

**APPROVED**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
APRIL 26, 2016**

# COUNTY COUNCIL MEETING

## April 26, 2016

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**CACHE COUNTY COUNCIL MEETING**  
**April 26, 2016**

The Cache County Council convened in a regular session on April 26, 2016 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** G. Gregory Merrill  
**Vice Chairman:** David Erickson  
**Council Members:** Val Potter, Kathy Robison, Cory Yeates Jon White, & Gordon Zilles.  
**County Executive:** Craig "W" Buttars  
**County Clerk/Auditor:** Jill N. Zollinger  
**County Attorney:** James Swink

**The following individuals were also in attendance:** Janeen Allen, Attorney Lee Edwards, Pastor Ron Flessner, Chris Harrild, Eric Jensen, Director Bartt Nelson, Dave Nielsen, Savannah Perkins, Director Josh Runhaar, Dianna Schaeffer, Glen Thornley, Barbara Tidwell, Jason Watterson, Robert Wright **Media:** Lis Stewart (Herald Journal), Jennie Christensen (KVNU).

**Chairman Merrill offered condolences to Sharon Hoth and family on the passing of her daughter-in-law.**

**In recognition of National Administrative Assistants' Day, Chairman Merrill recognized Janeen Allen and commended her service to the County Executive and County Council.**

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Council member White gave the opening remarks and led those present in the Pledge of Allegiance.

**REVIEW AND APPROVAL OF AGENDA**

**ACTION:** Motion by Council member Yeates to approve the agenda as written. Potter seconded the motion. The vote was unanimous, 7-0.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Yeates to approve the minutes of the April 12, 2016 Council Meeting as written. Erickson seconded the motion. The vote was unanimous, 7-0.

**MINUTES FOLLOW-UP:** There was none.

**REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS**

**APPOINTMENTS:** There were no appointments.

**WARRANTS:** Warrants for the periods 04-09-2016 to 04-15-2016 and 04-16-2016 to 04-22-2016 were given to the Clerk for filing.

**OTHER ITEMS:**

- ❑ **Trust Accountability Award for 2015** was presented to Cache County by Jason Watterson along with a check for \$4,536.00. The Trust provides insurance risk management for the County. The award is to recognize the County's building of a safer community through an active Safety Committee.
- ❑ **Water Conservancy District Update** – Executive Buttars said Cornish, Hyrum, Lewiston, Logan, Mendon, Paradise and Wellsville have all passed the resolution. Three other communities have it on their agenda. Nibley, North Logan, and Richmond will discuss it May 5, 4, and 17, respectively. Providence will be discussing it tonight. The Public Hearing will be in a location yet to be determined May 24, 2016 and some of the communities will be joining in that Public Hearing.
- ❑ **RAPZ Committee** – will be meeting Thursday and will present its recommendations at the May 10, 2016 Council meeting.
- ❑ **Joint Highway Committee Meeting** fall meeting will be September 29 and 30, 2016 in northern Utah.
- ❑ **Sunshine Terrace** – Executive Buttars reported he is still waiting to receive a written proposal from Sunshine Terrace on Upper Payment Limit (UPL) program.

**ITEMS OF SPECIAL INTEREST**

- **Proclamation – Day of Prayer in Utah** – Pastor Ron Flessner, State Coordinator for the National Day of Prayer, thanked the Council for joining the National Day of Prayer and urged prayers for the nation.

(Attachment 1)

**ACTION: Motion by Council member Potter to approved the *Proclamation – Day of Prayer in Utah – May 5, 2016*. White seconded the motion. The vote was unanimous, 7-0.**

**UNIT OR COMMITTEE REPORTS**

- \* **Cache County Sheriff's Annual Report – Sheriff Chad Jensen**
  - Schedules reworked
  - Dedicated positions
  - Wages/turnover reduction
  - Canine unit
  - Relationship with Logan
  - Animal control
  - Calls for service
  - Inmate numbers/housing
  - City/school contracts
  - JRI (Justice Reinvestment Initiative)

**PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**

**PUBLIC HEARING:** April 26, 2016-5:30 p.m.-Resolution No. Midtown 2016-10-Authorizing Conveyance of Real Property – Attorney Edwards explained this is a property that was struck off of the tax sale in 2014. It is a residential property in Richmond which has had potential liens, etc. removed. The property was sold through a bid process. Edwards recommends approval of the resolution. Eric Jensen, Parker Real Estate, explained the quit claim deed and title processes followed with the property.

**(Attachment 2)**

**ACTION:** Motion by Council member Yeates to approve Resolution No. 2016-10-Resolution Authorizing Conveyance of Real Property. Potter seconded the motion. The vote was unanimous, 7-0.

**ACTION:** Motion by Council member Yeates to convene as a Board of Equalization. Erickson seconded the motion. The vote was unanimous, 7-0.

**THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION**

- **Findings of Fact Reports**
  - IHC Logan Regional Hospital - Potter

**(Attachment 3)**

**ACTION:** Motion by Council member White to approve the Property Tax Exemption request for IHC Health Services, Inc. (Logan Regional Hospital). Potter seconded the motion. The vote was unanimous, 7-0.

- Cache Valley Community Health Center - Zilles

**(Attachment 4)**

**ACTION:** Motion by Council member Zilles to approve the Property Tax Exemption request for Cache Valley Community Health Center. Potter seconded the motion. The vote was unanimous, 7-0.

