

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
AUGUST 23, 2016**

COUNTY COUNCIL MEETING

August 23, 2016

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CACHE COUNTY COUNCIL MEETING
August 23, 2016

The Cache County Council convened in a regular session on August 23, 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 & Gordon Zilles Cory Yeates absent
County Executive:	Craig "W" Buttars
County Clerk/Auditor:	Sharon L. Hoth
Deputy County Attorney:	Lee Edwards

The following individuals were also in attendance: Janeen Allen, Alex Buxton, Bart Esplin, James Fournier, Chris Harrild, Director Cameron Jensen, Alan Lower, Rocky Mackin, Director Bartt Nelson, Tresa Nelson, Dave Nielsen, Brad Patterson, Tim Rawlings, Cathy Ricks, Darrell Ricks, Jay Ricks, Jeff Ricks, Director Josh Runhaar, Richard Stephens, Julie Hollist Terrell, Curt Thompson, Deyna Thompson, Sharen Thompson, Karl Ward, Gina Worthen, Angela Younker **Media:** Clayton Gefre (Herald Journal, Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Vice Chair Erickson to approve the agenda as written. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Potter to approve the minutes of the August 09, 2016 Council Meeting as written. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

MINUTES FOLLOW-UP: Council member Robison thought a discussion on gravel pits was going to be on this agenda. Chairman Merrill said it will be on the next agenda and asked if gravel pit developers can be required to post a bond so there is some recourse for the county to address any problems that may arise. Attorney Edwards said he will look into it.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 08-06-2016 to 08-12-2016 and 08-13-2016 to 08-19-2016 were given to the Clerk for filing.

OTHER ITEMS:

- ❑ **Fire – North of Beaver Mountain** – Executive Buttars updated the Council on the status of the fire which is still 0% contained. The county has resources on site for building protection and water resources. The cause is still unknown.
- ❑ **Water Conservancy District** – The ballot language for the water district question is ready and the county will request a number for the proposition from the state.

CONSENT AGENDA

- ◇ **Phoebe Meadows Subdivision** – Request for a four-lot subdivision on 20.5 acres in the Agricultural (A10) Zone located approximately 7909 South 400 West, northwest of Paradise.
- ◇ **Garland Acres Subdivision 2nd Amendment** – Request to add four lots to an existing three-lot subdivision on 77.37 acres in the Agricultural (A10) Zone located approximately 600 North 7200 West, Petersboro.
- ◇ **CTST Thompson Subdivision 1st Amendment** – Request to add two lots to an existing two-lot subdivision on 62.64 acres in the Agricultural (A10) Zone located approximately 4358 West 6800 South.

(Attachment 1)

ACTION: Motion by Council member White to approve the Consent Agenda items – *Phoebe Meadows Subdivision; Garland Acres Subdivision 2nd Amendment; CTST Thompson Subdivision 1st Amendment.* Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

SET BOARD OF EQUALIZATION DATES

- **Hearing Dates** – The following hearing dates were proposed:

Thursday	September 8
Tuesday	September 13
Thursday	September 15
Tuesday	September 20
Wednesday	September 21
Tuesday	September 27
Tuesday	October 4
Thursday	October 6

ACTION: Motion by Council member Potter to set the hearing dates as proposed. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PENDING ACTION

- ☐ **Resolution No. 2016-20 – Amendments to 2016 Budget** – Chairman Merrill reviewed categories with questions, including Contributions and Transfers, Financing-overtime, Auditor-part-time employees, Advertising, Assessing and Collecting-taxes, Visitors Bureau.

Directors Jensen and Hollist-Terrell explained the budget items for the Council. Council member Zilles asked Hollist-Terrell to provide the Council a detailed list of where any RAPZ awarded funds are used as well as the TRT funds. Chairman Merrill concurred with the request and also asked for a plan of what various funding will be used for and the pros and cons of the plan and, perhaps, this could be provided to Executive Buttars on a quarterly basis.

Of the three options presented to the Council concerning a new or used water truck, the Council selected Option 3 on the water truck purchase – the new truck that has been leased for the last two months.

(Attachment 2)

ACTION: Motion by Council member White to approve Resolution No. 2016-20 – Amendments to 2016 Budget. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2016-12-Amendments to Title 17.20 – Telecommunication Facilities** – Amendments reflecting updates to Federal statutes for telecommunication facilities.

(Attachment 3)

ACTION: Motion by Council member Potter to waive the rules and approve Ordinance No. 2016-12-Amendments to Title 17.20-Telecommunication Facilities. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Ordinance No. 2016-12: The motion passed 6-0. Yeates absent.

	<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	6
NAY								0
ABSTAINED								0
ABSENT						X		1

- **Ordinance No. 2016-13 – Amendments to Title 17 –** 17.02 Administration, 17.04 Enforcement, 17.06 Uses, 17.07 Definitions, 17.09 Schedule of Zoning Uses, 17.10 Development Standards, 17.13 Mineral Extraction and Excavation (ME) Overlay Zone, 17.16 Group Living Facilities – Chris Harrild stated that Title 17.13 presently contains requirements that include financial surety and reclamation agreements for gravel pits. The problems are with the old pits which the county has no authority over.

In response to Chairman Merrill's question, Harrild stated there are general enforcement penalties that can be applied - \$100.00/day per infraction or a Class C misdemeanor if the criminal side is pursued. Harrild agreed with Council member Potter's assessment that the gravel pit issues are usually encroachment and expansion.

(Attachment 4)

ACTION: Motion by Vice Chair Erickson to waive the rules and approve Ordinance No. 2016-13-Amendments to Title 17 - 17.02 Administration, 17.04 Enforcement, 17.06 Uses, 17.07 Definitions, 17.09 Schedule of Zoning Uses, 17.10 Development Standards, 17.13 Mineral Extraction and Excavation (ME) Overlay Zone, 17.16 Group Living Facilities. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Ordinance No. 2016-13: The motion passed 6-0. Yeates absent.

	<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	6
NAY								0
ABSTAINED								0
ABSENT						X		1

- **Ordinance No. 2016-15 – Younker's Rezone –** Request for a rezone of 9.13 acres from the Agricultural (A10) Zone to the Industrial (I) Zone – Chris Harrild indicated he has been in contact with Richmond City and they are supportive of the proposal. Council member Zilles and Vice Chair Erickson each expressed concerns that only a small portion is needed, but the entire parcel has to be rezoned and who knows what may develop in the future.

Chairman Merrill reiterated his desire that rezone request sites should be visited by the Council member from the district where the rezone area is proposed. Vice Chair Erickson said he has been by the property in question several times.

(Attachment 5)

ACTION: Motion by Council member Potter to waive the rules and approve Ordinance No. 2016-15-Younker's Rezone. Robison seconded the motion. The motion passed, 4 aye – Merrill, Potter, Robison & White and 2 nay – Erickson & Zilles. Yeates absent.

Ordinance No. 2016-15: The motion passed 4 aye & 2 nay. Yeates absent.

	ERICKSON	MERRILL	POTTER	ROBISON	WHITE	YEATES	ZILLES	VOTES CAST
AYE		X	X	X	X			4
NAY	X						X	2
ABSTAINED								0
ABSENT						X		1

- **Darrell's Appliance Subdivision 1st Amendment** – Request to create a new lot (Lot 3) from the existing Zone to the Industrial (I) Zone – Chris Harrild explained that this is a proposal to break out another piece from the smaller 0031 parcel; however, according to state law when most of the development potential is on the south parcel 0020, the signature of the owner of that parcel is required for the subdivision to take place. Staff recommends approval with the signature of the property owner to the south.

(Attachment 6)

ACTION: Motion by Council member Zilles to waive the rules and approve Darrell's Appliance Subdivision 1st Amendment subject to the findings, conditions and conclusions of Development Services. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Property Tax Relief Request** – Council member Robison questioned why the relative living with the applicant is not paying rent/board. *(Details are on file in the office of the Cache County Clerk/Auditor)*

ACTION: Motion by Council member Potter to approve the Property Tax Relief Request. Zilles seconded the motion. The motion passed, 5 aye – Erickson, Merrill, Potter, White & Zilles and 1 nay – Robison. Yeates absent.

- **Consideration of a resolution authorizing the issuance and sale of not more than \$6,000,000.00 aggregate principal amount of Sales Tax Revenue Refunding Bonds; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; delegating to certain officers of the issuer the authority to approve the final terms and provisions of the bonds within the parameters set forth herein; providing for the publication of a notice of bonds to be issued; providing for the publication of a notice of bonds to be issued; providing for the running of a contest period; authorizing and approving the execution of a supplemental indenture, a bond purchase agreement, and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by the resolution; and related matters** – Executive Buttars stated this is a refinancing bond that will save a substantial amount of money and still be paid off in the same amount of time.

Alex Buxton, Zions Bank Public Finance, explained the refinancing process and requirements and predicts as much as a \$400,000.00 savings to the county over the next six years.

Brad Patterson, Bond Attorney, said they will solicit bids and then work with Director Jensen and Executive Buttars to determine the lowest bidder with the best terms for the county. He expects to close on the new bonds towards the end of September. T

- **Resolution No. 2016-21 – Authorizing the Issuance and Sale of Sales Tax Revenue Refunding Bonds** – Brad Patterson explained the resolution sets certain maximums and allows solicitation of bidders and the formation of a pricing committee which will make the final determination. The pricing committee is currently proposed to be any two Council members or a Council member and County Executive or County Clerk and the Chief Finance Officer.

Council member Potter suggested Finance Director Cameron Jensen, Chairman Greg Merrill and Executive Buttars as the Pricing Committee. The Council concurred.

(Attachment 7)

ACTION: Motion by Vice Chair Erickson to waive the rules and approve Resolution No. 2016-21-Authorizing the Issuance and Sale of Sales Tax Revenue Refunding Bonds with the Pricing Committee members as proposed by Council member Potter. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Consideration of a resolution of inducement for Industrial Development Revenue and Refunding Bonds; approving a memorandum of agreement with Lower Properties, L.L.C. in connection with the issuance by the County of said bonds to refund certain outstanding industrial revenue bonds of the County and finance the costs of the acquisition and construction of an expansion and related improvements to a building in use as a manufacturing facility (the “Project”); directing the holding of a public hearing; authorizing the publication of a notice of public hearing and notice of bonds to be issued; and related matters** – Alex Buxton, Alan Lower and Karl Ward (lender-Zions) propose industrial inducement bonds for Lower Foods. Lower expressed gratitude for the past support of the County Council. His is a family business trying to compete with the “big boys.” The business has grown and more space is needed for its operation.

Bond Attorney Brad Patterson stated there is no liability for the County as a conduit issuer. A public hearing needs to be noticed and held prior to adopting the resolution.

- **Resolution No. 2016-22 – Inducement for Industrial Development Revenue and Refunding Bonds for Lower Properties, L.L.C. (NO ACTION TAKEN)**

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: September 13, 2016-5:30 p.m.- Resolution No. 2016-22-Inducement for Industrial Development Revenue and Refunding Bonds for Lower Property L.L.C.

ACTION: Motion by Council member Potter to set a Public Hearing-September 13, 2016-5:30 p.m.-Resolution No. 2016-22-Inducement for Industrial Development Revenue and Refunding Bonds for Lower Property L.L.C. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Discussion – Updates to Local Transportation Fund Program** – Mayor Shaun Dustin, Chair of CCCOG, gave the Council an overview of the Cache County Council of Governments (CCCOG) and his worries and concerns. He recommends the following:
 - 90% of the engineering design completed
 - 1.5% administrative budget – oversight
 - Only fund required right-of-way
 - Creation of an Executive Committee (CCCOG Chair and Vice Chair and County Executive) for pre-screening
 - Creation of rural set-aside

Mayor Dustin asked if CCCOG can use this as a framework to present to the CCCOG. Council member Zilles asked Dustin to add that every year CCCOG prepare a report on the status of each project and goes back to identify any loose land, etc. from a project.

The Council is supportive of Dustin taking the proposals to the CCCOG and praised Dustin for his thought and preparation. Dustin thanked Jeff Gilbert (CMPO) for his assistance and support.

Council member Zilles suggested taking monies (possibly \$6,000,000.00) not used for projects and offering it as a match for the state to realign Highway 30.

OTHER BUSINESS

- ✓ **River Heights Apple Days Parade – Saturday, August 27, 2016 – 4:00 p.m.**
- ✓ **Wellsville Founders' Day Parade – Monday, September 5, 2016-10:00 a.m. –** Buttars, possibly Potter, White and Zilles will attend.
- ✓ **USU Homecoming Parade – Saturday, September 24, 2016-10:00 a.m. –**Merrill and Robison will attend.
- ✓ **UAC – Vernal, Utah** – Buttars, Erickson & Robison will attend.

COUNCIL MEMBER REPORTS

Val K Potter observed the Council needs to look at the Visitors Bureau TRT funding and change the way it is directed. The Council needs itemized expenditures of the TRT funds.

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Chairman Merrill agreed noting that the Tourism Advisory Board needs to make recommendations to the Council for approval.

Craig W Buttars said the latest report on the fire near Beaver Mountain is that people on the highway checking on the fire are becoming a problem.

ADJOURNMENT

The Council meeting adjourned at 8:12 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chair



STAFF REPORT: PHOEBE MEADOWS SUBDIVISION

Date: 4 August 2016

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: James Fournier

Parcel ID#: 01-087-0005

Staff Determination: Approval with Conditions

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

7909 South 400 West
Paradise, UT 84328

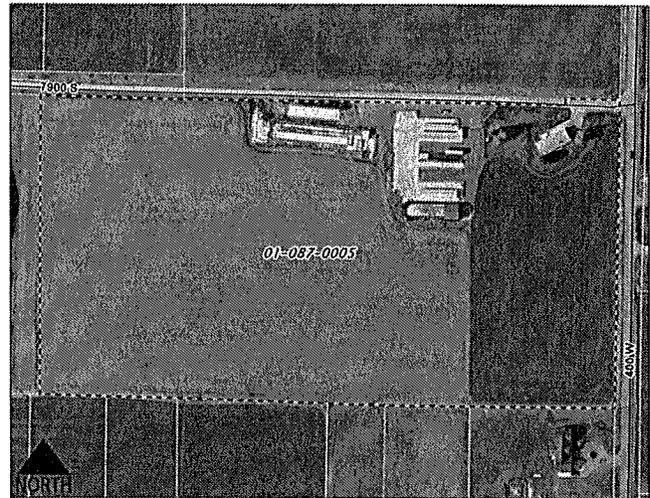
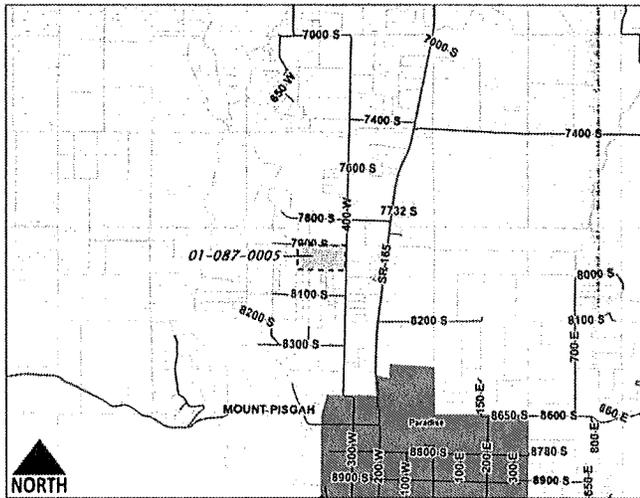
Current Zoning:

Agricultural (A10)

Acres: 20.50

Surrounding Uses:

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



SUMMARY

The Phoebe Meadows Subdivision is a request to create four residential lots out of the existing 20.50-acre parcel 01-087-0005, which is considered a 1970 parcel. The existing home and agricultural buildings will remain on Lot 1, and the applicant has proposed reconfiguring the driveway to access from 400 West instead of 7900 South. Lots 2 and 3 will front 400 West while Lot 4 will front 7900 South. 7900 South does not meet the minimum county standards for road surface width and must be improved to meet the standards.

