



**February 9, 2019**

**PUBLIC NOTICE** is hereby given that the Cache County Council of Cache County, Utah will hold a **JOINT COUNCIL and PLANNING COMMISSION WORKSHOP** at **3:00 p.m.** and a **REGULAR MEETING** at **5:00 p.m.** in the **Cache County Historic Courthouse Council Chambers**, 199 North Main Street, Logan, Utah 84321, **TUESDAY, FEBRUARY 12, 2019**

## **AGENDA**

---

### **3:00 p.m. JOINT COUNCIL & PLANNING COMMISSION WORKSHOP**

1. **CALL TO ORDER**
  2. **DISCUSSION: STATUS AND DIRECTION OF THE RURAL 2 (RU2) AND RURAL 5 (RU5) ZONES**
  3. **ADJOURN**
- 

### **5:00 p.m. REGULAR MEETING**

1. **CALL TO ORDER**
2. **OPENING / PLEDGE** – David Erickson
3. **REVIEW AND APPROVAL OF AGENDA**
4. **REVIEW AND APPROVAL OF MINUTES** (January 22, 2019)
5. **MINUTES FOLLOW-UP**
6. **REPORT OF COUNTY EXECUTIVE**
  - a. **Appointments:**
  - b. **Financial Reports:** January 2019 Expense Report
  - c. **Other Items:** RAPZ/Restaurant Tax Fund Committee ▪ Bear River Land Conservancy
7. **CONSENT AGENDA**
8. **ITEMS OF SPECIAL INTEREST**
9. **UNIT OR COMMITTEE REPORTS**
10. **BOARD OF EQUALIZATION MATTERS**
11. **PUBLIC HEARINGS**
  - a. **Set Public Hearing for February 26, 2019 at 5:30 p.m. – Resolution 2019-04**  
Declaring Cache County interest in Real Property located in Logan Canyon including Parcel Number 18-065-0006 as Surplus Property
  - b. **Set Public Hearing for February 26, 2019 at 5:40 p.m. – Resolution 2019-05**  
Declaring Cache County interest in Real Property located in Scare Canyon including Parcel Number 16-110-0000 as Surplus Property
  - c. **Public Hearing – Open 2019 Budget**

**6:00 p.m.**

12. **PENDING ACTION**

a. **Record of Decision – Applewood Hollow RU5 Rezone**

Request to rezone 12.50 acres from Agricultural (A10) Zone to Rural 5 (RU5) Zone  
Located at 4642 Hollow Road, near Nibley

b. **Ordinance 2019-02 – Applewood Hollow RU5 Rezone**

Request to rezone 12.50 acres from Agricultural (A10) Zone to Rural 5 (RU5) Zone  
Located at 4642 Hollow Road, near Nibley

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

a. **Resolution 2019-03** – Approving and Adopting Fees to be Charged by the Cache County Sheriff's Office

b. **Resolution 2019-04** – Declaring County Interest in Real Property Located in Logan Canyon including  
Parcel Number 18-065-0006 as Surplus Property

c. **Resolution 2019-05** – Declaring County Interest in Real Property Located in Scare Canyon including  
Parcel Number 16-110-0000 as Surplus Property

d. **Resolution 2019-06** – Amending the Cache County Corporation Personnel Policy and Procedure Manual  
Section VIII (L) (6) Safety Policy

e. **Resolution 2019-07** – Amending the 2019 Budget

f. Approval of 2018 Tax Relief Report

g. Discussion – American Lands Council

14. **OTHER BUSINESS**

a. **Local Legislators Meetings – 2019 Legislative Session** – Saturdays from 7:00 a.m. to 8:00 a.m.  
February 2, 2019 through March 9, 2019 – County Administration Building, Multipurpose Room

b. **County Day on the Hill** – Wednesday, February 13, 2019  
*Craig, Karl, Gina, Barbara, David, Paul*

c. **Council Photo** – March 12, 2019 – Immediately following Council Meeting

d. **UAC Management Conference** – April 11-12, 2019 at the Utah Valley Convention Center

15. **COUNCIL MEMBER REPORTS**

16. **ADJOURN**

  
Karl B. Ward, Chairman

**DRAFT**

**CACHE COUNTY  
COUNCIL MEETING  
MINUTES  
JANUARY 22, 2019**

**COUNTY COUNCIL MEETING  
January 22, 2019**

<b>NATURE OR ORDER OF PROCEEDING</b>	<b>PAGE</b>
ANNEXATION TO PROVIDENCE CITY – Resolution No. 2019-02-Ridgview .....	4
APPLEWOOD HOLLOW RU5 REZONE - Public Hearing – January 22, 2019-5:40 p.m.....	3
APPLEWOOD HOLLOW RU5 REZONE – Record of Decision.....	4
APPOINTMENT – Small, Nan – Cache County Library Board.....	1
BEAR RIVER HEALTH DEPARTMENT ANNUAL REPORT.....	2
BUDGET – Public Hearing Set – February 12, 2019-6:00 p.m.-Open 2019.....	3
CACHE COUNTY LIBRARY – Report.....	2
COUNCIL CONFERENCE ROOM – Upgrade to.....	2
COUNTY DAY ON THE HILL .....	4
DD AUTO AND SALVAGE REZONE – Public Hearing-January 22, 2019-5:30 p.m.-Ordinance No. 2019-01 ...	2,3
DAINES, JON – Public Comment .....	3
DAINES, ATTORNEY N. GEORGE – Public Comment.....	3
EDCUtah.....	5
FINANCIAL REPORTS – December 2018.....	1
LEGISLATORS’ MEETINGS – 2019-Local .....	4
LIBRARY – Cache County-Report .....	2
LINCOLN DAY DINNER .....	4
NIBLEY/MILLVILLE CEMETERY COMMITTEE .....	5
ORDINANCE NO. 2019-01 – DD Auto and Salvage Rezone-Public Hearing-January 22, 2019-5:30 p.m.	2,3
PUBLIC COMMENT – Daines, Jon.....	3
PUBLIC COMMENT – Daines, Attorney N. George.....	3
PUBLIC HEARING – January 22, 2019-5:30 p.m.-Ordinance No. 2019-01-DD Auto and Salvage Rezone ....	2
PUBLIC HEARING – January 22, 2019-5:40 p.m.-Applewood Hollow RU5 Rezone Rezone .....	3

**PUBLIC HEARING SET – February 12, 2019-6:00 p.m.-Open 2019 Budget..... 3**

**RECORD OF DECISION – Applewood Hollow RU5 Rezone ..... 4**

**RESOLUTION NO. 2019-02 – Ridgeview Annexation to Providence City ..... 4**

**REZONE – Record of Decision – Applewood Hollow RU5..... 4**

**REZONE – Public Hearing-January 22, 2019-5:30 p.m.-Ordinance No. 2019-01-DD Auto and Salvage Rezone ..... 2,3**

**REZONE – Public Hearing-January 22, 2019-5:40 p.m.-Applewood Hollow RU5 Rezone ..... 3**

**RIDGEVIEW ANNEXATION TO PROVIDENCE CITY – Resolution No. 2019-02 ..... 4**

**SMALL, NAN – Appointment-Cache County Library Board ..... 1**

**SPIKE 150 SESQUICENTENNIAL WAGON TRAIN ..... 1**

**USAC LEGISLATIVE COMMITTEE ..... 5**

**DRAFT**

**CACHE COUNTY COUNCIL MEETING  
JANUARY 22, 2019**

The Cache County Council convened in a regular session on January 22, 2019 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Karl B. Ward  
**Vice Chairman:** Gina H. Worthen  
**Council Members:** Paul R. Borup, David L. Erickson, Barbara Tidwell, Jon White, & Gordon A. Zilles  
**County Executive:** Craig "W" Buttars  
**County Clerk:** Jill N. Zollinger  
**Deputy County Attorney:** Lee Edwards

**The following individuals were also in attendance:** Director Amy Adams, Janeen Allen, Chris Booth, Holly Budge, Andrew Daines, Elaine Daines, Jon Daines, Attorney N. George Daines, David Grange, Sharon L. Hoth, Cheri Mickelson, Director Bartt Nelson, Director Josh Runhaar.

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Paul Borup gave the opening remarks and led those present in the Pledge of Allegiance.

**REVIEW AND APPROVAL OF AGENDA**

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

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Erickson to approve the minutes of the January 08, 2019 Council meeting as amended. White seconded the motion. The vote was unanimous, 7-0.

**MINUTES FOLLOW-UP:** None.

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

**APPOINTMENTS:** Nan Small Cache County Library Board

**ACTION:** Motion by Vice Chairman Worthen to approve the recommended appointment. Tidwell seconded the motion. The vote was unanimous, 7-0.

**EXPENSE REPORTS:** None

**OTHER ITEMS:**

- Financial Reports:** The financial reports for December 2018 were presented to the Council Chair and Clerk.
- Spike 150 Sesquicentennial Wagon Train** – An individual is requesting \$1,200.00 (for restrooms at an encampment) to represent Cache County at the Spike 150 celebration in Box Elder County. The American West Heritage Center has agreed to represent Cache County in the approximately 70-mile parade. Executive Buttars will gather more details before the Council can make a decision.

- ❑ **Upgrade to Council Conference Room** – Executive Buttars has asked Director Nelson to ascertain the cost of installing a monitor and controls in the Council conference room.

### **ITEMS OF SPECIAL INTEREST**

- **Bear River Health Department Annual Report – Holly Budge** reviewed the report and indicated the Health Department decided to become accredited which requires looking at health data for decisions and priorities. Priorities identified are mental health, substance abuse and misuse, communicable diseases, and chronic disease and obesity. Budge gave a short overview of the budget and expenditures and mentioned the four goals of the Department's strategic plan:
  - The people of the Bear River Health District will be among the healthiest in the state.
  - The Bear River Health Department will be recognized as a leader in public health.
  - The Bear River Health District will strengthen relationships that will result in improved health of our citizens.
  - The Bear River Health Department will connect the community to services that are convenient.

Vice Chairman Worthen asked about the status of medical marijuana and the Health Department. Executive Buttars replied there is a proposal to have the Health Department be a dispensary and the costs are being considered. Budge agreed and said, initially, the cost was underestimated; additional personnel will be needed for security if the proposal becomes reality. Budge thanked the county for its support.

### **UNIT OR COMMITTEE REPORTS**

- **Cache County Library – Cheri Mickelson** reported on the Overdrive program, online books and checkout, interlibrary loans, story times, and thanked the Council for their assistance.

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

**PUBLIC HEARING:** January 22, 2019 at 5:30 p.m. – Ordinance No. 2019-01-DD Auto and Salvage Rezone – Request to rezone 1.1 acres from the Commercial (C) Zone to the Industrial (I) Zone, located at 1976 West 200 North, Logan – Director Runhaar said the majority of this area is already commercial/industrial and the only outstanding issue will be to have this added to the conditional use permit that is on the rest of property. The Planning Commission unanimously recommended approval.

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

**ACTION:** Motion by Vice Chairman Worthen to close the Public Hearing – Ordinance No. 2019-01-DD Auto and Salvage Rezone. Erickson seconded the motion. The vote was unanimous, 7-0.

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

- **Ordinance No. 2019-01 – DD Auto and Salvage Rezone** – Request to rezone 1.1 acres from Commercial (C) Zone to Industrial (I) Zone. Located at 1976 West 200 North, Logan

(Attachment 1)

**ACTION:** Motion by Council member Zilles to waive the rules and approve Ordinance No. 2019-01-DD Auto and Salvage Rezone. Erickson seconded the motion. The vote was unanimous, 7-0

**Ordinance No. 2019-01:** The motion passed 7-0.

	<u>BORUP</u>	<u>ERICKSON</u>	<u>TIDWELL</u>	<u>WARD</u>	<u>WHITE</u>	<u>WORTHEN</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

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

**PUBLIC HEARING:** January 22, 2019 at 5:40 p.m.-Applewood Hollow RU5 Rezone - Request to rezone 12.50 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone, located at 4642 Hollow Road, near Nibley. – Director Runhaar said the applicant’s previous request was for Rural 2 (RU2), but has been changed to Rural 5 (RU5) which will allow a maximum of two lots. Nibley City submitted strong objections to the rezone listing access and septic tank questions. The Planning Commission recommended denial of the rezone request.

Chairman Ward opened the Public Hearing and invited public comment.

Attorney N. George Daines, representing the applicants, said there are a north and a south access, but the south access will be the only one used by the applicant. You cannot get to the property from the north access. The single road (on the south access) is a 60-ft wide private road through a subdivision with one home on it. There are utilities (gas and electricity) servicing the present home on the property which are adequate for another home. Bear River Health Department says a septic tank permit can be obtained for an additional home.

