

**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

**June 10, 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, JUNE 14, 2016**

## **AGENDA**

- 5:00 p.m.**
1. **CALL TO ORDER**
  2. **OPENING / PLEDGE** – David Erickson
  3. **REVIEW AND APPROVAL OF AGENDA**
  4. **REVIEW AND APPROVAL OF MINUTES** (May 24, 2016)
  5. **MINUTES FOLLOW-UP**
  6. **REPORT OF COUNTY EXECUTIVE**
    - a. Appointments
    - b. Warrants
    - c. Other Items
  7. **CONSENT AGENDA**
    - a. **Whittier Subdivision** – Request to create a new lot (Lot 2) from an existing legal lot on 4.96 acres in the Rural 2 (RU2) Zone located at 580 South 3200 West
  8. **ITEMS OF SPECIAL INTEREST**
    - a. Introduction of 2016 Cache County Rodeo Royalty
  9. **UNIT OR COMMITTEE REPORTS**
    - a. Cache County Trails Master Plan and Support of RTCA Assistance Grant Application – Dayton Crites
  10. **BUDGETARY MATTERS**
  11. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
    - a. **Set Public Hearing for June 28, 2016 at 5:30 p.m. – Agriculture Protection Area**  
Request for Agriculture Protection Areas in six separate areas including multiple properties and totaling 1,884.91 acres located in the Agricultural (A10) Zone at approximately 8600 North 800 West, 5800 North (Sam Fellow Road) 4800 West, 5100 North 4200 West (Sam Fellow Road), 3200 West 4600 North, 3200 West 4100 North, and 2600 North 2400 West
    - b. **Set Public Hearing for June 28, 2016 at 5:40 p.m. – Morley Rezone**  
Request to rezone 9.09 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 686 East 10850 South, Avon

5:30 p.m.\*

- c. **Set Public Hearing for June 28, 2016 at 5:50 p.m. – Hansen Rezone**  
Request to rezone 8.76 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at approximately 6500 North 400 West, north of Smithfield
- d. **Set Public Hearing for June 28, 2016 at 6:00 p.m. – Open 2016 Budget**
- e. **Public Hearing – Kerr Basin Rezone** – Request to rezone 11.25 acres to add Mineral Extraction and Excavation (ME) Overlay Zone to the existing Forest Recreation (FR40) Zone located approximately 5700 South 5400 West, west of Wellsville City

12. **PENDING ACTION**

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

- a. **Nautica Subdivision** – Request for an 11-Lot Subdivision and agricultural remainder on 129 acres in the Agricultural (A10) Zone located at 1550 West 6700 South, Hyrum. Remanded back to the Planning Commission by the County Council
- b. Reconsideration of Property Tax Relief Request
- c. Adoption of County Final Tax Rates and Budgets
- d. Discussion – 2nd Quarter Budget Report

14. **OTHER BUSINESS**

- a. Nibley City Heritage Days Parade – Saturday, June 18, 2016 at 10:00 a.m.  
*Greg, Gordon*
- b. County Employees’ Day of Service – Rescheduled to Wednesday, June 29th, 8-noon at The Family Place
- c. Lewiston 4th of July Parade – Monday, July 4, 2016 at 9:00 a.m.
  
- d. Hyrum 4th of July Parade – Monday, July 4, 2016 at 12:00 p.m.
  
- e. County Summer Party – Thursday, July 14, 2016 at 6:00 p.m.

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

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

### STAFF REPORT: WHITTIER SUBDIVISION

Date: 2 June 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 Whittier

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

**Staff Determination:** Approval

**Type of Action:** Administrative

**Land Use Authority:** Director of Development Services

### LOCATION

*Reviewed by: Jacob Adams - Planner I*

**Project Address:**

580 South 3200 West

Logan, Utah

**Current Zoning:**

Rural 2 (RU2)

**Acres:** 4.98

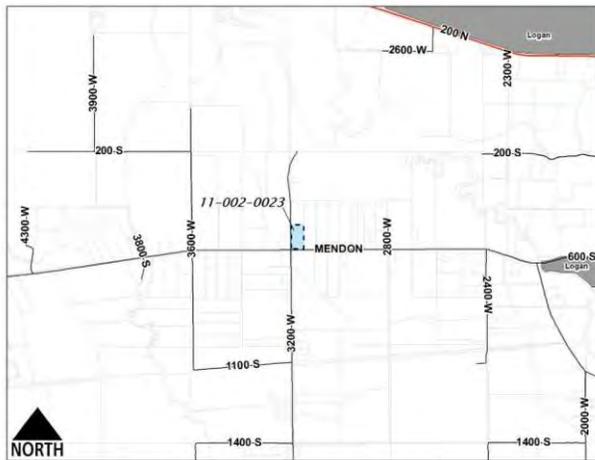
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



### PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

**Purpose:**

To review the proposed Whittier Subdivision.

**Ordinance:**

As per the Cache County Land Use Code Table 17.10.04, "Site Development Standards," this proposed 2-lot subdivision on 4.98 acres in the Rural 2 (RU2) Zone qualifies for a development density of one unit per two acres.

**Summary:**

This request for a two-lot subdivision will create one additional lot out of the existing 4.98-acre lot. Lot 1 will be 3.00 acres in size and contains the existing home; Lot 2 will be 1.98 acres in size and is currently vacant. The property was recently zoned RU2 to make this subdivision possible.

**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 minimum county standards. The County Road Manual requires any road serving three homes or less to have 24 feet of gravel width, and any road serving more than three homes to have 22 feet of paved width with one-foot-wide gravel shoulders on each side. All roads must have a minimum 66-foot-wide right-of-way.
- Access to this subdivision is from county road 3200 West, which has a 22-foot paved width with 2-foot-wide gravel shoulders and a 33-foot-wide right-of-way.
- 3200 West exceeds the minimum county standards for surface width and material but does not meet the minimum right-of-way width. The applicant must dedicate land to the county to create 33 feet of right-of-way width from the centerline of the road east to their property boundary for the entire length of the subdivision.

**Water & Septic:**

- Adequate water rights are in place for the existing home on Lot 1. A water right exists on the proposed Lot 2 but is not in the owner's name. The water right change printout indicates the water right will be put in the applicant's son's name pending approval of the water right change as the son will be purchasing Lot 2 after the subdivision is completed.
- An approved domestic use water right in the name of the applicant or his son, Chandler Whittier, must be in place for Lot 2 before the plat is recorded.
- Bear River Health Department has approved the subdivision.

**Service Provision:**

- Residential refuse and recycling containers will be placed on 3200 West. As this is a narrow street, shoulder improvements may be required as part of the zoning clearance process for a building permit to ensure the containers can be placed far enough from the road to not interfere with passing traffic.
- School bus service can be provided with a stop at 3200 West 600 South.
- The County Fire District has stated that "the fire department access road meets the code requirements."
- Water supply for fire suppression will be provided by the Logan Fire Department.

**Sensitive Areas:**

- A small portion of Lot 1 is within the 100-foot buffer around the 100-year floodplain, though no part of the subdivision is within the floodplain itself. No existing structures are within the floodplain buffer. Future development within these areas may require further review.
- The subdivision is within 300 feet of an agricultural protection area. The following note must be provided on the plat: "This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on the acceptance of any circumstance related to land use which may result from such normal agricultural uses and activities."

**Public Notice and Comment:**

Public notice was posted online to the Utah Public Notice Website on 19 May 2016. Notice was also published in the Herald Journal on 22 May 2016. Notices were mailed to all property owners within 300 feet of the subject property and to municipalities within one mile on 27 May 2016. At this time, no public comment regarding this proposal has been received by the Development Services Office.

**STAFF DETERMINATION AND FINDINGS OF FACT (4)**

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It is staff's determination that the Whittier Subdivision, dividing an existing property to create two separate parcels on property located at 580 South 3200 West, west of Logan, with parcel number 11-002-0023 in the Rural 2 (RU2) Zone, is in conformance with the Cache County Code requirements and should be approved. This determination is based on the following findings of fact:

1. The Whittier Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Whittier Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Whittier Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Whittier Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

**CONDITIONS OF APPROVAL (2)**

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1. An approved domestic use water right in the property owner's name or in Chandler Whittier's name must be in place for lot 2 prior to the plat being recorded.
2. The applicant shall reaffirm their 33' portion of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision boundary.

**SURVEYOR'S CERTIFICATE**

I, LAYNE J. SMITH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 334581, 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 PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT INTO LOTS AND STREETS, HERINAFTER TO BE KNOWN AS WHITTIER SUBDIVISION, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

LAYNE J. SMITH \_\_\_\_\_ DATE \_\_\_\_\_

**BOUNDARY DESCRIPTION**

LEGAL DESCRIPTION:  
 PART OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, ALSO PART OF LOT 54 OF RICHLAND ACRES SUBDIVISION FURTHER DESCRIBED AS FOLLOWS:  
 BEGINNING AT A POINT THAT LIES SOUTH 89°29'27" WEST (S 89°48' W B.R.), 371.93 FEET FROM THE SOUTHWEST CORNER OF LOT 53 OF RICHLAND ACRES SUBDIVISION, SAID POINT BEING IN THE NORTH RIGHT-OF-WAY OF MIDLAND ROAD;  
 AND THENCE SOUTH 89°29'27" WEST (S 89°48' W B.R.) ALONG SAID RIGHT-OF-WAY LINE TO THE EAST RIGHT-OF-WAY LINE OF 3200 WEST STREET;  
 THENCE NORTH 00°42'38" WEST (N 0°23'29" W B.R.) ALONG SAID EAST RIGHT-OF-WAY LINE, 645.22 FEET (647.65 FT. B.R.) TO AN EXISTING FENCE CORNER;  
 THENCE NORTH 89°45'25" EAST (N 89°48' E B.R.) ALONG SAID FENCE, 336.39 FEET TO AN EXISTING FENCE CORNER;  
 THENCE SOUTH 00°42'38" EAST (S 0°23'29" E B.R.) ALONG SAID FENCE, 643.66 FEET (647.65 FT. B.R.) TO THE POINT OF BEGINNING.  
 CONTAINING 4.98 ACRES +/-

- SURVEY NARRATIVE:
1. THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 89°28'21" EAST, BETWEEN THE WEST AND EAST QUARTER CORNERS OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN AS MONUMENTED BY COUNTY MARKERS AS SHOWN.
  2. THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE PARCEL SHOWN AND AS RECORDED IN THE OFFICE OF THE CACHE COUNTY RECORDER'S OFFICE UNDER ENTRY NUMBER 1010694, BOOK 1599 AND PAGE 636.
  3. RETRACEMENT: THE SOUTH LINE IS THE NORTH LINE OF MENDON ROAD AS DETERMINED FROM EXISTING FENCES; THE WEST LINE IS AT A RECORD DISTANCE FROM THE EAST LINE, AND THE NORTH AND EAST LINES ARE ALONG EXISTING FENCES.
  4. 3/4" REBAR WITH PLASTIC CAPS MARKED "SMITH, 334561" PLACED AT INDICATED CORNERS.

- NOTES:
1. Culinary Water: Cache County has not determined the availability or 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 a zoning clearance, prior to the issuance of a building permit.
  2. Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the affected party or entity (may include but is not limited to: adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)
  3. Agriculture Protection Area: This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on the acceptance of any circumstance related to land use which may result from such normal agricultural uses and activities.

