016-0025, which is losing some land to parcel 12-016-0004 to increase the total area of the subdivision to meet density requirements, does not have access to a public road as required by § 16.04.030 [B]. An easement or other legally established form of access shall be provided to this parcel.

Water & Septic:

- The Benson Culinary Water Improvement District has approved a new culinary connection for the proposed lot.
- Bear River Health Department has indicated that an on-site septic system is feasible for the proposed lot.

Service Provision:

- Containers will need to be placed on 2400 West for collection. The residents shall provide sufficient shoulder space for the containers to sit four feet apart and be out of the travel lane.
- A school bus stop is located at 2400 West 3400 North, approximately 0.7 miles from the proposed lot.
- Water supply for fire suppression will be provided by an existing hydrant on 2400 West within 500 feet of the proposed lot.

Sensitive Areas:

- Wetlands may be present on the agricultural remainder parcel identified. However, this does not impact the number of allowable lots and the whole parcel has been actively used for agricultural fields in the past. Future development of this parcel may require wetland delineation.

Public Comment:

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

STAFF DETERMINATION AND FINDINGS OF FACT (5)

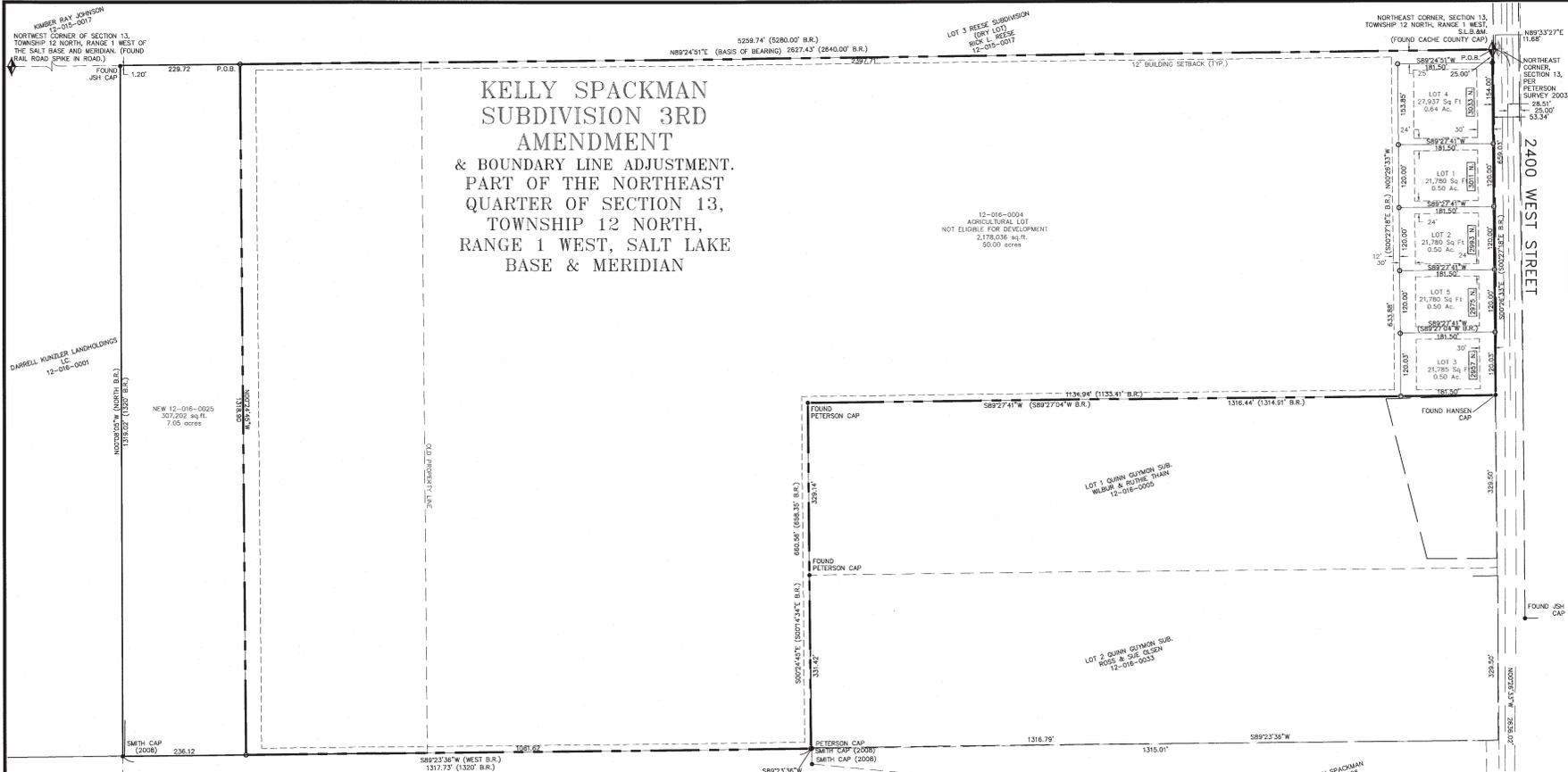
It is staff's determination that the Kelly Spackman Subdivision Third Amendment, a one-lot addition to the existing Kelly Spackman Subdivision for property located at 2977 N 2400 W, Benson, UT 84335 on parcel 12-016-0004, is in conformance with the Cache County Land Use Code requirements and should be forwarded to the County Council with a recommendation for approval. This determination is based on the following findings of fact:

1. The Kelly Spackman Subdivision 3rd Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Kelly Spackman Subdivision 3rd Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Kelly Spackman Subdivision 3rd Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Kelly Spackman Subdivision 3rd Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. A design exception to the current county road standard is granted based on the following facts:
 - a) The total road width of 24 feet is adequate.
 - b) It is not practical to add an additional two feet of pavement width to an existing road.

CONDITIONS OF APPROVAL (4)

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

1. Prior to recording the final plat, the proponent shall meet all applicable standards of the Cache County Land Use Code.
2. Homes built in this area shall have a finished floor elevation one foot above the established grade of county road 2400 West. The driveway or access to these homes shall be at the same grade as 2400 West.
3. A minimum 18" culvert shall be installed for the access to Lot #5 such that the existing barrow ditch shall retain its existing functionality on completion of said access.
4. An easement or other form of legal access shall be provided to parcel 12-016-0025.