Daines offered to provide a legal opinion on the road right-of-way.

Jon Daines, applicant, stated there is a property that this runs through that has applied for a subdivision, but not approved; however, their access is beyond the bridge – not this access.

There was no other public comment.

**ACTION:** Motion by Council member Zilles to close the Public Hearing. Erickson seconded the motion. The vote was unanimous, 7-0.

**PUBLIC HEARING SET:** February 12, 2019 at 6:00 p.m.-Open 2019 Budget



**ACTION: Motion by Council member White to set a Public Hearing-February 12, 2019-6:00 p.m.-Open 2019 Budget. Worthen seconded the motion. The vote was unanimous, 7-0**

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2019-02 – Ridgeview Annexation to Providence City – Request to allow two unincorporated islands resulting from the annexation of 22.13 acres from the unincorporated county into Providence City – Director Runhaar observed that 1000 East is a problem and the county is handing off a portion of it to Providence City. Staff recommends agreement with the annexation.**

Attorney Edwards commented the county must approve the request if an island is created by the annexation. The county has no overt concerns.

**(Attachment 2)**

**ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2019-02 – Ridgeview Annexation to Providence City. Worthen seconded the motion. The vote was unanimous, 7-0.**

- **Record of Decision – Applewood Hollow RU5 Rezone- Request to rezone 12.50 acres from Agricultural (A10) Zone to Rural 5 (RU5) Zone. Located at 4642 Hollow Road, near Nibley – Council members have questions about the rezone – actual access to be used and condition of the bridge and road, private road concerns.**

Council member White asked if Council members are planning on visiting the site. Two or three responded they plan on checking on the site before the February 12, 2019 Council meeting.

**(Attachment 3)**

**ACTION: Motion by Vice Chairman Worthen for Development Services to prepare a record of decision and ordinance for the February 12, 2019 Council meeting. Tidwell seconded the motion. The vote was unanimous, 7-0.**

**OTHER BUSINESS**

- ✓ **Local Legislators' Meetings – 2019 Legislative Session – Saturdays from 7:00 a.m. to 8:30 a.m. February 2, 2019 through March 9, 2019 – County Administration Buildings, Multipurpose Room**
- ✓ **County Day on the Hill – Wednesday, February 13, 2019**
- ✓ **Lincoln Day Dinner** – Chris Booth, Chairman of Cache County Republican Party, announced the Lincoln Day dinner will be February 2, 2019 in the USU Ballroom. Senator Mike Lee is the keynote speaker. Table sponsorships are being offered to county elected officials for \$400.00 a table and half-tables are also available. A reception before the dinner will be from 6:00 -7:00 p.m. The Governor's office and the Party will be honoring local citizens/businesses. The Party would have liked to use the Event Center, but Senator Lee's schedule precluded that.

Booth also stated the Party wants to co-host the Saturday legislative meetings and help provide refreshments.

### **COUNCIL MEMBER REPORTS**

**Gina Worthen** said Treasurer McAllister would like to create an historic display outside his office and is checking out the cost.

Worthen asked if there is any specific legislation the Council would like addressed by the USACCC legislative committee. Executive Buttars mentioned Senator Harper's bill on transportation funding and CCCOG needs their rural projects funding to be put back in the bill.

**Barbara Tidwell** visited with Dayton Crites, Trails Coordinator, the Sheriff and Director Adams as well as Attorneys Swink and Edwards and attended the Joint Jails Committee.

Crites is still working on the trails master plan; Sheriff Jensen gave her an orientation on the jail operations and Tidwell plans on doing some ride-alongs and tour the jail.

She talked with Director Adams about the Compensation Committee. Tidwell was surprised the county has no written pay plan – that will be one of Adams' goals.

**Gordon Zilles** said the Nibley/Millville Cemetery Committee wants to know what the procedure is to expand their taxing area to include recent annexations. Attorney Edwards said he can give them the code references. There is also a web page – Utah Association of Special Service Districts – that may be of help. Executive Buttars said he forwarded some of that information to them and asked Zilles to let him know if they have not received it.

**Paul Borup** attended the Economic Outlook and Public Policy Conference Summit at the Salt Lake Chamber of Commerce. Borup will share their legislative priorities with the Council. The plastic bag ban seemed to be the hot button issue at the Logan State of the City meeting.

**Karl Ward** went to the UAC Board Meeting for the first time.

**Executive Buttars** said UAC wants to get into more economic development in the rural areas. Cache County is a member of EDCUtah and Alan Rindlisbacher, from Amalga, may be a good contact for guidance in this area.

### **ADJOURNMENT**

The Council meeting adjourned at 7:04 p.m.

---

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

---

**APPROVAL:** Karl B. Ward  
Chairman

**ORDINANCE NO. 2019-01**  
**CACHE COUNTY, UTAH**  
**DD AUTO AND SALVAGE REZONE**

---

AN ORDINANCE AMENDING THE COUNTY ZONING MAP

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

WHEREAS, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the county’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county, and;

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

WHEREAS, on December 6, 2018, 5:50 p.m., the Planning Commission held a public hearing for a rezone from the Commercial (C) Zone to the Industrial (I) Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on December 6, 2018, the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the Act also provides certain procedures for the county legislative body to adopt or amend the land use ordinance and zoning map for the county, and;

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

WHEREAS, on January 22, 2019, 5:30 p.m., the County Council held a public hearing to consider any comments regarding the proposed rezone. The County Council accepted all comments, and;

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed rezone was discussed, recommendation of county staff, and the findings of fact identified in the staff report, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to approve such rezone;

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

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

1. Statutory Authority.

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

2. Approval of Rezone.

The County Council hereby rezones parcel 05-060-0021 as described within Exhibit A currently zoned as the Commercial (C) Zone to the Industrial (I) Zone.

3. Adoption of Amended Zoning Map.

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

4. Conclusions

A. The location of the subject property is compatible with the purpose of the Industrial (I) Zone as identified under §17.08.030[F] of the Cache County Code as it:

- i. Allows for industrial development in an area with minimal residential development, which would limit conflict or deleterious effects upon surrounding properties.

5. Severability.

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

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

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

7. Exhibits.

Exhibit A: Zoning Map of Cache County – Affected portion

8. Effective Date.

This ordinance takes effect on February 6, 2019. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the county as required by law.


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

APPROVED AND ADOPTED this 22<sup>nd</sup> day of January, 2019.

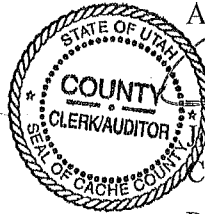
X

	In Favor	Against	Abstained	Absent
Borup	X			
Erickson	X			
Tidwell	X			
Ward	X			
White	X			
Worthen	X			
Zilles	X			
Total	7			

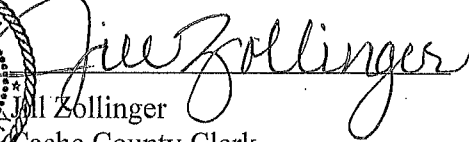
CACHE COUNTY COUNCIL



Karl Ward, Chair  
Cache County Council



ATTEST:



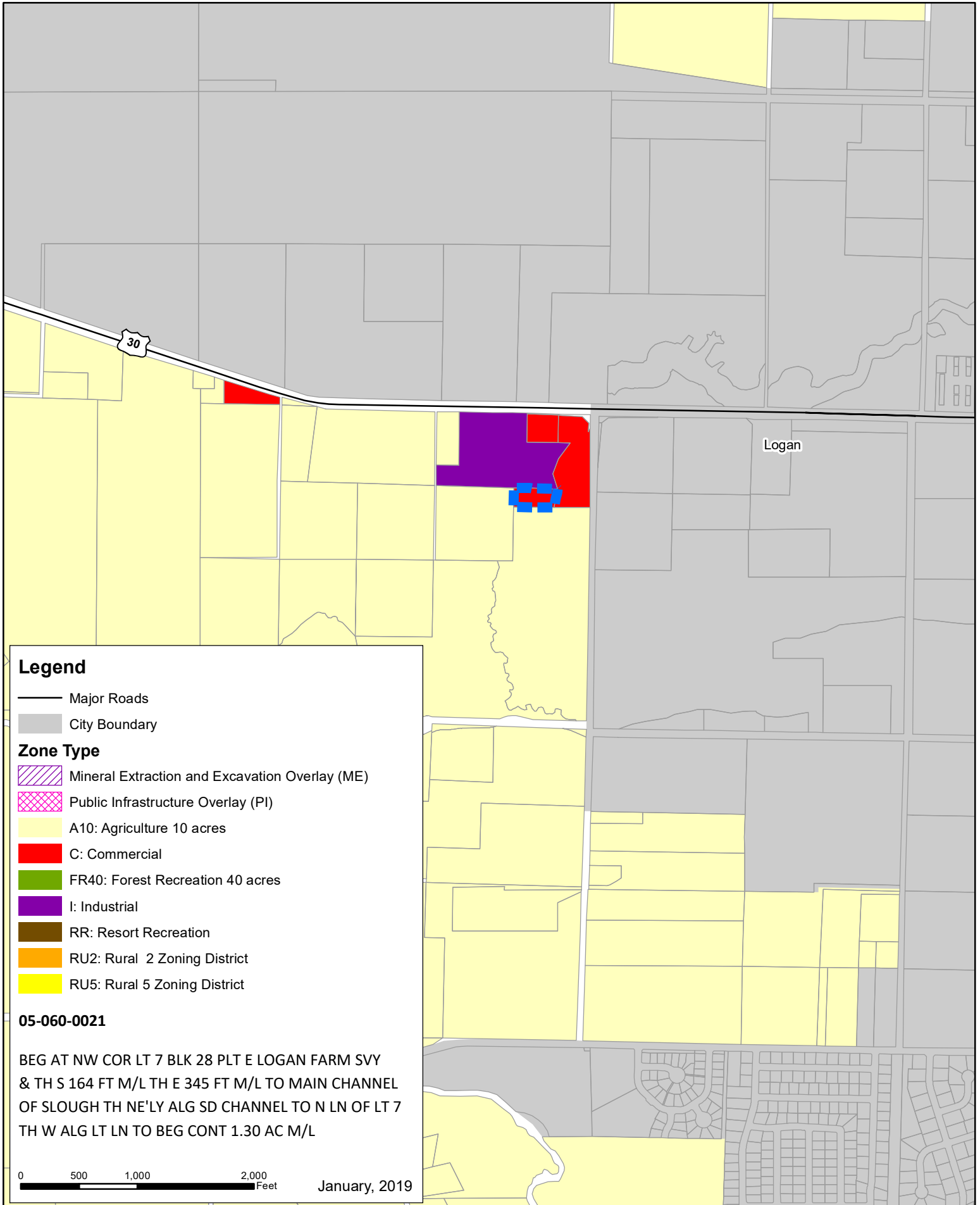
Jill Zollinger  
Cache County Clerk

Publication Date:

February 6, 2019

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










# Exhibit A: Ordinance 2019-01 Zoning Map of Cache County Affected Portion DD Auto and Salvage Rezone



### Legend

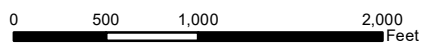
- Major Roads
- City Boundary

### Zone Type

-  Mineral Extraction and Excavation Overlay (ME)
-  Public Infrastructure Overlay (PI)
-  A10: Agriculture 10 acres
-  C: Commercial
-  FR40: Forest Recreation 40 acres
-  I: Industrial
-  RR: Resort Recreation
-  RU2: Rural 2 Zoning District
-  RU5: Rural 5 Zoning District

### 05-060-0021

BEG AT NW COR LT 7 BLK 28 PLT E LOGAN FARM SVY  
& TH S 164 FT M/L TH E 345 FT M/L TO MAIN CHANNEL  
OF SLOUGH TH NE'LY ALG SD CHANNEL TO N LN OF LT 7  
TH W ALG LT LN TO BEG CONT 1.30 AC M/L



January, 2019

**RESOLUTION No. 2019-02**  
**CACHE COUNTY, UTAH**  
**RIDGEVIEW ANNEXATION**

A RESOLUTION ON THE RIDGEVIEW ANNEXATION TO PROVIDENCE

WHEREAS, Utah Code Section 10-2, part 4 Annexation requires that in the annexation of unincorporated property, the County must agree to the creation of unincorporated islands and peninsulas, and;

WHEREAS, after careful consideration the findings of fact and conclusions identified in the staff report (Exhibit A), the Council has determined that it is in the best interest of the citizens of Cache County to agree to such annexation;

NOW, THEREFORE, the County Legislative Body of Cache County resolves and agrees to allow the unincorporated islands resulting from the Ridgeview Annexation as:

1. The request has been reviewed by the County Council in conformance with, and meets the requirements of, State Code.
2. The County Council is authorized to act as the county legislative body of Cache County.
3. The affected area is currently a single unincorporated island, the area proposed for annexation would result in two unincorporated islands but reduce the overall unincorporated area, and the adjacent roadway is included in the annexation.

