

**CITY OF LOGAN, UTAH**  
**RESOLUTION NO. 06-#####**

**BE IT RESOLVED BY THE LOGAN MUNICIPAL COUNCIL THAT THE FOLLOWING ADJUSTMENTS BE MADE TO THE 2006-07 BUDGET: -**

1. To appropriate funds for the FY 2007 Willow Park Zoo Operating Grant.

Revenue		
Intergovernmental Revenue		
State Grants	212-0000-334.00-00	\$ 6,280
Expense		
Willow Park Zoo		
Special Department Supplies	212-4995-583.43-00	\$ 6,280

2. To appropriate funds for the Willow Park Zoo Utah Museum Services Grant.

Revenue		
Intergovernmental Revenue		
State Grants	212-0000-334.00-00	\$ 2,734
Expense		
Willow Park Zoo		
Operating Grants	212-4995-583.40-00	\$ 2,734

3. To appropriate reimbursed funds for defective equipment for Fire Dept. supplies.

Revenue		
Public Safety		
Fire Dept Fees	100-0000-342.26-00	\$ 1,450
Expense		
Fire Suppression		
Special Dept Supplies	100-4226-492.43-00	\$ 1,450

4. To appropriate funds for a donation from the Hattie D. Munk Trust to the Logan Library.

Revenue		
Contribution – Private Source		
General Library Trust	200-0000-365.02-00	\$ 15,000
Expense		
Special Dept Supplies		
Misc. Collection Development	200-4549-541.43-98	\$ 15,000

**THIS RESOLUTION** duly adopted upon this \_\_\_\_\_ day of \_\_\_\_\_ by the following vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Stephen C. Thompson, Chair

ATTEST:

\_\_\_\_\_  
Lois Price, City Recorder

**Current year list of parcels going thru BOE**

10/10/2006

Beginning Date : >= 9/28/2006 and Ending Date : <= 10/11/2006 and Freeze Year = 2006

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
02-088-0020	NIXON, E J III	137,214	98,010

change cost to \$5.00 per sq foot

02-088-0022	NIXON, E J III	211,548	183,670
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Recommend using a value of \$69,695 based on \$5.00 per sq ft for land. This is a total market value of \$183,670.

03-107-0006	TANNER, ROBERT S & MARIVAL B	242,125	230,000
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Recommend using market value of \$230,000 based on comparable sales.

03-127-0883	GERMANY, CURTIS G & SUSAN	740,878	610,883
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The owners provided a recent appraisal dated Sept 2005 ( the comparable sales were in Feb 2005). The appraiser notes the quality and condition of the home is superior. Time adjusting the comparable sales provided by the appraiser indicate a range from \$535,000 to \$650,000. Recommend using a total market value of \$610,883 based on time adjusted comparable sales and the increasing market sales.

04-004-0024	NIXON, E J JR	60,000	30,000
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Land locked parcel. Use backage rate. this is 1/2 of the front rate. Recommend using a total market value of \$30,000 based backage land guideline rate.

04-053-0063	CARDON, SAMUEL F	637,788	566,000
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The appraisal was submitted to indicate a value of \$534,000 with additional improvements of approximately \$32,000. The home has alot of sf. Recommend using a market value of \$566,000 based on costs to construct plus additions.

04-058-0012	CHUNG, JAMES L & CECILIA	746,581	746,581
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Mr. Chung will need to present book keeping to the board and review at a later date.

04-058-0022	HARRIS, ROBERT A & SHONIE	309,711	309,711
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This parcel has 2.37 ac. There is access from the adjacent property. The current value is \$3. per sq. ft. Recommend a value of \$2.50 per sq ft with a total value of \$258,093 based on comparable sales.

04-058-0031	HARRIS, ROBERT & SHONIE	228,129	150,279
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Leave 1st ac same and balance acreage at \$.75 per sq ft. Recommend using \$150,279 total value based on comparable sales.

04-060-0005	NIXON, E JOHN JR	296,200	296,200
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This parcel is at market value. Recommend no change in value.

04-061-0046	CACHE VALLEY SPECIALTY HOSPIT	10,075,444	10,075,444
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The Patrick Howard, representing the appellant presented information regarding an appraisal from 1997 with sales. He wants to use the multiple times EBITDA (earnings before interest, taxes, depreciation and amortization). This hospital is not an acute care hospital. It is different than the hospitals and compared to the information provided. The hearing officer does not feel that the value be determined by per bed cost. The value needs to be determined on a cost to build basis. There was an appraisal done by a MAI appraiser from Salt Lake City within the last 2 years. The appellant said the owner told him there was no appraisal. Mr. Howard purports that the total market value is around \$8,000,000. Recommend that we get a copy of the appraisal before we determine a value. The hearing officer and assessor are concerned that the numbers presented are questionable. The other concern are the external obsolescence figures presented. The comparables are mostly non-profit.

04-062-0024	CARDON, WAYNE ROUNDY TR	157,534	100,000
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Mr. Cardon claimed an identical piece of land sold last year for \$60,000. He tried selling his land to adjacent land owners for expansion purposes, but his selling price of \$100,000 was turned down. He also presented other land sales for comparison. Mr. Cardon says there is no curb and gutter and the land is uneven and needs to be cleaned up. The board agreed the value should be lowered to \$100,000.

**Current year list of parcels going thru BOE**

10/10/2006

Beginning Date : >= 9/28/2006 and Ending Date : <= 10/11/2006 and Freeze Year = 2006

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
04-062-0061	HARRIS, ROBERT A & SHONIE B	462,282	350,000

This property experienced a fire. The appraisers recommend going with the appellants estimate of value based on current condition. Recommend a total market value of \$350,000 and put the parcel on standby and look at again next year.

04-062-0062	HARRIS, ROBERT A & SHONIE B	161,348	100,000
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Recommend using a market value of \$100,000 based on comparable sales and equity with other parcels in the area.

04-062-0081	ANDREWS, RONALD H TR, Miles Jens	502,331	400,001
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This parcel had the building and land re-appraised. The land was re-appraised at \$3.11/square foot and it was felt the value was in the ballpark of market value. The value of the building was reduced to reflect an overall value of the property of \$400,001.

04-082-0055	AFFORDABLE HOUSING OF UTAH LI	148,104	111,000
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This lot is next to Hanbury Subdivision. The land guideline indicates that the range is \$2.18 to \$4.00 per square foot. Recommend using a total market value of \$111,000. This puts the value mid range.

