



October 21, 2016

PUBLIC NOTICE is hereby given that the Cache County Council of Cache County, Utah will hold a **BUDGET WORKSHOP** and **REGULAR MEETING** in the Cache County Historic Courthouse, County Council Chambers, 199 North Main, Logan, Utah 84321 at **3:00 p.m. Budget Workshop** and **5:00 p.m. Regular Meeting** on **TUESDAY, OCTOBER 25, 2016**

AGENDA

3:00 p.m. BUDGET WORKSHOP

- 5:00 p.m.
1. **CALL TO ORDER**
 2. **OPENING / PLEDGE** – Jon White
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (October 11, 2016)
 5. **MINUTES FOLLOW-UP**
 6. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
 7. **CONSENT AGENDA**
 - a. **MJ Enterprises Subdivision 1st Amendment** – Request for approval of a subdivision amendment to create two additional lots and an agricultural remainder on 79.50 acres at 314 North 7200 West, Petersboro in the Agricultural (A-10) Zone
 - b. **Munk Brothers Subdivision** – Request for approval for a three-lot subdivision with an agricultural remainder on 54.77 acres at 5650 North 2000 West, Benson in the Agricultural (A-10) Zone
 8. **ITEMS OF SPECIAL INTEREST**
 - a. Eccles Ice Center Presentation – Dave Kooyman, Floyd Naegle
 - b. Bookmobile Statistical Report – Britton Lund, Shawn Bliss
 9. **UNIT OR COMMITTEE REPORTS**
 - a. 2016 County Fair Report – Jill Zollinger
 - b. VOCA / VAWA Report – Terryl Warner
 10. **BUDGETARY MATTERS**
 11. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
- 5:30 p.m.*
- a. **Public Hearing – Agriculture Protection Area** – Request by Nelda Bair and Robert Bair for an Agriculture Protection Area southwest of Richmond

- 5:40 p.m.* b. **Public Hearing – Title 17 Amendments**
Amendments to County Land Use Ordinance §17.07 Definitions and §17.09 Schedule of Zoning Uses to create a separate use category and definition for Crematoriums.
- 6:00 p.m.* c. **Public Hearing – Open 2016 Budget**

12. **PENDING ACTION**

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

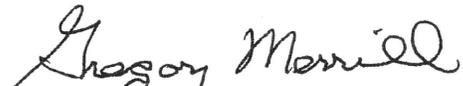
- a. **Resolution 2016-22 - Amendments to 2016 Budget**
- b. **Resolution 2016-23** - Consideration for adoption of a resolution of inducement for not to exceed \$3,000,000 of business development revenue refunding bonds; approving a memorandum of agreement with Sunshine Terrace Foundation, Inc., in connection with the issuance by Cache County of its business development revenue refunding bonds to refinance the costs of the expansion of the existing building and the furnishing and equipping of such building for use as a rehabilitation facility (the "Project"); and authorizing the execution and delivery of a memorandum of agreement by and between Cache County and Sunshine Terrace Foundation, Inc. with respect to refinancing the Project; and related matters.
- c. **Resolution 2016-24 – Amendments to the Cache County Corporation Personnel Policy and Procedure Manual Section VII(L) Compensatory Time; Section VIII(O)(3) (f) Vehicle Parking and Backing; and Section IX(B)(1) Family and Medical Leave Act (FML)**
- d. **Resolution 2016-25 – Bair Agriculture Protection Areas**
- e. **Little Bear Field Subdivision** – Request for approval of a one-lot subdivision with an agricultural remainder on 6.00 acres at 4341 South 3600 West, northeast of Wellsville in the Agricultural (A-10) Zone
- f. **Hawk's Ridge Subdivision** – Request for approval of an eleven-lot subdivision on 87.38 acres at located approximately 6750 West 2000 North, Petersboro in the Agricultural (A-10) Zone
- g. **Meridian Acres Subdivision** – Request for approval of a three-lot subdivision with an agricultural remainder on 35.43 acres located at approximately 6100 South 2400 West, southwest of Hyrum in the Agricultural (A-10) Zone
- h. **Property Tax Relief Requests**
- i. **Property Tax Discussion** – Cache County intends to increase the property tax rate above the certified tax rate in order to generate an estimated \$240,121 in additional property tax revenue. These funds will be used to help cover the rising costs of employment and other inflationary costs experienced by the County. The increase is approximately 2.12%

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: MJ ENTERPRISES SUBDIVISION 1ST AMENDMENT **Date:** 6 October 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: Matthew Cheney
Staff Determination: Approval with Conditions
Type of Action: Administrative
Land Use Authority: County Council

Parcel ID#: 12-035-0006
 12-035-0030

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:
 314 North 7200 West
 Petersboro, UT 84325
Current Zoning:
 Agricultural (A10)

Acres: 79.5

Surrounding Uses:
 North – Agricultural/Residential
 South – Agricultural/Residential
 East – Agricultural/Residential
 West – Agricultural/Residential



SUMMARY

The MJ Enterprises Subdivision 1st Amendment is a request to amend a subdivision originally approved by a conditional use permit recorded on 18 December 1996 for the creation of parcel 12-035-0030 and the construction of a dwelling on this parcel. The proposed amendment would add two new lots, with the rest of the property being designated an agricultural remainder parcel. One new lot would be for the existing dwelling on parcel 12-035-0006 while the other would be for a future dwelling.

FINDINGS OF FACT (23)

Ordinance—16.02.050, 17.02.060, 17.10.040

1. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for subdivision amendments.
2. Parcels 12-035-0006 and 12-035-0030 are legal parcels as a result of a conditional use permit recorded on 18 December 1996 for the division of parcel 12-035-0030 from parcel 12-035-0006.
3. Parcels 12-035-0006 and 12-035-0030 are considered part of a subdivision; any changes to either parcel require a subdivision amendment.
4. The parcels qualify for a development density of seven lots on 79.5 acres.
5. An Agricultural Remainder parcel does not count as a “lot” for development density but must meet the minimum size requirements of Utah Code §52-2-5 and must have a deed restriction recorded stating that the remainder is not buildable except for agricultural structures.
6. The proposed subdivision would create two new buildable lots and an Agricultural Remainder parcel for a total of three lots in the subdivision.

Access—16.04.040 [A], 16.04.080 [E], Manual of Roadway Design and Construction Standards

7. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements of any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
8. The current condition of county road 7200 West is as follows:
 - a. 7200 West currently provides access to multiple dwellings.
 - b. Access to the proposed lots and agricultural remainder will come from 7200 West
 - c. 7200 West consists of an approximately 24-foot-wide paved width with two-foot-wide gravel shoulders and a 50-foot-wide right-of-way.
 - d. The county provides summer and winter maintenance on 7200 West.

Water & Septic—16.040.0070, 16.04.080 [A] & [B]

9. The applicant is in the approval process for one domestic-use water right for each lot.
10. The applicant has provided a septic permit from the Bear River Health Department for the proposed lot that does not yet have a dwelling. The existing dwelling on the other proposed lot has an existing septic system.
11. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.

Service Provision—16.04.080 [C], [D], [F]

12. Residential refuse and recycling containers for the proposed lots must be placed on the east side of 7200 West. Shoulder improvements may be required to allow the containers to be placed outside the travel lane.
13. School bus service would be provided through a stop at 314 North 7200 West.
14. 7200 West meets the requirements of the County Fire District.
15. Water supply for fire suppression is provided by the Mendon Fire Department.

Sensitive Areas—17.18.040, 17.18.060

16. Initial county review has identified areas of Moderate Slopes on the proposed Lots 2 and 3 and on the agricultural remainder.
17. A geotechnical report conforming to §17.18.060 is required for development in areas with Moderate Slopes.

Public Notice and Comment—17.02.040

18. Public notice was posted online to the Utah Public Notice Website on 22 September 2016.

19. Notice was published in the Herald Journal on 25 September 2016.
20. Notices were posted in three public places on 22 September 2016.
21. Notices were mailed to all property owners within 300 feet of the subject property on 22 September 2016.
22. Mendon City was noticed by e-mail as part of the development review process on 12 September 2016.
23. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (6)

These conditions are based on the Cache County Subdivision and Land Use Ordinances and on the findings of fact as noted herein.

1. Prior to final plat recordation, the applicant must reaffirm their 33-foot portion of Cache County's 66-foot wide right-of-way for all county roads along the proposed subdivision boundary.
2. Prior to final plat recordation, adequate and approved domestic water rights must be in place for all building lots within the subdivision.
3. The applicant must provide sufficient shoulder space on 7200 West for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane. An encroachment permit must be obtained for any work, including access drives, within the Cache County right-of-way.
4. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.
5. If the surveyor identifies areas of Moderate or Steep Slopes on the proposed lots, a geotechnical report conforming to County Land Use Ordinance §17.18.060 must be submitted to the Development Services Office prior to final plat recordation.
6. A deed restriction must be recorded at the time of plat recordation stating that the Agricultural Remainder parcel is non-buildable except for agricultural structures.

CONCLUSIONS (1)

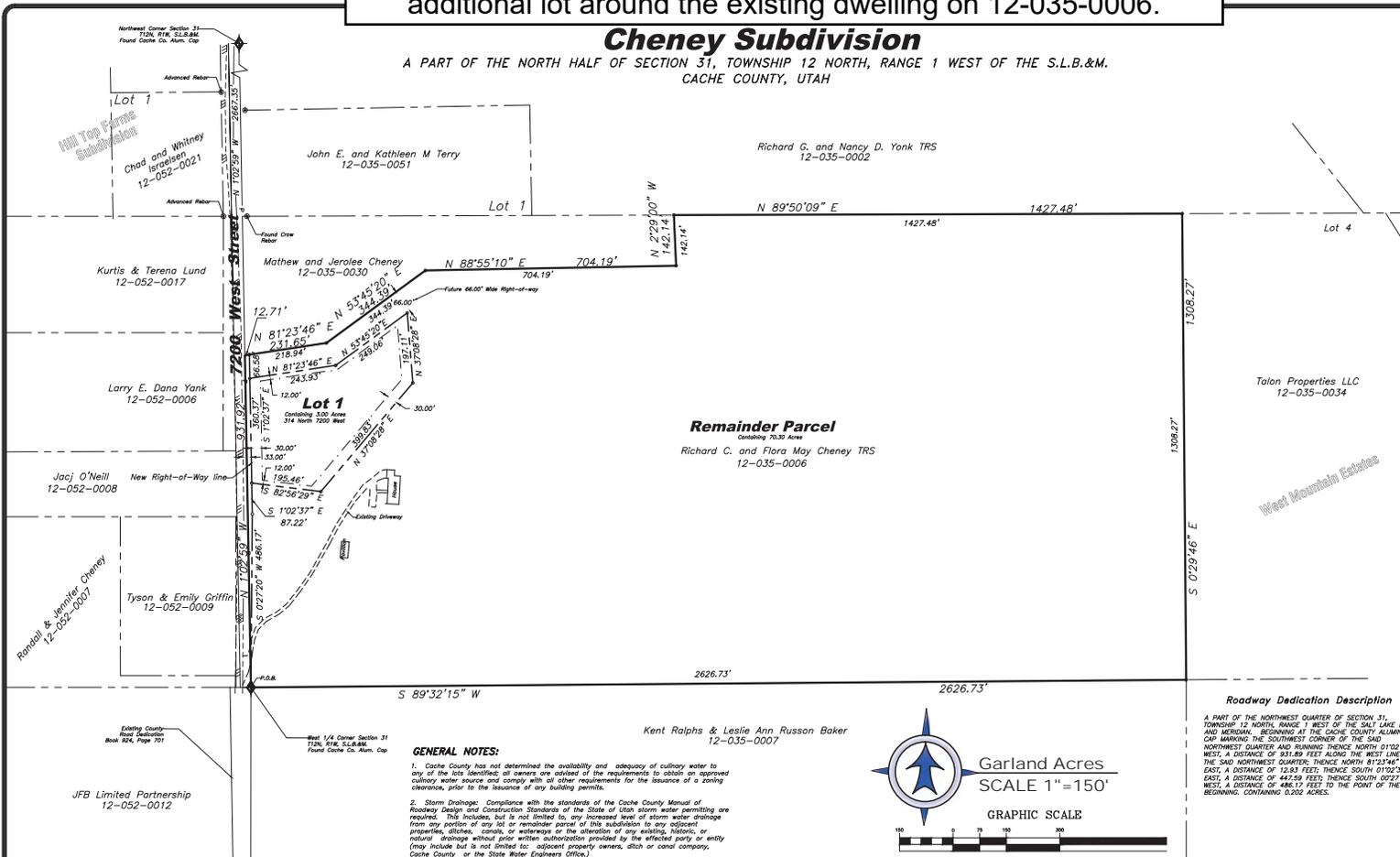
Based on the findings of fact and conditions noted herein, the MJ Enterprises Subdivision 1st Amendment is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

MJ Enterprises Subdivision 1st Amendment
 Will include parcel 12-035-0030 as a lot, the identified Lot 1, and an additional lot around the existing dwelling on 12-035-0006.

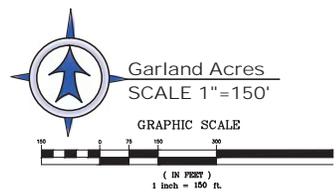
Cheney Subdivision

A PART OF THE NORTH HALF OF SECTION 31, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE S.L.B.&M. CACHE COUNTY, UTAH



Remainder Parcel

Containing 70.32 Acres
 Richard C. and Flora May Cheney TRS
 12-035-0006



Roadway Dedication Description
 A PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT THE CACHE COUNTY ALUMINUM CAP MARKING THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER AND RUNNING THENCE NORTH 01°02'59" WEST, A DISTANCE OF 931.89 FEET ALONG THE WEST LINE OF SAID NORTHWEST QUARTER TO THE SOUTH LINE OF PARCEL 12-035-0030; THENCE LONG THE SOUTH AND EAST LINES OF SAID PARCEL FOLLOWING FOUR (4) COURSES: (1) NORTH 81°23'46" EAST, A DISTANCE OF 231.87 FEET; (2) NORTH 52°45'20" EAST, A DISTANCE OF 344.39 FEET; (3) NORTH 89°55'10" EAST, A DISTANCE OF 704.19 FEET; (4) NORTH 02°29'00" WEST, A DISTANCE OF 142.14 FEET; THENCE NORTH 89°50'09" EAST, A DISTANCE OF 1427.48 FEET TO THE WEST LINE OF LOT 4 OF WEST MOUNTAIN ESTATES SUBDIVISION; THENCE SOUTH 00°29'46" EAST, A DISTANCE OF 1308.27 FEET ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER; THENCE SOUTH 69°32'15" WEST, A DISTANCE OF 2626.73 FEET ALONG THE SOUTH LINE OF THE SAID NORTHWEST QUARTER TO THE POINT OF THE BEGINNING, CONTAINING 0.250 ACRES.

- GENERAL NOTES:**
- Cache County has not determined the availability and adequacy of customary water to any of the lots identified; all owners are advised of the requirements to obtain an approved customary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of any building permits.
 - Storm Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards of the 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 owners, ditch or canal company, Cache County or the State Water Engineers Office.)
 - Current and future property owners must be aware that they will be subject to the rights, interests, and burdens associated with agricultural activities which are the permitted uses in the Agricultural Zone and Forest Recreation Zone.
 - Setback lines are for primary buildings only.
 - 12.00' on sidewalk.
 - 30.00' on frontyard.
 - 30.00' on backyard.
 - 30.00' on setback along roadway.

Roadway Dedication Note
 Richard C. Cheney, Flora May Cheney grants all of road right-of-way, County of Cache, State of Utah, hereby OUI CLAIM to Cache County Corporation, grantees of the County of Cache, State of Utah, to secure a 66-foot road right-of-way along the existing county roads on this property for future road widening and improvements that part of parcel number 12-035-0006 that lies within 33-feet of the centerline on both sides of the existing county road.

SURVEYOR'S CERTIFICATE
 I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152861 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY 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 OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: CHENEY SUBDIVISION AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

Subdivision Boundary
 A PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT THE CACHE COUNTY ALUMINUM CAP MARKING THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER AND RUNNING THENCE NORTH 01°02'59" WEST, A DISTANCE OF 931.89 FEET ALONG THE WEST LINE OF SAID NORTHWEST QUARTER TO THE SOUTH LINE OF PARCEL 12-035-0030; THENCE LONG THE SOUTH AND EAST LINES OF SAID PARCEL FOLLOWING FOUR (4) COURSES: (1) NORTH 81°23'46" EAST, A DISTANCE OF 231.87 FEET; (2) NORTH 52°45'20" EAST, A DISTANCE OF 344.39 FEET; (3) NORTH 89°55'10" EAST, A DISTANCE OF 704.19 FEET; (4) NORTH 02°29'00" WEST, A DISTANCE OF 142.14 FEET; THENCE NORTH 89°50'09" EAST, A DISTANCE OF 1427.48 FEET TO THE WEST LINE OF LOT 4 OF WEST MOUNTAIN ESTATES SUBDIVISION; THENCE SOUTH 00°29'46" EAST, A DISTANCE OF 1308.27 FEET ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER; THENCE SOUTH 69°32'15" WEST, A DISTANCE OF 2626.73 FEET ALONG THE SOUTH LINE OF THE SAID NORTHWEST QUARTER TO THE POINT OF THE BEGINNING, CONTAINING 73.50 ACRES AND TWO LOTS.