APPROVED AND ADOPTED this 22<sup>nd</sup> day of January, 2019.

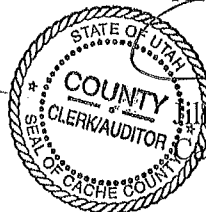
	In Favor	Against	Abstained	Absent
Borup	X			
Erickson	X			
Tidwell	X			
Ward	X			
White	X			
Worthen	X			
Zilles	X			
Total	7			

CACHE COUNTY COUNCIL

*Karl Ward*

Karl Ward, Chair  
 Cache County Council

ATTEST:



*Jill Zollinger*

Jill Zollinger  
 Cache County Clerk

**STAFF REPORT: RIDGEVIEW ANNEXATION TO PROVIDENCE**

22 January 2019

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.

**Sponsor:** Jeff Jackson, Ridgeview Park, LLC  
**Staff Recommendation:** Agree with Conditions  
**Type of Action:** Legislative  
**Land Use Authority:** Cache County Council

**Parcel ID#:** 02-004-0001, 02-004-0002

**PROJECT LOCATION**

*Reviewed by: Chris Harrild*

**Project Address:**  
 1000 East 750 South  
 between Providence and River Heights  
**Current Zoning:** Agricultural (A10)      **Acres:** 22.13

**Surrounding Uses:**  
 North – River Heights/Residential  
 South – Providence/Residential  
 East – Agricultural/Logan  
 West – River Heights/Residential



**PROJECT PURPOSE, APPLICABLE ORDINANCE, AND IMPACTS TO COUNTY FACILITIES**

**A. Purpose**

1. To review and make a decision regarding the annexation request.

**B. Applicable Ordinance:**

2. Annexation of unincorporated property into a municipality is governed by State Code section 10-2, part 4 Annexation. *See conclusion #1*
3. There is not currently a formal county process to address annexation requests, but such requests have previously been reviewed and addressed by the County Development Services Department.



4. State of Utah Code sections 10-2-418-1-b and 10-2-402-1-b-iii-B specify that unincorporated islands and peninsulas are not permitted unless agreed to by the county. *See conclusion #1, #2.*
5. The affected area is currently a single unincorporated island. The area proposed for annexation would result in two unincorporated islands but reduce the overall unincorporated area. *See conclusion #3.*
6. No formal action has been taken by the county to prohibit or agree to allow unincorporated islands in this location.

**C. Impacts to County Facilities:**

7. Access to these properties is from 600 South (River Heights) and 1000 East. 1000 East is a county roadway that is isolated and not connected to another county roadway.
8. At this location, the majority of the use of 1000 East is due to municipal development in the three adjoining municipalities of River Heights City, Providence City, and Logan City. The large majority of the development along 1000 East is residential and is in River Heights City.
9. The proposed annexation will incorporate the adjacent section of 1000 East into Providence City.

**POSSIBLE ACTIONS**

---

**D. Agree**

1. The Council agrees to the annexation, and in this circumstance allows the unincorporated islands as the overall unincorporated area has been reduced and the adjacent roadway has been annexed.

**E. Protest**

1. The County does not agree to allow unincorporated islands and formally protests the annexation request.

**CONCLUSIONS (3)**

---

Based on the findings of fact noted herein, staff recommends that the County Council agree to allow the unincorporated islands resulting from the Chugg Annexation as:

1. It has been reviewed by the County Council in conformance with, and meets the requirements of State Code. *See B.*
2. The County Council is authorized to act as the county legislative body of Cache County. *See B.*
3. The affected area is currently a single unincorporated island, the area proposed for annexation would result in two unincorporated islands but reduce the overall unincorporated area, and the adjacent roadway is included in the annexation. *See B, D.*

**STAFF REPORT: APPLEWOOD HOLLOW RU5 REZONE**

6 December 2018

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:** Andrew Daines

**Parcel ID#:** 03-066-0017

**Staff Recommendation:** Denial

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**LOCATION**

*Reviewed by Angie Zetterquist*

**Project Address:**

**Acres:** 12.5

**Surrounding Uses:**

4642 Hollow Road  
Nibley

North – Agricultural/ Residential

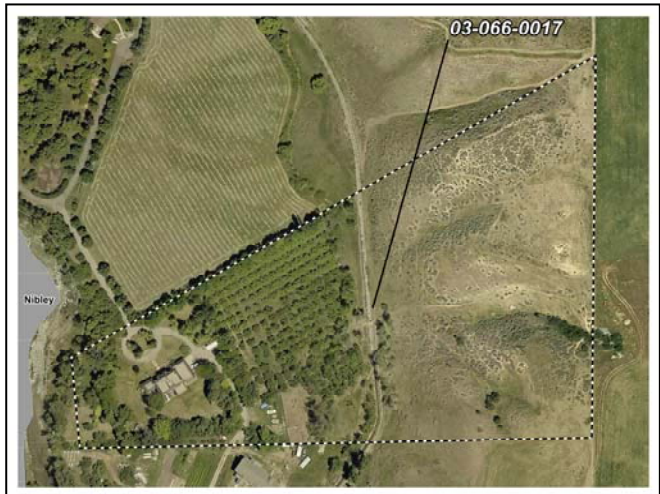
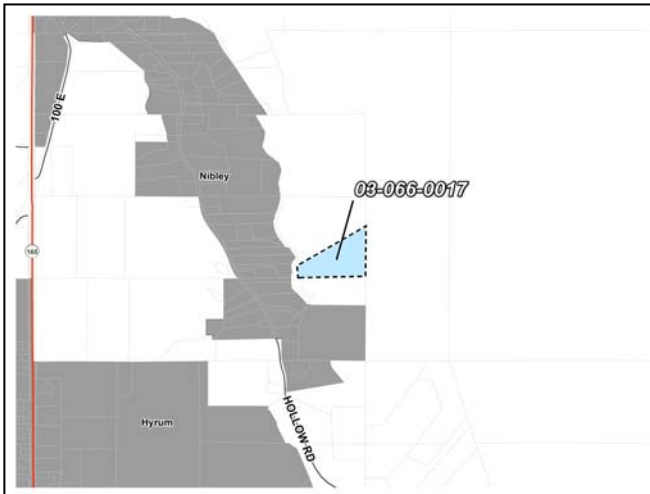
South – Agricultural/ Residential

**Current Zoning:**  
Agricultural (A10)

**Proposed Zoning:**  
Rural 5 (RU5)

East – Agricultural/Forest Recreation

West – Blacksmith Fork River/Nibley City



**FINDINGS OF FACT (19)**

**A. Request description**

1. This rezone request was originally scheduled for the September 2018 Planning Commission meeting, but was continued for up to 90 days for the applicant to work with Nibley City and address the City’s concerns regarding the request. The 90 day continuance is now ending and the request must be brought back to the Commission for action.
2. On November 19<sup>th</sup>, the applicant submitted supplemental materials for the Commission’s review (Attachment A). The letter and attached materials are in response to the Nibley City Mayor’s letter dated July 10, 2018 (Attachment B), which was included as part of the 6 September 2018 Planning Commission staff report.
3. The request is to rezone a 12.50 acre lot from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. The applicant had previously applied for a rezone to the Rural 2 (RU2) Zone for the

same property, but withdrew the application prior to the July 2018 Planning Commission meeting.

4. This rezone may allow the parcel to be legally divided into a maximum of two (2) separate lots as part of a subdivision process.

5. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachments C & D) and in the following text:

**a. Land Use Context:**

**i.** Parcel status: A building permit was issued in August 1977 for a single-family residence on 10.0 acres. In January 1992, a boundary line adjustment was done between parcel 03-066-0017 and 03-066-0025 with a recorded deed. At that time, the subject parcel increased from 10.0 acres to 12.5 acres, and as no additional parcels were created, the subject property is considered a legal parcel.

**ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (34 parcels) with a dwelling is 7.2 acres; the average size of parcels (76 parcels) without a dwelling is 11.8 acres. Portions of Nibley City and Hyrum City also lie within one mile of the proposed rezone. Within the City areas inside the one-mile buffer, the average size of a city parcel (389 parcels) with a house is 0.7 acres; the average size of city parcels (69 parcels) without a house is 3.4 acres (Attachment C).

The proposed RU5 zone allows a maximum density of 1 lot for every 5 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 12.50 acres of property, the subject parcel cannot be divided into any additional lots under the current A10 Zone; a rezone to RU5 would allow one additional buildable lot in addition to the existing lot.

**iii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU5 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU5 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU5 Zone:

- Agricultural Manufacturing
- Recreational Facility
- Cemetery
- Private Airport
- Concentrated Animal Feed Operation
- Livestock Auction Facility
- Topsoil Extraction

**iv.** Adjacent uses: The properties adjacent to the subject property are primarily used for agricultural and single family dwellings.

**v.** Zone Placement: As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The western boundary of the proposed rezone borders Nibley City.

There are no other RU5 zones within a five-mile radius of the subject property (Attachment D). However, the boundaries of multiple incorporated areas are located to the north, south, and west of the property including Millville, Nibley, and Hyrum

cities. Properties to the east are primarily located in the Forest Recreation (FR40) Zone.

The portion of Nibley City that borders the subject property to the west is zoned Rural Estate (RE) with a minimum required lot area of 2 acres.

**B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [C]**

6. 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.
7. The current County Land Use Ordinance does not specify appropriate locations for the Rural 5 (RU5) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU5 Zone and includes the following:
  - a. “To allow for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
  - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
8. Consideration of impacts related to uses allowed within the RU5 Zone will be addressed as part of each respective approval process required prior to site development activities.

**C. Access—16.04.040 [A], 16.04.080 [E], Road Manual**

9. A basic review of the access to the existing subdivision identifies the following:
  - a. The existing lot does not have frontage on a county road and the property is accessed from a private road that connects to Hollow Road, a Nibley City road at this location.
10. Hollow Road:
  - a. Is a Nibley City road.
  - b. At the time of the previous rezone request, the Mayor of Nibley City, Shaun Dustin, provided staff with a letter dated July 10, 2018, detailing the City’s concerns about the possible rezone to RU2 (Attachment B). With the submittal of the new rezone request, Nibley City acknowledged that a lower density (i.e., RU5 instead of RU2) mitigates some impacts, but reiterated that their concerns in the July 10, 2018 letter remain, as follows:
    - i. The parcel is currently accessed only by private roads, which already have more than the legal number of houses being accessed from them,
    - ii. There are unanswered questions about legal access to the parcel,
    - iii. There are significant challenges related to providing utilities to the site, and
    - iv. There is a risk of septic tanks contaminating Nibley’s Source Water Protection Zone.
  - c. If the rezone is approved, any future application for a subdivision that proposes access off this portion of Hollow Road must provide express written approval from Nibley City allowing development to access Hollow Road.
11. Private Access Road:
  - a. Is a private road that connects to Hollow Road in Nibley City at two points: at approximately 4900 Hollow Road to the south and 4700 Hollow Road to the north. The distance between these two points is approximately 0.75 miles and crosses the Blacksmith Fork twice over two bridges. The condition of the bridges is unknown.

- b. The private road crosses multiple private properties and is split between the jurisdiction of Nibley City and the County.
- c. An initial review of the private access road from the south entry off of Hollow Road to the subject property shows the road varies in width from 12-to-19 feet and the surface material appears to be primarily dirt with gravel in places. The northern portion of the private road from the subject property to 4700 Hollow Road including the north bridge has not been reviewed.
- d. The road provides access to multiple properties both in the county and Nibley City.
- e. The County Road Manual does not permit private roads to provide access to more than three single-family dwellings.
- f. Additionally, per the definition in the Manual, private roads are not intended to be through roads. The County does not maintain private roads
- g. Exceptions have been allowed for previous requests to allow private roads that serve more than three single-family dwellings. However, the County Road Department has discouraged the continuance of this practice, and roads serving more than 3 single-family dwellings must be on public roads.
- h. Resolution No. 2015-20 – In August 2015, the Cache County Council reviewed the impact of new development along unimproved roadways on the safety and welfare of citizens of Cache County. Further, the Council determined that given the existing budget constraints there is not funding sufficient for the existing roadways to be properly maintained. Consequently, the Council adopted Resolution No. 2015-20 limiting expansion of road services on substandard roads including no expansion of winter maintenance and no acceptance of new roadways, gravel or paved. Constructing a new public road to potentially service these developments is inconsistent with the County Resolution.