**KELLY SPACKMAN
SUBDIVISION 3RD
AMENDMENT
& BOUNDARY LINE ADJUSTMENT.
PART OF THE NORTHEAST
QUARTER OF SECTION 13,
TOWNSHIP 12 NORTH,
RANGE 1 WEST, SALT LAKE
BASE & MERIDIAN**

SURVEY CERTIFICATE

I, LAINE J. SMITH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 334561, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT INTO LOTS HEREMENTER TO BE KNOWN AS RESUBDIVISION SUBSECTION 3RD AMENDMENT, AND THE SAME HAS BEEN RECORDED AND SURVEYED AND ALL STREETS ARE DIMENSIONED AND SURVEYED AND

LAINE J. SMITH

SUBDIVISION LEGAL DESCRIPTIONS

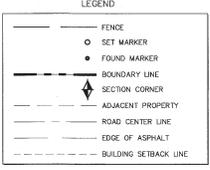
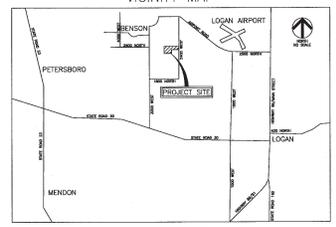
PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 13; SAID POINT OF BEGINNING BEING SOUTH 89°33'27" WEST, 11.68 FEET BY RECORD OF THE NORTHEAST CORNER OF SAID SECTION 13 PER 2003 PETERSON SURVEY; AND THENCE SOUTH 00°29'33" EAST (SOUTH 02°27'18" EAST BY RECORD) ALONG THE WEST RIGHT-OF-WAY LINE OF 2400 WEST STREET AND THE EAST LINE OF SAID SECTION 13, 895.03 FEET;
 THENCE SOUTH 89°27'41" WEST, 1316.44 FEET (SOUTH 89°27'04" WEST, 1314.91 FEET BY RECORD);
 THENCE SOUTH 00°24'45" EAST ALONG THE WEST LINE OF THE QUINN GUYMON LOT SPLIT SUBDIVISION, 660.56 FEET (SOUTH 00°14" EAST, 658.59 FEET BY RECORD) TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 13;
 THENCE SOUTH 89°23'36" WEST (WEST BY RECORD) ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 13, 1081.63 FEET;
 THENCE NORTH 89°24'51" WEST, 1318.00 FEET TO THE NORTH LINE OF SAID SECTION 13;
 THENCE NORTH 89°24'51" EAST ALONG THE NORTH LINE OF LOT 1, KELLY SPACKMAN LOT SPLIT SUBDIVISION AND ITS EXTENSION AND ALONG THE NORTH SECTION LINE OF SAID SECTION 13, 2397.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 52.64 ACRES +/-.

ADDITIONAL NOTES

- CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY AND ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
- NO STORM WATER DRAINAGE SHALL BE ALLOWED TO FLOW FROM ANY LOT OR PARCEL OF THE SUBDIVISION TO ANY ADJACENT PROPERTIES OR LOTS, DITCHES, CANALS OR WATERWAYS WITHOUT THE PRIOR WRITTEN AUTHORIZATION FROM THE AFFECTED PARTY.
- PRESENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGHTS, SMELLS, AND SOUNDS OF AGRICULTURAL ACTIVITIES WHICH ARE THE PERMITTED USES IN THE AGRICULTURAL ZONE.
- BUILDING SETBACKS FOR PRIMARY STRUCTURES
 FRONT: 30 FEET
 SIDE: 12 FEET

- OWNER/SUBDIVIDER:**
 COLLE L. & STUMMER L. NAEGLE
 3011 NORTH 2400 WEST
 BENSON, UTAH
 84335
- OWNER/SUBDIVIDER:**
 FLOYD C. & DINA P. NAEGLE
 3044 WEST 3200 NORTH
 BENSON, UTAH
 84335
- OWNER/SUBDIVIDER:**
 KELLY & HEIDI SPACKMAN
 20775 NORTH 2400 WEST
 BENSON, UTAH
 84335
- OWNER/SUBDIVIDER:**
 RICK AND VALDY REESE TRUST
 4043 NORTH 2400 WEST
 BENSON, UTAH
 84335



OWNER/SUBDIVIDER:
 WAYNE L. REESE
 2950 NORTH 2400 WEST
 BENSON, UTAH
 84335

STATE OF _____ ACKNOWLEDGMENT
 ON THE _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF _____, THE SIGNERS OF THE ATTACHED OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

 NOTARY PUBLIC

STATE OF _____ ACKNOWLEDGMENT
 ON THIS _____ DAY OF _____, 20____, _____ PERSONALLY APPEARED BEFORE ME AND SAID DOCUMENTS WAS SIGNED BY HIM (HER) IN BEHALF OF _____ TRUST BY AUTHORITY OF ITS BYLAWS, THE SIGNER(S) OF THE ABOVE OWNERS ACKNOWLEDGMENT, _____ IN NUMBER, AND SAID ACKNOWLEDGMENT TO ME THAT SAID TRUST EXECUTED THE SAME.

 NOTARY PUBLIC

STATE OF _____ ACKNOWLEDGMENT
 ON THE _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF _____, THE SIGNERS OF THE ATTACHED OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

 NOTARY PUBLIC

STATE OF _____ ACKNOWLEDGMENT
 ON THE _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF _____, THE SIGNERS OF THE ATTACHED OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

 NOTARY PUBLIC

STATE OF _____ ACKNOWLEDGMENT
 ON THE _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF _____, THE SIGNERS OF THE ATTACHED OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

 NOTARY PUBLIC

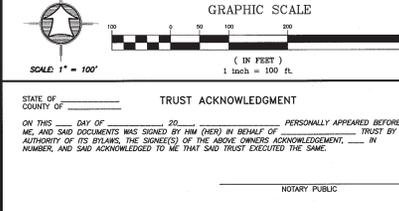
CACHE COUNTY ATTORNEY
 APPROVED AS TO FORM THIS _____ DAY OF _____, A.D., 20____.

 ATTORNEY

BEAR RIVER HEALTH DEPARTMENT APPROVAL
 THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THE _____ DAY OF _____, 20____.