OWNER'S DEDICATION
 KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHOLE TO BE HEREAFTER KNOWN AS THE "GARLAND ACRES SUBDIVISION—SECOND AMENDMENT." FURTHER WE DEDICATE AND/OR OUI CLAIM AS APPROPRIATE THE PORTION OF PROPERTY OF PARCEL NUMBER 12-035-0001 AND 12-035-0002 THAT LIES WITHIN 33.00 FEET OF THE CENTERLINE OF THE EXISTING ROADWAY AND AS SHOWN ON THIS PLAT, TO CACHE COUNTY, FOR THE USE OF THE PUBLIC FOREVER, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SAID ROADWAY.

Date: _____
 Name: FLORA MAY CHENEY

ACKNOWLEDGMENT
 STATE OF UTAH)
 COUNTY OF CACHE) SS.
 THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS _____ DAY OF _____, 20____, BY _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT, WITH MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

TRUSTEE ACKNOWLEDGMENT
 state of UTAH
 County of CACHE
 on this _____ day of _____, personally appeared before me, the undersigned notary public in and for said County of Cache, in the State of Utah, proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument as Trustee(s) of the within instrument, who duly acknowledged to me he/she executed the same pursuant to and in accordance with the power vested in him/her by the terms of said trust agreement.

NOTARY PUBLIC

CACHE COUNTY COUNCIL
 THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON _____, 2015.
 DATED THIS DAY OF _____, 2015.
 BY: _____ CHAIRMAN
 ATTESTED TO: _____ CACHE COUNTY CLERK

COUNTY RECORDER
 STATE OF UTAH,
 COUNTY OF CACHE.
 THIS PLAT HAS BEEN DULY ACKNOWLEDGED, CERTIFIED, AND APPROVED AND MAY LAWFULLY BE RECORDED IN CACHE COUNTY, UTAH.
 FILED AND RECORDED:
 FILING NO.: _____
 DATE: _____
 TIME: _____
 BOOK: _____
 PAGE: _____
 REQUEST OF: _____
 CACHE COUNTY RECORDER

DEPUTY COUNTY SURVEYOR'S CERTIFICATE
 I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS 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 CACHE COUNTY SURVEYOR

CACHE COUNTY PLANNING COMMISSION
 THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 2015. DATED THIS DAY OF _____, 2015.

BY: _____ CHAIR

COUNTY ATTORNEY APPROVAL
 I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE _____ CACHE COUNTY ATTORNEY

BEAR RIVER HEALTH DEPT. APPROVAL
 THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 2015.

BY: _____ TITLE: _____

DEPUTY COUNTY SURVEYOR'S CERTIFICATE
 I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS 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 CACHE COUNTY SURVEYOR

DEPUTY COUNTY SURVEYOR'S CERTIFICATE
 I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS 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 CACHE COUNTY SURVEYOR



Vicinity Map

FORESIGHT SURVEYING
 2005 North 600 West Suite D
 Logan, Utah 84321
 (435) 753-1910 Office
 (435) 753-3213 Fax

15-128 6/6/2016

1 **Present:** Jacob Adams, Chris Harrild, Josh Runhaar, Megan Izatt, Phillip Olsen, Brady
2 Christensen, Chris Sands, Nolan Gunnell, Jon White, Lee Edwards

3
4 **Start Time: 05:36:00**

5
6 **Sands** welcomed and **Gunnell** gave opening remarks

7
8 **05:37:00**

9
10 **Agenda**

11
12 Agenda item #2 Munk Brothers Subdivision moved from the consent agenda to the regular
13 agenda as there were interested parties that wanted to comment.

14
15 **Minutes**

16
17 ***Gunnell** motioned to approve the minutes from September 1st, 2016; **Christensen** seconded;
18 **Passed 4, 0.***

19
20 **05:38:000**

21
22 **Consent Items**

23
24 **#1 MJ Enterprises Subdivision 1st Amendment**

25
26 **Adams** reviewed a request for a recommendation of approval to the County Council for a
27 subdivision amendment to create two additional lots and an agricultural remainder on 79.50 acres
28 of property at 314 North 7200 West, Petersboro, in the Agricultural (A10) Zone.

29
30 **#2 Agriculture Protection Areas: Nelda Bair and Robert Bair**

31
32 **Adams** reviewed a request for a recommendation to the County Council for an Agricultural
33 Protect Area in two distinct areas: five parcels totaling 169.1 acres at approximately 9000 North
34 800 West, southwest of Richmond, and seven parcels totaling 52.74 acres at approximately 300
35 East 9300 North, southwest of Richmond.

36 **05:39:00**

37
38 ***Olsen** motioned to recommend approval of the consent agenda, including MJ Enterprises
39 Subdivision 1st Amendment and Agriculture Protection Areas, to the County Council with the
40 noted findings of fact, conditions, and conclusions; **Christensen** seconded; **Passed 4, 0.***

STAFF REPORT: MUNK BROTHERS SUBDIVISION

Date: 6 October 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: Jerry Munk

Parcel ID#: 08-095-0001

Staff Determination: Approval with Conditions

08-095-0011

Type of Action: Administrative

08-095-0013

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

5650 North 2000 West

Benson, UT 84335

Current Zoning:

Agricultural (A10)

Acres: 54.77

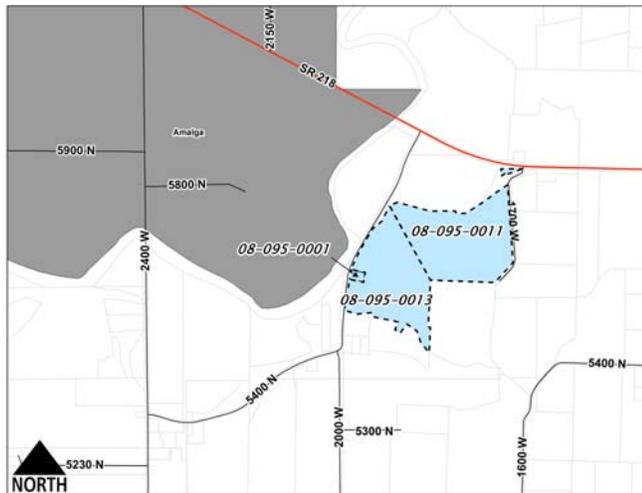
Surrounding Uses:

North – Agricultural

South – Agricultural/Residential

East – Agricultural/Residential

West – County Road/Bear River



SUMMARY

The Munk Brothers Subdivision is a request for a three-lot subdivision with an Agricultural Remainder on 54.77 acres just southeast of Amalga. Several property divisions have occurred without Land Use Authority approval in this area. The boundary of parcels 08-095-0011 and 08-095-0013 would be adjusted concurrent with this subdivision so that parcel 08-095-0011, along with parcel 08-095-0001, covers the whole area to be subdivided. After this adjustment, parcel 08-095-0012 and the new configuration of parcel 08-095-0013 would not be part of the subdivision and would remain restricted.

FINDINGS OF FACT (28)

Ordinance—17.02.060, 17.10.040

1. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for subdivisions.
2. Following an adjustment between parcels 08-095-0011 and 08-095-0013, parcels 08-095-0001 and 08-095-0011 would be restricted because they were divided without Land Use Authority. The proposed subdivision would remove this restriction.
3. The proposed subdivision qualifies for a development density of seven lots.
4. An Agricultural Remainder parcel does not count as a “lot” for development density but must meet the minimum size requirements of Utah Code §52-2-5 and must have a deed restriction recorded stating that the remainder is not buildable except for agricultural structures.
5. The proposed subdivision would create three lots, including one for the present configuration of parcel 08-095-0001, and an Agricultural Remainder parcel.

Access—16.04.040 [A], 16.04.080 [E], Manual of Roadway Design and Construction Standards

6. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements of any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
7. The current condition of county road 2000 West is as follows:
 - a. 2000 West currently provides access to multiple dwellings.
 - b. 2000 West consists of an approximately 24-foot-wide paved width with five-foot-wide gravel shoulders and has a right-of-way of unknown width.
 - c. Access to the proposed lots will come from 2000 West.
 - d. The county provides summer and winter maintenance on 2000 West.
8. Private driveways providing access from 2000 West must meet any applicable requirements from the County Fire District.
9. The Agricultural Remainder parcel will gain access from 2000 West via an existing gravel access and from county road 1700 West via an existing access.

Water & Septic—16.040.0070, 16.04.080 [A] & [B]

10. The applicant has approval from the Benson Culinary Water Improvement District for connections for all three proposed lots.
11. Bear River Health Department has determined that septic systems are feasible for the two new lots. The existing dwelling has an existing septic system.
12. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.

Service Provision—16.04.080 [C], [D], [F]

13. Residential refuse and recycling containers for the proposed lots must be placed on the east side of 2000 West. Shoulder improvements may be required to allow the containers to be placed outside the travel lane.
14. School bus service would be provided through a stop at 5600 North 2000 West.
15. 2000 West meets the requirements of the County Fire District.
16. Water supply for fire suppression is provided by two existing hydrants connected to the Benson water system.

Sensitive Areas—17.17, 17.18.040, 17.18.060

17. Portions of the proposed subdivision are within the FEMA floodplain for Summit Creek and the Bear River.
18. All three proposed lots are within a High liquefaction risk area.

19. Initial county review has identified areas of Moderate Slopes and Steep Slopes on or near all three proposed lots.
20. A geotechnical report conforming to §17.18.060 is required for development in areas of High liquefaction risk and areas of Moderate Slopes. No development is allowed in areas of Steep Slopes.
21. Portions of the Agricultural Remainder parcel are within the Airport Influence Zone.
22. No structures over 150 feet are allowed in the Airport Influence Zone

Public Notice and Comment—17.02.040

23. Public notice was posted online to the Utah Public Notice Website on 22 September 2016.
24. Notice was published in the Herald Journal on 25 September 2016.
25. Notices were posted in three public places on 22 September 2016.
26. Notices were mailed to all property owners within 300 feet of the subject property on 22 September 2016.
27. Amalga City was noticed by e-mail as part of the development review process on 12 September 2016.
28. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (7)

These conditions are based on the Cache County Subdivision and Land Use Ordinances and on the findings of fact as noted herein.

1. Prior to final plat recordation, the applicant must reaffirm their 33-foot portion of Cache County's 66-foot wide right-of-way for all county roads along the proposed subdivision boundary.
2. Prior to final plat recordation, a geotechnical report addressing liquefaction and conforming to County Land Use Ordinance §17.18.060 must be submitted to the Development Services Office. If any Moderate or Steep slopes are identified on the property by the surveyor, they must also be addressed in the geotechnical report.
3. The private driveway providing access from 2000 West must meet any applicable requirements of the County Fire District.
4. The applicant must provide sufficient shoulder space on 2000 West for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
5. An encroachment permit must be obtained for any work, including access drives, within the Cache County right-of-way.
6. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.
7. A deed restriction must be recorded at the time of plat recordation stating that the Agricultural Remainder parcel is non-buildable except for agricultural structures.

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, the Munk Brothers Subdivision is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

Munk Brothers Subdivision

A PART OF THE SOUTHEAST OF SECTION 30, TOWNSHIP 13 NORTH, RANGE 1 EAST OF THE S.L.B.&M. AMALGA, CACHE COUNTY, UTAH



Vicinity Map

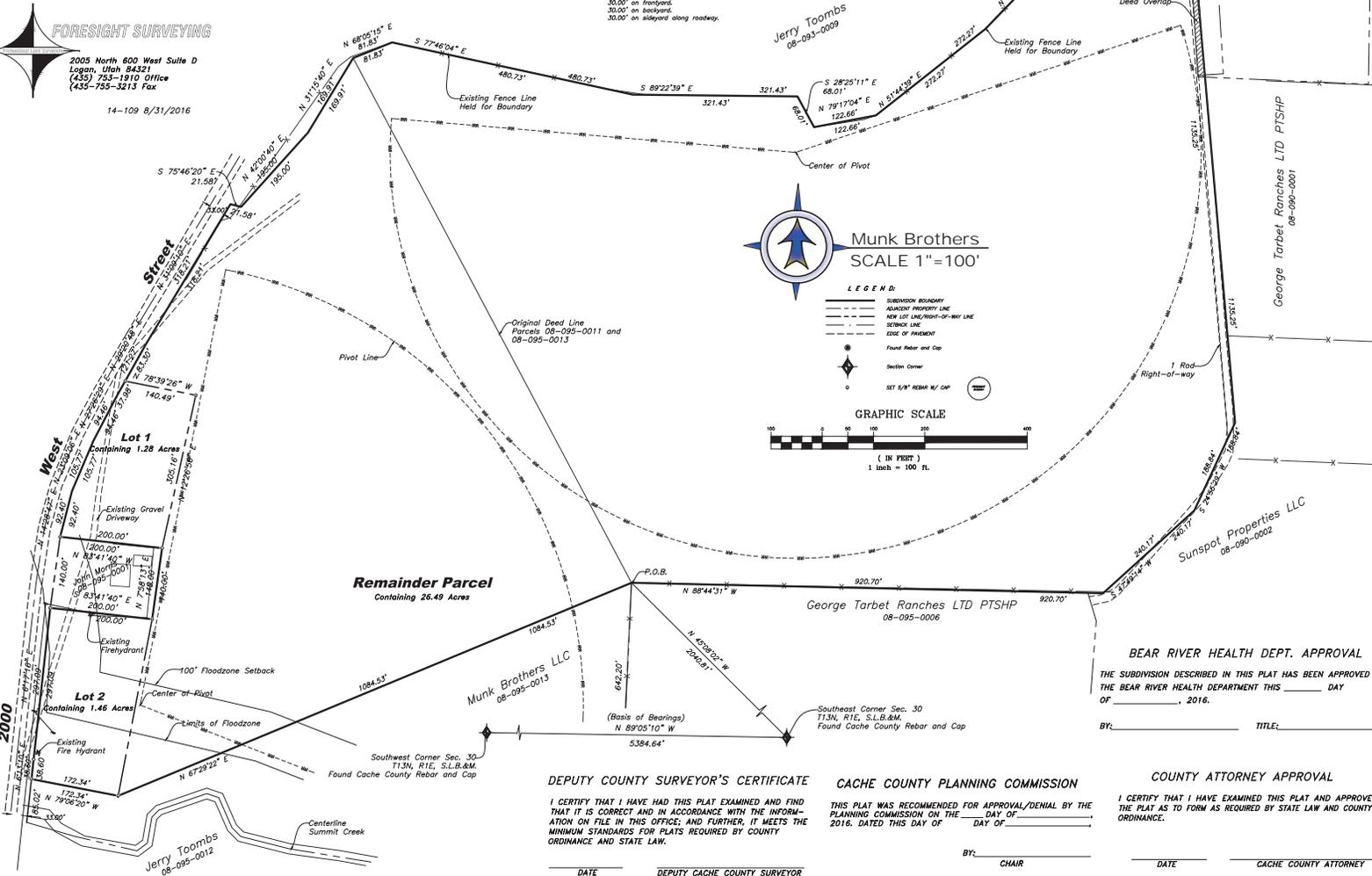
FORESIGHT SURVEYING

2005 North 800 West Suite D
Logan, Utah 84321
(435) 753-1910 Office
(435)-755-3213 Fax

14-109 6/31/2016

GENERAL NOTES:

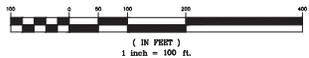
- Cache County has not determined the availability and adequacy of culinary water to any of the lots identified; all owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of any building permits.
- Storm Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards of the 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 owners, ditch or canal company, Cache County, or the State Water Engineers Office).
- Current and future property owners must be aware that they will be subject to the sights, smells, and sounds associated with agricultural activities which are the permitted uses in the Agricultural Zone and Forest Recreation Zone.
- Setback lines are for primary buildings only:
12.00' on roadway,
30.00' on frontage,
30.00' on backyard,
30.00' on setback along roadway.



