

CRAIG W BUTTARS
COUNTY EXECUTIVE / SURVEYOR

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

September 23, 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, SEPTEMBER 27, 2016**

AGENDA

3:00 p.m. BUDGET WORKSHOP

- 5:00 p.m.
1. CALL TO ORDER
 2. OPENING / PLEDGE – Cory Yeates
 3. REVIEW AND APPROVAL OF AGENDA
 4. REVIEW AND APPROVAL OF MINUTES (September 13, 2016)
 5. MINUTES FOLLOW-UP
 6. REPORT OF COUNTY EXECUTIVE
 - a. Appointments
 - b. Warrants
 - c. Other Items
 7. CONSENT AGENDA
 8. ITEMS OF SPECIAL INTEREST
 9. UNIT OR COMMITTEE REPORTS
 10. BUDGETARY MATTERS
 11. PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS
- 5:30 p.m.*
- a. **Public Hearing – Nielsen Rezone** – Request for a rezone of 5 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 100 West 6600 South, south of Hyrum
 12. PENDING ACTION

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

- a. Decision on 2017 Cloud Seeding Program
- b. DD Auto and Salvage Request to amend and extend Conditional Use Permit
- c. Property Tax Relief Requests
- d. 2017 Budget Priorities

14. **OTHER BUSINESS**

- a. UAC Annual Convention – November 16-18, 2016 – Dixie Convention Center, St. George
All Council Members

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: NIELSEN REZONE

27 September 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: James Nielsen

Parcel ID#: 01-071-0007

Staff Recommendation: None

Planning Commission Recommendation: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Jacob Adams - Planner 1

Project Address:
100 West 6600 South
South of Hyrum

Acres: 5.00

Surrounding Uses:

North – Agricultural

South – Agricultural

East – Residential/Agricultural

West – Residential/Agricultural

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 2 (RU2)



SUMMARY

The Nielsen Rezone is a request to rezone 5 acres of property on parcel 01-071-0007 from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. This rezone may allow this parcel to be divided into two separate lots as part of a subdivision process.

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

FINDINGS OF FACT (23)

Property Context—Policy for Determination of Parcel Legality, 29 August 2013

1. Parcel 01-071-0007 is a legal parcel as the result of a conditional use permit in 1985 on parcel 01-071-0012.

Zone Placement—17.08.030 [A]

2. Current ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [A] [1] identifies the purpose of the RU2 Zone and includes the following:

“To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.”
3. The majority of the land surrounding the subject property is currently used for agriculture, though there are several residential subdivisions to the west along 6600 South.
4. Within a mile of the proposed rezone, the average size of county parcels with a home is 6 acres, while the average size of parcels without a home is 14.7 acres (Exhibit A).
5. The subject property is less than half a mile from Hyrum and is within their stated annexation area.
6. Hyrum City has stated they have no objections to the rezone (Exhibit B). They anticipate this area would be annexed in the future but it is not feasible to annex at this time due to the number of parcels between the subject property and the city boundary.

Land Use Context—17.10.030

7. Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed than the Agricultural (A10) Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
8. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone.

Road Access—17.08.030 [A], County Manual of Roadway Design and Construction Standards

9. County Land Use Ordinance §17.08.030 [A] [3] states the RU2 Zone “must be appropriately served by suitable public roads...”
10. County Manual of Roadway Design and Construction Standards Table 2.2 sets the minimum standard for any roads providing access to four dwellings or more as a 22-foot-wide paved surface, one-foot-wide gravel shoulders, and a 66-foot-wide right-of-way.
11. 6600 South currently has 21 feet of paved width with one-foot-wide gravel shoulders and an unknown right-of-way width.

12. 6600 South does not meet the minimum county standards for pavement width and may not meet the minimum standards for the right-of-way width. Full improvement of this road to the minimum county standards may be required as part of a subdivision.
13. 6600 South currently receives winter maintenance.