04-085-0003	CDI LTD, Stephen Preston, Paul Thronds	910,404	910,404
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Refer to parcel #04-085-0038 comments.

04-085-0030	BRIDGER LLC,	7,994,389	7,633,477
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The apartments are 97% occupied. Mr. Adams suggests 6,100,000 by a income approach. The apartments costs 7,600,000 to build. Gross income is 838,268 for 12 month period with vacancy figured in. Overall Mr. Adams suggests the value be 7,633,477. Board agreed with value.

04-085-0038	LOGAN UT REALTY, Stephen Preston,	5,011,844	5,011,844
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The appellants brought to the board's attention the increase in value and was then informed by the board the land was re-appraised this year. They indicated recent struggling sales for Kmart and referred to the newer adjacent building of Kohl's and the Walmart store farther down the street. Mr. Thronson then presented comparable sales of other box market stores/sites in various Utah cities, several of which are no longer operating and defunct. Kathleen responded that the market in Cache Valley needs to be considered, including the new Qwest facility in the old Anderson Lumber building. The appellants argued the parcels in question should be considered as an economic unit instead of separate building and land values. The question was then raised to how the appellants came up with their proposed values, to which they had no response other than claiming they used last year's values. Mr. Owens suggests to see what it would rent for and use a income approach to determine the value. In conclusion, after further review a recommendation will be made at a later date. Includes parcel #04-085-0003.

04-085-0045	STOR-MOR LTD PARTNERSHIP	433,209	340,000
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There is no frontage. The owner has a right of way to get into the storage units. The units rent for various amounts. The owner provided a 3 year history. The units are tall enough to store house trailers. The apellant says that value is \$328,992. Mr. Owens feels that the land value should be about \$2.00 per ft based on the right of way access. Recommend a total value of \$340,000.

04-085-0056	ZIONS FIRST NATIONAL BANK: Blak	1,024,266	904,178
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Mr. Jessop is representing the owner. He has presented income basis for determining the value of this parcel. He has provided recent leases to support his estimate of value. He suggests that the value is \$22.00 per sq ft for land and building combined with a 8% cap rate. That gives a total value of \$660,400. Using \$25.00 per sq ft. to determine a total value of \$692,000. based on income. The assessor feels that we also need to look to the cost approach because the income approach to value is too low for this market. Recommend using a total market value of \$904,178. this puts the building on at \$257,310 and the land at \$646,866.

04-085-0057	Steven H Stokes	1,304,154	1,150,000
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Mr. Stokes presented income information on the property with a grid of the layout. The board agreed the value of the building should be lowered, but the land should remain the same.

04-085-0059	RENAISSANCE VILLAGE LLC,	2,739,002	2,144,930
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Mr. Nixon stated that due to high vacancy and a renting price of \$9.00 a sq ft that the value should be lowered. Mr. Owens suggests that the value remain the same as last year. This would lower the bldg value to \$ 984,492. The board agreed with Mr. Owens recommendation.

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10/10/2006

Beginning Date : >= 9/28/2006 and Ending Date : <= 10/11/2006 and Freeze Year = 2006

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
04-085-0071	AFFORDABLE HOUSING PARTNERS	3,212,542	2,800,000

Mr. Adams suggests that the value be 2,655,556 due to restrictions. Mr. Owens suggests 2,900,000 due to expenses. Mr. Adam and the board agrees that the value be 2,800,000.

04-085-0091	ACADEMY SQUARE LLC,	8,746,262	8,746,262
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phone hearing. Janet Collins suggests that we use actual construction costs to value the property instead of a cost approach. This would make the value for the building value \$3,600,000. Also she suggests that it be listed as a low cost discount store. County questions \$7,000,000 trust deed at Key Bank, recorded on property meaning that an appraisal would have had to been done. The Assessor repeatedly requested that the appellant provide a copy of the appraisal. The agent will need to contact the owner to get a copy of the appraisal. The hearing officer on Monday Oct 2, 2006 recommended that no change to market value unless the appellant can provide the private fee appraisal done for Key Bank, supporting a lower value and this opinion was communicated to the agent by phone that morning.

04-115-0011	OSTERMILLER, DAVID G & AMY R	8,349	11,132
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The lot was split after the subdivision was created. It appears to be an illegal lot split. This is not a buildable lot. This parcel value will increase but will be equitable with adjacent properties. The appraiser indicated the value would be at \$11,132 due to land guideline as excess land.

04-115-0013	OSTERMILLER, DAVID	27,104	11,374
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The lot was split after the subdivision was created. It appears to be an illegal lot split. This is not a buildable lot. This parcel value will increase but will be equitable with adjacent properties. The appraiser indicated the value would be at \$11,374 due to land guideline as excess land.

05-014-0058	LOGAN POINTE LTD PARTNERSHIP	4,424,889	3,700,000
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Mr. Owens suggests value determined by income to be 3,700,000. Mr. Adams and the board agree the value is to be changed to match.

05-016-0108	DUKE, EARL L; Dr. F. Neal Mortensen	102,497	24,000
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This is a medical condominium unit. It has not been rented for over a year. This space is ancillary to the rest of the building. The owner estimates that the value is approx. \$6 per square foot. This space is the mechanical room and storage area for the other units. This unit lends value to the other medical condominium units. The value of the basement area is probably worth about \$1 per sq ft. and contributes to the rental rate of the upstairs units. Recommend a total value of \$30,000 based on functionality and not being rentable as medical office area. This property will be reappraised for 2007. If possible this parcel should be combined with the other units in the building.

05-042-0009	BULLEN PROPERTIES L C; Brian Shell	1,230,140	850,000
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This was a phone hearing. This is a distressed property. It needs major refurbishing to rent to a major tenant. Lenny Owens opinion is that the value of the building is between \$850,000 and \$900,000. He also thinks that this property needs more aggressive marketing. Recommend using a market value of \$850,000 based on condition and building being vacant and generates no rent.

06-102-0017	LUMAN, DAVID P & SUZANNE	1,300,539	1,200,000
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The owner submitted an appraisal indicating a value \$1,235,781. based on cost approach. 7014 sf. in the home. The comparables used are not comparable. There have been no sales of this type of home in the valley. If we don't have market sales, we need to use another approach to determine a value. The best approach would be cost to construct. The home has been listed for \$1.3 million and when that listing expired it was listed again for \$1.5 million. Recommend using a value of \$1,200,000 based on cost to construct.