This subdivision was originally scheduled for the 7 July 2016 Planning Commission meeting but was rescheduled for the 4 August 2016 meeting to get more accurate information on the maintenance of 7900 South.

FINDINGS OF FACT (21)

Ordinance—17.02.060, 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 01-087-0005 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 two acres per unit while subsequent lots may be divided at ten acres per unit, yielding a total of 4 developable lots on 20.5 acres.

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

4. 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.
5. 400 West meets the minimum access and maintenance requirements with the exception of paved width.
 - a. The existing home on the proposed Lot 1 is currently accessed from 7900 South. The applicant intends to close this access and create a new access from 400 West.
 - b. Access to Lots 2 and 3 is proposed to be from county road 400 West, which serves a large number of dwellings.
 - c. 400 West consists of an approximately 20-foot wide paved width with 2-foot gravel shoulders.
 - d. The county provides winter maintenance on 400 West.
6. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements of any road serving three dwellings or less as 24 feet of gravel width.
7. 7900 South meets the minimum access and maintenance requirements with the exception of the overall roadway width and adequate turnaround.
 - a. Access to Lot 4 would be from county road 7900 South.
 - b. 7900 South currently provides access to two dwellings. If the driveway for Lot 1 is reconfigured to access from 400 West, Lot 4 would be the second dwelling on 7900 South.
 - c. 7900 South consists of a gravel surface that varies from 17 feet to 22 feet in width.
 - d. The county provides winter maintenance on 7900 South.
 - e. The right-of-way for 7900 South has been identified as 62.7 feet wide.
 - f. There is no existing adequate turnaround on 7900 South for winter maintenance, emergency access, and garbage removal.

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

8. The applicant has one approved domestic use water right and three unapproved, domestic-use water rights that are currently in the approval process.
9. Bear River Health Department has provided a septic system feasibility letter for all four lots so long as there is a 100-foot protection zone around each well.
10. 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]

11. Residential refuse and recycling containers for Lots 1, 2, and 3 must be placed on 400 West; shoulder improvements may be required to allow them to be placed outside the travel lane.
12. Residential refuse and recycling containers for Lot 4 must be placed on 400 West unless an all-weather large truck turn-around is provided on Lot 4.
13. School bus service will be provided through a stop at 7771 South 400 West.
14. 400 West and 7900 South meet the requirements of the County Fire District.
15. Water supply for fire suppression is provided by the Paradise Fire Department.

Public Notice and Comment—17.02.040

16. Public notice was initially posted online to the Utah Public Notice Website on 19 May 2016 and again on 19 July 2016.
17. Notice was initially published in the Herald Journal on 22 May 2016 and again on 24 July 2016.
18. Notices were posted in three public places on 28 June 2016 and again on 19 July 2016.
19. Notices were mailed to all property owners within 300 feet of the subject property on 27 May 2016.
20. Paradise City was noticed by e-mail as part of the development review process on 10 June 2016.
21. 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 Land Use Ordinance and on the findings of fact as noted herein.

1. Prior to final plat recordation, adequate and approved domestic water rights must be in place for all building lots within the subdivision.
2. 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.
3. Prior to final plat recordation, 7900 South must be improved as follows:
 - a. A turnaround that meets Fire District and Road Department standards, which standards include, but are not limited to, material, width, and location, must be built on 7900 South.
 - b. Any portions of the turnaround not currently within the county right-of-way must be dedicated to the county.
 - c. The gravel surface of 7900 South must be improved to the minimum county standards up to and including the turnaround.
4. The applicant must provide sufficient shoulder space on 400 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.

CONCLUSIONS (2)

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

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Land Use Ordinance.
2. A design exception is hereby approved for the paved width of 400 West as the total roadway width meets the minimum county requirements and the addition of a two-foot-wide strip of pavement is not practical and may create future maintenance and structural issues on the roadway.

#2 Phoebe Meadows Subdivision (James Fournier)

Adams reviewed Mr. James Fournier's request for a recommendation of approval to the County Council for a four-lot subdivision on 20.5 acres of property at approximately 7900 South 400 West, northwest of Paradise, in the Agricultural (A10) Zone. Access will be split between two roads. Lot 4 will be accessed from 7900 south; Lots 2 and 3 will be accessed from county road 400 west. 7900 South already has one dwelling located on it; Lot 1. The applicant has proposed to close Lot 1's 7900 South access and move it to 400 west. 400 West is a paved road and does not meet the minimum paved requirement but does meet the total width requirement and staff recommends a design exception be made. 7900 South is a gravel road of varying width, anywhere from 17 to 20 feet, and county winter maintenance is provided. There is not adequate turn around space on this road for large equipment such as garbage trucks or snow plows. A turnaround is required at the west end of 7900 South. Condition 3b was amended to include the addition of language for a turnaround easement.

Staff and Commission discussed access; access for Lot 1 will be from 400 West; Lot 4 will have access from 7900 South.

6:01:00

Parker arrived

James Fournier I go by Bear; I represent the subdivision. I have received approval from the State for the water well permits. We have plans to move the current driveway on 7900 South, and the plan is to close that driveway and move it to 400 West and to put a deed restriction on the property to prevent future owners from accessing 7900 South.

Olsen but access for the farm building will be from 7900 south?

Mr. Fournier yes, they pull in to put the hay in and then pull back out.

Olsen and that doesn't pose a problem at all?

Mr. Fournier no.

Sandra Nielson I wondered about the property beyond, the piece down below that little cabin; if at some future point they want to put a dwelling in there would they have to access 400 west, since there would be no opportunity to do that from 7900 south?

Harrild the county has made a break where a road needs to be paved or not. Currently 3 homes do not require a paved road but as soon as a fourth home was to be added, they would have to pave the road to the nearest access point.

Ms. Nielson so the last person has to do the paving?

Harrild correct

Ms. Nielson so by putting these two more homes, then if another home is wanted that home would have to do the paving?

Christensen just to clarify right now there are only two accesses so that should allow for one more?

Runhaar typically when you are dealing with one home at a time, design exceptions are common. But if they were to divide for a subdivision, paving would be required. Typically the philosophy is that the first developer coming in widens the road and sets the base and then the next developer would add the next step for road improvements and so on; it's a step based requirement.

Ms. Nielson there is nothing being developed in the last lot so there are actually four lots?

Christensen even though there are four lots in the subdivision, only one lot is accessing 7900 south.

Ms. Nielson so just one house is going to, where is that?

Christensen approximately that last yellow marker on the left side of the property on the map.

Paul Murray my wife and I own the property across from this. The only concern that we have is that road, if you notice the yellow line going east and west, takes a pretty drastic taper from one side of the county access from the other side. I would like to see that road centered in the center of the county's property. That barn you see in the middle of the structure there is about 30-40% in the county and they obviously shifted the road to the north to stay away from that barn. But I think it's only fair that the road be centered on the center of the county property to keep it from crowding the property boundary. We have an irrigation line that runs the full length of that and the road has been slid over for way too many years. If you take the existing fence post that has been there for a long time, if you measure from those posts to the extreme north end of the barn there is only 55 feet on there. So 16 feet of that barn is on the county but the road is just going to keep shifting further and further north and we would like to see that stop. The access of four homes means two more homes could go down 7900 before oil would be required?

Adams before asphalt is required, yes.

Mr. Murray so the existing farm structures have no bearing on access?

Adams that is correct.

Staff and Commission discussed the right of way. The question was asked if it mattered if the road was centered. The county would like to see all roads centered perfectly but that's not realistic. The structure mentioned is not impeding safe access. The width of the road is identified as 21 ½ feet wide and the shed is an additional 18 feet beyond the edge of the existing road. The county establishes from the center of the 10 foot travel lane and a 2 foot shoulder and included in

a 7-foot wide clear zone; so from the center line of the road to the edge of the clear zone is 17 feet. The shed as shown is pretty close and the County will ask the surveyor to confirm what the distance is and the County has no problems shifting the road to the south if the substructure is good and it makes sense when improvements to the road happen.

Gunnell is it a shed or a pole barn?

Adams it is a very tall pole barn.

Ms. Nielson what does the roundabout entail?

Adams that would be a 90 foot diameter turnaround.

Ms. Nielson so there would be a turnaround near that gate?

Adams yes. It would be the same surface as the road and would be used by emergency vehicles, garbage trucks, or snow plows.

Mr. Murray just for clarifications if we subdivide the property of the Nolan Murray Trust, that would not be measured from the center of the road as it exists now but would go from the center of the county property, correct? I don't care if the road moves but I would like to see it centered on the County's property.

Smith I don't think anything we are doing here is going to change any legal boundaries.

Mr. Murray I understand but I want it on the record that we are not going from the center of the road as it is now. Because if you do that it would put it over in our property; I want 33 feet from the center of what the County owns.

Harrild what you have stated is correct.

Mr. Fournier we have already discussed that relative to that 33 foot setback, on our side of the road we would need to give the county 1.65 feet so that the setback will be there. That is already in the final plat map.

Staff and Commission discussed winter maintenance. As long as the road is frozen enough the county plows it but if it isn't they have to use a grader down the road.

Mr. Tony Ray I live across from this; talking about the hay barn and corrals that are there. You are only allowed so many accesses on that road. The people who buy that are not going to access the corrals from that road? So wouldn't that put one more access on the road?

Harrild the number of accesses are calculated by average daily trips. So the average daily trips are how many trips the average person takes from their home. A single family dwelling typically makes 10 average daily trips and you can have up to 30 daily trips on a gravel road. So that's typically three homes.

Mr. Ray you aren't answering what I'm asking. I'm asking about the access to the corrals; there are enough corrals back there to handle 200-300 head of cattle and will bring up more access than what you are talking about.

Harrild sure; and that's what they look at as an average daily trip ratio. When we look at Ag it doesn't have the impact on the road that a single family dwelling does.

Mr. Ray you keep talking about a single family but you've got corrals that certain times a year are going to have big hay trucks coming in.

Runhaar for Ag access, gravel is fine.

Mr. Ray I know that.

Runhaar we don't require pavement for Ag access.

Mr. Ray I know that but you can only have so many access off that road.

Runhaar residential accesses.

Smith residential is treated different than agriculture.

Mr. Ray so in other words they can have as many corral accesses as they want?

Runhaar you can run a dairy off a gravel road; you can run a really big dairy all day long.

Mr. Ray then how many accesses can they have for that really big dairy?

Runhaar they are going to have however many accesses they have today; they are grandfathered in.

Mr. Ray ok, my next question is was there ever an access or anything provided for those corrals that are back there

Runhaar it was probably built before we had access standards in place. If this was built before 15 years ago, we didn't have access standards in place. We deal with what's out there and as things come in we try to improve them as we can. We've got dairy and ag. producers using gravel roads everywhere and we would prefer they do that because there is a lot less wear and tear. So we don't look at the access for ag. uses off gravel roads as an impact to concern ourselves with. It's only when homes are being built out there that paved roads come into play.

Leslie Clifton I can reassure or not reassure that the people that are currently in the process of acquiring that home don't have cattle. They possibly have a couple of horses but they don't have 250 cattle or anything like that. We don't know what their future is but they are not cattle people;

they don't have any cattle. We don't know what the future would hold with this couple but their future is to have a couple horses or goats but nothing in any large agriculture like that.

Smith just so everyone knows, even if they did, this body does not have any authority over that. Our code deals with residential access, much different then ag. access. As staff has indicated that code changes from time to time; depending on the date of a use affects whether or not it is valid to a large extent.

Gunnell** motioned to recommend approval with the stated findings of fact, conditions, and conclusions, including the edits to condition #3b; **Sands** seconded; **Passed 6, 0.

06:27:00

DRAFT



STAFF REPORT: GARLAND ACRES SUBDIVISION 2ND AMENDMENT

Date: 4 August 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: Reed & Kyle Yonk

Parcel ID#: 12-035-0001

Staff Determination: Approval with Conditions

12-035-0002

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

600 North 7200 West

Petersboro, UT

Current Zoning:

Acres: 77.37

Agricultural (A10)

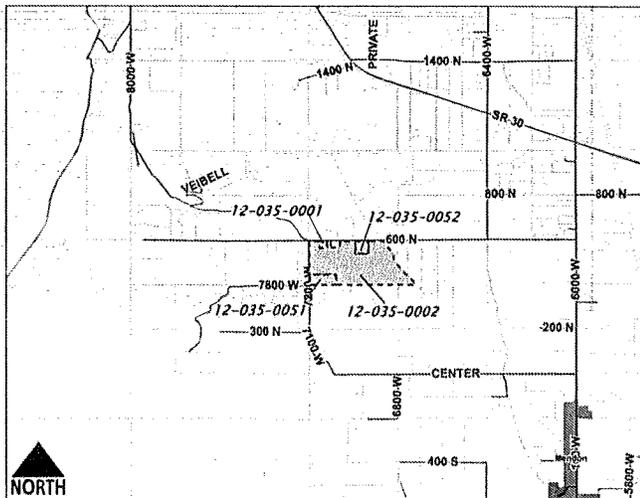
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



SUMMARY

The Garland Acres Subdivision 2nd Amendment is a request to add four additional lots to the existing Garland Acres Subdivision on 77.37 acres of property at 600 North and 7200 West. These lots will be divided out of the existing Lot 4 (parcel 12-035-0002), which will be re-designated as an Agricultural Remainder. Following the amendment, there will be seven lots and one agricultural remainder in the subdivision. These lots would gain access from county roads 600 North or 7200 West. Lot 3 (parcel 12-035-0001) is being amended for dedication of right-of-way on 600 North to the county. Parcel 12-035-0014 is not included in the subdivision boundary.

FINDINGS OF FACT (19)

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. Parcels 12-035-0001 and 12-035-0002 are part of the existing, approved Garland Acres Subdivision, Amended.
3. Under the Agricultural (A10) Zone, lots may be divided at a development density of ten acres per unit. This results in a maximum development density potential of seven developable lots on 77.37 acres.

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

4. 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.
5. County roads 600 North and 7200 West meets the minimum access and maintenance requirements
 - a. Both 600 North and 7200 West serve multiple existing dwellings.
 - b. Both 600 North and 7200 West consist of a 22-foot-wide paved width with 2-foot-wide gravel shoulders.
 - c. The county provides winter maintenance on 600 North and 7200 West.

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

6. The applicant has provided evidence of approved, domestic-use water rights for the proposed lots.
7. Bear River Health Department has provided a septic system feasibility letter for all proposed lots.
8. 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]

9. Residential refuse and recycling containers for Lots 5 and 6 must be placed on the east side of 7200 West. Containers for Lots 7 and 8 must be placed on the south side of 600 North.
10. Shoulder improvement may be required to provide enough space for the containers to avoid interfering with passing traffic on both 600 North and 7200 West.
11. School bus service will be provided through a stop at 7200 West 600 North.
12. 600 North and 7200 West meet the requirements of the County Fire District.
13. Water supply for fire suppression would be provided by the Mendon Fire Department.

