

APPROVED

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

COUNTY COUNCIL MEETING

July 26, 2016

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CACHE COUNTY COUNCIL MEETING
July 26, 2016

The Cache County Council convened in a regular session on July 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, Jon White, Cory Yeates
& Gordon Zilles
County Executive: Craig "W" Buttars
County Clerk/Auditor: Jill N. Zollinger
County Attorney: Tony Baird

The following individuals were also in attendance: Janeen Allen, Danny Hansen, Sharon L. Hoth, Vic Little, Director Bartt Nelson, Dave Nielsen, Director Josh Runhaar **Media:** Clayton Gefre (Herald Journal).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

County Executive Buttars 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. Robison seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

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

MINUTES FOLLOW-UP: There was none.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

<u>APPOINTMENTS:</u>	Erin Davies	Cache County Deputy Sheriff
	Peter Colton Peterson	Cache County Deputy Sheriff
	Craig "W" Buttars	Roads Special Service District
	Josh Runhaar	Roads Special Service District
	Cameron Jensen	Roads Special Service District

ACTION: Motion by Council member Yeates to approve the recommended appointments. White seconded the motion. The vote was unanimous, 7-0.

WARRANTS: Warrants for the periods 07-09-2016 to 07-15-2016 were given to the Clerk for filing.

OTHER ITEMS:

- Employees' Day of Service – The Family Place** – Executive Buttars thanked all who helped complete the landscaping at The Family Place.
- Parades** – Executive Buttars noted that the Council participated in parades in Mendon, Hyde Park, Logan and North Logan over the July 24th holiday.
- Water Conservancy District** – The 60-day protest period for the propose water conservancy district had begun and a few protests have been received as well as a Grama request for the contract with the Langdon Group and the water master plan.
- National Guard Armory** – Executive Buttars met with representatives of the Armory about the possibility of someday acquiring the property. The National Guard is also willing to rent out the building for community needs if and when they acquire another property for the Armory.
- Budgets** – Most departments have submitted their budgets and executive Buttars is moving forward with the budget preparation.

UNIT OR COMMITTEE REPORTS

- * **Information Technology (IT) – Bartt Nelson** reviewed the operations of the IT Department including:
 - o Personnel/Team Structure
 - o Taxroll rewrite
 - o Alerting
 - o LionFish
 - o Permits & Workflows
 - o Kiosk Stations
 - o HelpDesk
 - o Budget

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

**PUBLIC HEARING SET: August 09, 2016 – 6:00 p.m.-Ordinance No. 2016-13-
Amendments to Title 17**

PUBLIC HEARING SET: August 09, 2016 – 6:10 p.m.-Yunker Rezone – Request for approval to rezone 9.13 acres from the Agricultural (A10) Zone to the Industrial (I) Zone, located at 420 East 9800 North near Richmond

**PUBLIC HEARING SET: August 09, 2016 – 6:20 p.m.-Ordinance No. 2016-11-
Agritourism** – Amendments to sections 17.07: Definitions and 17.09: schedule of Zoning Uses of the County Code regarding Agritourism uses

**PUBLIC HEARING SET: August 09, 2016 – 6:30 p.m.-Ordinance No. 2016-12-
Telecommunications Facilities** – Amendments reflecting updates to federal statutes for telecommunication facilities

PUBLIC HEARING SET: August 09, 2016 – 6:40 p.m.-Open 2016 Budget

ACTION: Motion by Council Member Yeates to set Public Hearings for:

- ❖ **August 09, 2016 – 6:00 p.m.-Ordinance No. 2016-13-Amendments to Title 17**
- ❖ **August 09, 2016 – 6:10 p.m.-Younker Rezone** – *Request for approval to rezone 9.13 acres from the Agricultural (A10) Zone to the Industrial (I) Zone, located at 420 East 9800 North near Richmond*
- ❖ **August 09, 2016 – 6:20 p.m.-Ordinance No. 2016-11-Agritourism** – *Amendments to sections 17.07: Definitions and 17.09: schedule of Zoning Uses of the County Code regarding Agritourism uses*
- ❖ **August 09, 2016 – 6:30 p.m.-Ordinance No. 2016-12-Telecommunications Facilities** – *Amendments reflecting updates to federal statutes for telecommunication facilities*
- ❖ **August 09, 2016 – 6:40 p.m.-Open 2016 Budget.**

Potter seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2016-14 – Hansen Rezone** – Request for approval to rezone 8.76 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, located approximately 6500 North 400 West, north of Smithfield. – Director Runhaar briefly reviewed previous discussions of this rezone request.