**D. Service Provisions:**

- 12. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road does not meet fire code. The access road must be improved to Fire Department standards during the subdivision process if the rezone is approved. Water supply for fire suppression is provided by the Hyrum City Fire Department.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental does not provide service on the private road. Containers must be placed on Hollow Road for Wednesday collection.
- 14. §16.04.080 [D] School Bus Service – School bus service is located at a stop at 4700 S. Hollow Road, Nibley.

**E. Public Notice and Comment—§17.02.040 Notice of Meetings**

- 15. Public notice was posted online to the Utah Public Notice Website on 22 August 2018 and 19 November 2018.
- 16. Notice was published in the Herald Journal on 26 August 2018 and 24 November 2018.
- 17. Notices were posted in three public places on 22 August 2018 and 19 November 2018.
- 18. Notices were mailed to all property owners within 300 feet and cities within 1-mile on 23 August 2018. As a continued item, no new notices were mailed to property owners for the 6 December 2018 meeting. Nibley City was notified by email on 21 November 2018.
- 19. At this time, no additional written public comment regarding this proposal has been received by the Development Services Office.

## CONCLUSIONS (3)

---

Based on the findings of fact noted herein, the Applewood Hollow Rezone is hereby recommended for denial to the County Council as follows:

1. The property lacks adequate provision of public services including emergency access, refuse collection, and public infrastructure.
2. The existing, substandard private access road currently exceeds the number of single-family dwellings allowed on a private road per the Road Manual.
3. The access is from a Nibley City road and given the location of the property, the issues with infrastructure would be better addressed as part of a Nibley City development, not a county development on a municipal road.



**Andrew Daines**

505 Blvd  
Logan, UT 84321

19th November, 2018

**Cache County Development Services**

Attn: Angie Zetterquist  
199 North Main  
Logan, UT 84321

RE: Applewood Hollow RU5 Rezone, Parcel ID#: 03-066-0017

Dear Development Services Department,

This letter is in response to the Nibley City Mayor's letter dated July 10, 2018 regarding our application for rezone request for the above referenced parcel, and to provide development services staff the necessary documentation to move forward with the December 2018 planning and zoning commission process. The following points address the Mayor's concerns.

1. The parcel in question is accessed by private roads, but currently has only one house being accessed by said road.
2. Legal access has been established since purchase of the property in 1995.
3. All utilities for the parcel are currently available onsite. At no point have the applicants requested utility services from Nibley City.
4. The proposed parcel is in one of the least restrictive source water protection zones for septic permit approval.

Regarding item number 1 above. The parcel will be accessed via the existing private road as seen on the Blacksmith Fork Heights Subdivision, Phase 1 Final Plat (see attached Enclosure #1). Access by any lots in this phase 1 subdivision are allowed per the recorded plat under note number 9 and states, "Access, utilities and addressing for Lots 1 & 2 will come from Hollow Road". Additionally, phase 2 of this subdivision across the Blacksmith Fork River has not been proved up for development of additional lots, thus leaving only one house being accessed from this private road. The current applicant owns both parcels that will provide access to the proposed rezone.

Regarding Item number 2 legal access has been established since the original purchase of the property in 1995 which included a 60 foot right-of-way. Legal access was reaffirmed in 2013 via recorded QUIT-CLAIM DEEDS (see attached Enclosure #2) with the Cache County Recorder

establishing the permanent location of that right-of-way. Included in these QUIT-CLAIM DEEDS was a change from a 60 foot right-of-way to a 65 foot right-of-way at 4870 South Street, which was to assist in the phase 1 Blacksmith Fork Heights Subdivision development. Per the recorded plat, Phase 1 lots do not access the private road as discussed above. The applicant reaffirms that the deeded right-of-way has been in existence since the 1995 purchase.

Item number 3 as pertains to utilities. Again, at no point have the applicants requested utility services be provided by Nibley City since the parcel in question is located in Cache County. Additionally, natural gas, water, and electricity are already available on the property. Currently there are existing easements and supply lines in place for each utility access to the proposed rezone properties. An electrical transformer to supply power to the proposed additional home has been present for several years. As regards the water well right, see attached order from the State Engineer for permanent change application from 2017 (Enclosure #3).

For item number 4, please see the attached letter from the Bear River Health Department (Enclosure #4), which has administrative jurisdiction over septic systems. Regarding public drinking water source protection zones as pertains to the parcel in question, the letter is clear on allowing septic systems within DWSPZ zones three and four. Attached is a map printed from the Utah DEQ Interactive system identifying that the parcel in question lies within zone four, the least restrictive zone (Enclosure #5). Finally, the proposed parcel for septic tank placement is well over 300 feet from the Nibley City border, and lies well beyond 100 feet East of the Blacksmith Fork River.


Finally, the applicants have never made any request for annexation into Nibley City, and do not plan on doing so. The applicants are engaged in the ongoing agricultural use of this property and has been so engaged for some 30 years. While the property borders on the boundary of Nibley City, no additional subdividing is planned beyond the RU5 rezone. With the applicants' increasing age they desire that one of their son's establish a home adjacent to the existing family home for the purposes of continuing that agricultural use. This home is for the express purpose of keeping the agricultural use ongoing. It is not for the purpose of beginning a Nibley City subdivision or additional County subdivision. The County should be supportive of families which wish to continue their agricultural uses.

The applicants and their representative appreciate the opportunity to present this information for your ongoing consideration of this rezone request. We also appreciate the planning and zoning board members for extending the 90 day extension.



With all four of these issues addressed, the applicant requests to be added to the next available County Planning and Zoning meeting to continue the process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Daines", is written over a horizontal line.

Andrew Daines

Enclosure #1 "Blacksmith Fork Heights Subdivision Plat" (2 pages)

Enclosure #2 "Recorded QUIT-CLAIM DEEDS" (6 pages)

Enclosure #3 "Order from the State Engineer" (3 pages)

Enclosure #4 "Bear River Health Department" (1 page)

Enclosure #5 "Utah DEQ Interactive Map" (2 pages)



Side yard:

- All lots = 15 feet from adjacent lot
- Corner lots = 25 feet side on street
- Rear yard = 30 feet
- Slope setback = 15 feet from the toe of the hill per IBC 1805.3.1. Field verified.

2. Lot easements unless otherwise noted are as follows:

- Front yard = 10 feet
- Side yard:
  - All lots = 5 feet for interior lots
  - Corner lot = 20 feet from street
- Rear yard = 10 feet

3. This property is located in the vicinity of property that is used for agricultural purposes. It may be anticipated that such agricultural uses and activities may or may not in the future be conducted in this area and that such uses are previously existing uses. Agricultural uses and situations must be sound agricultural practices and not bear a direct threat to public health and safety.

4. Areas in Nibley City have groundwater problems due to the varying depths of a fluctuating water table. The City's approval of a building permit or construction plans does not constitute a representation by the City that building at any specified elevation or location will solve subsurface or groundwater problems. In addition, concerns for building elevations and/or grading and drainage are unique to each building lot site. Responsibility for these stated concerns, and all other such concerns related to a lot or other building site, remains solely with the building permit applicant, property owner and/or contractor. Nibley City is not responsible for other such concerns, including, but not limited to, building location and/or elevation, site grading and drainage.

5. This easement is for the operation and maintenance of the canal.

6. The ownership, control and uses of the private road right of way is for JH & HF LLC, all lot owners in this subdivision and others with existing access rights. The City of Nibley and all utility companies have the right to use the road for ingress, egress, installation and maintenance purposes.

7. Finished building elevation for Lots 1 and 2 must be above 100-yr floodplain.

8. Lot 1 is subject to a temporary right-of-way recorded in in Book 470 Page 584 recorded in the Cache County Courthouse. Said right of way to extinguish upon development of adjoining property and dedication of a permanent sixty-six foot right of way.

9. Access, utilities and addressing for Lots 1 & 2 will come from Hollow Road.

10. ROW (Road) Development - upon use of ROW for a road and utilities-full construction plans must be submitted, reviewed, and approved by the City prior to construction and use.

**BOUNDARY DESCRIPTION**

Part of the Southeast Quarter, Range 1 East of the Salt Lake follows:

Commencing at the monument 34, Township 11 North, Range 1 East of the thence N 00°00'49" W 1093.56 Southeast Quarter of said Sect to the POINT OF BEGINNING and

- thence S48°15'30"E 85.72 feet
- thence S10°03'01"E 72.91 feet
- thence S00°16'16"W 116.84 feet
- thence S40°53'28"W 143.17 feet
- thence S60°01'03"W 66.05 feet
- thence S40°03'30"W 78.78 feet
- thence S18°32'57"W 98.97 feet
- thence S84°26'19"W 271.15 feet
- thence N20°18'26"W 354.16 feet
- thence N38°05'22"W 24.38 feet
- thence continue northwesterly 209.84 feet;

thence N40°02'54"W 6.64 feet; thence along the north line of recorded June 8, 1990 under courses:

- 1) thence N85°29'10"E 203.78 Record);
- 2) thence N81°12'59"E 133.93 Record);
- 3) thence N88°33'59"E 293.64 Record);
- thence N88°23'15"E 69.53 feet containing 6.67 acres, more or less

**SURVEYOR'S NOTES**

- 1. The purpose of this survey is Lot 5 of the Fred Pace Subdivision Blacksmith Fork Heights Subdivision
- 2. The basis of bearing is monumented Southeast Corner Section 34, Township 11 North Baseline and Meridian.
- 3. The survey was requested by Frank.
- 4. The north line as established Fred Pace Subdivision using and record distances.

**UTILITY EASEMENT DEDICATION**

MARGARET F. PACE OWNER OF THE PROPERTY SET FORTH AND DESCRIBED IN THIS PLAT, HEREBY OFFERS AND CONVEYS TO ALL PUBLIC UTILITY AGENCIES, THEIR SUCCESSORS AND PERMANENT EASEMENT AND RIGHT-OF-WAY OVER, ...



**ALLIAN**

150 EAST LOG

(4)

ACCOMMODATION

Cache Title Company, Inc. 00047982

MAIL TAX NOTICE TO  
4642 Hollow Rd  
Nibley, UT 84321

Ent 1081996 Bk 1756 Pg 2  
Date: 22-Feb-2013 02:37 PM Fee \$12.00  
Cache County, UT  
Michael Gleed, Rec. - Filed By JR  
For CACHE TITLE COMPANY

### QUIT-CLAIM DEED

FRED G. PACE

Grantors  
of Logan, County of CACHE, State of Utah, hereby QUIT-CLAIM to

ELAINE S. DAINES AND JONATHAN H. DAINES, TRUSTEES OF THE ELAINE S. DAINES  
REVOCABLE TRUST, dated 21st day of November 1996


Grantees of 4870 South St (Private Road), Nibley, UT 84321  
for the sum of TEN DOLLARS and other good and valuable consideration the following tract of land in CACHE  
County, State of UTAH:

A Right-of-Way for ingress and egress over 4870 South Street, a Private Road and Bridge access, AS  
SHOWN BY THE OFFICIAL PLAT OF, Blacksmith Fork Heights Subdivision Phase 1, filed November  
19, 2012, as Filing No. 1075902 in the office of the Recorder of CACHE County, Utah.

Tax Parcel No. 03-152-0009

WITNESS, the hand of said grantors, this 20th day of February, 20 13.

**ACCOMMODATION RECORDING ONLY**  
Cache Title Company assumes no  
liability or responsibility in  
connection with this document.

  
\_\_\_\_\_  
Fred G. Pace  
  
\_\_\_\_\_

STATE OF UTAH

)ss.

COUNTY OF CACHE

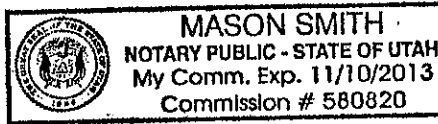
On this 20th day of February, 20 13, personally appeared before me Fred G. Pace, the above named person(s) and the signers of the within instrument, who duly acknowledged to me that they executed the same.

*[Handwritten Signature]*

NOTARY PUBLIC

My Commission Expires: 11/10/13

My residence is: Levan, UT



Ent 1081996 Bk 1756 Pg 3

ACCOMMODATION

Cache Title Company, Inc. 00047982

MAIL TAX NOTICE TO

Nibley, UT 84321

Ent 1081997 Bk 1756 Pg 4  
Date: 22-Feb-2013 02:37 PM Fee \$12.00  
Cache County, UT  
Michael Gleed, Rec. - Filed By JA  
For CACHE TITLE COMPANY

### QUIT-CLAIM DEED

NANCY P. MURPHEY

Grantors  
of Logan, County of **CACHE**, State of Utah, hereby QUIT-CLAIM to

**ELAINE S. DAINES AND JONATHAN H. DAINES, TRUSTEES OF THE ELAINE S. DAINES REVOCABLE TRUST, dated 21st day of November 1996**

Grantees of 4870 South St (Private Road), Nibley, UT 84321  
for the sum of TEN DOLLARS and other good and valuable consideration the following tract of land in **CACHE** County, State of UTAH:

A Right-of-Way for ingress and egress over 4870 South Street, a Private Road and Bridge access, AS SHOWN BY THE OFFICIAL PLAT OF, Blacksmith Fork Heights Subdivision Phase 1, filed November 19, 2012, as Filing No. 1075902 in the office of the Recorder of **CACHE** County, Utah.