Utilities and Public Services Provision—17.08.030 [A]

14. County Land Use Ordinance §17.08.030 [A] [3] states the RU2 Zone “must ... have access to the necessary water and utilities, and have adequate provision of public services.”
15. The County Fire District has indicated 6600 South meets their requirements.
16. Logan City Environmental Department Solid Waste Collection currently provides service on 6600 South. Containers would need to be placed on the north side of the road, and improvements to the shoulder may be required to allow the containers to be placed far enough back to avoid interfering with passing traffic.
17. Future development will require additional review of access to culinary water and septic feasibility.

Public Notice and Comment—17.02.040

18. Public notice was posted online to the Utah Public Notice Website on 19 August 2016.
19. Notice was published in the Herald Journal on 21 August 2016.
20. Notices were posted in three public places on 19 August 2016.
21. Notices were mailed to all property owners within 300 feet of the subject property on 19 August 2016.
22. Hyrum City was noticed by e-mail as part of the development review process on 8 August 2016.
23. At this time, no public comment regarding this proposal has been received by the Development Services Office.

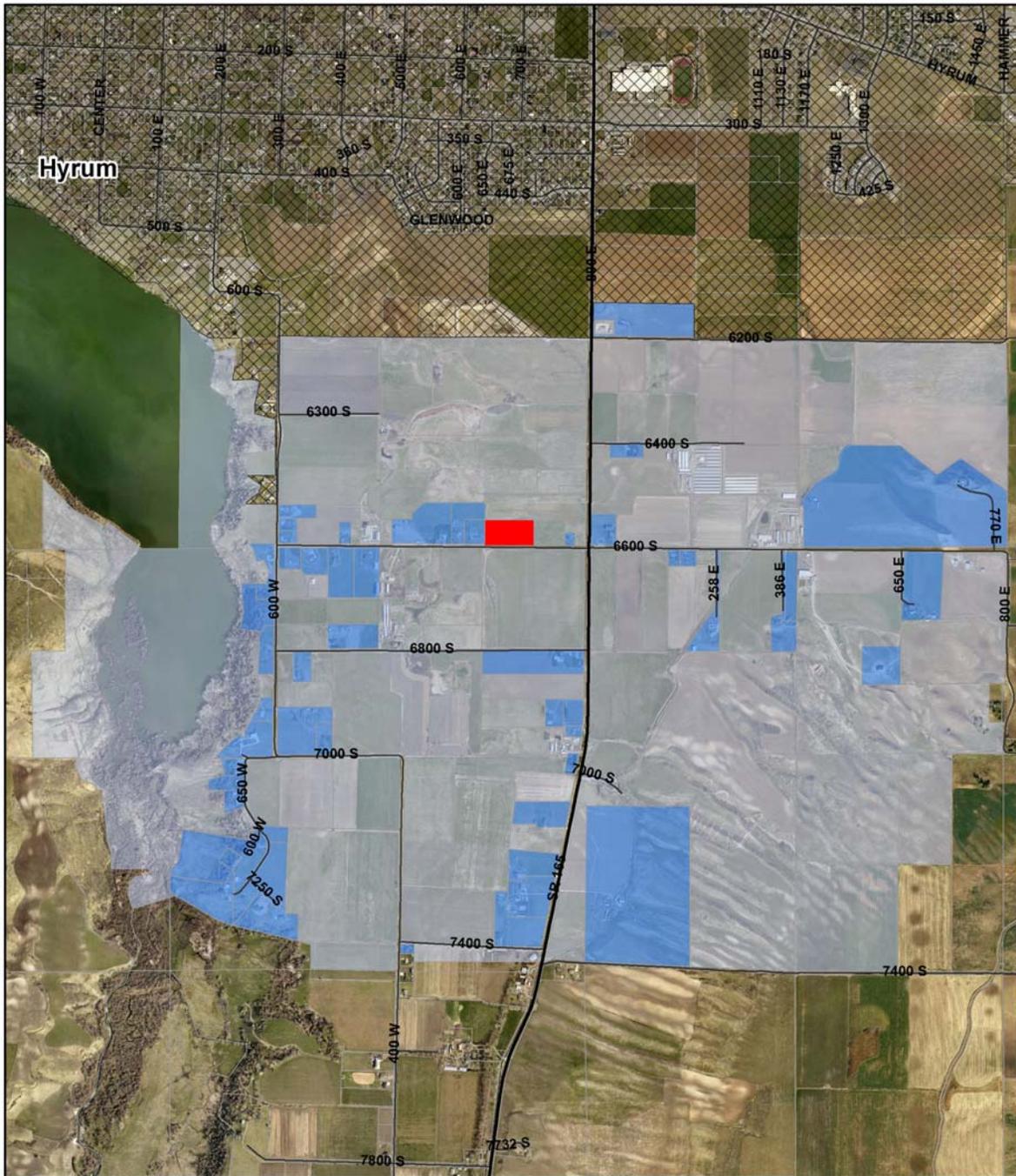
STAFF CONCLUSION

The Nielsen Rezone, a request to rezone 5.00 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 100 West 6600 South, south of Hyrum, has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a determination based on the findings of fact identified above and any others identified at the public hearing.

PLANNING COMMISSION CONCLUSION

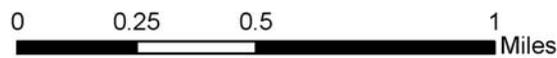
It is the Planning Commission’s conclusion that the Nielsen Rezone, a rezone from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone on property located at 100 West 6600 South with parcel number 01-071-0007, be recommended for approval to the County Council. This conclusion is based on the following:

1. The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
 - a. Is adequately served by public services as per findings of fact 15 and 16.
 - b. Can be adequately served by public roads as per finding of fact 11.
 - c. Is appropriate for the surrounding land use context.



Legend