07-106-0011	ELIASON, STEPHEN R & MARILYN D	655,441	600,000
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Fee appraisal submitted with a value of \$577,541 dated October 27, 2005. Refer to assessor for review. May need to time adjust depending on comparable home sale dates. Recommend using a market value of \$600,000 based on time adjustment of the sales and the current increasing market.

08-013-0051	NOBLE, MARGARET B TR	21,450	1,210
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This lot is a long narrow parcel which the ditch runs through. The value is minimal. Recommend using a minimum lot value of \$1210.

**Current year list of parcels going thru BOE**

10/10/2006

Beginning Date : >= 9/28/2006 and Ending Date : <= 10/11/2006 and Freeze Year = 2006

<u>Parcel</u>	<u>Name</u>	<u>Pre board</u>	<u>Equalized</u>
08-071-0009	JOHNSON, TERRY LYNN TR	210,454	180,000

Mr. Johnson suggests that value be lowered due to being unable to sell property for three years for sell at 200,000. Mr. Owens suggests that the property should be lowered to 180,000 . The board agrees that the value should be 180,000.

08-072-0004	ELWOOD, WAYNE P & ELESE L	192,887	192,887
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This property is on main street in Smithfield. This building is very large. He lives in the back and runs a small business in the front. The property has a commercial business and some of the value should be allocated to commercial. The building has 4700 sf. Recommend no change in value based on comparable sales submitted are not comparable. They are much smaller.

09-108-0001	RICHMOND HILLS LLC,	636,775	465,000
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This home is listed for sale at \$495,000 and there has been no interest in the property. The owner is reducing the price to \$465,000. Recommend using a market value of \$465,000. which is the new listing price.

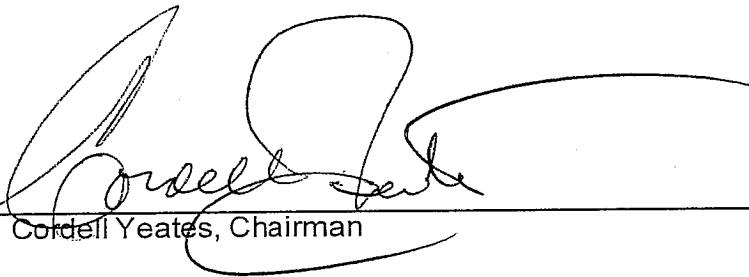
13-033-0005	BENSON, GLEN R & DORIS C	14,314	10,577
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Agricultural building has no value. Recommend total market value of \$10,577.

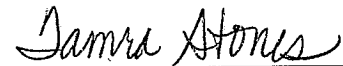
October 10, 2006

PARCELS WITH BOARD OF EQUALIZATION  
VALUATIONS  
CACHE COUNTY UTAH

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By: Cordell Yeates, Chairman

ATTEST:

  
By: Tamra Stones, Clerk of Board of Equalization

10/10/06  
Dated

ORDINANCE NO. 2006-11

AN ORDINANCE AMENDING THE CACHE COUNTY ZONING ORDINANCE, CHAPTER 17.09, CACHE COUNTY CODE.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, hereby amends the Cache County Zoning Ordinance by adopting a revised Section 17.06.130 of the Cache County Code as duly recommended by the Cache County Planning Commission as attached hereto and incorporated herein as Exhibit A, with the following modifications.

**17.06.130 Standards and Criteria for a Nonconforming Use, Lot, or Structure**



## EXHIBIT A

### 17.06.130 Standards and Criteria for a Nonconforming Use, Lot, or Structure

A nonconforming use, lot, or structure that legally exists at the time this Ordinance becomes effective, or at the time of an amendment to this Ordinance, or by some action by a Federal, State, or local government entity may continue provided that the use, lot, or structure has been maintained continuously.

#### A. Alteration of a Nonconforming Use, Lot, or Structure

1. A nonconforming use, lot, or structure shall not be enlarged upon, expanded, or intensified. A nonconforming use, lot, or structure may apply to the Board of Adjustment to be enlarged or modified by meeting the following criteria:

- a. The change is in harmony with the surrounding neighborhood and in keeping with the intent of the Comprehensive Plan and this ordinance.
- b. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity.
- c. Reasonable conditions may be attached to the approval in order to assure compatibility with the surrounding properties.

2. A nonconforming use or structure may be maintained and repaired. On any work being completed that requires a building permit, a zoning clearance shall be issued that identifies the following: the nonconformity; its legally nonconforming status; and that the use, lot, or structure is not being enlarged, expanded, or intensified.

3. Any reconstruction or restoration of a nonconforming structure shall comply with both this Ordinance and with Utah State code §17-27a-510 (3).

#### B. The determination of an abandonment of a nonconforming use, lot, or structure shall comply with Utah State code §17-27a-510 (4).

#### C. Nonconforming Lot

1. Parcels not meeting the minimum density or lot size requirements for a zone.

- a. Legal lots not meeting the minimum lot size or density requirements shall be entitled to be developed as a lot, but not to be further subdivided.
- b. Restricted lots not meeting the minimum lot size or density requirements may apply to the Board of Adjustment for a variance as provided in §17.06.130 (A). If the Board of Adjustment approves the variance, the lot may then apply for a subdivision to the Planning Commission and County Council.

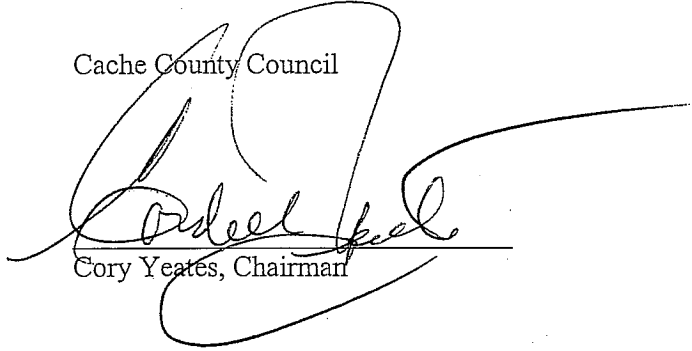
2. Illegal lots meeting the minimum lot size and/or density requirements of a zone may apply to the Planning Commission and County Council for a subdivision of that lot from the original 1970 parcel. If the parcel is large enough to support multiple lots that meet the lot size and/or density limits, a subdivision from the 1970 parcel will be required in conjunction with the subdivision of the parcel in question.

Section: This Ordinance shall become effective immediately upon publication, in the manner required by law.