**OWNER/SUBDIVIDER**  
 NAME: **DICK WHITTIER**  
 ADDRESS: **580 S. 3200 W. YOUNG WARD, 84321**  
 PHONE: **435-512-4443**

No.	REVISION	DATE



Project Title:  
**WHITTIER SUBDIVISION**  
 CACHE COUNTY, UT

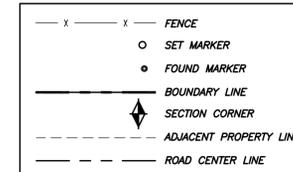
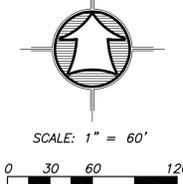
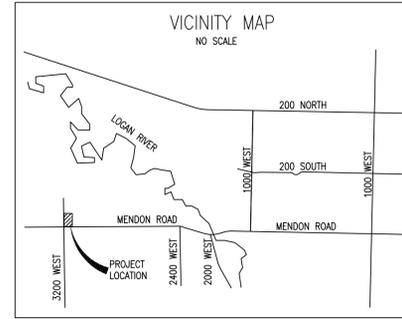
Sheet Title:  
**FINAL PLAT**

Drawn By: J. BODILY	Project Number: 16-018	Sheet No.:
Designed By:	Date: MARCH 21, 2016	<b>S1</b>
Reviewed By: L. SMITH	Sheet Scale: 1" = 60'	1 of 1
CJ/16-018/16/018.DWG		

Exhibit A

**WHITTIER SUBDIVISION**

LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN, CONTAINING 4.98 ACRES +/-



**OWNER'S DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHILE TO BE HEREAFTER KNOWN AS WHITTIER SUBDIVISION, DO HEREBY WARRANT AND SAVE CACHE COUNTY HARMLESS FROM ANY EASEMENTS AND ENCUMBRANCES AND DO HEREBY DEDICATE TO THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.  
 IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR SIGNATURES THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_

**ACKNOWLEDGMENT**  
 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, 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.  
 MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

**CACHE COUNTY COUNCIL**  
 THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
 BY: \_\_\_\_\_ CHAIR  
 ATTESTED TO: \_\_\_\_\_ CACHE COUNTY CLERK

**CACHE COUNTY PLANNING COMMISSION**  
 THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
 BY: \_\_\_\_\_ CHAIR

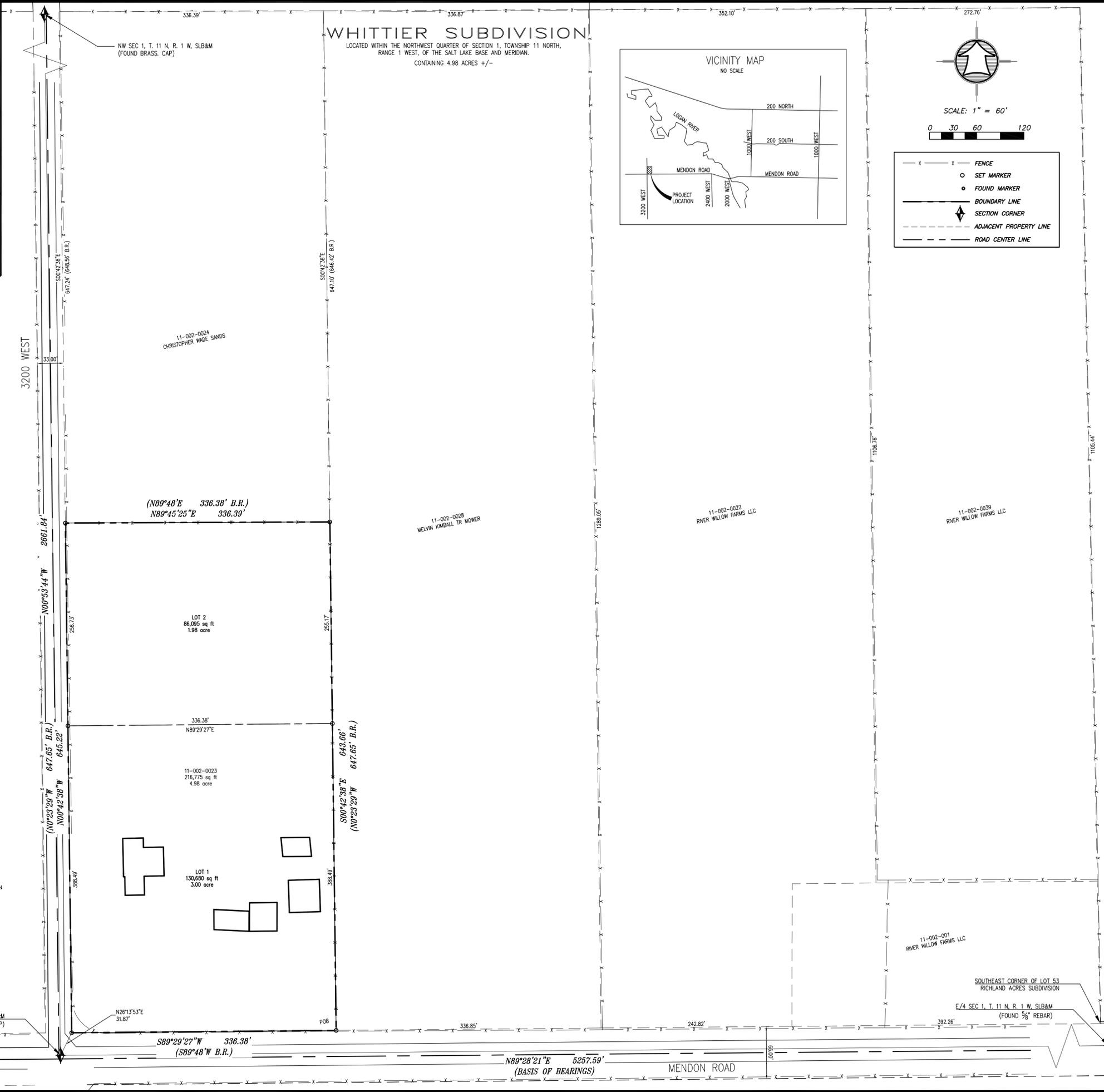
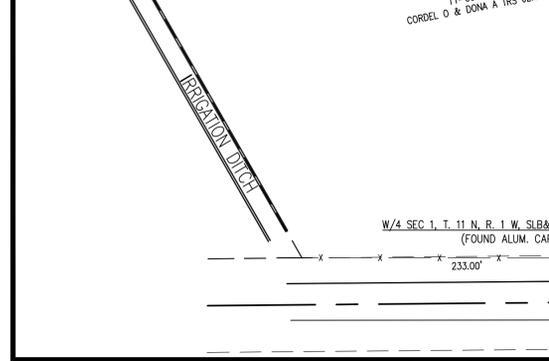
**DIRECTOR OF DEVELOPMENT SERVICES**  
 THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY DIRECTOR OF DEVELOPMENT SERVICES ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
 BY: \_\_\_\_\_ DIRECTOR

**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; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.  
 DATE \_\_\_\_\_ DEPUTY COUNTY SURVEYOR \_\_\_\_\_

**COUNTY ATTORNEY APPROVAL**  
 I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVED AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.  
 DATE \_\_\_\_\_ ATTORNEY \_\_\_\_\_

**BEAR RIVER HEALTH DEPARTMENT APPROVAL**  
 THE SUBDIVISION IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
 BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

**COUNTY RECORDER'S No. \_\_\_\_\_**  
 STATE OF UTAH, COUNTY OF CACHE  
 THIS PLAT HAS BEEN DULY ACKNOWLEDGED, CERTIFIED, AND APPROVED AND MAY BE LAWFULLY RECORDED IN CACHE COUNTY, UTAH.  
 RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ DATE \_\_\_\_\_  
 TIME \_\_\_\_\_ FEE \_\_\_\_\_  
 ABSTRACTED \_\_\_\_\_  
 COUNTY RECORDER \_\_\_\_\_



# Cache County Trails Master Plan

Outline and approach

## Need

Currently, Cache County has no adopted trails/active transportation master plan. Without such a plan, many state, federal and private grant funds are inaccessible. Additionally, many of the smaller, rural communities throughout Cache County do not have the resources to develop this type of planning document. By adopting a County-wide trails master plan that serves the whole of the county as well as smaller communities, the county will be able to capitalize on a broad range of active transportation and recreation funding sources, as well as supply smaller communities with a valuable planning service.

## Goal and Objectives

The goal is to develop a clear, concise, and informative Cache County Trails Master Plan. This plan will identify those trails whose development and preservation is a top priority for the communities within Cache County. The plan will be a document which outlines future project location, regional and local priorities, typical road and trail sections, funding mechanisms and a roadmap towards implementation.

## Approach

Pending grant approval by the National Park Service, the plan will be developed as a joint effort between Cache County and the National Park Service's River and Trails Conservation Assistance (RTCA) program, based out of a downtown Salt Lake City office.

The letter of support from Cache County Council will improve the chances of our grant receiving approval of our request for RTCA support.

Should the RTCA approve of our grant request, they will work with the Cache County Trails planner to lead a public outreach process that will incorporate public meetings in Smithfield, Hyrum, and Logan as well as an on-line application that will collect and monitor public feedback regarding the Trails Master Plan. RTCA support will extend the County Trail Planner's capacity for facilitating public meetings, compiling and integrating public feedback into the final trails plan, and producing the final document.

## Timeline

The application for RTCA support is due on Thursday, June 30<sup>th</sup>. Grants are expected to be approved in fall of 2016, and the public outreach and planning process would occur from fall into winter. By winter or early spring of 2017, a final trails plan would come before Cache County Council for adoption, modification, or rejection.

For any questions regarding this plan, please contact:

*Dayton Crites*

*Cache County Trails Planner*

435.755.1646

[dayton.crites@cachecounty.org](mailto:dayton.crites@cachecounty.org)

179 N. Main Suite 301 Logan UT 84321



**STAFF REPORT: BALLARD AGRICULTURE PROTECTION AREAS**

02 June 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:** Jace K. Ballard, Todd N. Ballard  
**Staff Determination:** Approval  
**Type of Action:** Legislative  
**Land Use Authority:** Cache County Council

**Parcel ID#:** Multiple - See Exhibit B

**PROJECT LOCATION**

*Reviewed by: Chris Harrild, Senior Planner*

Multiple - See Exhibit A

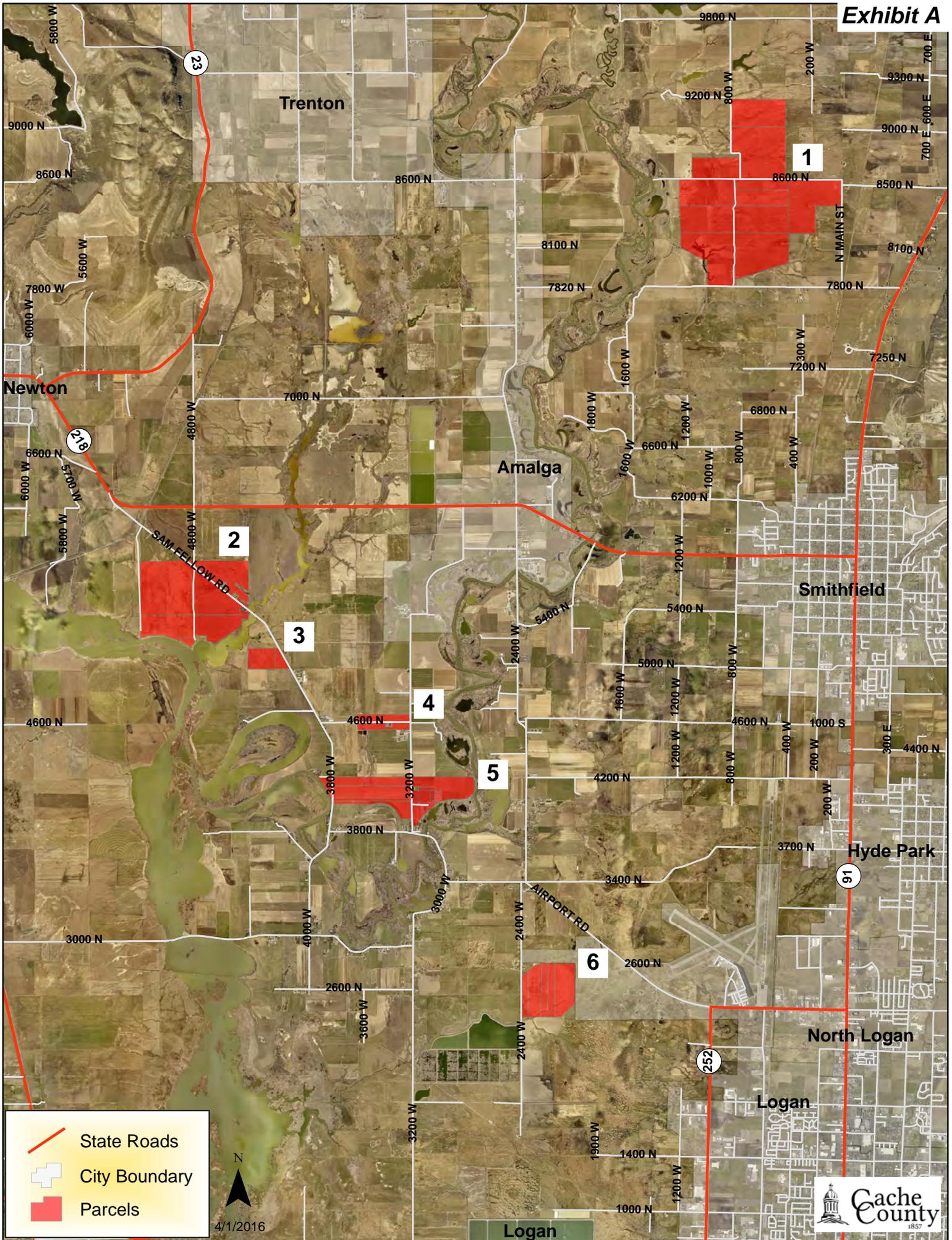
**PROJECT PURPOSE**

The Cache County Executive has forwarded an application to the Planning Commission for a review and recommendation to the County Council regarding the request for an agriculture protection area. This request includes 6 distinct Agriculture Protection Areas. These areas are described and addressed individually in the attached Exhibit B.