Public Notice and Comment—17.02.040

14. Public notice was posted online to the Utah Public Notice Website on 19 July 2016.
15. Notice was published in the Herald Journal on 24 July 2016.
16. Notices were posted in three public places on 19 July 2016.
17. Notices were mailed to all property owners within 300 feet of the subject property on 19 July 2016.
18. Mendon City was noticed by e-mail as part of the development review process on 8 July 2016.
19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (2)

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

1. The applicant must provide sufficient shoulder space on 600 North and 7200 West for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
2. If future development disturbs land area greater than 5,000 sf. a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan is required.

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, the Garland Acres Subdivision 2nd 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.

#5 Garland Acres Subdivision 2nd Amendment (Reed & Kyle Yonk)

Adams reviewed Reed and Kyle Yonk's request for a recommendation of approval to the County Council to add four lots to an existing three-lot subdivision on 77.37 acres of property at approximately 600 North 7200 West, Petersboro, in the Agricultural (A10) Zone. The large piece labeled lot 4 will become an agricultural remainder and the additional lots would be the four new additional lots. Given the 77 acres, that would exhaust the development potential under the current zoning. All access will come from 600 North and 7200 West and meets all county requirements. The applicant has supplied approved water rights and Bear River Health Department has provided septic system feasibility. Service provisions have been met and shoulder improvements may be required to provide enough space for residential refuse and recycle containers. Fire protection would be provided by Mendon Fire Department.

Mr. John Terry Lot 1 is what we purchased in 2013. Can you point out the new lots please?

Adams so the numbering is a little off but the four lots I'm pointing at are the new lots.

Mr. Terry at the time we had bought that lot it was our understanding that it wasn't eligible for more development and that this would stay as rural as possible. So I want to understand what is going on here so water rights have been approved by Bear River?

Adams the state water engineer.

Staff and Commission discussed development for this application. When this was set up Lot 4 was an agricultural remainder and is undevelopable but that doesn't mean that plat can't be amended. This is an amendment to allow further development on what was a restricted parcel for residential development. Under the current code this applicant does meet the requirements for the proposed division.

Mr. Terry it's part of the inducement to which we purchased this lot. The real estate agent indicated that there would be no more development on this so we paid a pretty good size price for it hoping that it would be extremely rural and there wouldn't be lots of traffic. We don't have any standing to claim otherwise but it is disappointing because it is contrary to the agricultural remainder that previously existed.

Mr. Terry we didn't have an opportunity to write an objection we just received the mailing about this meeting.

Adams If this amendment is approved the density for this parcel has been met under the current A10 Zone. If the landowner were to apply for a rezone there is a possibility for a higher density if that rezone were approved.

Ms. Kyle Yonk we did make sure Mr. Terry knew that it would be possible for more development if the county changed the ordinance. We did assure him that there would not be a lot behind him because we are farmers and would like to continue farming. We are excited to have neighbors and his view is amazing and will not be encroached by this.

Olsen motioned to recommend approval to the County Council for the Garland Acres Subdivision 2nd Amendment with the stated findings of fact, conditions, and conclusions as set forth; **Parker** seconded; **Passed 6, 0.**



STAFF REPORT: CTST THOMPSON SUBDIVISION 1ST AMENDMENT

Date: 4 August 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: Tresa Nelson

Parcel ID#: 10-048-0014

Staff Determination: Approval with Conditions

10-048-0029

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

4358 West 6800 South

South of Wellsville, UT

Current Zoning:

Agricultural (A10)

Acres: 62.64

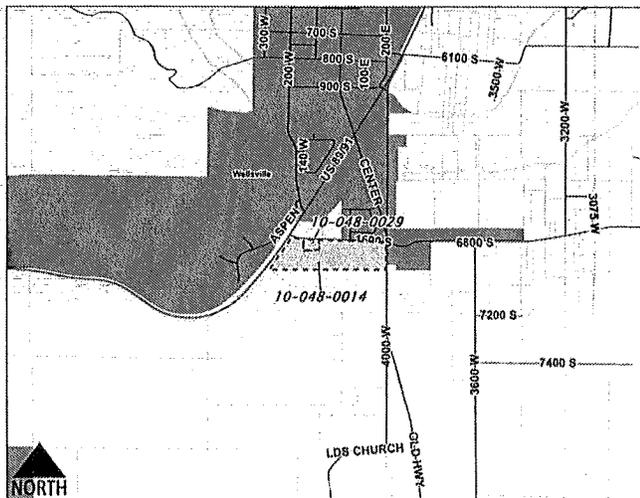
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



SUMMARY

The CTST Thompson Subdivision 1st Amendment is a request to add two additional lots to the existing subdivision on 62.64 acres of property at 4358 West 6800 South. Parcel 10-048-0029 was divided from parcel 10-048-0014 by a conditional use permit recorded in 2000; future changes to these boundaries are considered subdivision amendments. The owner of record of parcel 10-048-0014 has acknowledged the impact of this amendment on their development density and has no objections to the amendment.

FINDINGS OF FACT (20)

Ordinance—16.02.050 [B], 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 10-048-0029 was divided from parcel 10-048-0014 by a conditional use permit recorded on 19 July 2000.
3. The division of property previously approved through a conditional use permit is considered a legally recorded subdivision.
4. Under the Agricultural (A10) Zone, lots may be divided at a development density of ten acres per unit. This results in a maximum development density potential of six developable lots on 62.64 acres. Any areas dedicated to the public in the future may affect this total.

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. The additional proposed lots will have access from 6800 South.
7. County road 6800 South meets the minimum access and maintenance requirements
 - a. 6800 South currently provides access for multiple existing dwellings.
 - b. 6800 South consists of a 22-foot-wide paved width with 2-foot-wide gravel shoulders.
 - c. The county provides winter maintenance on 6800 South.

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

8. The Wellsville City Council has stated that they are capable of providing municipal water services to the proposed lots.
9. Bear River Health Department has provided a septic system feasibility letter for all proposed lots.
10. 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]

11. Residential refuse and recycling containers must be placed on 6800 South.
12. School bus service can be provided through a stop at 4358 West 6800 South.
13. 6800 South meets the requirements of the County Fire District. If Lot 2 gains access from the private drive, the private drive must be widened to 20 feet.
14. Water supply for fire suppression would be provided by the Wellsville City municipal water system.

Public Notice and Comment—17.02.040

15. Public notice was posted online to the Utah Public Notice Website on 19 July 2016.
16. Notice was published in the Herald Journal on 24 July 2016.
17. Notices were posted in three public places on 19 July 2016.
18. Notices were mailed to all property owners within 300 feet of the subject property on 19 July 2016.
19. Wellsville City was noticed by e-mail as part of the development review process on 8 July 2016.

20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (4)

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

1. Prior to final plat recordation, an official statement from Wellsville City indicating permission to connect two additional dwellings to the Wellsville City municipal water supply must be provided to the Development Services office.
2. The applicant must provide sufficient shoulder space on 6800 South for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
3. If Lot 2 gains access from the private drive, the private drive must be widened to 20 feet.
4. If future development disturbs land area greater than 5,000 sf. a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan is required.

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, the proposed CTST Thompson 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.

#6 CTST Thompson Subdivision 1st Amendment (Tresa Nelson)

Adams reviewed Ms. Tresa Nelson's request for a recommendation of approval to the County Council to add two lots to an existing two-lot subdivision on 62.64 acres of property at approximately 4358 West 6800 South, south of Wellsville, in the Agricultural (A10) Zone. This was originally divided in 2000. The new request is to add an additional two lots in the smaller piece. Lots 2 and 3 will have access from 6800 south; 6800 South currently meets the county road requirements and the county provides winter maintenance. The owner of the larger parcel that holds the development potential has signed an agent letter stating they understand that this affects their development potential and is ok with it. An official statement from Wellsville City will need to be obtained indicating permission to connect two additional dwellings to the Wellsville City municipal water supply. For fire protection, access needs to come from 6800 south, otherwise the private road will need to be improved; fire suppression would be provided by Wellsville City. Recycling and trash collection will be provided along 6800 south.

Staff and **Commission** discussed the road. The applicant has stated verbally that access will come from 6800 south. There was a previous home approved off the private road and the fire district stated that if any other access on that road would require it to be improved.

Ms. Tresa Nelson on 6800 south, if we can gain access there then we don't have to worry about going up the private road?

Adams no.

Ms. Nelson do we need to have any other improvements?

Adams staff has determined that 6800 South meets the requirements.

Ms. Nelson I don't think we will end up using that other road.

Runhaar you will have to get an encroachment permit to build an access but you wouldn't have to do any improvements.

Adams you would need an encroachment permit just for the driveway.

Gunnell motioned to recommend approval to the County Council for the CTST Thompson Subdivision 1st Amendment with the stated findings of fact, conditions, and conclusions; **Olsen** seconded; **Passed 6, 0.**

RESOLUTION NO. 2016 – 20

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2016 are reasonable and necessary; that the said budget has been reviewed by the County Executive with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that the County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2016 budget for Cache County:

See attached

Section 2.

Other than as specifically set forth above, all other matters set forth in the 2016 budget shall remain in full force and effect.

Section 3.

This resolution shall take effect immediately upon adoption and the County Executive and other county officials are authorized and directed to act accordingly.

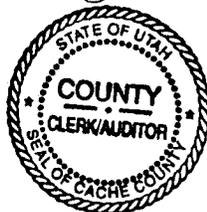
This resolution was duly adopted by the Cache County Council on the 23rd day of August, 2016.

ATTESTED TO:

CACHE COUNTY COUNCIL


Jill N. Zollinger, Cache County Clerk/Auditor


Greg Merrill, Council Chair





BUDGET AMENDMENT EXECUTIVE SUMMARY FOR RESOLUTION 2016-20

GENERAL FUND

Total revenues and expenditures increase by \$97,700.

Taxes

The State Tax Commission certified the tax rate for the county with a levy of 0.001787 in the General fund. When this rate is applied to actual property values, it generates revenue of \$10,562,424. This amount is \$28,696 higher than the budget estimate made during the budget process last fall.

Miscellaneous Revenue

An amount of \$2,500 will be billed to entities participating with the collection of data for GIS purposes as discussed in the GIS department request.

Contributions and Transfers

The water truck at the Fairgrounds is in very poor condition and needs to be replaced. It was acquired from the County Road department as a vehicle no longer fit for use in the Road department. See the Fairgrounds department for further detail. The request is to appropriate \$75,000 from the fund balance to purchase a used truck.

Some of the additional tax revenue was used to offset requests for new expenditures. The remaining amount not offset against any new expenditure request is \$8,496 and can be used to replenish the fund balance.

Executive

Adjustment in employee duties reflected in wages of \$2,500 and related benefits of \$700. Additional responsibilities include media relations and social media management (Public Information Officer). These amounts are offset by additional property tax revenue, which was adjusted by the Tax Commission.

Finance

Most of the overtime is used when employees are gone on vacations, or even short 1 or 2 day absences, most of their work is not able to be covered by another employee. Overtime is used to allow employees to complete as much work as possible before they leave and to catch up their work when they get back. The additional amount requested is \$2,000, with \$200 of related benefits to cover Workers Compensation and FICA taxes. **(This request was withdrawn)**

There is also a request to allow for increased cost for membership in the Government Finance Officers Association (GFOA) and to have an additional license for the Governmental Accounting Research System (GARS). The membership cost in the GFOA is determined by population and they finally recognized that we have more than 100,000 in Cache County and have increased our membership rate. The GARS is essential for us to make proper accounting determinations and note disclosures for the annual financial statement audit. The request to cover these items is \$1,000.

The last request for additional funds for conference travel is to allow our new employee to attend the Caselle Conference in October of this year. Caselle is the accounting software vendor. Part of the cost for attending this conference can be covered with current budget, but an additional \$1,000 is requested to offset the remaining costs. All amounts requested can be offset by a portion of the additional property tax revenue.



BUDGET AMENDMENT EXECUTIVE SUMMARY FOR RESOLUTION 2016-20

Human Resources

Some longevity awards were budgeted for in 2015, but the awards were not made until the beginning of 2016. The requested amount of \$1,000 is to cover the cost of these awards. This amount can be offset by a portion of the additional property tax revenue.

GIS

Licenses for the application that is used to collect information onsite for mapping purposes. This information is sent real time back to County databases, updating information that is available for the County maps that are available on the web. Additional licenses are necessary for additional municipalities that will be adding the information. The additional cost is \$2,500 and these municipalities will be paying the County for these licenses, so they are cost neutral to the County.

Auditor

The Clerk-Auditor is requesting funding to assist with a seasonal work load related to the Board of Equalization appeal process. The request is for \$4,000 for 2 seasonal workers and \$1,000 for current staff to work overtime. The adjustment related to benefits of \$400 are amounts the County must pay for the employees related to Workers Compensation and FICA taxes. The requested amounts can be covered by the additional property tax revenue.

Advertising

This budget handles all of the County's advertising for legal compliance, including such things as advertisements for public hearings and job announcements. Earlier in the year, advertisements related to public information for the Water Conservancy District were also paid. The cost for these advertisements were not part of the original budget, so additional funding of \$8,600 is now being requested to cover those costs. None of these funds will be used to pay for future advertising related to the Water Conservancy District, except as allowed by law. This amount can also be covered by the additional property tax revenue.

Fairgrounds

The condition of the water truck used at the Fairgrounds has degenerated severely over the years. It now presents operational concerns and possible hazards. There are many cracks to the chassis that are more than a ¼ inch wide and 3 to 4 feet long. Even though the County has spent thousands of dollars in repair costs over the last few years, the truck can no longer pass a safety inspection. Currently, a "new-to-the-County" water truck is being rented to meet operational needs. It's a 2014 truck with a little more than 200 thousand miles on it. The County has the opportunity to buy this truck at a cost of \$75,000. With proper maintenance, the truck should last the County approximately 20 years. The request is for these funds to be appropriated from the fund balance.

Fund Balance

After the various requests for funding are offset by the additional property tax revenue, there is \$6,296 remaining. This amount can be used to reduce the amount of fund balance appropriated to the current budget.

ASSESSING AND COLLECTING FUND

Total revenues and expenditures are unchanged.

Taxes



BUDGET AMENDMENT EXECUTIVE SUMMARY FOR RESOLUTION 2016-20

The final calculation of the tax revenue for property tax administration had a negative impact on funds for Assessing and Collecting. The actual value was lower than what was estimated last fall. The Multi-County, or statewide, levy was similar, but needs to be reduced by \$9,717. The more significant decrease was in the County Assessing and Collecting amount, which needs to be reduced by \$138,792. The one positive note is an increase in the estimated amount of related redemptions, which increases by \$10,000. The net reduction is \$138,509 which is offset by an appropriation from fund balance.

MUNICIPAL SERVICES FUND

Total revenues and expenditures increase by \$213,904.

Zoning

A few updated cost estimates for operations, totaling \$2,750. This amount is offset by amounts received from other entities.

Building Inspection

Contracts for building inspection services can be increased by an estimated \$120,000. It is requested to use a portion of these funds for a new vehicle for an inspector. The amount needed is \$34,000. Another \$3,300 is requested for the purchase of 2 new Surface Pro devices for inspectors. The remaining \$82,700 can be used to reduce previous appropriations from fund balance.

Roads

Trading in a front loader with a value of \$45,000. A replacement front loader will be leased for 3 years, with a purchase option at the end of the lease. The trade-in value will be used to make the payments at the beginning of the lease and is appropriated as an expense.