 TITLE:

OWNER'S DEDICATION
 KNOW ALL MEN BY THESE PRESENTS THAT ME, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREAFTER KNOWN AS KELLY SPACKMAN SUBDIVISION 3RD AMENDMENT, DO HEREBY WARRANT AND SAVE CACHE COUNTY HARMLESS FROM ANY EASEMENTS AND ENCUMBRANCES AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.



COUNCIL APPROVAL AND ACCEPTANCE
 PRESENTED TO THE _____ COUNCIL THIS _____ DAY OF _____, A.D., 20____, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

 COUNCIL CHAIRPERSON

ATTEST: CLERK

COUNTY RECORDER'S No. _____
 STATE OF UTAH, COUNTY OF _____ RECORDED AND FILED AT THE REQUEST OF _____ TIME _____ FEE _____ ABSTRACTED _____

INDEX FILED IN: FILE OF PLATS _____ COUNTY RECORDER

COUNTY SURVEYOR'S CERTIFICATE
 I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

 DATE _____ COUNTY SURVEYOR

NO.	REVISION	DATE

Skyline
 A/E/C INC.
 Architecture | Engineering | Surveying
 19 W. Center Street, #101, Logan, UT 84301
 (435) 752-8501 | Fax (435) 752-4597

Project Title:
**KELLY SPACKMAN SUB.
 3RD AMENDMENT**
 BENSON, UTAH

Sheet Title:
**FINAL
 PLAT**

Drawn By: J. BODLEY	Project Number: 15-075	Sheet No.:
Designed By:	Date: SEP 21, 2015	1
Reviewed By: L.S.MITH	Sheet Scale: 1" = 100'	1 of 2

F:\DRAWINGS\2015-075\15-075.DWG

CHILD ABUSE PREVENTION MONTH PROCLAMATION

**CACHE COUNTY'S GREATEST ASSET IS OUR CHILDREN,
NOW AND FOR THE FUTURE.**

WHEREAS; ALL CHILDREN deserve to grow up in a safe and nurturing environment to ensure they reach their full potential.

WHEREAS; CHILD ABUSE is a serious and growing problem affecting millions of our nation's children and thousands of children in Utah annually; and,

WHEREAS; CHILD ABUSE respects no racial, religious, class or geographic boundaries; and,

WHEREAS; IT IS IMPORTANT for all citizens of Cache County to become more aware of child abuse and the critical need for prevention within their respective neighborhoods and community; and,

WHEREAS; DECREASING the occurrence of child abuse relies upon the efforts of every individual in order to make a positive, substantial impact upon the children of today, who will become the leaders of tomorrow;

THEREFORE; I, _____, do hereby proclaim April 2016 as Child Abuse Prevention Month. I support child abuse prevention efforts and education, and I encourage all citizens to actively help protect our children and work to create strong families within this community.

In witness whereof, I hereunto set my hand on this ____day of March, 2016

Cache County Council



PO Box 6055, Logan, UT 84341
www.TheFamilyPlaceUtah.org

2016 CACHE COUNTY WEED CONTROL POLICY

A. STATEMENT OF INTENT

The Cache County weed control program will function and enforce in accordance with the Noxious Weed Act and Cache County code section 8.28 to organize, supervise, and coordinate a noxious weed control plan for Cache County including chemical and biological control practices.

B. ANNUAL COORDINATION MEETINGS

The County Weed Board shall hold an annual coordination meeting each year prior to the start of the weed season. All organizations concerned with weed control will be invited to have a representative in attendance including the following agencies: Utah Department of Transportation, U.S. Forest Service, Utah Division of Wildlife Resources, State Trust Lands, Utah Department of Agriculture and Food, Cache County Extension, Union Pacific Railroad, PacifiCorp, Questar, irrigation companies and municipalities. Cache County personnel including Weed Department staff, the Road/Weed Foreman, and the Director of Development Services should be in attendance. Notice of the meeting shall be posted in compliance with County code and State Law.

The purpose of this meeting will be to inventory and record current problem areas, discuss and record any new infestations, discuss effective weed control efforts, discuss and coordinate county priorities with the Cooperative Weed Management Area (CWMA) priorities, and plan and organize the year's weed control program.

In addition to the annual coordination meeting, midyear meetings may be held to discuss pressing weed control issues such as new weed discoveries, weed law violations, and enforcement. A final meeting shall be held in the fall to inform the Weed Board of the activities of the Weed Department for the past weed season and to discuss possible county priorities for the CWMA the following year. The *Annual Weed Progress Report* with a summary of the results of the summer's activities shall be provided to the Weed Board.

C. WEED CONTROL SERVICE AREA

Any individual, corporation, municipality, governmental agency, or organization owning, leasing, or controlling property within Cache County may request the services of the County Weed Department in accordance with weed control priorities established and approved by the Weed Board and the Cache County Council. All requests for agricultural crop spraying and residential yard and/or garden spraying will be referred to commercial applicators.

Property owners are encouraged to participate in weed control activities by locating, identifying, and controlling specific infestations on their individual properties. The County shall conduct weed control activities where required throughout the County. In the case of weed control adjacent to organic farms, the County shall actively spray up to the property boundaries including all County road rights-of-way and easements. The responsibility to provide a "no-spray" buffer remains on the property owner. If noxious weeds are present on organic farms, the property owner can opt to control said weeds in compliance with this policy, County code, and State law with non-chemical applications if the control is effective.

However, if the property owners are unable to control weeds in an appropriate manner, the property may be declared a public nuisance in compliance with County code and the weeds controlled accordingly.

D. WEED CONTROL PRIORITIES

1. Control of noxious weeds or any plant deemed a nuisance or hazard on property within the county.
2. Control of noxious weeds on steams, drainage, and irrigation systems. Also, control of non-noxious plants which impede the water flow in irrigation systems when that control can be accomplished as part of the noxious weed application.
3. Control of noxious weeds on non-crop land areas such as rangeland, wet pastures, fence lines, vacant land, right-of-ways, easements, county road sides, etc.