**CONCLUSION AND CONDITIONS**

The proposed Ballard Agriculture Protection Areas have been reviewed in conformance with, and meet the requirements and criteria of, §17-41-305 of State Code and §2.70 of the County Code and is approved. This conclusion is based on the findings of fact as identified in Exhibit B, and on the following condition:

1. The Ballard Agriculture Protection Areas must not include any portion of the 66 foot wide Cache County rights-of-way, reflecting 33 feet of each side from the existing center line, for any county roads as identified in Exhibit B.



Trenton

Newton

Amalga

Smithfield

Hyde Park

North Logan

Logan

Logan



4/1/2016

Legend:

- State Roads (Red line)
- City Boundary (White outline)
- Parcels (Red fill)

23

218

1

2

3

4

5

6

91

252

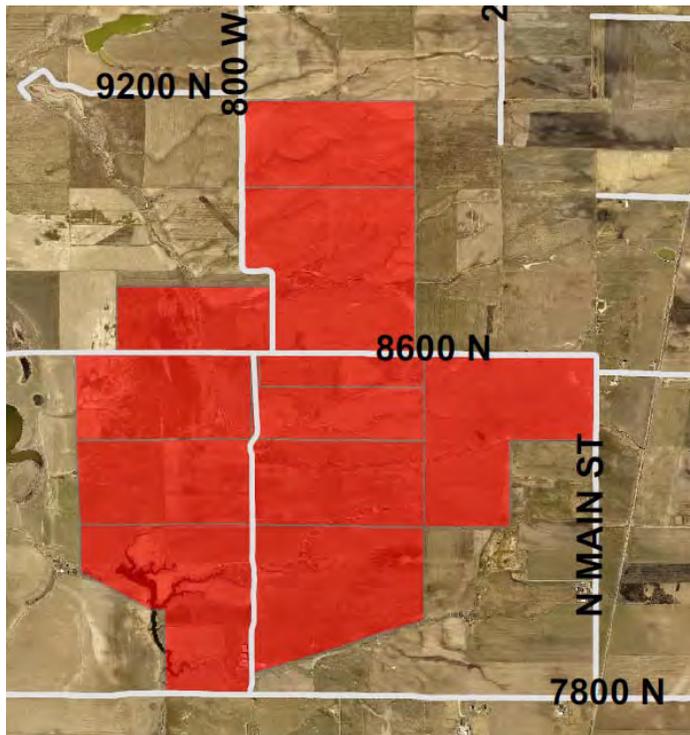
SAM FELLOW RD

AIRPORT RD

N MAIN ST

W 0098

**Area 1: Ballard Agriculture Protection Area - 875.8 Acres**



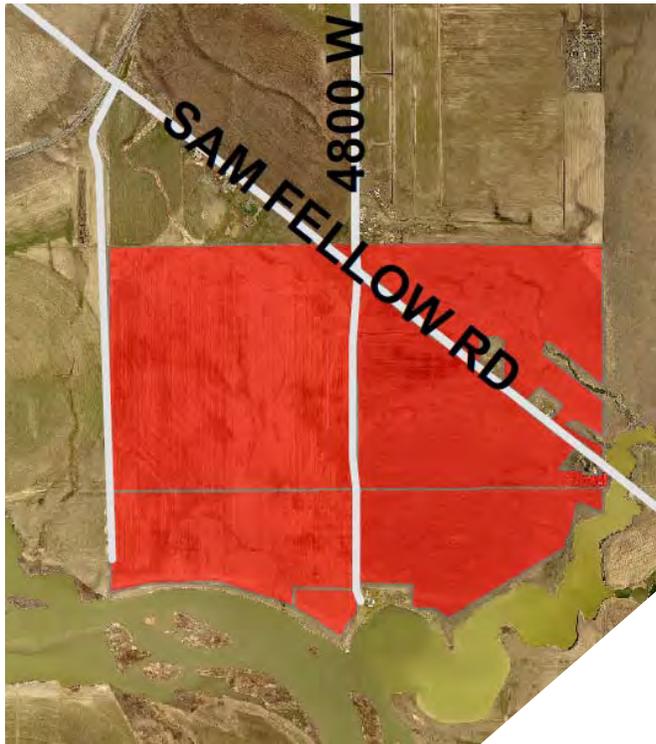
**Existing Zone:**  
Agricultural (A10)

- Parcels (11):**  
08-010-0013  
08-010-0014  
08-011-0017  
08-014-0004  
08-014-0005  
08-014-0011  
08-015-0002  
08-015-0003  
08-015-0004  
08-015-0005  
08-015-0007

**Findings of Fact:**

1. County roads 800 West, 8600 North, N. Main Street, and 7800 North bisect and/or border the proposed Ballard Agriculture Protection Area 1. Certain portions of 800 West and 8600 North are private roads and also bisect and/or border the proposed Ballard Agriculture Protection Area 1.
2. As per State Code §17-41-305 and County Code §2.70, the following criteria have been reviewed and addressed:
  - a. *Is the area proposed greater than 5 acres in size?* Yes.
  - b. *Is the land currently being used for agriculture production?* Yes.
  - c. *Is the land zoned for agricultural use?* Yes.
  - d. *Is the land viable for agriculture production?* Yes.
  - e. *What is the extent and nature of the existing or proposed farm improvements?* Crop and livestock production.
  - f. *What are the anticipated trends in the agricultural and technological conditions?* This is a sizeable piece of agriculture, has functioned as such in the past, and will likely continue to function in that manner into the future.
3. Notice to surrounding property owners has been provided as per State and County Code. At this time, no public comment regarding this proposal has been received by the Development Services Office.

**Area 2: Ballard Agriculture Protection Area – 431.19 Acres**



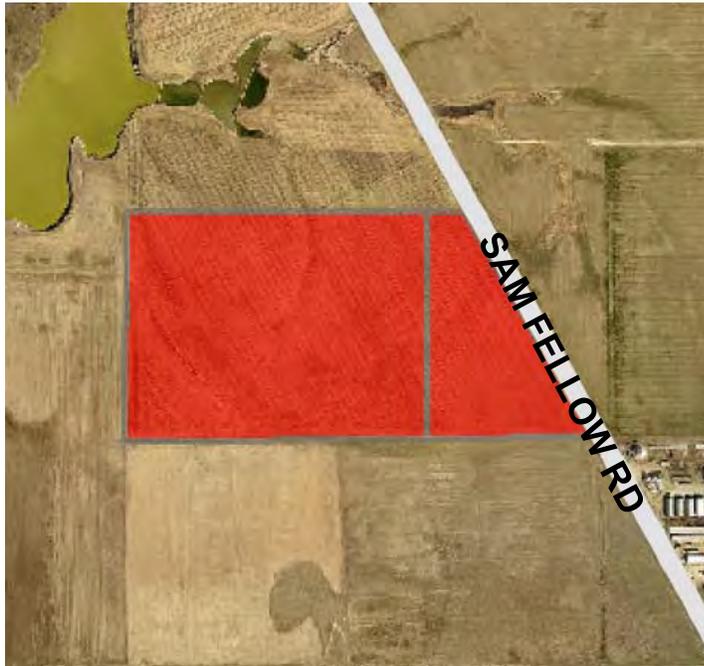
**Existing Zone:**  
Agricultural (A10)

**Parcels (5):**  
13-043-0002  
13-044-0009  
13-052-0001  
13-052-0007  
13-053-0001

**Findings of Fact:**

1. County road Sam Fellow Road and the private road 4800 West bisect the proposed Ballard Agriculture Protection Area 2. Area 2 also includes all lots of the Legacy View 2 Subdivision and Lot 1 of the Legacy View 1 Subdivision.
2. As per State Code §17-41-305 and County Code §2.70, the following criteria have been reviewed and addressed:
  - a. *Is the area proposed greater than 5 acres in size?* Yes.
  - b. *Is the land currently being used for agriculture production?* Yes.
  - c. *Is the land zoned for agricultural use?* Yes.
  - d. *Is the land viable for agriculture production?* Yes.
  - e. *What is the extent and nature of the existing or proposed farm improvements?* Crop and livestock production.
  - f. *What are the anticipated trends in the agricultural and technological conditions?* This is a sizeable piece of agriculture, has functioned as such in the past, and will likely continue to function in that manner into the future.
3. Notice to surrounding property owners has been provided as per State and County Code. At this time, no public comment regarding this proposal has been received by the Development Services Office.

**Area 3: Ballard Agriculture Protection Area – 42.2 Acres**



**Existing Zone:**  
Agricultural (A10)

**Parcels (2):**  
13-053-0004  
13-053-0005

**Findings of Fact:**

1. County road Sam Fellow Road borders the proposed Ballard Agriculture Protection Area 3.
2. As per Code §17-41-305 and County Code §2.70, the following criteria have been reviewed and addressed:
  - a. *Is the area proposed greater than 5 acres in size?* Yes.
  - b. *Is the land currently being used for agriculture production?* Yes.
  - c. *Is the land zoned for agricultural use?* Yes.
  - d. *Is the land viable for agriculture production?* Yes.
  - e. *What is the extent and nature of the existing or proposed farm improvements?* Crop and livestock production.
  - f. *What are the anticipated trends in the agricultural and technological conditions?* This is a sizeable piece of agriculture, has functioned as such in the past, and will likely continue to function in that manner into the future.
3. Notice to surrounding property owners has been provided as per State and County Code. At this time, no public comment regarding this proposal has been received by the Development Services Office.

**Area 4: Ballard Agriculture Protection Area – 36.64 Acres**



**Existing Zone:**  
Agricultural (A10)

**Parcels (2):**  
12-002-0029  
13-054-0008

**Findings of Fact:**

1. County roads 4600 North and 3200 West bisect or border the proposed Ballard Agriculture Protection Area 4.
2. As per State Code §17-41-305 and County Code §2.70, the following criteria have been reviewed and addressed:
  - a. *Is the area proposed greater than 5 acres in size?* Yes.
  - b. *Is the land currently being used for agriculture production?* Yes.
  - c. *Is the land zoned for agricultural use?* Yes.
  - d. *Is the land viable for agriculture production?* Yes.
  - e. *What is the extent and nature of the existing or proposed farm improvements?* Crop and livestock production.
  - f. *What are the anticipated trends in the agricultural and technological conditions?* This is a sizeable piece of agriculture, has functioned as such in the past, and will likely continue to function in that manner into the future.
3. Notice to surrounding property owners has been provided as per State and County Code. At this time, no public comment regarding this proposal has been received by the Development Services Office.