Weed Eradication

Miscellaneous operational needs totaling \$17,250 are offset by additional grant funding of the same amount. Additional weed spraying contracts for services provided to Logan City will provide additional funding of \$56,750. A new service truck in the amount of \$39,000 is requested for operational use. The net reduction of the amount needed from fund balance is \$26,934.

Parks and Trails

Miscellaneous contributions from other entities and internal adjustments provide funding for miscellaneous operational expenditures \$8,104. Most notably, there is a \$140,000 grant from UDOT for the development of a trail between Logan and Nibley. There is also a correcting adjustment of \$75,000, which reverses an amount related to a PO on a project that was started in 2015 and continued into 2016. This amount was appropriated in a previous budget amendment to cover the cost of the PO. However, after further review of the project costs, it was discovered that this amount was part of the estimated costs in the original budget and did not need to be reappropriated.

HEALTH FUND

Total revenues and expenditures remain unchanged.

Taxes

The estimated tax revenue was very close to what the Tax Commission calculated, but it must be reduced by \$1,276. This amount is requested to be offset by an appropriation to fund balance.



BUDGET AMENDMENT
EXECUTIVE SUMMARY FOR RESOLUTION 2016-20

VISITORS BUREAU FUND

Total revenues and expenditures increase by \$75,000.

Funds received from various entities to contribute toward a consulting project in the amount of \$12,500 and shared advertising costs in the amount of \$900. Other marketing activities are requested to increase the appropriation from fund balance in the amount of \$61,600.

COUNCIL ON AGING FUND

Total revenues and expenditures increase by \$18,100.

There is an internal transfer of \$4,000 requested to fund kitchen supplies. Also, it is requested to appropriate \$18,100 from fund balance to fund replacement of the broken down air conditioning system. This amount is allocated to the separate functional areas of the Senior Center.

AIRPORT FUND

Total revenues and expenditures increase by \$1,327,780.

Runway reconstruction and maintenance projects will receive funding from the federal and state governments totaling \$1,210,945. The projects total \$1,327,780, requiring total appropriations from fund balance of \$116,835 for local match.

CHILDDRENS JUSTICE CENTER FUND

Total revenues and expenditures remain unchanged.

Internal transfer of \$3,300 to increase hours for part time employee work.

AMBULANCE FUND

Total revenues and expenditures increase by \$110,000.

An additional contribution from the CCEMS Authority in the amount of \$60,000, and an additional appropriation from fund balance of \$50,000, will be provided for the completion of the new ambulance building located in the south of the valley.



BUDGET AMENDMENT

Resolution: 2016-20

Hearing: August 23, 2016

6:50 PM

Department	Account	Title	Description	Adjustment
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GENERAL FUND

Adopted Budget: \$25,530,286

Proposed Budget: \$25,584,986

Revenues

TAXES	100-31-10000	CURRENT PROPERTY TAXES	Adjusted to Final Tax - State Calculation	28,696
MISCELLANEOUS	100-36-90000	SUNDRY REVENUE	Additional Collector App Licenses	2,500
CONTRIB./TRANSFERS	100-38-90000	APPROPRIATED FUND BALANCE	Water Truck for Fairgrounds	75,000
CONTRIB./TRANSFERS	100-38-90000	APPROPRIATED FUND BALANCE	Replenish Fund Balance	(8,496)

Total Revenue Adjustment: 97,700

Expenditures

EXECUTIVE	100-4131-110	SALARY	Employee Increase	2,500
EXECUTIVE	100-4131-130	EMPLOYEE BENEFITS	Employee Increase	700
FINANCE	100-4132-210	SUBSCRIPTIONS & MEMBERSHIPS	GFOA Membership and GARS	1,000
FINANCE	100-4132-230	TRAVEL	Conference Travel	1,000
HUMAN RESOURCES	100-4134-630	LONGEVITY SERVICE AWARD	Service Awards at Beginning of Year	1,000
ITS	100-4136-311	SOFTWARE PACKAGES	Additional Collector App Licenses	2,500
AUDITOR	100-4141-115	OVERTIME PAY	Board of Equalization - Appeals Process	1,000
AUDITOR	100-4141-120	TEMPORARY EMPLOYEES	Board of Equalization - Appeals Process	4,000
AUDITOR	100-4141-130	EMPLOYEE BENEFITS	Board of Equalization - Appeals Process	400
ADVERTISING	100-4191-200	MATERIAL SUPPLIES & SERVICES	Legal Ad for Water Conservancy District	8,600
FAIRGROUNDS	100-4511-740	CAPITALIZED EQUIPMENT	Water Truck for Fairgrounds	75,000

Total Expenditure Adjustment: 97,700

ASSESSING & COLLECTING FUND

Adopted Budget: \$3,621,851

Proposed Budget: \$3,621,851

Revenues

TAXES	150-31-60000	MULTI-CO ASSESS & COLL	Adjusted to Final Tax - State Calculation	(9,717)
TAXES	150-31-62000	MULTI-COUNTY A&C - REDEMPTION	Estimated Redemptions	10,000
TAXES	150-31-65000	COUNTY ASSESS & COLL	Adjusted to Final Tax - State Calculation	(138,792)
CONTRIB./TRANSFERS	150-38-90000	APPROPRIATED FUND BALANCE	Offset Tax Estimates	138,509

Total Revenue Adjustment: -

Expenditures

Total Expenditure Adjustment: -

MUNICIPAL SERVICES FUND

Adopted Budget: \$6,664,886

Proposed Budget: \$6,877,990

Revenues

GRANTS	200-33-14500	FEDERAL - EDRR KNAWEED	Additional Grant Funding	1,000
GRANTS	200-33-44000	STATE GRANTS	UDOT TAP Funds	140,000
GRANTS	200-33-44200	STATE GRANT - WEED ERADICATION	Additional Grant Funding - Phragmites Grant	10,000
GRANTS	200-33-44250	STATE - INVASIVE SPECIES	Additional Grant Funding	5,000
GRANTS	200-33-44255	STATE - FORESTRY FIRE ST LANDS	Additional Grant Funding	10,434
GRANTS	200-33-70110	GRANTS OTHER - LOCAL UNITS	North Logan City - Canal Trail	6,000
GRANTS	200-33-70110	GRANTS OTHER - LOCAL UNITS	River Heights City - Trails	854
GRANTS	200-33-70110	GRANTS OTHER - LOCAL UNITS	CMPO - Trail Counters	1,250
CHARGES FOR SERVICE	200-34-19000	BUILDING INSPECT - CONTRACTS	Updated Revenue Estimate	120,000
CHARGES FOR SERVICE	200-34-22000	\$.75/HOUSEHOLD FROM ENTITIES	Updated Revenue Estimate	2,750
CHARGES FOR SERVICE	200-34-35000	WEED ERADICATION FEES	Spray Contracts - Logan City	56,750
MISCELLANEOUS	200-36-90000	SUNDRY REVENUE	Trade In Front Loader - 966G	45,000



BUDGET AMENDMENT

Resolution: 2016-20

Hearing: August 23, 2016

6:50 PM

Department	Account	Title	Description	Adjustment
CONTRIB./TRANSFERS	200-38-92000	APPROP FUND BALANCE - MSF	Reduced Need from Building Inspection	(82,700)
CONTRIB./TRANSFERS	200-38-92000	APPROP FUND BALANCE - MSF	Reduced Need from Weed Mitigation	(26,934)
CONTRIB./TRANSFERS	200-38-92500	APP FUND BAL - MSF - PO CARRY	Correcting Highline Project Budget	(75,500)

Total Revenue Adjustment: 213,904

Expenditures

ZONING	200-4180-240	OFFICE EXPENSE	Updated Estimate for Office Supplies	1,150
ZONING	200-4180-250	EQUIPMENT SUPPLIES & MAINT	Updated Estimate for Office Equipment/Maintenance	800
ZONING	200-4180-280	COMMUNICATIONS	Updated Estimate for Phone and Internet Access	800
BUILDING INSP.	200-4241-240	OFFICE EXPENSE	New Vehicle for Inspector	34,000
BUILDING INSP.	200-4241-740	CAPITALIZED EQUIPMENT	Surface Pro for Inspectors - 2 Devices	3,300
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	Trade In Front Loader - 966G	45,000
WEED ERADICATION	200-4450-240	OFFICE EXPENSE	2 iPads - Spray Crews	600
WEED ERADICATION	200-4450-250	EQUIPMENT SUPPLIES & MAINT	Tires Etc. - Kubotas and Trucks	5,000
WEED ERADICATION	200-4450-250	EQUIPMENT SUPPLIES & MAINT	Kubota Repairs	1,000
WEED ERADICATION	200-4450-251	NON CAPITALIZED EQUIPMENT	Trailer	4,000
WEED ERADICATION	200-4450-251	NON CAPITALIZED EQUIPMENT	Miscellaneous Tools and Sprayer Replacements	3,000
WEED ERADICATION	200-4450-251	NON CAPITALIZED EQUIPMENT	Boat Sprayer	3,500
WEED ERADICATION	200-4450-280	COMMUNICATIONS	Increase in Mobile Data Plan - New iPads	150
WEED ERADICATION	200-4450-740	CAPITALIZED EQUIPMENT	4D 1 Ton FB Truck	39,000
PARKS & TRAILS	200-4780-240	OFFICE EXPENSES	Updated Estimate for Office Supplies	1,500
PARKS & TRAILS	200-4780-251	NON-CAPITALIZED EQUIPMENT	Trail Counters	2,104
PARKS & TRAILS	200-4780-251	NON-CAPITALIZED EQUIPMENT	Trail Counters	400
PARKS & TRAILS	200-4780-310	PROFESSIONAL AND TECHNICAL	Expense Reallocation	(2,900)
PARKS & TRAILS	200-4780-310	PROFESSIONAL AND TECHNICAL	Middle and Upper Canal Surveys - Trails	6,000
PARKS & TRAILS	200-4780-620	MISCELLANEOUS SERVICES	Miscellaneous Event Promotional Materials	1,000
PARKS & TRAILS	200-4780-730	IMPROVEMENTS	Logan to Nibley So. Trail Connect (Design and ROW)	140,000
PARKS & TRAILS	200-4780-482	HIGHLINE CANAL TRAIL	Correcting Highline Project Budget	(75,500)

Total Expenditure Adjustment: 213,904

HEALTH FUND

Adopted Budget: \$893,603

Proposed Budget: \$893,603

Revenues

TAXES	210-31-11000	CURRENT PROPERTY TAXES-HEALTH	Adjusted to Final Tax - State Calculation	1,276
CONTRIB./TRANSFERS	210-38-90000	APPROPRIATED FUND BALANCE	Adjusted to Final Tax - State Calculation	(1,276)

Total Revenue Adjustment: -

Expenditures

Total Expenditure Adjustment: -

VISITORS BUREAU FUND

Adopted Budget: \$628,432

Proposed Budget: \$703,432

Revenues

MISCELLANEOUS	230-36-90000	SUNDRY INCOME	Utah Office of Tourism- Roger Brooks Consulting	12,500
CONTRIB./TRANSFERS	230-38-70000	CONTRIB PRIVATE SOURCES(AD PTR	Shared Web Advertising - AWHC	300
CONTRIB./TRANSFERS	230-38-70000	CONTRIB PRIVATE SOURCES(AD PTR	Shared Web Advertising - Lyric Repertory Company	300
CONTRIB./TRANSFERS	230-38-70000	CONTRIB PRIVATE SOURCES(AD PTR	Shared Web Advertising - Cache Valley Cruise-In	300
CONTRIB./TRANSFERS	230-38-90000	APPROPRIATED FUND BALANCE	Marketing and Advertising	61,600

Total Revenue Adjustment: 75,000



BUDGET AMENDMENT

Resolution: 2016-20

Hearing: August 23, 2016

6:50 PM

Department	Account	Title	Description	Adjustment
Expenditures				
VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	Utah Office of Tourism- Roger Brooks Consulting	12,500
VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	Shared Advertising	900
VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	Marketing and Advertising	61,600
Total Expenditure Adjustment:				75,000

COUNCIL ON AGING FUND

Adopted Budget: \$659,199

Proposed Budget: \$677,299

Revenues				
CONTRIB./TRANSFERS	240-38-90000	APPROPRIATED FUND BALANCE	Air Conditioning and Furnaces	18,100
Total Revenue Adjustment:				18,100
Expenditures				
SC - NUTRITION	240-4970-240	SUPPLIES	Additional Kitchen Supplies	4,000
SC - NUTRITION	240-4970-381	MEALS	Additional Kitchen Supplies	(4,000)
SC - NUTRITION	240-4970-740	CAPITALIZED EQUIPMENT	Air Conditioning and Furnaces	6,033
SC - SR CENTER	240-4971-740	CAPITALIZED EQUIPMENT	Air Conditioning and Furnaces	6,034
SC - ACCESS	240-4974-740	CAPITALIZED EQUIPMENT	Air Conditioning and Furnaces	6,033
Total Expenditure Adjustment:				18,100

AIRPORT

Adopted Budget: \$695,045

Proposed Budget: \$2,022,825

Revenues				
GRANTS	277-33-10515	FED GRANT - TAXIWAY CHARLIE	Northwest Ramp & Taxiway Charlie Rehab	285,945
GRANTS	277-33-44540	STATE GRANT - RUNWAY 11/29 DES	Reconstruct Runway 10/28	700,000
GRANTS	277-33-44540	STATE GRANT - RUNWAY 11/29 DES	Pavement Maintenance for Runway 17/35	225,000
CONTRIB./TRANSFERS	277-38-70000	APPROPRIATED FUND BALANCE	Facilitate Runway Projects	102,780
CONTRIB./TRANSFERS	277-38-70000	APPROPRIATED FUND BALANCE	Northwest Ramp & TXY C Rehab	14,055
Total Revenue Adjustment:				1,327,780
Expenditures				
AIRPORT	277-4460-739	GRANT PROJECTS	Reconstruct Runway 10/28	777,780
AIRPORT	277-4460-739	GRANT PROJECTS	Pavement Maintenance for Runway 17/35	250,000
AIRPORT	277-4460-739	GRANT PROJECTS	Northwest Ramp & Taxiway Charlie Rehab	300,000
Total Expenditure Adjustment:				1,327,780

CHILDRENS JUSTICE CENTER

Adopted Budget: \$185,379

Proposed Budget: \$185,379

Revenues				
Total Revenue Adjustment:				-
Expenditures				
CHILD. JUSTICE CNTR	290-4149-120	TEMPORARY EMPLOYEES	Increase Hours for Part Time Employee	3,000
CHILD. JUSTICE CNTR	290-4149-130	EMPLOYEE BENEFITS	Increase Hours for Part Time Employee	300
CHILD. JUSTICE CNTR	290-4149-620	MISC SERVICES	Increase Hours for Part Time Employee	(3,300)
Total Expenditure Adjustment:				-



BUDGET AMENDMENT

Resolution: 2016-20

Hearing: August 23, 2016

6:50 PM

Department	Account	Title	Description	Adjustment
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AMBULANCE

Adopted Budget: \$1,105,240

Proposed Budget: \$1,215,240

Revenues

CONTRIB./TRANSFERS	295-38-20000	CONTRIBUTION - CCEMS AUTHORITY	Additional Cost for New Facility	60,000
CONTRIB./TRANSFERS	295-38-70000	APPROPRIATED FUND BALANCE	Additional Cost for New Facility	50,000

Total Revenue Adjustment: 110,000

Expenditures

AMBULANCE	295-4262-720	BUILDINGS	New Ambulance Facility	110,000
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Total Expenditure Adjustment: 110,000

ORDINANCE NO. 2016-12

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 17.20

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 20 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING TELECOMMUNICATION FACILITIES

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 July 21, 2016 at 6:20 P.M., the Planning Commission held a public hearing for the amendments to Title 17.20, 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 amendments, and;

WHEREAS, on July 21, 2016, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, on August 9, 2016, at 6:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17.20, 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 amendments, 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 Chapters 20 of 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).