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



Average Parcel Size Without a Home: 14.7 Acres
Average Parcel Size With a Home: 6 Acres



August 2016





HYRUM CITY

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

Stephanie Miller, Mayor
Council Members
Kathy Bingham
Jared L. Clawson
Paul C. James
Craig L. Rasmussen
Aaron Woolstenhulme
City Administrator
Ron W. Salvesen
Recorder
Stephanie B. Fricke
Treasurer
Todd Perkins

August 19, 2016

Re: Rezone of property in Cache County- Parcel # 01-071-0007

Cache County Planning Department,

Hyrum City does not have any objections to this rezone request. It is likely that this area would be annexed into to the city at some point in the future but the distance from the current city limits makes this not a reasonable option at this time.

Sincerely,

Ron Salvesen

Hyrum City Administrator

#1 Public Hearing (5:35 PM): Nielsen Rezone (James Nielsen)

Adams reviewed Mr. James Nielsen's request for a recommendation of approval to the County Council for a rezone of 5 acres of property at 100 West 6600 South, south of Hyrum, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. The potential for development is 2 building lots. Staff contacted Hyrum City and they have no problems with this rezone. They anticipate that his area at some point in the future will be annexed into the city. 6600 South is a paved road that is 21 feet wide with 1 foot wide shoulders and does receive winter maintenance. Both the Fire District and Logan Environmental have signed off for the rezone.

Staff and Commission discussed the right-of-way. The right-of-way is currently unknown; because 6600 South does not meet the minimum standards for right-of-way width some dedication of land for an easement to the county might be required during the subdivision process. The last subdivision approved on 6600 South, staff believes was approved in 2011 and also had an easement dedication requirement.

05:42:00

Sands motioned to open the public hearing; Gunnell seconded; Passed 4, 0.

Kent Nielsen I am representing my brother for this application.

White whose land was it?

Mr. Nielsen Darwin Nielsen. We were hoping for four two acres parcels because there are four heirs but then we found out the one piece was previously subdivided and not able to be subdivided again.

Christensen so you are looking for 2 lots?