**Area 5: Ballard Agriculture Protection Area – 237.32 Acres**



**Existing Zone:**  
Agricultural (A10)

- Parcels (15):**  
12-001-0007  
12-001-0008  
12-001-0009  
12-001-0015  
12-001-0016  
12-001-0017  
12-001-0020  
12-001-0025  
12-001-0041  
12-002-0010  
12-002-0011  
12-002-0012  
12-002-0013  
12-002-0016  
12-002-0021

**Findings of Fact:**

1. County roads 3200 West and 3800 West and private roads 4000 North and 4200 North bisect and/or border the proposed Ballard Agriculture Protection Area 5.
2. As per State Code §17-41-305 and County Code §2.70, the following criteria have been reviewed and addressed:
  - a. *Is the area proposed greater than 5 acres in size?* Yes.
  - b. *Is the land currently being used for agriculture production?* Yes.
  - c. *Is the land zoned for agricultural use?* Yes.
  - d. *Is the land viable for agriculture production?* Yes.
  - e. *What is the extent and nature of the existing or proposed farm improvements?* Single family dwellings (12-001-0009, 0015, 0016, 0017, 0025), crop and livestock production, farm equipment storage, a maintenance shop, feed mill, feed manufacturing, grain storage, hog production, and raw manure storage.
  - f. *What are the anticipated trends in the agricultural and technological conditions?* This is a sizeable piece of agriculture, has functioned as such in the past, and will likely continue to function in that manner into the future.
3. Notice to surrounding property owners has been provided as per State and County Code. At this time, no public comment regarding this proposal has been received by the Development Services Office.

**Area 6: Ballard Agriculture Protection Area – 148.43 Acres**



**Existing Zone:**  
Agricultural (A10)

**Parcels (5):**  
04-067-0004  
04-067-0005  
04-067-0006  
04-067-0007  
04-067-0008

**Findings of Fact:**

1. County road 2400 West borders the proposed Ballard Agriculture Protection Area 6. The Logan City municipal boundary also borders this area.
2. As per State Code §17-41-305 and County Code §2.70, the following criteria have been reviewed and addressed:
  - a. *Is the area proposed greater than 5 acres in size?* Yes.
  - b. *Is the land currently being used for agriculture production?* Yes.
  - c. *Is the land zoned for agricultural use?* Yes.
  - d. *Is the land viable for agriculture production?* Yes.
  - e. *What is the extent and nature of the existing or proposed farm improvements?* Crop and livestock production.
  - f. *What are the anticipated trends in the agricultural and technological conditions?* This is a sizeable piece of agriculture, has functioned as such in the past, and will likely continue to function in that manner into the future.
3. Notice to surrounding property owners has been provided as per State and County Code. At this time, no public comment regarding this proposal has been received by the Development Services Office.

1 **#2 Agriculture Protection Areas (Jace K. Ballard, Todd N. Ballard)**

2  
3 **Harrild** reviewed Mr. Jace K. and Mr. Todd N. Ballard’s request for a recommendation to the  
4 County Council for Agriculture Protection Areas in six separate locations including multiple  
5 properties and a total of 1,884.91 acres located in the Agricultural (A10) Zone at approximately  
6 8600 North 800 West, 5800 North (Sam Fellow Road) 4800 West, 5100 North 4200 West (Sam  
7 Fellow Road), 3200 West 4600 North, 3200 West 4100 North, and 2600 North 2400 West.  
8 Notice to surrounding property owners has been provided as per State and County Code. At this  
9 time, no public comment regarding this proposal has been received by staff. All areas of the  
10 Agriculture Protection Area must meet six criteria: Is the area proposed greater than 5 acres in  
11 size; Is the land currently being used for agricultural production; is the land zoned for  
12 agricultural use; what is the extent and nature of the existing or proposed farm improvements;  
13 and water are the anticipated trends in the agricultural and technological conditions. Each area  
14 meets the minimum requirements of the State and County Code.

15  
16 **Jace Ballard** we filed for the Agriculture Protection Area a few months ago because sometimes  
17 livestock and people don’t always get along well. There was nothing that triggered us filing just  
18 decided one day that this is what we wanted to do and wanted to get it taken care of.

19  
20 **Staff and Commission** discussed building an Agriculture Protection Area Overlay to show on  
21 the GIS maps. Agriculture Protection Areas are required to be reviewed every 20 years and staff  
22 will start those reviews soon. Agriculture Protection Areas are created to protect the rights of  
23 agriculture production lands from neighbors who claim they are a nuisance.

24  
25 *Christensen* motioned to recommend approval to the County Council for the Ballard  
26 Agricultural Protection Area with the findings of fact, conclusions, and conditions as noted in  
27 the staff report; *Watterson* seconded; **Passed 6, 0.**

28  
29 **05:46:00**

30

### STAFF REPORT: KERR BASIN REZONE

5 May 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:** Brian Lyon

**Parcel ID#:** 10-031-0005

**Staff Recommendation:** Approval

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by: Jacob Adams - Planner I*

**Project Address:**

~5600 South and 5400 West

West of Wellsville

**Acres:** 11.25

**Surrounding Uses:**

North – Agricultural/Gravel Pits

South – Agricultural/Forest

East – Agricultural/Residential

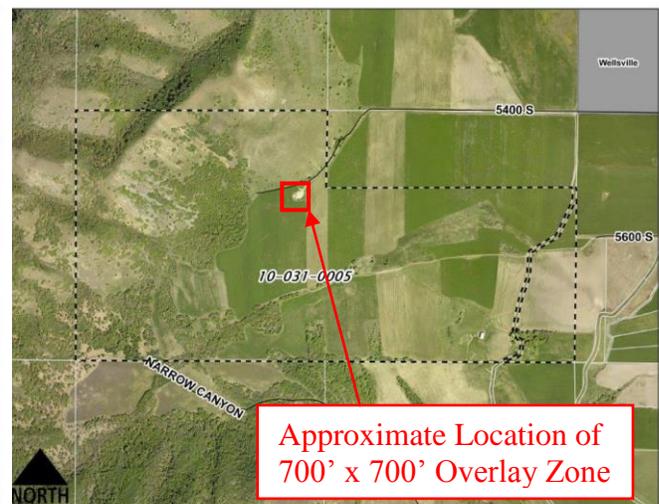
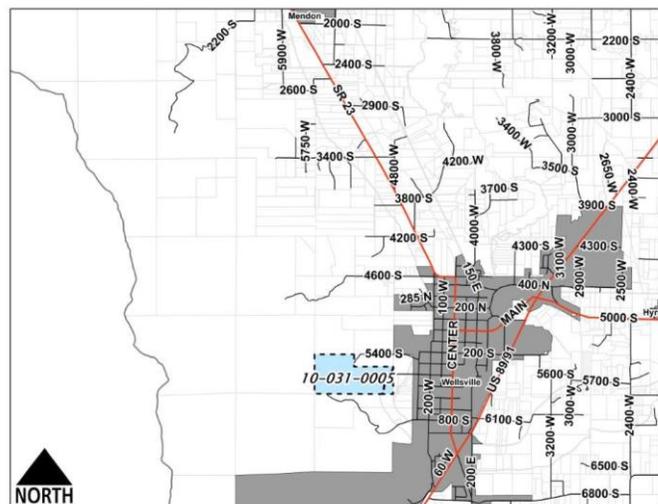
West – Forest

**Current Zoning:**

Forest Recreation (FR-40)

**Proposed Zoning:**

Mineral Extraction and Excavation (ME) Overlay



Approximate Location of 700' x 700' Overlay Zone

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

**Purpose:**

To review the proposed Kerr Basin Rezone, a request to rezone a 11.25 acre portion of the 286.21 acre parcel 10-031-0005 currently zoned Forest Recreation (FR-40) to include the Mineral Extraction and Excavation (ME) Overlay Zone, and make a recommendation to the County Council.

**Ordinance:**

County Land Use Code §17.08.050 [A] identifies the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:

1. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.
2. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.

County Land Use Code §17.13.010 identifies the requirements for the Mineral Extraction and Excavation (ME) Overlay Zone:

- A. Property shall be rezoned through the county rezone process (section 17.02.060 of this title) prior to a master plan submittal.
- B. In order to support the intended commercial mineral extraction or excavation uses, the minimum acreage for the ME zone shall be five (5) acres.
- C. Development within the ME zone shall adhere to all standards set forth in this title and the subdivision ordinance.

Any impacts related to conditional uses allowed within the Mineral Extraction and Excavation (ME) Overlay Zone will be addressed as part of each respective approval process required prior to site development activities, including improvement to substandard portions of access roads.

**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 following text:

**Property Context:** The property proposed to be rezoned an 11.25 acre portion of a 268.81 acre parcel, which itself is a combination of legal 1970 acre parcels. The Sand and Gravel Resource Potential Map indicates the area contains alluvial deposits and may contain delta & shoreline deposits (Exhibit A).

**Land Use Context:** Under the current County Land Use Code, the Mineral Extraction and Excavation (ME) Overlay Zone allows Mineral Extraction (use index 7400) and Topsoil Extraction (use index 7410) as conditional uses where they would otherwise not be permitted under the base Forest Recreation (FR40) Zone.

**Zone Placement:** The majority of the land surrounding the subject property is currently used for agricultural and recreation uses. There are several existing gravel pits to the north of the subject property. Immediately to the north are several pits owned by the LeGrand Johnson Construction Company (parcels 10-031-0002, 10-018-0012, and 10-018-0015, now under parent company Kilgore Companies), and beyond these are the Leatham (parcel 11-075-0004) and Archibald (11-075-0003) pits (Exhibit B)

There are two other Mineral Extraction and Excavation (ME) Zone Overlays in the vicinity. The Pine Canyon Gravel Pit overlay zone was established on parcel 11-075-0008 (in between the LeGrand Johnson pits and the Leatham pit) in 2012, and the Leatham overlay zone was established on parcel 11-071-0007 (north of the Archibald pit) in 2006.

The subject property is within one-third mile of the Wellsville municipal boundary and the associated residential uses therein and will be accessing Wellsville City Roads. Wellsville City has been notified and has indicated they have no problems with the rezone.

**Road Access:** The proposed rezone area is accessed by private road 5400 South, which is a 17 foot wide gravel road. This road crosses land owned by the applicant, an additional private land owner, and Wellsville City before connecting to the Wellsville City road network at 300 West. Adequate easements or rights-of-way must be provided, and additional road improvements may also be required, at the time a conditional use permit is considered.

The county originally identified portions of 5400 South and 5600 South as county roads; however, further research has shown that they are private roads. They are not on the list of county roads and it does not appear the county has performed any degree of maintenance on them in the last twenty years.

Wellsville City may have additional requirements for large truck traffic on their roads; the applicant is responsible to work with the City on these requirements.

**Road Maintenance Capability:** The maintenance of private road 5400 South is the responsibility of the owners or users of the road.

**Fire Service:** Access for fire protection and emergency services is currently inadequate. 5400 South is adequate for fire vehicles until the last 100 feet. The owner has stated to the Fire District that he will widen this portion to 20 feet and put down a gravel surface.

**Utilities and Public Services Provision:** No utilities or public services are provided in this area.

#### **Public Notice and Comment:**

Public notice was posted online to the Utah Public Notice Website and the Cache County website on 21 April 2016. Notice was also published in the Herald Journal on 24 April 2016. Notices were mailed to all property owners within 300 feet of the subject property on 29 April 2016. Wellsville City was also noticed. At this time, no public comment regarding this proposal has been received by the Development Services Office.