- Midtown Community Health Center, Inc. - Zilles

**(Attachment 5)**

**ACTION:** Motion by Council member Zilles to approve the Property Tax Exemption request for Midtown Community Health Center, Inc. Yeates seconded the motion. The vote was unanimous, 7-0.

- Sunshine Terrace – White and Erickson

**(Attachment 6)**

**ACTION: Motion by Vice Chair Erickson to approve the Property Tax Exemption request for Sunshine Terrace. White seconded the motion. The vote was unanimous, 7-0.**

**ACTION: Motion by Council member Yeates to adjourn from the Board of Equalization. Erickson seconded the motion. The vote was unanimous, 7-0.**

**THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.**

**PUBLIC HEARING SET: May 24, 2016-7:00 p.m.-Joint Public Hearing for Initiation of the Creation of a Cache Water District** – Executive Buttars observed the Public Hearing must be held within 45 days of the date the resolution is passed. Logan and other communities will join with the County on this date. The location is still in question as it must accommodate a large number of people.

**ACTION: Motion by Council member Potter to set a Public Hearing – May 24, 2016-7:00 p.m.-Joint Public Hearing for Initiation of the Creation of a Cache Water District-location to be determined. Yeates seconded the motion. The vote was unanimous, 7-0.**

**PENDING ACTION**

- ❑ **Nautica Subdivision – Request for an 11-lot Subdivision and Agricultural Remainder on 129 acres located at 1550 West 6700 South, Hyrum, Agricultural (A10) Zone** – Chris Harrild and Director Runhaar reviewed the previous discussion concerning the request. It is staff's determination that the Nautica Subdivision, a 11-lot subdivision and remainder parcel for property located at approximately 1550 West 6700 South, on parcels 01-081-0001 and 01-081-0017 is not in conformance with the Cache County Code and should be denied. This determination is based on the attached findings of fact and additional review.

Gary Otterstrom, co-applicant, stated the applicants' request was in the process when the Council passed Resolution No. 2015-20 stating no new roadways would be accepted by the county.

During much discussion, Council member White said if the Council does not deny, it is circumventing the Planning and Zoning Commission. White noted this same piece of land has had a previous request for a subdivision where the buyer wanted to create an HOA and develop and maintain the road. The request was denied. This is not a sudden change in the middle of an application.

Some Council members wanted to allow some kind of compromise for the proposed subdivision.

**(Attachment 7)**

**ACTION: Motion by Council member White to deny Nautica Subdivision – Request for an 11-lot Subdivision and Agricultural Remainder on 129 acres located at 1550 West 6700 South, Hyrum, Agricultural (A10) Zone.**

*There was no second – motion died.*

**ACTION: Motion by Council member Zilles to table the request until a proposal can be worked through and then return it to the Planning and Zoning Commission for review.**

*There was no second – motion died.*

**ACTION: Motion by Council member Robison to build a turn-around for county vehicles at 200 feet maximum length and allow land owners to connect to the turn-around and build their own road.**

*There was no second – motion died.*

Chris Harrild presented a proposed solution listing the following:

1. The Council has determined that year round maintenance services may be extended beyond 6500 South on 1600 West to a point that allows the placement of an improved turn-around; a distance of no greater than \_\_\_\_\_ feet.
2. The Council has determined that the extension of maintenance is in keeping with "Resolution No. 2015-20 Service Provision on County Roads" as the creation of an improved turn-around would improve safety, existing maintenance access, and service provision to existing homes.
3. The Council has determined that a private roadway is acceptable if it is properly constructed and maintained as to provide adequate access for emergency services.
4. Given the previous determinations, the applicant may decide to revise the proposed subdivision plat to reflect a change in access location. This may require the proponent to redesign the subdivision/roadway layout, obtain additional rights-of-way, and must include the establishment of an HOA or similar agreement with property owners for the maintenance of private road(s), provision of appropriate signage, and compliance with all other requirements of the Cache County Road Manual and County Code. If the applicant intends to make those revisions, the Council has determined that they are sufficient enough to require that additional review be conducted by staff and the Planning Commission, and their recommendations provided to the Council, prior to the Council's decision.

**ACTION: Motion by Council member Zilles to extend the county road 200 feet for a turn-around and have Planning and Zoning work out other details with the developers. Potter seconded the motion.**

**ACTION: Motion to amend by Vice Chair Erickson accepting the four points in Chris Harrild's written proposal and filling in the blank with 200 Feet. Potter seconded the motion to amend. The motion passed, 6 aye – Merrill, Potter, Robison, Yeates & Zilles and 1 nay – White.**

**ACTION: Chairman Merrill called for a vote on the amended main motion. The motion passed, 6 aye – Merrill, Potter, Robison, Yeates & Zilles and 1 nay, White.**

The Council stated they are not changing policy. The decision applies only to a single application.

#### **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Record of Decision – Esplin Andersen Rezone – Request for approval of a rezone of 5 acres from the Agricultural (A10) Zone to the Commercial © Zone**

**at 4700 North 400 West, southwest of Smithfield City** – The issue was fully discussed at the April 12, 2016 Public Hearing.