This Ordinance was adopted by the County Council, Cache County, Utah, on the 10<sup>th</sup> day of October, 2006 upon the following vote:

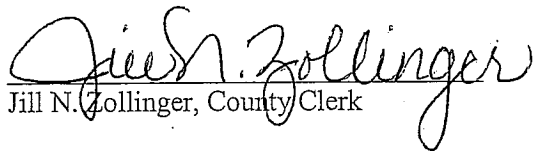
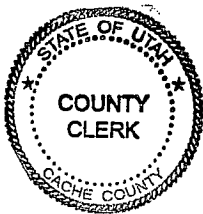
	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen	X			
Brian Chambers	X			
Darrel L. Gibbons	X			
John H. Hansen				X
Kathy Robison	X			
Cory Yeates	X			
Gordon Zilles	X			

Cache County Council



Cory Yeates, Chairman

ATTEST:



Jill N. Zollinger, County Clerk

Publication Date: October 25, 2006

CACHE COUNTY  
RESOLUTION NO. 2006-23

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION AND CACHE METROPOLITAN PLANNING ORGANIZATION TO CONDUCT A TRAFFIC STUDY TO BE KNOWN AS THE SR-165 CACHE COUNTY TRANSPORTATION STUDY.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into a Cooperative Agreement between Utah Department of Transportation and Cache Metropolitan Planning Organization to Conduct a Traffic Study to be known as the SR-165 Cache County Transportation Study.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the Cooperative Agreement between Utah Department of Transportation and Cache Metropolitan Planning Organization to conduct a traffic study to be known as the SR-165 Cache County Transportation Study as stated in "Exhibit A" attached hereto and made a part hereof.

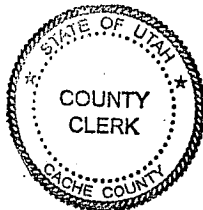
This Resolution shall take effect immediately upon adoption.

DATED this 10th day of October 2006.

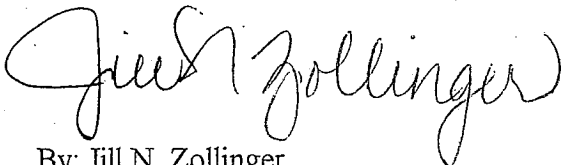
CACHE COUNTY COUNCIL

By: 

Cory Yeates, Chairman



ATTEST:



By: Jill N. Zollinger  
Cache County Clerk

**COOPERATIVE AGREEMENT**

**THIS COOPERATIVE AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "**UDOT**" and **CACHE METROPOLITAN PLANNING ORGANIZATION**, a Political Subdivision of the State of Utah, hereinafter referred to as the "**CMPO**",

**WITNESSETH**

**WHEREAS**, the **CMPO**, in cooperation with **UDOT**, the Municipal Corporations of **Millville City, Providence City, Hyrum City, Logan City, Nibley City, and Cache County**, desire to conduct a traffic study to be known as the SR-165 Cache County Transportation Study; and

**WHEREAS**, the study area will include the SR-165 corridor from the intersection of US-91 in Logan City to the intersection of 300 South in Hyrum City; and,

**WHEREAS**, the results of the study will be used to provide direction for the preparation of a Corridor Preservation Cooperative Agreement between the parties named herein, and

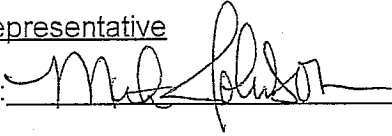
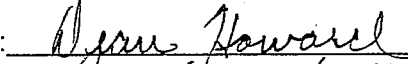
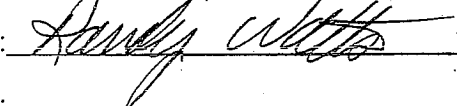
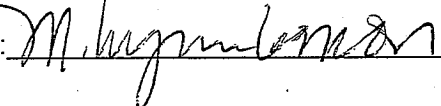
**WHEREAS**, **UDOT** is willing to participate in the cost of the study according to the terms and conditions set forth herein, and

**WHEREAS**, **UDOT** has determined by formal finding that payment for said work on public right-of-way is not in violation of the laws of the State or any legal contract with the **CMPO**.

**THIS COOPERATIVE AGREEMENT** is made to set out the terms and conditions whereunder said work shall be performed.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. The **CMPO** will select a qualified traffic engineering consulting firm from **UDOT's** approved Consultant Pool, to conduct a survey to analyze existing conditions, project future conditions, and make design recommendations to meet 30 year needs.
2. In addition to **UDOT's** commitment to contribute a lump sum amount of \$16,000.00 toward the completion of the study under the terms and conditions set forth herein, the following entities also commit to contribute funds to the **CMPO** toward the completion of the study, as evidenced below:

<u>Entity</u>	<u>Contribution</u>	<u>Representative</u>
Millville City	\$2,000.00	By: <u></u>
Providence City	\$2,000.00	By: _____
Hyrum City	\$2,000.00	By: <u></u>
Logan City	\$2,000.00	By: <u></u>
Nibley City	\$2,000.00	By: _____
Cache County	\$2,000.00	By: <u></u>

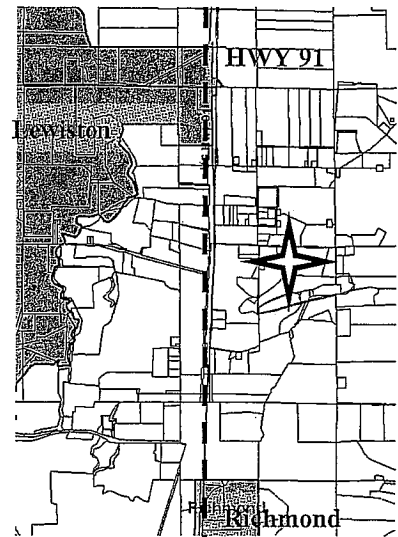
3. Based upon the results of the study provided by the **CMPO**, **UDOT** will prepare a Corridor Preservation Cooperative Agreement for execution by **UDOT**, the **CMPO**, and the parties named herein.
4. Upon execution of the Corridor Preservation Cooperative Agreement by **UDOT**, the **CMPO**, and the parties named herein, **UDOT** will reimburse the **CMPO** in the Lump Sum amount of Sixteen Thousand Dollars (\$16,000.00), said amount being **UDOT's** total and complete contribution to the cost of the study.