*Tax Parcel No. 03-152-0009*

WITNESS, the hand of said grantors, this 20th day of February, 20 13.

  
\_\_\_\_\_  
Nancy P. Murphey

**ACCOMMODATION RECORDING ONLY**  
Cache Title Company assumes no liability or responsibility in connection with this document.

STATE OF UTAH

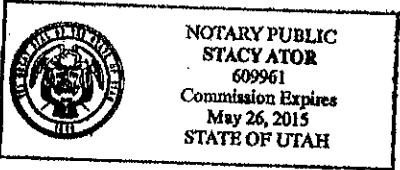
COUNTY OF ~~CACHE~~ DAVIS )ss.

On this 20th day of February, 20 13, personally appeared before me Nancy P. Murphey, the above named person(s) and the signers of the within instrument, who duly acknowledged to me that they executed the same.

*[Handwritten Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: May 26, 2015

My residence is: Bountiful, Utah  
84010



Ent 1081997 Bk 1756 Pg 5

CACHE TITLE COMPANY, INC. NO. 00047982

Mail Tax Notice to:  
4642 Hollow Road  
Nibley, UT 84321

Ent 1081998 Bk 1756 Pg 6  
Date: 22-Feb-2013 02:38 PM Fee \$12.00  
Cache County, UT  
Michael Gleed, Rec. - Filed By JA  
For CACHE TITLE COMPANY

### PERSONAL REPRESENTATIVE'S DEED

*THIS DEED, made by Fred G. Pace as Personal Representative for the Estate of Margaret F. Pace, deceased of Logan, State of Utah, as Grantor to ELAINE S. DAINES AND JONATHAN H. DAINES, OR THEIR SUCCESSORS, AS TRUSTEES OF THE ELAINE S. DAINES REVOCABLE TRUST DATED THE 21ST DAY OF NOVEMBER, 1996, as Grantees of 4642 Hollow Drive, Nibley, UT 84321.*

*Whereas Grantor is the qualified Personal Representative of said estate, filed as Probate No. 083100110 in the First Judicial district Court in and for CACHE County, State of Utah.*

*THEREFORE, for value consideration received Grantor hereby quit claims to Grantee all of the estate's interest in the following described real property located in CACHE County, State of Utah:*

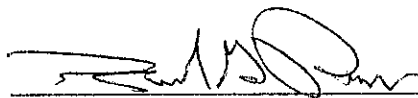
*Any property lying West of the following described property and running to the East bank of the BlackSmith Fork River.*

Beginning in the Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 34, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and running thence South 1°23'37" West 463.2 feet along the East line of section; thence West 841.96 feet to the East bank of Blacksmith Fork River; thence Northeasterly along river (see Book 470, Page 584) to a point South 88°32'18" West of the beginning; thence North 88°32'18" East 1040.05 feet to the beginning.

Tax Parcel No. 03-066-0033

EXECUTED this 21 day of February, 2013.

**ACCOMMODATION RECORDING ONLY**  
Cache Title Company assumes no liability or responsibility in connection with this document.

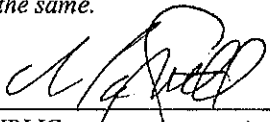


Fred G. Pace  
Personal Representative of the Estate of Margaret F. Pace



STATE OF UTAH  
COUNTY OF Cache

On the 21 day of February, 2013, personally appeared before me Fred G. Pace, Personal Representative of the Estate of Margaret F. Pace, the signer of the within instrument who acknowledged to me that he executed the same.



\_\_\_\_\_  
NOTARY PUBLIC  
Commission Expires: 11/10/13  
Residing at: Logan UT



Ent 1081998 Bk 1756 Pg 7



GARY R. HERBERT  
Governor  
SPENCER J. COX  
Lieutenant Governor

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Water Rights**

MICHAEL R. STYLER      KENT L. JONES  
*Executive Director*      *State Engineer/Division Director*

**ORDER OF THE STATE ENGINEER**  
**For Permanent Change Application Number 25-11411 (a42424)**

Permanent Change Application Number 25-11411 (a42424) in the name of Jonathan Hill Daines II, was filed on March 17, 2017, to change the point of diversion, place of use, and uses of 1.2 acre-feet (af) of water as evidenced by Water Right Number 25-11411. Heretofore, the water has been diverted from a well located North 880 feet and West 940 feet from the SE Corner of Section 16, T10N, R1E, SLB&M (30-inch well, 25-50 feet deep). The water has been used for the sole supply of 0.4 acre irrigation (group total of 45.9713 acres) from April 1 to October 31. The water has been used in all or portion(s) of Section 16, T10N, R1E, SLB&M.

Hereafter, it is proposed to divert 1.2 acre-feet of water from points of diversion changed to: (1) Well - North 1328 feet and West 903 feet from the SE Corner of Section 34, T11N, R1E, SLB&M (existing 8-inch well, 260 feet deep); (2) Well - North 1081 feet and West 757 feet from the SE Corner of Section 34, T11N, R1E, SLB&M (6-inch well, 100-300 feet deep). The water is to be used for the irrigation of 0.25 acre from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (EDU). The place of use of the water is being changed to all or portion(s) of Section 34, T11N, R1E, SLB&M.

Notice of the application was published in The Herald Journal on April 6 and 13, 2017. No protests were received.

It is the opinion of the State Engineer that this change application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application which can be demonstrated by the completion of the project as proposed in the change application.

It is, therefore, **ORDERED** and Permanent Change Application Number 25-11411 (a42424) is hereby **APPROVED** subject to prior rights and the following condition:

To accommodate the approval of this permanent change application, the use of 1.2 acre-feet of water to be used for sole supply of 0.4 acre irrigation (group total of 45.9713 acres) from April 1 to October 31 at the historical point of diversion and place of use must cease.

The State Engineer has statutory responsibility to create and maintain water right records based on an administrative process outlined in statute. The State Engineer is not authorized by statute to adjudicate water right title or the validity of established water rights. It is noted that failure to exercise a water right within the statutory period could render all or a portion of a water right invalid through forfeiture. Parties who wish to challenge the validity of a water right are advised that a declaration of forfeiture is a judicial action and the courts are available to pursue such suits. (UCA 73-1-4).

ORDER OF THE STATE ENGINEER  
Permanent Change Application Number  
25-11411 (a42424)  
Page 2

As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before June 30, 2022, or a request for extension of time must be acceptably filed and subsequently approved; otherwise the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses, and extent of your water right. Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this permanent change application.

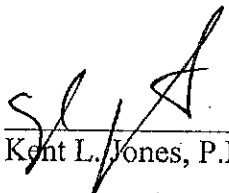
ORDER OF THE STATE ENGINEER  
 Permanent Change Application Number  
 25-11411 (a42424)  
 Page 3

**It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.**

Your contact with this office, should you need it, is with the Northern Regional Office. The telephone number is 435-752-8755.


This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 20<sup>th</sup> day of June, 2017.

  
 Boyd CLAYTON Fox  
 Kent L. Jones, P.E., State Engineer

Mailed a copy of the foregoing Order this 20<sup>th</sup> day of June, 2017 to:

Jonathan Hill Daines II  
 4642 Hollow Road  
 Nibley, UT 84321

BY:   
 Sonia R. Nava, Applications/Records Secretary



Executive Director - Lloyd C. Berntson, M.P.A.  
Deputy Director - Todd Barnett

**Environmental Health Division**  
Division Director - Grant Kolord, M.S., L.E.H.S.  
www.brhd.org

September 6, 2018

Cache County Planning and Zoning  
179 N Main  
Logan, UT 84321

To whom it may concern:

**RE: Septic systems in public drinking water source protection zones (PDWSPZ)**

An issue has come up regarding the proposal to install a septic system in a PDWSPZ. A new home is proposed to be built on parcel number 03-066-0017, Cache County, which will require a septic system to be located in Nibley City's PDWSPZ three and four. Nibley City is concerned of the potential contamination from the proposed septic system.

Septic systems are administered under R317-4, Utah Administrative Code, by the Department of Environmental Quality as authorized by Title 19 Chapter 5, Utah Code. Bear River Health Department has jurisdiction to administer R317-4. Per R317-4-13 Table 2 note (c), The minimum setback distance of a septic system to a PDWSPZ shall be consistent with Rule R309-600. R309-600-6 (v) defines a septic system as a "Pollution Source." A "Pollution Source" may not be located within zone two per R309-600-13 (b) (ii). R309-600 does not disallow the location of a septic system within DWSPZ three and four.

Because pollution sources such as septic systems may be located within PDWSPZ Three and Four, local city/county government agencies are ultimately responsible for protecting their PDWSPZ. Bear River Health Department may issue a septic permit in a PDWSPZ three or four if the local governing agency has not established ordinances that would restrict such action.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Worley", is written over a large, stylized signature graphic.

Richard Worley  
Division of Environmental Health

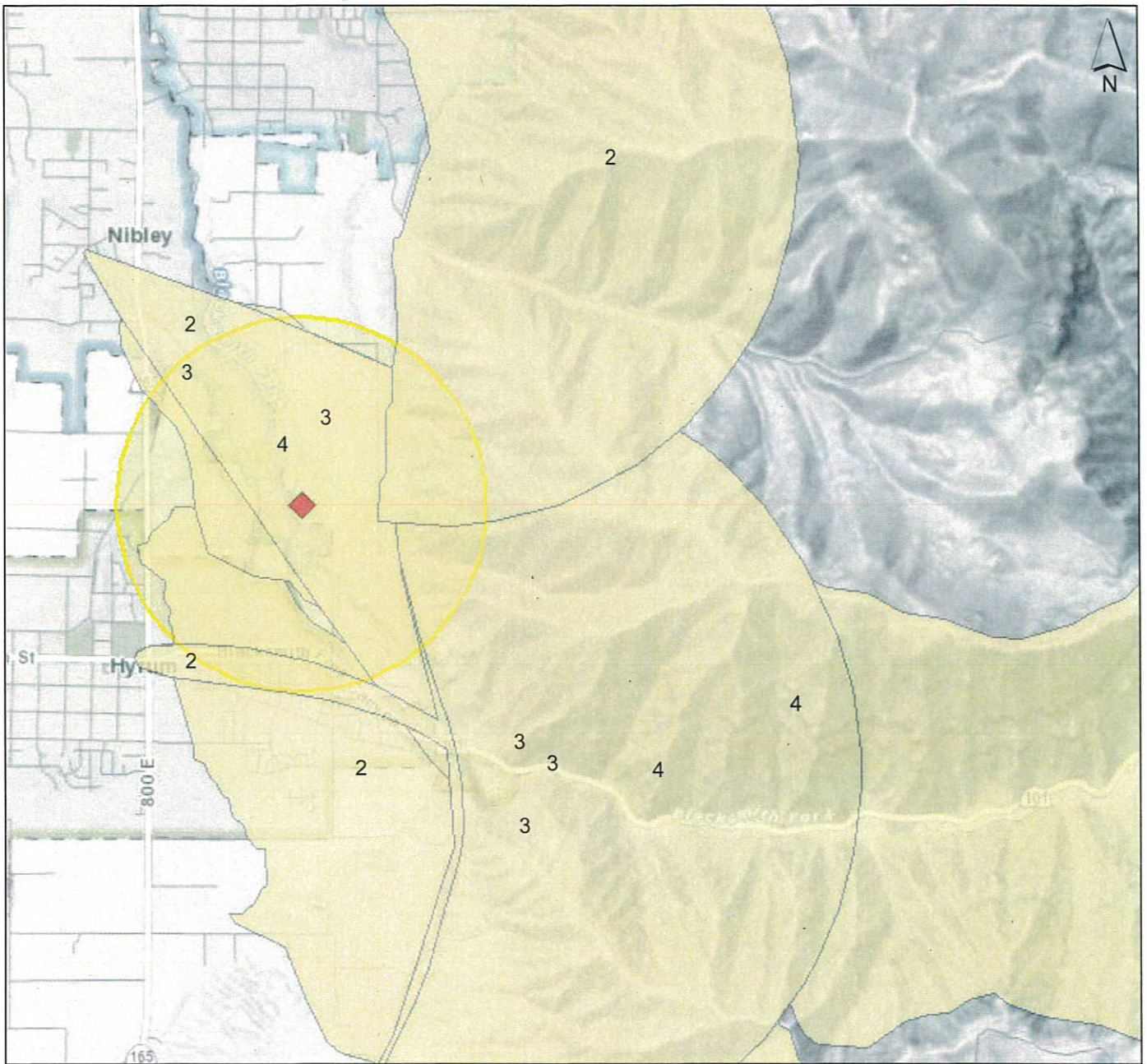
John C. Bailey Building: 655 East 1300 North • Logan, UT 84341 • Phone: (435) 792-6900