E. CATEGORIES OF WEEDS

For the purpose of organizing efforts and funding weed control programs, noxious and invading weeds are classified as follows:

“A” PRIORITY WEEDS

Qualifications for this class include: Classified as noxious or invading; typically less than 25 total acres in Cache County; with a reasonable possibility for eradication. These weeds include: Yellow Starthistle, Dalmation Toadflax, St. Johns Wort, Goatsrue, Oxeye Daisy, Yellow Toadflax, Black Henbane and Rush Skeleton Weed. Squarrose Knapweed, Diffuse Knapweed.

“B” PRIORITY WEEDS

Qualifications for this class include: Classified as noxious or invading; Poses significant threat to surrounding counties/states; beyond expectation of eradication due to large acreage and/or poor access; still considered controllable with herbicide and/or biocontrol. These weeds include: Spotted Knapweed, Russian Knapweed, Musk Thistle, Perennial Pepperweed, Purple Loosestrife, Leafy Spurge, Medusahead.

“C” PRIORITY WEEDS

Qualifications for this class include: Weeds that are well beyond expectation of eradication or control because infestation is widespread throughout Cache County, Utah and neighboring states. These weeds include: Canada Thistle, Dyerswoad, Field Bindweed, Houndstounge, Salt Cedar, Hoary cress, Scotch Thistle, Quackgrass, Poison Hemlock.

F. NOXIOUS WEED SEED RESTRICTIONS

It shall be unlawful for any individual or company to sell, offer, or expose for sale or distribute in the State of Utah any agricultural, vegetable, flower, tree and shrub seeds, or seeds for sprouting for seeding purposes which contain, either in part or in whole, any prohibited noxious weed seeds. “Prohibited” noxious weed seeds are the seeds of any plant determined by Utah Commissioner of Agriculture and food to be injurious to public health, crops, livestock, land, or other property. (Utah Seed Law, R68-8)

G. WEED CONTROL FEE SCHEDULE

The following charges* will be effective for the 2016 spraying season.

- 1) Early Detection Rapid Response (EDRR) Grant Projects** – Projects where the Weed Department treats a State/County declared noxious weed and has received specific grant funding for the treatment of such. Cost of \$50.00 per Acre with a \$50.00 minimum charge.
- 2) Goatsrue Grant Projects** – Treatment of any areas invested with Goatsrue while grant funding is available. Cost of \$25.00 per acre with a \$50.00 minimum charge.
- 3) Non-Grant Qualifying or Enforcement Work** - Labor and Equipment at fully loaded and audited rates and Herbicide at full purchase price with a \$50.00 minimum charge.

*Requests for services or contracts with Cache County Weed Department which; due to distance, terrain, special equipment/control requirements, or particular personnel needs; create expenses not anticipated in the above guidelines may be negotiated on an individual basis with the County.

**CACHE COUNTY
ORDINANCE NO. 2016-05**

**AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE
AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER**

WHEREAS, Rocky Mountain Power, is a regulated public utility that provides electric power and energy to the citizens of Cache County (the “County”) and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the County;

WHEREAS, the County, pursuant to the provisions of Utah Code Ann. § 17-50-306 has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a general utility easement for the use thereof;

WHEREAS, the County desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the County;

NOW, THEREFORE, be it ordained by the County:

SECTION 1. Grant of Franchise and General Utility Easement. The County hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as “Electric Facilities”) in, under, along, over and across the present and future streets, alleys, public ways and public places (collectively referred to herein as “Public Ways”) within the County, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the County and persons and corporations beyond the limits thereof.

SECTION 2. Term. The term of this Franchise and General Utility Easement is for Ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

SECTION 3. Acceptance by Company. Within sixty (60) days after the passage of this ordinance by the County, Rocky Mountain Power shall file an unqualified written acceptance thereof, with the County Clerk otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the County shall be nonexclusive and the County reserves the right to use the Public Ways for itself or any other entity that provides service to County residences; provided, however, that such use

shall not unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein.

SECTION 5. County Regulatory Authority. In addition to the provision herein contained, the County reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or County Ordinance.

SECTION 6. Indemnification. The County shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the County harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power's use of the Public Ways within the County, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The County shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the County seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the County harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the County or any of its officers or employees.

SECTION 7. Annexation.

7.1 Extension of County Limits. Upon the annexation of any territory to the County, the rights granted herein shall extend to the annexed territory to the extent the County has such authority. All Electrical Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Notice of Annexation. When any territory is approved for annexation to the County, the County shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the County's ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power Customer Contact Center
Attn: Annexations
P.O. Box 400
Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power
Attn: Office of the General Counsel
1407 West North Temple, Room 320
Salt Lake County, UT 84116

SECTION 8. Plan, Design, Construction and Installation of Company Facilities.

8.1 All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and county laws, codes and regulations.

8.2 Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the public way or street or other public places, apply for a permit from the County which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the County, and the County may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency services prior to the work being done.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the County and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the County.

8.4 If, during the course of work on its Electrical Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the County) replace and restore it in as good a condition as existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by County ordinance.

8.6 The County shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for County wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the County for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the County shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or

alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. County attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, County attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the County's expense, such attachments to ensure compliance with this Section 8.6 and to require the County to remedy any defective attachments.

8.7 Rocky Mountain Power shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the County. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the County of such work by written notice and shall allow the County, at its own expense, (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the County will not unreasonably interfere with Rocky Mountain Power's Electrical Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the County shall give written notice to Rocky Mountain Power.

SECTION 9. Relocations of Electric Facilities.

9.1 The County reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the County. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the County shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the County. The County shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of Rocky Mountain Power to obtain reimbursement.

9.2 Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development.

SECTION 10. Vegetation Management. Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

SECTION 11. Renewal. At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the County either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the County as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

SECTION 12. No Waiver. Neither the County nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 13. Transfer of Franchise. Rocky Mountain Power shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the County shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (i) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

SECTION 14. Amendment. At any time during the term of this Franchise, the County through its County Council, or Rocky Mountain Power may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the County and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

SECTION 15. Notices. Unless otherwise specified herein, all notices from Rocky Mountain Power to the County pursuant to or concerning this Franchise shall be delivered to the County

Executive Office. Unless otherwise specified herein, all notices from the County to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Customer Services Vice President, Rocky Mountain Power, 201 South Main, Suite 2400, Salt Lake County, Utah 84111, and such other office as Rocky Mountain Power may advise the County of by written notice.

