

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
OCTOBER 25, 2016**

COUNTY COUNCIL MEETING

October 25, 2016

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**CACHE COUNTY COUNCIL MEETING
October 25, 2016**

The Cache County Council convened in a regular session on October 25, 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 absent.**
County Clerk/Auditor: Sharon L. Hoth
County Attorney: James Swink

The following individuals were also in attendance: Janeen Allen, Joseph Anderson, Mindy Anderson, Kyler Archibald, Robert Bair, Wendy Bair, Shawn Bliss, Jill Brown, Attorney Joe Chambers, Matt Cheney, Jessica Dryden, Gina Hadfield, Finance Director Cameron Jensen, Derek Kimball, Harrison Kimball, Dave Kooyman, David Lee, Leslie Lee, Steve Larson, Kirt Lindley, Britton Lund, Jessy W Munk, Floyd Naegle, Jeff Nielsen, LaMont Poulsen, David Rosenberg, Abrienne Storey, Barbara Tidwell, Karl Ward, Lee Whitney, Gina Worthen, **Media:** Clayton Gefre (Herald Journal, Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

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

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Zilles to approve the minutes of the October 11, 2016 Council Meeting as written. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

MINUTES FOLLOW-UP: Janeen Allen stated that Zions has changed the TEFRA November 8, 2016 Public Hearing to November 22, 2016.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: Douglas J Thompson Cache County Deputy Sheriff

WARRANTS: Warrants for the periods 10-01-2016 to 10-07-2016, 10-08-2016 to 10-14-2016 and 10-15-2016 to 10-21-2016 were given to the Clerk for filing.

OTHER ITEMS:

- ❑ **Fairgrounds Events Center** financing proposal will be presented at the November 8, 2016 County Council meeting.

CONSENT AGENDA

- ◇ **MJ Enterprises Subdivision 1st Amendment** – Request for approval of a subdivision amendment to create two additional lots and an agricultural remainder on 79.50 acres at 314 North 7200 West, Petersboro in the Agricultural (A-10) Zone.
- ◇ **Munk Brothers Subdivision** – Request for approval for a three-lot subdivision with an agricultural remainder on 54.77 acres at 5650 North 2000 West, Benson in the Agricultural (A-10) Zone.

(Attachment 1)

ACTION: Motion by Council member Potter to approve Consent Agenda items – MJ Enterprises Subdivision and Munk Brothers Subdivision. Robison seconded the motion. The vote was unanimous, 6-0. Yeates Absent.

ITEMS OF SPECIAL INTEREST

- **Eccles Ice Center** – Dave Kooyman thanked the Council for support of the Ice Center and asked the county to continue the RAPZ/Restaurant allocation for ten years and to extend the 1/64th tax originally approved for the 2002 Winter Olympics for the same period.. The plan is to increase the current endowment balance of approximately \$800,000.00 to \$2,000,000.00 in the next ten years.

Floyd Naegle reported the Ice Center is in the fourth phase of their 4-phase plan –
Phase 1 - Organization formed, facility built
Phase 2 – Complete seating, more locker rooms, second classroom, restrooms
Phase 3 – Enhance revenue streams, second parking lot, recreational area, pavilion, portable floor covering
Phase 4 – Continue to build endowment and address needed capital repair-maintenance fund

In response to questions from Council members White and Potter, the Center is available to the public five days a week and it costs \$750,000.00 to \$800,000.00 for yearly operations.

The Council is supportive of the request and Attorney Swink said there should be public input and a formal resolution on the request.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: October 25, 2016-5:30 p.m.-Agriculture Protection Area – Request by Nelda Bair and Robert Bair for an Agriculture Protection Area southwest of Richmond – Chris Harrild indicated staff has no concerns and county roads are not impacted.

Chairman Merrill opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Council member Zilles to close the Public Hearing – October 25, 2016-5:30 p.m.-Agriculture Protection Area. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING: October 25, 2016-5:40 p.m.-Title 17 Amendments – Amendments to County Land Use Ordinance 17.07 Definitions and 17.09 Schedule of Zoning Uses to create a separate use category and definition for Crematoriums.

Chairman Merrill opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Council member Zilles to close the Public Hearing October 25, 2016-5:40 p.m.-Title 17 Amendments. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

UNIT OR COMMITTEE REPORTS

- * **VOCA/VAWA Report** – Terry Warner updated the Council on the following:
 - o Justice Reinvestment Initiative (JRI)
 - o Reimbursement/restitution
 - o Increase in violent crime since JRI

Council member Potter asked if other counties are planning to track restitution and Warner said most are not. Potter replied the more statistics that can be presented to the legislature, the better the chance of changes being made.

- * **2016 County Fair Report** – LaMont Poulsen thanked the Council and all the volunteers who helped with Fair and Rodeo and reported the Fair made money this year. Helen Cooper introduced Abrienne Storey, this year's Cache Idol winner, and presented her with a plaque. Abrienne sang "God Bless America" for the Council.

ITEMS OF SPECIAL INTEREST

- **Bookmobile Statistical Report** – Britton Lund, State Bookmobile Program Manager, clarified that the 1,337 cardholders who use the Bookmobile may represent families as well as individuals. Lund also reported on the following:
 - o 37 stops in Cache County on a bi-weekly schedule
 - o Bookmobile (5.37%)/Cache County Library (4.91%) use comparison

Shaw Bliss, Cache Bookmobile Director, urged retaining the Bookmobile stating it is especially important for "under served" areas and fosters literacy.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: October 25, 2016-6:00 p.m.-Open 2016 Budget – Chairman Merrill reviewed the budget adjustments, opened the Public Hearing, and invited public comment. There was none.

ACTION: Motion by Council member Potter to close the Public Hearing. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2016-22-Amendments to 2016 Budget** – Finance Director Jensen explained the budget adjustments.

(Attachment 2)

ACTION: Motion by Council member Robison to waive the rules and approve Resolution No. 2016-22-Amendments to 2016 Budget. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Resolution No. 2016-23 – Consideration for adoption of a resolution of inducement for not to exceed \$3,000,000.00 of business development revenue refunding bonds; approving a memorandum of agreement with Sunshine Terrace Foundation, Inc., In connection with the issuance by Cache County of its business development revenue refunding bonds to refinance the costs of the expansion of the existing building and the furnishing and equipping of such building for use as a rehabilitation facility (the “Project”); and authorizing the execution and delivery of a memorandum of agreement by and between Cache County and Sunshine Terrace Foundation, Inc. with respect to refinancing the Project; and related matters.** (*NO ACTION TAKEN*) – Attorney Swink explained this is approving the agreement. A public hearing will be set which comes after the parameters are set. The Council can take action tonight and there will be a public hearing before the final resolution is presented for approval.

Council member White expressed concern about approving this resolution before the public hearing is held.

ACTION: Motion by Council member Zilles to consider Resolution No. 2016-23 after the Public Hearing is held. Erickson seconded the motion. The motion passed, 5 aye – Erickson, Merrill, Potter, Robison & Zilles and 1 nay – White. Yeates absent.

- **Resolution No. 2016-24 – Amendments to the Cache County Corporation Personnel Policy and Procedure Manual Section VII (L) Compensatory Time; Section VIII(O)(3) (f) Vehicle Parking and Backing; and Section IX(B)(1) Family and Medical Leave Act (FML)** – Human Resources Director Cory Wood indicated that road department employees work overtime hours during peak work times and accumulate comp time instead of overtime pay. However, they cannot use their comp time within the required 30-day period because it is still peak work time. This amendment will remove the time restriction for using comp time with a supervisor’s permission.

Attorney Swink sees no problem with the change and remarked it saves money in overtime pay.

(Attachment 3)

ACTION: Motion by Council member Robison to waive the rules and approve Resolution No. 2016-24 – Amendments to the Cache County Corporation Personnel Policy and Procedure Manual, etc. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Resolution No. 2016-25 – Bair Agriculture Protection Areas**

(Attachment 4)

ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2016-25-Bair Agriculture Protection Areas. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Little Bear Field Subdivision – Request for approval of a one-lot subdivision with an agricultural remainder on 6.00 acres at 4341 South 3600 West, northeast of Wellsville in the Agricultural (A-10) Zone** – Chris Harrild stated this comes with a recommendation of approval from the Planning Commission. Harrild noted there are 33 findings of fact in the staff report (see attached). Harrild asks that Condition 4 (*Prior to recording the plat, the proponent must submit a request for extension of county maintenance to the proposed lot in order to obtain an exception to County Council Resolution 2015-20, and thereby extend maintenance services on 3600 West.*) be struck from conditions and be treated as a conclusion. Attorney Swink supports the recommendations of staff.

In response to Council members concerns about adequate turnaround space, Harrild indicated Condition 3 states that "*the design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer for compliance with applicable codes.*"

(Attachment 5)

ACTION: Motion by Council member Zilles to approve the Little Bear Field Subdivision and prior to recording the final plat the proponent must improve their portion of 3600 West to meet the minimum county requirements for a rural road including a turnaround for county maintenance and emergency medical services. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Hawk's Ridge Subdivision – Request for approval of an eleven-lot subdivision on 87.38 acres located at approximately 6750 West 2000 North, Petersboro in the Agricultural (A-10) Zone remainder on 35.43 acres located at approximately 6750 West 2000 North, Petersboro in the Agricultural (A-10) Zone** – Chris Harrild said the applicant has provided a core sample of the road and it proved the road adequate.

(Attachment 6)

ACTION: Motion by Council member Potter to approve the Hawk's Ridge Subdivision. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Meridian Acres Subdivision – Request for approval of a three-lot subdivision with an agricultural remainder on 35.343 acres located at approximately 6100 South 2400 West, southwest of Hyrum in the Agricultural (A-10) Zone** – Chris Harrild explained the road is chip/seal and has some potholes, but cannot be repaired in cold weather. Therefore, the county will allow a temporary design exception, but financial surety must be provided up front to be held until the road is done.