TOTAL LUMP SUM COST TO UDOT IS \$16,000.00



# Development Services Cache County Corporation

*Project Name:* Allen Gravel ME Rezone  
*Agent:* Troy Allen  
*Request:* Rezone to Mineral Extraction (ME)  
*Type of Action:* Legislative  
*Current Zoning:* Agriculture (A)  
*Project Address:* 1500 East 12600 North (Cove)  
*Tax ID:* 09-029-0009  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agriculture/Single Family Homes  
South – Gravel Pit  
East – Gravel Pit  
West – Agriculture/Single Family Homes



*Site Location*

## PROJECT

The proponent is requesting a rezone from the Agriculture (A) Zone to the Mineral Extraction (ME) Zone for 53.26 acres. The parcel is located within the Cove area, with 12600 North (a County road) providing access to the site. Located to the south and east are four existing gravel pits and a parcel owned by Cache County that is intended to serve as a gravel pit in the future. Because of the number of other gravel pits that are currently operating in this area, staff feels that this rezone request is appropriate and that it will have no more effect on the surrounding properties than do the other gravel pits that are operating within the area. This parcel has been identified in the recent sand and gravel study as having potential gravel deposits.

Most of the issues related to any potential gravel extraction will be addressed as part of the Master Plan and Conditional Use Permit process, which will be required prior to any site development activities or extraction.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Cache County Road Department:*

- The access to the Allen Gravel Pit will utilize an existing County Road (12600 North) that has a paved surface of 23 feet in width. No road improvements will be required for the rezone, however, when development occurs further road improvements may be required including but not limited to the dedication of right-of-way.

## PUBLIC COMMENTS

Notices were mailed to 20 property owners located within three hundred feet of the subject property and to the City of Lewiston.

## STAFF RECOMMENDATIONS

Action: Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve a zone change for the Allen Gravel ME Rezone, a rezone from the Agriculture (A) to the Mineral Extraction (ME) zoning district, for property located at approximately 1500 East 12600 North, TIN # 09-029-0009.

### Stipulations:

1. Prior to the commencement of any site development activities or gravel extraction on this site, a Master Plan and Conditional Use permit shall be approved in conformance with Title 17 the Cache County Code.

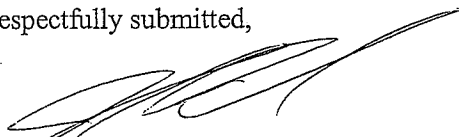
2. Prior to final the final approval of the County Council, ownership shall be established and approved by the County Attorney.

### RECOMMENDED FINDINGS OF FACT

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

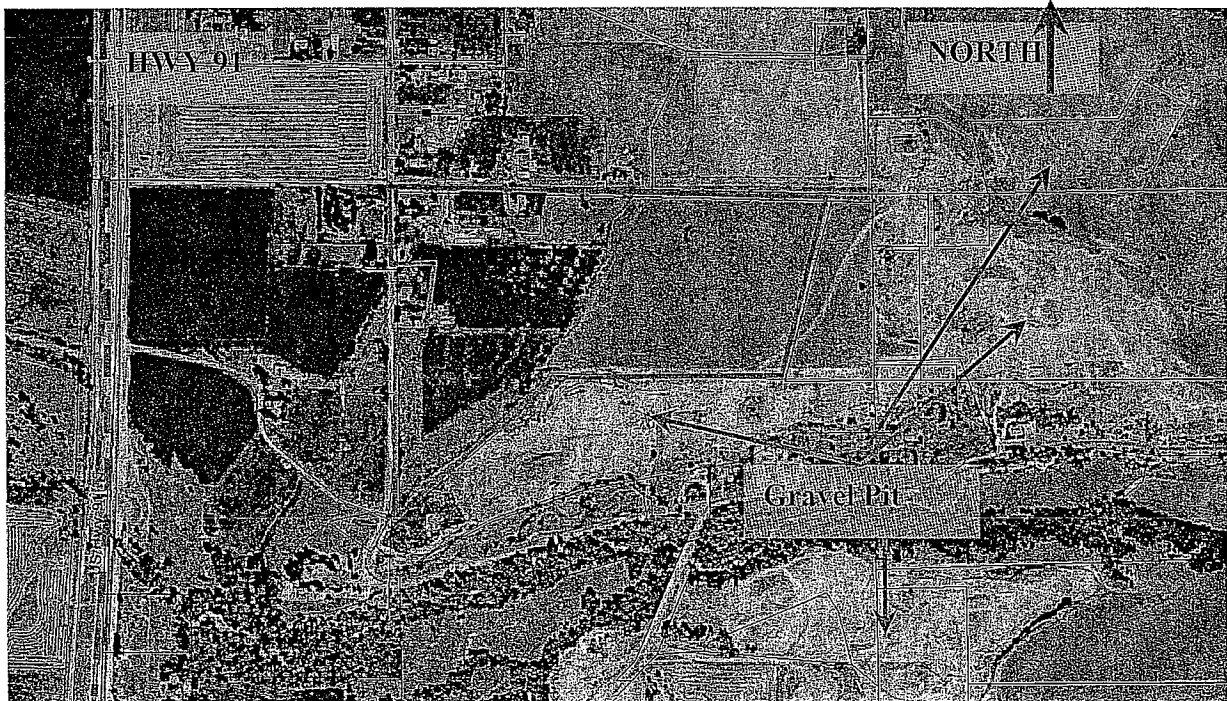
1. The location of the subject properties is compatible with the purpose of the proposed Mineral Extraction zoning district.
2. The subject properties are suitable for development within the proposed Mineral Extraction zoning district without increasing the need for variances or special exceptions.
3. The subject properties are suitable as a location for all of the permitted uses within the proposed Mineral Extraction zoning district.
4. The subject properties, when used for the permitted uses in the Mineral Extraction zoning district, would be compatible with many of the adjoining land uses.

