

Council Meeting

Minutes

27 July 1999

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Cache County Council Meeting Minutes 27 July 1999

The Cache County Council met in a regular session on 27 July 1999 in the Cache County Council Chamber, 120 North 100 West, Logan, Utah 84321

ATTENDANCE

Council Chairman: Darrel L. Gibbons

Council Vice-Chairman: H. Craig Petersen

Council Members: C. Larry Anhder, Layne M. Beck, Guy Ray Pulsipher, Sarah Ann Skanchy,
Cory Yeates

Cache County Executive: M. Lynn Lemon

The following individuals were also in attendance: Daryl R. Downs, County Clerk; Lorene Greenhalgh, County Zoning; Don Huber, County Extension; Scott Wyatt, County Attorney; Tamra Stones, County Auditor; Brad Sampson, County Extension; Lewis D. Hansen, citizen; Jennie Christensen (KVNU) and Mike Weibel (Herald Journal), media representatives.

CALL TO ORDER

Chairman Gibbons called the meeting to order at 5:03 p.m. Mr. Gibbons welcomed Daryl Downs, the newly appointed Cache County Clerk, and said he hoped that Mr. Downs's transition had been a smooth one.

INVOCATION

The invocation was offered by H. Craig Peterson, Council Vice-Chairman.

AGENDA AND MINUTES

The agenda for the meeting was reviewed and adjusted. Chairman Gibbons said that proper notice had not been given in the newspaper for Item 8a, Public Hearing-Agricultural Protection Area-College/Young Township, and suggested that at the appropriate time in the agenda a hearing be rescheduled for the 10 August 1999 meeting. Ms. Skanchy asked if any of the additional acreage that adjoins the proposed protection area had been submitted. No one in attendance had certain knowledge of any additional acreage. Ms. Greenhalgh said that the College/Young Township planners want to table the proposal until they have a public hearing and can provide an opinion to the County Planning Commission. Mr. Pulsipher noted that the County Planning Commission had already approved the application at the last meeting.

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Chairman Gibbons asked Don Huber, County Extension Agent, to introduce Brad Sampson as the new 4-H Agent. Mr. Sampson replaces Ross Jacobson. Mr. Sampson stated his excitement and interest at being hired for this position and said that he is very impressed with the volunteers who work with the fair. He said he would try to do a comparable job to Mr. Jacobson's. Mr. Sampson has experience with the extension program and also as a teacher (Animal Science) at Utah State University. He has been a resident of Cache County for 12 years. He offered his services and any help that extension could provide to the Council.

Chairman Gibbons asked for correction to the minutes. Ms. Skanchy had suggested two changes to Pat Parker, Executive Assistant. Mr. Yeates asked a question concerning the statement on page 6 in the minutes that Mr. Downs would be sworn in on Thursday, 15 July 1999. Neither Mr. Yeates nor Mr. Pulsipher could recall discussion on that issue. Mr. Gibbons recalled that the information had been stated during the meeting. Mr. Pulsipher was concerned that he had not been notified by Pat Parker until the morning of the swearing in. Mr. Pulsipher was also troubled that some of the Council Members were not in attendance when Mr. Downs was given the oath. Pat Parker noted that the discussion is on the tape. Ms. Skanchy said that Scott Wyatt, County Attorney, had reviewed the law and suggested that Mr. Downs be sworn in promptly to meet the time frame required by the code.

Corrections to the Minutes: Page 4, SWAP should be SWAB, Solid Waste Advisory Board.

The minutes of the 13 July 1999 were approved as corrected.

REPORT OF THE COUNTY EXECUTIVE

County Executive M. Lynn Lemon reported on the following items:

1. Recommended the appointment of David Weldon Pugmire as a Reserve Deputy in the Sheriff's Office.

A motion was made by Mr. Yeates to approve the appointment of Pugmire. The motion was seconded by Mr. Petersen and passed unanimously.

2. Chief Deputy Attorney General Reed Richards and Chief of Staff Mike King will be in Logan Thursday from 10:00 a.m. to Noon for input to discuss changes to criminal law at future sessions.
3. Forest Service has invited all Council Members to a tour of Logan Canyon on 12 August 1999 to discuss Wild and Scenic Rivers, Road Construction, Roadless Inventories, Wilderness, and Scenic Highways from 9:00 a.m. until 4:30 p.m.
4. Warrants were presented to the County Clerk for filing.

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ITEMS OF SPECIAL INTEREST

RODEO COMMITTEE REPORT

Troy Smith was not yet in attendance. The Council moved forward with the agenda.

BUDGETARY MATTERS:

The following Intra-departmental budget transfer was submitted for approval.

1. Auditor \$2,165.00

Tamra Stones said that the replacement air conditioners were not wired with the appropriate plugs. The new air conditioners are wired for 220 plugs. Due to this problem, the vendor is willing to give Ms. Stones a substantial discount on the units.

A motion to approve the Auditor's budget transfer was made by Mr. Petersen. Mr. Yeates seconded the motion and it passed unanimously.
(Exhibit 1)

PUBLIC HEARINGS, APPEALS, AND BOARD OF EQUALIZATION MATTERS:

Ms. Skanchy made a motion to reset the hearing for the Agricultural Protection Area for the College/Young Township to 10 August 1999 at 6:00 p.m. The motion was seconded by Mr. Yeates and passed unanimously.

Chairman Gibbons entertained a motion to set a public hearing to open the budget 10 August 1999 at 5:45 p.m. Mr. Petersen so moved. The motion was seconded by Mr. Yeates and passed unanimously.