SECTION 16. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 17. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

PASSED by the County Council of the County of _____, Utah this _____ day of _____, 2016.

COUNTY COUNCIL

Gregory Merrill, Council Chair

ATTEST:

Jill N. Zollinger, County Clerk/Auditor

CACHE COUNTY, UTAH

RESOLUTION NO. 2016-06

A RESOLUTION PROVIDING FOR AMENDMENTS TO THE SERVICE FEE SCHEDULE OF THE OFFICE OF THE CACHE COUNTY CLERK/AUDITOR.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is appropriate and necessary that the service fee schedule for services of the Office of the Cache County Clerk/Auditor be amended.

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

BE IT RESOLVED THAT:

Section 1: Service Fees Schedule.

The Service fees schedule attached hereto is hereby approved for the office of the Cache County Clerk/Auditor superceding all prior service fee schedules for that office.

Section 2: Effective Date.

This resolution shall become effective immediately.

DATED this _____ Day of _____, 2016

CACHE COUNTY COUNCIL:

By: _____
Gregory Merrill, Chairman

ATTEST TO:

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



Jill N. Zollinger
Cache County Clerk/Auditor
 179 North Main Suite 102
 Logan, UT 84321
 Phone: 435.755.1460 | FAX: 435.755.1980
 www.cachecounty.org/clerk

CACHE COUNTY
Office of the County Clerk/Auditor

FEE SCHEDULE

Marriage License	\$40.00
Certified Copy	\$ 10.00
Uncertified Copy	\$ 5.00
Document Certification	\$ 5.00
Notarial Certificate	\$ 5.00
General Copies	\$ 0.25
DVD or CD Copy	\$5.00
Returned Check Fee	\$25.00
 Voter Information	
Setup Fee (<i>In Addition To Other Charges.</i>)	\$25.00
Disk	one half cent per name
Hard Copy	one cent per name
Labels	2 cents per name
Voter District Guide	\$5.00
Voter Information Card replacement	\$2.00
 Business License Fees	
Home Occupation Business	\$55.00
Contractors (<i>Home is base of business but does contracting work away from their home</i>) ..	\$80.00
Commercial Business (<i>Less than 10 Employees</i>)	\$105.00
Commercial Business (<i>More than 10 Employees</i>)	\$230.00
Fire Inspection Fee	\$20.00
Late Fee	\$50.00
Late Fee (<i>non-compliance after 45 days notification</i>)	\$500.00
Temporary Business (<i>Non-permanent Basis or Transit Business Person</i>)	\$60.00 per calendar day of operation
 Fair Fees	
Fair Booth Fee (<i>With Electricity</i>)	\$200.00 -1,500.00
(<i>Without Electricity</i>)	\$200.00
Parking Pass	\$5.00
Mutton Bust	\$15.00
Cache Valley Idol Contest	\$20.00-25.00
Rodeo Tickets	\$12.00-15.00
Carnival Pre-Sale Tickets	\$20.00

Effective Date:



To: Cache County Council
From: Chris Harrild, Senior Planner
Subject: Agenda items for March 29, 2016

CONSENT

1. **Kelly Spackman Subdivision 3rd Amendment**—A request for a recommendation of approval to the County Council to amend the subdivision boundary and add an additional buildable lot on 52.64 acres of property located at 2977 North 2400 West in Benson, Agricultural (A10) Zone.

Staff Recommendation: Approval

Planning Commission Recommendation: Approval (5, 0)

Findings of Fact: 5

Conditions: 4

SET PUBLIC HEARING

2. **April 12, 2016, 5:30 p.m. – Esplin Andersen Rezone** — A request for a recommendation of approval to the County Council for a rezone of 5 acres of property from the Agricultural (A10) Zone to the Commercial (C) Zone at 4600 North 400 West, southwest of Smithfield City.

Staff Recommendation: Denial

Planning Commission Recommendation: Denial (5, 0)

Findings of Fact: 2

3. **April 12, 2016, 5:50 p.m. - Title 16 Code Amendments** — Amendments regarding subdivision requirements and review.

Planning Commission Recommendation: Approval (5, 0)

4. **April 12, 2016, 6:10 p.m. - Title 17 Code Amendments** — Miscellaneous land use updates and revisions.

Planning Commission Recommendation: Approval (5, 0)

INITIAL CONSIDERATION

5. **Nautica Subdivision** - A request of approval for an 11-lot subdivision and agricultural remainder on 129 acres of property located at 1550 West 6700 South, Hyrum (Agricultural (A10) Zone).

Staff Recommendation: Denial

Planning Commission Recommendation: Denial (4, 1; Phil Olsen)

Findings of Fact: 3

STAFF REPORT: NAUTICA SUBDIVISION

29 March 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: Bob Wright

Parcel ID#: 01-081-0001 and 01-081-0017

Staff Determination: Denial

Type of Action: Administrative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Chris Harrild, Senior Planner

Project Address:

1550 West 6700 South

Hyrum, Utah 84319

Current Zoning:

Agricultural (A10)

Acres: 129

Surrounding Uses:

North – Agricultural/Residential/Rural 5 (RU5)

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

Purpose:

To review and make a recommendation to the County Council regarding the proposed Nautica Subdivision.

Land Use 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:

The two existing parcels are currently restricted due to previous division of property without land use authority approval. This request would correct the existing parcel configuration and proposes to divide

parcels 01-081-0001 and 01-081-0017 into eleven (11) developable lots and one (1) agricultural remainder. This may include the realignment of county road 1600 West. The total acreage for this subdivision is 129.72 acres, minus slopes 30% or greater (18.23 acres), resulting in a total developable acreage of 111.49 acres. There have also been previous requests to develop this property, the most recent occurring at the end of 2013 with a request to rezone the said property from the A10 Zone to the RU5 Zone. That request was denied as the proposed zone was not consistent with the surrounding properties, and there were not adequate public service provisions.