Respectfully submitted,

  
Josh Runhaar  
Cache County Planner & Zoning Administrator  
Report Published: July 26, 2006

Republished: August 23, 2006

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 prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

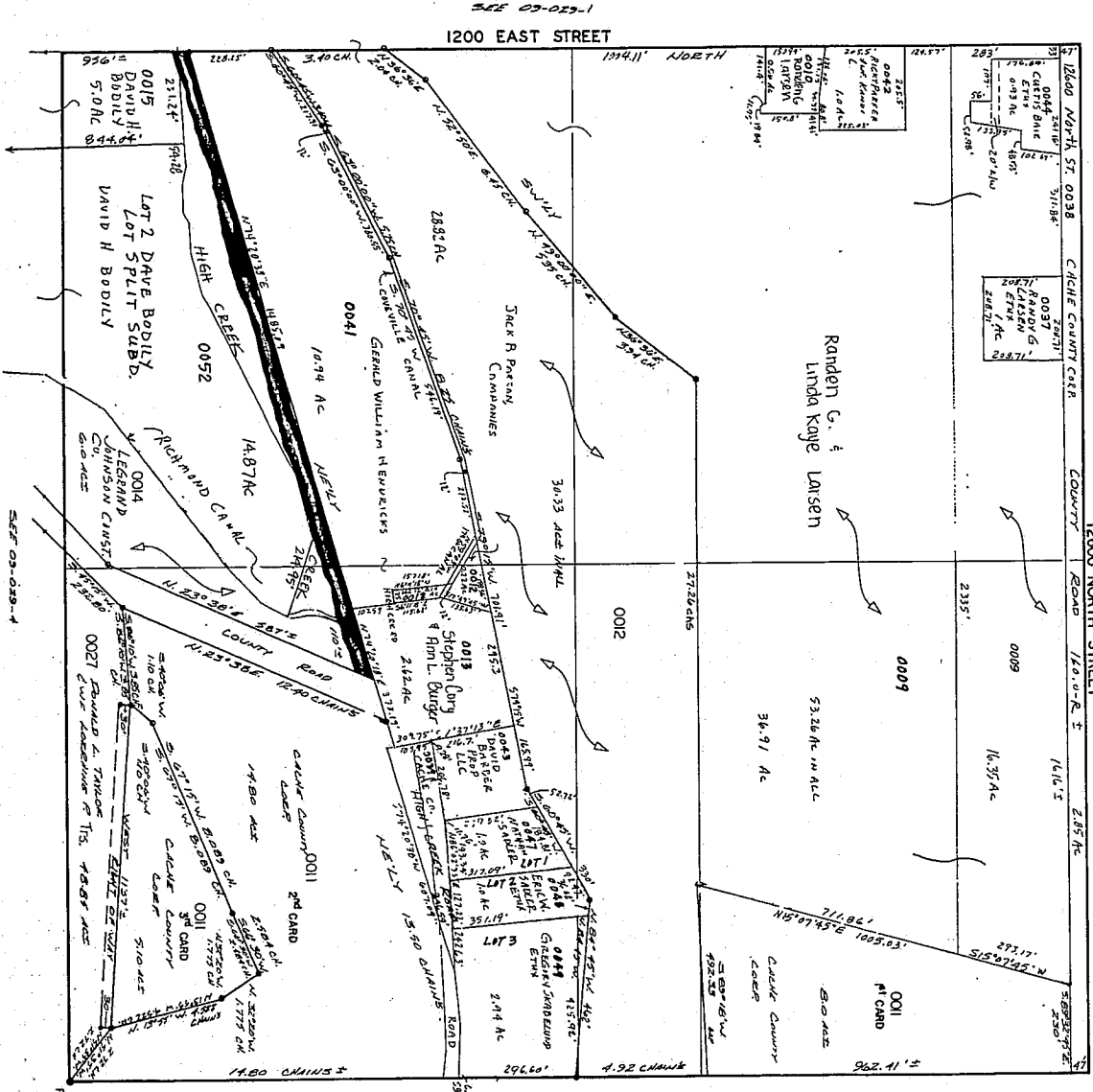




NE 1/4, SECTION 14, TOWNSHIP 14 NORTH, RANGE 1 EAST

SCALE: 1 INCH = 200 FEET

TAX UNIT 17



DRAWN BY:  
ROSS C. LARSEN  
4/10/80

1  
2 Commissioner **Troy Allen** recuses himself from the next item.

3  
4 **Item 8: Allen Gravel ME Rezone (06-037RZ)**

5  
6 **Runhaar** briefs Planning Commission; staff recommends that the Planning Commission  
7 approve a motion to recommend that the County Council approve a zone change for the Allen  
8 Gravel ME Rezone, a rezone from the Agriculture (A) to the Mineral Extraction (ME) zoning  
9 district, for property located at approximately 1500 East 12600 North, TIN # 09-029-0009 with 2  
10 stipulations. (1) Prior to the commencement of any site development activities or gravel  
11 extraction on this site, a Master Plan and Conditional Use permit shall be approved in  
12 conformance with Title 17 the Cache County Code. (2) Before going to County Council, legal  
13 ownership of parcel must be verified.

14  
15 There are 4 recommended findings of fact: (1) the location of the subject properties is compatible  
16 with the purpose of the proposed Mineral Extraction zoning district. (2) The subject properties  
17 are suitable for development within the proposed Mineral Extraction Zoning district without  
18 increasing the need for variances or special exceptions. (3) The subject properties are suitable as  
19 a location for all of the permitted uses within the proposed Mineral Extraction zoning district. (4)  
20 The subject properties, when used for the permitted uses in the Mineral Extraction zoning  
21 district, would be compatible with many of the adjoining land uses.

22  
23 **Items Discussed:** 2 phone calls, but no written protest at this time, Allen was unaware of the  
24 ownership issue, title searches typically aren't required for rezones, but may be if ownership is in  
25 question, significant reduction of truck traffic with Johnson finishing a large highway job,  
26 Willingness of gravel pits owners to improve roads if possible. Buffer zones for extraction, the  
27 best practice for zoning is to do it by parcel, otherwise it's too hard to keep track of.

28  
29 **Allen** briefs Planning Commission on his intents. We will primarily sell pit run from this  
30 property and save the higher quality gravel for better uses. Half of existing truck traffic would be  
31 moved to 12600. For reclamation we will be trying an experiment on excavating only 1 acre at a  
32 time and replacing top soil as we go. I have talked to all the gravel extractors in the area about  
33 rezoning. There is a possibility we will work with Parson's gravel wash station adjacent to this  
34 property. I have no trucks and rely on contractors to move the gravel. My brother is one  
35 contractor, he has 3 trucks.

36  
37 **Cindy Baer** a sister to the owner of property is concerned about operation because of a dispute  
38 about ownership.

39  
40 **Kelly Fornoff** It's been represented to me that they intend to file a petition of probate on the  
41 estate of their deceased parents.

42  
43 **Runhaar** We don't require title search for rezones this could be a bigger issue.

44  
45 **Dains** I suggest this be an application for rezone, with stipulation of verification of ownership.  
46

1 **Boyd Larsen** an adjoining land owner had concerns with an additional gravel pit depreciating  
2 the value of his property, and truck traffic safety with regards to children in area, and said Cove  
3 is picked on without their own government to defend.