Environmental Health Services Building: 85 East 1800 North • Logan, UT 84341 • Phone: (435) 792-0500 • Fax: (435) 752-1570

Brigham City: 882 South 800 West • Brigham City, UT 84302 • Phone: (435) 695-2070 • Fax: (435) 723-6747

Randolph: 275 North Main • Randolph, UT 84064 • Phone: (435) 783-2445 • Fax: (435) 793-2444

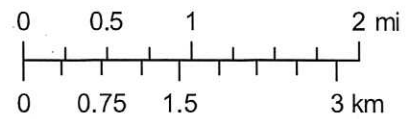
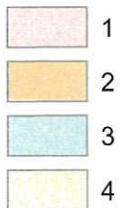
# Printed from the Utah DEQ Interactive Map



9/6/2018

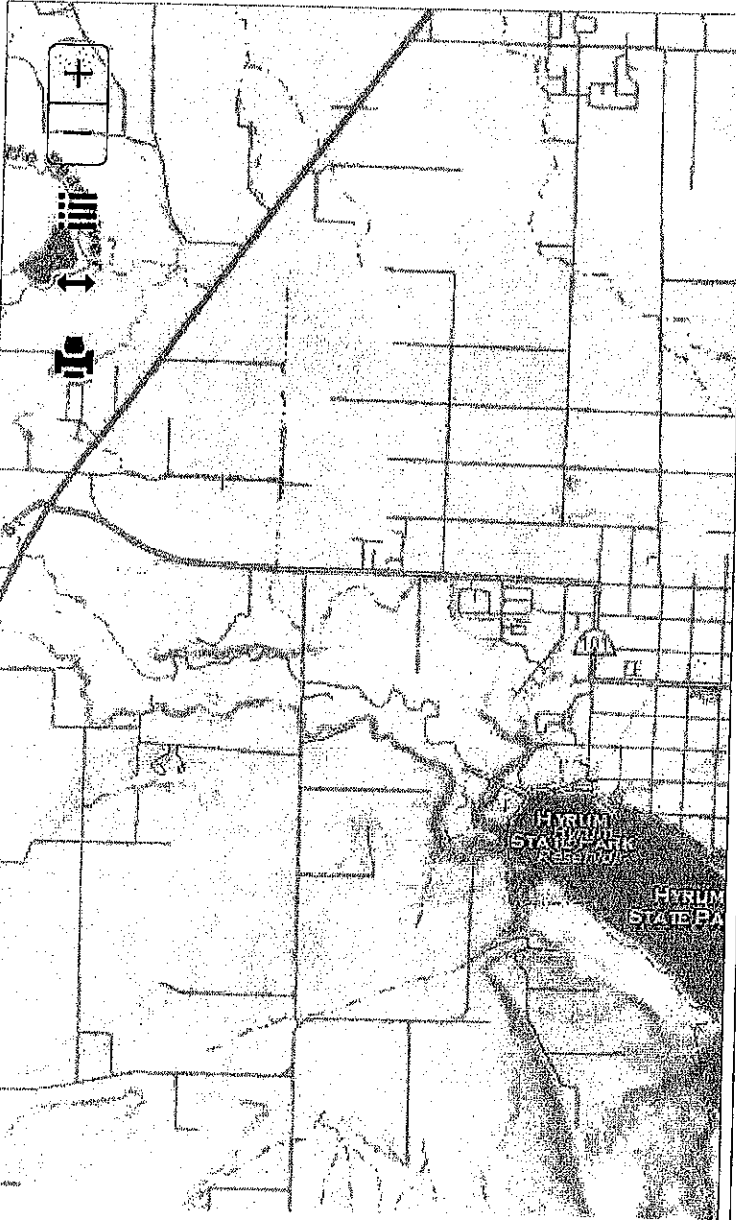
1:72,224

### Ground Water Protection Zones



Training Videos ([http://168.178.6.56/TabsPage.aspx?All\\_PageConfigID=49066&DivName=All](http://168.178.6.56/TabsPage.aspx?All_PageConfigID=49066&DivName=All)) | Disclaimer  
 ([http://168.178.6.56/TabsPage.aspx?All\\_PageConfigID=49066&DivName=All](http://168.178.6.56/TabsPage.aspx?All_PageConfigID=49066&DivName=All)) | Version: 1.4.0

# Utah Environmental Interactive Map



Select Query Layers

Define Search Criteria

Street Address ▼

Address

4642 Hollow Road

Zip or City

Nibley

1

Search

Clear Search

Hide Grid

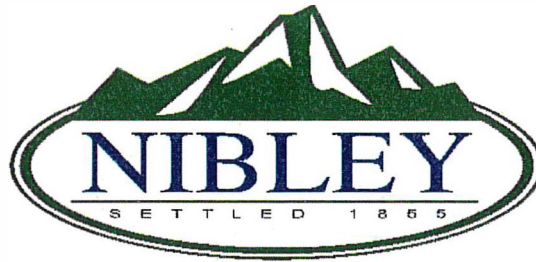
Download Search Results (27)

select format ▼

Process Download

Id	Name	Type	Address	City
<input type="checkbox"/>	Ground Water Protection Zones (hover over icon for leg			

**Mayor**  
Shaun Dustin



**Council Members**  
Tim Ramirez  
Norman Larsen  
Larry Jacobsen  
Kathryn Beus  
Tom Bernhardt

July 10, 2018

Cache County Planning Commission  
Via Email

RE: Daines Property Rezone Request for Parcel #: 03-066-0017

Dear Cache County Council and Planning Commission,

This letter is regarding the request before you to rezone parcel 03-066-0017 from Agricultural (A10) to Rural 2 (RU2). As mentioned in the Cache County Planning Commission staff report, this rezone would have the greatest impact on Nibley City. Nibley City has several concerns with this proposal, which are summarized here and detailed below:

1. The parcel is currently accessed only by private roads, which already have more than the legal number of houses being accessed from them,
2. There are unanswered questions about legal access to the parcel,
3. There are significant challenges related to providing utilities to the site, and
4. There is a risk of septic tanks contaminating Nibley's Source Water Protection Zone.

Our first concern is related to access to the property. The only way to access this property is from Hollow Road, which is a Nibley City road. Also, portions of the private roads used to access the parcel are within Nibley City boundary. Nibley is concerned that these private roads are inadequate to serve development on the parcel. In addition, these private roads already serve more homes than Nibley City Code allows.

Nibley City's Subdivision Ordinance, §11-5-5 (G), states the following about road development within Subdivisions:

1. Private roads are allowed for areas of three (3) lots or less. The cross section of the road shall include: twenty feet (20') of asphalt, two feet (2') of shoulder on each side and four (4) to six feet (6') (each side) for stormwater swale. These roads shall be built to the standards of the Nibley City design standards and specifications and shall include five foot (5') sidewalks where required by City ordinance.
2. Developments of four (4) to seven (7) lots shall have a publicly dedicated roadway with a fifty foot (50') cross section as follows: twenty five feet (25') of asphalt, and the following on each side of the road: 2.5 feet of curb and gutter, four feet (4') of planting strip, five foot (5') sidewalk and one foot (1') strip to property line. These roads shall be built to the standards of the Nibley City design standards and specifications.
3. All other developments shall have roadways that conform to this section.



Nibley is concerned that, if the property owner were to be granted a rezone, that could result in potentially a half dozen more homes using a private access road. There are already at least nine lots total that have access to the private roads at 4700 S and 4900 S on Hollow Road, about half of which are currently in the unincorporated area and need to cross one of the two private bridges. Both of these roads and bridges would need major improvements before they could be dedicated as public roads. If the applicant were to annex into the City to do a subdivision, they would need to improve at least one of the private roads to public standards, including a bridge.

Nibley's second concern is related to legal access to the property. Since there are so many lots that currently access from the private roads that are used to access this parcel, it is questionable whether or not those roads and the attached easements would allow expanded impact, or if the owners of those roads would agree to the expanded impact. Before any rezone, Nibley City would like for those questions to be answered before any approval of a change of land use.

Nibley's third concern is about the utility services for the area. Nibley City code does not allow the City to provide utility services beyond city limits. Even if the applicant were to petition for annexation into Nibley, there would be some significant physical and financial barriers to connecting to the City's utility systems. Specifically, the property is located at a higher elevation than the water lines, the property is located several hundred feet away from the utility lines, there is no clear right-of-way dedicated for the utility connection, and the utilities would have to be brought across the Blacksmith Fork River.

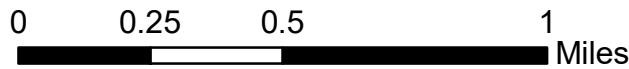
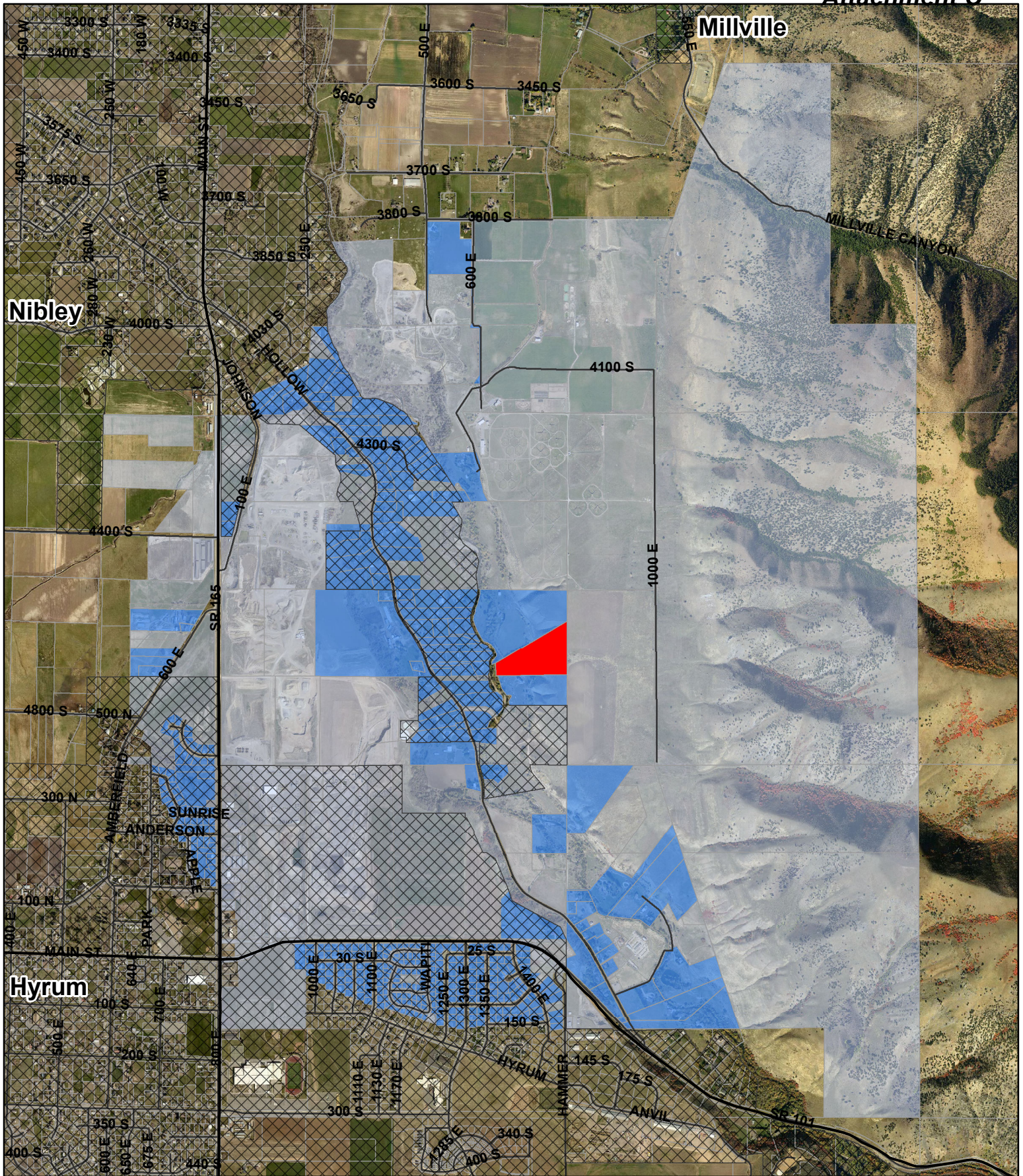
In addition, if sewer lines were not extended to the property and septic tanks were considered as an option, Nibley City would have grave concerns with the installation of septic tanks in this area. This parcel is located in the City's Source Water Protection Zone for one of Nibley's culinary water wells.