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapter 20 of Title 17 of the Cache County Ordinance regarding telecommunication facilities.

3. FINDINGS

A. The amendments to Title 17.20 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.

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.

- B. The amendments to Title 17.20 of the Cache County Ordinance are necessary to establish accurate standards for telecommunication facilities.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17.20 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 17, Chapters 20 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 20 of Title 17 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.

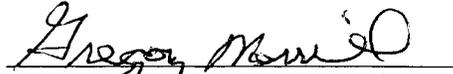
6. EFFECTIVE DATE.

This ordinance takes effect on September 7th, 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 23rd day of August, 2016.

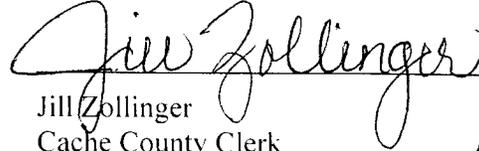
	In Favor	Against	Abstained	Absent
Potter	X			
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates				X
Zilles	X			
Total	6	0	0	1

CACHE COUNTY COUNCIL:



Gregory Merrill, Chair
Cache County Council

ATTEST:



Jill Zollinger
Cache County Clerk

Publication Date:

September 7, 2016



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17.20 Telecommunication Facilities

.020 Definitions

All uses and structures specified in this chapter are defined within §17.07, "Definitions", of this title. Any other uses or structures not defined in this title shall be interpreted as defined by State and/or Federal Code or Rule, and specifically the Federal Communications Commission Report and Order FCC 14-153 as regards section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 and United States Code, Title 47 section 332(c)(7).

.030 Approval Authority

1. Satellite antennas used solely for residential, household, or agricultural purposes. Antennas shall not exceed the maximum structure height as identified in Table 17.10.040 of this title.

.040 Application and Review Procedure

A. Conditional Use Permit

1. All requests shall be reviewed and considered consistent with the procedures for the review of a conditional use as provided in Chapter 17.06.050 of this title, the standards of this chapter, and must include the following:
 - a. A completed application signed by the applicant.
 - b. A copy of the lease or a letter of authorization from property owner evidencing the applicant's authority to pursue a conditional use permit.
 - c. As defined by the FCC under FCC Report and Order FCC 14-153, identify if the proposal qualifies as a substantial change.
 - e. A copy of the supporting federal certifications as follows:

~~subsection g. deleted~~

B. Administrative Zoning Clearance

1. All requests must include the following:
 - c. As defined by the FCC under FCC Report and Order FCC 14-153, provide supporting documentation that identifies if the proposal qualifies as a substantial change.

.050 General Standards and Design Requirements

A. Design

2. Stealth Communication Facilities shall be designed to accommodate the co-location of other antennas whenever technically feasible or aesthetically appropriate, as determined by the Land Use Authority.

C. Height

1. Support Structures shall not exceed a height equal to 45 feet from the base of the structure to the top of the highest point.
2. In all zones, the Planning Commission shall have the authority to reduce or waive the height restrictions listed in this section upon the request of the applicant, and a satisfactory showing that the greater height is aesthetically appropriate as determined by

Comment [CH1]: Code reference update
Comment [CH2]: Clarification
Comment [CH3]: Code reference update
Deleted: 7
Comment [CH4]: Correction
Deleted: zoning clearance
Comment [CH5]: Added and outline designations amended- Requires the applicant to establish the extent of the improvement as per the FCC requirements.
Comment [CH6]: Subsection d. now e. Deleted subsection was redundant with previous subsection 1
Deleted: -# - Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions ¶
Comment [CH7]: Deleted section is in conflict with FCC requirements stating that the LUA cannot use/require a review of coverage in considering facility requests. FCC Order 14-153
Deleted: As applicable, a statement justifying why co-location with an existing facility is not feasible. Such a statement shall include: ¶ Such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. ¶ A list of all existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical, or financial reasons. If an existing Support Structure was listed among the alternatives, applicant must specifically address why the modification of such Support Structure is not a viable option. ¶ As applicable, a statement that the proposed Support Structure will be made available for co-location to other service providers at commercially reasonable rates. ¶
Comment [CH8]: Added and outline designation amended - Requires the applicant to establish the extent of the improvement as per the FCC requirements. No other changes to subsection B.1.
Comment [CH9]: Deleted section is in conflict with FCC requirements stating that the LUA(... [1]
Deleted: economically and
Deleted: l
Deleted: u
Deleted: a
Comment [CH10]: Deleted section s are in conflict with FCC requirements stating that (... [2]
Deleted: Any proposed Support Structure shall be designed to be the minimum height need ... [3]
Deleted: of need for
Deleted: a

the Land Use Authority. With the waiver request, the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Planning Commission including, but not limited to:

- a. A visual analysis indicating the proposed or existing communications site is aesthetically appropriate, and that the proposed facility cannot be achieved by any other alternative such as a stealth facility, attached facility, replacement facility, or co-location.

Deleted: radio frequency

Deleted: coverage of

Deleted: s, coverage prediction, and design radius, together with a certification from the applicants radio frequency (RF) engineer that the proposed design is intended to improve coverage or capacity potential or reduce interference

Page 1: [1] Comment [CH9] Chris Harrild 8/4/2016 11:26:00 AM

Deleted section is in conflict with FCC requirements stating that the LUA cannot use/require a review of economic feasibility in considering facility requests. FCC Order 14-153

Page 1: [2] Comment [CH10] Chris Harrild 8/4/2016 11:27:00 AM

Deleted section s are in conflict with FCC requirements stating that the LUA cannot use/require a review of coverage or economic feasibility in considering facility requests. FCC Order 14-153

Page 1: [3] Deleted Chris Harrild 7/7/2016 3:24:00 PM

Any proposed Support Structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.

ORDINANCE NO. 2016-13

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 17

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 2, 4, 6, 7, 9, 10, 13, AND 16 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING VARIOUS CODE UPDATES

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 July 21, 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 amendments, and;

WHEREAS, on July 21, 2016, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, on August 9, 2016, at 6:00 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, 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 amendments, and;

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

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 2, 4, 6, 7, 9, 10, 13, and 16 of Title 17 of the Cache County Ordinance are 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).

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapters 2, 4, 6, 7, 9, 10, 13, and 16 of Title 17 of the Cache County Ordinance regarding various code updates improving consistency with the characteristics and purposes of the land use code, and the protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

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.

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. 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, Chapters 2, 4, 6, 7, 9, 10, 13, and 16 of the Cache County Ordinance are amended as follows: See Exhibit A

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

This ordinance amends and supersedes Chapters 2, 4, 6, 7, 9, 10, 13, and 16 of Title 17 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 September 7th, 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 23rd day of August, 2016.

	In Favor	Against	Abstained	Absent
Potter	X			
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates				X
Zilles	X			
Total	6	0	0	1

CACHE COUNTY COUNCIL:


 Gregory Merrill, Chair
 Cache County Council

ATTEST:


 Jill Zollinger
 Cache County Clerk

Publication Date:

September 7, , 2016



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.

17.02 Administration

.010 Planning Commission

B. Powers and Duties: The Planning Commission shall have the powers and duties enumerated within Utah Code Annotated (1953, as amended) 17-27a-302, and within this chapter.

Comment [CH1]: Code reference update

Deleted: 204

.060 Establishment of Land Use Authority

G. Procedure for Requesting a Variance or Appeal:

3. Notice of a Hearing: When a request for a variance or a notice of appeal is filed, notice shall be given as required by this chapter. The Appeal Authority shall hear that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties.

Comment [CH2]: Language was duplicated in #5

5. In the case of an appeal the Appeal Authority may require written briefs or memorandum of the parties as the Appeal Authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.

Deleted: The Appeal Authority may require such written briefs or memorandum of the parties, as the Appeal Authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.

Deleted:

Deleted: a

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.070 Effective Period for Land Use Authority Approval

B. ~~At the discretion of the Land Use Authority, the effective period of approval may be extended for up to two (2) years beyond the one year period of the original approval. Within that extension no operation is allowed until the permit has been recorded and all conditions of the permit have been met. To request an extension, an applicant must submit nonfinancial justification to the Land Use Authority prior to the expiration of the original one year period of approval.~~

Comment [CH3]: Added to reflect current policy regarding CUP approvals

17.04 Enforcement

.040 Violation; Penalties and Remedies

A. Violation of any of the provisions of this title is punishable as a Class ~~C~~ misdemeanor upon conviction, as defined by Utah Code Annotated section 17-27A-803 et seq. In addition, the provisions of this title may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.

Comment: [CH4]: Code reference and misdemeanor class corrected.

Deleted: B

Deleted: 53

Deleted: 223

17.06 Uses

.050 Land Use Applications

F. If a conditional use has concluded operation as identified in the permit, or as requested by the property owner, e.g. mineral extraction, all operations at the site must cease, and the permit shall be considered inactive, with the exception of any outstanding requirements of the permit, e.g., reclamation.

Comment [GH5]: Added to address a gap in the process for CUPs that cease operation but still have ongoing requirements to fulfill

17.07 Definitions

.020 Other Terms Defined

A. Whenever any words or phrases used in this title are not defined herein, but are defined in related sections of the Utah Code, County Subdivision Ordinance, or the family of international building codes, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention as determined by the Director of Development Services. For any words or phrases not specifically defined in the codes as noted, the current online Merriam-Webster Dictionary must be used to determine meaning within the context in which they are used, as determined by the Director.

Comment [CH6]: Updated to more accurately specify appropriate definitions for any words or phrases not found in the county, state, or building codes.

C. As determined by the Director, definitions nested for organizational purposes shall be considered as stand-alone for definitional purposes.

Comment [CH7]: Added to clarify organizational structure of definitions

.030 Use Related Definitions

~~1130~~ **ACCESSORY/AGRICULTURE STRUCTURES:** A use or a structure subordinate to the primary use of a lot, or of a primary building on the same lot, and serving a purpose clearly incidental to a permitted primary use of the lot or of the building and which accessory use or structure is compatible with the primary permitted uses or structures authorized under land use regulations applicable to the property. This includes, but is not limited to, the following:

Comment [CH8]: Added to reflect the previous update to the use chart in 17-09 that addresses these accessory structures. These definitions were moved from general definitions section, amended, and placed here with the use related definitions.

1. Residential: Structures associated with recreational activities, raising of pets, or parking of occupants' vehicles such as a garage or carport, accessory buildings for home hobbies, storage buildings, fences, patios, decks, and gardens.
2. Commercial/Manufacturing: Includes structures associated with the onsite sale of manufactured goods, offices, parking, storage, and a caretaker's residence.
3. Agriculture Structure: As defined within 15A-1-204(11) of Utah Code Annotated, 1953, as amended.

1500 RESIDENTIAL LIVING FACILITY: A general term for the following types of facilities:

1. Residential Facility for Persons with a Disability: A single-family dwelling unit in which more than one person with a disability resides and which is licensed or certified by the Utah Department of Human Services under Utah Code Annotated 62A et seq., as amended, or the Utah Department of Health under Utah Code Annotated Section 26-21 et seq., as amended. Treatment is not a necessary component of a residential facility for persons with a disability, but may be provided upon request. Any treatment provided shall be clearly ancillary to the use of the facility as a residence.

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Comment [CH9]: Code reference updates/corrections

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5100 RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than 30 days per year. May also include incidental hotel/motel accommodations for up to 15 rooms. This also includes the following specific uses:

- 1. Ski Facility: A recreational use, with associated facilities and improvements, for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort.
- 2. Golf Course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.
- 3. Campground: Any area with more than three (3) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.

Comment [CH10]: Updated to clarify and distinguish the difference between a recreational facility and a resort.

5200. RESORT: A large scale, master planned facility which serves as a destination point for visitors, and has recreational facilities and may include residential accommodations for guests. Typical uses within a resort include but are not limited to: Ski facilities, Golf Courses, and other recreational facilities, overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, and restaurant/retail uses which are customarily appurtenant to such uses. See §17.14 Resort Recreation (RR) Zone of this code for specific requirements.

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.040 General Definitions

Deleted: Ski Facility: A recreational use, with associated facilities and improvements, for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities, parking accommodations, and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort ¶
Golf Course: A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses ¶

Comment [CH11]: These definitions moved to use related definitions 1130 and revised.

Deleted: AGRICULTURAL BUILDING: As defined within 15A-1-204(7) of Utah Code Annotated, 1953, as amended.

Deleted: COMMERCIAL/MANUFACTURING ACCESSORY USES: Includes uses such as the onsite sale of manufactured goods, offices, parking, storage, and a caretaker's residence.

17.09 Schedule of Zoning Uses

.030 Schedule of Uses by Zoning District

6000	Public, Institutional, and Utility Uses	RU2	RU5	A10	FR40	RR	C	I	ME	PI
6200	Utilities									
6240	Telecommunication Facility, Major	N	N	N	N	N	C	C	N	C
6250	Telecommunication Facility, Minor	N	N	N	N	N	ZC	ZC	N	ZC

Comment [GH12]: Added to reflect existing code distinction in 17.20.

17.10 Development Standards

.020 General Requirements

1. A travel trailer or similar vehicle, to be used for housing, may be placed on the same lot as a Single Family Dwelling that is under construction for up to 180 days.

Comment [CH13]: Added to reflect existing Policy

Table 17.10.040 Site Development Standards

Base zoning districts:	RU2	RU5	A10	FR40	C	I
Other Standards:						
Maximum lot coverage	60%	60%	60%	25%	50%	50%

Comment [CH14]: Updated to reflect the other category references and to reflect a more typical amount. On a 1 acre lot in the FR40 Zone, 10,000 is approximately 25% of the lot. That percentage replaces the 10,000 sf maximum.

Deleted: 10,000 sf

17.13 Mineral Extraction and Excavation

.020 General Requirements

The following are the general requirements for mineral extraction and excavation operations:

A. Property shall be rezoned through the county rezone process (section 17.02.060 of this title) prior to a master plan submittal except in the case of temporary operations as specified in this chapter.

.030 Schedule of Uses

For a schedule of uses for the mineral extraction and excavation zone, refer to chapter 17.09, "Schedule of Zoning Uses", of this title. All commercial mineral extraction or excavation projects and associated accessory uses shall be allowed with a conditional use permit issued to the owner and/or operator of the property in accordance with the procedures set forth in section 17.06.050 of this title.

.050 Operation Categories

A. Commercial operations must be a minimum of 5 acres in size, and are operations that supply materials to the public on a continual, long term basis. (The remainder of subsection A is unchanged.)

.080 Development and Reclamation Agreement

.080 Reclamation Agreement

After the applicant has obtained approval of the mineral extraction and excavation master plan as described above, the approval shall be put in the form of a reclamation agreement negotiated by the County Attorney and executed by the County Executive pursuant subject to the direction of the Planning Commission.

.090 Compliance by Existing Operations

Compliance and enforcement under this chapter shall be subject to constitutional protections and state law regarding existing nonconforming uses. Requirements shall not be imposed that are unreasonable with respect to operations related to a nonconforming excavation that is legally proven to have occurred prior to the enactment of this chapter.