**(Attachment 8)**

**ACTION: Motion by Council member Yeates to waive the rules and approve the Record of Decision to deny the Esplin Andersen rezone. Zilles seconded the motion. The vote was unanimous, 7-0.**

- **Ordinance No. 2016-03 – Code Amendments, Title 16-Subdivision Requirements and Review** – Director Runhaar said these are edits to fix minor variations in language, resolve some issues with policy handling and correct redundancies.

**(Attachment 9)**

**ACTION: Motion by Council member Erickson to waive the rules and approve Ordinance No. 2016-03-Code Amendments, Title 16-Subdivision Requirements and Review. Yeates seconded the motion. The vote was unanimous, 7-0.**

**Ordinance No. 2016-03:** The motion passed 7-0.

	<u>ERICKSON</u>	<u>MERRILL</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **Ordinance No. 2016-04 – Code Amendments, Title 17 – Miscellaneous Land Use Updates and Revisions**

**ACTION: Motion by Council member Erickson to waive the rules and approve Ordinance No. 2016-04-Code Amendments, Title 17-Miscellaneous Land Use Updates and Revisions. Yeates seconded the motion. The vote was unanimous, 7-0.**

**(Attachment 10)**

**Ordinance No. 2016-04:** The motion passed 7-0.

	<u>ERICKSON</u>	<u>MERRILL</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **2016 Tax Sale Report** – Clerk/Auditor Zollinger reported that all of the parcels have been redeemed and all deferrals are compliant. The tax sale has been canceled.

(Attachment 11)

**OTHER BUSINESS**

- ✓ **County Employees Day(s) of Service – Thursday, April 28, 2016 1:00-5:00 p.m. – The Family Place (painting) and Tuesday, May 24, 1:00 to 5:00 p.m. – The Family Place (landscaping)**
- ✓ **Smithfield Health Days Parade – Saturday, May 14, 2016 at 10:00 a.m.**
- ✓ **Richmond Black & White Days Parade – Saturday, May 21, 2016 at 5:00 p.m.**
- ✓ **Employee Appreciation Day – May 25, 2016 – 11:00 a.m. – 2:00 p.m. – County Quad**

**COUNCIL MEMBER REPORTS**

Gordon Zilles asked for an Executive Session at the next Council meeting for a discussion of pending litigation (Utah Code 52-4-205(1)(c)).

**ADJOURNMENT**

The Council meeting adjourned at 7:15 p.m.

\_\_\_\_\_  
**ATTEST:** Jill N. Zollinger  
County Clerk

\_\_\_\_\_  
**APPROVAL:** G. Gregory Merrill  
Chairman

**CRAIG W BUTTARS**  
COUNTY EXECUTIVE / SURVEYOR

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



**Cache  
County**  
- 1857 -

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

## PROCLAMATION DAY OF PRAYER IN UTAH

WHEREAS, prayer is a fundamental part of our national heritage, with the first National Day of Prayer proclaimed by the Continental Congress in 1775;

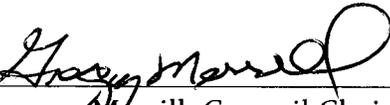
WHEREAS, in 1783, the conclusion of the Revolutionary War marked a temporary end to the National Day of Prayer;

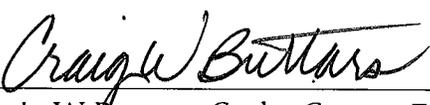
WHEREAS, reinstated as an annual observance by members of Congress in 1952, the National Day of Prayer has become a unifying force for American citizens representing diverse religious backgrounds; and

WHEREAS, this nation has traditionally sought divine guidance as it charted what has become the path of American history;

NOW, THEREFORE, We, the Cache County Council and County Executive, support Gary R. Herbert, Governor of the State of Utah, in his Declaration of May 5, 2016 as

## DAY OF PRAYER IN UTAH

  
\_\_\_\_\_  
Gregory Merrill, Council Chair

  
\_\_\_\_\_  
Craig W. Buttars, Cache County Executive

**CACHE COUNTY  
RESOLUTION 2016 – 10**

**RESOLUTION AUTHORIZING CONVEYANCE OF REAL PROPERTY**

WHEREAS, real property has been struck off to Cache County at a tax sale pursuant to Utah Code Annotated Section 59-2-1351.3 more fully described in Exhibit "A"; and

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

WHEREAS, the property was declared surplus by the Cache County Council on November 10, 2015 by resolution number 2015 - 25; and

WHEREAS, the disposition of this property was made by sale upon public advertisement by sealed bid for fair market value; now

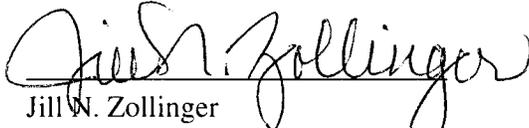
THEREFORE, the Cache County Council finds as follows:

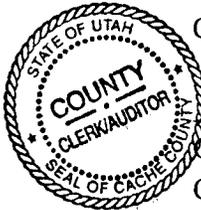
That the disposition of this property was made by sale upon public advertisement by sealed bid for fair market value.

THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in "Exhibit A" may be disposed of by the County Executive by executing an appropriate deed to Two Brothers Inc. This resolution takes effect immediately upon adoption.

Dated this 26<sup>th</sup> day of April 2016.