Access:

1. The current Cache County Manual of Roadway Design and Construction Standards (Road Manual) §2.5 specifies:
 - a. Roads serving more than three dwellings must meet the minimum construction width standard of a total 24' width consisting of two 10' wide paved travel lanes, and 2' wide shoulders (1' paved, 1' gravel). The proponent must meet all roadway and design requirements for roads as specified in Road Manual.
 - b. The maximum length of terminal roads shall not be longer than 500 feet from the centerline of the adjoining road to the center of the cul-de-sac with an exception possible for roads that exceed that length due to topographical constraints. The proposed private road 6730 South Street from county road 1600 West is approximately 1,000 feet. A turn-around must also be placed at the end of 6730 South Street. Due to topographical constraints, the proponent has submitted a request for a design exception from the 500' limit for this terminal road (Exhibit A).
2. The proponent has identified that they shall make the necessary roadway improvements and shall provide the necessary dedication of ROW to meet the minimum county standards.
3. Due to the existing snowy conditions, and difficulty in obtaining accurate measures, roadway widths are based on previous development reviews and aerial imagery for the roads in this area. Additional review may be required once a more current/more accurate measure of road width can be obtained.
4. Access to the county roads serving this property, and to the property itself, may be approached from the north or from the west.
5. Access from the north must cross the Hyrum dam spillway on South 1700 West. At this location, 1700 West is a ~16' wide paved surface. This width is inadequate and widening of the roadway in this location is financially impractical.
6. The access from the west is from county roads West 6600 South, South 1800 West, West 6400 South, and South 1600 West.
 - a. West 6600 South meets the minimum county standard. At this location, 6600 South averages a 22' paved width with 4-5' wide gravel shoulders and currently serves more than 3 dwellings and provides agriculture access.
 - b. South 1800 West meets the minimum county standard. At this location, 1800 West averages a 22' paved width with 3-5' wide gravel shoulders and currently serves more than 3 dwellings and provides agriculture access.
 - c. West 6400 South meets the minimum county standard. At this location, 6400 South averages a 22' paved width with 1-2' wide gravel shoulders and currently serves more than 3 dwellings and provides agriculture access.
 - d. The paved portion of South 1600 West meets the minimum county standard. At this location, 1600 West averages a 22' paved width with 1-3' wide gravel shoulders and currently serves more than 3 dwellings and provides agriculture access. The unimproved portion of 1600 West that is south of West 6500 South does not meet the minimum county

standard. At this location, 1600 West is a 8-14' wide gravel/dirt road and provides agriculture access.

7. Right-of-way (ROW) has not been dedicated along the unimproved portions of 1600 West. Dedication of ROW along the portions of 1600 West located within parcels 01-081-0001 and 01-081-0017 is required.
8. Different alignments for the public and private roadways have been proposed. Any proposed alteration to 1600 West's alignment would require approval of the Cache County Council.

Water & Septic:

1. An adequate, approved, domestic water right must be in place for all buildable lots prior to final plat recordation.
2. The proposed lots are feasible for an on-site septic tank system. Additional review and permitting by the Bear River Health Department may be required prior to placement of a septic system.
3. This development shall require storm water review. Engineered site plans must include retention and detention of storm water. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan shall be required.

Service Provision:

1. South 1600 West has historically functioned as a farm access road. As per §16.04.100 of the Cache County Code, south of 6500 South, 1600 West does not currently receive adequate roadway maintenance services for single family dwellings, nor is a turn-around area for these services available.
2. Winter maintenance of 1600 West ends at the end of pavement at the intersection with private road 6500 South.
3. The review for a rezone to the RU5 Zone on this same property that occurred at the end of 2013 and was denied, identified that an increased roadway maintenance burden was not in the county's interest.
4. The minimum standards of the Road Manual require that given the proposed subdivision, 1600 West be paved. At present, Cache County is not accepting additional roads, paving or chip sealing roads, or expanding winter maintenance services as per Resolution 2015-020 (Exhibit B).
5. On August 25, 2015, the County Council considered the proponent's request to vacate the dead end portion of 1600 West that is south of private road 6500 South. This request was made to facilitate the Nautica Subdivision development along 1600 West in light of the Cache County policy not to extend or expand county roadway maintenance services for new development on county roads. The Council considered that request and stated that the Council is not in favor of vacating said roadway (Exhibit C).
6. Water supply for fire suppression will be provided by the Hyrum City Fire Department. Access for emergency services will require further review following the design of the private road.
7. There must be sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane on 6730 South. A Liability Waiver shall be required from Logan City.
8. A school bus stop is located at the intersection of 6400 South 1800 West.

Sensitive Areas:

1. Moderate and steep slopes are located within the subdivision boundary. Any development within steep slope areas is not permitted. Any development, including roadways, within moderate slope areas shall require further geotechnical review.

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 & FINDINGS OF FACT (3)

It is staff's determination that the Nautica Subdivision, a 11-lot subdivision and remainder parcel for property located at approximately 1550 West 6700 South, on parcels 01-081-0001 and 01-081-0017 is not in conformance with the Cache County Code and should be denied. This determination is based on the following findings of fact:

1. As per County Code §16.04.100[C] Suitability of Area for Subdivision, the review of the County Road Department "identifying any items related to providing adequate access to the proposed subdivision" is required. The County Road Department has identified that:
 - a. 1600 West functions as a farm access road and does not currently receive adequate roadway maintenance services for single family dwellings.
 - b. The placement of additional dwellings on 1600 West would require an increase in the level of maintenance performed.
 - c. As per the Council's determination not to vacate the road by use right-of-way of 1600 West, and as an expansion of services by the County is not feasible, no other mechanisms for providing service can suitably mitigate risk or guarantee access to the proposed subdivision.
2. As per the County Code §16.04.100[A and D] Suitability of Area for Subdivision:
 - a. The Fire District has identified that 1600 West must be a minimum of 20' wide to be able to provide adequate fire protection and suppression services for the development.
 - b. The Logan City Environmental Department has identified that due to drifting snow in this area in the winter, the road must be maintained or the collection trucks will not attempt to access the area.
 - c. Improvement of the existing road and an expansion of maintenance are required to meet the minimum requirements for fire and solid waste services. As this cannot be accomplished, the area is not currently suitable for subdivision.
3. In consideration of Resolution 2015-20 Service Provision on County Roads:
 - a. There shall be no further expansion of road services on substandard roads that do not already serve existing homes including:
 - i. No expansion of winter maintenance activities (snow plowing).
 - ii. No gravel roads be paved or "Chip Sealed".
 - iii. No acceptance of new roadways, gravel or paved.
 - b. The proposed subdivision would require the expansion of winter maintenance activities and the paving of the substandard dirt/gravel portions of 1600 West.
 - c. The County Council may grant exceptions to this policy if proposed road improvements improve the health and/or safety of existing subdivisions, homes, or businesses. This proposal does not improve the health and/or safety of existing subdivisions, homes, or businesses.