(Attachment 7)

ACTION: Motion by Council member Zilles to approve the Meridian Acres Subdivision. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Property Tax Relief Requests**
 - #22

ACTION: Motion by Council member Robison to approve the Property Tax Relief Request. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #21

ACTION: Motion by Council member Potter to approve the Property Tax Relief Request. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #29

ACTION: Motion by Council member Potter to abate 25% of the Property Tax. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #0022

ACTION: Motion by Council member White to deny the Property Tax Relief Request. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #603

ACTION: Motion by Council member Potter to abate 25% of the Property Tax. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #12

ACTION: Motion by Vice Chair Erickson to deny the Property Tax Relief Request. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #02

ACTION: Motion by Council member Potter to approve the Property Tax Relief Request. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #11

ACTION: Motion by Council member Robison to approve the Property Tax Relief Request. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #0002

ACTION: Motion by Vice Chair Erickson to approve the Property Tax Relief Request. Potter seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #0009

ACTION: Motion by Council member Robison to approve the Property Tax Relief Request. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #0029

ACTION: Motion by Council member Potter to approve the Property Tax Relief Request. Erickson seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- #0012

ACTION: Motion by Council member White to deny the request for waiving of penalties and interest. The motion passed, 5 aye – Erickson, Merrill, Robison, White & Zilles and 1 nay – Potter.

- **Property Tax Discussion** – Chairman Merrill reminded if the county holds the certified tax rate the same, there will be more tax revenue generated. The state sees increased revenue as a tax increase; therefore, the tax notices will list it as a tax increase. Does the Council want to hold the certified tax rate? The county has put off capital projects, denied additional employees and, in general, been conservative.

Council member Potter said he believes the county is being managed well and department heads have done a good job.

ACTION: Motion by Council member White to approve mailing the tax notices with the certified tax rate held the same. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.

OTHER BUSINESS

- ✓ **UAC Annual Convention – November 16-18, 2016 – Dixie Convention Center, St. George** – All Council members will attend. Council member Potter urged Attorney Swink as a UAC Board secretary to place the agenda for the convention on their website.
- ✓ **Open House and Dinner for Outgoing Council members** – Friday, December 16, 2016 – 5:00 p.m.-Logan Country Club.

COUNCIL MEMBER REPORTS

Gordon Zilles stated appreciation for Chairman Merrill's concern with the budget.

Val Potter reminded the Council of a Legislative Town Hall Meeting at Cedar Ridge Middle School – 6:30 p.m. – October 26, 2016.

ADJOURNMENT

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

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chair



STAFF REPORT: MUNK BROTHERS SUBDIVISION

Date: 6 October 2016

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

Agent: Jerry Munk

Parcel ID#: 08-095-0001

Staff Determination: Approval with Conditions

08-095-0011

Type of Action: Administrative

08-095-0013

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

5650 North 2000 West
Benson, UT 84335

Current Zoning:

Agricultural (A10)

Acres: 54.77

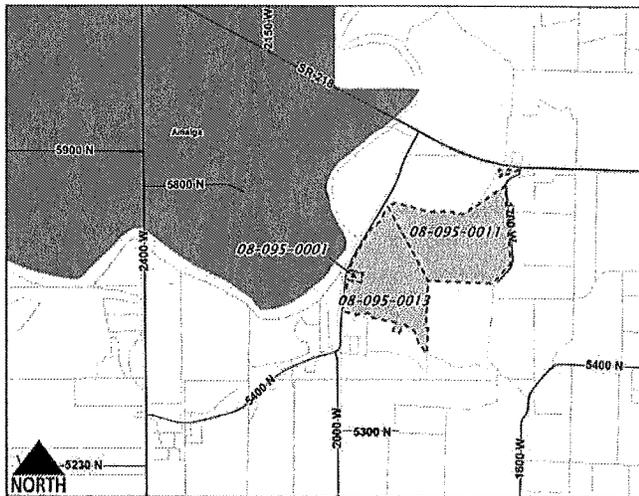
Surrounding Uses:

North – Agricultural

South – Agricultural/Residential

East – Agricultural/Residential

West – County Road/Bear River



SUMMARY

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

FINDINGS OF FACT (28)

Ordinance—17.02.060, 17.10.040

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

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

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

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

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

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

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

Sensitive Areas—17.17, 17.18.040, 17.18.060

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

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

Public Notice and Comment—17.02.040

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

CONDITIONS (7)

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

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

CONCLUSIONS (1)

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

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

1 05:43:00

2
3 **Regular Action Items**

4
5 **#3 Munk Brothers Subdivision**

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

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

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

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

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

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

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

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

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

45
46 05:51:00



STAFF REPORT: MJ ENTERPRISES SUBDIVISION 1ST AMENDMENT

Date: 6 October 2016

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

Agent: Matthew Cheney

Parcel ID#: 12-035-0006

Staff Determination: Approval with Conditions

12-035-0030

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

314 North 7200 West
Petersboro, UT 84325

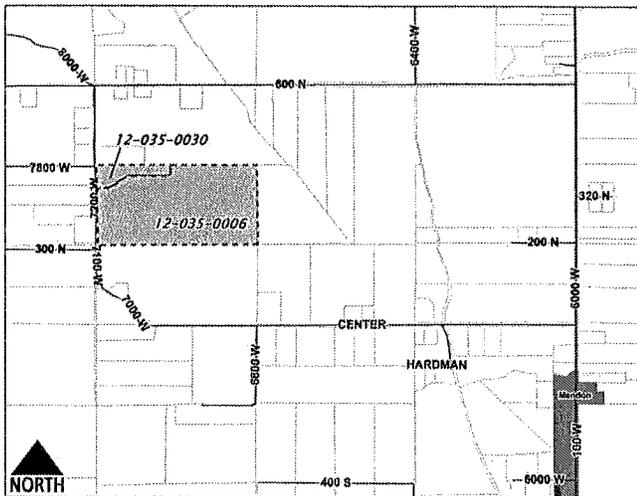
Surrounding Uses:

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

Current Zoning:

Agricultural (A10)

Acres: 79.5



SUMMARY

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

FINDINGS OF FACT (23)

Ordinance—16.02.050, 17.02.060, 17.10.040

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

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

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

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

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

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

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

Sensitive Areas—17.18.040, 17.18.060

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

Public Notice and Comment—17.02.040

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

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

CONDITIONS (6)

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

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

CONCLUSIONS (1)

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

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

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

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

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

7
8 **05:37:00**

9
10 **Agenda**

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

14
15 **Minutes**

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

19
20 **05:38:00**

21
22 **Consent Items**

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

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

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

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

36 **05:39:00**

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

RESOLUTION NO. 2016 – 22

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 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 25th day of October, 2016.

ATTESTED TO:

CACHE COUNTY COUNCIL


Jill N. Zollinger, Cache County Clerk/Auditor




Greg Merrill, Council Chair

CACHE COUNTY ROADS SPECIAL SERVICE DISTRICT

RESOLUTION NO. 2016 – 01

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR THE DISTRICT

The Roads Special Service District Board of Cache County, Utah, in a duly convened meeting, finds that certain adjustments to the Cache County Roads Special Service District budget for 2016 are reasonable and necessary; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that the Cache County Roads Special Service District has given due consideration to matters discussed at the public hearing and any revised estimates of revenues; and that it is in the best interest of the Cache County Roads Special Service District that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are made to the 2016 budget for the Cache County Roads Special Service District:

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 district officials are authorized and directed to act accordingly.

This resolution was duly adopted by the Cache County Roads Special Service District Board on the 14th day of October, 2016.

ATTESTED BY:

CACHE COUNTY ROADS SPECIAL SERVICE DISTRICT


Josh Runhaar, Board Member


Craig Buttars, Chairman



BUDGET AMENDMENT
EXECUTIVE SUMMARY FOR RESOLUTION 2016-22

GENERAL FUND

Total revenues and expenditures increase by \$163,907 or 0.6%

Revenues

Grants – Increase by 26.0%

Additional grant funding was provided to the County's Victim Services program. Funding for this program comes from two separate grants. The Victims of Crimes Act (VOCA) grant is providing partial funding for an additional Victims Advocate. The Violence Against Women (VAWA) grant is also providing funding for the same purpose. In addition to these grants, the Justice Reinvestment Initiative has provided funding for an additional nurse at the jail.

Miscellaneous – Increases by 4.8%

Rodeo ticket sales surpassed the amount estimated in the budget by \$38,000. This amount is added into the budget to help offset associated costs with the Rodeo and to reduce the amount of fund balance appropriation.

Contributions and Transfers – Decreases by 1.8%

The amount appropriated from fund balance can be reduced by \$24,219. This amount is made up of \$24,600, which is replaced by rodeo ticket sales and of \$19,619, which is offset by expenses that will be allocated to the Assessing and Collecting fund and the Municipal Services fund. These savings are reduced by \$20,000 which is needed for additional overtime and seasonal employee wages for the general election.

Expenditures

Executive – Decreases by 2.9%

An adjustment is made to reflect the amount allocated to the Assessing and Collecting fund. Total expenditures are offset at a rate of 15%. As budget adjustments were made throughout the year, the amount budgeted for this allocation was not adjusted.

Human Resources – Decreases by 0.0% (\$150)

An adjustment is made to reflect the amount allocated to the Assessing and Collecting fund. Total expenditures are offset at a rate of 15%. As budget adjustments were made throughout the year, the amount budgeted for this allocation was not adjusted.

GIS – Decreases by 9.4%

An adjustment is made to reflect the amount allocated to the Assessing and Collecting fund. Total expenditures are offset at a rate of 70%. As budget adjustments were made throughout the year, the amount budgeted for this allocation was not adjusted.

ITS – Increases by 0.3%

An adjustment is made to reflect the amount allocated to the Assessing and Collecting fund. Total expenditures are offset at a rate of 30%. As budget adjustments were made throughout the year, the amount budgeted for this allocation was not adjusted.



BUDGET AMENDMENT EXECUTIVE SUMMARY FOR RESOLUTION 2016-22

Auditor – Decreases by 15.8%

The amount of \$4,750 is allocated to cover benefits related to a wage increase that was provided in February. An additional adjustment is made to reflect the amount allocated to the Assessing and Collecting fund. Total expenditures are offset at a rate of 86%. As budget adjustments were made throughout the year, the amount budgeted for this allocation was not adjusted.

Attorney – Decreases by 0.1%

An adjustment is made to reflect the amount allocated to the Assessing and Collecting fund. Total expenditures are offset at a rate of 9%. As budget adjustments were made throughout the year, the amount budgeted for this allocation was not adjusted.

VOCA – Increases by 16.2%

An additional grant is supplied and partial costs for an employee have been provided. The remaining amount for this employee is funded in the Attorney's office. Personnel costs are \$22,620 for wages and \$6,786 for benefits. The grant also provided an additional \$1,000 for supplies.

VAWA – Increases by 22.1%

An additional grant is supplied and partial costs for an employee have been provided. The remaining amount for this employee is funded in the Attorney's office. Personnel costs are \$28,000 for wages and \$16,400 for benefits. The Temporary Employee account has also been reduced by \$10,680 to assist with funding this position.