Munk Brothers
SCALE 1"=100'

- LEGEND:
- SUBDIVISION BOUNDARY
 - ADJACENT PROPERTY LINE
 - NEW LOT LINE/RIGHT-OF-WAY LINE
 - SETBACK LINE
 - EDGE OF PAVEMENT
 - Found Rebar and Cap
 - Swivel Corner
 - SET 5/8" REBAR W/ CAP

GRAPHIC SCALE



SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY 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 OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: MUNK BROTHERS SUBDIVISION AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

Subdivision Boundary

A PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 13 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT LOCATED NORTH 45°02'02" WEST A DISTANCE OF 2040.81 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 30; RUNNING THENCE SOUTH 67°29'52" WEST, A DISTANCE OF 1084.53 FEET; THENCE NORTH 79°20'20" WEST, A DISTANCE OF 173.34 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 2000 WEST STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 06°13'10" EAST, A DISTANCE OF 38.60 FEET; (2) NORTH 06°17'16" EAST, A DISTANCE OF 297.09 FEET; THENCE SOUTH 83°41'40" EAST, A DISTANCE OF 2000.00 FEET; THENCE NORTH 07°58'11" EAST, A DISTANCE OF 140.00 FEET; THENCE NORTH 83°41'40" WEST, A DISTANCE OF 2000.00 FEET TO THE SAID SOUTH RIGHT-OF-WAY LINE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING THE (5) COURSES: (1) NORTH 14°28'47" EAST, A DISTANCE OF 92.40 FEET; (2) NORTH 23°09'06" EAST, A DISTANCE OF 105.77 FEET; (3) NORTH 27°28'29" EAST, A DISTANCE OF 94.46 FEET; (4) NORTH 29°20'48" EAST, A DISTANCE OF 121.27 FEET; (5) NORTH 31°09'10" EAST, A DISTANCE OF 318.21 FEET; THENCE SOUTH 75°48'20" EAST, A DISTANCE OF 21.58 FEET; THENCE NORTH 42°00'40" EAST, A DISTANCE OF 195.00 FEET; THENCE NORTH 31°15'40" EAST, A DISTANCE OF 169.91 FEET; THENCE NORTH 68°05'15" EAST, A DISTANCE OF 81.83 FEET TO AN EXISTING FENCE LINE; THENCE ALONG SAID FENCE LINE THE FOLLOWING SIX (6) COURSES: (1) SOUTH 77°46'04" EAST, A DISTANCE OF 480.73 FEET; (2) SOUTH 89°22'39" EAST, A DISTANCE OF 321.43 FEET; (3) SOUTH 28°25'11" EAST, A DISTANCE OF 68.01 FEET; (4) NORTH 79°17'04" EAST, A DISTANCE OF 122.66 FEET; (5) NORTH 51°44'38" EAST, A DISTANCE OF 272.27 FEET; (6) NORTH 44°01'29" EAST, A DISTANCE OF 465.54 FEET; THENCE NORTH 02°12'21" EAST, A DISTANCE OF 168.80 FEET; THENCE SOUTH 87°39'24" EAST, A DISTANCE OF 70.60 FEET; THENCE SOUTH 87°38'33" EAST, A DISTANCE OF 13.55 FEET TO THE POINT OF BEGINNING OF A 291.80 FEET CHORD POINT BEING THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT BEARS NORTH 08°54'54" EAST, A DISTANCE OF 291.80 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 03°38'17", A DISTANCE OF 185.08 FEET, CHORD BEARS SOUTH 83°14'14" EAST A DISTANCE OF 185.05 FEET; THENCE SOUTH 62°30'30" WEST, A DISTANCE OF 216.56 FEET; THENCE SOUTH 04°50'00" EAST, A DISTANCE OF 115.25 FEET; THENCE SOUTH 24°55'29" WEST, A DISTANCE OF 188.84 FEET; THENCE SOUTH 47°49'14" WEST, A DISTANCE OF 240.19 FEET; THENCE NORTH 88°44'31" WEST, A DISTANCE OF 920.70 FEET TO THE POINT OF BEGINNING.

SIGNATURE _____ DATE _____

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHOLE TO BE HEREINAFTER KNOWN AS THE "MUNK BROTHERS SUBDIVISION", FURTHER WE DEDICATE AND/OR QUIT CLAIM AS APPROPRIATE THE PORTION OF PROPERTY OF PARCEL NUMBER 08-095-0011 THAT LIES WITHIN 33.00 FEET OF THE CENTERLINE OF THE EXISTING ROADWAY AND AS SHOWN ON THIS PLAT TO CACHE COUNTY, FOR THE USE OF THE PUBLIC FOREVER, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SAID ROADWAY.

Date _____
Date _____

TRUSTEE ACKNOWLEDGMENT

state of UTAH
County of CACHE
on this ____ day of _____
personally appeared before me, the undersigned notary public in and for said county of Cache, in the state of Utah, proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument as Trustee(s) of the _____ the
signature(s) of the within instrument, who duly acknowledged to me he/she/it executed the same pursuant to and in accordance with the power vested in him/her by the terms of said trust agreement.

NOTARY PUBLIC

CACHE COUNTY COUNCIL

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THE ____ DAY OF _____ 2016.
DATED THIS ____ DAY OF _____, 2016.

ATTESTED TO:

BY: _____ CHAIRMAN
_____ CACHE COUNTY CLERK

COUNTY RECORDER

STATE OF UTAH,
COUNTY OF CACHE.
THIS PLAT HAS BEEN DULY ACKNOWLEDGED, CERTIFIED, AND APPROVED AND MAY LAWFULLY BE RECORDED IN CACHE COUNTY, UTAH.
FILED AND RECORDED:
FILING NO.: _____
DATE: _____
TIME: _____
BOOK: _____
PAGE: _____
REQUEST OF: _____
CACHE COUNTY RECORDER

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS 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 CACHE COUNTY SURVEYOR

CACHE COUNTY PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE ____ DAY OF _____ 2016. DATED THIS DAY OF _____
BY: _____ CHAIR

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.
DATE _____ CACHE COUNTY ATTORNEY

1 05:43:00

2
3 **Regular Action Items**

4
5 **#3 Munk Brothers Subdivision**

6
7 **Adams** reviewed a request for a recommendation of approval to the County Council for a three-
8 lot subdivision with an agricultural remainder on 54.77 acres of property at 5650 North 2000
9 West, Benson, in the Agricultural (A10) Zone.

10
11 **Louise Latham** I live off of 1700 west and I haven't seen a map so I have no idea where traffic
12 will be routed. Off of 1700 west the traffic can be scary at times. So I just wanted that
13 clarification.

14
15 **Adams** if you look at the map, the new lots are on the left hand corner of the map coming off of
16 2000 west. 1700 west is only an agriculture access for the agricultural remainder parcel.

17
18 **Gunnell** motioned to recommend approval of the Munk Brother's Subdivision to the County
19 Council with the findings of fact, conditions, and conclusions; **Christensen** seconded; **Passed 4,**
20 **0.**

21
22 **#4 Hawk's Ridge Subdivision**

23
24 **Adams** reviewed a request for a recommendation of approval to the County Council for an
25 eleven-lot subdivision on 87.38 acres of property at approximately 6750 West 2000 North,
26 Petersboro, in the Agricultural (A10) Zone. This was first looked at by the Commission in
27 August 2016. The main issue for the subdivision is the road. The road manual requires a paved
28 surface of 22 feet with 2 foot shoulders and there were some questions over private vs. public
29 also. The applicant has done a review of the road and test bore pits have been dug. The manual
30 requires a depth of 2 ½ inches of asphalt, 6 inches of road base, and 14 inches of pit run. The
31 road base is pretty substantial and the width is adequate as well as the structure of the road. The
32 applicant is still working on a solid plan for future maintenance. Condition #6 that specifically
33 deals with future maintenance.

34
35 **Staff and Commission** discussed the road. Even though this is a private road, the Manual of
36 Roadway Design and Construction still applies. The main problem with private roads is
37 maintenance. This becomes a safety and service provision problem when the roads are not
38 maintained. Concerns regarding water were raised but the Commission can do nothing about
39 water because it has no authority there.

40
41 **Dave Griffin** I don't have any questions.

42
43 **Christensen** motioned to recommend approval of the Hawk's Ridge Subdivision to the County
44 Council with the findings of fact, conditions, and conclusions; **Gunnell** seconded; **Passed 4, 0.**

45
46 05:51:00



Mission

The Eccles Ice Center seeks to maintain an exceptional ice facility by providing wholesome family skating, educational activities and programs, and staffing to meet the needs of the public.

Our Vision

*Integrate Community Education
(ICE)*

Floyd Naegle

Board of Trustees

- **Steve Larson:** (*President*) President, Information Alliance
- **Frank Coppin:** (Treasurer) Finance, Wasatch Properties
- **Max Longhurst:** Director, Elementary Core Academy
- **Dave Kooyman:** Former Mayor, Hyde Park City. CEO, Western Intermountain Lithotripsy. Chair, North Park Interlocal Cooperative.
- **Todd Hallock:** Attorney, Hallock & Hallock
- **Brian Chambers:** Education, Former Cache County Council

EIC 4-Phase Plan

- **Phase 1** – Organization formed, initial facility built- complete
- **Phase 2** – Complete seating, more locker rooms, second classroom, restrooms-complete
- **Phase 3** – Enhance revenue streams, second parking lot, recreational area, pavilion, portable floor covering- complete
- **Phase 4** – Continue to build endowment & address needed capital repair/maintenance fund- In Process

The EIC has been very successful to this point

- The EIC has become a Valley icon, hosting multiple community events beyond ice skating. For example, The Home and Garden Show, multiple MMA events, school dances and much more.
- The area around the EIC is thriving with growth and we want to be a part of this growth long term.
- Our building and equipment maintenance continues to increase with the aging of our facility.
- We will continue to fundraise with grants and corporate donations.
- We feel we have the right management team in place. Our management team and our Board of Directors make a great fit for the future of EIC.

Establishing the EIC Long Term

- The Endowment has been established and currently carries a balance of \$814k.
- With a 10 year extension commitment from RAPZ we can continue to grow the Endowment to complete our goal of 2 million. (see worksheet)
- Logan City Finance Director, Rich Anderson and former Mayor, Watts, indicated that they felt that EIC should be supported through RAPZ.
- North Logan and Hyde Park Mayors along with the EIC Board Members and the Executive Director, concur and feel the 1/64% Sports and Recreation tax should be left in place and extended as well.
- This is not a “new tax”, we simply are asking for an extension of the RAPZ & 1/64% Sports & Recreation pledges.

Endowment Plan Proposed Payment Schedule

	<u>Date</u>	<u>Beginning Balance</u>	<u>EIC \$ released to endowm.</u>	<u>Interest Earned</u>	<u>Interest Rate</u>	<u>Ending Balance</u>	<u>Maintenance Fund</u>
Begin 10 year commitment	7/1/2016	\$814,157.23					
End Year 1	6/15/2017		\$70,000.00	\$26,524.72	3.00%	\$910,681.95	\$72,000.00
End Year 2	6/15/2018		\$70,000.00	\$29,420.46	3.00%	\$1,010,102.41	\$72,000.00
End Year 3	6/15/2019		\$70,000.00	\$32,403.07	3.00%	\$1,112,505.48	\$72,000.00
End Year 4	6/15/2020		\$70,000.00	\$35,475.16	3.00%	\$1,217,980.64	\$72,000.00
End Year 5	6/15/2021		\$70,000.00	\$38,639.42	3.00%	\$1,326,620.06	\$72,000.00
End Year 6	6/15/2022		\$70,000.00	\$55,864.80	4.00%	\$1,452,484.86	\$72,000.00
End Year 7	6/15/2023		\$70,000.00	\$60,899.39	4.00%	\$1,583,384.26	\$72,000.00
End Year 8	6/15/2024		\$70,000.00	\$66,135.37	4.00%	\$1,719,519.63	\$72,000.00
End Year 9	6/15/2025		\$70,000.00	\$71,580.79	4.00%	\$1,861,100.41	\$72,000.00
End Year 10	6/15/2026		\$70,000.00	\$77,244.02	4.00%	\$2,008,344.43	\$72,000.00
Final Balance	6/30/2026	\$2,008,344.43					

CACHE/RICH COUNTY BOOKMOBILE FACTS

The Cache/Rich County Bookmobile is open to anyone residing in Cache or Rich Counties. The Bookmobile carries about 5,000 items that are frequently rotated with items from the headquarters collection that holds over 20,000 additional items.

1,337

CARDHOLDERS* USE THE BOOKMOBILE
**One cardholder may represent an individual or an entire family.*

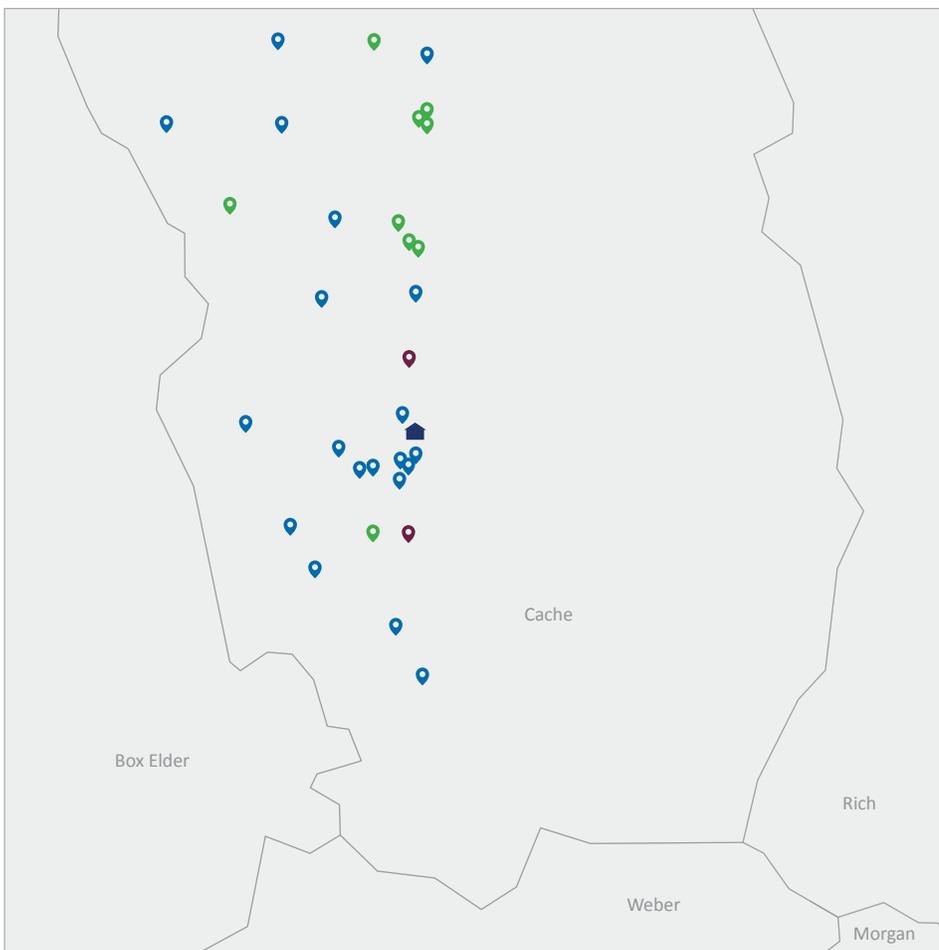
34,020

ITEMS WERE CHECKED OUT THROUGH THE BOOKMOBILE IN FY16

20,392

VISITS WERE MADE TO THE BOOKMOBILE IN FY15

Bookmobile Stop Locations



🏠 Cache County Library in Providence

📍 Bookmobile Stop

📍 Bookmobile Stop Requested by Location
Local libraries and the bookmobile work together in a collaborative effort to provide library services to these communities:

- Hyrum
- Lewiston
- Newton
- North Logan
- Richmond
- Smithfield

📍 Bookmobile Stops at Day Cares in Logan, Not Served by the Public Library



Copyright © Free Vector Maps.com

The bookmobile makes 37 biweekly stops in Cache County.

ON AVERAGE, CARDHOLDERS CHECKED OUT

5.37

ITEMS PER PERSON IN THE BOOKMOBILE FROM 7/1/16 – 9/20/16

FOR A YEAR AT THIS RATE,

21.48

ITEMS WOULD BE CHECKED OUT PER PERSON IN THE BOOKMOBILE

THE STATE AVERAGE WAS ONLY

10.7

ITEMS CHECKED OUT PER PERSON AT ALL LIBRARIES IN FY15

EMPOWERING READING IN CACHE & RICH COUNTIES

The Cache/Rich County Bookmobile delivers new materials and state funding to Cache County. Without this library-bookmobile partnership, Cache County would pay significantly more to meet the same needs.

Cache/Rich County Bookmobile Expenditures

Fiscal Year	Rich County Expenditures	% of Total	Cache County Expenditures	% of Total	USL Expenditures	% of Total	LSTA Expenditures	% of Total	Total Expenditures
2012	\$2,716.00	2%	\$81,961.00	69%	\$31,245.51	26%	\$2,274.89	2%	\$118,197.40
2013	\$3,031.00	2%	\$82,964.00	62%	\$16,876.31	13%	\$30,248.66	23%	\$133,119.97
2014	\$2,670.00	2%	\$85,106.00	58%	\$40,573.86	28%	\$19,158.88	13%	\$147,508.74
2015	\$2,512.00	2%	\$85,945.00	63%	\$48,155.98	35%	–	0%	\$136,612.98
2016	\$2,706.00	2%	\$89,748.00	58%	\$58,534.84	38%	\$3,162.75	2%	\$154,151.59
Budget 2017	\$2,900.00	2%	\$98,700.00	67%	\$46,300.00	31%	–	0%	\$147,900.00
Total	\$16,535.00	2%	\$524,424.00	63%	\$241,686.50	29%	\$54,845.18	7%	\$837,490.68

UTAH STATE LIBRARY & LSTA PAID

41%

OF EVERY CIRCULATED ITEM
FY13-FY16

Cost of Items* per Circulation

FY16 Funding & Circulation

Cache County**	\$1.10
Actual***	\$1.88
Difference	\$0.78

*Print, DVD, Books on CD, Playaways, Downloadables

**Circulation divided by Cache Expenditure

***Circulation divided by Total Expenditure

This year, more materials per person have been circulated through the bookmobile than through the Cache County library.