We thank you for considering our concerns in regard to the Daines' rezone request, and we support the staff recommendation of denying the rezone request.

Sincerely,



Shaun Dustin  
Mayor



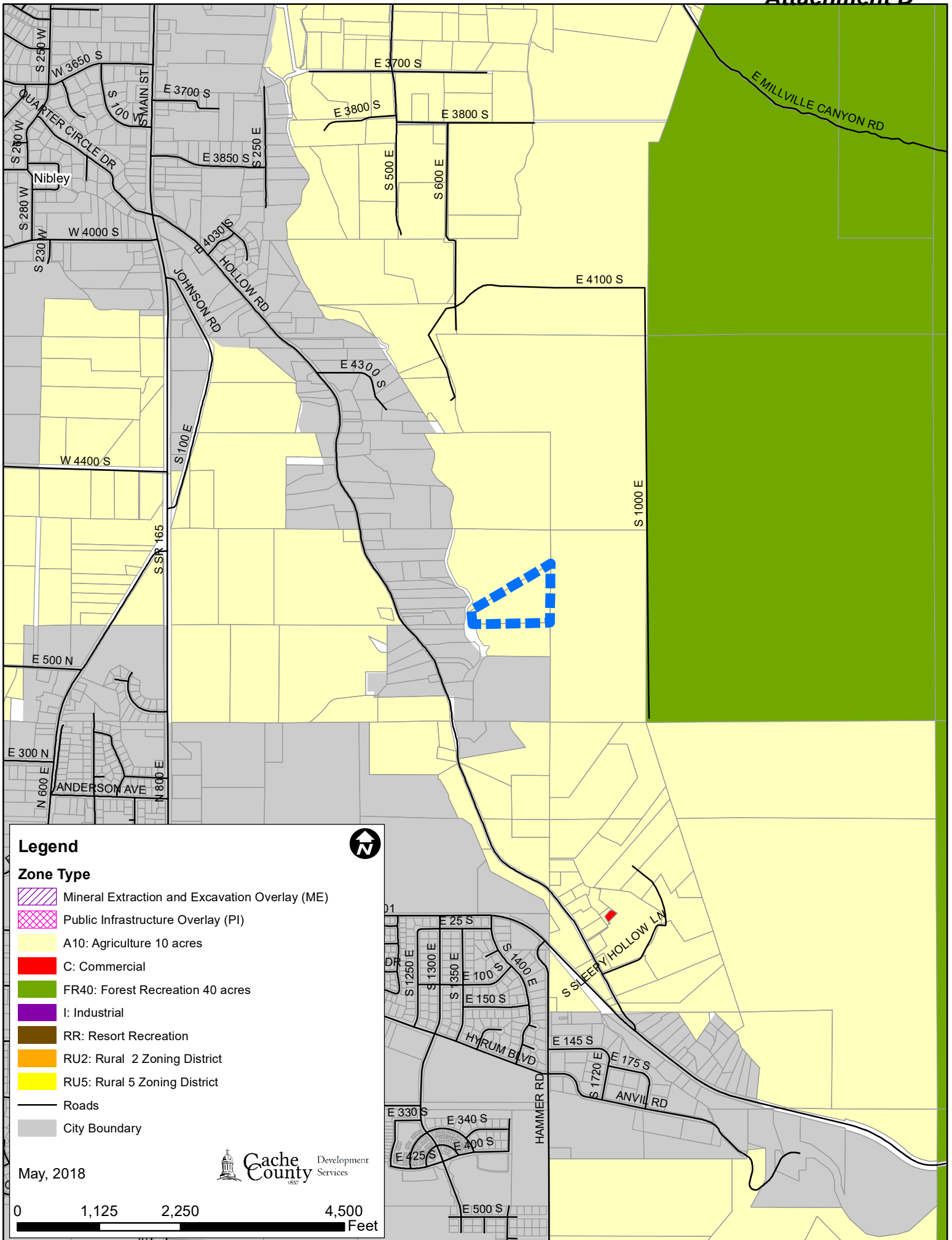
Legend

- Parcels
- Proposed Rezone
- Parcels with Dwellings
- Parcels in 1 Mile Buffer

**Average Parcel Size Without a Home: 11.8 Acres (76 Parcels)**  
**Average Parcel Size With a Home: 7.2 Acres (34 Parcels)**  
**Average Parcel Size Without a Home Hyrum or Nibley City: 3.4 Acres (69 Parcels)**  
**Average Parcel Size With a Home Hyrum or Nibley City: 0.7 Acres (389 Parcels)**














June 2018



**Legend**

**Zone Type**

-  Mineral Extraction and Excavation Overlay (ME)
-  Public Infrastructure Overlay (PI)
-  A10: Agriculture 10 acres
-  C: Commercial
-  FR40: Forest Recreation 40 acres
-  I: Industrial
-  RR: Resort Recreation
-  RU2: Rural 2 Zoning District
-  RU5: Rural 5 Zoning District
-  Roads
-  City Boundary



May, 2018



0 1,125 2,250 4,500 Feet

**Staff** and **Commission** discussed the road, road width, and access to Lot 1.

*Watterson* motioned to approve the Wellsville Rising Subdivision with findings & the 5 conditions, addition of a 6<sup>th</sup> Condition, and the noted amendment to condition 4 and conclusions; *Smith* seconded; **Passed 4, 0.**

**06:06:00**

### **#3 Creekside Estates Subdivision**

**Zetterquist** updated the Commission with the access updates. Smithfield City has provided a letter approving access.

**Dennis Thornley** read a statement in opposition of the subdivision.

**Duane Williams** commented that the property is owned jointly by 6 people and will try to do the best they can in regards Mr. Thornley's concerns.

**Gunnell** inquired about some line work on the subdivision plat.

**Mr. Williams** responded that it was a utility easement and that is where the lots will be connecting to their utilities.

*Smith* motioned to approve the Creekside Estates Subdivision with findings, conditions, and conclusions; *Watterson* seconded; **Passed 4, 0.**

**06:15:00**

### **Regular Action Items**

#### **#4 Public Hearing (5:45 p.m.): Applewood Hollow RU5 Rezone**

**Smith** recused himself from this agenda item and left the room.

**Zetterquist** reviewed the staff report for the Applewood Hollow RU5 Rezone.

**06:22:00**

*Gunnell* motioned to open the public hearing for the Applewood Hollow Rezone; *Watterson* seconded; **Passed 3, 0.**

**Laurie Jacobsen** commented in behalf of Nibley City with concerns for access and septic.

**Brett Skinner** commented on access. The north access is through an easement on his property but the access will need to be looked at if future subdividing were going to occur.

**Gunnell** asked if Mr. Skinner had a copy of the easement.

**Mr. Skinner** replied that his understanding was the easement was limited to the Daines' household. If the access is going to only be the south bridge there should not be an issue.

**Andrew Daines**, the applicant, commented that he has requested a continuance to address the concerns that have been brought forward.

**Christensen** commented that if the applicant decides to pursue this application, he needs to contact Nibley City and the County to try and resolve the issues with septic before bringing it back.

**Edwards** commented this is a legislative act; there is not an appeal to Council.

**Staff** and **Commission** discussed what water source protection is and how that effects the Commission's decisions and what the differences are between the different zones. County ordinance prohibits septic tanks to be placed in zones 1 and 2 for a water source protection. The property is located within a higher zone that is not restricted in the County Code.

**Mr. Daines** commented that this property is zone 4.

**6:34:00**

*Watterson motioned to close the public hearing; Gunnell seconded; Passed 3, 0.*

**Edwards** commented that a quorum was needed for a motion to continue the item. **Smith** returned.

*Gunnell motioned to continue the Applewood Hollow Rezone up to 90 days; Watterson seconded; Passed 4, 0.*

**06:36:00**

### **#5 Public Hearing (6:00 p.m.): Walker Property Rezone**

**Zetterquist** reviewed the staff report for the Walker Property Rezone.

**Staff** and **Commission** discussed the current use of the property.

**6:40:00**

*Gunnell motioned to open the public hearing; Smith seconded; Passed 4, 0.*

**John Eccles** commented that he was speaking on behalf of the property owner. The owner has made several improvements to the land and is ready to move on to a new project.

**Per Danfors**, the applicant, commented that the plan was to improve the water source and install a septic system and run a construction business there.

**Present:** Angie Zetterquist, Josh Runhaar, Chris Sands, Nolan Gunnell, Brady Christensen, Phil Olsen, Lee Edwards, Megan Izatt

1 **Start Time: 05:32:00**

2 **Christensen** welcomed and **Gunnell** gave opening remarks.

3 **05:33:00**

4 **Minutes**

5 **Gunnell** motioned to approve the minutes from the 4 November 2018; **Olsen** seconded; **Passed 4, 0.**

6 **Gunnell** motioned to approve the minutes from the 19 November 2018; **Olsen** seconded; **Passed 4, 0.**

7 **05:35:00**

8 **Agenda**

9 Agenda amended to remove item #2.

10 **05:35:00**

11 **Consent Items**

12 **#1 Brooksby Creek Subdivision 2<sup>nd</sup> Amendment**

13 **#3 Ohana Mauna Subdivision**

14 **Zetterquist** informed the board that the applicant on the Ohana Mauna Subdivision revised the  
15 previously approved subdivision plat to include an agricultural remainder.

16 **Staff** and **Commission** discussed the lot size and the agricultural remainder.

17 **Sands** motioned to approve items #1 and #3 with the stated findings of fact, conditions, and conclusions;

18 **Olsen** seconded the motion; **Passed 4, 0.**

19 **05:40:00**

20 **Continued Items**

21 **#4 Applewood Hollow RU5 Rezone**

22 **Zetterquist** reviewed the staff report for the Applewood Hollow RU5 Rezone.

23 **Staff** and **Commission** discussed access and the number of homes accessing the road.

24 **Andrew Daines** representing the applicant commented on the concerns Nibley City raised in their letter  
25 and the applicant's response.

1 **Sands** commented that he reviewed the information and has concerns regarding the substandard road and  
2 the number of homes on the road.

3 **Mr. Daines** asked if the Fire District's issue with the road be contingent on a building permit being  
4 issued.

5 **Runhaar** responded that typically that can happen but usually the County Council is more apt to approve  
6 an application if it does not add to the infrastructure needs in the County.

7 **Christensen** commented that Nibley City's concerns are valid.

8 **Gunnell** commented that the concerns are addressed in the letter but the letter doesn't state clearly  
9 whether it is allowed or not. There needs to be further study of the issue.

10 **Mr. Daines** commented that Bear River Health Department did give preliminary approval for Lot 2.

11 **Gunnell** motioned to recommend denial to the County Council for the Applewood Hollow RU5 Rezone  
12 with the written findings of fact and conclusions; **Sands** seconded; **Passed 4, 0.**

13 **05:54:00**

14 **Regular Action Items**

15 **#6 Public Hearing (5:50 p.m.): DD Auto & Salvage Rezone**

16 **Zetterquist** reviewed the staff report for DD Auto & Salvage Rezone.

17 **05:58:00**

18 **Olsen** motioned to open the public hearing for DD Auto & Salvage Rezone; **Gunnell** seconded; **Passed 4,**  
19 **0.**

20 **05:58:00**

21 **Sands** motioned to close the public hearing; **Gunnell** seconded; **Passed 4, 0.**

22 **Olsen** motioned to recommend approval to the County Council for DD Auto & Salvage Rezone with the  
23 stated findings of fact and conclusions; **Gunnell** seconded; **Passed 4, 0.**

24 **05:59:00**

25 **#7 Public Hearing (6:00 p.m.): Amendment to Title 17.08**

26 **Runhaar** reviewed the information for the Amendment to Title 17.08 and the reasons behind expiring the  
27 RU2 and the RU5 zone.

28 **Staff** and **Commission** discussed the reasons behind changing Title 17.08 and the County Council's  
29 questions on RU2 and RU5.