Buildings and Grounds – Decreases by 0.6%

An adjustment is made to reflect the amount allocated to the Assessing and Collecting fund. Total expenditures are offset at a rate of 31%. As budget adjustments were made throughout the year, the amount budgeted for this allocation was not adjusted.

Elections – Increases by 6.3%

An additional \$20,000 is needed for additional overtime and seasonal employee wages and associated benefits for work related to the general election.

Advertising – Decreases by 40.3%

An adjustment is made to reflect the amount allocated to the Assessing and Collecting fund. Total expenditures are offset at a rate of 55%. As budget adjustments were made throughout the year, the amount budgeted for this allocation was not adjusted.

Criminal – Decreases by 1.1%

New estimates were made to several accounts that can be reduced and still meet the expected need for this year. The funding that is freed up is proposed for multiple purposes. There is \$66,000 added to the overtime budget and \$9,000 for uniforms. In addition to these amounts, there will be \$30,000 provided to the Admin/Support division for construction of the perimeter fence. With these changes, the allocation to the Municipal Services fund can be reduced by \$5,016. Total division expenditures are allocated to the Municipal Services fund at the rate of 10%.

Administration / Support – Increases by 4.4%

Similar as in the Criminal division, new estimates have been made to several accounts that can be reduced and still meet the expected need for this year. Internally, there is \$39,000 provided for construction of



BUDGET AMENDMENT
EXECUTIVE SUMMARY FOR RESOLUTION 2016-22

the perimeter fence. From other divisions in the Sheriff's office, there is a total of \$91,665 added for the fence project, making total funds for the project \$130,665.

Corrections – Increases by 0.5%

Additional nursing staff has been added and the JRI grant is providing \$86,000 to cover 100% of the costs. There is \$55,000 provided for wages and \$31,000 for benefits. Also, similar as in the Criminal division, new estimates have been made to several accounts that can be reduced and still meet the expected need for this year. There is \$51,665 provided for construction of the perimeter fence.

Animal Control – No Change

Staffing changes have led to a need for additional overtime of \$4,000. This amount is offset by reducing the budget for supplies and fuel.

Fair – No Change

Costs are reallocated between accounts to reflect actual spending. No additional amount is added to the department budget.

Rodeo – Increases by 10.7%

Costs are adjusted to reflect actual spending. The total amount added to the department is \$13,400, all of which is offset by additional revenue from ticket sales.

ASSESSING AND COLLECTING FUND

Total revenues and expenditures increase by \$29,385 or 0.8%

Revenue

Contributions and Transfers – Increases 20.4%

An adjustment is made to reflect the amount allocated to the Assessing and Collecting fund from the General fund. Total expenditures from several departments are offset at various rates. As budget adjustments were made throughout the year, the amount budgeted for these allocations was not adjusted. Fund balance is appropriated in the amount of \$29,385 to cover these amounts.

Expenditures

Various Departments – Increases 1.9%

An adjustment is made to reflect the amount allocated to the Assessing and Collecting fund from the General fund. Total expenditures from several departments are offset at various rates. As budget adjustments were made throughout the year, the amount budgeted for these allocations was not adjusted. Adjustments are made to various accounts reflecting the changes to corresponding departments.

MUNICIPAL SERVICES FUND

Total revenues and expenditures increase by \$233,318 or 3.4%



BUDGET AMENDMENT EXECUTIVE SUMMARY FOR RESOLUTION 2016-22

Revenue

Charges for Services – Increases 14.8%

The Roads Special Service District (RSSD) contracts with the County to provide road maintenance service. Funding is being provided from RSSD to aid in the purchase of a new plow truck. The amount provided is \$138,500.

Miscellaneous – Increases 83.7%

The trade-in value of the current plow truck is anticipated to be \$60,000. Also, sales of gravel and surplus equipment has provided revenue to the County in the amount of \$33,118.

Contributions and Transfers – increases 0.1%

An amount of \$1,700 is requested for the purchase of IT equipment (Surface Pro) to facilitate inspections.

Expenditures

Criminal – Decreases 1.2%

Changes in the General fund reduced the allocation to the Municipal Services fund by \$5,016. Total division expenditures are allocated to the Municipal Services fund at the rate of 10%.

Building Inspection – Increases 0.3%

The purchase of a Surface Pro in the amount of \$1,700 is proposed to facilitate inspections.

Roads – Decreases by 1.3%

Plow blades and new tires are needed for three trucks totaling \$25,000. This cost is offset by reducing budgeted amounts in other accounts. As discussed in revenues, an additional truck purchase is proposed in the amount of \$190,000. There is also a new skid steer purchase proposed in the amount of \$41,618. Reduced fuel budget provides an additional \$4,000 to these acquisitions as contingency costs. In addition to these projects, it had been planned to construct a wash bay at the road shop for use by the Road and Weed departments. However, this project needs to be delayed to the 2017 budget. It is proposed to remove \$280,000 from the road budget and allow it to be contributed to the fund balance in 2016 to be appropriated in 2017 budget.

Weed Eradication – Decreases by 14.4%

The planned wash bay construction project is proposed to be moved to 2017. The amount in 2016 that can flow to the fund balance to be appropriated in the 2017 budget is \$80,000.

Contributions – Increases by 450.0%

The planned wash bay construction project is proposed to be moved to 2017. The amount in 2016 that can flow to the fund balance to be appropriated in the 2017 budget is \$360,000. Also, the updated allocation for the Criminal division of the Sheriff's Office allows an additional \$5,016 to replenish the fund balance.

VISITORS BUREAU FUND

Total revenues and expenditures increase by \$18,022 or 2.6%



BUDGET AMENDMENT
EXECUTIVE SUMMARY FOR RESOLUTION 2016-22

Revenues

Grants – Increases by 100.0%

The state tourism office provided funding related to tourism promotion in the amount of \$18,022.

Expenditures

Visitors Bureau – Increases by 2.6%

The state tourism office provided funding that will be spent related to tourism promotion in the amount of \$18,022.

COUNCIL ON AGING FUND

Total revenues and expenditures do not change

Expenditures

Nutrition – Decreases by 8.8%

One full time employee was budgeted to work 100% in this department. However, the actual work was performed across all 3 departments, with only 20% allocated to this department. A total of \$34,004 is reduced from this department and allocated to other departments of this fund.

Senior Center – Increases by 11.2%

One full time employee was budgeted to work 100% in the Nutrition department. However, the actual work was performed across all 3 departments, with 40% allocated to this department. A total of \$17,002 is added to this department, allocated from the Nutrition department of this fund.

Access – Increases by 13.8%

One full time employee was budgeted to work 100% in the Nutrition department. However, the actual work was performed across all 3 departments, with 40% allocated to this department. A total of \$17,002 is added to this department, allocated from the Nutrition department of this fund.

AIRPORT FUND

Total revenues and expenditures increase by \$20,500 or 1.0%

Revenues

Miscellaneous – Increases by 50.2%

Military testing that took place at the Airport for Osprey aircraft will provide an additional \$20,500 to the Airport funding.



BUDGET AMENDMENT
EXECUTIVE SUMMARY FOR RESOLUTION 2016-22

Expenditures

Airport – Increases by 1.0%

A portion of the amount received for the military testing in the amount of \$6,000 will cover expenditures associated with the testing. The remaining amount of \$14,500 can be contributed to fund balance for future use.

ROADS SPECIAL SERVICE DISTRICT

Total revenues and expenditures increase by \$18,000 or 10.5%

Revenues

Grants – Increases by 9.6%

Adjusted to actual amounts received from various sources.

Miscellaneous – Increases by 330.2%

Adjusted to actual amounts received from bank earnings.

Expenditures

RSSD – Increases by 10.5%

The road maintenance contract with the County is being increased by \$138,500 to facilitate the purchase of a plow truck. These funds are balanced from the additional revenue and by \$120,500 originally planned for a contribution to fund balance.