Chairman Gibbons asked for a motion to set a hearing on affordable housing on 10 August 1999 at 6:15 p.m. Mr. Petersen so moved. The motion was seconded by Mr. Yeates and passed unanimously.

Ms. Skanchy asked if Mr. Tuescher had indicated how long the hearing would take. Chairman Gibbons did not anticipate an extended discussion from the public on this subject.

DISCUSSION - AGRICULTURAL PROTECTION AREA INFORMATION

Chairman Gibbons noted that discussions had taken place with both the County Attorney's Office and with the Recorder's office. Michael Gleed, County Recorder, was not in attendance at this meeting. Chairman Gibbons suggested that it may be appropriate to table the discussion until Mr. Gleed could be in attendance to discuss the issues. Mr. Pulsipher felt that Mr. Gleed

should be included in discussions on this matter. Ms. Skanchy referred to a memo from Pat Nolan dated 2 July 1999. Ms. Skanchy said that the memo indicated that Mr. Nolan, after conferring with the Recorder's office, felt the most effective method for including this data would be to enter it into the GIS computer system. Ms. Skanchy suggested that this would appear to be the view of Mr. Gleed. Mr. Lemon concurred with Ms. Skanchy's statement. Mr. Lemon said Mr. Gleed could create an overlay that would include all of the Agricultural Protection Areas. Research could then be performed by individuals wanting this information.

Mr. Pulsipher said the Planning Commission had concerns that individuals purchasing property may not be aware of these protection areas until it was too late. Mr. Lemon responded that it is the individuals who buy property adjoining these areas that would not be aware of the restrictions. Currently, the Agricultural Protection Area information is available to those willing to do the research. Mr. Lemon suggested it would be useful to have Mr. Gleed visit with the Council. Ms. Greenhalgh has concerns about people developing areas that are in an Agricultural Protection Area before the county is aware the property cannot be developed.

Discussion of the issue was tabled until 10 August 1999.

FINAL PLAT APPROVAL-COUNTRY WEST ESTATES MINOR SUBDIVISION

The Planning Commission has approved the subdivision that includes a protective covenant for an Avigation Easement. Mr. and Mrs. Harris are required to sign the Avigation Easement before the sale of the property may take place. Individuals who purchase lots within the Avigation Easement must sign a disclosure statement acknowledging the Avigation Easement. Ms. Skanchy said the signed disclosure statement was for the protection of the County. Mr. Yeates expressed concern about the proximity of this subdivision to the new runway. Mr. Downs asked about the area of influence and Ms. Skanchy indicated that the area of influence was extremely large. Mr. Anhder noted the problems of urban development in a rural area, specifically noting the cost of providing services, busing, etc. Ms. Skanchy, representing the Airport Authority Board, acknowledged the many problems, including lawsuits, that are challenges for all airports, but she feels that based upon the recommendation of the Airport Authority Board the plat should be approved.

(Exhibit 2)

Ms. Skanchy made a motion for Final Plat Approval- Country West Estates Minor Subdivision. Mr. Petersen seconded. The motion passed by a vote of 5-2. Voting in favor were Skanchy, Beck, Petersen, Gibbons and Pulsipher. Voting against were Anhder and Yeates.

OUTSOURCING TAX ROLL INFORMATION - INGEO

Mr. Lemon presented information about outsourcing the County's tax roll information. INGEO would like to present a proposal that would allow INGEO to provide this information using Web-based technologies. These technologies would include--at no cost to Cache County--free, map-based, web pages providing public records information for access by the general public; off-site, mirrored, secured replicas of county records. Mr. Lemon noted concerns with our current system, which included susceptibility to hackers. With the INGEO system hackers could only access the duplicate records, not the originals. Cache County would receive a fixed percentage of the transaction revenues. INGEO would provide for billing and collection of the service. In return, Cache County would provide INGEO with a networked connection to the county server, allowing replication of county data. INGEO would also receive exclusive rights to publish the records for a certain period of time. The vendor needs a commitment from the county to proceed. The potential advantages would include INGEO receiving additional revenues and the county residents having better access to their own tax roll information. Ms. Skanchy asked about restrictions on public records under the GRAMA statute. Executive Lemon responded that only public information would be accessible. Access and time savings were suggested as the major advantages of such a system.

Tax notices are currently being run using the old system. A meeting has been scheduled for Friday. It is believed that a date for going live with the county's new computer system is within days.

Discussion of fees for those who are heavy users of county records needs to be addressed. Questions remain as to general access for citizens. INGEO would have rights to sell the data under such an agreement. The county currently does not have the ability or the fee schedule set up to deal with requests for lists of information.

RODEO COMMITTEE REPORT

Chairman Gibbons invited Troy Smith to present his information. Mr. Smith invited all the Councilmen to the Sponsor Dinner on August 11, 1999. The Rodeo Committee has received a letter of support from the Willow Park Advisory Board and Mr. Smith asked the County Council to draft a letter in support of the Rodeo Committee and their efforts to generate money so that they may stand on their own.