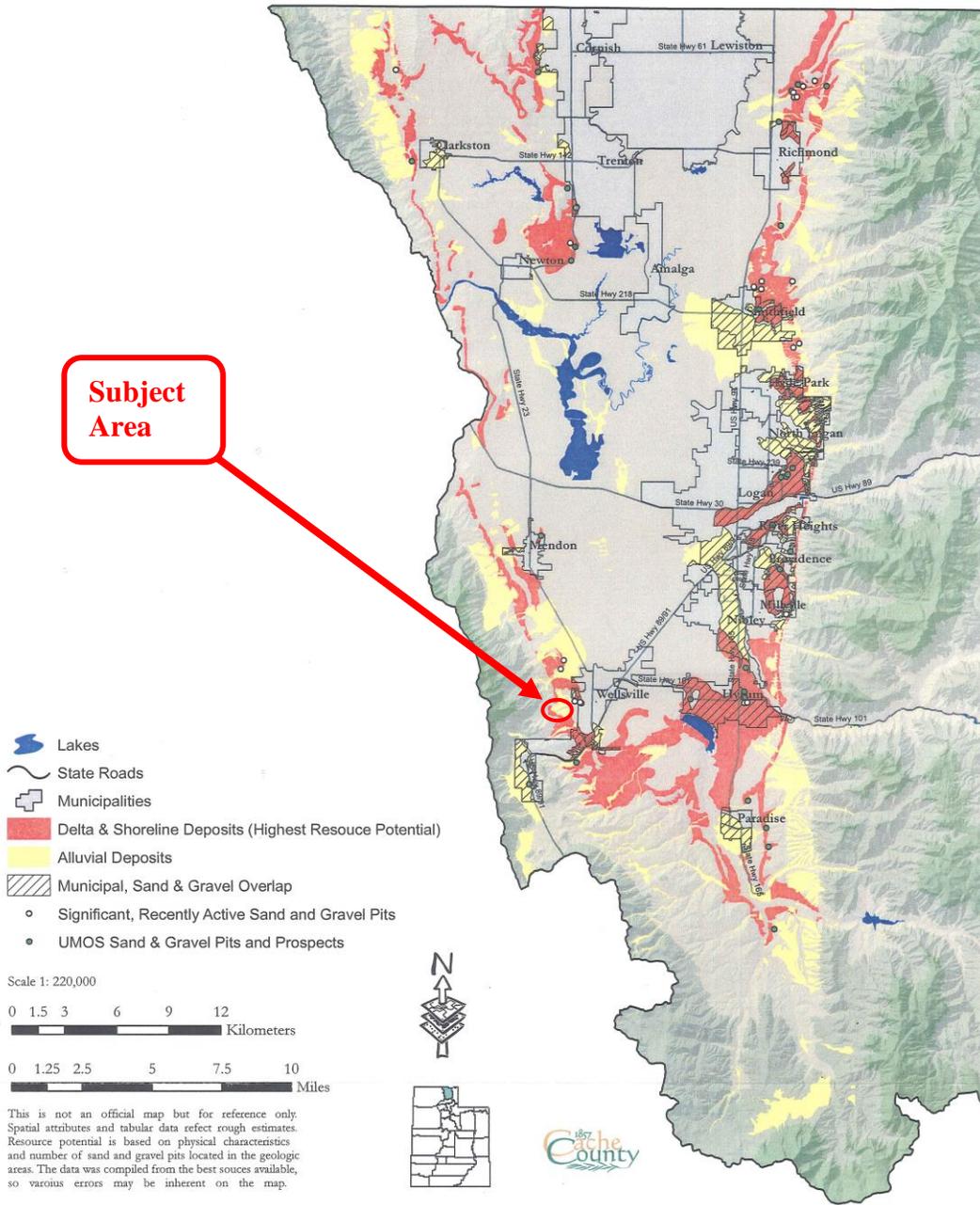
#### **STAFF DETERMINATION AND FINDINGS OF FACTS (2)**

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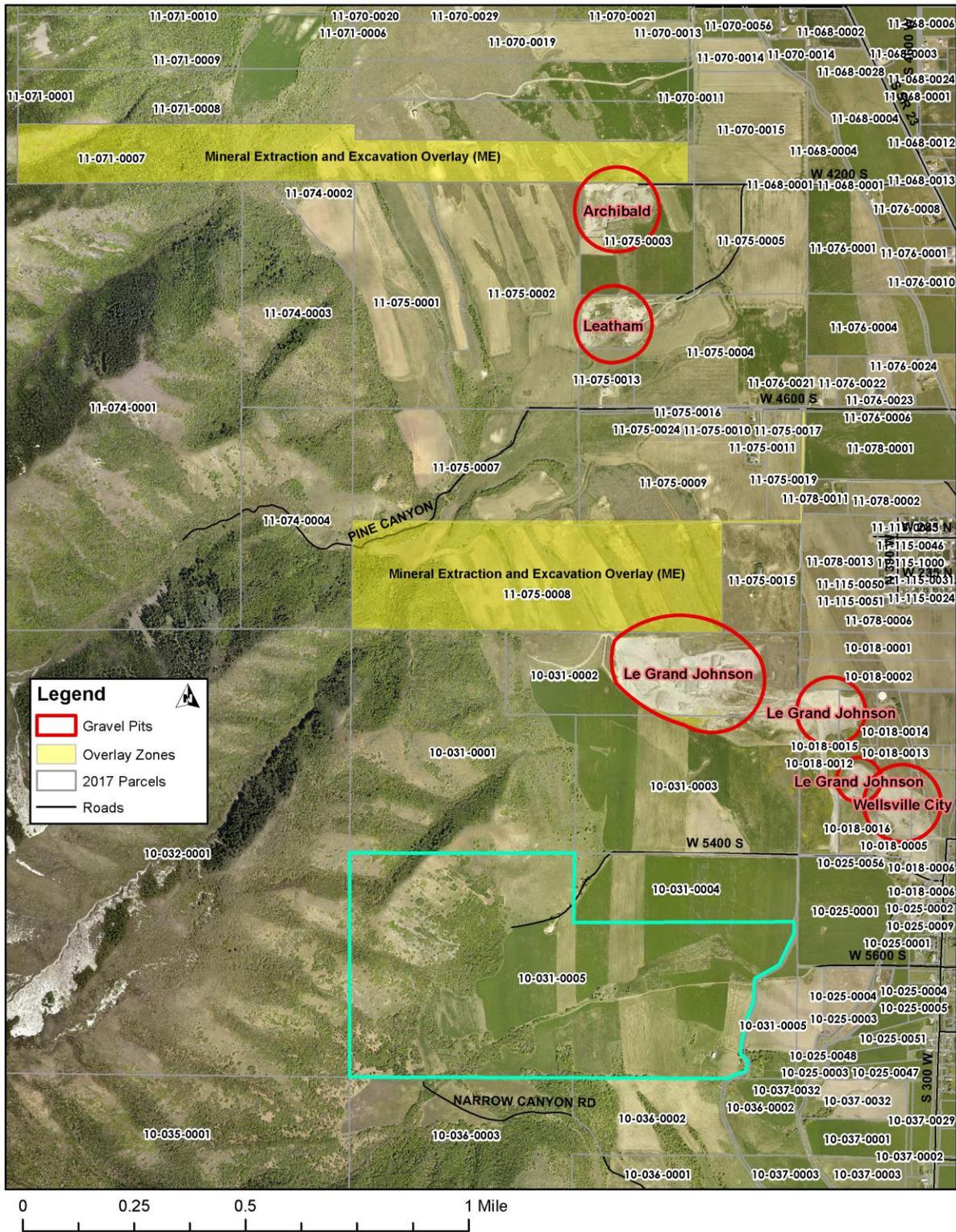
It is staff's determination that the Kerr Basin request to rezone an 11.25 acre portion of a 268.81 acre property located at approximately 5600 South 5400 West, west of Wellsville, parcel number 10-031-0005 in the Forest Recreation (FR40) Zone, to include the Mineral Extraction and Excavation (ME) Overlay Zone, is in conformance with the Cache County Land Use Code and should be recommended for approval to the Cache County Council. This determination is based on the following findings of fact:

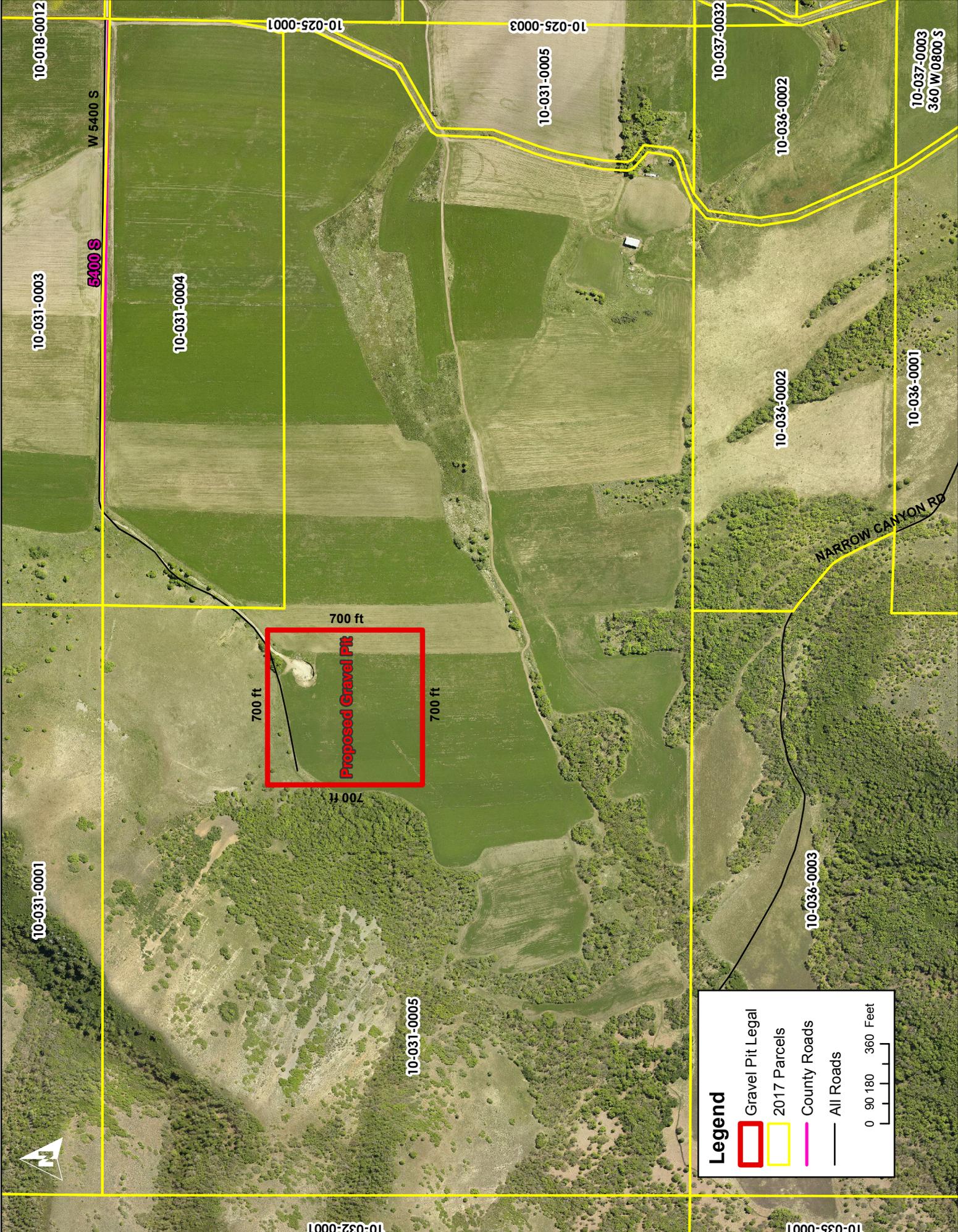
1. The proposed zone does not impact adjoining land uses and is compatible with adjoining uses as there are several existing gravel pits and Mineral Extraction and Excavation (ME) Overlay Zones in the area.
  - a. There are five gravel pits under three owners (LeGrand Johnson Construction, Leatham, and Archibald) and two parcels in the Mineral Extraction and Excavation (ME) Overlay Zone within a two mile radius of the property (Exhibit B).
  - b. The property includes areas likely to contain high resource potential with alluvial and delta & shoreline deposits as identified on the County Sand and Gravel Resource Potential Map.
2. The proposed rezone area is greater than five acres.