(5.37 VERSUS 4.91)
7/1/16 – 9/20/16

Cache/Rich County Bookmobile Budget for New Items

Fiscal Year	Cache County*	USL & LSTA	Total	% by USL & LSTA
2013	\$13,370.00	\$9,050.74	\$22,420.74	40%
2014	\$12,289.00	\$17,948.75	\$30,237.75	59%
2015	\$13,000.00	\$5,445.05	\$18,445.05	30%
2016	\$13,000.00	\$7,659.79	\$20,659.79	37%
Average	\$12,914.75	\$10,026.01	\$22,940.83	42%

ON AVERAGE,
USL & LSTA PAYS FOR

42%

OF NEW ITEMS IN THE
BOOKMOBILE COLLECTION

*Cache County FY13 and FY14 are actual amounts, FY15 and FY16 are adopted amounts.

PATRONS MADE

24.62

VISITS PER HOUR THE TRUCK
WAS OPEN IN FY15

IN FY17 CACHE COUNTY WILL SPEND

82¢

PER PERSON PER YEAR FOR BOOKMOBILE
SERVICES BASED ON COUNTY POPULATION

CACHE COUNTY'S TOTAL POPULATION IS

120,783

(Census Bureau estimate for 2015)

ADDED COSTS WITHOUT THE BOOKMOBILE PARTNERSHIP

If Cache County ceases its partnership with the bookmobile, the Providence/Cache County library would need to immediately spend this amount to resume business on top of current library costs:

\$40,000 – \$50,000

The Bookmobile Partnership Provides:

- Postage and stamps.com
- Post office box
- Phone lines
- 42% of the items in the collection in ongoing purchases
- Integrated Library System (ILS) (software to store patron and collection data)
- Staff computers and monitors
- Receipt Printers
- Barcode Scanners
- Office Supplies
- Library Cards and Library Card Applications
- Cataloger and ILS support staff for reports, etc. / additional staff hours
- Copy cataloging fee paid to OCLC
- 2-3 years of [UPLIFT](#) training for the Library Director for certification for eligibility for CLEF and LSTA grants

Note:

- Increasing business at the fixed site library by 42% would require additional staff and hours of operation.
- All bundled, discounted prices for ILS functions would be lost.
- ILS costs may include:
 - System
 - Data Migration
 - Batch Processing
 - System Support
 - Training
 - Annual Maintenance Fee



DEVELOPMENT SERVICES DEPARTMENT

 BUILDING | COUNTYWIDE PLANNING | ENGINEERING | GIS | PLANNING & ZONING

STAFF REPORT: ROBERT & NELDA BAIR AG. PROTECTION AREAS

25 October 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: Nelda Bair**Parcel ID#:** Multiple - See Exhibit A-1**Staff Determination:** Approval**Type of Action:** Legislative**Land Use Authority:** Cache County Council

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 2 distinct areas. These areas are described and addressed individually in the attached Exhibit B.

CONDITIONS

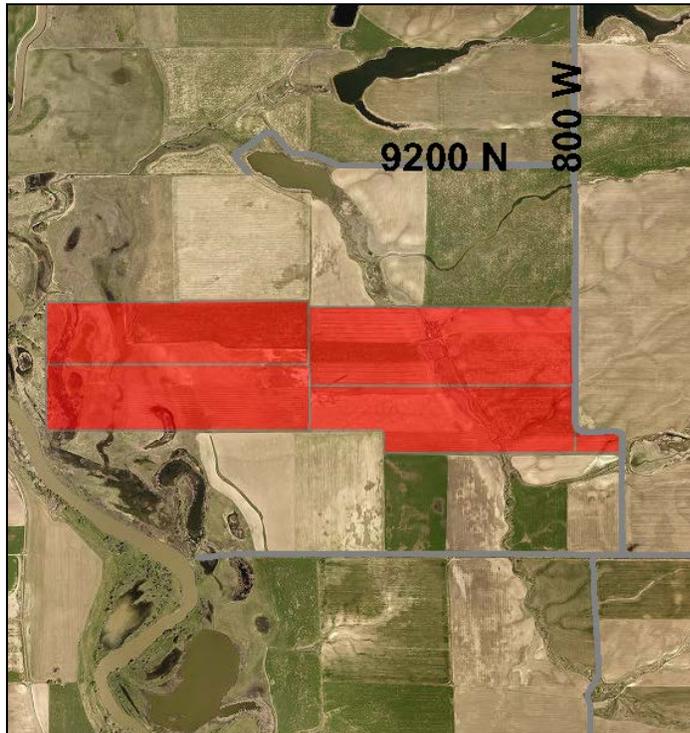
The Robert and Nelda Bair Agriculture Protection Areas must not include any portion of the 66 foot wide Cache County rights-of-way, reflecting 33 feet of each side from the existing center line, for any county roads as identified in Exhibit B.

CONCLUSION

The proposed Robert and Nelda Bair 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 are hereby approved. This conclusion is based on the findings of fact and conditions.



Area 1: Robert Bair Agriculture Protection Area – 169.1 Acres



Existing Zone:
Agricultural (A10)

Parcels (5):
08-010-0007
08-011-0009
08-011-0010
08-011-0014
08-011-0015

Findings of Fact:

1. County road 800 West borders the proposed Robert Bair Agriculture Protection 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?* Growth of wheat, barley, alfalfa, and other crops or pasture for cattle.
 - 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: Nelda Bair Agriculture Protection Area – 52.74 Acres



Existing Zone:
Agricultural (A10)

Parcels (7):
08-003-0007
08-003-0008
08-003-0009
08-003-0010
08-003-0014
08-003-0016
08-003-0017

Findings of Fact:

1. County road 9300/9400 North bisects the proposed Nelda Bair Agriculture Protection 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?* Growth of wheat, barley, alfalfa, and other crops or pasture for cattle.
 - 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.

Amendments to Title 17 re: crematoriums

INSTITUTIONAL, PUBLIC, AND UTILITY USES:

6100 PUBLIC/INSTITUTIONAL FACILITY: Includes the following specific uses:

6110 CEMETERY: A location used for interment of human or animal remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof, and meeting all applicable local, state, and federal requirements and regulations.

Deleted: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums,

6120 CREMATORIUM: A location containing a cremation chamber or retort intended for use in the act of cremation of human or animal remains, and that meets all applicable local, state, and federal requirements and regulations.

6130 PUBLIC USES: A use operated exclusively by a public entity over which the county has no jurisdiction in compliance with §17-27a-304, Utah Code Annotated, 1953, as amended.

Deleted: 2

6140 RELIGIOUS MEETING HOUSE: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

Deleted: 3

6150 CORRECTIONAL FACILITY: Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, by way of illustration, a prison, jail, or probation center.

Deleted: 4

6160 RESERVED

Deleted: 5

6170 EDUCATIONAL FACILITY: Any building or part thereof which is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool centers. Includes the following uses:

Deleted: 6

1. Boarding School: As licensed by the State of Utah and defined within Utah Code Annotated, 1953, as amended, §62A-2-101.
2. Therapeutic School: As licensed by the State of Utah and defined within Utah Code Annotated, 1953, as amended, §62A-2-101.

6100	Public/Institutional Uses										
6110	Cemetery	N	N	C	N	N	N	N	N	-	-
6120	Crematorium	N	N	C	N	N	N	C	-	-	
6130	Public Uses	P	N	-	-						
6140	Religious Meeting House	C	C	C	N	C	C	N	N	-	-
6150	Correctional Facility	N	-	-							
6160	Reserved									-	-
6170	Educational Facility	N	N	N	N	N	C	N	N	-	-

- Deleted: 2
- Deleted: 3
- Deleted: 4
- Deleted: 5
- Deleted: 6

1 **#7 Public Hearing, 6:15 p.m. – Amendment to Title 17 re: Crematoriums**

2
3 **Harrild** reviewed the Amendments to the County Land Use Ordinance 17.07 Definitions and
4 17.09 Schedule of Zoning Uses to create a separate use category and definitions for
5 crematoriums. Currently cemeteries include crematoriums and are only allowed in the A10
6 Zone. This would allow a crematorium to be placed in the A10 and Industrial Zones. A
7 crematorium does not include storage or burial of any urns or remains onsite.

8
9 **6:55:00**

10
11 *Olsen* motioned to open the public hearing; *Gunnell* seconded; **Passed 4, 0.**

12
13 **William Mackin** we run the crematorium in Smithfield now and when we started that 12 years
14 ago there was the same confusion of where it really belonged. This helps clarify it and helps us
15 to continue where we are. The crematorium was actually first supposed to be on main street in
16 Smithfield, which isn't where it belongs. So it does work very well in an industrial area.

17
18 **06:56:00**

19
20 *Christensen* motioned to close the public hearing; *Olsen* seconded; **Passed 4, 0.**

21
22 *Christensen* motioned to recommend approval of the proposed amendments to the County
23 Council; *Gunnell* seconded; **Passed 4, 0.**

24
25 **06:58:00**

26
27 **Rebound Unlimited CUP**

28
29 **Adams** reviewed a request for approval of a conditional use permit (CUP) to allow the operation
30 and construction of a building for a light manufacturing operation on 9.13 acres of property
31 located at 420 East 9800 North, southwest of Richmond, to the Industrial (1) Zone. The company
32 is manufacturing harnesses and other soft goods, and assembling trampolines. The building
33 would be at the northeast corner of the property, towards the road and would meet setback
34 requirements. There would be two part-time employees traveling to the property every day.
35 There is a home currently on the property and it would be allowed to remain for a caretaker's
36 residence. The equipment would be a forklift to move material, industrial strength sewing
37 machines and other similar pieces of equipment for that manufacturing. The hours of operation
38 would be Monday-Friday, 8 am to 3 pm. The request does meet the compliance with law
39 requirement and falls under use category 2100 General Manufacturing, which requires a
40 conditional use in the industrial zone. The caretaker's residence, which is accessory to an
41 industrial use, will need to be occupied by a person that oversees the non-residential operation or
42 a family member of the business owner. In regards to health, safety, and welfare all the uses and
43 activities going on with this request are contained within the site. The road currently is 22 feet of
44 pavement with a total width of 24 feet. The private drive access would be required to meet any
45 requirements from the County Fire District and it is likely that the structure will require a holding
46 tank for water for fire suppression. The traffic impacts are two employees coming to and from
47 the site every day and deliveries are normal parcel services such as UPS, USPS, etc. There may

Logan, Utah

October 25, 2016

The County Council (the “County Council”) of Cache County, Utah (the “County”) met in regular public session at its regular meeting place in Logan, Utah, on Tuesday, October 25, 2016, at 5:00 p.m. The meeting was called to order by the Chairman of the County Council with the following being present, and constituting a quorum:

G. Gregory Merrill	Chairman
David L. Erickson	Vice Chairman
Val K. Potter	Councilmember
Kathy Robison	Councilmember
Jon White	Councilmember
Cory Yeates	Councilmember
Gordon A. Zilles	Councilmember

Also Present:

Absent:

The Chairman stated that the meeting was called pursuant to notice for the purpose, among other things, of approval of a resolution of inducement for up to \$3,000,000 of business development revenue refunding bonds of the County. The following resolution was then introduced, in written form, whereupon Councilmember _____ moved that such resolution be adopted. The motion was seconded by Councilmember _____, and adopted by the following vote:

AYE:

NAY:

The resolution is as follows:

CACHE COUNTY
RESOLUTION NO. 2016-23

RESOLUTION OF INDUCEMENT FOR NOT TO EXCEED \$3,000,000 OF BUSINESS DEVELOPMENT REVENUE REFUNDING BONDS; APPROVING A MEMORANDUM OF AGREEMENT WITH SUNSHINE TERRACE FOUNDATION, INC., IN CONNECTION WITH THE ISSUANCE BY CACHE COUNTY OF ITS BUSINESS DEVELOPMENT REVENUE REFUNDING BONDS TO REFINANCE THE COSTS OF THE EXPANSION OF THE EXISTING BUILDING AND THE FURNISHING AND EQUIPPING OF SUCH BUILDING FOR USE AS A REHABILITATION FACILITY (THE "PROJECT");; AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF AGREEMENT BY AND BETWEEN CACHE COUNTY AND SUNSHINE TERRACE FOUNDATION, INC. WITH RESPECT TO REFINANCING THE PROJECT; AND RELATED MATTERS.

WHEREAS, Cache County, Utah (the "Issuer") is authorized and empowered by the provisions of the Utah Industrial Facilities and Development Act, Chapter 17, Title 11, Utah Code Annotated 1953, as amended (the "Act"), to issue revenue bonds for the purpose of protecting and promoting the health, welfare and safety of the citizens of the Issuer and the State of Utah (the "State") by assisting entities to finance, acquire, own, or lease a project for such purposes; and

WHEREAS, there has been presented to the Issuer at this meeting a request from Sunshine Terrace Foundation, Inc. (the "Borrower") asking the County to adopt a resolution authorizing the issuance and sale of the County's Business Development Revenue Refunding Bonds, Series 2016 (Sunshine Foundation, Inc. Project) (the "Bonds"), the proceeds of which will be used to refund the County's outstanding Business Development Revenue Bonds, Series 2006 (Sunshine Foundation, Inc. Project) (the "Refunded Bonds") originally issued by the County to finance the construction of an expansion to the existing rehabilitation facility and the improvement, equipping and furnishing of the rehabilitation facility expansion to be located in Cache County, Utah, and to be owned by the Borrower; and

WHEREAS, it has been represented to the Issuer that the Borrower is financially responsible to assume all obligations in connection with the refinancing of the Project, and is engaged in business activities that will protect and promote the health, welfare and safety of the citizens of the State; and

WHEREAS, it is considered essential that the refunding of the Refunded Bonds be initiated at the earliest practicable date, but, at the same time, the Borrower needs assurances from the Issuer that when the applicable conditions are met, the Bonds will be issued to pay the costs of refinancing the Project; and

WHEREAS, the Issuer considers that the refunding of the Refunded Bonds and the refinancing of the Project for the Borrower will promote and further the purposes of the Act and the public purposes of the Issuer.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Cache County, Utah as the governing body of the Issuer, as follows:

Section 1. The refunding of the Refunded Bonds which were previously issued for the acquisition, construction, improvement, equipping and furnishing of the Project and the refinancing thereof by the Issuer, through the issuance of business development revenue refunding bonds pursuant to the Act, will protect and promote the health, welfare and safety of the citizens of the State and the Issuer, and thereby serve the public purposes of the Act.

Section 2. In order to refinance the Project consistent with the Memorandum of Agreement (the "Memorandum") attached hereto and made part hereof and identified as Exhibit A, with the resulting public benefits which will flow from the operation thereof, the Issuer will issue and sell the Bonds pursuant to the provisions of the Act in a principal amount sufficient to pay all or a portion of the cost of refinancing the Project, together with costs incident to the authorization, sale and issuance of the Bonds (to the extent permitted by law) which cost of authorization, sale and issuance of the Bonds are presently estimated not to exceed \$3,000,000.

Section 3. The Issuer will (i) issue the Bonds in an amount not exceeding \$3,000,000 with the particular amount, maturities, fixed or variable interest rates, redemption terms and other terms and provisions to be determined by a further resolution of the Issuer; (ii) loan the Bond proceeds to the Borrower or otherwise refinance the Project for the Borrower, pursuant to an agreement by and between the Issuer and the Borrower whereby the Borrower will be obligated, among other things, to make payments to the Issuer in amounts and at times so that such payments will be adequate to pay the principal of and premium, if any, and interest on all of the Bonds being issued to refinance the Project; and (iii) require the Borrower to secure the Bonds in such manner as the Issuer and the Borrower deem appropriate. The Issuer will not and cannot pledge its credit or taxing power for the payment of the Bonds or the refinancing of the Project.

Section 4. The proceeds of the Bonds will be used to refinance the Project and to pay the costs incident to the authorization, sale and issuance, in one or more issues or series, of the Bonds.

Section 5. The Issuer will enter into a loan agreement with the Borrower to refinance the Project as more fully described in the Memorandum. The form and substance of the proposed Memorandum (in substantially the form presented to this meeting) by and between the Issuer and the Borrower setting forth the undertakings of the Issuer and the Borrower with respect to the issuance of the Bonds. The County Executive of the Issuer is hereby authorized on behalf of the Issuer, to execute and deliver the Memorandum and the County Clerk of the Issuer is hereby authorized to affix the seal of the Issuer thereto and to attest the same, in substantially the form thereof presented to this

meeting, with such changes in terms and form as the County Executive of the Issuer shall approve. The execution thereof by the County Executive of the Issuer shall constitute conclusive evidence of the approval.

Section 6. The officers, employees and agents of the Issuer are hereby authorized to work with the Borrower and others to prepare, for submission to the Issuer, all documents necessary to effect the authorization, issuance and sale of the Bonds.

Section 7. In accordance with provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, the County Clerk is hereby authorized to publish one (1) time in The Herald Journal, a newspaper of general circulation within the County, a “Notice of Public Hearing” at least fourteen (14) days prior to the hearing date set forth in said Notice, and the Council will meet in public session to receive public comment on the proposed issuance of Bonds.