The Rodeo Committee has been attempting to pursue a new reader board for the rodeo arena. A reader board was offered to the committee by Coca-Cola, but legal requirements have prevented that board from being installed. They need to have problems resolved with Logan's purchasing department concerning the donated board. The Rodeo is seeking additional support in addition to the 3 year contract that is currently in place with Cache County and in its second year. The rodeo was able to save about \$10,000 dollars last year to build their budget. At that rate they will have

accumulated approximately \$30,000 at the end of the current contract. Currently, it costs about \$58,000 to \$63,000 to stage the rodeo. They believe that the loss of the reader board will cost them about \$10,000 per year in advertising revenue. Logan City is not interested in entering into a third-party contract with the Rodeo Committee. The reader board space had not been sold, but potential advertisers had been talking with the committee. The board measures 5' X16'. The county currently pays \$240,000 dollars per year to help fund the entire facility.

Mr. Anhder attempted to clarify some of the issues at this point in the discussion. First, when Mr. Smith references Logan City it would be more appropriate to refer to the Willow Park Fund, and Cache County has one-half ownership in that fund. The county benefits from the proceeds of all those funds. Second, Coke was asking for exclusive rights to the entire fairground facility, not just the rodeo arena, and that exclusive contract would be for five years. Third, Logan City's problem had to do with the bidding process. It was done in a non-competitive process. The purchasing process needs to be resolved. Mr. Anhder does not hesitate to encourage the Rodeo Committee to raise money in a variety of ways for the rodeo specifically, but that should not affect the entire fairground facility. Mr. Smith noted that the board is currently at the Coca-Cola warehouse. The board is valued at \$80,000. Coke first asked for a ten-year, exclusive contract. This was later changed to five at the request of Logan Parks and Recreation. The board is available if the purchasing procedures can be resolved. In addition to the reader board, the Rodeo Committee would also like to sell advertising space in the grandstand area to other sponsors for year-round display. These displays would need to face into the arena. Willow Park would own the permanent display boards attached to the grandstand. Ms. Skanchy asked if the proposed advertising would meet all of Logan City's signage requirements. Chairman Gibbons feels an obligation to find a legal way to help the Rodeo Committee have success at becoming self-sufficient. The Chairman suggested that the Council offer their support.

(Exhibit 3)

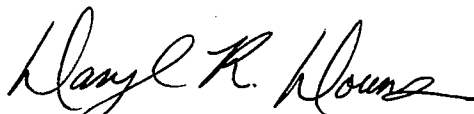
COUNCIL MEMBER REPORTS

Mr. Anhder presented a draft version of noise control ordinance for Cache County and asked that the issue be put on a future agenda.

Mr. Anhder also congratulated Mike Weibel on the publication of a new book.

ADJOURNMENT:

Chairman Darrel L. Gibbons adjourned the meeting at 6:25 p.m.



ATTEST: Daryl R. Downs
County Clerk



APPROVAL: Darrel L. Gibbons
Council Chairman

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: AUDITOR
DATE: 19-Jul-99

Amount to be transferred -- (rounded to the nearest dollar) \$2,165.00

Transfer From ---
Line Item No. : 10-4141-130
Fund Designation: BENEFITS

Original Budget:	\$45,777.00
Current Budget:	\$45,777.00
Expenditures to date:	\$16,873.09
Balance before transfer:	\$28,903.91
Balance after Transfer:	\$26,738.91

Transfer To ---
Line Item No. : 10-4141-740
Fund Designation: Equipment

Original Budget:	\$2,000.00
Current Budget:	\$2,000.00
Expenditures to date:	\$1,757.29
Balance before transfer:	\$242.71
Balance after Transfer:	\$2,407.71

Description of needs and purpose of transfer ---
To replace Air Conditioners / heating unit in auditor's office.

James Stones
Department Head

Recommendation: [] Approval [] Disapproval
Comments:

Date: 07/19/1999

James Stones
Cache County Auditor

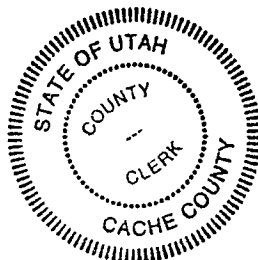
Recommendation: [] Approval [] Disapproval
Comments:

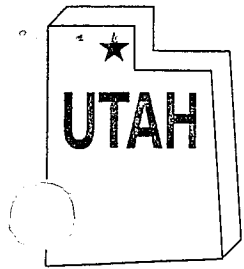
Date: 7/27/99

M. Kuyumjian
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 27th day of July, 1999.

Wayne R. Houns
Cache County Clerk





Cache County Corporation

LORENE GREENHALGH
Zoning Administrator
752-8327

179 North Main, Room 210
Logan, Utah 84321
MEMORANDUM

TO: Cache County Council

FROM: Lorene Greenhalgh, Zoning Administrator

DATE: July 19, 1999

SUBJECT: Country West Estates Minor Subdivision

The Planning Commission reviewed the final plat of the Country West Estates 5-lot Minor Subdivision on 12 July and approved it subject to the following: 1) Purchasers of the lots must be aware that there is an avigation easement that they must sign prior to receiving a zoning clearance for a building permit. 2) If the Flygare's refuse to sign the final plat, the plat must be altered to show their lot as "restricted". 3) County Council approval of the final plat must be given. 4) The Plat must have all required signatures and be recorded in the County Recorders office.

Mr. and Mrs. Flygare have yet to sign the plat but have submitted a request for a zoning clearance for a building permit for a storage building on their lot. It has been explained to them that they must sign the plat prior to the zoning clearance for a building permit being issued. The building has been constructed with no permit as a farm building. The Building Official has explained that unless the structure is used to house animals or in food production or storage, it can not be constructed as a farm building and must have a permit. If a structure has electricity or plumbing it must have a building permit. If the building on Mr. Flygare's property is not a farm building and has no permit, it is in violation of the zoning and building codes of Cache County.