ATTESTED TO:

  
Jill W. Zollinger  
Cache County Clerk/Auditor



CACHE COUNTY COUNCIL

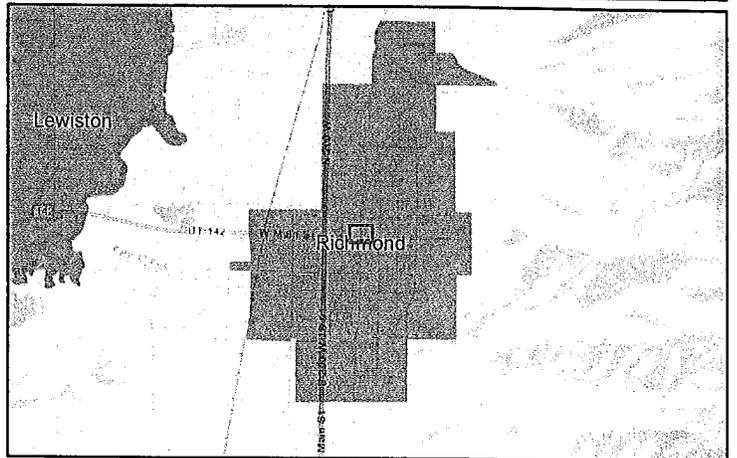
  
Greg Merrill  
Council Chair



**Exhibit A**

Parcel #: 09-054-0009

**Legal Description:** BEG 100 FT N OF SW COR LOT 4  
BLK 24 PLAT A RICHMOND CITY SVY, E 60 FT N 81.5  
FT W 60 FT S 81.5 FT TO BEG SW/4 SEC 26 T 14N R



**BEFORE THE BOARD OF EQUALIZATION  
OF CACHE COUNTY**

RE: Application for Property Tax Exemption  
of  
IHC HEALTH SERVICES, INC.  
for  
LOGAN REGIONAL HOSPITAL

FINDINGS AND DETERMINATION  
FOR TAX YEAR 2016

**FINDINGS AND DETERMINATION FOR TAX YEAR 2016**

This matter came before the Board of Equalization of Cache County on April 20, 2016 on the verified application for property tax exemption submitted by IHC HEALTH SERVICES, INC., (IHC) for the LOGAN REGIONAL HOSPITAL (LRH).

**FINDINGS**

Based upon the verified application, supplemental documentation, and matters presented to the Board of Equalization at the hearing on April 20, 2016, the Board of Equalization finds that:

1. IHC is the owner of record of the LRH which is located on the real property described in the attachment "Exhibit A" Real Property Schedule. *Supplementary information submitted by IHC:*

*2015 Fleet Inventory listing vehicles owned by the Logan Regional Hospital*

*List of Personal Property*

*List of Tenants*

*Open Access Policy Information*

*2016 Charity Plan with USTC Nonprofit Hospital Standards and IHC application of same*

2. On April 20, 2016, Board of Equalization members, Val K. Potter and Kathy Robison met with IHC representatives, Kyle Hansen, CEO/Administrator, Chris Dallin, Director of Government Affairs, Nolan Gunnell, Board Chair, Sterling Morris, Communications Manager, Alan Robinson, Finance Director and James Wood, Attorney for LRH. Also attending were County Assessor, Kathleen Howell, County Clerk/Auditor, Jill Zollinger, and Chief Deputy Auditor Dianna Schaeffer. Kyle Hansen gave a short presentation, after which additional documentation was requested by Howell and Schaeffer regarding:

- *Tenant percentage of square footage. (Wood will provide by May 4<sup>th</sup>)*
- *All other exempt organizations submit financial statements with their applications. We should standardize the administration of property tax exemptions to all entities in order to be equitable. Submit substantiated accounting detail for LRH 2016 "gift to the community" of over \$5 millio. (Wood will provide by May 4<sup>th</sup>)*

3. The relevant laws, rules, and standards for determining exemption status of non-profits include:

- Utah Code Annotated 59-2-1101 and 59-2-1102
- Utah Administrative Code R884-24P-35 Annual Statement for Certain Exempt Uses of Property
- Utah State Tax Commission (USTC) Standard 2.18 Filing Annual Signed Statement
- USTC Appendix 2D Nonprofit Hospital & Nursing Home Charitable Property Tax Exemption Standards

These regulations are not mutually exclusive. According to USTC Standard 2.18 and Administrative Code R884-24P-35 the applicant must annually submit "any other information the county may require." In addition, the last paragraph of Appendix 2D Nonprofit Standard V states:

"Institutions seeking exemption are required to show: (a) accounting data establishing the amount and value of unreimbursed care to medically indigent persons, and subsidized patients; (b) accounting data establishing unreimbursed value of community education and service programs, including research and professional education programs; (c) accounting data establishing the amount and uses of volunteer time and donated funds, and (d) descriptions of intangible or unquantifiable community gifts."

It is recommended that the requested exemption be granted to the applicant for the tax year 2016 on the basis that IHC/LRH property qualifies under USTC Appendix 2D Nonprofit Hospital and Nursing Home Charitable Property Tax Exemption Standards, and they will provide improved accounting information to substantiate the local gift to the community that they claim is well over \$5 million.