Mr. Nielsen right. From what I understand for the road, if we were to subdivide we would have to give some frontage for the road?

Harrild yes.

Staff and Commission discussed rights-of-way. The county is looking at requiring right-of-way dedication on any permits issued in the county.

05:49:00

Sands motioned to close the public hearing; Christensen seconded; Passed 4, 0.

Sands motioned to recommend approval to the County Council for the Nielsen Rezone with the discussed findings of fact, and conclusions; Christensen seconded; Passed 4, 0.

STAFF REPORT: DD AUTO AND SALVAGE CUP EXPANSION

27 September 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: David Grange**Parcel ID#:** 05-059-0012
05-060-0001**SUMMARY***Reviewed by Chris Harrild*

Timeline: For a detailed timeline summary, please see Exhibit A
Rezone request and notice of noncompliance – 25 September 2007
CUP permit application made - 2010
CUP permit approval – 28 February 2012
First Approval Extension – 26 February 2013
Second Approval Extension – 25 February 2014
Third Approval Extension – 23 September 2014

It has been nine (9) years since this use was noted to be out of compliance and it has been four (4) years and seven (7) months since the date of expansion approval.

As per the Cache County Land Use Ordinance, §17.02.070 Effective Period for Land Use Authority Approval, item A, approvals issued by the Land Use Authority for a conditional use permit are valid for a period of one year from the date of approval, and that “any approval that has lapsed beyond its effective period shall be void and any new application shall be required to conform to the ordinance currently in effect.”

Item B specifies that “at the discretion of the Land Use Authority, the effective period of approval may be extended for up to two (2) years beyond the one year period of the original approval. Within that extension no operation is allowed until the permit has been recorded and all conditions of the permit have been met.”

APPLICANT REQUEST

The proponent of DD Auto and Salvage, Mr. David Grange, has requested an amendment (Exhibit B) to the original permit expansion request. This request should be viewed as a new permit application as the extension of approval as allowed by the County Council in 2012 has expired. This means that the permit approval for the DD Auto and Salvage Conditional Use Permit expansion is void, since the proponent has not recorded the conditional use permit, has not complied with the conditions of the existing approval, and has continued to operate and expand the use in violation of the County Land Use Ordinance and permit approval.

To reapply as specified under §17.02.070 of the County Land Use Ordinance, Mr. Grange must submit a new application to the Development Services Department. This request will be reviewed and acted upon by Planning Commission. §17.02.060 Establishment of Land Use Authority, establishes the Planning Commission as the Land Use Authority for this type of use and does not require the review

and approval of the County Council. At this time, the County will temporarily suspend enforcement proceedings to allow Mr. Grange to reapply and come into compliance through the conditional use permit process.

LAND USE AUTHORITY AND URBAN DEVELOPMENT

Also, as per Utah Code Annotated (UCA) 10-2-401, #1-k, this use qualifies as urban development as defined by the State. Under UCA 10-2-402, #5, the State also stipulates that the County Legislative Body may not approve urban development within a municipality's expansion area without first notifying and responding in writing to any municipal objections. In this instance the proposed use is within the Logan City expansion area.

Therefore, if Mr. Grange reapplies and it is still determined that his use qualifies as urban development, staff recommends that in the County Planning Commission's review of his request, a condition of approval be included, that in essence states, that prior to the recordation of the permit, the county must first notify and respond in writing to any objections of Logan City.

EXHIBIT A: TIMELINE AND REMAINING REQUIREMENTS

27 September 2016

This timeline reflects the amount of time that DD Auto and Salvage has been allowed to operate in violation of County Code.