PLANNING COMMISSION EVALUATION
JESS HARRIS/COUNTRY WEST ESTATES
MINOR SUBDIVISION FINAL PLAT
12 JULY 1999

Lewis D. Hansen of Mt. Valley Development Inc., agent for Jess Harris, is requesting final plat approval of a 5-lot minor subdivision to be called Country West Estates on 24.38 acres of property in the Agricultural Zone with one existing single family dwelling owned by Ben L. and Marylee Flygare located at 721 West 4600 North and for the construction of a single family dwelling on each of the four remaining lots to be located at 787 West, 773 West, 761 West, and 747 West 4600 North, south of Smithfield. The remainder parcel of 10.55 acres is restricted from residential development and would be for agricultural use only. The Flygare's have indicated they will not sign the final plat. The Subdivision Chapter of the Land Use Ordinance requires that all property in the 1970 parcel be included in a subdivision. All property owners must sign the final plat before it can be recorded. If the signatures are not on the plat, the mylar will need to be altered to show that lot as "restricted" before it is filed for recording with the County Recorder's Office. As reviewed for the preliminary plat, water rights and feasibility reports for septic tank systems area in place. The property lies within the designated expansion area of the airport hazard zone and is inside the airport impact area. It was the advice of Sarah Ann Skanchy, County Council member and Chairperson of the Logan-Cache Airport Authority Board, that owners of the property sign an Avigation Easement to run with the land to help protect the airport from law suits from noise and safety concerns. The Avigation Easement has been signed by Mr. and Mrs. Harris and will be filed for recording with the conditional use permit for the subdivision. A statement acknowledging the Avigation Easement and a disclosure statement regarding the Avigation Easement have been added to the final plat; corrections have been made and other required information added. Ms. Skanchy also asked that buyers of lots and owners of lots for single family dwellings not included in the subdivision sign letters of awareness of the Avigation Easement to be kept on file. If the final plat is approved by the Planning Commission and the signature of the chairman added, it will then be reviewed by the County Council. Additional signatures required on the plat are County Council Chairman attested by the Clerk, the County Attorney, County Surveyor, and then the County Recorder at the time it is filed for recording. Once the final plat has been filed for recording with the County Recorder, lots may be sold for development. Each lot owner must receive a zoning clearance prior to requesting a building permit.

Kay Moosman, agent for Jean Leatham Trust (99-52R), requested a conditional use permit to allow the division of 9.61 acres of property in the Agricultural Zone for the construction of a single family dwelling to be located at 3284 South 5800 West, north of Wellsville. The property borders the Maple Rise Campground owned by the Church of Jesus Christ of Latter-Day Saints and is subject to traffic, noise, and considerable interruption possible during the summer months. Encroachment of homes in this area could cause considerable frustration on the part of the homeowner. The applicant must realize that they will be subject to the sights, sounds, and dust from traffic and from the heavy use of the campground. There is a well permit with a priority date of 27 December 1998 approved by the State Water Engineer's Office; a septic tank permit dated 10 May 1999 has been issued from the Bear River Board of Health. The soil evaluation is Class III Statewide Significant with the surrounding area all in agriculture and recreational use. The road to Maple Rise (3400 South or Brush Pile Road) is a 2nd priority road with snow plowing only to the end of the pavement. From the end of the pavement, the road is dirt; this portion of Brush Pile Road and the road fronting the parcel are both 3rd priority if equipment can access; the County Road Superintendent states it is very difficult to plow uphill and this portion of the road is very steep. The road is narrow with a 15 to 17-foot wide surface and a 16.5-foot wide "by use" right-of-way. A road right-of-way dedication of 25 feet from the center of the existing roads along the entire west side (5800 West) and south side (3400 South) of the 40-acre parent parcel must be filed for recording with the County Recorder. The road surface must be improved to minimum County standards to be 20 feet wide with an approved turn-around at the end of the improved portion of the road or at the home site for emergency vehicles; the cost of the road improvements would be at the applicant's/property owner's expense. The road dedications and construction work on the roads must be completed and approved by the County Road Superintendent prior to the release of a zoning clearance for a building permit on this property. Property owners may be responsible for the construction to upgrade these county roads and may be responsible for some snow removal. The County is not responsible to provide any additional services to these roads beyond what is currently being provided. The school bus stop is at least eight blocks away. The survey submitted shows there are plans for an additional building lot to be sold just south of this proposed lot; the remaining parcel shows as a restricted remainder parcel. The Staff Evaluation point total is -25. A discussion ensued regarding the location of this parcel. Mr. Moosman stated there are telephone poles along the north side of the Brush Pile Road and a drainage ditch along the south side. He said he was aware that the road going north from 3400 South (Brush Pile Road) would need to be widened, but he did not know how 3400 South could be widened. He was told that he should speak with Joe Kirby, County Road Superintendent, to resolve this. State Fire Code requires access roads to be 20 feet wide and properly maintained for emergency vehicles. *Clements made the motion to approve this request with the following stipulations: 1) Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are the permitted uses in the Agricultural Zone. 2) Current and future property owners must be aware that they will be subject to the sights, sounds, and dust generated from traffic and visitors at the Maple Rise Campground in the immediate area. 3) Staff shall receive a copy of the required road right-of-way dedications for 5800 West and 3400 South along the entire west and south property boundaries of the original 40-acre parcel filed for recording with the County Recorder's Office prior to the release of a zoning clearance for a building permit on this parcel. 4) Staff shall receive written approval from the County Road Superintendent that the required road construction work has been completed prior to the release of a zoning clearance for a building permit on this parcel. 5) The County is not responsible to increase services to the county roads in this area beyond what is currently being provided; property owners may be responsible for snow removal on a portion of 3400 South and on 5800 West. The motion was seconded by L. Nelson and passed unanimously.*