4. The total market value is disclosed on the parent parcel (historical parcel number) marked 100% tax exempt. But we recognize that there are for-profit activities performed on the hospital campus and these taxable market values have been determined based on the annual statement for continued tax exemption provided from IHC and LRH. These for-profit activities have been reported on a shadow parcel number.
5. Personal property details submitted to the County Assessor will also be exempted.
6. The Board of Equalization, in a public meeting held April 26, 2016, upon lawful notice, met and reviewed the requests for tax exemption as contained in these findings and supporting documentation.

**DETERMINATION**

The Board of Equalization of Cache County, Utah, determines that IHC/ LRH is eligible for an exemption from property taxes for *portions* of the real property described in the attachments, the personal property filed separately, and vehicles listed herein for the tax year 2016.

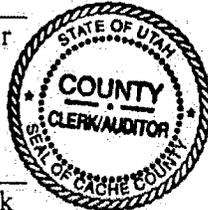
The foregoing findings were discussed and voted on by the following members of the Board of Equalization on April 26, 2016.

COUNCIL MEMBER	APPROVE	DENY	ABSENT/ABSTAIN
Kathy Robison	X		
Val K. Potter	X		
David Erickson	X		
Greg Merrill	X		
Jon White	X		
Cory Yeates	X		
Gordon A. Zilles	X		

These findings and determination are  approved  denied as written this 26<sup>th</sup> day of April, 2016.

*Greg Merrill*  
 \_\_\_\_\_  
 Greg Merrill, Board of Equalization Chair

Attested:  
*Jill Zollinger*  
 \_\_\_\_\_  
 Jill Zollinger, Board of Equalization Clerk



**BEFORE THE BOARD OF EQUALIZATION  
OF CACHE COUNTY**

RE: Application for Property Tax Exemption  
of  
BEAR LAKE COMMUNITY HEALTH  
CENTER, INC.  
dba  
CACHE VALLEY  
COMMUNITY HEALTH CENTER

FINDINGS AND DETERMINATION  
FOR TAX YEAR 2016

This matter came before the Board of Equalization of Cache County on April 21, 2016 on the verified applications for property tax exemption submitted by BEAR LAKE COMMUNITY HEALTH CENTER, INC. dba CACHE VALLEY COMMUNITY HEALTH CENTER.

**FINDINGS**

Based upon three verified applications and documentation presented to the Board of Equalization at the hearing on April 21, 2016 and other supplemental materials, the Board of Equalization finds that:

1. BEAR LAKE COMMUNITY HEALTH CENTER, INC. is the owner of record of the CACHE VALLEY COMMUNITY HEALTH CENTER, North Logan Professional Plaza Condominium presented on Schedule A:

Unit 102 (04-085-0102) .14 acres with 30% interest in common area

Unit 103 (04-085-0103) .09 acres with 20% interest in common area

Schedule B requests exemption status for personal property and vehicles owned as of January 1, 2016 for their Hyrum and Logan locations as well as the aforementioned North Logan location.

Schedule C discloses their gift to the community.

2. Gordon Zilles, member of the Board of Equalization, met with the owner's representatives Becky Lowe, Finance Director, and Nikki Oldham, Operations Manager, on April 21, 2016 and reviewed the applications of the owners and relevant facts and standards. Also attending were County Assessor, Kathleen Howell, County Clerk/Auditor, Jill Zollinger, and Chief Deputy Auditor Dianna Schaeffer.

3. It is recommended that 100% exemption be granted to the applicant for the tax year 2016 for real property parcels 04-085-0102 and 04-085-103 located in North Logan. It is also recommended that 100% exemption be granted to the applicant for the tax year 2016 for personal property located at all three locations.

4. The Board of Equalization, in a public meeting held April 26, 2016, upon lawful notice, met and approved the requests for tax exemption as contained in these findings.

**DETERMINATION**

The Board of Equalization of Cache County, Utah, determines that:

BEAR LAKE COMMUNITY HEALTH CENTER, INC. dba CACHE VALLEY COMMUNITY HEALTH CENTER is hereby granted 100% exemption from property taxes for the real property described in the attachments and attached hereto and made a part hereof which is used for the Cache Valley Community Health Center. Also the personal property filed in Schedule B including vehicles listed therein for each location is also granted property tax exemption for the tax year 2016.

The foregoing findings were approved by the following votes by the members of the Board of Equalization on April 26, 2016.

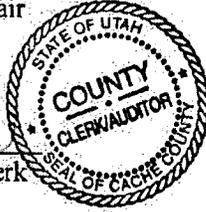
COUNCIL MEMBER	IN FAVOR	AGAINST	ABSENT
Kathy Robison	X		
Val K. Potter	X		
David Erickson	X		
Greg Merrill	X		
Jon White	X		
Cory Yeates	X		
Gordon A. Zilles	X		

These findings and determination are approved as written this 26<sup>th</sup> day of April, 2016.

  
Greg Merrill, Board of Equalization Chair

Attested:

  
Jill Zollinger, Board of Equalization Clerk



**BEFORE THE BOARD OF EQUALIZATION  
OF CACHE COUNTY**

RE: Application for Property Tax Exemption of MIDTOWN COMMUNITY HEALTH CENTER		FINDINGS AND DETERMINATION FOR TAX YEAR 2016
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This matter came before the Board of Equalization of Cache County on April 21, 2016 on the verified application for property tax exemption submitted by MIDTOWN COMMUNITY HEALTH CENTER.