BUDGET AMENDMENT

Resolution: 2016-22

Hearing: October 25, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
GENERAL FUND				
		<i>Adopted Budget: \$25,627,986</i>		<i>Proposed Budget: \$25,739,893</i>
Revenues				
GRANTS	100-33-14100	CRIME VICTIM GRANT -VOCA	1 FTE - Victims Advocate - Shared w/Attorney	29,406
GRANTS	100-33-14100	CRIME VICTIM GRANT -VOCA	1 FTE - Victims Advocate - Shared w/Attorney	1,000
GRANTS	100-33-14110	CRIME VICTIM SPEC PROS - VAWA	FTE - Special Investigator - Shared w/Attorney	33,720
GRANTS	100-33-44105	STATE GRANTS-UT PUBLIC SAFETY	JRI Grant fro Jail Nursing	86,000
MISCELLANEOUS	100-36-73000	RODEO TICKET SALES	Additional Rodeo Ticket Sales	38,000
CONTRIB./TRANSFERS	100-38-90000	APPROPRIATED FUND BALANCE	Additional Rodeo Ticket Sales - Fund Balance	(24,600)
CONTRIB./TRANSFERS	100-38-90000	APPROPRIATED FUND BALANCE	Allocation Adjustment - Replenish Fund Balance	(19,619)
CONTRIB./TRANSFERS	100-38-90000	APPROPRIATED FUND BALANCE	Elections - Overtime and Seasonal Employees	20,000
Total Revenue Adjustment:				163,907
Expenditures				
EXECUTIVE	100-4131-999	A&C ALLOC - EXECUTIVE 15%	Allocation Adjustment	(5,430)
HUMAN RESOURCES	100-4134-999	A&C ALLOC - HUMAN RESOURCE 15%	Allocation Adjustment	(150)
GIS	100-4135-999	A&C ALLOC - GIS 70%	Allocation Adjustment	(9,450)
ITS	100-4136-999	A&C ALLOCATION - 30%	Allocation Adjustment	2,460
AUDITOR	100-4141-130	EMPLOYEE BENEFITS	Salary Related Benefits	4,750
AUDITOR	100-4141-999	A&C ALLOC - AUDITOR 86%	Allocation Adjustment	(8,729)
ATTORNEY	100-4145-999	A&C ALLOC - ATTORNEY 9%	Allocation Adjustment	(2,000)
VOCA - VICTIM SRVS	100-4148-110	SALARY	1 FTE - Victims Advocate - Shared w/Attorney	22,620
VOCA - VICTIM SRVS	100-4148-130	EMPLOYEE BENEFITS	1 FTE - Victims Advocate - Shared w/Attorney	6,786
VOCA - VICTIM SRVS	100-4148-240	OFFICE EXPENSE & SUPPLIES	Additional Supplies	1,000
VAWA - VICTIM SRVS	100-4149-110	SALARY	FTE - Special Investigator - Shared w/Attorney	28,000
VAWA - VICTIM SRVS	100-4149-120	TEMPORARY EMPLOYEES	FTE - Special Investigator - Shared w/Attorney	(10,680)
VAWA - VICTIM SRVS	100-4149-130	EMPLOYEE BENEFITS	FTE - Special Investigator - Shared w/Attorney	16,400
BLDG & GROUNDS	100-4160-999	A&C ALLOC - BLDG & GROUNDS 31%	Allocation Adjustment	(1,356)
ELECTIONS	100-4170-115	OVERTIME PAY	Election Overtime - General Election	1,000
ELECTIONS	100-4170-120	TEMPORARY EMPLOYEES	Election Judges - General Election	19,000
ADVERTISING	100-4191-999	A&C ALLOC - ADV & PROMO 55%	Allocation Adjustment	(4,730)
CRIMINAL	100-4210-115	OVERTIME PAY	Additional Overtime - Consistant w/History	66,000
CRIMINAL	100-4210-140	UNIFORM ALLOWANCE	Uniforms and Supplies for Employee Transfers	9,000
CRIMINAL	100-4210-230	TRAVEL	Reduced Travel Estimate	(6,000)
CRIMINAL	100-4210-240	OFFICE EXPENSE	Reduction to fund Perimeter Fence	(4,000)
CRIMINAL	100-4210-290	FUEL	Reduced Fuel Estimate	(40,000)
CRIMINAL	100-4210-310	PROFESSIONAL & TECHNICAL	Reduction to fund Perimeter Fence	(6,000)
CRIMINAL	100-4210-480	SPECIAL DEPT SUPPLIES	Reduced Supply Needs	(5,000)
CRIMINAL	100-4210-720	BUILDINGS - SHERIFF COMPLEX	Reduced Estimate for Remodel	(34,000)
CRIMINAL	100-4210-740	CAPITALIZED EQUIPMENT	Reduced Vehicle Purchase	(20,000)
CRIMINAL	100-4210-999	MUNICIPAL SERV ALLOCATION 10%	Allocation Adjustment	5,016
PS ADMIN / SUPPORT	100-4211-240	OFFICE EXPENSE	Reduction to fund Perimeter Fence	(5,000)
PS ADMIN / SUPPORT	100-4211-250	EQUIPMENT SUPPLIES & MAINT	Reduction to fund Perimeter Fence	(4,000)
PS ADMIN / SUPPORT	100-4211-251	NON-CAPITALIZED EQUIPMENT	Reduction to fund Perimeter Fence	(4,000)
PS ADMIN / SUPPORT	100-4211-290	GASOLINE	Reduction to fund Perimeter Fence	(6,000)
PS ADMIN / SUPPORT	100-4211-311	SOFTWARE PACKAGES	Reduction to fund Perimeter Fence	(20,000)
PS ADMIN / SUPPORT	100-4211-730	IMPROVEMENTS	Construction of Perimeter Fence	130,665
CORRECTIONS	100-4230-110	SALARY	Additional Nursing Staff	55,000
CORRECTIONS	100-4230-120	TEMPORARY EMPLOYEES	Additional Nursing Staff	31,000
CORRECTIONS	100-4230-250	EQUIPMENT SUPPLIES & MAINT	Reduction to fund Perimeter Fence	(16,000)
CORRECTIONS	100-4230-251	NON-CAPITALIZED EQUIPMENT	Reduction to fund Perimeter Fence	(15,000)
CORRECTIONS	100-4230-290	GASOLINE	Reduction to fund Perimeter Fence	(9,000)
CORRECTIONS	100-4230-381	MEALS	Reduction to fund Perimeter Fence	(10,000)
CORRECTIONS	100-4230-740	CAPITALIZED EQUIPMENT	Reduction to fund Perimeter Fence	(1,665)
ANIMAL CONTROL	100-4253-115	OVERTIME	Additional Overtime	4,000



BUDGET AMENDMENT

Resolution: 2016-22

Hearing: October 25, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
ANIMAL CONTROL	100-4253-200	MATERIAL SUPPLIES & SERVICE	Reduced Supply Needs	(3,000)
ANIMAL CONTROL	100-4253-290	GASOLINE	Reduced Fuel Estimate	(1,000)
FAIR	100-4620-120	TEMPORARY EMPLOYEES	Reallocate to Cover Actual Costs	7,762
FAIR	100-4620-130	EMPLOYEE BENEFITS	Reallocate to Cover Actual Costs	791
FAIR	100-4620-290	PRIZE MONEY & TROPHY	Reallocate to Cover Actual Costs	(5,500)
FAIR	100-4620-480	ENTERTAINMENT	Reallocate to Cover Actual Costs	(1,553)
FAIR	100-4620-620	SECURITY AND OTHER SERVICES	Reallocate to Cover Actual Costs	(3,115)
FAIR	100-4620-621	MISC SERVICES - CARNIVAL CONTR	Reallocate to Cover Actual Costs	1,615
RODEO	100-4621-115	OVERTIME PAY	Adjust to Actual Cost	1,900
RODEO	100-4621-120	TEMPORARY EMPLOYEES	Adjust to Actual Cost	620
RODEO	100-4621-130	EMPLOYEE BENEFITS	Adjust to Actual Cost	1,010
RODEO	100-4621-250	EQUIPMENT SUPPLIES & MAINT	Adjust to Actual Cost	6,610
RODEO	100-4621-290	PRIZE MONEY & TROPHIES	Adjust to Actual Cost	3,260
Total Expenditure Adjustment:				163,907

ASSESSING & COLLECTING FUND

Adopted Budget: \$3,621,851

Proposed Budget: \$3,651,236

Revenues				
CONTRIB./TRANSFERS	150-38-90000	APPROPRIATED FUND BALANCE	Allocation Adjustment	29,385
Total Revenue Adjustment:				29,385
Expenditures				
EXECUTIVE	150-4131-999	A&C ALLOC - EXECUTIVE 15%	Allocation Adjustment	5,430
HUMAN RESOURCES	150-4134-999	A&C ALLOC - HUMAN RESOURCE 15%	Allocation Adjustment	150
GIS	150-4135-999	A&C ALLOC - GIS 70%	Allocation Adjustment	9,450
ITS	150-4136-999	A&C ALLOCATION - 30%	Allocation Adjustment	(2,460)
AUDITOR	150-4141-999	A&C ALLOC - AUDITOR 86%	Allocation Adjustment	8,729
ATTORNEY	150-4145-999	A&C ALLOC - ATTORNEY 9%	Allocation Adjustment	2,000
BLDGS & GROUNDS	150-4160-999	A&C ALLOC - BLDG & GROUNDS 31%	Allocation Adjustment	1,356
ADVERTISING	150-4191-999	A&C ALLOC - ADV & PROMOTNS 55%	Allocation Adjustment	4,730
Total Expenditure Adjustment:				29,385

MUNICIPAL SERVICES FUND

Adopted Budget: \$6,877,990

Proposed Budget: \$7,111,308

Revenues				
CHARGES FOR SERVIC	200-34-32100	CLASS B CONTRACTS - RSSD	RSSD Contract With County - Road Truck	138,500
MISCELLANEOUS	200-36-90000	SUNDRY REVENUE	Trade-in Value of Old Plow Truck	60,000
MISCELLANEOUS	200-36-90000	SUNDRY REVENUE	Gravel and Old Equipment Sales	33,118
CONTRIB./TRANSFERS	200-38-92000	APPROP FUND BALANCE - MSF	New Surface Pro	1,700
Total Revenue Adjustment:				233,318
Expenditures				
CRIMINAL	200-4210-999	MUNICIPAL SERV ALLOCATION 10%	Allocation Adjustment	(5,016)
BUILDING INSP.	200-4241-251	NON CAPITALIZED EQUIPMENT	New Surface Pro	1,700
CLASS - B ROADS	200-4415-250	EQUIPMENT SUPPLIES & MAINT	Truck Tires and Plow Blades	25,000
CLASS - B ROADS	200-4415-251	NON-CAPITALIZED EQUIPMENT	Truck Tires and Plow Blades	(5,000)
CLASS - B ROADS	200-4415-254	FUEL	Equipment Purchases	(4,000)
CLASS - B ROADS	200-4415-310	PROF & TECH -ENGINEER. & ADMIN	Truck Tires and Plow Blades	(10,000)
CLASS - B ROADS	200-4415-422	PIPE, DRAINAGE & BOXES	Truck Tires	(10,000)
CLASS - B ROADS	200-4415-720	BUILDINGS	Wash Bay Project Delayed to 2017	(280,000)
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	Plow Truck	190,000



BUDGET AMENDMENT

Resolution: 2016-22

Hearing: October 25, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	Skid Steer	41,618
CLASS - B ROADS	200-4415-740	CAPITALIZED EQUIPMENT	Equipment Purchases	4,000
WEED ERADICATION	200-4450-720	BUILDING	Wash Bay Project Delayed to 2017	(80,000)
CONTRIBUTIONS	200-4800-992	CONTR. - CLASS B FUND BALANCE	Wash Bay Project Delayed to 2017	280,000
CONTRIBUTIONS	200-4800-995	CONTRIBUTION TO FUND BALANCE	Wash Bay Project Delayed to 2017	80,000
CONTRIBUTIONS	200-4800-995	CONTRIBUTION TO FUND BALANCE	Allocation Adjustment - Criminal Division	5,016
Total Expenditure Adjustment:				233,318

VISITORS BUREAU FUND

Adopted Budget: \$703,432

Proposed Budget: \$721,454

Revenues

GRANTS	230-33-44100	STATE GRANTS	State Tourism Promotion Grant	18,022
Total Revenue Adjustment:				18,022

Expenditures

VISITOR'S BUREAU	230-4780-490	ADVERTISING & PROMOTIONS	State Tourism Promotion Grant	18,022
Total Expenditure Adjustment:				18,022

COUNCIL ON AGING FUND

Adopted Budget: \$677,299

Proposed Budget: \$677,299

Revenues

Total Revenue Adjustment: -

Expenditures

SC - NUTRITION	240-4970-110	SALARY	Reallocation of Personnel	(24,420)
SC - NUTRITION	240-4970-130	EMPLOYEE BENEFITS	Reallocation of Personnel	(9,584)
SC - SR CENTER	240-4971-110	SALARY	Reallocation of Personnel	12,210
SC - SR CENTER	240-4971-130	EMPLOYEE BENEFITS	Reallocation of Personnel	4,792
SC - ACCESS	240-4974-110	SALARY	Reallocation of Personnel	12,210
SC - ACCESS	240-4974-130	EMPLOYEE BENEFITS	Reallocation of Personnel	4,792
Total Expenditure Adjustment:				-