# Sand & Gravel Resource Potential Cache County, Utah



SYMBOL	UNIT	MUNICIPAL ACRES	COUNTY ACRES	MAX_THICK (FEET)	SORTING	ROUNDING	NUM_PITS
Qlpd	Deltaic deposits, Provo level (regressive)	5791	4984.23	82.02	mod. to well	subrounded to round	23
Qlpg	Lacustrine gravel and sand, Provo shoreline (regressive)	889	3953.86	16.4	well	subrounded to round	9
Qlbd	Deltaic deposits, Bonneville level (transgressive)	665	416.35	16.4	mod. to well	subrounded to round	1
Qlbg	Lacustrine gravel and sand, Bonneville shoreline (transgressive)	9	10402.73	65.62	well	subrounded to round	12
Qaly	Younger stream alluvium	3066	5649.82	32.81		-----	0
Qalp	Stream alluvium, Provo phase	3	119.57	16.4	moderately	subangular to rounded	0
Qalb	Stream alluvium, Bonneville phase	0	498.17	16.4	moderately	subangular to rounded	0
Qaf1	Fan alluvium 1	2478	5730.01	16.4	poorly	angular to subround	0
Qaf2	Fan alluvium 2	1558	2862.06	16.4	poorly	angular to subround	0
Qafy	Younger fan alluvium	1783	5791.91	16.4	poorly	angular to subround	0
Qafp	Fan alluvium (Provo shoreline)	243	100.24	16.4	poorly to moderate	angular to well	0
Qafo	Older fan alluvium	256	6973.7	32.81	poorly	angular to well	0





**Legend**

- Gravel Pit Legal
- 2017 Parcels
- County Roads
- All Roads

0 90 180 360 Feet

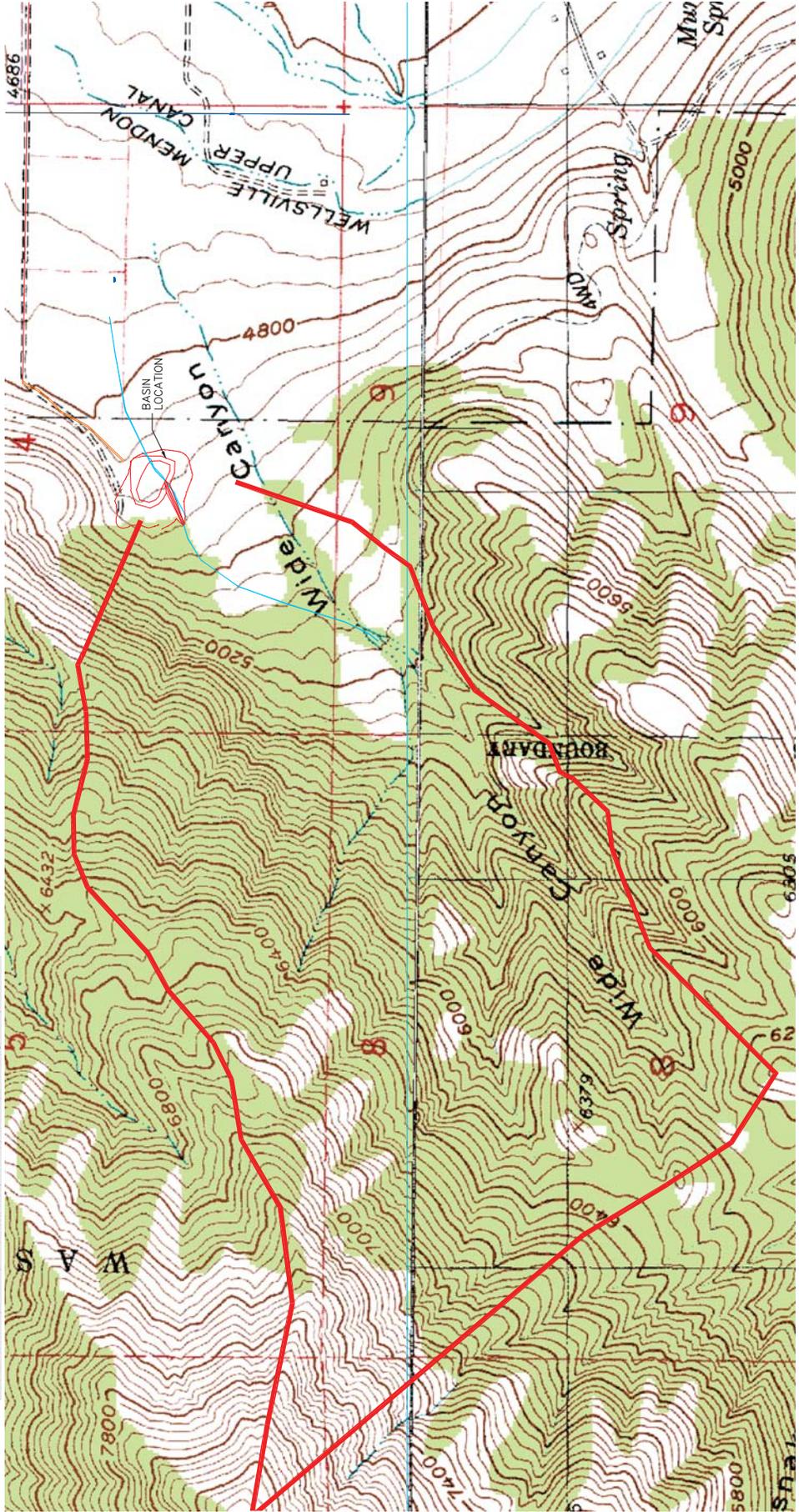
**KERR BASIN CONSTRUCTION**  
 PART OF THE SOUTHWEST QUARTER OF SECTION 4,  
 TOWNSHIP 10 NORTH, RANGE 1 WEST,  
 SALT LAKE BASIN AND MENDON  
 CACHE COUNTY, UTAH  
**HYDROLOGY**

**Basin Sizing Calculations**

Basin 1:			
Total Drainage area to Basin:	527 acres	Area draining from Watershed	
Rainfall depth:	3.74 inches	100-year, 24 hr storm	
Runoff Coefficient:	65	ON value from the San Bernardino Hydrology Calculations	
S value:	5.38	$S = 1000 / CN - 10$	
Runoff Depth:	0.88 in	$C = (P - 0.2S) / (P + 0.8S)$	
Runoff Volume:	38.70 ac-ft = 1685420 ft <sup>3</sup>	$V_{in} = Q / 12 \times A$	62438.08 cy



0 200 400 800  
 SCALE: 1"=400' (22x34 PLAN SET)  
 SCALE: 1"=800' (11x17 PLAN SET)



DATE	10-2015
SCALE	
BY	
REVISIONS	

**KERR BASIN CONSTRUCTION**  
 PART OF THE SOUTHWEST QUARTER OF SECTION 4,  
 TOWNSHIP 10 NORTH, RANGE 1 WEST,  
 SALT LAKE BASIN AND MENDON  
 CACHE COUNTY, UTAH  
**HYDROLOGY**

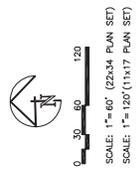
PROJECT

**ALLIANCE CONSULTING ENGINEERS, INC.**  
 150 EAST 200 NORTH SUITE P  
 LOCAL UTAH #4321  
 (435) 755-5121



SHEET  
**C-2**  
 OF

**KERR BASIN CONSTRUCTION**  
 PART OF THE SOUTHWEST QUARTER OF SECTION 4,  
 TOWNSHIP 10 NORTH, RANGE 1 WEST,  
 SALT LAKE BASLINE AND MERIDIAN  
 CACHE COUNTY, UTAH  
**BASIN PLAN**

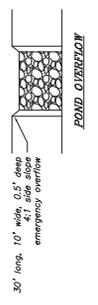
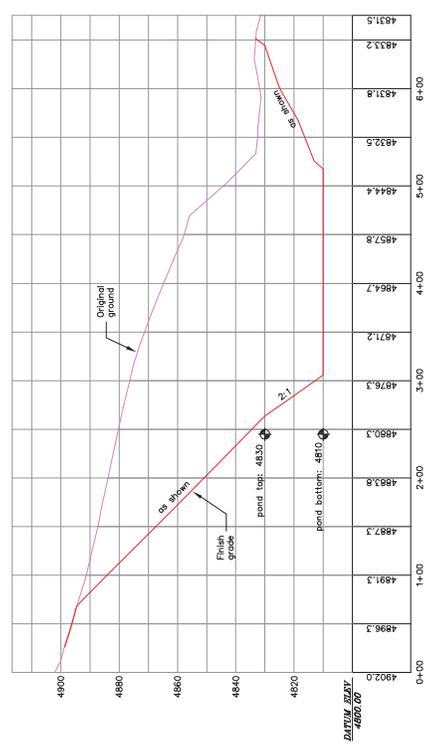
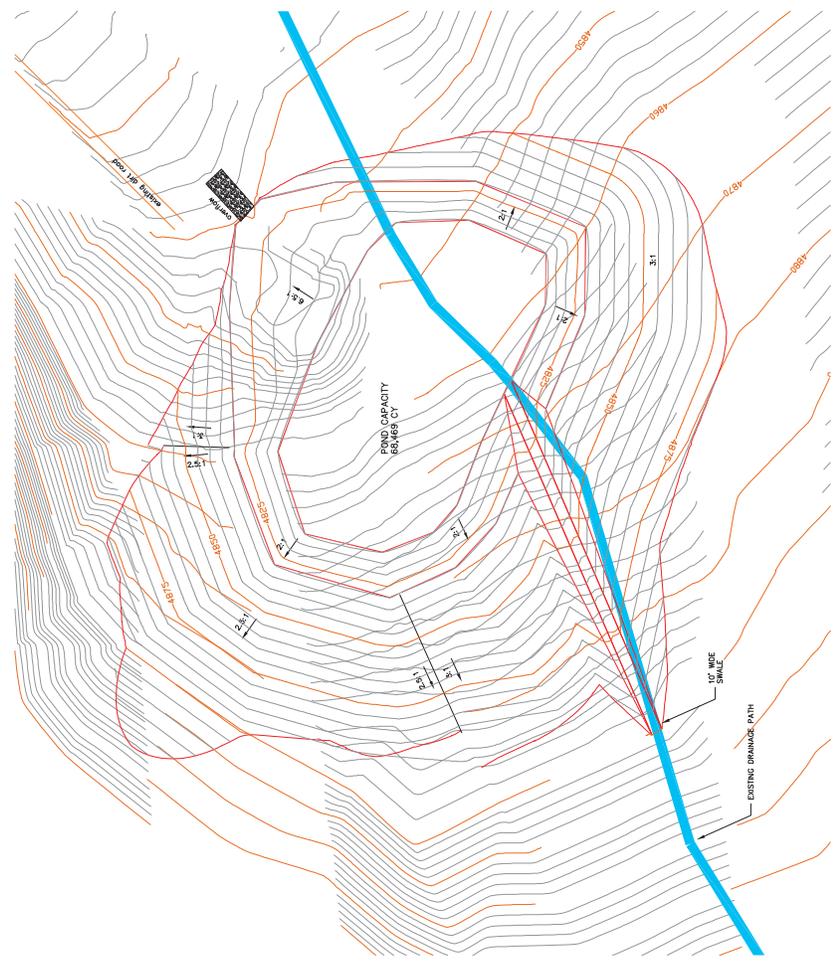


NO.	DATE	REVISIONS
1	10-2015	

**KERR BASIN CONSTRUCTION**  
 PART OF THE SOUTHWEST QUARTER OF SECTION 4,  
 TOWNSHIP 10 NORTH, RANGE 1 WEST,  
 SALT LAKE BASLINE AND MERIDIAN,  
 CACHE COUNTY, UTAH  
**BASIN PLAN**

**ALLIANCE CONSULTING ENGINEERS, INC.**  
 150 EAST 200 NORTH SUITE P  
 LOGAN, UTAH 84321  
 (435) 755-5121

SHEET **C-3** OF 3



1 **Regular Action Items**

2  
3 **#2 Public Hearing (5:40 PM): Kerr Basin Rezone (Brian Lyon)**

4  
5 **Adams** reviewed Mr. Brian Lyon’s request for a recommendation of approval to the County  
6 Council for a rezone of 11.25 acres of property at 5700 South 5400 West, west of Wellsville City  
7 to add the Mineral Extraction and Excavation (ME) Overlay Zone to the existing Forest  
8 Recreation (FR40) Zone. Wellsville City has been contacted regarding this application because it  
9 is within Wellsville’s annexation area. The applicant has identified a 700x700 foot area for the  
10 extraction of gravel in the creation of a pond. There are several other gravel pits and ME overlay  
11 zones in this area. The main access is 5400 south and is a private a road; the road extends to 300  
12 west where it connects into Wellsville’s City road network. There are no utilities in that area; the  
13 fire district has stated that until the last 100 feet, the road is acceptable for their equipment. The  
14 applicant has agreed to widen those 100 feet to meet the Fire District’s requirements. This went  
15 before Wellsville City’s city council last night and they stated they had no issues.