Comment [CH15]: This section applies to multiple zones - not just the overlay.

Deleted: (ME) Overlay Zone

Comment [CH16]: Updated to reflect that these requirements apply to multiple zones - not just the overlay.

Deleted: considering the zoning of land in the county to the

Deleted: zone

Comment [CH17]: 5 acre requirement moved to 17.13.050 B as it is not a general requirement. What was item C deleted as it is not necessary.

Deleted: <#>In order to support the intended commercial mineral extraction or excavation uses, the minimum acreage for the ME zone shall be five (5) acres ¶
<#>Development within the ME zone shall adhere to all standards set forth in this title and the subdivision ordinance ¶

Comment [CH18]: Code reference update.

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Deleted: those

Comment [CH19]: The first sentence of this subsection has been updated and reorganized for clarity.

Comment [CH20]: Updated to reflect existing code language.

Deleted: Development and

Comment [CH21]: The first sentence of this subsection has been updated to reflect existing code language.

Deleted: development

Comment [CH22]: A portion of this subsection has been deleted as it is not enforceable.

Deleted: Subject to the limitations stated herein, within twenty four (24) months after the adoption of this chapter, all existing mineral extraction and excavation operations shall reasonably comply with the provisions set forth within this chapter, or alternatively, request the Planning Commission to grant a full or partial exemption from the terms hereof.

17.16 Group Living Facilities

.010 Purpose and Applicability

A. Purpose: It is the purpose of this chapter to:

- 1. Comply with Utah Code Annotated section 17-27a-515 and 519;

.030 Permitted Uses

- A. Permitted Use: A residential facility for persons with a disability or a residential long-term care facility shall be a permitted use in any zoning district where a single family dwelling is allowed.
- B. Termination: A use permitted by this chapter is nontransferable and shall terminate if any of the following occur:
 - 1. A facility is devoted to a use other than a residential facility for elderly residents or a residential facility for persons with a disability;
 - 2. The facility fails to comply with the requirements of the issued permits, this section, or other Cache County ordinances; or
 - 3. The license or certification issued by the Utah Department of Human Services or Department of Health terminates or is revoked.

.040 Residential Facility Development Standards

B. Parking Standards

- B. Number of Occupants: Pursuant to the definition of "family" in section 17.07.020 of this title, not more than four (4) unrelated persons shall occupy a residential long-term care facility or any residential facility for persons with a disability established in a dwelling unit unless a reasonable accommodation is granted in conformance with section 17.16.050 of this chapter.
- C. License And Certification: Prior to the issuance of a zoning clearance by Cache County for the residential facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the residential facility shall:
 - 1. Provide a certified copy of the license issued or the filed application for a license by the Department of Human Services or the Department of Health to the Development Services Director.

.050 Reasonable Accommodation

- B. Application: Any person or entity who wishes to request a reasonable accommodation shall make application to the land use authority in compliance with section 17.02.060.
- D. Appeal: Any person adversely affected by a final decision of the Land Use Authority may appeal that decision in compliance with subsection 17.02.060(F) of this title.

Comment [CH23]: Code reference update

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Comment [CH24]: Code reference updates and corrections

Deleted: for elderly persons

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Comment [CH25]: Subsection B: Parking Standards deleted as the existing parking standard in 17.22 is sufficient

Deleted: B. Parking Standards. The residential facility shall be required to provide sufficient parking for the intended use as provided below ¶

1. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located, and, ¶

2. The minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy density in the same zone ¶

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Comment [CH26]: Updates and corrections

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Comment [CH27]: Code reference update -- no other change

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Comment [CH28]: Code reference updates

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ORDINANCE NO. 2016-15
CACHE COUNTY, UTAH
YOUNKER 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 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 July 7, 2016, at 5:40 P.M. the Planning Commission held a public hearing for a rezone of property from the Agricultural (A10) Zone to the Industrial (I) 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 July 7, 2016 the Planning Commission recommended the approval of said rezone (3, 1) and forwarded such recommendation to the County Council for final action, and;

WHEREAS, on August 9, 2016, 6:10 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, and the 24 findings of fact identified in the staff report, 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 parcel number 09-076-0003 as described within Exhibit A currently zoned as the Agricultural (A10) Zone to the Industrial (I) 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. Conclusions.

A. The location of the subject property is compatible with the purpose of the proposed Industrial (I) Zone.

B. The subject property is suitable for development within the Industrial (I) Zone district without increasing the need for variances or special exceptions within this zone or the underlying Agricultural (A10) Zone.

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 parcel number 09-076-0003.

Exhibit B: Zoning Map of Cache County

8. Effective Date.

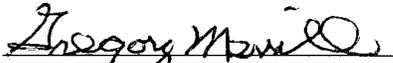
This ordinance takes effect on September 7, 2016. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the county as required by law.

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.

APPROVED AND ADOPTED this 23rd day of August, 2016.

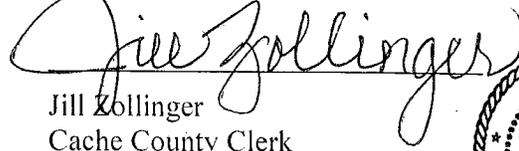
	In Favor	Against	Abstained	Absent
Potter	X			
Erickson		X		
White	X			
Merrill	X			
Robison	X			
Yeates				X
Zilles		X		
Total	4	2	0	1

CACHE COUNTY COUNCIL



Greg Merrill, Chair
Cache County Council

ATTEST:



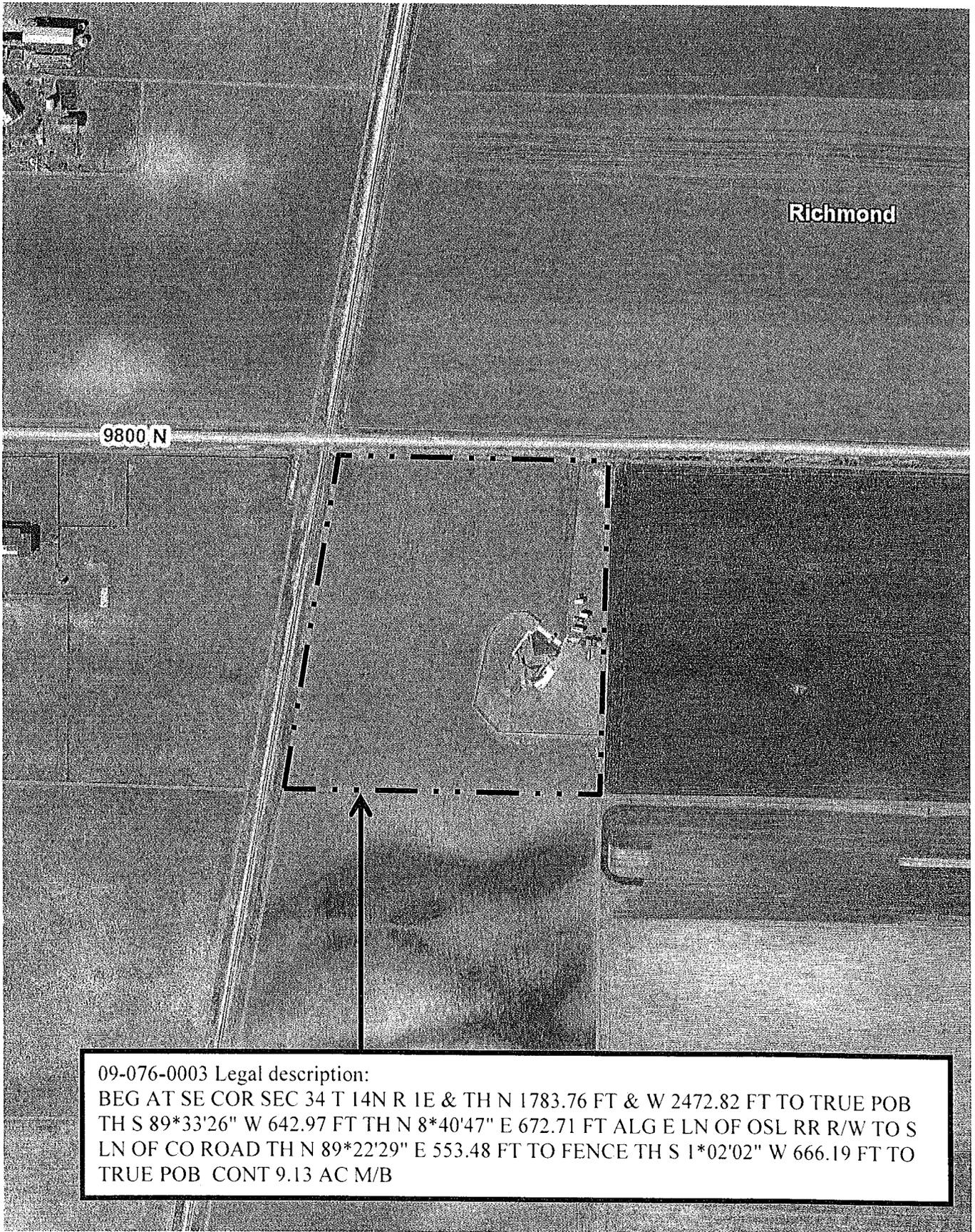
Jill Zollinger
Cache County Clerk

Publication Date:

September 7, 2016

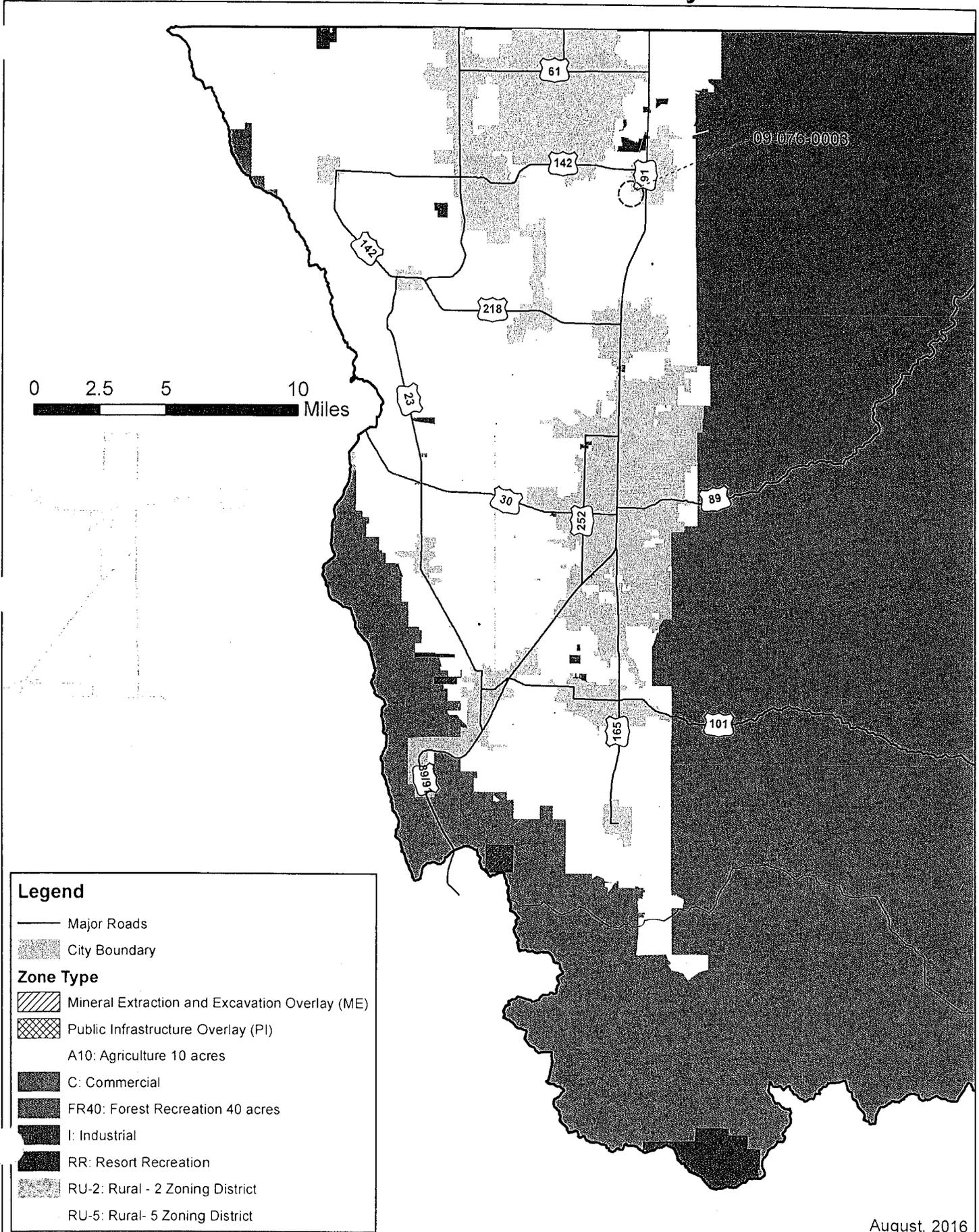


Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.



09-076-0003 Legal description:
BEG AT SE COR SEC 34 T 14N R 1E & TH N 1783.76 FT & W 2472.82 FT TO TRUE POB
TH S 89°33'26" W 642.97 FT TH N 8°40'47" E 672.71 FT ALG E LN OF OSL RR R/W TO S
LN OF CO ROAD TH N 89°22'29" E 553.48 FT TO FENCE TH S 1°02'02" W 666.19 FT TO
TRUE POB CONT 9.13 AC M/B

Exhibit B: Ordinance 2016-15 Zoning Map of Cache County





STAFF REPORT: DARRELL'S APPLIANCE SUBDIVISION 1ST AMENDMENT **Date:** 4 August 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: Darrell Ricks

Parcel ID#: 04-022-0020

Staff Determination: Approval with conditions

04-022-0031

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

2346 West Airport Road
Benson, UT

Current Zoning:

Agricultural (A10)

Acres: 35.08

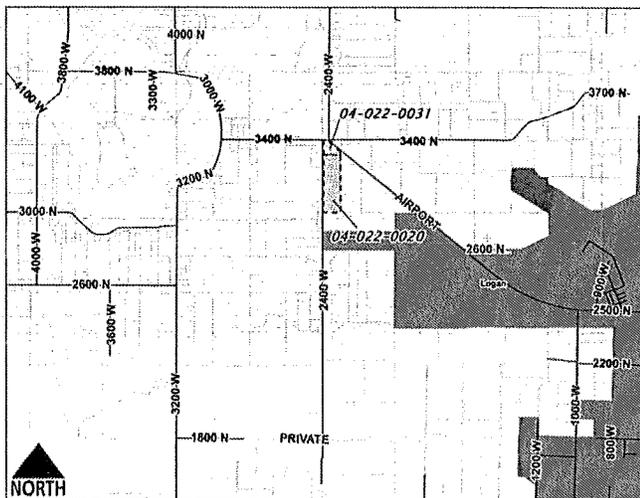
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Commercial/Agricultural/Residential

West – Agricultural/Residential



SUMMARY

The Darrell's Appliance Subdivision 1st Amendment is a request to add an additional lot to the existing 2 lots on 35.08 acres of property at 2346 West Airport Road. This subdivision was originally recorded in 2001 with two lots. The new lot would be divided from the applicant's 5.18-acre lot and would be the third and final lot possible in the current A10 Zone. As this would prevent the other property owner in the subdivision from dividing their 29.9 acre lot in the future, they are considered "an owner of record of the portion of the plat that is being amended" as per Utah Code Annotated §17-27a-609 [4] [b] and are required to sign the plat.