**FINDINGS**

Based upon the verified application and documentation presented to the Board of Equalization at the hearing on April 21, 2016 along with other supplemental materials, the Board of Equalization finds that:

1. MIDTOWN COMMUNITY HEALTH CENTER is leasing the office at 272 N Main Logan. They are not requesting exemption of real property.

Schedule B requests exemption status for personal property at their Logan location. Most of this property was donated by IHC. They will quantify and classify this information by May 1<sup>st</sup> for Assessor Howell.

Schedule C estimates their gift to the community through partial financials and financial statements from other locations. The local gift cannot be accurately measured at this time because they have only been operating since January 2016.

2. On April 21, 2016 Gordon Zilles, member of the Board of Equalization, met with the owner's representatives Alicia Martinez, Executive Director, and Martha Johnson, Clinic Director to review the application and relevant facts and standards. Also attending were County Assessor, Kathleen Howell, County Clerk/Auditor, Jill Zollinger, and Chief Deputy Auditor Dianna Schaeffer.

3. It is recommended that 100% exemption be granted to the applicant for the 2016 tax year for personal property located at the new Logan location.

4. The Board of Equalization, in a public meeting held April 26, 2016, upon lawful notice, met and approved the requests for tax exemption as contained in these findings.

**DETERMINATION**

The Board of Equalization of Cache County, Utah, determines that:  
MIDTOWN COMMUNITY HEALTH CENTER is hereby granted 100% exemption from property taxes for the personal property filed with Schedule B for the tax year 2016.

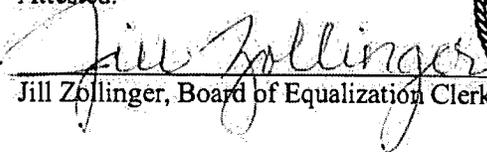
The foregoing findings were approved by the following votes by the members of the Board of Equalization on April 26, 2016.

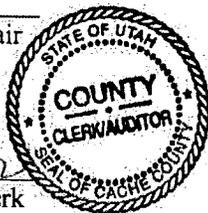
COUNCIL MEMBER	IN FAVOR	AGAINST	ABSENT
Kathy Robison	X		
Val K. Potter	X		
David Erickson	X		
Greg Merrill	X		
Jon White	X		
Cory Yeates	X		
Gordon A. Zilles	X		

These findings and determination are approved as written this 26<sup>th</sup> day of April, 2016.

  
Greg Merrill, Board of Equalization Chair

Attested:

  
Jill Zollinger, Board of Equalization Clerk



**BEFORE THE BOARD OF EQUALIZATION  
OF CACHE COUNTY**

RE: Application for Property Tax Exemption of SUNSHINE TERRACE FOUNDATION, INC.	FINDINGS AND DETERMINATION   FOR TAX YEAR 2016
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This matter came before the Board of Equalization of Cache County, Utah on April 25, 2016 on the verified application for property tax exemption submitted by: SUNSHINE TERRACE FOUNDATION, INC.

**FINDINGS**

Based upon the verified application and documentation presented to the Board of Equalization at the hearing on April 25, 2016 and other supplemental materials, the Board of Equalization finds that:

1. SUNSHINE TERRACE FOUNDATION, INC. is the owner of record of the following properties presented on Schedule A:  
Sunshine Terrace Rehabilitation Center (06-014-0028)  
Terrace Grove Assisted Living Center (05-084-0005)  
Wanless Center (05-084-0001)  
Partially improved parking lot for company and employee vehicles (05-084-0027)

Schedule B requests exemption status for personal property and vehicles owned as of January 1, 2016. Schedule C discloses their gift to the community.

2. David Erickson and Jon White, members of the Board of Equalization, met with the Sunshine Terrace representatives on April 25, 2016 and reviewed the application of the owners and relevant facts and standards. Also attending were County Assessor, Kathleen Howell, and County Clerk/Auditor, Jill Zollinger.

3. It is recommended that 100% exemption be granted to the applicant for the tax year 2016 for the Rehabilitation Center (06-014-0028), the Wanless Center (05-084-0001), Terrace Grove (05-084-0005), and the vacant lot (05-084-0027) being graveled and used for parking. It is also recommended that 100% exemption be granted to the applicant for the tax year 2016 for personal property.

4. The Board of Equalization, in a public meeting held April 26, 2016, upon lawful notice, met and approved the requests for tax exemption as contained in these findings.

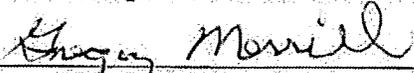
**DETERMINATION**

The Board of Equalization of Cache County, Utah, determines that:  
SUNSHINE TERRACE FOUNDATION, INC. is hereby granted 100% exemption from property taxes for the real property described in the attachments and attached hereto and made a part hereof which is used for the Sunshine Terrace Rehabilitation Center (06-014-0028), Terrace Grove Assisted Living Center (05-084-0005), the Wanless Center (05-084-0001), and for the parking lot located at 359 North 200 West (05-084-0027). The personal property filed in Schedule B including vehicles listed therein is also granted exemption for the tax year 2016.

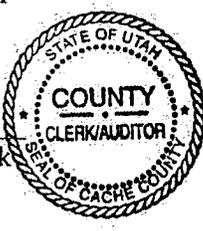
The foregoing findings were approved by the following votes by the members of the Board of Equalization on April 26, 2016.