16  
17 The initial intention of the application was to create the retention pond, but because of the  
18 amount of gravel needing to be extracted, the applicant was also required to apply for gravel  
19 extraction. More detail on the project will be forthcoming with the conditional use permit  
20 application.

21  
22 **05:44:00**

23  
24 *Sands motioned to open the public hearing for the Kerr Basin Rezone; Watterson seconded;*  
25 *Passed 6, 0.*

26  
27 **Clint Kerr** I am a partial owner of the property with my dad. I don’t know the reasoning for  
28 taking 11.25 acres; we were only asking for 5. It is natural drainage almost to this spot anyway.  
29 If there is a reason for taking more I would like to hear it; we don’t want to take any more than  
30 we have to out of the greenbelt but need to deal with a water issue that we have had for a few  
31 years. It takes a lot of time to put the roads back in after water has washed them out which is  
32 what the pond or basin is for.

33  
34 **Smith** staff can address the acreage issue.

35  
36 **Adams** the legal language we received is where we got that number from.

37  
38 **Harrild** the outline that your engineer provided is what it is going to take for that pond. It  
39 appears that to be able to get back to the original contour lines the included acreage is required  
40 for the drainage pond. If there is less than what is planned, then we need an updated permit.

41  
42 **Mr. Kerr** I don’t think we need to catch all the stuff from the way to the south.

43  
44 **Harrild** so the extraction is wholly secondary to your intent. You will need to discuss that with  
45 your engineer.

46  
47 **Mr. Kerr** I did that yesterday. The problem is right where the basin is going to be.

1  
2 **Harrild** my best guess, and you will need to check with your engineer, but the type of cut you  
3 need to create that pond is going to require that acreage.  
4  
5 **Mr. Kerr** it's a problem for us.  
6  
7 **White** is this NRCS?  
8  
9 **Mr. Kerr** no. If we do this extraction, it's going to take a lot of time to do. It's basically  
10 something we want to do.  
11  
12 **White** you are just going to use your truck?  
13  
14 **Mr. Kerr** yes, and this seems way bigger than what we were planning.  
15  
16 **Smith** for the purpose tonight, we are just doing the rezone and more in-depth information will  
17 come with the CUP. Who came up with the 11.25?  
18  
19 **Mr. Kerr** the engineers did; but the other question is if the bottom is only going to be 2 acres  
20 then what is the purpose of pulling 11.25 acres? I don't want a cut like that. I talked to the  
21 engineers yesterday and I'm not sure why it is the way it is.  
22  
23 **Harrild** the thing to note is that for the rezone if your footprint doesn't take the complete 11.25  
24 acres it isn't going to change the rezone.  
25  
26 **Sands** just because the rezone is for 11.25 that doesn't mean that you are going to use the full  
27 11.25 acres.  
28  
29 The lands greenbelt status was discussed. Staff will double check with the Assessor's office, but  
30 the Agricultural Zone designation is still in place because the ME is just an overlay.  
31  
32 **Gunnell** do you own the road?  
33  
34 **Mr. Kerr** yes.  
35  
36 **05:54:00**  
37  
38 *Sands motioned to close the Kerr Basin Rezone public hearing; Watterson seconded; Passed 6,*  
39 *0.*  
40  
41 **Staff and Commission** discussed the application. If the rezone ends up being smaller than what  
42 the current application is, Staff does not see the need to bring the application back before the  
43 Commission.  
44  
45 *Parker motioned to recommend approval based on the findings of fact; Gunnell seconded;*  
46 *Passed 6, 0.*  
47

**STAFF REPORT: NAUTICA SUBDIVISION**

14 June 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:** Approval

**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 AND FINDINGS OF FACT**

**Purpose:**

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

**Findings of Fact:**

**Ordinance:**

1. 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.
2. At the time the County Council heard the Nautica Subdivision request, the Council determined that an extension of services was in keeping with “Resolution 2015-20 Service Provision on County Roads” and remanded the request back to the Planning Commission for further consideration (See Exhibit D).

***Previous Action:***

1. 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.
2. There have 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 exceeds the 500' limit. A turn-around must also be placed at the end of 6730 South Street.
  - c. 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 as per the Road Manual they shall make the necessary roadway improvements and provide the necessary dedication of ROW to meet the minimum county standards.
3. Access to the county roads serving this property, and to the property itself, may be approached from the north or from the west.
4. 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.
5. 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.

6. 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.
7. Various alignments for the public and private roadways have been proposed. Any proposed alteration to 1600 West's alignment requires 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 must 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. The County Council has determined that an extension of services of no more than 200 feet beyond the existing end of winter maintenance at the end of pavement at the intersection with private road 6500 South is appropriate in this case (See Exhibit D).
6. The most current subdivision plat is designed to accommodate an extension of county services beyond the County Council's specified 200-foot distance maximum.
7. 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).
8. 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.
9. 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.
10. 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.
2. 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.

***Public Comment:***

1. 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.

**CONCLUSIONS AND CONDITIONS**

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**Conclusions:**

These conclusions are based on the findings of fact and conditions as noted herein. Conclusions are also based on the discussion held by the Planning Commission on 02 June 2016.

1. The proposed Nautica Subdivision has been reviewed in conformance with, and meets the requirements and criteria of the Cache County Code and is approved.
2. The County Council has specified that services on 1600 West shall not be extended more than 200 feet beyond existing services that currently end at the private road 65000 South. The Planning Commission recommends that roadway maintenance services be extended ~800 feet as identified on the applicant's current survey plat.
3. The requested design exception regarding the length of the terminal private road 6730 South is approved.

**Conditions:**

These conditions are based on the findings of fact as noted herein.

1. Prior to recordation, an adequate, approved, domestic water right shall be in place for all building lots within the subdivision.
2. The extension of services is limited to a distance of ~800 feet, as identified on the applicant's current survey plat, beyond the existing end of winter maintenance at the end of pavement at the intersection with private road 6500 South. A turn-around must be provided and further road improvement to the county roadway 1600 West is not allowed beyond the noted 800-foot distance.
3. Prior to recordation, the proponent must provide the necessary dedication of rights-of-way for public and private roadways to meet the minimum county standards as specified in the County Road Manual.
4. The design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, base preparation and construction, and surfacing for the road. Fees for any engineering plan review shall be borne by the proponent.
5. Engineered site plans must include retention and detention of storm water. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan must be obtained and a copy submitted to the Development Services Office to be included in the subdivision file.
6. Presuming access to the proposed Nautica Subdivision is from the west as noted in the "findings of fact" all substandard or new roadways providing access to the proposed Nautica Subdivision must be built to meet and/or exceed county roadway standards as found in the County Code and

County Road Manual. Costs for any and/or all engineering construction review shall be borne by the proponent.

7. The proponent must provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane on 6730 South. A Liability Waiver must be obtained from Logan City and a copy submitted to the Development Services Office to be included in the subdivision file.



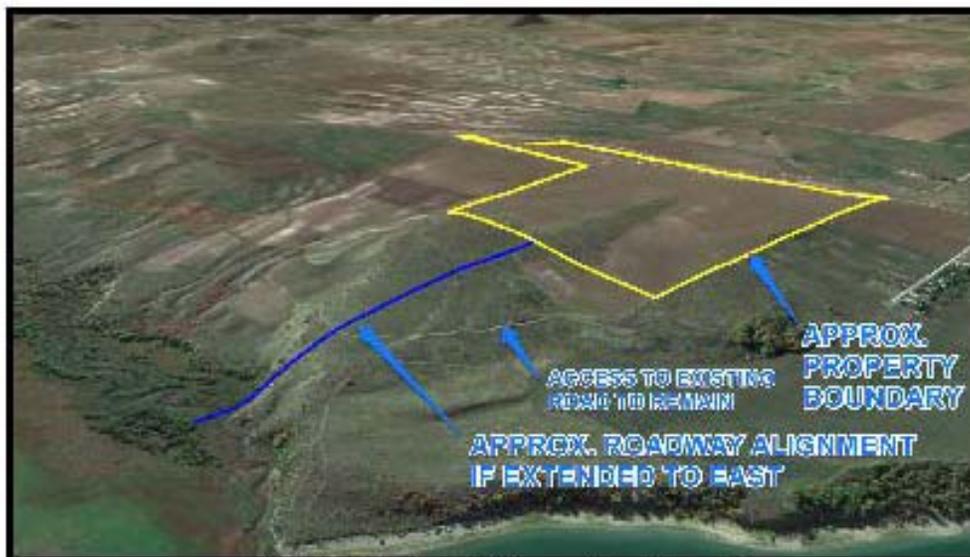
August 10, 2015

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](http://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](mailto: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;

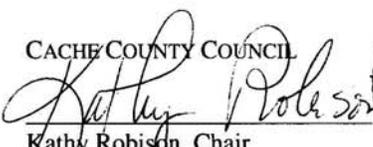
Whereas, it is not in the best interest for the safety and/or welfare of existing or future residents of Cache County to diminish services on existing roadways to maintain new roads or to provide substandard service on new roadways, and;

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.

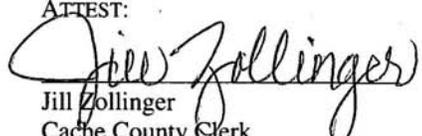
NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to hereby adopt the following resolution:

- 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 25<sup>th</sup> 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 &amp; 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:

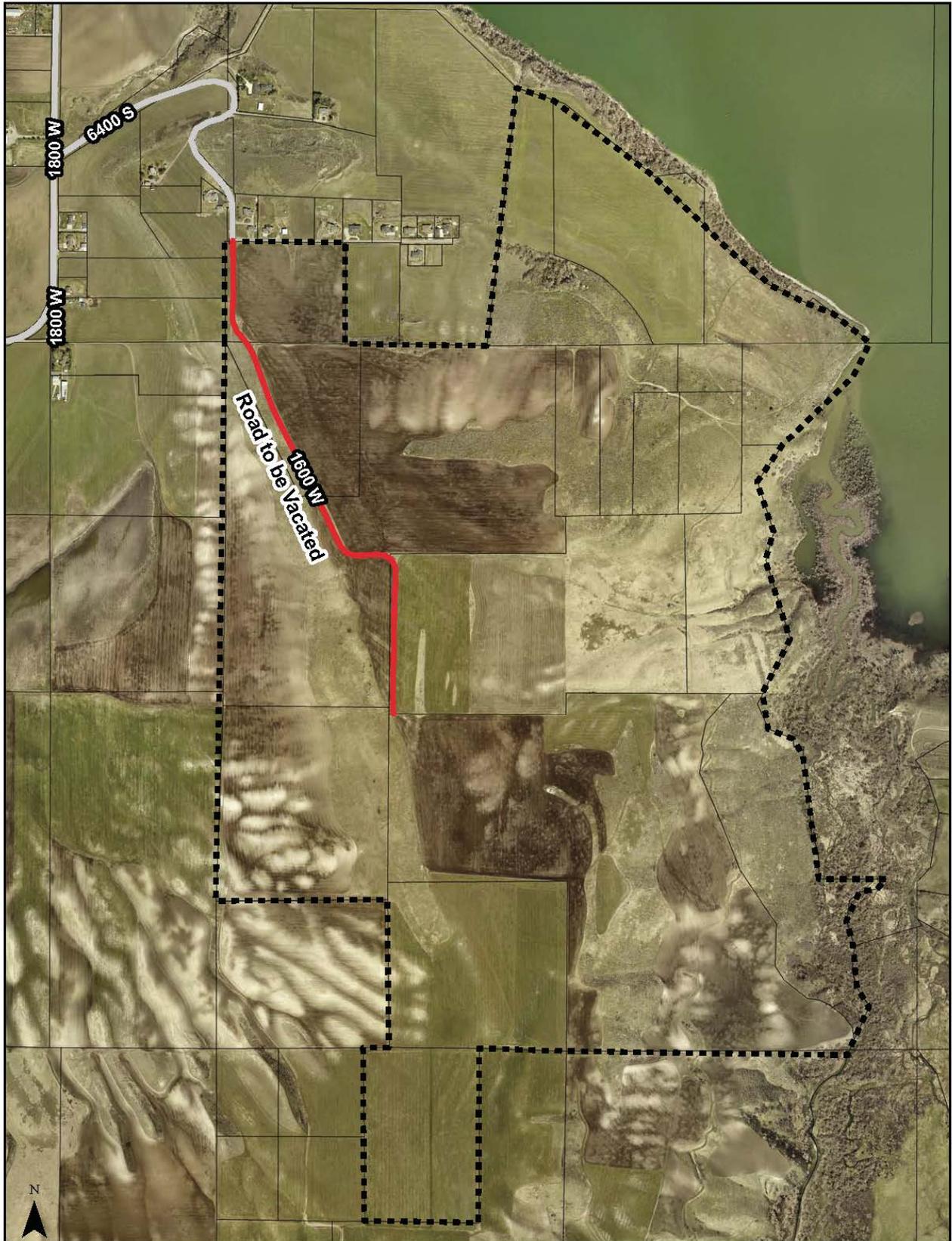
- 1600 West appears to provide farm access to 16 properties consisting of approximately 530 acres of property.
- While 1600 West is a County Road, and existing legal descriptions reference the county road, a dedicated right-of-way does not exist for this portion of roadway. However, in cases where a 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