NOT APPROVED

NOT APPROVED

Lewis D. Hansen of Mt. Valley Development Inc., agent for Jess Harris (99-43MS), requested final plat approval of a 5-lot minor subdivision to be called Country West Estates on 24.38 acres of property in the Agricultural Zone with one existing single family dwelling located at 721 West 4600 North owned by Ben L. and Marylee Flygare and for the construction of a single family dwelling on each of the remaining four lots to be located at 787 West, 773 West, 761 West, and 747 West 4600 North, south of Smithfield. The remainder parcel of 10.55 acres is restricted from residential development and would be for agricultural use only. The Flygare's have indicated they will not sign the final plat. The Subdivision Chapter (Chapter 20) of the Land Use Ordinance requires that all property in the 1970 parcel be included

in a subdivision. All property owners must sign the final plat before it can be recorded. If the Mr. and Mrs. Flygare's signatures are not on the plat, the mylar will need to be altered to show their lot as "restricted" before it is filed for recording with the County Recorder's Office. There is one existing well with a priority date of 13 October 1967 for the Flygare home; the applicant filed a change of use 22 February 1999 from stock watering of 80 head cattle or equivalent and irrigation of 11.97 acres to allow for irrigation of 10.46 acres and to allow culinary water for 9 families. There is one existing septic system for the Flygare home; a feasibility report from Bear River Health Department dated 17 May 1999 states that the water table will allow septic systems to be installed and that the soil is feasible for shallow drain systems. The property lies within the designated expansion area of the Airport Hazard Zone and is inside the airport impact area. It was the advice of Sarah Ann Skanchy, County Council member and Chairperson of the Logan-Cache Airport Authority Board, that owners of the property sign an Avigation Easement to run with the land to help protect the airport from law suits from noise and safety concerns. The Avigation Easement has been signed by Mr. and Mrs. Harris and will be filed for recording with the conditional use permit for the subdivision. A statement acknowledging the Avigation Easement and a disclosure statement regarding the Avigation Easement have been added to the final plat; corrections have been made and other information added. Ms. Skanchy also asked that buyers of lots and owners of lots for single family dwellings not included in the subdivision sign letters of awareness of the Avigation Easement to be kept on file. The Staff Evaluation point total is +10. Concern was expressed regarding the "restricted lot" status of the Flygare lot if they decide not to sign the final plat. It was mentioned that there is a move underway for the State Legislature to change subdivision requirements when they meet again; however, that will not affect this decision. A discussion ensued concerning "restricted lot" status of a lot, the Land Use Ordinance, etc. Ben Flygare stated he does not want to sign the subdivision plat because he would have to abide by the protective covenants listed on the plat which does not allow him to store farm equipment in his front yard. The protective covenants were read. Greenhalgh stated that in the 15 years she has been employed with the County, no one in the County has been sited for infractions of these protective covenants unless the property became an actual junkyard and neighbors complained. *Clements made the motion to approve this final plat as presented. It was seconded by Taylor and passed unanimously.* The applicant was told that the next step is to have the subdivision reviewed and approved by the County Council; it will be scheduled for the earliest possible meeting agenda. When the County Council approves the subdivision and the Chairman signs the plat attested by the County Clerk, the County Attorney, County Surveyor must also review the subdivision plat and sign it. Once the subdivision plat is filed for recording with the County Recorder, lot may be sold for development. Each lot owner must receive a zoning clearance prior to requesting a building permit.

NOT APPROVED

Bryan Rasmussen, agent for Keith Merrill/Casco LTD (99-44C), requested a conditional use permit to allow the expansion of a commercial business on 25.93 acres of property in a Commercial Zone to include a 12' X 12' concrete pad for the placement of an 11,000-gallon liquid nitrogen tank on site at the Casco LTD plant located at 11805 North 200 East, west of Richmond. The liquid nitrogen is to supplement freezing capabilities of the existing mechanical freezers. The pad will be approximately the same as the existing pad being used for the milk tank at the facility and will be placed to align with the existing concrete pad approximately 60 feet north of the south processing room. The existing driveway will need to be extended to facilitate the delivery of liquid nitrogen to the tank. Because liquid nitrogen is inert, nontoxic, nonflammable, non-corrosive, colorless, odorless, and because nitrogen composes 78 percent of the air we breathe, it is proposed that there will be no detrimental effects caused by the installation of the structure. The proposed process would greatly reduce the number of seconds in the plant because of the decreased freezing time prior to packaging. It is hoped the construction and installation will be completed to meet a 30 July 1999 deadline they have set. Mr. Rasmussen was asked if this would increase the cost of their product. He responded that it would not since they will be able to produce more product with the same number of employees. Taylor stated he is familiar with this commercial business and feels comfortable with this expansion. Mr. Rasmussen asked if the concrete pad was recommended to be 20' X 20' if it would make a difference to the board. The engineers are currently studying the depth and size of the concrete pad that will be required. *Taylor made the motion to approve this request allowing the concrete pad to be from 12' X 12' up to 20' X 20' with the stipulation that any further expansion of this commercial business in construction of additional buildings or structures,*

NOT APPROVED

CACHE COUNTY, UTAH
PLANNING COMMISSION
STAFF EVALUATION

DATE: 7 June 1999

NO. ACRES: 25.62

APPLICANT: Lewis D. Hansen of Mt. Valley Dev. Inc., agent
for Jess Harris/Ben L. & Marylee Flygare

ZONE: Ag

PROPERTY ADDRESS: existing home at 721 West 4600 North on 5 acres; proposed homes to be located on 2.5 acre lots at 787 West, 773 West, 761 West, & 747 West 4600 North, south of Smithfield

NATURE OF REQUEST: Preliminary plat approval of a 5-lot minor subdivision to be called Country West Estates.