Council member Robison restated her desire that the RU2 Zone should be eliminated. It has caused problems from the beginning and continues to do so.

(Attachment 1)

ACTION: Motion by Council member White to approve Ordinance No. 2016-14.

Yeates seconded the motion. The motion passed, 5 aye – Erickson, Merrill, White, Yeates & Zilles and 2 nay – Potter & Robison.

- **Discussion – Ordinance No. 2016-10 – Title 15.32 – Stormwater***(NO ACTION TAKEN)*
Resolution No. 2016-18 – Stormwater Management Program *(NO ACTION TAKEN)*
Resolution No. 2016-19 – Updates to Manual of Roadway Design and Construction Standards *(NO ACTION TAKEN)* – Director Runhaar reviewed the changes and updates for the Council including Appendices A-F, Minimum Control Measures and an Appeals Section.
- **Property Tax Relief Request** – 0017 *(Details are on file in the office of the Cache County Clerk/Auditor)*

ACTION: Motion by Council member Zilles to approve the property tax relief request for 0017. White seconded the motion. The vote was unanimous, 7-0.

OTHER BUSINESS

- ✓ **Cache County Fair and Rodeo – August 11, 12, 13, 2016**
- ✓ **Council Summer Social – Monday, August 22, 2016-6:00 p.m.**

- ✓ **River Heights Apple Days Parade – Saturday, August 27, 2016** – Zilles will attend and possibly Yeates.

COUNCIL MEMBER REPORTS

Gordon Zilles observed he has good feelings about citizens' view of the water district because he has received many favorable comments.

Kathy Robison wishes Logan City would voice its support of the water district. The largest block of voters in the county is in Logan City and city residents don't always feel the same concerns about water as other county residents may; however, they may be severely impacted if Cache Valley water is not protected.

ADJOURNMENT

The Council meeting adjourned at 6:40 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chairman

ORDINANCE NO. 2016-14

CACHE COUNTY, UTAH

HANSEN REZONE

AN ORDINANCE AMENDING THE COUNTY ZONING MAP

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 proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission's recommendations for zoning the area within the county, and;

WHEREAS, the act also provides certain procedures for the county's legislative body (the "County Council") to adopt or amend the land use ordinance and zoning map for the county, and;

WHEREAS, the County Council caused notice of the hearing to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on June 2, 2016, at 6:00 P.M. the Planning Commission held a public hearing for a rezone parcel 08-043-0005, 8.76 acres of property, from the Agricultural (A-10) Zone to the Rural 2 (RU2) 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;

WHEREAS, on June 2, 2016, the Planning Commission recommended the approval of said rezone (6. 0) and forwarded such recommendation to the County Council for final action, and;

WHEREAS, on June 28, 2016, 5:50 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 public hearing and other public meetings where such proposed rezone was discussed, and recommendation of county staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to approve such rezone;

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.

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).

2. Approval of Rezone.

The County Council hereby rezones the described 8.76 acre portion of parcel number 08-043-0005 as described within Exhibit A currently zoned as the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

3. Adoption of Amended Zoning Map.

The County Council hereby amends the county's zoning map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended zoning map that is attached as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

4. Findings

A. The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.

B. The property is within 400 feet of the Smithfield City boundary, and also:

- i. The property is within Smithfield City's stated annexation area, and the City has provided a letter stating they have no issues with the rezone.
- ii. Smithfield City's general plan addresses the nearest City parcels under the R-1-12 zoning, which specifies a lot size of 0.275 acres

5. Severability.

All parts of this ordinance are severable, and if any section, paragraph, clause or provision of this ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this ordinance.

6. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes the Zoning Map of Cache County, 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.

7. Exhibits.

Exhibit A: Description/map of the affected portion of parcel number 08-043-0005.
Exhibit B: Zoning Map of Cache County

8. Effective Date.

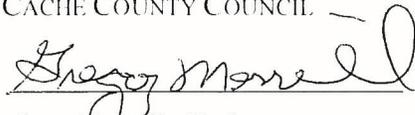
This ordinance takes effect on August 11, 2016. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the county as required by law.

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APPROVED AND ADOPTED this 26th day of July, 2016.