On April 26, 2016, the County Council voted (6, 1) to remand the Nautica Subdivision request back to the Planning Commission as follows:

The County Council remands the Nautica Subdivision request back to the Planning Commission for further review based on the following:

1. The Council has determined that year round maintenance services may be extended beyond 6500 South on 1600 West to a point that allows the placement of an improved turn-around; a distance of no greater than 200 feet.
2. The Council has determined that the extension of maintenance is in keeping with “Resolution 2015-020 Service Provision on County Roads” as the creation of an improved turn-around would improve safety, existing maintenance access, and service provision to existing homes.
3. The Council has determined that a private roadway is acceptable if it is properly constructed and maintained as to provide adequate access for emergency services.
4. Given the previous determinations, the applicant may decide to revise the proposed subdivision plat to reflect a change in access location. This may require the proponent to redesign the subdivision/roadway layout, obtain additional rights-of-way, and must include the establishment of an HOA or similar agreement with property owners for the maintenance of private road(s), provision of appropriate signage, and compliance with all other requirements of the Cache County Road Manual and County Code. If the applicant intends to make those revisions, the Council has determined that they are sufficient enough to require that additional review be conducted by staff and the Planning Commission, and their recommendations provided to the Council, prior to the Council’s decision.



1 **#6 Nautica Subdivision (Bob Wright)**

2  
3 **Harrild** reviewed Mr. Bob Wright’s request for a recommendation of approval to the County  
4 Council for an 11-lot subdivision and agricultural remainder on 129 acres of property located at  
5 1550 West 6700 South, Hyrum in the Agricultural (A10) Zone. This has previously been  
6 reviewed by the Commission; however, the County Council extended a design exception for the  
7 request and then remanded the request back to the Planning Commission for further review.  
8 Staff has revised the staff report format. On existing reports, findings of fact are usually  
9 conclusions not findings of fact; legal counsel has asked that Staff fix that and be consistent with  
10 the language. For the Nautica Subdivision in the staff report what would typically be listed as the  
11 staff summary is now findings of fact and the section that used to be identified as findings of fact  
12 now consists of conclusions and conditions.

13  
14 This application is for an 11-lot subdivision south of Hyrum. Access to this subdivision is across  
15 the Spillway over the Hyrum Dam which is not adequate and also is from the West and that does  
16 meet the County standard. The applicant has committed to making the needed improvements to  
17 the Western access. The County Council has stated that the County will extend maintenance no  
18 more than 200 feet beyond the existing end of winter maintenance at the end of pavement at the  
19 intersection with private road 6500 South is appropriate in this case. The applicant would like to  
20 extend the services 800 feet but will have to discuss the bigger extension with the County  
21 Council. The extension of services allows there to be a turnaround for maintenance trucks. After  
22 the turnaround there would be a private road that would parallel the county road to provide the  
23 access for the subdivision. However, the applicant does not own the property where the  
24 turnaround would be required to happen. The main reason for this application being remanded  
25 back to the Planning Commission was because the previous report supported a recommendation  
26 of denial, and therefore appropriate findings, conditions, and conclusions had to be drafted and  
27 reviewed. The question for the Planning Commission now is this: Are there concerns with a  
28 private road servicing an 11-lot subdivision with no improvements to the rest of the county road,  
29 does that work for this subdivision?

30  
31 **Staff and Commission** discussed the subdivision. Concerns regarding access were discussed.  
32 The County stated that access is from the West but the subdivision occupants can make the  
33 decision how they choose to access the subdivision. Some members of the Commission felt the  
34 solution proposed by the County Council wasn’t a smart decision. The subdivision would have to  
35 have an HOA in effect to help maintain the private road. The issue comes that private roads need  
36 to remain private and public roads need to remain public and there cannot be a mixing of the  
37 two. It doesn’t work to mix them up and that has been proven in other areas of the state. The  
38 Council has tried to come up with a middle ground for this application and it doesn’t seem like it  
39 is going to work. The Commission is constrained to what the Council has given them but the  
40 Commission can make an additional motion with recommendations and suggestions beyond  
41 what constraints have been given. There is extremely limited maintenance down this road; if the  
42 county were to abandon the road the only thing the County would need to ensure is that property  
43 owners to the south would be able to maintain the current condition of the road for farm  
44 equipment to access their land. The Commission does have the ability to change the conditions  
45 that have been written to meet what they think is correct. Staff and Commission discussed the  
46 turnaround. For the turnaround to work, the applicant would have to secure the rights for there to  
47 be a private road across the property that the applicant does not own.

1  
2 **Gary Otterstrom** the turnaround, when we were granted that by the Council we saw that as a  
3 ray of light. We made preparations and more engineering and did what you were talking about.  
4 We invited the other landowner in and discussed this with them. They are landlocked also. They  
5 believe they have access on the private road but the law and the way that it is recorded and the  
6 easements make it appear they don't have access on the private road. The landowner bought that  
7 property with surrendering the right of way and not receiving back an easement; so they are  
8 blocked off of that private road. We've had some title people who have researched that; they are  
9 pretty upset about it.

10  
11 **Gunnell** which property is that?

12  
13 **Mr. Otterstrom** the property right to the north.

14  
15 **Gunnell** how much do they own there?

16  
17 **Mr. Otterstrom** the county road goes through their property and they have about 15 acres there.  
18 We thought this would be a win-win situation because we would provide the road if they would  
19 allow us the turnaround. That would have given them access to 6500 where they currently don't  
20 have access. It's very complicated and unfortunate for that party that they didn't do their due  
21 diligence. So when we suggested this solution, we thought they would like this and it didn't work  
22 out that way. We suggested to them that we would build the road and would grant them instant  
23 access but they saw it as a way to make some money. Also, as we explored this the ears of that  
24 turn around circle may spill into another landowner so it got even more complicated to the point  
25 we didn't think it was doable. That is why we are asking to go the additional 500 feet rather than  
26 just the 200 and then the turnaround would be on our property and we are amenable to doing this  
27 several ways. One would be that we would deed that property, it's a 90 foot circle with an extra 5  
28 to 6 foot right of way that would allow the snow plow to push the snow off, over to the county or  
29 we would keep it and maintain it. We are open to either of those relationships. There were some  
30 complexities that one of the attorneys brought up. It's possible, as indicated by Mr. Swink, there  
31 are some legal ways to accomplish that but it would have to go back to the council.

32  
33 **Sands** it sounds like the 200 foot solution isn't going to work. So you would like to see the 800  
34 foot extension, and that extension would be county road, and then you would build your private  
35 road?

36  
37 **Mr. Otterstrom** yes. We have indicated that we would help with maintenance and the lawyers  
38 have indicated there are some legal things that would need to be worked out. So you would  
39 maintain the right to the road and then you would then get a turnaround circle and then we would  
40 step off the circle from that point and parallel the county road with a private road. That private  
41 road would then be maintained by our HOA.

42  
43 **Sands** that is frustrating to me, but at least that is a county road to your property.

44  
45 **Mr. Otterstrom** yes and we are willing to give up the circle to the County. We figured it  
46 wouldn't be a good idea for us to own and maintain the circle and then write an easement back to

1 the county. We thought that would also be problematic. The purpose of it is, is for the County to  
2 turn their big pieces of equipment around.

3  
4 **Sands** it seems it's not something that can work, to me.

5  
6 **Christensen** was staff aware that it's going to have to be where it's drawn?  
7

8 **Harrild** we are aware of what he has described. But let me state that staff does not review the  
9 financial impacts of the development on the developer.

10  
11 **Mr. Otterstrom** we did the engineering and we sent it in. We felt like this is a reasonable  
12 solution. I would like to hearken back to why we are here in the first place is because we got  
13 caught in the application process because of the road resolution. We were well into the  
14 application process and a lot of expense when the road resolution came down from the Council.  
15 We felt as a measure of justice and mercy we should be able to continue forward and you didn't  
16 have a choice because of the resolution. That's why we are still trying to find a solution. We do  
17 appreciate the council gave us that daylight and felt we could make that work but that isn't how  
18 it has worked. The other landowner wants money and it was not a good situation. I understand  
19 that your decision may just be the 200 feet but that would at least allow us to go back to the  
20 Council and try again. We did meet with Craig Buttars and I think he was amenable to us.

21  
22 **Sands** I have a feeling that most Commission and Council members don't have a problem with  
23 this but it's a frustrating situation.

24  
25 **Mr. Otterstrom** I did want to comment on the access but there are two other accesses to the  
26 West. You can access from Sardine Canyon and then also from what I think is 900 West. It's  
27 actually faster to go west a little bit and then go north to Logan rather than through Hyrum. We  
28 would really like to move forward with this.

29  
30 **Gunnell** how many landowners are south of you that would use this road for access?

31  
32 **Mr. Otterstrom** it's all farm land to the south of us.

33  
34 **Gunnell** and they are ok with this?

35  
36 **Mr. Otterstrom** it's barley farms.

37  
38 **Gunnell** the point being if they need to bring their equipment, they would need to travel that  
39 road

40  
41 **Mr. Otterstrom** I've talked to some of them and both the Olsens and Brent Parker seem to be  
42 fine with this. Their big machines are down in hutches far to south and they don't bring those  
43 across the county road. I've never seen the big equipment go that way just regular pickup trucks.  
44 They would have no reason to drive it down off the hill that way. So they service and park them  
45 further to the south.

46

1 **Gunnell** I know Troy, part of the Parker establishment, does bring big equipment up there for  
2 planting and harvesting.

3  
4 **Mr. Otterstrom** ok, I've never seen that. They've always been to the south where the equipment  
5 hutches are.

6  
7 **Commission** discussed the application. With the conditions before the Commission the  
8 application isn't viable with the conditions presented. Some members felt that changing  
9 condition #2 to include the 800 feet would be more feasible. Staff did point out that the  
10 commission has approved things in the past that weren't necessarily feasible. The Commission  
11 looks at county ordinances and policy and the process is the commission provides the conditions  
12 that are forwarded to the Council, and the Council will do what they feel like they should.  
13 Several Commission members felt better changing the 200 feet to the 800 feet. The Council has  
14 said they will only accept 200 feet more for road for maintenance and that already sets  
15 precedence where they said they would no longer accept no roads for maintenance. Staff is  
16 already working on cutting roads from the maintenance list because of budget. Many  
17 commissioners felt that if the subdivision is going to be allowed to move forward then the  
18 applicant should be granted the 800 feet to make it actually feasible to move forward. The  
19 Commission felt that the Council could have approved this even though the Commission  
20 previously denied it.

21  
22 **Parker** motioned to recommend approval to the County Council for the Nautica Subdivision and  
23 with the edits to the conclusions and condition #2; **Christensen** seconded; **Passed 5, 0.**  
24