A. Water Supply: 1 existing 10/13/67; 9-family water right 02/22/99

E. Road Conditions: 1st & 2nd priority +65

B. Sewage Disposal: 1 existing; feasibility 05/17/99

F. Sensitive or Hazardous area: none +25

C. Farmland Evaluation: Class III Statewide Significant -75

G. Mitigation of Sprawl: +30

D. Land Use Compatibility: all in ag -35

H. TOTAL POINTS: +10

STAFF RECOMMENDATION: approval with conditions

COMMENTS: There is an existing home with a well and septic tank system on approximately 5 acres of property. The owner of this lot does not wish to be part of this subdivision and has not agreed to sign the final plat. If this subdivision goes through the approval process and Mr. & Mrs. Flygare do not sign the final plat, their lot would become restricted and they (as well as future property owners) would not be eligible to receive any permits from the County. The State Water Engineer's Office shows a 9-family water right in the applicant's name which includes stock watering for 45 cattle and fire protection rights. A feasibility report from the Board of Health states that septic tank systems can be installed on these lots to function properly. The Soil Conservation District's report states that the test holes should be checked throughout the spring run-off period before permits are issued for septic tanks. The soil evaluation is Class III Statewide Significant with a small portion Class IV not Statewide Significant. There is an existing drain line on the property and also a covered irrigation system from Chambers Spring. The surrounding area is all in agriculture. There are two county roads bordering the proposed subdivision: 4600 North along the north which is paved and 1st priority; and 800 West along the west which is gravel and 2nd priority. They are both 20 feet wide, but neither has adequate rights-of way; property owners must dedicate 25-feet from the center of the existing road along both of these roads for future widening and improvement of the roads. The nearest school bus stop is about ½ mile away. Fire protection would be tankers from Smithfield, 3-4 miles away. The property is located in the regular automated service area for garbage collection.

AVIGATION EASEMENT

WHEREAS, Jess M. & Virginia J. Harris, hereinafter called the Grantors, are the owners in fee of that certain parcel of land situated in the County of Cache, State of Utah, more particularly described as follows and hereinafter called "Grantor's Property":

BEG AT A PT 20.63 CH N OF SW COR OF NW/4 SEC 4 T 12N R 1E & TH W 2.50 CHS TH N ALG E LINE OF ST 19.50 CHS TH E ALG S LINE OF ST 10 CHS TH S 19.5 CHS TH W 7.50 CHS TO BEG CONT 19.5 AC

NOW, THEREFORE, in consideration of the sum of \$10.00 (ten dollars) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, administrators, executors, successors and assigns, do hereby grant, bargain, sell, and convey unto Logan-Cache Airport Authority hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, as easement and right-of-way, appurtenant to Logan-Cache Airport for the unobstructed use and passage of all types of aircraft by whomsoever owned and operated.

Said easement shall be appurtenant to and for the benefit of the real property now known as Logan-Cache Airport including any additions thereto wherever located, thereafter made by the Logan-Cache Airport or its successors and assigns, guests, and invites, including any and all persons, firms, or corporations operating aircraft to or from the airport.

Said easement and burden, together with all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all air space above or in the vicinity of the surface of Grantor's property such noise, vibrations, fumes, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said aircraft), fear, interference with sleep and communication and any

and all other effects that may be alleged to be incident to or caused by the operation of aircraft over or in the vicinity of Grantor's property or in landing at or taking off from, or operating at or on said Logan-Cache Airport, and Grantor does hereby fully waive, remise, and release any right or cause of action which he may now have or which he may have in the future against Grantee, its successor and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said Logan-Cache Airport.

As used herein, the term "aircraft" shall mean any and all types of aircraft, whether now in existence or thereafter manufactured and developed, to include, but not limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whomsoever owned or operated.

The easement and right-of-way hereby granted includes the continuing right in the grantee to prevent the erection or growth upon Grantor's property of any building, structure, tree, or other object, and to remove from said air space, or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantor's property, together with the right of ingress to, egress from, and passage over Grantor's property for the above purpose.

TO HAVE AND TO HOLD said easement and right-of-way, and all rights appertaining thereto unto the Grantee, its successors and assigns, until said Logan-Cache Airport shall be abandoned and shall cease to be used for public airport purposes.

AND for the consideration hereinabove set forth, the Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right-of-way, he will not hereafter erect, park, permit the erection or growth of, or permit or suffer to remain upon Grantor's property, any building, structure, tree or other object

extending into prohibited air space, and that he shall not hereafter use or permit or suffer the use of Grantor's property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and other, or to permit any use of the Grantor's property that causes a discharge of fumes, dust or smoke so as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off or maneuvering of aircraft. Grantors furthermore waive all damages and claims for damages caused or alleged to be caused by or incidental to such activities.