Section 8. The County Executive and the County Clerk are hereby authorized and directed to distribute copies of this resolution and the Memorandum to the Borrower and to do such further things or perform such acts as may be necessary or convenient to implement the provisions thereof.

Section 9. This resolution shall take effect immediately upon its approval and adoption by the Council.

PASSED, APPROVED AND ADOPTED by the County Council of Cache County, Utah this October 25, 2016.

(SEAL)

Gregory Merrill, Council Chairman

ATTEST:

Jill N. Zollinger, County Clerk / Auditor

STATE OF UTAH)
 : ss.
COUNTY OF CACHE)

I, Jill N. Zollinger, the duly qualified and acting County Clerk / Auditor of Cache County, Utah (the "Issuer"), do hereby certify according to the records of the Issuer's County Council (the "Council") in my possession that the foregoing constitutes a true, correct and complete copy of the minutes of the regular meeting of the Council held on October 25, 2016 as it pertains to a resolution (the "Resolution") adopted by the Council at said meeting, as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer this October 25, 2016.

Jill N. Zollinger, County Clerk / Auditor

(SEAL)

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Jill N. Zollinger, the duly qualified and acting County Clerk / Auditor of Cache County, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the October 25, 2016 public meeting held by the Issuer as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Issuer's principal offices on October __, 2016, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting.

(b) By causing a Notice, in the form attached hereto as Schedule 1, to be delivered to The Herald Journal, a newspaper of general circulation within the Issuer, on October __, 2016, at least twenty-four (24) hours prior to the convening of the meeting, and to each local media correspondent requesting notice of the Council's meetings.

In addition, notice of the Council's 2016 annual meeting schedule has been posted at the office of the Council and provided to local media correspondents as provided by law.

IN WITNESS WHEREOF, I have hereunto subscribed my signature this October 25, 2016.

Jill N. Zollinger, County Clerk / Auditor

(SEAL)

SCHEDULE 1

NOTICE OF MEETING

EXHIBIT A

MEMORANDUM OF AGREEMENT

RESOLUTION NO. 2016-25

CACHE COUNTY, UTAH

BAIR AGRICULTURE PROTECTION AREAS

THE MODIFICATION AND APPROVAL OF TWO AGRICULTURE PROTECTION AREAS

WHEREAS, County Code §2.70 and Utah Code Annotated (UCA) §17-41-305 establish the requirements for petitions and the consideration of petitions for agriculture protection areas by the County Legislative Body (the “Council”), and;

WHEREAS, the Council caused that notice of the petition for the proposed Bair Agriculture Protection Areas was provided, and;

WHEREAS, pursuant to the said code sections, the County’s Planning Commission (the “Commission”) and Agriculture Protection Advisory Board (the “Board”) shall provide to the Council, a recommendation to approve, modify and approve, or reject the proposed agriculture protection area, and;

WHEREAS, the Board has reviewed the request as per the state and county requirements and has provided a recommendation to approve the proposed Bair Agriculture Protection Areas, and;

WHEREAS, the Commission has reviewed the request as per the state and county requirements and has provided a recommendation to modify and approve the proposed Bair Agriculture Protection Areas, and;

WHEREAS, on October 25, 2016, at 5:30 P.M. the Council held a public hearing for the proposed Bair Agriculture Protection Areas which meeting was preceded by all required legal notice, and at which time all interested parties were given the opportunity to provide written or oral comment, and;

WHEREAS, after careful consideration of the recommendations of the Board, the Commission, and comments at the public hearing and other public meetings where the proposed Bair Agriculture Protection Areas were discussed;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby modifies and approves the proposed Bair Agriculture Protection Areas based on the included Findings of Fact, Conclusion, and Conditions (Exhibit A) with the following resolution:

2016-25 Bair Agriculture Protection Areas

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.

APPROVED AND ADOPTED this 25th day of October, 2016.

	In Favor	Against	Abstained	Absent
Potter				
Erickson				
White				
Merrill				
Robison				
Yeates				
Zilles				
Total				

CACHE COUNTY COUNCIL

ATTEST:

Greg Merrill, Chair
Cache County Council

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.



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | COUNTYWIDE PLANNING | ENGINEERING | GIS | PLANNING & ZONING

STAFF REPORT: ROBERT & NELDA BAIR AG. PROTECTION AREAS

25 October 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: Nelda Bair

Parcel ID#: Multiple - See Exhibit A-1

Staff Determination: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

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 2 distinct areas. These areas are described and addressed individually in the attached Exhibit B.

CONDITIONS

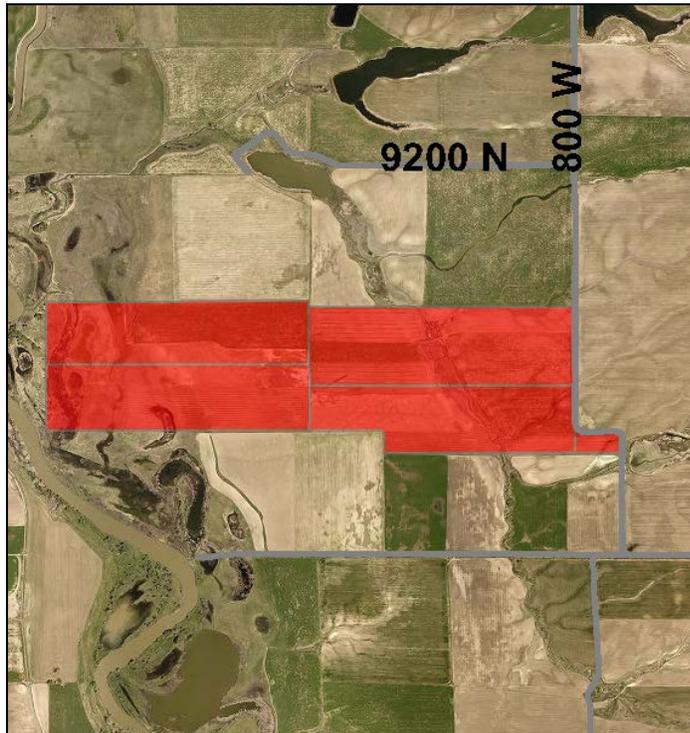
The Robert and Nelda Bair Agriculture Protection Areas must not include any portion of the 66 foot wide Cache County rights-of-way, reflecting 33 feet of each side from the existing center line, for any county roads as identified in Exhibit B.

CONCLUSION

The proposed Robert and Nelda Bair 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 are hereby approved. This conclusion is based on the findings of fact and conditions.



Area 1: Robert Bair Agriculture Protection Area – 169.1 Acres



Existing Zone:
Agricultural (A10)

Parcels (5):
08-010-0007
08-011-0009
08-011-0010
08-011-0014
08-011-0015

Findings of Fact:

1. County road 800 West borders the proposed Robert Bair Agriculture Protection 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?* Growth of wheat, barley, alfalfa, and other crops or pasture for cattle.
 - 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: Nelda Bair Agriculture Protection Area – 52.74 Acres



Existing Zone:
Agricultural (A10)

Parcels (7):
08-003-0007
08-003-0008
08-003-0009
08-003-0010
08-003-0014
08-003-0016
08-003-0017

Findings of Fact:

1. County road 9300/9400 North bisects the proposed Nelda Bair Agriculture Protection 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?* Growth of wheat, barley, alfalfa, and other crops or pasture for cattle.
 - 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.

STAFF REPORT: LITTLE BEAR FIELD SUBDIVISION

Date: 6 October 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: Kyler Archibald

Parcel ID#: 11-084-0009

Staff Determination: Approval with Conditions

11-084-0024

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by Chris Harrild

Project Address:

4341 South 3600 West
Northeast of Wellsville, UT

Current Zoning:

Agricultural (A10)

Acres: 6.19

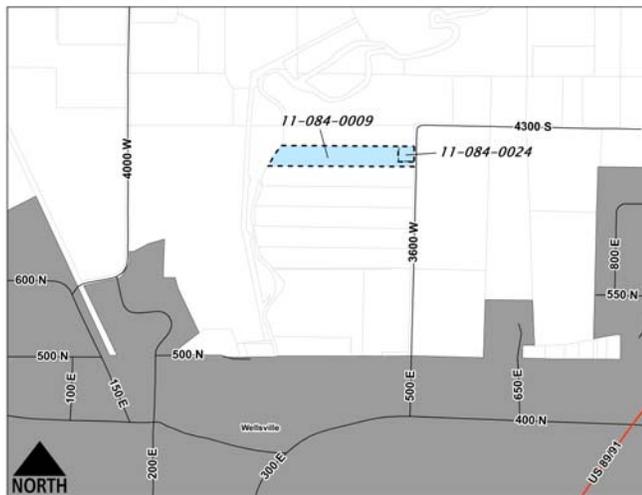
Surrounding Uses:

North – Agricultural

South – Agricultural

East – Agricultural

West – Little Bear River/Ag./Residential



FINDINGS OF FACT (33)

Summary

1. The Little Bear Field Subdivision is a request for a Single Lot Subdivision with an agricultural remainder.

Ordinance—§12.02.010; §16.02.080, §17.02.060, §17.07.040, §17.10.040

2. As per §17.02.060, Establishment of Land Use Authority, the Director of Development Services or designee is authorized to act as the Land Use Authority for single lot subdivisions. *See conclusion #1.*
3. The parent parcel 11-084-0009 was a legal lot, identified as a 1970 parcel as per the “Policy for Determination of Parcel Legality” dated 29 August 2013.

4. The division of parcel 11-084-0024 from 11-084-0009 in 2015 without Land Use Authority approval restricts both parcels from non-agricultural development. If approved and recorded, this subdivision would remove the existing restriction from these parcels.
5. The proposed subdivision consists of a single 0.50 acre lot with a 5.405 acre agricultural remainder.
6. The proposed subdivision qualifies as a Single Lot Subdivision and is not required to meet the minimum density in the Agricultural (A10) Zone of one unit per ten acres if created from an existing legal lot.
7. For parcels identified as agricultural remainders, a deed restriction stating that the remainder is non-buildable except for agricultural structures is required to be recorded against said parcel. **See condition #2.**
8. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

Access—§16.04.040 [A], §16.04.080 [E], Road Manual, Resolution 2015-20

9. The Cache County Manual of Roadway Design and Construction Standards (Road Manual) specifies the following:
 - a. Rural Road: Roads with up to 30 Average Daily Trips (ADT). This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences and may not provide access to proposed commercial or industrial development.
 - b. Rural roads must meet the minimum standards of a 66' wide right-of-way, two 10' wide gravel travel lanes with 2' wide gravel shoulders for a total width of 24'.
 - c. 2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. 2.4-A-3-b:
 - i. The proponent must improve the travel lanes of the roadways providing access to the development to the minimum standards identified in Table 2.2 – Roadway Typical Sections.
 - ii. At a minimum, improvement of the shoulder and clear zone is required for the immediate frontage of the developing parcel. Based on traffic volume and site/safety considerations, the County may require that shoulder and clear zone improvements are completed on both sides of the affected roadway.
 - e. The minimum structural composition for gravel roads requires 14" depth of granular borrow and 6" depth of road base.**See conditions #2 and #3.**
10. The proposed Lot 1 and Agricultural Remainder would gain access from county road 3600 West:
 - a. 3600 West currently provides access to one dwelling and numerous agricultural parcels.
 - b. 3600 West consists of an average 14' wide gravel width and a 33' wide right-of-way.
 - c. 3600 West is bordered by telephone poles on the west and by irrigation canals on the east and west, and these structures are located in such a way that the widening of 3600 West would impact these structures.
 - d. At this location the county does not provide adequate winter maintenance on 3600 West for a single family dwelling, and Council extension of maintenance services for ~1,000 feet on 3600 West would be required.
 - e. The proponent has not requested extension of county maintenance to the proposed lot.**See conditions #3 and #4.**

11. The county is not expanding winter maintenance activities, paving existing gravel roads, or accepting new gravel or paved roads unless doing so would improve the health and/or safety of existing subdivisions, homes, or businesses at the discretion of the County Council as per County Council Resolution 2015-20. *See conditions #3 and #4.*
12. Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information.

Water & Septic—§16.040.0070, §16.04.080 [A] & [B]

13. The applicant has one approved, domestic-use water right in place.
14. Bear River Health Department has determined that septic systems are feasible for Lot 1.
15. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required. *See condition #5.*

Service Provision—§16.04.080 [C], [D], [F]

16. Logan City Environmental has identified that residential refuse and recycling containers for the proposed lots must be placed on the corner of 400 North 500 East (3600 West) in Wellsville.
17. School bus service would be provided through a stop at 4700 South 3600 West.
18. The County Fire District requires a minimum 20' wide all weather surface for emergency access.
19. Water supply for fire suppression would be provided by the Wellsville Fire Department.

Sensitive Areas—§17.17, §17.18.040, §17.18.060

20. Portions of the proposed Agricultural Remainder are within the FEMA floodplain for the Little Bear River.
21. A floodplain permit is required for any development within the FEMA floodplain, and an elevation certificate showing 1' of freeboard is required for any development within 100' of the floodplain.
22. Portions of the proposed Agricultural Remainder contain areas identified as wetlands in the U.S. Fish and Wildlife Service.
23. Full wetland delineation may be required for development on or near identified wetland areas.
24. The entire proposed subdivision is within a Moderate to High liquefaction risk area.
25. A geotechnical report conforming to §17.18.060 is required for development in areas of Moderate to High liquefaction risk. *See condition #6.*
26. The proposed subdivision is within 300 feet of an Agriculture Protection Area as defined by State of Utah Code.
27. A note, as specified in the County Code, referencing the Agriculture Protection Area must be included on the subdivision plat. The County Code also requires that a certificate stating the same be recorded against the property. *See condition #7.*

Public Notice and Comment—§17.02.040

28. Public notice was posted online to the Utah Public Notice Website on 22 September 2016.
29. Notice was published in the Herald Journal on 25 September 2016.
30. Notices were posted in three public places on 22 September 2016.
31. Notices were mailed to all property owners within 300 feet of the subject property on 22 September 2016.
32. Wellsville City was noticed by e-mail as part of the development review process on 12 September 2016.
33. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (7)

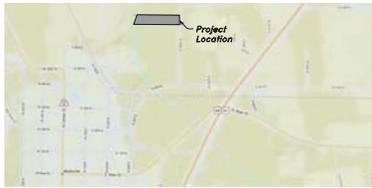
These conditions are based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact (F) as noted herein.

1. Prior to recording the final plat, a deed restriction stating that “the remainder is non-buildable except for agricultural structures” must be recorded against the parcel identified as an Agricultural Remainder. *See F-7.*
2. Prior to recording the final plat, the applicant must reaffirm their 33-foot portion of Cache County’s 66-foot wide right-of-way for all county roads along the proposed subdivision boundary. *See F-9.*
3. Prior to recording the final plat, the proponent must improve their portion of 3600 West to meet the minimum county requirements for a Rural Road. 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, and base preparation and construction. Fees for any engineering plan and construction review must be borne by the proponent. *See F-9, 10.*
4. Prior to recording the plat, the proponent must submit a request for extension of county maintenance to the proposed lot in order to obtain an exception to County Council Resolution 2015-20, and thereby extend maintenance services on 3600 West. *See F-10, 11.*
5. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required. *See F-15.*
6. Prior to recording the final plat, a geotechnical report addressing liquefaction and conforming to County Land Use Ordinance §17.18.060 must be submitted to the Development Services Office. *See F-24, 25.*
7. Prior to recording the plat, a note, as specified in the County Code, referencing the Agriculture Protection Area must be included on the subdivision plat, and a certificate stating the same must be recorded against the property. *See F-27.*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Little Bear Field Subdivision is hereby approved as follows:

1. The Director of Development Services hereby designates the County Council as the Land Use Authority for the Little Bear Field Subdivision application. *See F-2.*
2. It has been reviewed in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.



VICINITY MAP

Little Bear Field Subdivision

Wellsville, Cache County, Utah
A Part of the North Half of Section 35,
Township 11 North, Range 1 West, Salt Lake Base & Meridian

SURVEYOR'S CERTIFICATE

I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, as prescribed under the laws of the State of Utah, I further certify that by 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 of land hereafter to be known as Little Bear Field Subdivision and the same had been correctly surveyed and all streets are the dimensions shown.

SUBDIVISION BOUNDARY

A Part of the North Half of Section 35, Township 11 North, Range 1 West of the Salt Lake Base and Meridian

Beginning at a Point Located 1777.71 Feet North 00°09'56" East (1794.54 Feet North By Record) and 171.73 Feet South 89°33'30" East (193.38 Feet East By Record) from the Southeast Corner of the Northwest Quarter of said Section and Running Thence North 89°33'30" West 1326.57 Feet (West 1226.28 Feet By Record) to the Center Line of the Little Bear River; Thence Along said Center Line the Following Two (2) Courses: (1) North 12°32'13" East 138.80 Feet; (2) North 35°01'00" East 87.60 Feet; Thence South 89°35'23" East 1320.80 Feet (East 1251.36 Feet By Record); Thence South 01°29'57" West 192.23 Feet (South 193.38 Feet By Record) to the Point of Beginning, Containing 6.000 Acres.