Noncompliance Noted: 25 September 2007	Council noted noncompliance in consideration of a rezone request.
Clean Up Agreement: 23 October 2007	Developer agreed to clean up and screen the proposed salvage yard as part of a rezone process. Developer failed to meet the conditions of the agreement.
Notice of Violation: 27 October 2008	Illegal expansion of salvage yard, violation of setback, lack of general upkeep.
Compliance: 05 November 2008	Violations resolved with the exception of the illegal expansion.
CUP Application: 07 July 2010	Request to expand CUP area to reflect existing illegal expansion and future expansion needs.
Approval of CUP Expansion: 28 February 2012	Council conditionally approved the CUP expansion. CUP must be recorded by 28 February 2013
Failure to Comply/Expiration and Extension of Deadline: 26 February 2013	Violation unresolved. Developer had not recorded the CUP as conditions had not been met, and therefore submitted letter to Council requesting extension. Council approved a 1 year extension per the developer's request. New deadline to record CUP – 28 February 2014.
Failure to Comply/Expiration and Extension of Deadline: 25 February 2014	Violation unresolved. Developer had not recorded the CUP as conditions had not been met, and therefore submitted letter to Council requesting extension. Council approved a 6 month extension with the requirement that the developer obtain a building permit and complete 600' of screening along Hwy. 30 by September 1, 2014 then report to the Council.
Failure to Comply/Expiration and Extension of Deadline: 23 September 2014	Violation unresolved. Of the total required ~1,112 feet of screening along Highway 30, 542 feet of screening has been completed, 84 feet of screening

is in process, and 502 feet of screening remains. An additional 714 feet of screening along 1900 West must also be completed.

At this rate, it is anticipated that the developer will become legally compliant in approximately 2.5 years.

Council approved a 2 year extension with the requirement that the developer complete all remaining conditions of approval, and that the developer will report on progress to the Council on an annual basis.

Outstanding Requirements

Items that remain to be completed prior to the recordation of the permit include:

1. The conditions of approval as put forth by UDOT in regard to access from Highway 30 shall be completed and a copy of any final approval from UDOT must be submitted to the Cache County Development Services Office.
2. A screen must be constructed around the site and must include the following:
 - a. A decorative concrete/masonry wall and berm at a total minimum height of eight (8) feet measured from the crown of the adjacent roadway and shall be located on the following:
 - i) The entire length of the property lines facing Highway 30 to the north, including a portion of parcel ID# 05-060-0015. (A total of ~1,112 feet.)
 - ii) Starting at the northern property line, a length of 16 feet of the western property line. (A total minimum of 16 feet.)
 - iii) The length of the property line that faces 1900 West on the east as far as feasible to the south in consideration of the wetlands in the area. (A total of ~714 feet.)
 - b. Fencing around the remainder of the site shall be a minimum six (6) foot tall chain link fence with neutral tone, privacy slats. (A total of ~2,320 feet.)
3. Requested signage shall be limited to the areas designated as part of the screen in the master plan and shall require UDOT and County permitting prior to installation.

RECEIVED
JUN 08 2016

Exhibit B

BY: _____

June 3, 2016

DD Auto & Salvage

To Cache County Council and Development services:

I initially started the CUP process with a number of fragmented lots that ultimately became parcel # 05-059-0012. Approximately one third of this parcel is the original scrap yard which is covered under the current CUP. In 2010 I made an agreement with another party to buy a partnership in the scrap yard to help with working capital and development money for completing the screening and other upgrades, it also included him adding parcel # 05-060-0001 into a DD Auto asset. This parcel was added to our request for the CUP but was never deeded over and the partnership agreement has defaulted. Our relationship has deteriorated to a point to where it would be reasonably impossible to continue with the effort to include this parcel in part because of the fact that I do not own it and do not wish to spend a lot of resources to develop it. Therefore my request is that this parcel be deleted from my request for CUP I do intend to finish the requirements for the original parcels in the time frame provided with one possible minor change which is to have the option of using concrete panels on the south side of the property instead of chain link fencing w/ privacy covering as stated in the requirements.

There is a small piece of parcel # 05-060-0001 that is adjacent to the existing scrap yard and has been used in connection with the yard. I have been awarded temporary control by the court for the interim of our legal proceedings and wish to continue using for the time being.

Sincerely, David Grange owner DD Auto & Salvage