This subdivision amendment request was originally heard at the 2 June 2016 Planning Commission meeting, where it was continued for up to 90 days to allow legal counsel more time to evaluate the proposal.

FINDINGS OF FACT (23)

Ordinance—16.02.050 [C], 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. The original Darrell's Appliance subdivision was recorded on 2 October 2001 and consisted of 5.18-acre Lot 1 and 29.9-acre Lot 2.
3. Under the Agricultural (A10) Zone, lots may be divided at a development density of ten acres per unit. This results in a maximum development density potential of three lots on 35.08 acres within this specific subdivision boundary.
4. This application would amend the plat to divide one additional lot (Lot 3) from Lot 1. Lot 1 does not meet the density requirements for an additional lot without considering the entire subdivision boundary.
5. The creation of Lot 3 would exhaust the permitted development density for this subdivision. Further division within the existing subdivision boundary, beyond the proposed amendment, would not be permitted under the current County Land Use Ordinance.
6. A memorandum has been provided reflecting an analysis of the plat amendment, density requirements, and the requirements of Utah Code Annotated §17-27a-609 (Exhibit A). This memo identifies that because the development density of Lot 2 is being amended, the owner of record of Lot 2 must agree to the action in conformance with U.C.A. §17-27a-609 [4] [b].
7. The owner of record of Lot 2 has provided written opposition to this subdivision in order to preserve the right to future development (Exhibit B).

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

8. 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.
9. The additional proposed lot will have access from 2400 West.
10. County road 2400 West meets the minimum maintenance requirements but does not meet the minimum access requirements.
 - a. 2400 West currently provides access for multiple existing dwellings.
 - b. 2400 West consists of a 21-foot-wide paved width with 2-foot-wide gravel shoulders.
 - c. The county provides winter maintenance on 2400 West.
 - d. A design exception is required for the paved width of 2400 West.

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

11. The Benson Culinary Water Improvement District has agreed to provide culinary water for a new commercial connection on the proposed Lot 3.
12. Bear River Health Department has approved the proposed amendment.
13. 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]

14. Residential refuse and recycling containers must be placed three to four feet apart on 2400 West, far enough off of the road that they don't interfere with passing traffic. Commercial waste can be handled through the existing dumpsters on Lot 1 or by arranging for new dumpsters on the proposed Lot 3.
15. School bus service would be provided with a stop at 3400 North 2400 West.

16. Any driveways must meet all applicable requirements of the current International Fire Code, minimum county standards, and any other applicable codes.
17. Water supply for fire suppression will be provided by hydrants adjacent to the subdivision property.

Sensitive Areas—17.18.040

18. Initial county review identified an area of wetlands and open water on the proposed Lot 3. The Natural Resources Conservation Service of the US Department of Agriculture has determined that this area is not a wetland area (Exhibit C).

Public Notice and Comment—17.02.040

19. Public notice was initially posted online to the Utah Public Notice Website on 19 May 2016 and again on 19 July 2016.
20. Notice was initially published in the Herald Journal on 22 May 2016 and again on 24 July 2016.
21. Notices were posted in three public places on 19 July 2016.
22. Notices were mailed to all property owners within 300 feet of the subject property and all municipalities within 1 mile on 27 May 2016.
23. At this time, the only written public comment received by the Development Services Office has been from the owner of Lot 2 as mentioned herein.

CONDITIONS (3)

These conditions are based on the Cache County Land Use Ordinance 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. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.
3. The owner of record of Lot 2 must sign the plat as the development density of the subdivision is being amended per Utah Code §17-27a-609 [4] [b].

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the proposed Darrell's Appliance Subdivision 1st Amendment is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Land Use Ordinance.
2. A design exception is hereby approved for the paved width of 2400 West as the total roadway width meets the minimum county requirements and the addition of a one-foot-wide strip of pavement is not practical and may create future maintenance and structural issues on the roadway.



MEMORANDUM: PLAT AMENDMENT AND DENSITY

22 July 2016

The standard of review for approving a plat amendment is different from other land use approvals. The standard for plat amendment is based on "good cause" as referenced in State Code §17-27a-609(1)(a).

§17-27a-609.

"Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

(1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

- (a) there is good cause for the vacation or amendment; and
- (b) no public street, right-of-way, or easement has been vacated or amended."

As defined by Merriam-Webster, "good cause" is; "1. : a cause or reason sufficient in law: one that is based on equity or justice or that would motivate a reasonable person under all the circumstances."

<http://www.merriam-webster.com/dictionary/good%20cause>

Accessed on 7/11/2016

And also, Merriam-Webster provides a legal definition of "cause" that includes another definition of "good cause"; "2:...good cause: a substantial reason put forth in good faith that is not unreasonable, arbitrary, or irrational and that is sufficient to create an excuse for an act under the law..."

<http://www.merriam-webster.com/dictionary/cause#legalDictionary>

Accessed on 7/11/2016

Black's Law Dictionary 251 (9th ed. 2009), defines "good cause" as "legally sufficient reason".

A "good cause" standard allows the County Land Use Authority an increased level of discretion compared to other land use applications. This allows the County to consider if an effect upon another owner of record within a subdivision boundary is substantial, and therefore an amendment of the property.

Additionally, State Code §17-27a-609(4)(b) specifies that a plat must be signed by all owners of record for portions of the plat that are amended.

§17-27a-609.

"Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

(4) An amended plat may not be submitted to the county recorder for recording unless it is

- (a) signed by the land use authority; and
- (b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended."

Therefore, as the development density of the adjoining lot within the Darrell's Appliance Subdivision is affected and amended by the proposed plat amendment, the signature of that owner of record is required on the amended plat. And as that property owner has expressed written opposition to the proposal, it is well within the purview of the Planning Commission to consider the opposition of the affected owner of record in the Planning Commission's review and establishment of conditions of approval.

Bert D. Reese & Son, Inc.

Quality Milk since 1877

18, May 2016
Jacob Adams, Planner
Cache County Development
Services Department

Dear Mr. Adams,

This letter is in response to Darrell's Appliance proposed amendment to create one additional lot of land that would create one more additional lot. The subdivision currently has two buildable lots on 35 acres of land. The maximum development potential within the boundary is three developable lots based on the one lot per ten acre requirement of the existing Agricultural Zone. The proposed subdivision would be the third developable lot, and under the current County Land Use Code, no additional division of the property in this boundary would be possible.

As the owner and developer of this land, I am strongly opposed to the proposed amendment to the Darrell's Appliance Subdivision. I would like the option to be able to develop on the remaining acres in the future. The ratio of one lot per ten acres only determines the number of lots and not the lot size. If the proposed amendment does not occur I will be able to divide it into two 14.95 acre lots under the current County Land Use Code. If the amendment does occur then I no longer have the ability

Sincerely,



Brad Reese, President
Bert D Reese & Son, Inc

UNITED STATES
DEPARTMENT OF
AGRICULTURE
August 18, 2000

NATURAL RESOURCES
CONSERVATION
SERVICE

1860 North 100 East
Logan, UT
Phone: (801) 753-5616

Brad Reese
3987 N 2400 West
Benson, Utah 84335

Dear Mr Reese

The results of the wetland determination that you requested on tract **Tract 2599 (pond area)** is shown on the form CPA-026 and photo included. We have determined this part of this field to fit the wetland classification of "Not Wetland" or "NW".

Please contact Bill McMullin in this office if you have any questions about this determination.

Sincerely,



William I. McMullin
Soil Conservationist

Attachment: Map, CPA_026.

cc. Gary Bertonneau

U.S.D.A. Natural Resources Conservation Service HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION	NRCS-CPA-026 (June 91)	1. Name and Address of Person Brad Reese 3986 North 2400 West Benson, Utah 84335	2. Date of Request August 18, 2000
		3. County Cache	
Name of USDA Agency or Person Requesting Determination FSA		5. Farm No. and Tract No. 2731 T2599	

SECTION I - HIGHLY ERODIBLE LAND

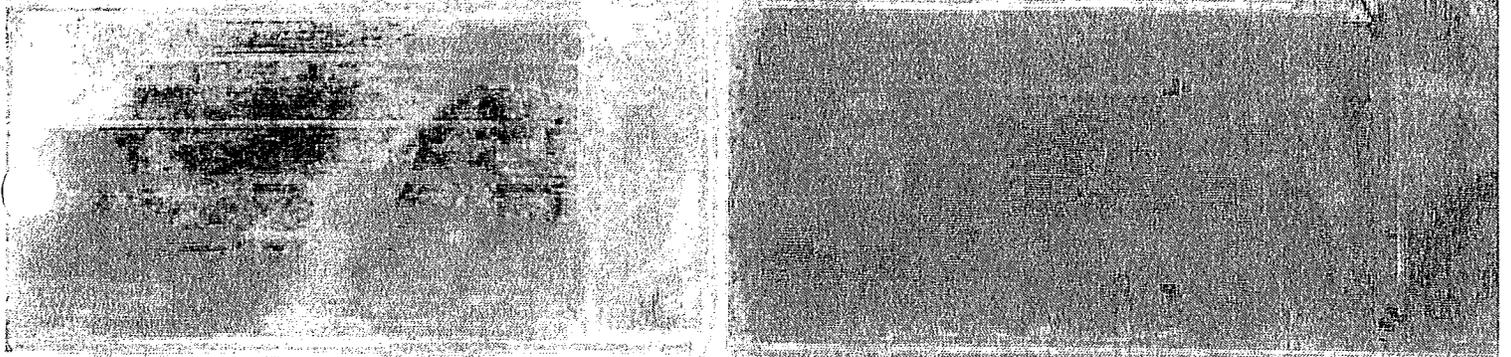
	FIELD NO (s)	TOTAL ACRES
6. Is soil survey now available for making a highly erodible land determination? Yes <input type="checkbox"/> No <input type="checkbox"/>		
7. Are there highly erodible soil map units on this farm? Yes <input type="checkbox"/> No <input type="checkbox"/>	none	
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981 - 1985.		
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981 - 1985; and were not enrolled in a USDA set-aside or diversion program.		
10. This Highly Erodible Land determination was completed in the: Office <input type="checkbox"/> Field <input type="checkbox"/>		

SECTION 11 - WETLAND

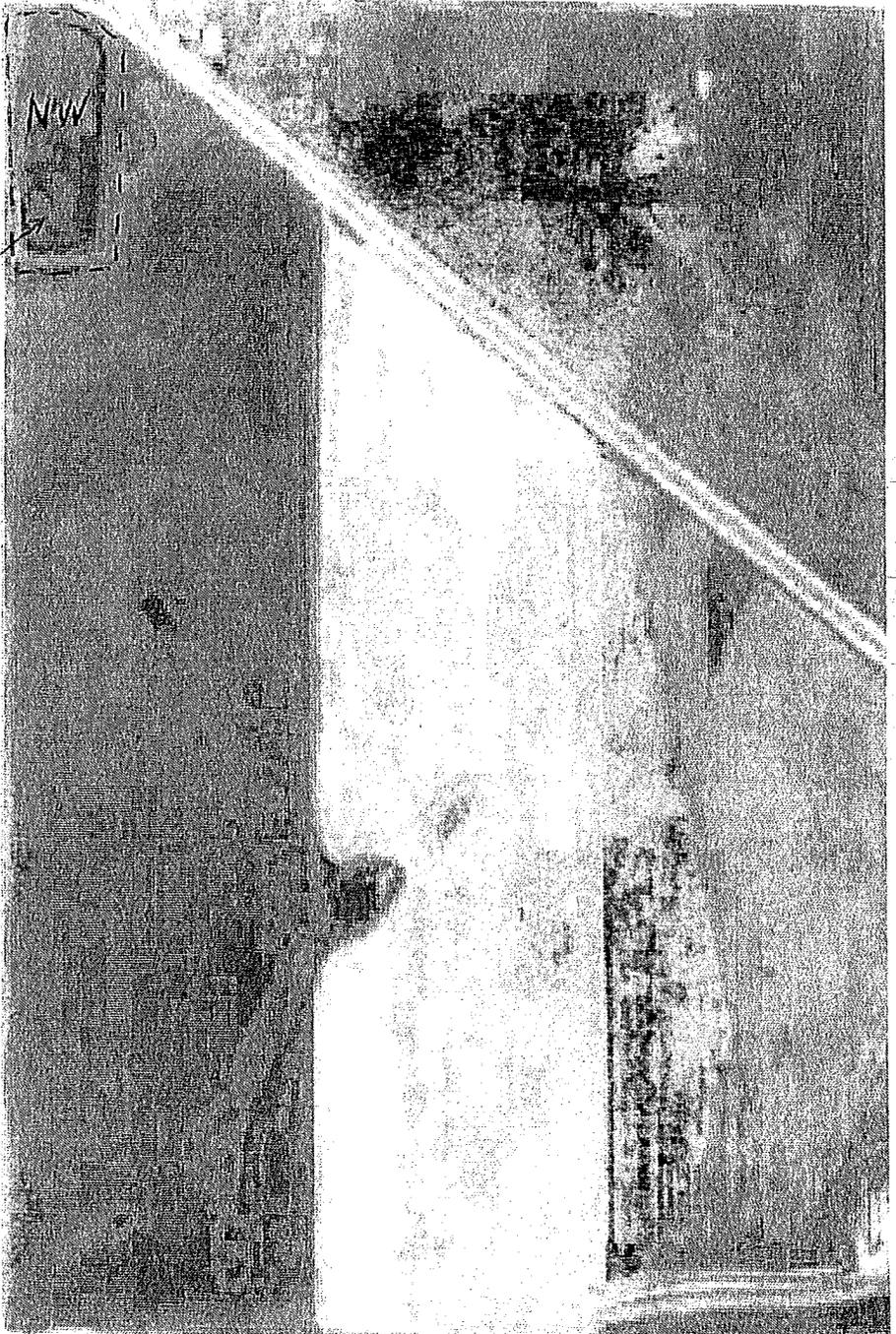
	FIELD NO (s)	TOTAL ACRES
11. Are there hydric soils on this farm? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW) or Farmed Wetlands Pasture (FWP). Wetlands may be farmed under natural conditions. Farmed Wetlands and Farmed Wetlands Pasture may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.		
13. Prior Converted Cropland (PC). Wetlands that were converted prior to December 23, 1985. The use, management, drainage, and alteration of prior converted cropland (PC) are not subject to wetland conservation provisions unless that area reverts to wetland as a result of abandonment.		
14. Artificial Wetlands (AW). Artificial wetlands includes irrigation-induced wetlands. These wetlands are not subject to the wetland conservation provisions.		
15. Minimal Effect Wetlands (MW). These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made.		
16. Mitigation Wetlands (MIW). Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990.		
17. Restoration with Violation (RVW+year). A restored wetland that was in violation as a result of conversion after November 28, 1990, or the planting of an agricultural commodity or forage crop.		
18. Restoration without Violation (RSW). A restored wetland converted between December 23, 1985 and November 28, 1990, on which an agricultural commodity has not been planted.		
19. Replacement Wetlands (RPW). Wetlands which are converted for purposes other than to increase production, where the wetland values are being replaced at a second site.		
20. Good Faith Wetlands (GFW+year). Wetlands on which ASCS has determined a violation to be in good faith and the wetland has been restored.		
21. Converted Wetlands (CW). Wetland converted after December 23, 1985 and prior to November 28, 1990. In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits.		
22. Converted Wetland (CW+year). Wetlands converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.		
23. Converted Wetland Non-Agricultural use (CWNA). Wetlands that are converted for trees, fish production, shrubs, cranberries, vineyards or building and road construction.		
24. Converted Wetland Technical Error (CWTE). Wetlands that were converted as a result of incorrect determination by NRCS.		
25. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.		
26. The planned alteration measures on wetlands in fields _____ are not considered maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 22 for information on CW+year.		
27. The wetland determination was completed in the office <input type="checkbox"/> field <input checked="" type="checkbox"/> and was delivered <input checked="" type="checkbox"/> mailed <input type="checkbox"/> to the person on August 18, 2000		