It being understood and agreed that aforesaid covenants and agreements shall run with the land and shall be forever binding upon the heirs, administrators, executors, successors, and assigns of the Grantors.

IN WITNESS WHEREOF the Grantors have hereunto set their hands this 11th day of June, 1999.

Jess M. Harris
Jess M. Harris

Virginia J. Harris
Virginia J. Harris

Signed, sealed and delivered in the presence of:

STATE OF UTAH)
)SS
COUNTY OF CACHE)

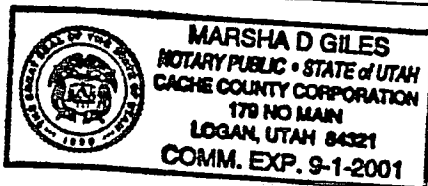
The foregoing instrument was acknowledged before me this 11th day of June, 1999 by Jess M. & Virginia J. Harris (Grantors).

WITNESS my hand and official seal.

My Commission expires: 9-1-2000

Marsha D Giles Notary Public

Logan-Cache Airport



Sample

ADDENDUM TO THE AGREEMENT FOR PURCHASE AND SALE
Disclosures to Buyers of Lots in the

COUNTRY WEST ESTATES SUBDIVISION

This is an addendum to the agreement for Purchase and sale dated _____
between _____ (Seller) and _____ (Buyers)
to purchase Lot _____ in the Country West Estates Subdivision in Cache County, Utah.

Seller and Buyer hereby agree to modify said agreement as follows:

AIRPORT

1. Proximity to the Airport

Country West Estates Subdivision is located less than two (2) miles from the Logan-Cache Airport. The project is also located within the Airport Influence Area as defined by the Airport Layout Plans. The lots are located within the flight pattern of the north-south Runway 17/35. Airplanes will fly at low elevations over the subdivision as they operate at the Logan-Cache Airport. The airport is operational 24 hours per day. Flights may occur at all hours of the night.

2. Disclosure of Noise Impacts

Due to the proximity of the subdivision to the Logan-Cache Airport, and the airport's associated flight patterns, homeowners should expect varying degrees of noise from these aircraft which some residents may find intrusive.

3. Future Improvements and Aircraft Operations

The airport plans to expand its facilities and operations in the future. The plans include, but are not limited to those shown on the approved Airport Layout Plan. These improvements may result in increased aircraft operations, larger planes may use the airport, and night operations may increase which could increase the noise levels within the subdivision.

CERTIFICATION

This undersigned purchaser(s) of said tract of land certify(ies) that (he/she) (they) (has) (have) read the above disclosure statement and acknowledge(s) the pre or planned existence of the airport named above and the noise exposure due to the operations of said airport.

Signed Date

DISCLOSURE STATEMENT

A disclosure statement, adhering to the form of the statement below, shall be provided to and signed by each potential purchaser of property within the Airport Influence Area as shown on the approved Airport Influence Area Map or Airport Land Use Zoning Drawing. The signed statement will then be affixed by the Seller to the agreement of sale.

"The tract of land situated at _____ West 4600 North in Country West Estate Subdivision, consisting of approximately _____ acres which is being conveyed from Jess M. and Virginia J. Harris to _____
_____ lies within two (2) miles of the Logan-Cache Airport may be subjected to varying noise levels, as the same is shown and depicted on the official Airport Influence Area Drawing and/or Zoning Maps."

CERTIFICATION

This Undersigned purchaser(s) of said tract of land certify(ies) that (he/she) (they) (has) (have) read the above disclosure statement and acknowledge(s) the pre or planned existence of the airport named above and the noise exposure due to the operation of said airport.