Clinton G. Hansen
P.L.S. No. 7881387

OWNER'S DEDICATION

Know all men by these presents that we the undersigned owners of the tract of land depicted and described herein, having caused the same to be subdivided into lots and streets (as herein), the whole to be hereinafter known as the Little Bear Field Subdivision. Further we dedicate and/or quit claim as appropriate the portion of property of [11-084-0009] that lies within 55 feet of the center line of the existing right-of-way, and as shown on this plat, to cache county, for the use of the public forever, and hereby grant to the county the right to make any and all improvements for the construction, maintenance, and repair of said roadway.

Kirt Archibald Date Kim Archibald Date Kyler Archibald Date

ACKNOWLEDGMENT

State of Utah
County of _____
On this _____ day of _____, 2016, Kirt and Kim Archibald, Husband and Wife as Joint Tenants, Personally Appeared before me, the Undersigned Notary Public in and for said County, in the State of Utah, the Signers of the Attached Owners Dedication, two in Number, who duly Acknowledged to me they Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

ACKNOWLEDGMENT

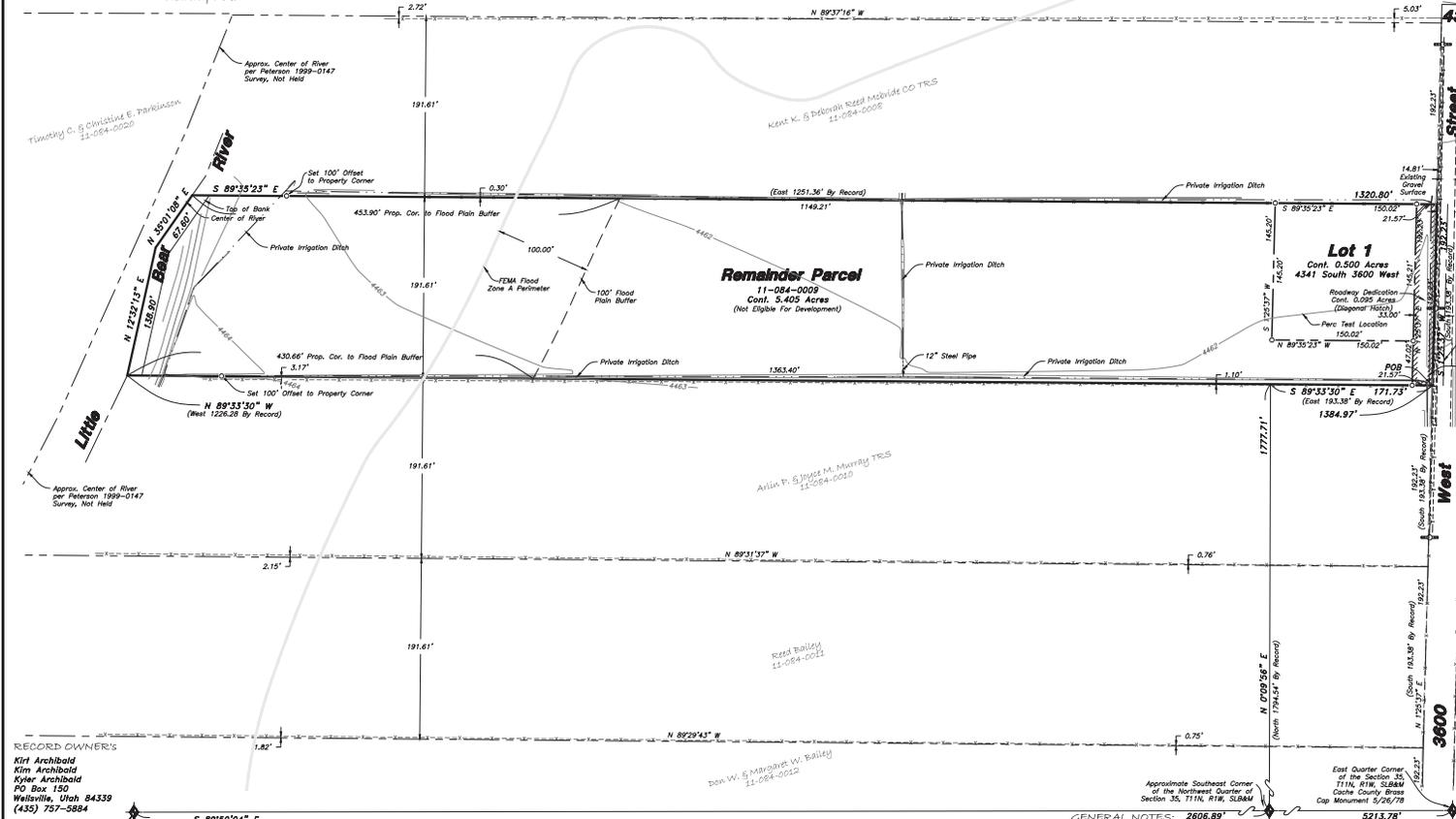
State of Utah
County of _____
On this _____ day of _____, 20____, Kyler Archibald Personally Appeared before me, the Undersigned Notary Public in and for said County and State, the Signer of the Attached Owners Dedication, who duly Acknowledged to me he Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

ACKNOWLEDGMENT

State of Utah
County of _____
On this _____ day of _____, 20____, Kyler Archibald Personally Appeared before me, the Undersigned Notary Public in and for said County and State, the Signer of the Attached Owners Dedication, who duly Acknowledged to me he Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.



- Subdivision Boundary Line
- Lot Line
- Adjoining property Line
- Existing Overhead Power
- Existing Buried Communications Line
- Fence Line
- Edge of Gravel
- Power Pole
- Section Corner
- Found Survey Point
- Set 5/8" by 24" Rebar With Cap



RECORD OWNERS:
Kirt Archibald
Kim Archibald
Kyler Archibald
PO Box 150
Wellsville, Utah 84339
(435) 757-5884

NARRATIVE

The Purpose of this Survey was to create a buildable Lot along 3600 West as shown and Described Herein. This Survey was Ordered by Kyrer Archibald. The Control used to Establish the Property Corners was the existing survey monumentation within Section 35, Township 11 North, Range 1 West, Salt Lake Base and Meridian. The Parcels on the West side of 3600 West were proportioned to distribute the shortage both along the frontage and the back as shown herein. The basis of bearings is a line from the East Quarter Corner of said Section to the West Quarter Corner of said Section which bears South 89°50'04" East, Utah North, State Plane NAD83(2011) Calculated Bearing.

BEAR RIVER HEALTH DEPARTMENT APPROVAL

This subdivision described in this plat has been approved by the Bear River Health Department on the _____ day of _____, A.D., 20____.

COUNTY PLANNING COMMISSION

This plat recommended for approval by the Cache County Planning Commission this _____ day of _____, A.D., 20____.

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I certify that I have had this plat examined and find that it is 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.

COUNTY COUNCIL APPROVAL

Approved & Accepted by the Cache County Council, this _____ day of _____, A.D., 20____.

- ### GENERAL NOTES:
- A. Cullinary Water Note:** Cullinary Water: Cache County has not determined the availability or adequacy of cullinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved cullinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of a building permit.
 - B. Storm Water Drainage Note:** 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.)
 - C. Agricultural Note:** Agricultural Uses: Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone and Forest Recreation Zone.
 - D. Wetland Note:** The entirety of the subdivision is located within an area with moderate to high liquefaction potential.
 - E. Wetland areas may be present on the agricultural remainder. Additional development of this property may require a full wetland delineation.**
 - F. 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 circumstances related to land use which may result from such normal agricultural uses and activities.

ADVANCED LAND SURVEYING INC.
1770 Research Park Way #11
Logan Utah 84341
(p) 435-770-1985 (f) 435-514-5883
www.advancedsi.com

Cache County Attorney _____ Date _____ Deputy County Surveyor _____ Date _____ Chairman _____ County Clerk _____

COUNTY RECORDER

This plat has been duly acknowledged, certified, and approved and may lawfully be recorded in Cache County, Utah.

Filed and Recorded:
Filing No.: _____
Date: _____
Time: _____
Book: _____
Page: _____
Request of: _____
Cache County Recorder

14 **#6 Little Bear Field Subdivision**
15

16 **Harrild** reviewed a request for a recommendation of approval to the County Council for a one-
17 lot subdivision with an agricultural remainder on 6.00 acres of property at 4341 South 3600
18 West, northeast of Wellsville, in the Agricultural (A10) Zone. This project was previously denied
19 by the County Council and this is a new application. Previously there were issues with county
20 maintenance. The current staff report is built for approval so the County Council, if they desire,
21 would be able to extend service for this subdivision. For a single family home in this location a
22 gravel road is all that is required; 20 feet of gravel with 2 feet of shoulders for a total width of 24
23 feet. The current road averages around 14 feet; typically when roads are reviewed completed the
24 inspector looks for narrow points and identifies those. This is an average width for the road.
25 There are telephone poles to the west and irrigation canals on the east and west sides; road
26 improvements will be required. Either the telephone poles are going to need to be removed or the
27 irrigation canals moved and re-established. There is not adequate maintenance for a single family
28 home; the Council will have to extend maintenance. There are no other significant concerns;
29 there is flood plain on the west side of the property. And areas of liquefaction within the
30 boundaries of Lot #1 and will therefore require a geotechnical report be completed. There is an
31 Agricultural Protection Area next to this and that will need to be noted on the plat. The main
32 issue is tied to the road and access and the extension of maintenance for the road. The road
33 improvements may require them to acquire additional property and right of way for the road
34 because the existing right of way is only ~33 feet wide.
35

36 **Joe Chambers** in talking with Mr. Archibald, he indicated he was not sent a copy of the staff
37 report. It was supposed to have to been sent out by email. Our main concern is, as we look into
38 this and took the county and asked them to sit down with Ombudsman's office about this, the
39 maintenance on that road is actually done all the way down 4300 south. It is a low priority road
40 they indicate if there is a snow removal, they clear it all the way down to the first house to the
41 east, and then when they find time they push the snow all the way down 4300 to clear the fields
42 for the farmers that have cows down that. I don't know where staff gets that information from.
43 As for the liquefaction, I was told it was waived on the first go around with this so we aren't sure
44 where that is coming from. This just seems to be condition after condition to be met. There is
45 some frustration on it. I haven't seen the staff report so I don't know how to address the
46 conditions.

1 **Harrild** the first thing we should identify, the previous application that came through was for
2 denial so conditions would not have been prepared. It just isn't part of that process. So when it
3 comes through and is prepared for approval, then those conditions are provided. That's why they
4 wouldn't have had the discussion about the geotechnical portion because there was a denial
5 issued and not an approval. There must be a miscommunication or mix up on the notice because
6 the staff report was emailed and hard copy mailed to the applicant. With the email, we get an
7 email back stating that it failed to send. We received no such email. We can check to see why
8 there was an issue if the Commission would like.

9
10 **Adams** the staff report was both mailed and emailed September 29th, last Thursday.

11
12 **Harrild** we can clarify that with the applicant. I agree it's hard to come to a meeting and not be
13 aware of anything that has been prepared. I understand that concern but we did act accordingly
14 and we would like to clarify that with them.

15
16 **Mr. Chambers** I didn't mean to imply anything wrong because we didn't get it.

17
18 **Harrild** we understand that, we just want make sure there isn't an address wrong.

19
20 **Mr. Chambers** I don't want to imply anything improper.

21
22 **Harrild** we just want to validate that and I understand that concern. We aren't trying to set this
23 up as a number of conditions that have to be met; these are fairly typically requirements.

24
25 **Christensen** in requiring the road widening, there are at least five or six parcels that are probably
26 all separate owners, so we are saying that the road would not have to be widened or upgraded in
27 front of their parcels but just the applicant's?

28
29 **Staff and Commission** discussed the road improvement requirements. The road standard states
30 that the travel lanes have to be widened and that in front of the applicant's property the shoulder
31 be improved. The Council can also require that those improvements be extended the whole way
32 back. Typically it has to be at least the two travel lane's and the applicant's frontage for the
33 shoulder.

34
35 **Tyler Archibald** for the extension of the road maintenance it's going down 3600 west to that
36 home on the east which is about half way from the main road. They don't stop there they go all
37 the way to the corner and go down 4300 south because they cannot turn around at that residence.

38
39 **Runhaar** we are recommending that they approved this, are you arguing against it?

40
41 **Mr. Archibald** you are recommending that they do what?

42
43 **Runhaar** that they extend the services and push the whole thing. The snow plow is a tertiary
44 priority, which means that it may be up to 3 days after a snow event because the snow plow will
45 sink if it isn't frozen solid. Which means that then it has to be a grader which could take up to 5
46 to 7 days before it's down. You won't be happy with that and if there is an emergency the fire

1 department won't be happy with that. We are saying if the road is improved and a turnaround up
2 at the top, the snow can be pushed all the way up and down.

3
4 **Mr. Archibald** so is that going to be a significant amount of maintenance for a single family
5 home?

6
7 **Runhaar** probably not. It will increase maintenance a little bit; you will get a grader once a year.
8 If it washboards or ruts after that, you won't see a grader for several months.

9
10 **Mr. Archibald** it was graded three times last year.

11
12 **Sands** it's what's on the plan versus what the operator decides to do.

13
14 **Runhaar** it will also depend on some other things. There were some roads in that area that had
15 issues where it was damaged and we had to re-grade a lot of the roads in the area but the standard
16 on a road like that would be grading once a year in the summer. In the winter time, if we can't
17 get a snow plow on it a grader will have to come through and it will become a priority with a
18 home on it.

19
20 **Sands** the other thing to note is that this is just a recommendation to the Council and they are the
21 ones that have the final say.

22
23 **Mr. Chambers** the last time this came around, one of the solutions we had proposed to the
24 County at the Ombudsmen office was he went out and researched what it would cost for him, as
25 a private citizen, to have a construction company come and clear the snow if the county couldn't
26 do it. He was willing to put up a bond to cover that cost and the blowback we received from the
27 Planning Office was that there was not a procedure to put up a bond that fit into the process or a
28 way to assess something on the taxes for that. I know the solution you have is totally different
29 but I simple say to add some context for seriously he has been working on this and to move his
30 family. I think this is a good solution, thank you.

31
32 **Gunnell** based on what you said, you are fine if we move through with this even though they
33 didn't have the notice? Are you okay moving on it?

34
35 **Mr. Chambers** I don't see any problems; those are the requirements so I think those conditions
36 are what we have to meet.

37
38 **Gunnell** motioned to recommend approval of the Little Bear Field Subdivision to the County
39 Council with the findings of fact, conditions, and conclusions; **Christensen** seconded; **Passed 4,**
40 **0.**

41

STAFF REPORT: HAWK'S RIDGE SUBDIVISION

Date: 6 October 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: Dave Griffin

Parcel ID#: 12-021-0008

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

6750 West 2000 North
Petersboro, UT

Current Zoning:

Agricultural (A10)

Acres: 87.38

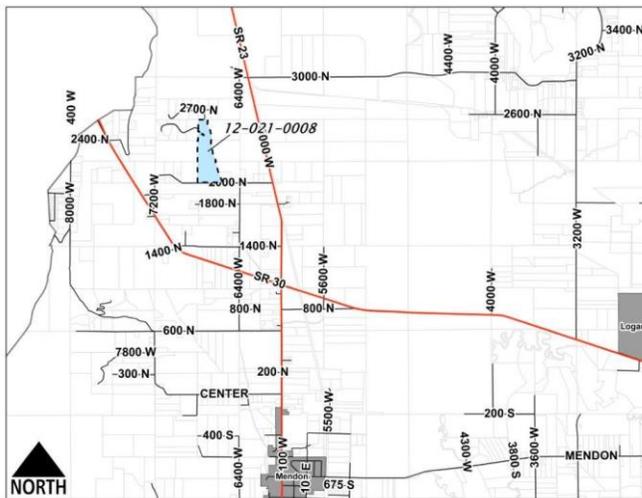
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



SUMMARY

The Hawk's Ridge Subdivision is a request to create 11 residential lots out of the existing 87.38-acre parcel 12-021-0008. These lots will gain access from an existing private road.

FINDINGS OF FACT (22)

Ordinance—17.02.060 17.07.040, 17.10.030 [A]

1. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
2. Parcel 12-021-0008 is considered a 1970 parcel as per the Policy for Determination of Parcel Legality dated 29 August 2013.

3. As a 1970 parcel, the first three lots may be divided at a density of one unit per two acres while subsequent lots may be divided at one unit per ten acres. This results in a maximum development density potential of 11 developable lots on 87.38 acres.
4. If the County Council decides to adopt 6750 West as a public road, the area required for the public right-of-way is not counted when calculating the developable acreage, which may reduce the number of developable lots.