AIRPORT

Adopted Budget: \$2,022,825

Proposed Budget: \$2,043,325

Revenues

MISCELLANEOUS	277-36-90000	SUNDRY REVENUE	Military Testing - Offsprey Aircraft	20,500
Total Revenue Adjustment:				20,500

Expenditures

AIRPORT	277-4460-600	SUNDRY EXPENSES	Military Testing - Logan Fire Standby	6,000
AIRPORT	277-4460-990	CONTRIBUTION TO FUND BALANCE	Military Testing - Surplus Revenue	14,500
Total Expenditure Adjustment:				20,500

ROADS SPECIAL SERVICE DISTRICT

Adopted Budget: \$171,500

Proposed Budget: \$189,500

Revenues



BUDGET AMENDMENT

Resolution: 2016-22

Hearing: October 25, 2016

6:00 PM

Department	Account	Title	Description	Adjustment
GRANTS	720-33-11000	MINERAL LEASE FUNDS	Adjust to Actual	167
GRANTS	720-33-12000	SECURE RURAL SCHOOLS DIST	Adjust to Actual	16,182
MISCELLANEOUS	720-36-10000	INTEREST	Adjust to Actual	1,651
Total Revenue Adjustment:				18,000
Expenditures				
ROAD SPEC SRV DIST.	720-4410-410	ROAD MAINTENANCE	Contract With County - Road Truck	138,500
ROAD SPEC SRV DIST.	720-4410-996	CONTRIB TO FUND BALANCE	Contract With County - Road Truck	(120,500)
Total Expenditure Adjustment:				18,000

CACHE COUNTY ROADS SPECIAL SERVICE DISTRICT

RESOLUTION NO. 2016 – 01

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR THE DISTRICT

The Roads Special Service District Board of Cache County, Utah, in a duly convened meeting, finds that certain adjustments to the Cache County Roads Special Service District budget for 2016 are reasonable and necessary; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that the Cache County Roads Special Service District has given due consideration to matters discussed at the public hearing and any revised estimates of revenues; and that it is in the best interest of the Cache County Roads Special Service District that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are made to the 2016 budget for the Cache County Roads Special Service District:

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.

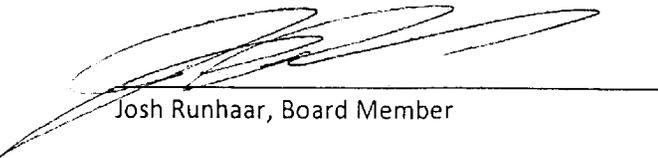
Section 3.

This resolution shall take effect immediately upon adoption and the district officials are authorized and directed to act accordingly.

This resolution was duly adopted by the Cache County Roads Special Service District Board on the 14th day of October, 2016.

ATTESTED BY:

CACHE COUNTY ROADS SPECIAL SERVICE DISTRICT


Josh Runhaar, Board Member


Craig Buttars, Chairman



**ROADS SPECIAL SERVICE DISTRICT
BUDGET AMENDMENT**

Resolution: 2016-01

Hearing: October 14, 2016

1:00 PM

Department	Account	Title	Description	Adjustment
<i>ROADS SPECIAL SERVICE DISTRICT</i>		<i>Adopted Budget: \$171,500</i>		<i>Proposed Budget: \$189,500</i>
Revenues				
GRANTS	720-33-11000	MINERAL LEASE FUNDS	Adjust to Actual	167
GRANTS	720 33 12000	SECURF RURAL SCHOOLS DIST	Adjust to Actual	16,182
MISCELLANEOUS	720-36-10000	INTEREST	Adjust to Actual	1,651
Total Revenue Adjustment:				18,000
Expenditures				
ROAD SPEC SRV DIST.	720-4410-410	ROAD MAINTENANCE	Contract With County - Road Truck	138,500
ROAD SPFC SRV DIST.	720-4410-996	CONTRIB TO FUND BALANCE	Contract With County - Road Truck	(120,500)
Total Expenditure Adjustment:				18,000

CACHE COUNTY RESOLUTION 2016-24

A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION PERSONNEL POLICY AND PROCEDURE MANUAL SECTION VII(L) PERSONNEL MANAGEMENT, SECTION VIII(O)(3) RULES AND REGULATIONS, AND SECTION IX(B) LEAVES OF ABSENCE

WHEREAS, the Cache County Council on Oct 25, 2016, in a regular meeting of which lawful notice had been given, considered amending Section VII(L) regarding Personnel Management, Section VIII(O)(3) regarding Rules and Regulations, and Section IX(B) regarding Leaves of Absence of the Cache County Corporation Personnel Policy and Procedure Manual which describes Grievances and Appeals; and

WHEREAS, the proposed amendments to the Cache County Corporation Personnel Policy and Procedure Manual are consistent with State law; and

WHEREAS, the Cache County Council finds that it is necessary, appropriate, and in the best interest of the County and its personnel that the Cache County Corporation Personnel Policy and Procedure Manual be amended;

NOW THEREFORE, BE IT RESOLVED that the County Council approves the adoption of the following resolution:

- 1 **Amendments:** The Cache County Corporation Personnel Policy and Procedure Manual is hereby amended as set forth in the attached Exhibit A.
- 2 **Application:** The amendment to the Cache County Corporation Personnel Policy and Procedure Manual shall apply to all current and future county employees.
- 3 **Prior Resolution and Policies:** This Resolution and the amendments specified in Exhibit A to the Cache County Corporation Personnel Policy and Procedure Manual supersede all previously adopted resolutions and policies to the extent that they are in conflict with the specified provisions of this Resolution and the attached Exhibit A.
- 4 **Effective Date:** This Resolution shall be effective immediately upon its adoption. Adopted by the County Council of Cache County, Utah, this 25th day of Oct. 2016

CACHE COUNTY COUNCIL

By:

Greg Merrill
Greg Merrill, Chairman

ATTEST:

By Jill N. Zollinger
Jill N. Zollinger, County Clerk

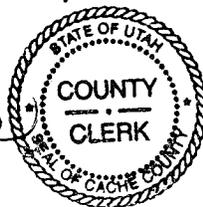


EXHIBIT A

Section VII – Personnel Management

L. Compensatory Time

The FLSA authorizes compensatory time off in lieu of monetary overtime compensation. Compensatory time off must be approved by the Department Head. An employee should carry no more than 40 hours of compensatory time, except in an emergency situation as declared by the County Executive. The supervisor may ask the employee to take steps to reduce accumulated compensatory time. If the employee does not reduce accumulated compensatory time voluntarily, a supervisor may order the employee to use compensatory time at specified times or be paid out consistent with FLSA requirements. The employee shall be permitted to use compensatory time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the County.

1. Compensatory time earned and used shall be reported by the department head for each pay period on a Cache County Time Sheet.
 - a. Compensatory Time is to be used first before Personal Leave Time (PLT)
2. An employee, covered under the overtime provisions of the FLSA, who leaves the county's employment for any reason will be compensated for any compensatory time accrued as of the date of termination.

SECTION VIII – RULES AND REGULATIONS

O. Vehicle Safety & Operator Guidelines

Cache County has established standard operating procedures with regard to the operation of county vehicles and equipment. These procedures include:

1. Any employee or volunteer who will be driving a county owned vehicle will be required to obtain/maintain the following:
 - a. Hold a current valid Utah driver's license of the correct class for the vehicle they will be operating.
 - b. Be age 18 or older.
 - c. Be mentally and physically able to drive safely.
 - d. Obey all traffic laws, rules and regulations and use common sense and good judgment.
 - e. No convictions for driving under the influence of alcohol or drugs or reckless driving offenses within the previous five (5) years.

2. An annual review by Human Resources of the Driver's License Record of employees and volunteers who will be operating county owned vehicles, or driving a personal vehicle while on county business. Eligibility will be in accordance with the county's insurance provider and the county's Risk Management Program.
3. While driving any vehicle on County business, employees and volunteers will be subject to the following:
 - a. If an employee's work requires driving, his or her license will be checked before employment and periodically thereafter. The employee must notify their supervisor immediately upon expiration, suspension or revocation. Failure to report or continuing to drive a County vehicle will result in discipline, including possible termination.
 - b. Drive a personal vehicle on county business that is properly registered and insured in the amounts required by State law.
 - c. Observe and inspect a county vehicle for obvious defects and safety hazards. If a hazard is apparent, the vehicle shall not be operated. No employee shall knowingly operate an unsafe vehicle on county business. This includes county owned vehicles and personal vehicles used on county business.
 - i. All county vehicle maintenance or safety problems shall be reported immediately to the employee's Department Head.
 - d. Drive with courtesy, care, and caution, and make the safety of the driver, passengers, pedestrians, and other drivers, of paramount concern.
 - e. Not drive while impaired by alcohol, prescription drugs, or illegal substances.
 - i. If an employee is suspected of being under the influence or impaired the department head or their designee will have the employee immediately go to WorkMed who will conduct the necessary tests to determine the employee's ability to drive.
 - ii. If a volunteer is suspected of being under the influence or impaired, they will be asked to leave and their services will no longer be accepted.
 - f. Vehicle Parking and Backing
 - i. Definitions:
 - (a) Heavy Duty County Vehicle: Any county owned vehicle over one ton, flatbed truck, truck mounted equipment or heavy equipment
 - (b) Parked Vehicle: An unoccupied vehicle shall be considered parked regardless of the time the operator is out of the vehicle, unless the operator is engaged in stop and go work practices

- (c). Bi-directional Operations: Those operations commonly practiced when using heavy equipment such as front end loaders, rollers and track hoes

- ii. Heavy Duty Equipment

- (a) Heavy equipment should be parked in a manner as to not require backing upon resumption of activities whenever possible. In designated parking areas or within 30 feet of stationary objects (buildings, parked vehicles, utilities, etc.), heavy equipment shall be parked in a pull through manner or shall be required to have a spotter to assist with backing. In a pull through situation in a parking lot, the driver is required to visually inspect in front of the vehicle prior to resuming operations.
- (b) Vehicles parked in an active work zone shall have a spotter if backing is needed. This can be ground personnel or other equipment operators via radios, etc.
- (c). Bi-directional operations are exempt from the "spotter" requirements during regular operations in work zones; however, safe backing procedures shall be followed at all times.