**CACHE COUNTY  
RESOLUTION 2019 - 03**

**A RESOLUTION OF CACHE COUNTY APPROVING AND ADOPTING FEES TO BE  
CHARGED BY THE CACHE COUNTY SHERIFF'S OFFICE**

WHEREAS, the Cache County Sheriff's Office is required by Utah State law to preserve the peace, make all lawful arrests, attend to court security, take charge of and keep the county jail, and to attend to perform other various civil and criminal duties under 17-22-2 of the Utah Code; and

WHEREAS, in the conduct of such law enforcement duties, the Cache County Sheriff's Office seeks to conduct such duties in a manner that does not unduly burden the public; and

WHEREAS, many of the fees charged by the Cache County Sheriff's Office are authorized by 17-22-2.5 of the Utah State Code; and

WHEREAS, the Cache County Sheriff's Office has determined that various expenses which are incurred in the conduct of its law enforcement duties, and which are not specifically authorized by statute for reimbursement, should more properly be passed on to those individuals necessitating the expenses rather than the residents of Cache County who are not involved in such criminal and/or civil matters; and

WHEREAS, the Cache County Council has discussed and reviewed the needs to establish fees for the various expenses incurred by the Cache County Sheriff's Office so that appropriate expenses can be passed on to those individuals who have necessitated the expenses rather than having such expenses passed onto the residents of Cache County; and

WHEREAS, the Cache County Council has determined that the establishment of the fee schedule set forth in Exhibit A is appropriate and in the best interest of the residents of Cache County and will promote the safety, health, morals and general welfare of the residents of Cache County;

NOW THEREFORE, BE IT RESOLVED by the County Legislative Body of Cache County, State of Utah, with \_\_\_\_ members present and \_\_\_ members voting in favor thereof that the fee schedule of the Cache County Sheriff's Office shown in Exhibit A is hereby approved and authorized.



Adopted by the County Council of Cache County, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2019.

CACHE COUNTY COUNCIL

---

Karl B. Ward , Chair

ATTEST:

---

Jill N. Zollinger, County Clerk / Auditor

**CACHE COUNTY  
RESOLUTION 2019 - 04**

**RESOLUTION DECLARING COUNTY INTEREST IN REAL PROPERTY LOCATED IN  
LOGAN CANYON INCLUDING PARCEL NUMBER 18-065-0006 AS SURPLUS PROPERTY**

WHEREAS, Cache County intends to sell the County interest in real property described in Exhibit “A”; and

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

WHEREAS, prior to the sale of said Property, Cache County Ordinance Section 3.40.010 requires the Cache County Council to declare said property as “Surplus Property”; and

WHEREAS Cache County Ordinances Sections 3.40.020 and 3.40.040 establish the procedures and protocols that must be followed prior to declaring the property as “Surplus Property” before it can be conveyed to a purchaser; and

WHEREAS the Cache County Council must hold a public hearing pursuant to Cache County Ordinance Section 3.40.040(B) before, by motion and vote, the Cache County Council can declare the Property as “Surplus Property” so that it can be conveyed to a purchaser; now

THEREFORE, the Cache County Council finds as follows:

1. That it is in the public interest that the subject real property be disposed of as surplus property. In determining whether the property shall be declared surplus, the County Council has taken into consideration:
  - a. Whether the county has, or anticipates that it will have, no practical, economical, efficient or appropriate use for the property currently or in the reasonably foreseeable future.
  - b. Whether the purpose served by the property can be better accomplished by other alternatives or property.
  - c. Whether the purpose served by the property or its use either no longer exists or has significantly changed because of the needs and demands of the county or as may be determined by a change of policy evidenced by an ordinance or resolution of the county council.
  - d. Whether the property is so damaged, depreciated or worn that it is inoperable or limited in operation without repairs and the cost of such repairs is unreasonable, excessive or impractical.
  - e. Whether the purposes and interests of the county would be better served by the declaration of the property as surplus and the disposition of that property.

THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in "Exhibit A" shall be declared surplus, and that such surplus property may be disposed of by the County Executive subject to the provisions of Cache County Code Chapter 3.40. This resolution takes effect immediately upon adoption.

Dated this \_\_\_\_\_ day of February 2019.

ATTESTED TO:

CACHE COUNTY COUNCIL

---

Jill N. Zollinger  
Cache County Clerk/Auditor

---

Karl B. Ward  
Council Chair

**Exhibit A**

18-065-0009

18-065-0014

18-065-0008

18-065-0016

18-065-0012

18-065-0013

18-065-0007

**18-065-0006  
CACHE  
COUNTY CORP**

18-065-0010

18-065-0015

N US 89

18-065-0006  
BEG 120 RDS N OF CENTER OF SEC 36 T 14N R 3E &  
TH N 20 RDS TH W 84 RDS 4 FT M/L TO W BANK OF LOGAN RIVER  
TH S 11 RDS ALG W BANK OF RIVER TH E 15 RDS 6 INCHES  
TO TRUE POB TH S 9 RDS TH W 50 FT TH N 9 RDS TH E 50 FT  
TO TRUE POB CONT 0.17 AC

**CACHE COUNTY  
RESOLUTION 2019 - 05**

**RESOLUTION DECLARING COUNTY INTEREST IN REAL PROPERTY LOCATED IN  
SCARE CANYON INCLUDING PARCEL NUMBER 16-110-0000 AS SURPLUS PROPERTY**

WHEREAS, Cache County intends to sell the County interest in real property described in Exhibit “A”; and

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

WHEREAS, prior to the sale of said Property, Cache County Ordinance Section 3.40.010 requires the Cache County Council to declare said property as “Surplus Property”; and

WHEREAS Cache County Ordinances Sections 3.40.020 and 3.40.040 establish the procedures and protocols that must be followed prior to declaring the property as “Surplus Property” before it can be conveyed to a purchaser; and

WHEREAS the Cache County Council must hold a public hearing pursuant to Cache County Ordinance Section 3.40.040(B) before, by motion and vote, the Cache County Council can declare the Property as “Surplus Property” so that it can be conveyed to a purchaser; now

THEREFORE, the Cache County Council finds as follows:

1. That it is in the public interest that the subject real property be disposed of as surplus property. In determining whether the property shall be declared surplus, the County Council has taken into consideration:
  - a. Whether the county has, or anticipates that it will have, no practical, economical, efficient or appropriate use for the property currently or in the reasonably foreseeable future.
  - b. Whether the purpose served by the property can be better accomplished by other alternatives or property.
  - c. Whether the purpose served by the property or its use either no longer exists or has significantly changed because of the needs and demands of the county or as may be determined by a change of policy evidenced by an ordinance or resolution of the county council.
  - d. Whether the property is so damaged, depreciated or worn that it is inoperable or limited in operation without repairs and the cost of such repairs is unreasonable, excessive or impractical.
  - e. Whether the purposes and interests of the county would be better served by the declaration of the property as surplus and the disposition of that property.

THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in "Exhibit A" shall be declared surplus, and that such surplus property may be disposed of by the County Executive subject to the provisions of Cache County Code Chapter 3.40. This resolution takes effect immediately upon adoption.

Dated this \_\_\_\_\_ day of February 2019.

ATTESTED TO:

CACHE COUNTY COUNCIL

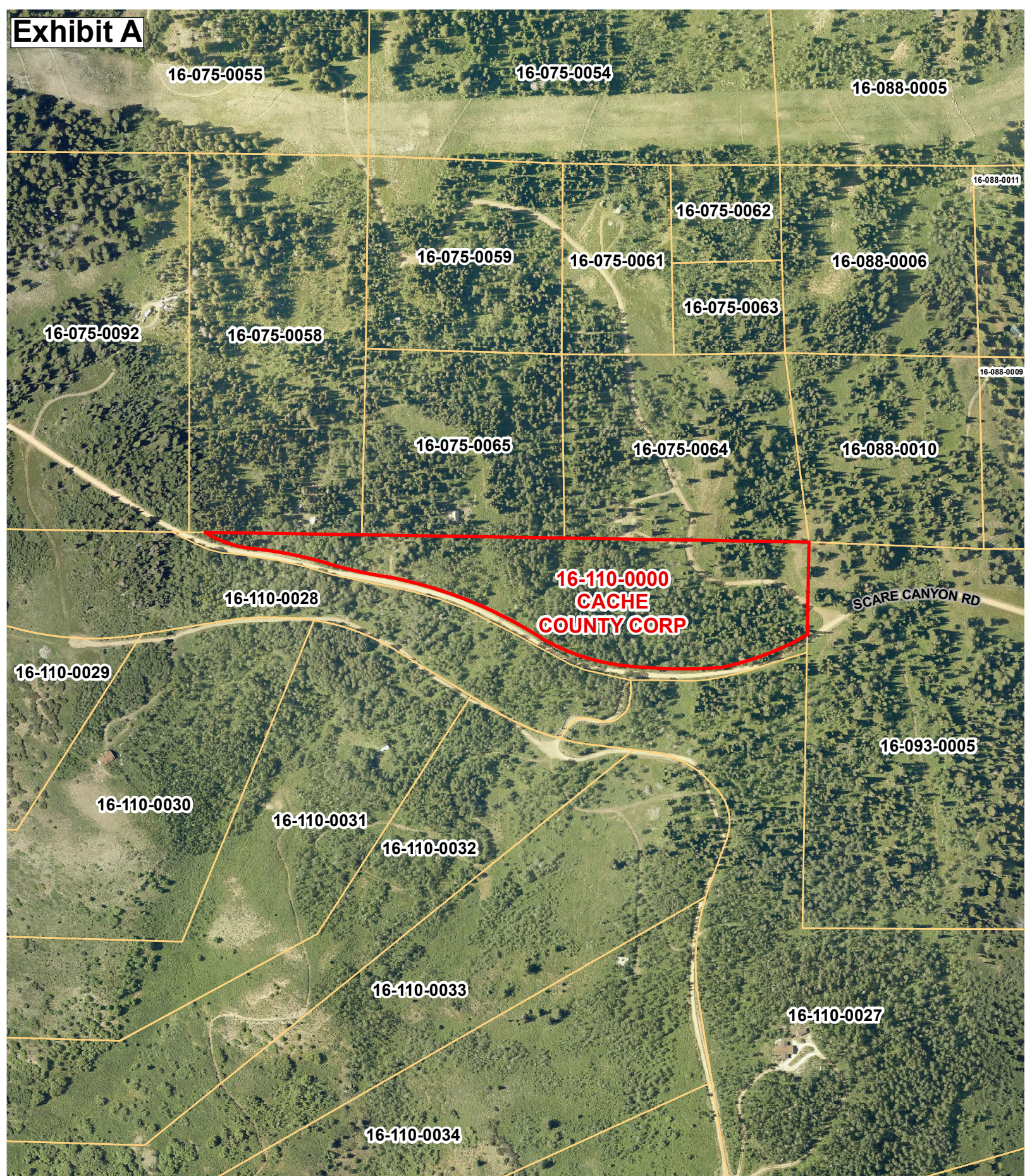
---

Jill N. Zollinger  
Cache County Clerk/Auditor

---

Karl B. Ward  
Council Chair

**Exhibit A**



**16-110-0000  
CACHE  
COUNTY CORP**

SCARE CANYON RD

16-110-0000  
PT OF OPEN SPACE IN THAT CERTAIN DEDICATION OF THE HIDEOUT AT SCARE CANYON FINAL PLAT DESC AS FOLL:  
BEG AT NE COR SEC 13 T 9N R 2E & TH S ALG SEC LN TO N LN OF DIRT ROAD TH W'LY AND N'LY ALG SD ROAD TO N  
LN OF SD SEC TH E ALG SEC LN TO BEG CONT 12.01 AC  
  
ALSO: A WALKING TRAIL APPROX 6 FT WIDE WITH 30 FT EASEMENT (SEE ENT 1036339)



**CACHE COUNTY  
RESOLUTION 2019 - 06**

**A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION PERSONNEL  
POLICY AND PROCEDURE MANUAL SECTION VIII (L) (6) Safety Policy**

WHEREAS, the Cache County Council on \_\_\_\_\_, in a regular meeting of which lawful notice had been given, considered amending Section VIII (L) (6); 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 March 1, 2019.

Adopted by the County Council of Cache County, Utah, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

CACHE COUNTY COUNCIL

By:

\_\_\_\_\_  
Karl B. Ward, Chairman

ATTEST:

By: \_\_\_\_\_  
Jill N. Zollinger, County Clerk / Auditor





## **EXHIBIT A**

### **SECTION VIII - - RULES AND REGULATIONS**

#### **L. Safety Policy**

6. All County employees shall be issued a photo ID card that shall be worn during the employee's regular work hours. The ID shall be worn about the neck on a quickly detachable lanyard or on a belt clip attached to a belt or clothing at the waist. The ID shall be visible at all times identifying the individual as a Cache County employee. The ID may be removed when the employee is performing operations where it becomes dangerous to the employee and/or with the department head's approval.

If County identifying clothing is worn, the photo ID must be on the person and readily available to be presented for viewing at any time.