28. Remarks *Wetland determination done on pond constructed in 1977. Not used for 2-3 years - No wetland found*

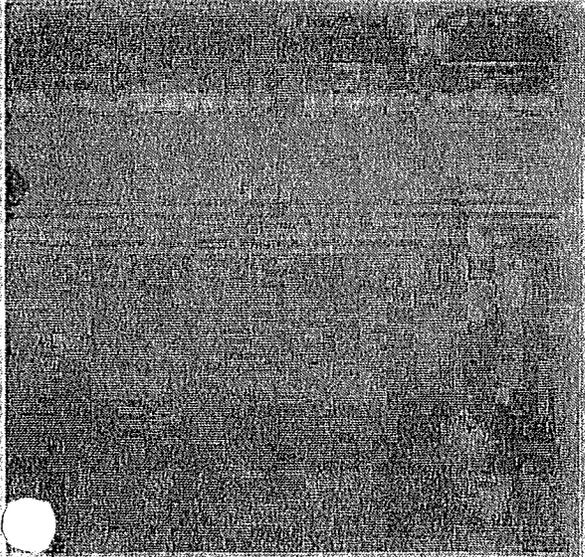
29. I certify that the above determination is correct and adequate for use in determining eligibility for USDA program benefits, and that wetland hydrology, hydric soils, and hydrophytic vegetation under normal circumstances exists on all areas outlined as Wetlands, Farmed Wetlands, and Farmed Wetlands Pasture.	30. Signature of NRCS District Conservationist <i>[Signature]</i>	31. Date Aug 18, 2000
--	--	--------------------------



Not Wetland



NW



#1 Darrel's Appliance Subdivision 1st Amendment (Jeff Ricks)

Adams reviewed Mr. Darrell Ricks' request for a recommendation of approval to the County Council to create a new lot (Lot 3) from the existing Lot 1 of the Darrell's Appliance Subdivision at approximately 3390 North and 2400 West in the Agricultural (A10) Zone. This was previously continued from the July 7, 2016 meeting. At that time staff needed time to confer with legal counsel regarding the county's density requirements and the application of development potential. Under current zoning (A10) the requested lot would exhaust the development potential within the subdivision boundary and no further division possible. The owner of record of the existing lot 2 is the larger of the two parcels and is where the development potential is located as measured by the available acreage. This owner is therefore affected by the proposal and their signature is required on the proposed plat prior to recordation. A design exception would be required for the substandard road; all other utilities and services have no issues. Fire protection has been reviewed by the Cache County Fire Marshall's office.

05:51:00

Gunnell arrives.

Jeff Ricks (proponent) nothing has changed since the last meeting but I can answer any questions.

Brad Reese (owner of lot with development potential) we haven't changed our feelings about this either. We feel like this will hurt us and we won't be able to continue to split our lot and are strongly against this. If there is a way to change it so all involved are happy, we would support that.

Christensen motioned to recommend approval to the County Council with the stated findings of fact, conditions, and conclusions as written; **Olsen** seconded; **Passed 5, 0.**

Logan, Utah

August 23, 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, August 23, 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	Council member
Kathy Robison	Council member
Jon White	Council member
Cory Yeates	Council member
Gordon A. Zilles	Council member

Also present:

Craig "W" Buttars	County Executive
Jill N. Zollinger	County Clerk
Lee Edwards	Deputy County Attorney

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the County Council a Certificate of Compliance with Open Meeting Law with respect to this August 23, 2016 meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Council member Erickson and seconded by Council member Potter, adopted by the following vote:

YEA: 6

NAY: 0 (Yeates absent)

The resolution was later signed by the Chairman and recorded in the official records of Cache County, Utah. The resolution is as follows:

**CACHE COUNTY
RESOLUTION NO. 2016 - 21**

A RESOLUTION OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH (THE "ISSUER"), AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$6,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE REFUNDING BONDS; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING AND APPROVING THE EXECUTION OF A SUPPLEMENTAL INDENTURE, A BOND PURCHASE AGREEMENT, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the County Council (the "County Council") of the Issuer desires to (a) refund all of the Issuer's currently outstanding Sales Tax Revenue Refunding Bonds, Series 2007 (the "Refunded Bonds") and (b) pay costs of issuance with respect to the Series 2016 Bonds herein described; and

WHEREAS, to accomplish the purposes set forth in the preceding recital, and subject to the limitations set forth herein, the Issuer desires to issue its Sales Tax Revenue Refunding Bonds, Series 2016 (the "Series 2016 Bonds") (to be issued from time to time, as one or more series and with such other series or title designation(s) as may be determined by the Issuer), pursuant to (a) the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the "Act"), (b) this Resolution, and (c) a General Indenture of Trust dated as of September 1, 2003, as heretofore amended and supplemented (the "General Indenture"), and as further amended and supplemented by a Supplemental Indenture of Trust dated as of September 1, 2016 (the "Supplemental Indenture" and together with the General Indenture, the "Indenture"), each between the Issuer and U.S. Bank National Association, as trustee (the "Trustee"), in substantially the form presented to the meeting at which this Resolution was adopted and which are attached hereto as Exhibit B; and

WHEREAS, the Act provides that an issuing entity may give notice of its intent to issue bonds under the Act; and

WHEREAS, there has been presented to the County Council at this meeting a form of a bond purchase agreement (the "Bond Purchase Agreement") to be entered into between the Issuer and the purchaser selected by the Issuer for the Series 2016 Bonds (the "Purchaser"), in substantially the form attached hereto as Exhibit C; and

WHEREAS, in order to allow the Issuer (with the consultation and approval of the Issuer's Municipal Advisor, Zions Public Finance (the "Municipal Advisor")) flexibility in setting the pricing date or dates of the Series 2016 Bonds to optimize debt service costs to the Issuer, the County Council desires to grant to any two of [(i) County Council Chair, (ii) the County Clerk or (iii) the County Executive (the "Designated Officers")], the authority to (a) approve the principal amounts, interest rates, terms, maturities, redemption features, and purchase price at which the Series 2016 Bonds shall be sold; (b) select the Purchaser of the Series 2016 Bonds; and (c) make any changes with respect thereto from those terms which were before the County Council at the time of adoption of this Resolution, provided such terms do not exceed the parameters set forth for such terms in this Resolution (the "Parameters");

NOW, THEREFORE, it is hereby resolved by the County Council of Cache County, Utah, as follows:

Section 1. For the purpose of (a) refunding the Refunded Bonds and (b) paying costs of issuance of the Series 2016 Bonds, the Issuer hereby authorizes the issuance of the Series 2016 Bonds which shall be designated "Cache County, Utah Sales Tax Revenue Refunding Bonds, Series 2016" (to be issued from time to time, as one or more series and with such other series or title designation(s) as may be determined by the Issuer) in the aggregate principal amount of not to exceed \$6,000,000. The Series 2016 Bonds shall mature in not more than seven (7) years from their date or dates, shall be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, and shall bear interest at a rate or rates of not to exceed two and one-half percent (2.5%) per annum (except while in default), all as shall be approved by any two of the Designated Officers, within the Parameters set forth herein.

Section 2. The Designated Officers are hereby authorized to select the Purchaser, the final principal amounts, terms, discounts, maturities, interest rates, redemption features, and purchase price with respect to the Series 2016 Bonds for and on behalf of the Issuer, provided that such terms are within the Parameters set by this Resolution. The selection of the Purchaser and the determination of the final terms and redemption provisions for the Series 2016 Bonds by the Designated Officers shall be evidenced by the execution of the Bond Purchase Agreement in substantially the form attached hereto as Exhibit C. The form of the Bond Purchase Agreement is hereby authorized, approved and confirmed.

Section 3. The Supplemental Indenture and the Escrow Deposit Agreement dated as of September 1, 2016 (the "Escrow Agreement") between the Issuer and U.S. Bank National Association, in substantially the forms presented to this meeting and attached hereto as Exhibit B and Exhibit D are hereby authorized, approved, and confirmed. The Chairman or Vice Chairman of the County Council (the "Chair") and the County Clerk or Deputy County Clerk (the "County Clerk") are hereby authorized to

execute and deliver the Supplemental Indenture in substantially the form and with substantially the content as the form presented at this meeting for and on behalf of the Issuer, with final terms as may be established by the Designated Officers, in consultation with the Municipal Advisor, within the Parameters set forth herein, and with such alterations, changes or additions as may be necessary or as may be authorized by Section 5 hereof.

Section 4. The appropriate officials of the Issuer are authorized to make any alterations, changes or additions to the Indenture, the Series 2016 Bonds, the Bond Purchase Agreement, or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2016 Bonds (within the Parameters set by this Resolution), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the County Council or the provisions of the laws of the State of Utah or the United States.

Section 5. The form, terms, and provisions of the Series 2016 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Indenture. The Chair and the County Clerk are hereby authorized and directed to execute and seal the Series 2016 Bonds and to deliver said Series 2016 Bonds to the Trustee for authentication. The signatures of the Chair and the County Clerk may be by facsimile or manual execution.

Section 6. The appropriate officials of the Issuer are hereby authorized and directed to execute and deliver to the Trustee the written order of the Issuer for authentication and delivery of the Series 2016 Bonds in accordance with the provisions of the Indenture.

Section 7. Upon their issuance, the Series 2016 Bonds will constitute special limited obligations of the Issuer payable solely from and to the extent of the sources set forth in the Series 2016 Bonds and the Indenture. No provision of this Resolution, the Indenture, the Series 2016 Bonds, or any other instrument, shall be construed as creating a general obligation of the Issuer, or of creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Issuer or its taxing powers.

Section 8. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents and other papers (including, without limitation, any tax compliance policies or reserve instrument guaranty agreements permitted by the Indenture) and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 9. After the Series 2016 Bonds are delivered by the Trustee to the Purchaser and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the principal of, premium, if any, and interest on the Series 2016 Bonds

are deemed to have been duly discharged in accordance with the terms and provisions of the Indenture.

Section 10. In accordance with the provisions of the Act, the Issuer will cause the following "Notice of Bonds to be Issued" to be (i) published one (1) time in the Herald Journal, a newspaper of general circulation in the Issuer, (ii) posted on the Utah Public Notice Website (<http://pnn.utah.gov>) and (iii) posted on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, and shall cause a copy of this Resolution and the Indenture to be kept on file in the Cache County offices, for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of such publication. The Issuer directs its officers and staff to publish a "Notice of Bonds to be Issued" in substantially the following form:

NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the "Act"), that on August 23, 2016, the County Council (the "County Council") of Cache County, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Sales Tax Revenue Refunding Bonds, Series 2016 (the "Bonds") (to be issued in one or more series and with such other series or title designation(s) as may be determined by the Issuer).

PURPOSE FOR ISSUING THE BONDS

The Bonds will be issued for the purpose of (a) refunding a portion of the Issuer's outstanding sales tax revenue bonds (the "Refunded Bonds") in order to achieve a debt service savings and (b) paying costs of issuance of the Bonds.

PARAMETERS OF THE BONDS

The Issuer intends to issue the Bonds in the aggregate principal amount of not more than Six Million Dollars (\$6,000,000), to mature in not more than seven (7) years from their date or dates, to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, and bearing interest at a rate or rates of not to exceed two and one-half percent (2.5%) per annum (except while in default). The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a General Indenture of Trust (previously entered into) and a Supplemental Indenture of Trust (collectively, the "Indenture") which were before the County Council and attached to the Resolution with the Supplemental Indenture in substantially final form at the time of the adoption of the Resolution.

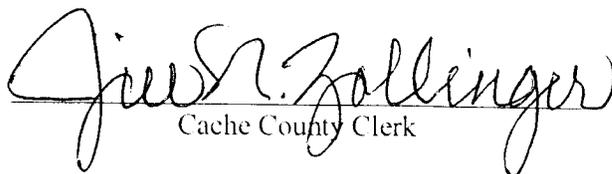
EXCISE TAXES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge 100% of the Local Sales and Use Tax and County Option Sales and Use Tax revenues received by the Issuer pursuant to Title 59, Chapter 12, Parts 2 and 11, Utah Code Annotated 1953, as amended (the "Sales and Use Tax") to the payment of the Bonds.

A copy of the Resolution and the Indenture are on file in the office of the Cache County Clerk, 179 North Main Street, Logan, Utah, where they may be examined during regular business hours of the County Clerk from 8:00 a.m. to 5:00 p.m., Monday through Friday, for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Indenture (but only as it relates to the Series 2016 Bonds), or the Series 2016 Bonds, or any provision made for the security and payment of the Series 2016 Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality, or legality thereof for any cause whatsoever.

DATED this August 23, 2016.


Cache County Clerk

Section 11. The Issuer hereby reserves the right to opt not to issue the Series 2016 Bonds for any reason.

Section 12. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this August 23, 2016.



By: Gregory Marie
Cache County Council Chairman

ATTEST:

By: Justin Zollinger
Cache County Clerk

(
(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.



By: *Greg Merrill*
Cache County Council Chairman

ATTEST:

By: *Justin Zollinger*
Cache County Clerk

STATE OF UTAH)
 : ss.
COUNTY OF CACHE)

I, Jill N. Zollinger, the duly appointed and qualified County Clerk of Cache County, Utah (the "County"), do hereby certify according to the records of the County Council of the County (the "County Council") in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the County Council held on August 23, 2016, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on August 23, 2016, and pursuant to the Resolution, a Notice of Bonds to be Issued will be (a) published in the Herald Journal, a newspaper having general circulation within the County, the affidavit of which publication will be attached upon availability, (b) posted on the Utah Public Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended and (c) posted on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said County, this August 23, 2016.



By: Jill N. Zollinger
Cache County Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Jill N. Zollinger, the duly appointed and qualified County Clerk of Cache County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, 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 August 23, 2016, public meeting held by the County Council of the County (the "County Council") as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the County on August 22, 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 copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Herald Journal on August 22, 2016, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Notice Website (<http://pnn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2016 Annual Meeting Schedule for the County Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the County Council to be held during the year, by causing said Notice to be (a) posted on October 13, 2015 at the principal office of the County Council, (b) provided to at least one newspaper of general circulation within the County on October 28, 2015 and (c) published on the Utah Public Notice Website (<http://pnn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 23, 2016.



By: Jill N. Zollinger
Cache County Clerk

To Be Attached:

- SCHEDULE 1 – NOTICE OF MEETING
- SCHEDULE 2 – ANNUAL MEETING SCHEDULE
- Proof of Publication of Notice of Bonds to be Issued

EXHIBIT B

FORM OF INDENTURE

(See Transcript Document Nos. ___ and ___)

EXHIBIT C

FORM OF BOND PURCHASE AGREEMENT

(See Transcript Document No. __)

EXHIBIT D

FORM OF ESCROW DEPOSIT AGREEMENT

(See Transcript Document No. __)