Access—16.04.040 [A], 16.04.080 [E], Manual of Roadway Design and Construction Standards

5. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements for any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
6. Table A-8 sets the minimum structural requirements for paved roads as 2.5 inches of asphalt, 6 inches of road base, and 14 inches of pit run.
7. The current condition of county road 2000 North is as follows:
 - a. Access to Lot 1 is proposed to be from 2000 North, which serves multiple subdivisions and other dwellings.
 - b. 2000 North consists of a 22-foot-wide paved width with 1-foot-wide gravel shoulders.
 - c. The county provides summer and winter maintenance on 2000 North.
8. The current condition of private road 6750 West is as follows:
 - a. 6750 West was approved as a private road when the existing subdivisions were approved and platted in 2007, 2010, and 2011.
 - b. 6750 West currently provides access to 22 platted lots in the West Bench Vista, Eagle Rock, and Eagle Rock Phase 2 Subdivisions, two of which currently have dwellings.
 - c. 6750 West has a chipsealed width of 23 feet with one-foot-wide gravel/vegetated shoulders that does not meet the requirement for surface type.
 - d. The applicant has provided a core sample study of 6750 West that indicates the road structure is currently in adequate condition (Exhibit A).
 - e. The proposed subdivision plat identifies a 66-foot wide private road easement for 6750 West across portions of Lots 2 through 11.
 - f. Access to the proposed Lots 2 through 11 would be from 6750 West.
 - g. All lot owners are responsible for the construction, maintenance, and removal of snow on 6750 West. The county does not provide any road maintenance services on this road.
 - h. Specific plans for future maintenance of 6750 West have not yet been provided.
 - i. The County Road Manual does not contain standards for private roads serving more than three dwellings but instead classifies all such roads as public.
 - j. Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information.
9. The county is not accepting new public roadways unless doing so would improve the health and/or safety of existing subdivisions, homes, or businesses as per County Council Resolution 2015-20 (Exhibit A).

Water & Septic—16.040.0070, 16.04.080 [A] & [B]

10. The applicant has 11 unapproved domestic use water rights that are currently in the approval process.
11. Bear River Health Department has provided a septic system feasibility letter for all 11 lots.
12. If future development disturbs land area greater than 5,000 sf. a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan is required.

Service Provision—16.04.080 [C], [D], [F]

13. Residential refuse and recycling containers for Lot 1 must be placed on 2000 North. Shoulder improvements may be required to provide enough space for the containers to avoid interfering with passing traffic.
14. Residential refuse and recycling containers for Lots 2 through 11 must be placed on 6750 West. Shoulder improvements may be required to provide enough space for the containers to avoid interfering with passing traffic.
15. School bus service would be provided through a stop at 6750 West 2000 North.
16. 2000 North and 6750 West meet the requirements of the County Fire District.
17. Water supply for fire suppression would be provided by the Mendon Fire Department.

Public Notice and Comment—17.02.040

18. Public notice was posted online to the Utah Public Notice Website on 19 July 2016 and on 22 September 2016.
19. Notice was published in the Herald Journal on 24 July 2016 and on 25 September 2016.
20. Notices were posted in three public places on 19 July 2016 and on 22 September 2016.
21. Notices were mailed to all property owners within 300 feet of the subject property on 19 July 2016.
22. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (6)

These conditions are based on the Cache County Subdivision and Land Use Ordinances and on the findings of fact as noted herein.

1. Prior to final plat recordation, the applicant must reaffirm their 33-foot portion of Cache County's 66-foot wide right-of-way for all county roads along the proposed subdivision boundary.
2. Prior to final plat recordation, adequate, approved domestic-use water rights must be in place for all building lots within the subdivision.
3. The applicant must provide sufficient shoulder space on 2000 North for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
4. An encroachment permit must be obtained for any work, including access drives, within the Cache County right-of-way.
5. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.
6. A specific plan for future maintenance as required by the County Road Department must be prepared and recorded against the properties at the time the subdivision plat is recorded.

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Hawk's Ridge Subdivision is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.
2. A design exception for the private road 6750 West is hereby approved for the surfacing material type to reflect the previous improvement requirements because the private road would provide a level of service adequate for more than three homes.

RESOLUTION NO. 2015-20

CACHE COUNTY, UTAH

SERVICE PROVISION ON COUNTY ROADS

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

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

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

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

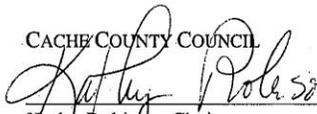
Whereas, there are nearly 200 miles of existing paved road in Cache County that can accommodate development with little to no impact on the County's ability to serve said development.

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

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

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

CACHE COUNTY COUNCIL


Kathy Robison, Chair
Cache County Council



ATTEST:

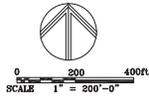

Jill Zollinger
Cache County Clerk

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

Exhibit B

Part of the Southwest Quarter of Section 18,
Township 12 North, Range 1 West
Salt Lake Baseline & Meridian
Cache County, Utah

NORTH



LEGEND

SECTION CORNER

QUARTER SECTION CORNER

SET REBAR w/ CAP LABELED
275617

SET 5/8" REBAR w/ CAP LABELED
PLS 275617 PREVIOUS SURVEY

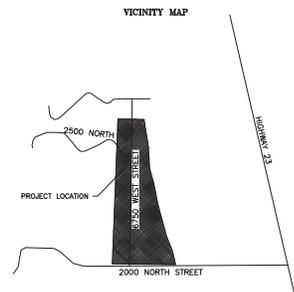
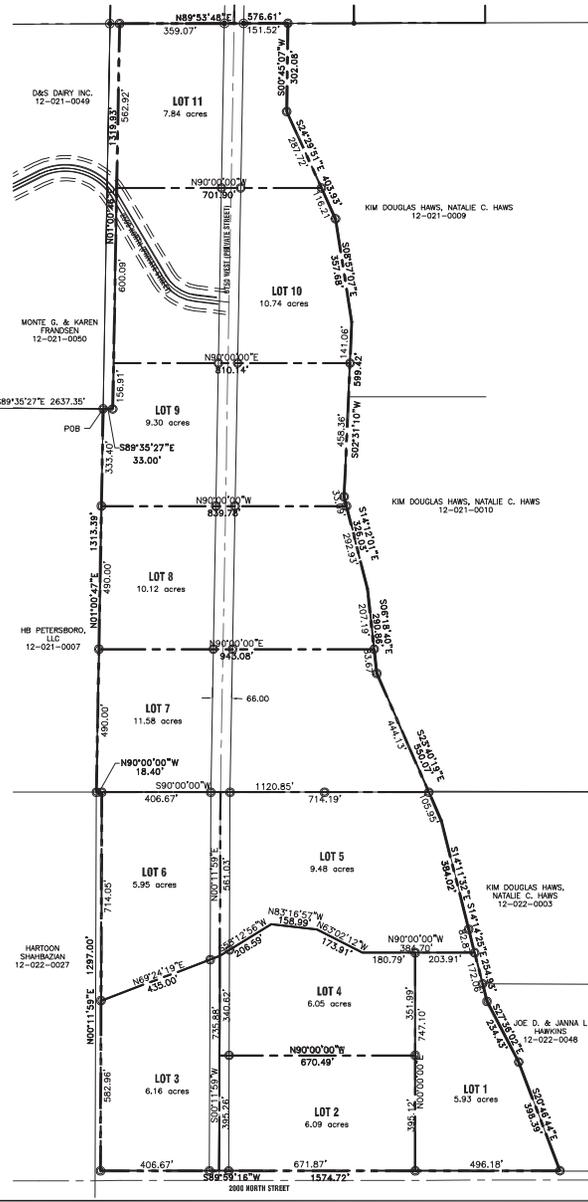
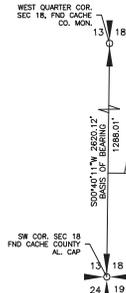
BOUNDARY LINE

ROAD CENTERLINE

EASEMENT

FENCE LINE

SETBACK



NOTES AND PROTECTIVE COVENANTS

- 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.
- 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.)
- Agricultural Uses: Current and future property owners must be aware that they will be subject to the rights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone and Forest Recreation Zone.
 - Setback: 30' Front Rear
 - 12' Side Setback
- Private roads:
 - The private interior road 2500 North and 6750 West is not dedicated to Cache County and no maintenance or snow removal will be provided by Cache County.
 - The private interior road 6750 West shall be used by all lots in this subdivision for access to the public road.
 - All lot owners of this subdivision are responsible for the construction, maintenance, and removal of snow on the private interior road 6750 West with required participation in a Homeowners' Association agreement covering these matters.
 - The private roads are also considered a public utility easement.

DIRECTOR OF DEVELOPMENT SERVICES

THIS PLAN WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY DIRECTOR OF DEVELOPMENT SERVICES ON THIS DAY OF 2016.

BY: DIRECTOR

DEPUTY COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED THIS PLAN AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THE COUNTY SURVEYOR'S OFFICE AND FURTHER THAT IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DATE DEPUTY COUNTY SURVEYOR

BEAR RIVER HEALTH DEPARTMENT APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAN HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS DAY OF 20.

BEAR RIVER HEALTH DEPARTMENT
BY: TITLE:

CACHE COUNTY ATTORNEY

I CERTIFY THAT I HAVE EXAMINED THIS PLAN AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE THIS DAY OF 20.

CACHE COUNTY ATTORNEY

SURVEYOR'S CERTIFICATE
I, Brian G. Lyon, a Registered Land Surveyor, hold Certificate No. 275617, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, which is accurately described therein, and have subdivided said tract of land into lots and private easements to be hereafter known as WEST BENCH VISTA 2, and that the same has been surveyed and staked on the ground as shown on this plat.



SURVEYOR'S NOTES/NARRATIVE

- The purpose of this survey was to subdivide Parcel 12-021-0008 record under Entry No. 664356. The survey was requested by David Griffin and Kim Haws.
- The basis of bearing is S 00°40'11" W from the West Quarter Corner of Section 18 to the Southwest Corner Section 18 as monumented this Cache County Surveyors Caps.
- 5/8" rebar to be set at all property corners.

SUBDIVISION BOUNDARY DESCRIPTIONS

Part of the Southwest Quarter of Section 18, Township 12 North, Range 1 West, Salt Lake Baseline and Meridian described as follows:
Commencing at the West Quarter Corner of Section 18, Township 12 North, Range 1 West, Salt Lake Baseline and Meridian monumented with a Cache County Monument thence S00°40'11"W 1288.01 feet along the west line of the Southwest Quarter of Section 18; thence S89°55'27"E 1300.53 feet along the south line of West Bench Vista to the Southwest Corner of Lot 1 West Bench Vista and the POINT OF BEGINNING and running
thence N 13°00'14" E 748.30 feet to the centerline of 2500 North Street; thence along said centerline the next five courses:
1) thence S 37°55'29" E 201.03 feet;
2) thence 274.68 feet along a curve to the left with a radius of 200.00 feet, a central angle of 78°41'22" and a chord that bears S77°16'10"E 253.59 feet;
3) thence N 63°23'09" E 624.41 feet;
4) thence 300.11 feet along a curve to the right with a radius 200.00 feet, a central angle of 85°58'30" and a chord that bears S73°57'54"E 272.74 feet;
5) thence S 30°38'21" E 6.50 feet;
thence S 01°00'46" W 721.85 feet to the south line of West Bench Vista; thence N 89°35'27" W 1349.82 feet along said south line to the point of beginning, containing 19.41 acres.

OWNERS 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, THE WHOLE TO BE HEREINAFTER KNOWN AS THE "WEST BENCH VISTA 2".

ACKNOWLEDGEMENT

THE UNDERSIGNED, BEING THE OWNER(S) OF RECORD SAID PARCEL OF LAND TO BE SUBDIVIDED,

STATE OF UTAH SS
COUNTY OF CACHE
ON THIS DAY OF 2016,

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF CACHE, IN SAID STATE OF UTAH, THE SIGNERS OF THE ATTACHED OWNER DEDICATION, IN NUMBERS WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSE THEREIN MENTIONED.

NOTARY PUBLIC

STATE OF UTAH)
COUNTY OF CACHE) SS
On this day of A.D., 2016, personally appeared before me, the undersigned notary public in and for said County of Cache in said State of Utah, and after being duly sworn, acknowledged to me that _____ of _____ corporation and that he/she signed it freely and voluntarily and in behalf of said corporation for the purpose therein mentioned.

Notary Public

COUNTY RECORDER

State of Utah, County of Cache, recorded and filed at the request of
Date Time Fee
Entry

Index
Filed In: File of plats County Recorder

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOCAL, UTAH 84321
allianceeng@westofcache.net



OWNERS
DAS DARY, INC.
P.O. Box 235
Newtown, Utah 84427
KIM DOUGLAS HAWS
P.O. Box 731
Newtown, Utah 84427

NO.	REVISION/SUBMISSIONS	DATE

WEST BENCH VISTA 2
Part of the Southwest Quarter of Section 18,
Township 12 North, Range 1 West
Salt Lake Baseline & Meridian
Cache County, Utah
DATE: MAY 3, 2016
DRAWING NO. 1
of 1

1 **05:43:00**

2
3 **Regular Action Items**

4
5 **#3 Munk Brothers Subdivision**

6
7 **Adams** reviewed a request for a recommendation of approval to the County Council for a three-
8 lot subdivision with an agricultural remainder on 54.77 acres of property at 5650 North 2000
9 West, Benson, in the Agricultural (A10) Zone.

10
11 **Louise Latham** I live off of 1700 west and I haven't seen a map so I have no idea where traffic
12 will be routed. Off of 1700 west the traffic can be scary at times. So I just wanted that
13 clarification.

14
15 **Adams** if you look at the map, the new lots are on the left hand corner of the map coming off of
16 2000 west. 1700 west is only an agriculture access for the agricultural remainder parcel.

17
18 **Gunnell** motioned to recommend approval of the Munk Brother's Subdivision to the County
19 Council with the findings of fact, conditions, and conclusions; **Christensen** seconded; **Passed 4,**
20 **0.**

21
22 **#4 Hawk's Ridge Subdivision**

23
24 **Adams** reviewed a request for a recommendation of approval to the County Council for an
25 eleven-lot subdivision on 87.38 acres of property at approximately 6750 West 2000 North,
26 Petersboro, in the Agricultural (A10) Zone. This was first looked at by the Commission in
27 August 2016. The main issue for the subdivision is the road. The road manual requires a paved
28 surface of 22 feet with 2 foot shoulders and there were some questions over private vs. public
29 also. The applicant has done a review of the road and test bore pits have been dug. The manual
30 requires a depth of 2 ½ inches of asphalt, 6 inches of road base, and 14 inches of pit run. The
31 road base is pretty substantial and the width is adequate as well as the structure of the road. The
32 applicant is still working on a solid plan for future maintenance. Condition #6 specifically deals
33 with future maintenance.

34
35 **Staff and Commission** discussed the road. Even though this is a private road, the Manual of
36 Roadway Design and Construction still applies. The main problem with private roads is
37 maintenance. This becomes a safety and service provision problem when the roads are not
38 maintained. Concerns regarding water were raised but the Commission can do nothing about
39 water because it has no authority there.

40
41 **Dave Griffin** I don't have any questions.

42
43 **Christensen** motioned to recommend approval of the Hawk's Ridge Subdivision to the County
44 Council with the findings of fact, conditions, and conclusions; **Gunnell** seconded; **Passed 4, 0.**

45
46 **05:51:00**

STAFF REPORT: MERIDIAN ACRES SUBDIVISION

Date: 25 October 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: Kirt Lindley

Parcel ID#: 01-061-0005

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

6100 South 2400 West
Southwest of Hyrum, UT

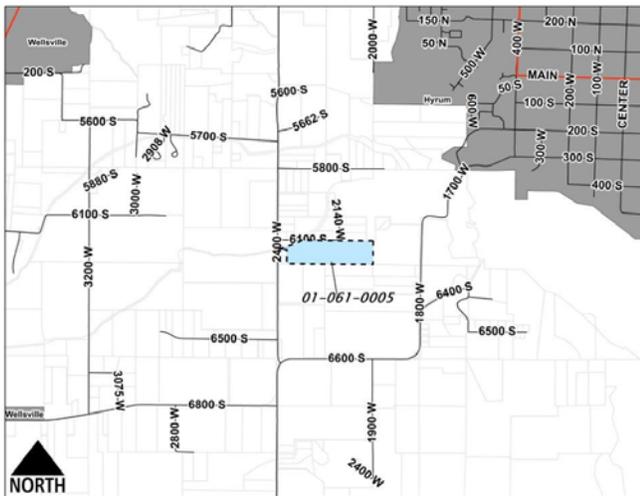
Current Zoning:

Agricultural (A10)

Acres: 35.43

Surrounding Uses:

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



SUMMARY

The Meridian Acres Subdivision is a request to create three residential lots and an agricultural remainder out of the existing 35.43-acre parcel 01-061-0005. These lots would gain access from private road 6100 South, which also provides access to the Sterling Country Estates and Wellsville View Estates Subdivisions via county road 2400 West. Portions of 6100 South are currently substandard.

FINDINGS OF FACT (30)

Ordinance—17.02.060, 17.07.040, 17.10.030 [A], 17.10.040

1. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
2. Parcel 01-061-0005 is considered a legal parcel as a result of the BS Acres Subdivision recorded on 26 December 2001.
3. Under the Agricultural (A10) Zone, lots may be divided at a development density of one unit per ten acres. This results in a maximum development density potential of three developable lots on 35.43 acres.
4. An Agricultural Remainder parcel does not count as a “lot” for development density but must meet the minimum size requirements of Utah Code §52-2-5 and must have a deed restriction recorded stating that the remainder is not buildable except for agricultural structures.
5. The proposed subdivision would have three lots and one Agricultural Remainder.
6. Lots must have a minimum frontage width of 90 feet.