- iii. Trailers

- (a) Employees should avoid situations requiring the backing of a vehicle with a trailer.
 - (b) When backing a vehicle with a trailer is necessary, the driver should locate and utilize another employee as a "spotter." If no spotter is available, the driver is required to walk around prior to backing.
 - (c) When unloading or backing equipment off a trailer, a spotter is required to watch for traffic, ensure safe unloading, and provide other assistance as may be required.
- g. Observe all accident reporting procedures.
 - h. Not allow an unauthorized person to have the keys to or operate a County vehicle, unless an emergency requires it.
 - i. Ensure that all vehicle occupants properly use the restraint and other protective devices consistent with applicable laws.
 - j. Cache County will not be liable for injuries or damages arising from activities outside the scope of employment, including but not limited to personal use of rented vehicles by employees during a County-authorized business trip. If a County employee on county business is involved in an accident while driving a personal vehicle, the employee's personal insurance shall provide the primary coverage.
 - k. Drivers of county vehicles shall carry only authorized passengers:
 - a. Persons riding as part of County business;

- b. Spouse or children of employees traveling to and from an approved office-related out-of-County training session, conference, or seminar.
 - i. Requires written pre-authorization from the Department Head, County Risk Manager, and County Executive.
- c. Exceptions for public safety personnel may be allowed as per department's policy and procedures.
- l. All employees and volunteers shall abide by Utah State motor vehicle laws including the use of seat belts by all occupants of county owned vehicles. *Any employee who operates a vehicle on County business and does not properly use a seatbelt may be disciplined up to and including termination.*
- m. Any employee or volunteer, with the exception of public safety personnel, and in accordance with public safety policies, who uses a cell phone during the course of county business, including travel time, shall be expected to take the caller's name and phone number and upon safely pulling off the side of the road and parking, then return the call. *If any employee or volunteer is involved in a vehicle accident while talking on a cell phone, while driving on county business, such employee will be subject to scrutiny by the county's Accident Review Board and will merit disciplinary action up to and including termination based on the severity of the accident (see §Q.10.e. - Mobile Computing Device Safety).*
- n. Though the county carries liability and property damage insurance on all county owned vehicles and thereby covers employees while driving county owned vehicles on official county business, accidents which are found to have been preventable or avoidable or to be the fault of the employee may subject the employee to disciplinary action up to and including termination.

SECTION IX – EMPLOYEE BENEFITS

B. Leaves of Absence

As a benefit for a merit employee, appointed department heads, and full-time elected officials, the county provides several types of leave. The various leave benefits are as follows:

l. Family and Medical Leave Act (FML)

FML entitles eligible employees of the county to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. To be eligible for FML benefits an employee must:

- Have worked for Cache County for at least a total of 12 consecutive months
- Have worked at least 1,250 hours over the prior 12 months

- a. An eligible employee may take up to a total of 12 unpaid work weeks of FML leave during a 12-month period measured forward from when the date the employee's first FML leave begins, for one or more of the following reasons:
- b. To qualify for *unpaid Family Leave*, an employee must meet one or more of the following:
 - i. Birth of a son or daughter, and to care for the newborn child; or
 - ii. Placement of a child with the employee for adoption or foster care; leave for birth or adoption (including foster care placement) must conclude within 12 months of the birth or placement.
- c. To qualify for *unpaid Medical Leave*, an employee must meet one or more of the following:
 - i. To care for an immediate family member (spouse, child, or parent) with a serious health condition; spouses employed by Cache County are jointly entitled to a combined total of 12 work-weeks of family leave for the birth or placement of a child, and to care for a parent (but not parent-in-law) who has a serious health condition; or
 - ii. To take medical leave if the employee is unable to perform the functions of his or her job position because of a serious health condition.
- d. In 2008 the FMLA was amended to provide employees with family members serving in the Armed Forces, National Guard and Reserves with FML for reasons related to their family members' military service. In 2010 the FMLA was again amended, expanding the military-related leave protections. Military FML unpaid leave may be taken as follows:
 - i. Qualifying Exigency Leave. Up to 12 weeks of leave for a qualifying exigency if an employee's spouse, son, daughter, or parent in the National Guard or Reserves is called in support of a contingency operation.
 - ii. Military Caregiver Leave. Up to 26 weeks of leave to care for a covered service member on active duty who has a serious injury or illness incurred in the line of duty.
- e. FML may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work; intermittent leave for the birth or placement of a child must be approved by the department head.
- f. An employee requesting FML will be required to use leave hours as follows:
 - i. the first three (3) days to draw from an employee's Personal Leave Time pool (PLT);

- ii. Beginning with the fourth day, they will then draw from any compensatory time accrued;
- iii. If hired as a merit employee before January 1, 2002, the employee must use their old sick leave pool hours, if they have any hours remaining therein;
- iv. Once the employee's old sick leave pool is depleted, they will then draw from any hours remaining in their PLT account.
- v. An employee must use all accrued PLT, compensatory time, and old sick leave before using unpaid leave while on FML. All such paid leave is part of the FML total and all FML eligible leave is charged against the FML total.
 - a. If an employee has expended all eligible leave time and they then become ill or injured, they may still apply for FML time-off. This would be on a non-compensated basis.
- vi. Under the guidelines of the law, *the 12-month period measured forward from the date any employee's first use of FMLA leave* is the current basis for determining FMLA eligibility. This means that an employee's 12 week period for FML will begin on the day/month/year they initially take leave; once the employee uses all 12 weeks, they will not be eligible for FML until one full year from the initial day/month/year they started on leave.
 - a. However the County retains the right to change the eligibility period if it is determined to be in the County's best interest.
- g. Time off for bereavement purposes does not qualify for FML.
- h. During unpaid FML, personal leave shall not accrue. An employee on unpaid FML status shall not receive any other employee benefits during FML not specifically referenced herein.
- i. Cache County will maintain group health insurance coverage for an employee on FML, whenever such insurance was provided before the leave was taken, and on the same terms as if the employee had continued to work. Other insurance coverage will not be maintained during unpaid FML unless the employee makes arrangements with Human Resources and payroll to pay the full premiums.
- j. Upon return from FML, an employee will be restored to his/her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. The employee's use of FML will not result in the loss of any employment benefit that the employee earned or was entitled to before the leave period.
- k. An employee seeking to use FML is required to:
 - i. Provide 30 days advanced notice of the need to take FMLA when the need is foreseeable;

- ii. Provide medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
 - iii. Submit to second and third medical opinions at Cache County's expense when requested to do so; and
 - iv. As determined by the department head and Human Resources, provide reports during the leave period regarding the employee's status and intent to return to work.
- l. Pregnancy is to be considered as a temporary disability and is to be treated as such in any decisions pertaining to employee benefits.
 - m. An employee anticipating a leave due to pregnancy should notify her department head as far in advance as possible. The commencement of leave required by pregnancy should be negotiated by the employee, the physician, the department head, and the Director of Human Resources.
 - n. An employee who becomes pregnant may continue working until she is no longer able to perform duties in a satisfactory manner or until the employee's health is endangered by working. The county may require an employee to present medical certification from a doctor to continue or resume work.

RESOLUTION No. 2016-25

CACHE COUNTY, UTAH

BAIR AGRICULTURE PROTECTION AREAS

THE MODIFICATION AND APPROVAL OF TWO AGRICULTURE PROTECTION AREAS

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

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

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

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

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

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

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

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

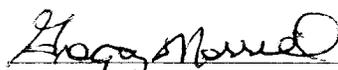
2016-25 Bair Agriculture Protection Areas

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

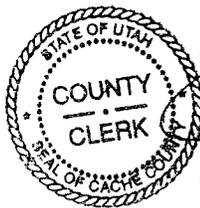
APPROVED AND ADOPTED this 25th day of October, 2016.

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

CACHE COUNTY COUNCIL



Greg Merrill, Chair
Cache County Council



ATTEST:



Jill Zollinger
Cache County Clerk

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



DEVELOPMENT SERVICES DEPARTMENT

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

STAFF REPORT: ROBERT & NELDA BAIR AG. PROTECTION AREAS

25 October 2016

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

Agent: Nelda Bair

Parcel ID#: Multiple - See Exhibit A-1

Staff Determination: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

PROJECT LOCATION

Reviewed by: Chris Harrild, Senior Planner

Multiple - See Exhibit A

PROJECT PURPOSE

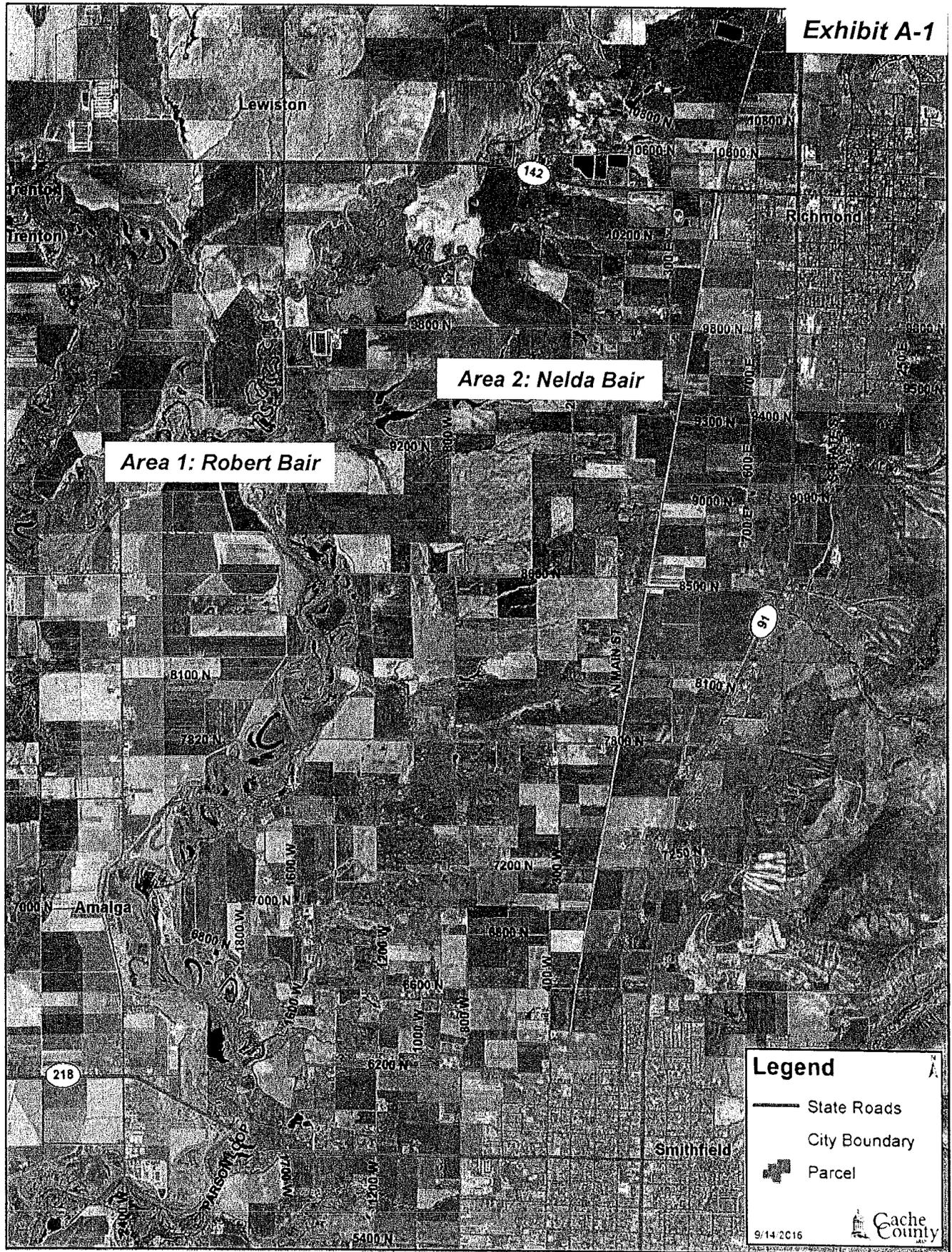
The Cache County Executive has forwarded an application to the Planning Commission for a review and recommendation to the County Council regarding the request for an agriculture protection area. This request includes 2 distinct areas. These areas are described and addressed individually in the attached Exhibit B.