COUNCIL MEMBER	IN FAVOR	AGAINST	ABSENT
Kathy Robison	X		
Val K. Potter	X		
David Erickson	X		
Greg Merrill	X		
Jon White	X		
Cory Yeates	X		
Gordon A. Zilles	X		

These findings and determination are approved as written this 26<sup>th</sup> day of April, 2016.

  
Greg Merrill, Board of Equalization Chair

Attested:  
  
Jill Zollinger, Board of Equalization Clerk



**Public Comment:**

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

**STAFF DETERMINATION & FINDINGS OF FACT (3)**

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

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

## ADDITIONAL REVIEW

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

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

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

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

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

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

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

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

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



RECORD OF DECISION  
ESPLIN ANDERSEN REZONE

WHEREAS, the "County Land Use Development and Management Act," Utah Code Ann. §17-27a-101 *et seq.*, as amended (the "Act"), provides that each county may enact a land use ordinance and a zoning map establishing regulations for land use and development;

AND WHEREAS, pursuant to the Act, the County's Planning Commission (the "Planning Commission") shall prepare and recommend to the County's legislative body, following a public hearing, a proposal that represents the Planning Commission's recommendations for zoning the area within the county;

AND WHEREAS, on 03 March 2016 at 5:40 P.M. the Planning Commission held a public hearing for a request to rezone parcel 04-013-0001, 5 acres of property, from the Agricultural (A-10) Zone to the Commercial (C) Zone, 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 concerning the proposed rezone, and at which meeting a recommendation of denial (5-0) was provided to the County Council for final action, and;

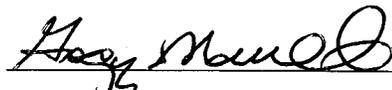
AND WHEREAS, on 12 April at 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed rezone. The County Council accepted all comments;

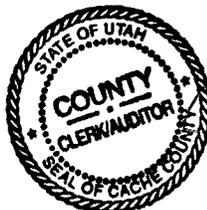
AND WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the Council's public hearing and other public meetings where such proposed rezone was discussed, and the information provided by county staff, the Council has determined that it is not in the best interest of the citizens of Cache County to approve said rezone;

NOW THEREFORE, on this the 26<sup>th</sup> of April, 2016, the Cache County Council denies the Esplin Andersen Rezone based on the following findings of fact:

1. The subject property is not appropriately served by public services.
  - a. The subject property does not have adequate road access for commercial development as neither 4600 North nor 400 West meet the requirement of 22 feet of paved width with 1 foot wide gravel shoulders.
  - b. If 400 West were improved to meet the minimum county road standard, the expansion of services for a paved road from a gravel road is not allowed as per Resolution 2015-20. An exception to this resolution is unlikely to be made as it would not improve the health and/or safety of existing legal subdivisions, homes, or businesses.
  - c. The subject property is within Smithfield City's annexation area. Smithfield City has requested denial based on a lack of both utility services and water for fire protection and has stated they shall not extend services until the subject property is annexed into the city.
2. The subject property is not currently in a compatible location for commercial activities.
  - a. None of the adjacent properties are zoned Commercial. The only properties zoned Commercial in the vicinity are undeveloped parcels approximately 3/4 of a mile away along the Highway 91 corridor that would likely require annexation to provide the needed public services.

CACHE COUNTY COUNCIL

  
Greg Merrill, Chair  
Cache County Council



ATTEST:

  
Jill Zollinger  
Cache County Clerk

# ORDINANCE No. 2016-03

CACHE COUNTY, UTAH

## AMENDMENTS TO TITLE 16

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AN ORDINANCE AMENDING AND SUPERSEDING  
CHAPTER 4 OF TITLE 16 OF THE CACHE COUNTY ORDINANCE  
REGARDING GENERAL SUBDIVISION REQUIREMENTS

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances, and;

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners. and;

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Zoning Ordinance for all citizens, and;

WHEREAS, on March 3, 2016 at 6:30 P.M., the Planning Commission held a public hearing for the amendments to Title 16, 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 concerning the proposed rezone. and;

WHEREAS, on March 3, 2016, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 16 of the Cache County Ordinance to be advertised before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on April 12, 2016, at 6:10 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 16 of the Cache County Ordinance. The County Council accepted all comments, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapter 4 of Title 16 of the Cache County Ordinance is hereby amended and superseded as follows:

**1. STATUTORY AUTHORITY**

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3 (1953, as amended to date).

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

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapter 4 of Title 16 of the Cache County Ordinance regarding general subdivision requirements, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 16 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 16 of the Cache County Ordinance are necessary to establish accurate standards for subdivision of property.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 16 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 16, Chapter 4, of the Cache County Ordinance is amended as follows:  
See Exhibit A

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapter 4 of Title 16 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

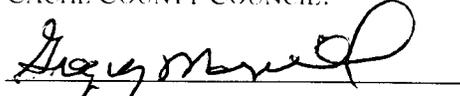
6. EFFECTIVE DATE.

This ordinance takes effect on May 12, 2016. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 26<sup>th</sup> day of April 2016.