4  
5 **Don Holser** an adjoining property owner had the same concerns about property values and small  
6 children.

7  
8 **Kelly Fornoff** commented on how few people showed up to protest from Cove. I've had 150  
9 trucks an hour pass my house for 2.5 years. He doesn't agree with the concept "there is already  
10 several, one more won't hurt."

11  
12 **Draxler** I've pushed for this rezone process, but there comes a time when the people in the area  
13 deserve some say. I will vote for, but we need to be very sensitive during the conditional use  
14 permit phase we do everything we can to help these folk.

15  
16 **Dent** moved to recommend to the County Council to rezone to ME with the stipulation that  
17 before going to County Council, legal ownership of parcel must be verified. **Clements** Seconds;  
18 passed 7,0.

19  
20 **04:22:35 PM**

21  
22 ***Item 9: Title 17 Draft Sand & Gravel Overlay Zone***

23  
24 **Runhaar** briefed Planning Commission on proposed amendment to Title 17 Sand and Gravel  
25 Overlay Zone. We've grouped the information provided by Geological Survey into two groups  
26 red being thicker higher quality, yellow being thinner less quality. Nothing changes from ME  
27 zone.

28  
29 **Issues Discussed:** This zone would be designated for example Ag-SGO; buffer zones and size  
30 with regards to accuracy and truck traffic line identification; Including a different statement for  
31 each color red and yellow; a signed restrictive covenant statement is too strong, a more  
32 declarative statement about potential would be more appropriate. Value of land near gravel pit  
33 could be higher for easy access to gravel for development or lower due to perception; an  
34 accuracy clause will be included about being illustrative.

35  
36 **Dains** this is different from Ag. The Ag zone is an on going business not requiring any additional  
37 permit. The ME zone doesn't automatically permit. This zone still requires a rezone and a CUP.  
38 People shouldn't have to waive any permit; they should have the right to complain.

39  
40 **Draxler** moved to recommend Title 17.15 Sand & Gravel Overlay Zone with edits done today,  
41 and with minor word smithing allowable before going to the County Council. **Christiansen**  
42 seconded; passed 7,0

43  
44 **04:58:26 PM**

45  
46 ***Item 10: Workshop-Cache Recycle Center and Commercial Business (06-038W)***

CACHE COUNTY  
ORDINANCE NO. 2006-13

AN ORDINANCE REZONING CERTAIN REAL PROPERTY AND AMENDING THE  
CACHE COUNTY LAND USE ORDINANCE NO. 90-15.

The Cache County Council, in a regular meeting, lawful notice of which has been given, finds that the following rezoning should be approved; and that the Cache County Land Use Ordinance, No. 90-15, together with the official Zoning Map of Cache County, should be amended, accordingly.

Therefore, the Cache County Council ordains, as follows:

1. That the following described real property located in Cache County, State of Utah, consisting of approximately 53.26 acres, which is owned by Randen G. and Linda Kaye Larsen, NE ¼, Section 14, Township 14 North Range 1 East be rezoned from Agricultural Zone to Mineral Extraction (ME) Zone more particularly described as follows:

BEG S 1009.41 FT OF PT S 89\*18' W 492.33 FT FROM NE COR SEC 14 T 14N R 1E & TH W ALG FENCE TO N BANK OF MILL RACE TH ALG N BANK TO ¼ SEC LN TH N 1004.11 FT ALG ¼ SEC LN TH S 89\*52'48" E 141.4 FT TH S 35\*23'10" E 11.95 FT TH S 88\*37'37" E 19.84 FT TH N 0\*44'50" E 150.8 FT TH S 79\*54'11" E 41.41 FT TH N 225.03 FT TH W 205.5 FT TO CL OF 1200 E ST TH N 124.57 FT TH E 2335 FT TH S 15\*07'45" W 711.86 FT TO BEG CONT 36.91 AC.

ALSO: BEG N 15\*07'45" E 711.86 FT OF PT S 1009.41 FT & S 89\*18' W 492.33 FT FROM NE COR OF SD SEC 14 & TH W 2335 FT TH N 283 FT TO PT 47 FT S OF N/4 COR SD SEC TH E 33 FT TH S 0\*18'10" W 176.69 FT TH S 89\*41'50" E 107.0 FT TH S 0\*18'10" W 56.0 FT TH S 89\*41'50" E 52.98 FT TH N 9\*16'51" E 133.95 FT TH S 89\*08'08" E 48.53 FT TH N 6\*52'05" E 102.67 FT TO S LN OF 12600 N ST TH E 311.84 FT TH S 208.71 FT TH E 208.71 FT TH N 208.71 FT TH E 1616 FT M/L TH S 15\*07'45" W 293.17 FT TO BEG CONT 16.35 AC

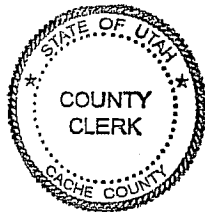
WITH 20 FT R/W IN BK 979 PG 1046: BEG AT INTERSEC OF S LN OF 12600 N & E LN OF 1200 E ST AT PT BR 47 FT S & 33 FT E OF N/4 COR SEC 14 T 14N R 1E & TH S 0\*18'10" W 176.69 FT TO TRUE POB TH S 89\* 41'50" E 160 FT TO W LN OF ABOVE PARCEL TH N 9\*16'51" E 20 FT TH N 89\*41'50" W TO PT N 0\*18'10" E 20 FT FROM TRUE POB TH S 0\*18'10" W 20 FT TO BEG CONT 53.26 AC IN ALL.

2. That the Cache County Land Use Ordinance, No. 90-15, together with the official Zoning Map of Cache County, are hereby amended accordingly.