CONDITIONS

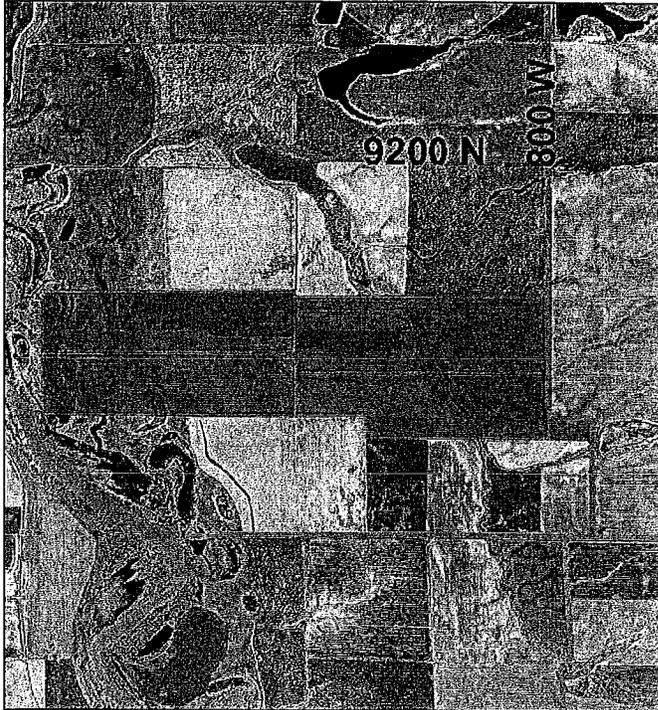
The Robert and Nelda Bair Agriculture Protection Areas must not include any portion of the 66 foot wide Cache County rights-of-way, reflecting 33 feet of each side from the existing center line, for any county roads as identified in Exhibit B.

CONCLUSION

The proposed Robert and Nelda Bair Agriculture Protection Areas have been reviewed in conformance with, and meet the requirements and criteria of, §17-41-305 of State Code and §2.70 of the County Code and are hereby approved. This conclusion is based on the findings of fact and conditions.



Area 1: Robert Bair Agriculture Protection Area – 169.1 Acres



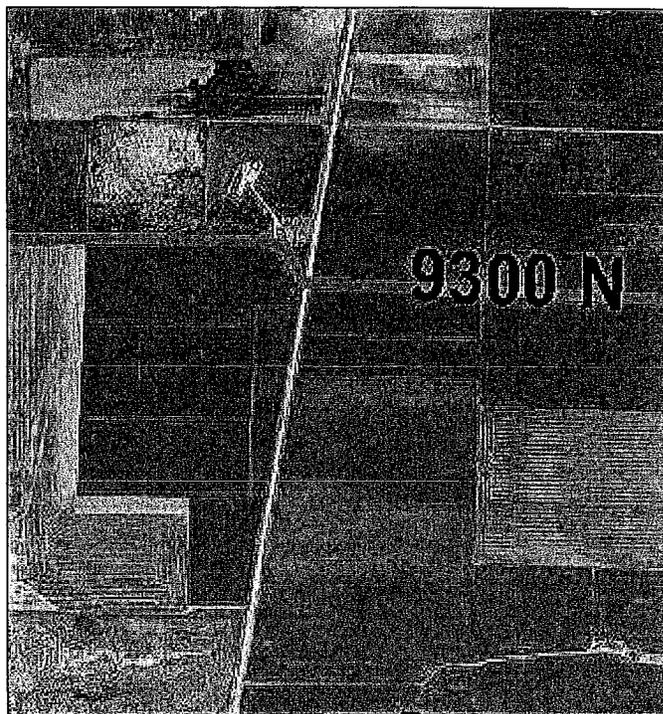
Existing Zone:
Agricultural (A10)

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

Findings of Fact:

1. County road 800 West borders the proposed Robert Bair Agriculture Protection Area.
2. As per State Code §17-41-305 and County Code §2.70, the following criteria have been reviewed and addressed:
 - a. *Is the area proposed greater than 5 acres in size?* Yes.
 - b. *Is the land currently being used for agriculture production?* Yes.
 - c. *Is the land zoned for agricultural use?* Yes.
 - d. *Is the land viable for agriculture production?* Yes.
 - e. *What is the extent and nature of the existing or proposed farm improvements?* Growth of wheat, barley, alfalfa, and other crops or pasture for cattle.
 - f. *What are the anticipated trends in the agricultural and technological conditions?* This is a sizeable piece of agriculture, has functioned as such in the past, and will likely continue to function in that manner into the future.
3. Notice to surrounding property owners has been provided as per State and County Code. At this time, no public comment regarding this proposal has been received by the Development Services Office.

Area 2: Nelda Bair Agriculture Protection Area – 52.74 Acres



Existing Zone:
Agricultural (A10)

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

Findings of Fact:

1. County road 9300/9400 North bisects the proposed Nelda Bair Agriculture Protection Area.
2. As per State Code §17-41-305 and County Code §2.70, the following criteria have been reviewed and addressed:
 - a. *Is the area proposed greater than 5 acres in size?* Yes.
 - b. *Is the land currently being used for agriculture production?* Yes.
 - c. *Is the land zoned for agricultural use?* Yes.
 - d. *Is the land viable for agriculture production?* Yes.
 - e. *What is the extent and nature of the existing or proposed farm improvements?* Growth of wheat, barley, alfalfa, and other crops or pasture for cattle.
 - f. *What are the anticipated trends in the agricultural and technological conditions?* This is a sizeable piece of agriculture. has functioned as such in the past, and will likely continue to function in that manner into the future.
3. Notice to surrounding property owners has been provided as per State and County Code. At this time, no public comment regarding this proposal has been received by the Development Services Office.



STAFF REPORT: LITTLE BEAR FIELD SUBDIVISION

Date: 6 October 2016

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

Agent: Kyler Archibald
Staff Determination: Approval with Conditions
Type of Action: Administrative
Land Use Authority: County Council

Parcel ID#: 11-084-0009
11-084-0024

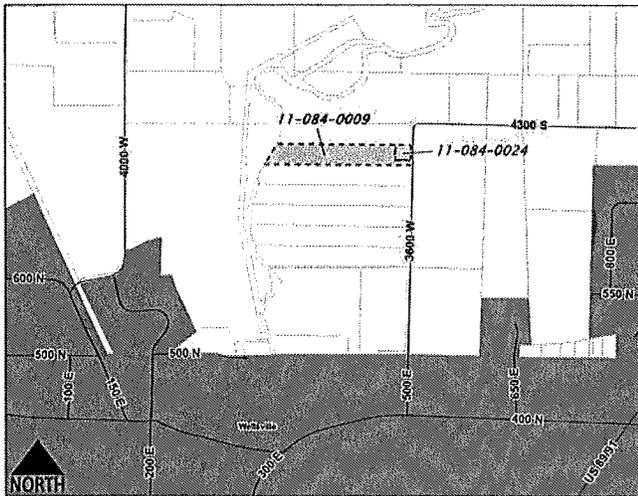
LOCATION

Reviewed by Chris Harrild

Project Address:
4341 South 3600 West
Northeast of Wellsville, UT

Current Zoning: Agricultural (A10) **Acres:** 6.19

Surrounding Uses:
North – Agricultural
South – Agricultural
East – Agricultural
West – Little Bear River/Ag./Residential



FINDINGS OF FACT (33)

Summary

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

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

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

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

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

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

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

Water & Septic—§16.04.0070, §16.04.080 [A] & [B]

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

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

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

Sensitive Areas—§17.17, §17.18.040, §17.18.060

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

Public Notice and Comment—§17.02.040

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

CONDITIONS (7)

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

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

CONCLUSIONS (2)

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

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

14 #6 Little Bear Field Subdivision

15
16 **Harrild** reviewed a request for a recommendation of approval to the County Council for a one-
17 lot subdivision with an agricultural remainder on 6.00 acres of property at 4341 South 3600
18 West, northeast of Wellsville, in the Agricultural (A10) Zone. This project was previously denied
19 by the County Council and this is a new application. Previously there were issues with county
20 maintenance. The current staff report is built for approval so the County Council, if they desire,
21 would be able to extend service for this subdivision. For a single family home in this location a
22 gravel road is all that is required; 20 feet of gravel with 2 feet of shoulders for a total width of 24
23 feet. The current road averages around 14 feet; typically when roads are reviewed completed the
24 inspector looks for narrow points and identifies those. This is an average width for the road.
25 There are telephone poles to the west and irrigation canals on the east and west sides; road
26 improvements will be required. Either the telephone poles are going to need to be removed or the
27 irrigation canals moved and re-established. There is not adequate maintenance for a single family
28 home; the Council will have to extend maintenance. There are no other significant concerns;
29 there is flood plain on the west side of the property. And areas of liquefaction within the
30 boundaries of Lot #1 and will therefore require a geotechnical report be completed. There is an
31 Agricultural Protection Area next to this and that will need to be noted on the plat. The main
32 issue is tied to the road and access and the extension of maintenance for the road. The road
33 improvements may require them to acquire additional property and right of way for the road
34 because the existing right of way is only ~33 feet wide.