Signed

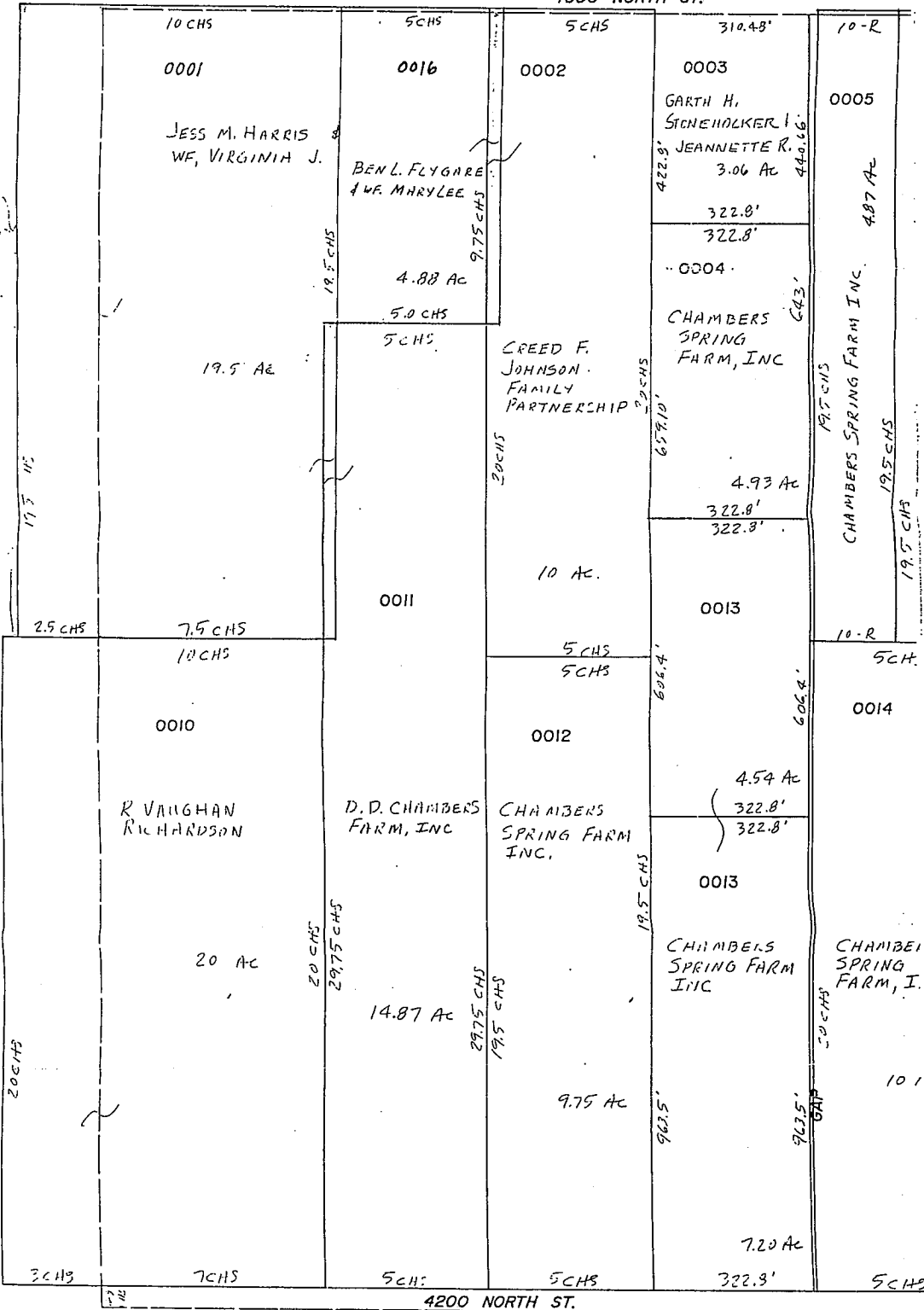
Date

NW⁴Section 4 Township 12 North

Scale 1 Inch = 200 Feet

SEE 08-108

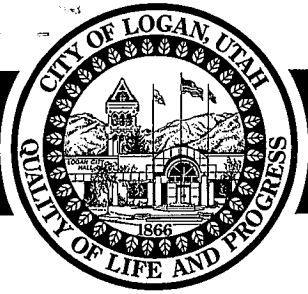
4600 NORTH ST.



1887 FT

SEE 04-017

4200 NORTH ST.



Logan Parks and Recreation

195 South 100 West • Logan, Utah 84321 • Phone (435) 750-9877 • FAX (435) 750-7132

July 19, 1999

Lynn Lemon, County Executive
Cache County Corporation
120 N. 100 West
Logan, UT 84321

RE: Letter of Support – Willow Park Advisory Board

Dear Lynn:

On Thursday, July 15, 1999, members of the Willow Park Advisory Board received comment from Troy Smith representing the Cache Rodeo Committee regarding their request to have their current agreement with Cache County extended to allow the Committee to position itself to operate self-sufficient.

As you know, the Rodeo Committee has been active in trying to develop ways to become completely self-funded by the deadline of their current agreement with Cache County. This has included their efforts in working with their national sponsor, Coca-Cola to acquire a reader board for advertising revenue. You may also be aware that the Rodeo Committee desired to donate a reader board to the Logan/Cache County Fairgrounds. However, donation of the reader board involved contract rights of the Fairgrounds to Coca-Cola. The ensuing proposal was then nullified by the procurement procedures of the City of Logan and Cache County.

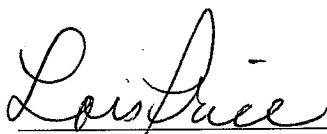
The options as viewed by the Willow Park Advisory Board are:

- The Cache Rodeo Committee works directly with Coca-Cola to acquire a reader board during the timeframe of the Great American West Rodeo in the outdoor arena and then removes the board at the conclusion of the Great American West Rodeo; or
- Cache County and the City of Logan jointly purchase a reader board through its purchasing procedures, own and operate, and control advertising rights, of which an agreement for advertising can be discussed with the Rodeo Committee; or
- A combination of the above, compromise, or solicitation of requests for proposals (RFPs) for an electronic reader board.

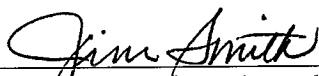
Given the complexity of issues surrounding the Rodeo Committee's desire to sustain its non-profit status in future years, they may require additional time and support. To this end, the Willow Park Advisory Board is submitting this letter of support in consideration of the Rodeo Committee's request for extension of its agreement with Cache County at least until the Rodeo Committee can resolve its financial situation.

It should be noted that the Willow Park Advisory Board is aware that no funds exist in the Willow Park Fund to purchase a reader board and should it be recommended to the managing entity (Logan Parks and Recreation) that a reader board be purchased jointly, then the Advisory Board will take such recommendation under consideration for County and City action.

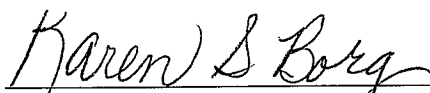
Respectfully submitted,



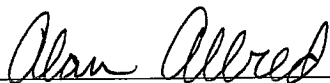
Lois Price, Willow Park Advisory Board Chairperson



Jim Smith, Advisory Board Member



Karen Borg, Advisory Board Member



Alan Allred, Advisory Board Member