ADDITIONAL REVIEW

Staff has considered a private road access option that is not reflected in the existing application for the Nautica Subdivision, but was referenced in discussion during the February Planning Commission meeting. The pertinent facts are as follows:

The substandard road can be improved; however, maintenance services shall not be expanded. The lack of maintenance creates an access issue for emergency services, and due to liability issues, maintenance of county roads must be performed by the county.

The proponent has identified that they shall make the necessary roadway improvements and shall provide the necessary dedication of ROW to meet the minimum county standards, however, Res. 2015-20 limits the expansion of maintenance services to proposed road improvements that “improve the health and/or safety of existing subdivisions, homes, or businesses.” This proposal does not improve the health and/or safety of existing subdivisions, homes, or businesses.

Vacating the existing road by use and the creation of a private road in its place has been reviewed by the Council and has no support:

During the February Planning Commission meeting, an interested party, Gary Otterstrom, requested that the county road be made private, and therefore Res. 2015-20 restricting the expansion of county maintenance would not apply. However, on August 25, 2015, the Council had already considered a request made the Nautica Subdivision applicant, Bob Wright, to vacate the substandard portion of 1600 West and allow a private road. The Council stated that they were not interested in vacating said roadway. This is the same day Res. 2015-20 was considered and adopted.

Given the noted restrictions and challenges, an additional private road option is not recommended, but may be possible. This option provides a way forward for the proponent while still meeting the county’s minimum requirements.

This option would involve the creation of a private road that would provide access to the proposed subdivision that does not use the substandard, road by use, 1600 West. This may require the proponent to redesign the subdivision/roadway layout, obtain additional right-of-way, and shall require the establishment of an HOA or similar agreement with property owners for the maintenance of said private road, provision of appropriate signage, and compliance with all other requirements of the Cache County Road Manual and County Code.

However, the county has had issues in the past with private roadways in that they fail due to lack of maintenance, creating an issue for emergency services access, and/or the property owners served by private roads consistently request county maintenance and/or acceptance of said private roads.

Therefore, if the Council determines that this option is in the best interest of the county, and the proponent is in favor of this option and amends their request, staff recommends that the Planning Commission and staff review the amended request in order to draft an appropriate determination, findings of fact, and conditions.



August 10, 2015

Chris Harrild
 Cache County Development Services
 179 North Main Street #305
 Logan, UT 84321

RE: Design Exception Request for Nautica Subdivision

Dear Chris,

In connection with the current proposed Nautica Subdivision, we are writing to request an exception for 6730 South Street from Cache County Roadway Manual, Section 2.5E, requiring that dead-end roads not be longer than 500 feet in length. The current distance between the proposed dead-end with International Fire Code turn-around and 1400 West Street is nearly 1,000 feet in length. The terrain east of the turn-round abruptly drops off into the Little Bear River Bottoms, as illustrated in Figure 1, thus making it difficult to extend the road further to the east and connect with other roadways. Section 2.5A of the Roadway Manual does state that terrain should be taken into consideration when considering the layout of new roadways.

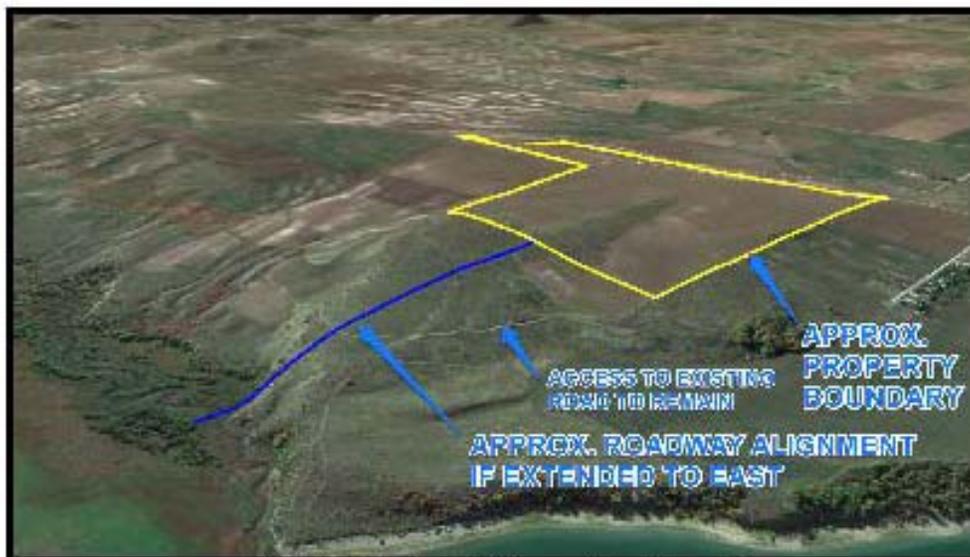


FIGURE 1. Aerial Perspective View of Development and Topography Looking Southwest

To provide an alternative access to the east, the plat in question proposes that access the existing road that exits the northeastern corner of the development would be maintained via a 50' easement that runs along the entire northern boundary of the Nautica Subdivision. This road

540 W Golf Course Road, Suite B1 Providence, UT 84332 | www.CivilSolutionsGroup.net | 435.213.3762



more appropriately follows the lay-of-the-land and continues to provide access to adjacent eastern parcels.

Thank you for considering our request. Please call should you have any questions.

Sincerely,

Michael Taylor, PE
Civil Solutions Group
mtaylor@civilsolutionsgroup.net
C: 435.890.4498



RESOLUTION NO. 2015-20

CACHE COUNTY, UTAH

SERVICE PROVISION ON COUNTY ROADS

A RESOLUTION OUTLINING THE COUNTY COUNCIL'S POLICY REGARDING THE EXPANSION OR CONTINUATION OF SERVICES ON COUNTY ROADS

Whereas, Cache County has reviewed the impact of new development along unimproved roadways on the safety and welfare of citizens of Cache County, and;

Whereas, Cache County has determined that within the existing budget constraints funding is not sufficient for the existing network of roadways to be properly maintained and that additional road length is a net cost to the county even considering existing Class B allocations from the State and property tax rates, and;

Whereas, it is not in the best interest for the safety and/or welfare of existing or future residents of Cache County to diminish services on existing roadways to maintain new roads or to provide substandard service on new roadways, and;

Whereas, there are nearly 200 miles of existing paved road in Cache County that can accommodate development with little to no impact on the County's ability to serve said development.

NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to hereby adopt the following resolution:

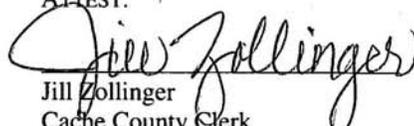
- 1) There shall be no further expansion of road services on substandard roads that do not already serve existing homes including:
 - a. No expansion of winter maintenance activities (snow plowing).
 - b. No gravel roads be paved or "Chip Sealed".
 - c. No acceptance of new roadways, gravel or paved.
- 2) The County Council may grant exceptions to this policy if proposed road improvements improve the health and/or safety of existing subdivisions, homes, or businesses.

APPROVED AND ADOPTED this 25th day of August, 2015.

CACHE COUNTY COUNCIL

 Kathy Robison, Chair
 Cache County Council



ATTEST:

 Jill Zollinger
 Cache County Clerk

Disclaimer: This is provided for informational purposes only. The formatting of this resolution may vary from the official hard copy. In the case of any discrepancy between this resolution and the official hard copy, the official hard copy will prevail.

Cache County Council
08-25-2015

- **Request for Approval of Personal Property Tax Cancellations** – Chairman Robison said Assessor Howell has requested these cancellations because the businesses have closed/liquidated and cannot be contacted.

(Attachment 6)

ACTION: Motion by Council member Potter to approve the Request for Approval of Personal Property Tax Cancellations. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Resolution No. 2015-20 – A Resolution Outlining the County Council's Policy Regarding the Expansion or Continuation of services on County Roads** – Director Runhaar drafted a resolution following the Council's discussion of this issue two weeks ago. This is not a permanent solution. Once he and the Council have time to review and think through the policy, it may be changed. If the Council does not approve the resolution, they will have to deal with each request separately. Council member White agreed with the proposal noting that it will alleviate possible capricious and arbitrary decisions.

(Attachment 7)

ACTION: Motion by Council member Potter to waive the rules and approve Resolution No. 2015-20-A Resolution Outlining the County Council's Policy Regarding the Expansion or Continuation of Services on County Roads. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Discussion – Vacating 3600 West and 4300 South, north of Wellsville (Little Bear Subdivision)** – Chris Harrild said this is an informal request as the party wants some indication of whether the Council is amenable to vacating the road before starting the formal process. Harrild observed that these roads are within Wellsville City's future annexation area.
- **Discussion – Vacating 1600 West, south of Hyrum (Nautica Subdivision)** – Bob Wright, Lewiston State Bank, said the bank owns the property and has a buyer wanting to build three houses for himself and then sell off in the next three years. This is a dead-end road. The new owner wants to create an HOA to develop and maintain the road.

Harrild said that, historically, private roads are usually asked to be returned to public entities after several years. After some discussion, Chairman Robison stated the Council is not in favor of vacating either road. Chairman Robison asked Director Runhaar if his office will generate a fact sheet explaining the "whys" of the county's road policy to give applicants wanting to develop on substandard roads in the county.

- **Discussion – 2015-2016 Cloud Seeding State Contract** – Executive Buttars will bring the discussion to the Council by the end of September or first of October.

OTHER BUSINESS

- ✓ **River Heights City Apple Days Parade – Saturday, August 29, 2015** – Zilles, Yeates, Buttars and Robison will attend.



DEVELOPMENT SERVICES DEPARTMENT

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

MEMORANDUM

Date: 20 August 2015
From: Cache County Development Services
To: County Council
Subject: Vacating a portion of County Road 1600 West, ~0.75 miles (RIN #142)

An informal request has been made to vacate the portion of the dead end County Road 1600 West that is south of private road 6500 South, south of Hyrum. The intent of this request is to determine Council's general position as regards the vacation of county roads, rights-of-way, or easements in order to allow roadways to function as private roads.

More specifically, this request is made to facilitate development along 1600 West in light of the Cache County policy not to extend or expand county roadway maintenance services for new development on county roads.

The authority to vacate county roads, rights-of-way, or easements rests with the Cache County Council. In addition, vacating public streets, rights-of-way, or easements is regulated by State code which provides the basic process for local jurisdictions. Within 17-27a-208, the requirements indicate the type of notice and the requirement for a public hearing. Additionally, within 72-3-108 the State requires that noticing be placed in the newspaper at least once per week for four (4) weeks prior to the public hearing.

The Development Services staff has completed a review of said request and has identified the following regarding said roadways:

- 1600 West appears to provide farm access to 16 properties consisting of approximately 530 acres of property.
- While 1600 West is a County Road, and existing legal descriptions reference the county road, a dedicated right-of-way does not exist for this portion of roadway. However, in cases where a dedicated right-of-way does not exist, the county presumes a 66' wide road by use right-of-way or easement for roadway access and maintenance.
- The portion of 1600 West that is south of 6500 South has historically functioned as a farm access road and does not currently receive adequate roadway maintenance services for additional development.
- 1600 West is currently a substandard roadways as per the county road manual. Development of property, beyond agriculture, that fronts said roadway shall require the improvement of said roadway to the minimum county requirements as specified in the county road manual. This applies to private as well as public roadways.

Given the above, and in order to provide clear and sufficient information, staff recommends that if vacation is amenable to the Council that the following items are provided at the time a formal request is made:

1. A survey of the existing roadway including a legal description of the presumed 66' wide road by use right-of-way or easement area for roadway access and maintenance to be vacated.
2. A written indication of agreement from affected property owners bearing the signatures of those who agree with the vacation of the said roadways, and establishing a shared private roadway easement for said properties.

After the noted information is supplied and reviewed, the process to begin the four (4) week notice period can be initiated and a public meeting date set. Please contact our office with questions or concerns in regards to this issue.

Christopher Harrild
Senior Planner