35
36 **Joe Chambers** in talking with Mr. Archibald, he indicated he was not sent a copy of the staff
37 report. It was supposed to have been sent out by email. Our main concern is, as we look into
38 this and took the county and asked them to sit down with Ombudsman's office about this, the
39 maintenance on that road is actually done all the way down 4300 south. It is a low priority road
40 they indicate if there is a snow removal, they clear it all the way down to the first house to the
41 east, and then when they find time they push the snow all the way down 4300 to clear the fields
42 for the farmers that have cows down that. I don't know where staff gets that information from.
43 As for the liquefaction, I was told it was waived on the first go around with this so we aren't sure
44 where that is coming from. This just seems to be condition after condition to be met. There is
45 some frustration on it. I haven't seen the staff report so I don't know how to address the
46 conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41



STAFF REPORT: HAWK'S RIDGE SUBDIVISION

Date: 6 October 2016

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

Agent: Dave Griffin

Parcel ID#: 12-021-0008

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

6750 West 2000 North
Petersboro, UT

Current Zoning:

Agricultural (A10)

Acres: 87.38

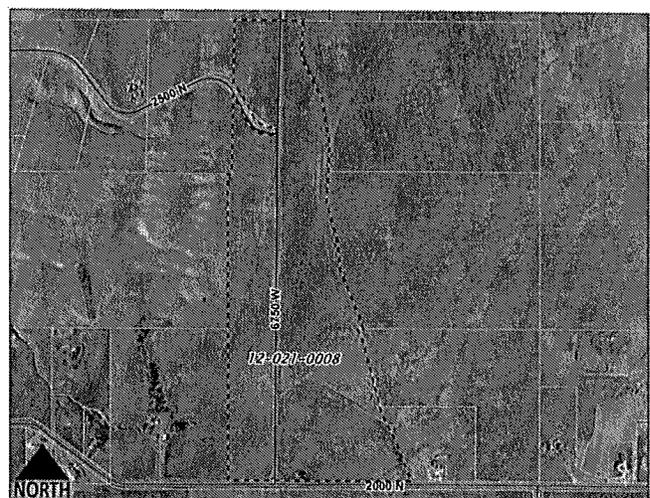
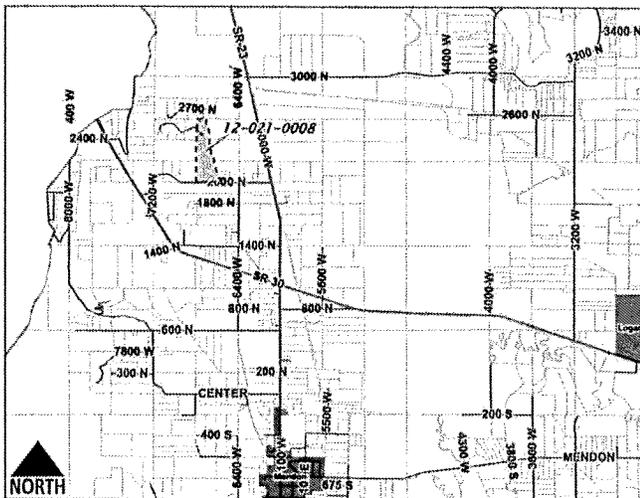
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



SUMMARY

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

FINDINGS OF FACT (22)

Ordinance—17.02.060 17.07.040, 17.10.030 [A]

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

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

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

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

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

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

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

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

Public Notice and Comment—17.02.040

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

CONDITIONS (6)

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

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

CONCLUSIONS (2)

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

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

RESOLUTION NO. 2015-20

CACHE COUNTY, UTAH

SERVICE PROVISION ON COUNTY ROADS

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

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

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

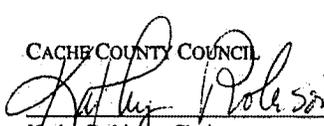
Whereas, it is not in the best interest for the safety and/or welfare of existing or future residents of Cache County to diminish services on existing roadways to maintain new roads or to provide substandard service on new roadways, and;

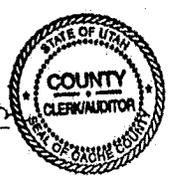
Whereas, there are nearly 200 miles of existing paved road in Cache County that can accommodate development with little to no impact on the County's ability to serve said development.

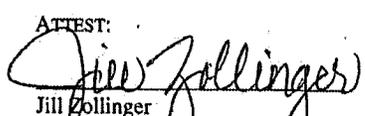
NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to hereby adopt the following resolution:

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

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

CACHE COUNTY COUNCIL

Kathy Robison, Chair
Cache County Council



ATTEST:

Jill Zollinger
Cache County Clerk

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

1 05:43:00

2
3 **Regular Action Items**

4
5 **#3 Munk Brothers Subdivision**

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

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

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

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

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

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

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

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

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

45
46 05:51:00



STAFF REPORT: MERIDIAN ACRES SUBDIVISION

Date: 25 October 2016

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

Agent: Kirt Lindley

Parcel ID#: 01-061-0005

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

6100 South 2400 West
Southwest of Hyrum, UT

Current Zoning:

Agricultural (A10)

Acres: 35.43

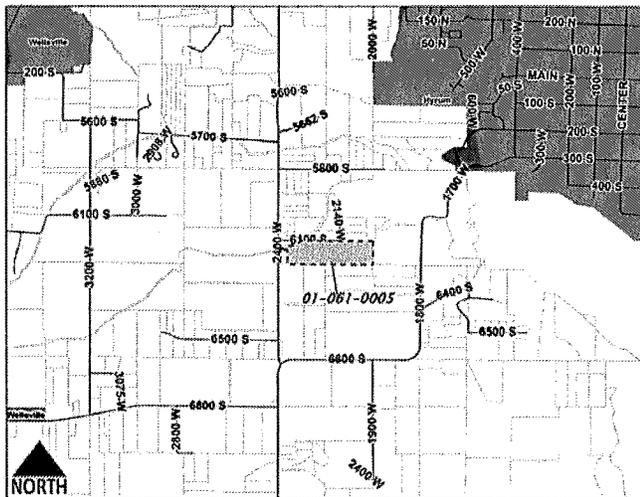
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



SUMMARY

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

7

FINDINGS OF FACT (30)

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

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

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

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

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

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

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

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

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

Sensitive Areas—17.18.040, 17.18.060

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

Public Notice and Comment—17.02.040

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

CONDITIONS (9)

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

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

CONCLUSIONS (3)

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

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

RESOLUTION NO. 2015-20

CACHE COUNTY, UTAH

SERVICE PROVISION ON COUNTY ROADS

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

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

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

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

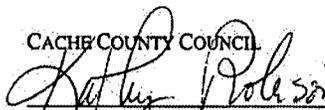
Whereas, there are nearly 200 miles of existing paved road in Cache County that can accommodate development with little to no impact on the County's ability to serve said development.

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

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

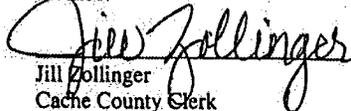
APPROVED AND ADOPTED this 25th day of August, 2015.

CACHE COUNTY COUNCIL


Kathy Robison, Chair
Cache County Council



ATTEST:


Jill Zollinger
Cache County Clerk

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

1 **#5 Meridian Acres Subdivision**

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

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

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

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

1 **Mr. Lindley** no, Jon, every time I've talked to them it is the width of the road.

2
3 **White** if you maintain it and make it 22 feet wide and there is chip and seal then there isn't a
4 problem. But there has to be 22 feet of chip and seal before a building permit.

5
6 **Mr. Lindley** I agree but there is 22 feet.

7
8 **White** then if it is 22 feet and you chip and seal it again to 22 feet then problem will be solved.

9
10 **Mr. Lindley** I'm only concerned with them telling us the road is 18 feet wide. As far as chipping
11 and sealing the road up to my subdivision, I'll do it if I have to. But the problem is I have been
12 trying for 60 days to get them to tell me what to do with the road and they tell me we don't
13 know. I finally had a meeting with them and they told me I had to do a core sample and we've
14 been waiting on them for that. But this shuts me off until next June because you can't chip and
15 seal until then.

16
17 **White** they said there is an alternative; you can get a bond for that.

18
19 **Mr. Lindley** will they issue building permits?

20
21 **Harrild** no, that's not quite how it works.

22
23 **Mr. Lindley** but you can't build on it until next June. I applied for this in July and it will a full
24 year before you can do anything because for 60 days they couldn't decide what they wanted done
25 with the road. Is that fair for the subdivision to wait 11 months? I could have chipped and seal in
26 August or September. I was on the agenda for September but they couldn't decide what they
27 wanted to do with the road so they took me off. So now I have to wait until June for chip and
28 seal and they won't issue any building permits, even on the subdivision that has been approved.

29
30 **Runhaar** if the commission would like a complete record of the communication back and forth
31 staff can provide that; otherwise we request we deal with the subdivision at hand and not deal
32 with hearsay on timing. There is nothing that can be done about that here and he can file a
33 grievance if he would like and we can provide the record.

34
35 **Mr. Lindley** the only question that I have is that my hands are now tied until next June before I
36 can record this and build. Even if I put a bond up, I still can't build until next June.

37
38 **Christensen** why are we hesitant on a bond?

39
40 **Runhaar** there is no hesitation on the bond but to issue a permit they have to meet the standards.
41 Recordation of a subdivision plat can be done but once there are habitable structures out there we
42 have to provide fire and EMS and they have to meet the requirements of those road conditions.
43 We can talk about timing, typically we see a subdivision come in, in June and July and if they
44 need any road work on them, to get them to develop homes in that same year isn't typically
45 feasible. In order to get things built, the subdivision process has to start at the beginning of the
46 year. That's a simple process of timing. If the road was a 100 percent with no concerns, they can

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

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

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

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

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

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

25
26 **Olsen** yeah.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sands** I think that responds to some of the issues raised.
2

3 **Olsen** one more question for the applicant, you have no problem with having a specific plan
4 recorded for maintenance of the road now?
5

6 **Mr. Lindley** that's fine.
7

8 **Olsen** motioned to recommend approval of the Meridian Acres Subdivision to the County
9 Council with the findings of fact, conditions, and three conclusions; **Gunnell** seconded; **Passed**
10 **4, 0.**
11

12 **06:34:00**
13