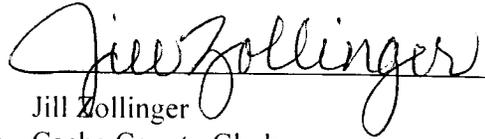
	In Favor	Against	Abstained	Absent
Potter	X			
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	7			

CACHE COUNTY COUNCIL:

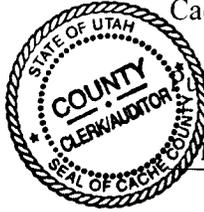


Greg Merrill, Chair  
Cache County Council

ATTEST:



Jill Zollinger  
Cache County Clerk



Application Date:

May 11, \_\_\_\_\_, 2016

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# ORDINANCE NO. 2016-04

CACHE COUNTY, UTAH

## AMENDMENTS TO TITLE 17

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AN ORDINANCE AMENDING AND SUPERSEDING ALL CHAPTERS AND WITH SUBSTANTIVE UPDATES TO CHAPTERS 1, 2, 3, 6, 7, 9, AND 10 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING GENERAL UPDATES, STATE CODE UPDATES, AND USES

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances, and;

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners, and;

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Land Use Ordinance for all citizens, and;

WHEREAS, on March 3, 2016 at 6:30 P.M., the Planning Commission held a public hearing for the amendments to Title 17, 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 concerning the proposed rezone, and;

WHEREAS, on March 3, 2016, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Ordinance to be advertised before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on April 12, 2016, at 6:10 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Ordinance. The County Council accepted all comments, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Title 17 of the Cache County Ordinance is hereby amended and superseded as follows:

### 1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3 (1953, as amended to date).

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2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede all chapters and includes substantive updates to Chapters 1, 2, 3, 6, 7, 9, and 10 of the Cache County Ordinance regarding general updates, state code updates, and uses, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 17 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Ordinance are necessary to establish accurate standards for land use review.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 17, all chapters and including substantive updates to Chapters 1, 2, 3, 6, 7, 9, and 10 of the Cache County Ordinance, is amended as follows: See Exhibit A

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes all chapters and includes substantive updates to Chapters 1, 2, 3, 6, 7, 9, and 10 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

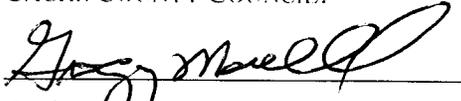
6. EFFECTIVE DATE.

This ordinance takes effect on May12, 2016. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

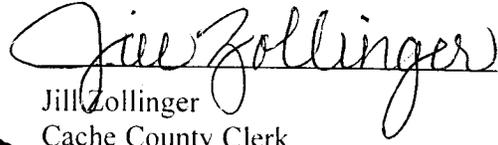
APPROVED AND ADOPTED this 26<sup>th</sup> day of April 2016.

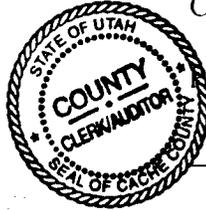
	In Favor	Against	Abstained	Absent
Potter	X			
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	7			

CACHE COUNTY COUNCIL:

  
Greg Merrill, Chair  
Cache County Council

ATTEST:

  
Jill Zollinger  
Cache County Clerk



Publication Date:

May 11, 2016

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## Cache County Auditor's Report of 2016 Tax Sale

We are pleased to announce that the 2015 tax sale has been  *canceled* . All parcels with back taxes of five years or more have been redeemed, or are compliant with a deferral plan granted by the Cache County Council. There is one bankruptcy that has been excluded.

Through the concerted efforts of the Auditor's office and the Treasurer's office we were able to conclude the tax sale process before incurring the expense of the second certified mailing that goes to all interested parties of each parcel, or the substantial outlay of publishing notice in the paper.

Here is a brief history since our office has been tracking the tax sale. These decreasing numbers are due to compliant deferral and settlement arrangements, consistent application of relevant law, and excellent collection efforts.

TAX SALE HISTORY		
TAX SALE YEAR	MARCH LIST	MAY AUCTION
2013	207	3
2014	140	4
2015	108	0
2016	12	0

Below is the notice published on our website [www.cachecounty.org/auditor/tax-sale/tax-sale-notice-2016](http://www.cachecounty.org/auditor/tax-sale/tax-sale-notice-2016):

### **2016 TAX SALE CANCELED-ALL DELINQUENT PROPERTIES REDEEMED!**

Notice is hereby given that on the **19th day of May, 2016, at 10:00 a.m.**, in the Cache County Multipurpose Room #109 at 179 North Main, Logan, Utah, Cache County will offer for sale (unless redeemed prior to sale) at public auction and sell to the highest bidder for **cash or certified check**, under the provisions of Section 59-2-1351.1, the following described real property located in Cache County and now delinquent and subject to tax sale. No bids will be accepted for an amount less than the outstanding balance as shown below which includes taxes, interest, penalty and administrative costs (exact amounts will change as accrued).

**In the case of improved property, a bid for less than the market value and the total amount of taxes interest, penalty, and administrative costs that are a charge upon the real estate will not be accepted.** Properties with improvements are noted. Any excess amounts received will be treated as surplus property and paid to the State Treasurer.

If you plan on participating, please fill out a Bidder Registration Form and return it to the Auditor's Office located at 179 N Main Suite 202 Logan, Utah. The "tax procedures" referred to in this form are available in the **County Code**.