Access—16.04.040 [A], 16.04.080 [E], Manual of Roadway Design and Construction Standards

7. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements of any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
8. Table A-8 sets the minimum structural requirements for paved roads at 2.5 inches of asphalt, 6 inches of road base, and 14 inches of pit run.
9. County road 2400 West consists of a 22-foot-wide paved width with 1-foot-wide gravel shoulders in 33-foot-wide right-of-way that covers the east side of the required 66-foot-wide right-of-way.
 - a. Access to private road 6100 South is from 2400 West, which serves multiple subdivisions and other dwellings.
 - b. The county provides summer and winter maintenance on 2400 West.
 - c. The structural base of 2400 West is unknown.
10. Private road 6100 South currently provides access to 9 platted lots in the East Meridian, Sterling Country Estates, and Wellsville View Estates Subdivisions, two of which currently have dwellings.
 - a. 6100 South was approved as a private road when the existing subdivisions were approved and platted in 2004 and 2010.
 - b. Access to the proposed lots and agricultural remainder would be from 6100 South.
 - c. 6100 South has an average 22-foot-wide chip seal surface with three-foot-wide gravel shoulders.
 - d. Localized portions of the existing chip seal surface has degraded/potholed.
 - e. 6100 South has a 50-foot-wide ingress/egress easement in favor of the applicant recorded on 9 January 2002. This easement is adjacent to the north border of the subject property.
 - f. 6100 South crosses the Wellsville Mendon Conservation District canal via culverts with a 28-foot-wide driving surface. No load limit has been identified for this crossing.
 - g. All lot owners are responsible for the construction, maintenance, and removal of snow on 6100 South. The county does not provide any road maintenance services on this road.
 - h. The existing structural road conditions, previous road maintenance, and detailed future maintenance plans are unknown at this time.

- i. As determined by the County Council, the County Road Manual classifies all roads serving more than three dwellings as public roads.
 - j. Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information.
11. The county is not accepting new roadways unless doing so would improve the health and/or safety of existing subdivisions, homes, or businesses as per County Council Resolution 2015-20 (Exhibit A).

Water & Septic—16.040.0070, 16.04.080 [A] & [B]

12. The applicant has three domestic-use water rights currently in the review process.
13. Bear River Health Department has provided a septic system feasibility letter for all three lots.
14. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.

Service Provision—16.04.080 [C], [D], [F]

15. Residential refuse and recycling containers for all lots must be placed on 2400 West.
16. The Logan City Environmental Department has expressed concerns about the ability to operate their trucks on 6100 South due to inadequate turnaround space and possible winter maintenance issues on the steep portions of the road.
17. School bus service will be provided through a stop at 6116 South 2400 West.
18. 2400 West and 6100 South meet the requirements of the County Fire District.
19. Water supply for fire suppression would be provided by the Hyrum Fire Department.

Sensitive Areas—17.18.040, 17.18.060

20. The property is bordered to the northwest by the Wellsville Mendon Conservation District Canal.
21. The entire parcel has been designated as an Agriculture Protection Area.
22. A note, as specified in the County Code, referencing the Agriculture Protection Area must be included on the subdivision plat. The County Code also requires that a certificate stating the same be recorded against the property
23. Initial county review has identified areas of Moderate Slopes on portions of the proposed agricultural remainder.
24. A geotechnical report conforming to §17.18.060 is required for development in areas with Moderate Slopes.

Public Notice and Comment—17.02.040

25. Public notice was posted online to the Utah Public Notice Website on 19 July 2016 and on 22 September 2016.
26. Notice was published in the Herald Journal on 24 July 2016 and on 25 September 2016.
27. Notices were posted in three public places on 19 July 2016 and on 22 September 2016.
28. Notices were mailed to all property owners within 300 feet of the subject property on 19 July 2016.
29. Hyrum City was noticed by e-mail as part of the development review process on 8 July 2016.
30. One item of public comment has been received with concerns about water and the loss of farmland and open space.

CONDITIONS (9)

These conditions are based on the Cache County Subdivision and Land Use Ordinances and on the findings of fact as noted herein.

1. The applicant must provide sufficient shoulder space on 2400 West for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
2. An encroachment permit must be obtained for any work, including access drives, within the Cache County right-of-way along 2400 West.
3. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.
4. A specific plan for future maintenance as required by the County Road Department must be prepared and recorded against the properties at the time the subdivision plat is recorded.
5. As determined by the County Public Works Inspector, the localized portions of 6100 South that have deteriorated/potholed must be repaired and improved to meet the conditions of approval from the Sterling Country Estates and Wellsville View Estates Subdivisions.
6. Prior to recording the subdivision plat, the applicant must obtain core samples to determine the current structure of the road and submit a copy of the analysis to the Development Services Office for review.
7. If the core samples indicate that the base of 6100 South is not sufficient as per the County Road Manual requirements, 6100 South must be improved to meet the minimum county standards.
8. Prior to recording the plat, a note, as specified in the County Code, referencing the Agriculture Protection Area must be included on the subdivision plat, and a certificate stating the same must be recorded against all buildable lots.
9. A deed restriction must be recorded at the time of plat recordation stating that the Agricultural Remainder parcel is non-buildable except for agricultural structures.

CONCLUSIONS (3)

Based on the findings of fact and conditions noted herein, the Meridian Acres Subdivision is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.
2. A design exception for the private road 6100 South is hereby approved for the surfacing material type to reflect the previously improvement requirements because the private road would, if repaired, provide a level of service adequate for more than three homes.
3. If the improvement of 6100 South is required, a temporary design exception is hereby approved to allow delayed improvement with sufficient financial surety to allow development to proceed prior to the required improvements.

RESOLUTION NO. 2015-20
CACHE COUNTY, UTAH

SERVICE PROVISION ON COUNTY ROADS

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

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

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

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

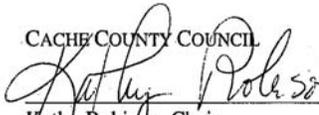
Whereas, there are nearly 200 miles of existing paved road in Cache County that can accommodate development with little to no impact on the County's ability to serve said development.

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

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

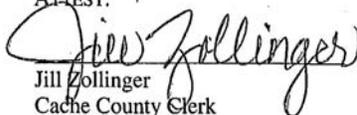
APPROVED AND ADOPTED this 25th day of August, 2015.

CACHE COUNTY COUNCIL


Kathy Robison, Chair
Cache County Council



ATTEST:


Jill Zollinger
Cache County Clerk

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

1 **#5 Meridian Acres Subdivision**

2
3 **Adams** reviewed a request for a recommendation of approval to the County Council for a three-
4 lot subdivision with an agricultural remainder on 35.43 acres of property at approximately 6100
5 South 2400 West, southwest of Hyrum, in the Agricultural (A10) Zone. This was first looked at
6 by the Commission in August 2016. There are road issues for the subdivision. The road was
7 previously approved with 26 foot width; 24 feet of pavement and 2 feet of shoulder. The road is
8 deteriorating and no longer meets the standards. There is about 18 feet width of pavement. This
9 does cross the Wellsville/Mendon Canal and that section was improved as part of the first
10 subdivision. The width of the canal crossing is 28 feet. Except for the road the rest of the
11 subdivision meets the requirements. There were some questions regarding moderate slopes but
12 after staff talked to the surveyor there would be no need for a geotechnical study for those slopes
13 as they are in the Agricultural Remainder parcel. The road is a private road and conditions
14 regarding future maintenance have been included.

15
16 **Staff and Commission** discussed the cost of the improvements and how that cost is spread out
17 for the existing subdivisions and the applicant's subdivision. No building permits will be issued
18 until the road is improved to current standards. Some concerns regarding the width
19 measurements were presented by the Commission to staff. One Commission member went out
20 and looked at the road and his measurements were 20 feet of paved surface. Staff would like to
21 see the applicant do a core sample to help substantiate that the road is up to standard. Staff and
22 the Planning Commission cannot modify the old conditions for the road; only the County
23 Council can change those conditions. Currently the road does not meet the conditions set forth
24 previously so it is going to require that it be improved to that condition. The entire parcel is
25 currently listed as an Agricultural Protection Area (APA) and adding a subdivision does not
26 change that status as it is an allowed use in an APA.

27
28 **Kurt Lindley** I do have a couple concerns. One is the core sample, we have been waiting on the
29 county road department to come mark where they want that and we have been waiting for 30
30 days for that. I've had Jeff Nielson and he has talked with them and they haven't come out and
31 done it. I would dispute the width of the road. The road was approved in 2010 and it was 22 feet
32 wide and I don't believe it has shrunk 4 feet. As far as the HOA, I can't tie into the HOA on the
33 north side until I have a subdivision. I have also discussed it with the HOA to the South and there
34 are no issues going in with their HOA as far as the road. There were concerns about the garbage
35 trucks and I called Logan City and they said they go on private roads all over the county to pick
36 up garbage. He did say if there was a big snow storm during the winter and they can't get on the
37 road, they will give them a couple of days before they went to pick up the garbage. Also they
38 require the HOA's to sign a waiver stating that if the garbage truck goes off the road, the HOA is
39 responsible for footing the towing bill and any repairs of the garbage truck, if needed. Logan
40 City also said they do not want 22 garbage cans down Meridian road/2400 west. They would
41 rather drive up the private road than do pick up on 2400 west. There were also some concerns on
42 the north end of the property were the turnaround is because the one turnaround is sloped. So that
43 would be the only concern in the winter for the very end lot of the approved subdivision. He said
44 in that case, all the garbage will need to be brought to the top end of the hill on the south (6100
45 South). My biggest concern is the dispute over the width of the road.

46
47 **White** the dispute isn't over the width but if the road has been maintained.

1 **Mr. Lindley** no, Jon, every time I've talked to them it is the width of the road.
2
3 **White** if you maintain it and make it 22 feet wide and there is chip and seal then there isn't a
4 problem. But there has to be 22 feet of chip and seal before a building permit.
5
6 **Mr. Lindley** I agree but there is 22 feet.
7
8 **White** then if it is 22 feet and you chip and seal it again to 22 feet then problem will be solved.
9
10 **Mr. Lindley** I'm only concerned with them telling us the road is 18 feet wide. As far as chipping
11 and sealing the road up to my subdivision, I'll do it if I have to. But the problem is I have been
12 trying for 60 days to get them to tell me what to do with the road and they tell me we don't
13 know. I finally had a meeting with them and they told me I had to do a core sample and we've
14 been waiting on them for that. But this shuts me off until next June because you can't chip and
15 seal until then.
16
17 **White** they said there is an alternative; you can get a bond for that.
18
19 **Mr. Lindley** will they issue building permits?
20
21 **Harrild** no, that's not quite how it works.
22
23 **Mr. Lindley** but you can't build on it until next June. I applied for this in July and it will a full
24 year before you can do anything because for 60 days they couldn't decide what they wanted done
25 with the road. Is that fair for the subdivision to wait 11 months? I could have chipped and seal in
26 August or September. I was on the agenda for September but they couldn't decide what they
27 wanted to do with the road so they took me off. So now I have to wait until June for chip and
28 seal and they won't issue any building permits, even on the subdivision that has been approved.
29
30 **Runhaar** if the commission would like a complete record of the communication back and forth
31 staff can provide that; otherwise we request we deal with the subdivision at hand and not deal
32 with hearsay on timing. There is nothing that can be done about that here and he can file a
33 grievance if he would like and we can provide the record.
34
35 **Mr. Lindley** the only question that I have is that my hands are now tied until next June before I
36 can record this and build. Even if I put a bond up, I still can't build until next June.
37
38 **Christensen** why are we hesitant on a bond?
39
40 **Runhaar** there is no hesitation on the bond but to issue a permit they have to meet the standards.
41 Recordation of a subdivision plat can be done but once there are habitable structures out there we
42 have to provide fire and EMS and they have to meet the requirements of those road conditions.
43 We can talk about timing, typically we see a subdivision come in, in June and July and if they
44 need any road work on them, to get them to develop homes in that same year isn't typically
45 feasible. In order to get things built, the subdivision process has to start at the beginning of the
46 year. That's a simple process of timing. If the road was a 100 percent with no concerns, they can

1 fly through the subdivision and they can be building within two to three months but that is not
2 the case with this application.

3
4 **Steve Wright** I own the subdivision to the north. This is a public meeting, it would be helpful if
5 you would speak into the mike; you can only hear Brady. Josh is standing up there and nobody
6 can hear you.

7
8 **Runhaar** I'm sorry, I herniated a disc and will not be sitting any more today.

9
10 **Mr. Wright** then you should excuse yourself. Here's my concern, I built that road and there
11 have been statements here that have been made that are untrue. The road was built and
12 completed and signed off by the Cache County road supervisor. In my mind its fine for all the
13 lots up there, all 8. Everybody signed off on the road and said it was great. The road supervisor
14 came out and said it was better than most roads and that was in 2010. There has only been one
15 home built here and one being built; that's the only traffic that has been on the road. I don't
16 know who measured, but we went and it is 22 feet wide with cheap and seal. Phil measured it
17 today and that is true.

18
19 **Olsen** it's true.

20
21 **Mr. Wright** so statements have been made that are incorrect. They are getting into the
22 maintenance of the road. That is a private road that I built with considerable expense. I think it's
23 up to the HOA and the landowners to maintain the private road so that emergency vehicles and
24 utilities can pass through the road. Phil looked at the road today; can I get in there?

25
26 **Olsen** yeah.

27
28 **Mr. Wright** it's a good road. Is there significant deterioration on it?

29
30 **Olsen** not that I could see.

31
32 **Mr. Wright** how did you come up with significant deterioration so that Kurt has to double chip
33 seal the road again? Furthermore, these folks have denied a building permit to a customer of
34 mine that I sold a lot to. That's not the purpose of this meeting but this subdivision was approved
35 in 2010 and now they are going on private property and saying that road has been maintained
36 improperly, which isn't true. Now they are demanding that I will have to participate with Kurt to
37 do whatever they decide needs to be done on a private road this is out of control. These demands
38 are unrealistic to core sample and double chip and seal that road is crazy. These determinations
39 that have been made here are incorrect.

40
41 **Staff** reminded the commission that this was continued up to 90 days, and it has been 60 days.

42
43 **Staff and Commission** discussed the concerns with the roads. The information provided
44 regarding garbage pickup was provided by the Logan Environmental department. The person the
45 applicant spoke with does not provide the recommendations or direction to the county and does
46 not do the road reviews. Any clarifications can be discussed with Logan Environmental. The
47 issues regarding road width can definitely be handled by sitting down with the applicant and

1 discussing and reviewing it. The road standards currently indicate if there are questions on a
2 road, core samples are required. If the core samples come back as adequate, then the road can be
3 used as is. But if the core samples come back that there is not chip and seal material left then
4 there is a problem. As identified earlier, if the County Council has made a requirement, neither
5 staff nor the Commission can subvert or changes those requirements. Staff and the Commission
6 do not have that authority; that would have to go back to the County Council for the original
7 requirement to be changed. Prior to that there is nothing staff can do; the applicant needs to meet
8 the original conditions. There rest is being given a design exception; once it is shown that the
9 road does or does not meet the conditions the road can be accepted or modified as needed.
10 Typically the staff uses JUB Engineers to review that information.

11
12 **Mr. Wright** and who do we meet with to review the road?

13
14 **Harrild** for the width of the road that would be me and our public works inspector. We will both
15 look at it and meet with you.

16
17 **Brad Pitcher** I purchased the lot from Steve Wright and I am the individual whose building
18 permit has been denied. I can't proceed until the road is taken care of. The concern about the
19 condition of the road is for emergency access, so I read my zoning clearance page by page and
20 there is documentation in there that emergency services does not have concerns with this road. I
21 do not understand what the concern is here.

22
23 **Runhaar** it's all services; so the red flag was for trash.

24
25 **Mr. Pitcher** it was for trash?

26
27 **Runhaar** yes, so when that happens we have to review the road.

28
29 **Mr. Pitcher** but where my lot is on this, trash shouldn't be a concern. I'm just confused what the
30 standard is; I want a quality road there too but I don't know how staff is determining what is a
31 substandard road and what is not.

32
33 **Mr. Lindley** since Josh is over the road department, when can we do a core sample?

34
35 **Runhaar** I texted my foreman and he said he hasn't had anybody contact him. As soon as that is
36 done, we are happy to do it.

37
38 **Mr. Lindley** all I'm going on is what my engineer has told me.

39
40 **Runhaar** I also texted Jeff and haven't heard back. We can do it tomorrow if the public works
41 inspector can go out.

42
43 **Staff and Commission** continued to discuss the road. If the core samples are done and there are
44 no problems the chip and seal should be able to be done next spring. A design exception can be
45 added to make it so building can be done on a substandard road but that would have to run
46 through the County Council for their approval because it is a change to the original conditions
47 that they approved. Staff and Commission discussed language changes to Condition #5.

1 **Sands** I think that responds to some of the issues raised.

2

3 **Olsen** one more question for the applicant, you have no problem with having a specific plan
4 recorded for maintenance of the road now?

5

6 **Mr. Lindley** that's fine.

7

8 **Olsen** *motioned to recommend approval of the Meridian Acres Subdivision to the County*
9 *Council with the findings of fact, conditions, and three conclusions; Gunnell seconded; Passed*
10 **4, 0.**

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12 **06:34:00**

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