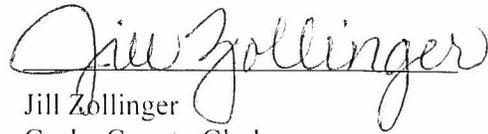
	In Favor	Against	Abstained	Absent
Potter	X			
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	7			

CACHE COUNTY COUNCIL



Greg Merrill, Chair
Cache County Council

ATTEST:

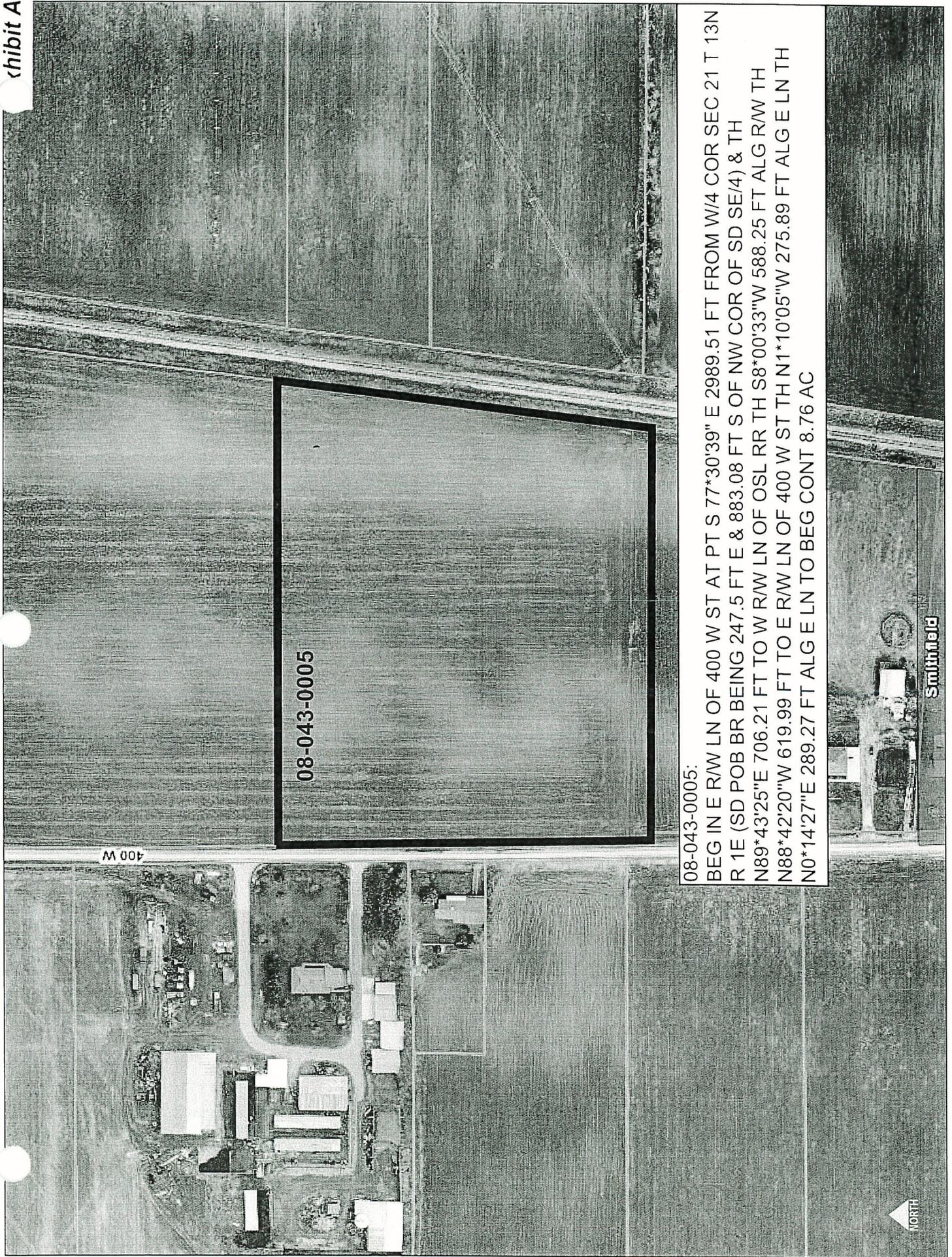


Jill Zollinger
Cache County Clerk

Publication Date:

August 10, 2016

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08-043-0005

400 W

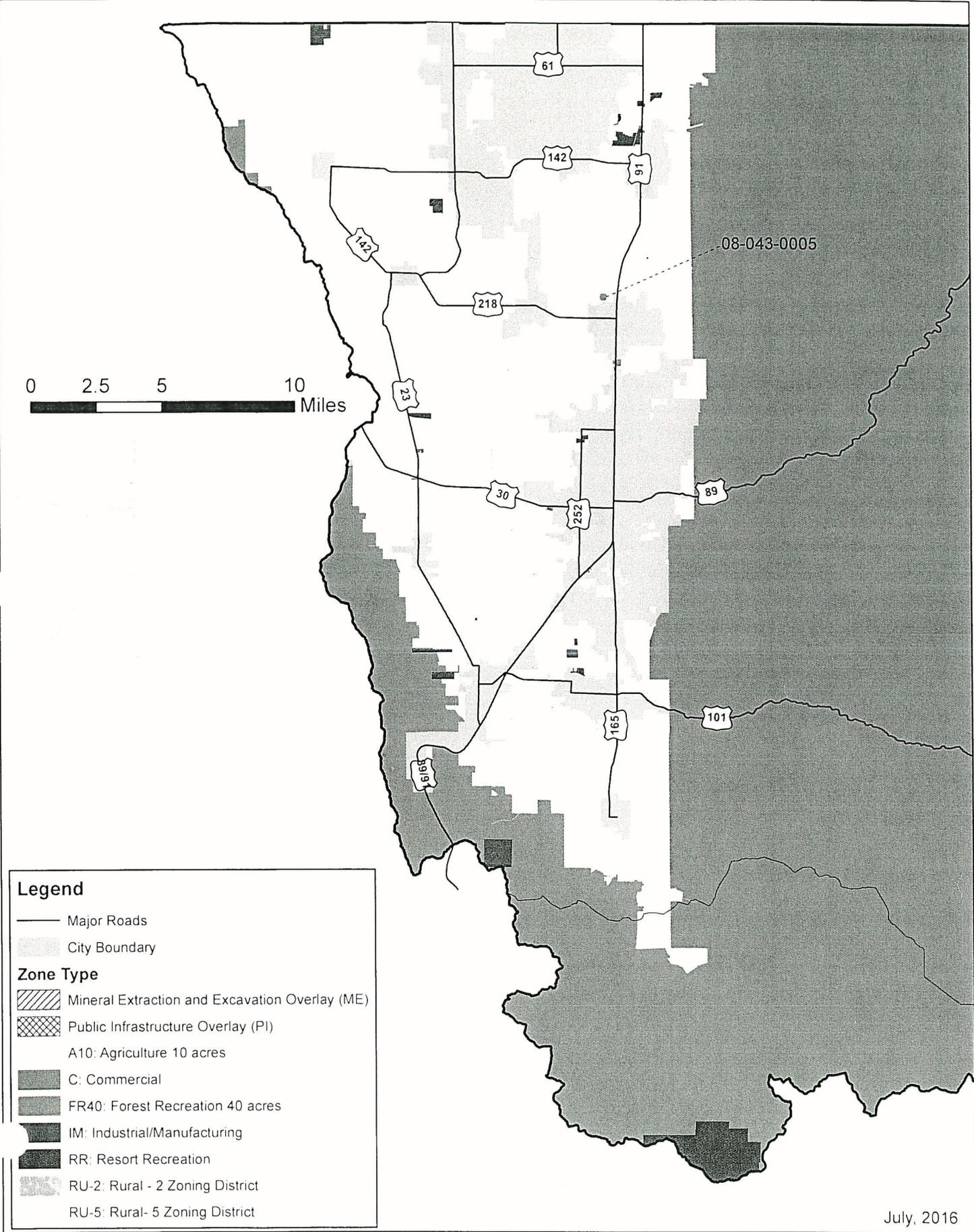
Smithfield

NORTH

08-043-0005:

BEG IN E RW LN OF 400 W ST AT PT S 77°30'39" E 2989.51 FT FROM W/4 COR SEC 21 T 13N
 R 1E (SD POB BR BEING 247.5 FT E & 883.08 FT S OF NW COR OF SD SE/4) & TH
 N89°43'25"E 706.21 FT TO W RW LN OF OSL RR TH S8°00'33"W 588.25 FT ALG RW TH
 N88°42'20"W 619.99 FT TO E RW LN OF 400 W ST TH N1°10'05"W 275.89 FT ALG E LN TH
 N0°14'27"E 289.27 FT ALG E LN TO BEG CONT 8.76 AC

Exhibit B: Ordinance 2016-14 Zoning Map of Cache County



Legend

— Major Roads

City Boundary

Zone Type

Mineral Extraction and Excavation Overlay (ME)

Public Infrastructure Overlay (PI)

A10: Agriculture 10 acres

C: Commercial

FR40: Forest Recreation 40 acres

IM: Industrial/Manufacturing

RR: Resort Recreation

RU-2: Rural - 2 Zoning District

RU-5: Rural - 5 Zoning District