3. This Ordinance shall become effective immediately upon publication, in the manner provided by law.

4. This Ordinance was adopted by the Cache County Council on the 10<sup>th</sup> day of October, 2006 upon the following vote:

	<u>IN FAVOR</u>	<u>AGAINST</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Chambers	X			
Gibbons	X			
Hansen				X
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
TOTAL	6			



ATTESTED BY:

*Jill M. Zollinger*  
Jill M. Zollinger, County Clerk

CACHE COUNTY COUNCIL

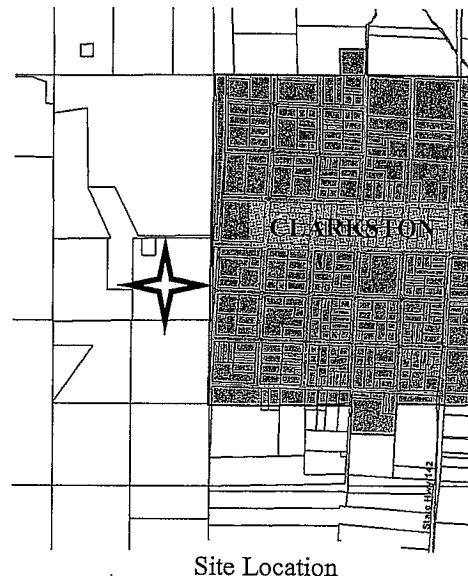
By:

*Cory Yeates*  
Cory Yeates, Chairman

Publication Date: October 25, 2006

# Development Services Cache County Corporation

*Project Name:* Hawberry Subdivision  
*Agent:* Norris Buttars  
*Request:* Two (2) Lot Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 9290 West 10200 North  
*Tax ID:* 15-032-0003  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agriculture  
South – Agriculture  
East – Town of Clarkston  
West – Gravel Pit/Agriculture



## PROJECT

*History:* This subdivision application was received on August 8, 2006, prior to the County Council approving a new subdivision ordinance that eliminated lot splits. This subdivision is being processed and reviewed as a lot split under the 2001 Subdivision Ordinance.

*Request:* The applicant is requesting a two (2) lot subdivision on an original 1970 parcel. The proposed lot sizes are 18.18 acres (Lot 1) and 19.57 acres (Lot 2). The lot sizes on both Lots 1 and 2 meet the minimum lot size requirements for a small subdivision as provided in §17.09.080.

*Water & Septic:* Lot 1 and 2 are feasible for a septic system. At this time, water is not required as this is part of a lot split subdivision, however, prior to the issuance of a Zoning Clearance, approved water rights will be required.

*Access:* Both lots within this subdivision are accessed by substandard roads (10200 North and 10300 North). The only lot proposed for development is Lot 2, which will be likely accesses from 300 West, a Clarkston Town road. Staff is recommending that no improvements be required of either road at this time, but that if residential access are requested from either road, that the applicants be required to improve the roads to their driveway access point to the minimum County road standards. Appropriate right-of-way has been dedicated on the plat.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Both lots are feasible for onsite septic systems.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

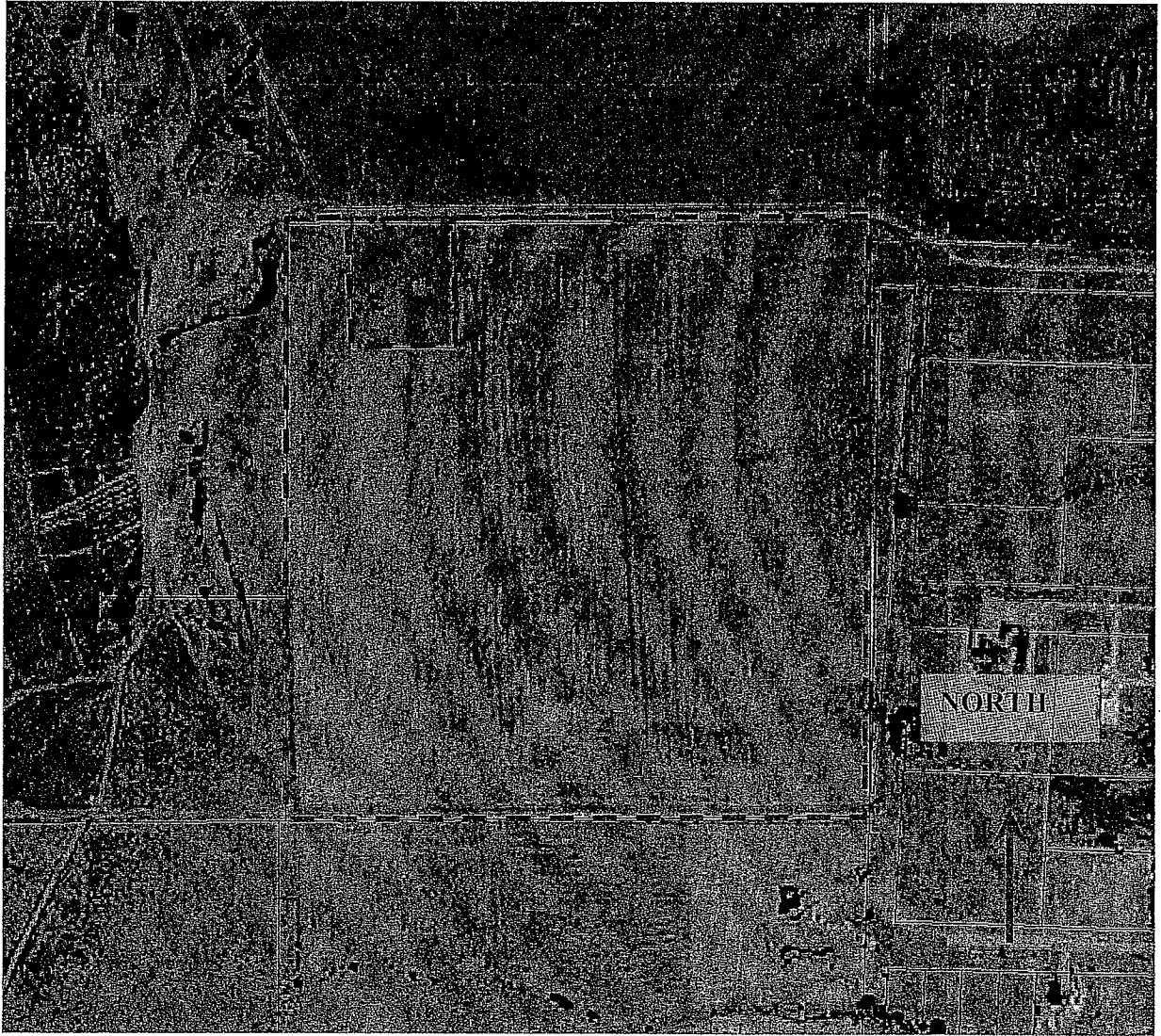
- 10200 North has a current unimproved surface width of 18 feet.
- 10300 North has a current gravel surface width of 16 feet.
- Dedicate 25 feet from the centerline of both 10200 and 10300 North.

### *Cache County Fire Department:*

- Access road to property for fire protection is adequate.
- Water supply tenders from Clarkston Fire which is 0.5 miles away.
- Fire hydrants are not available.

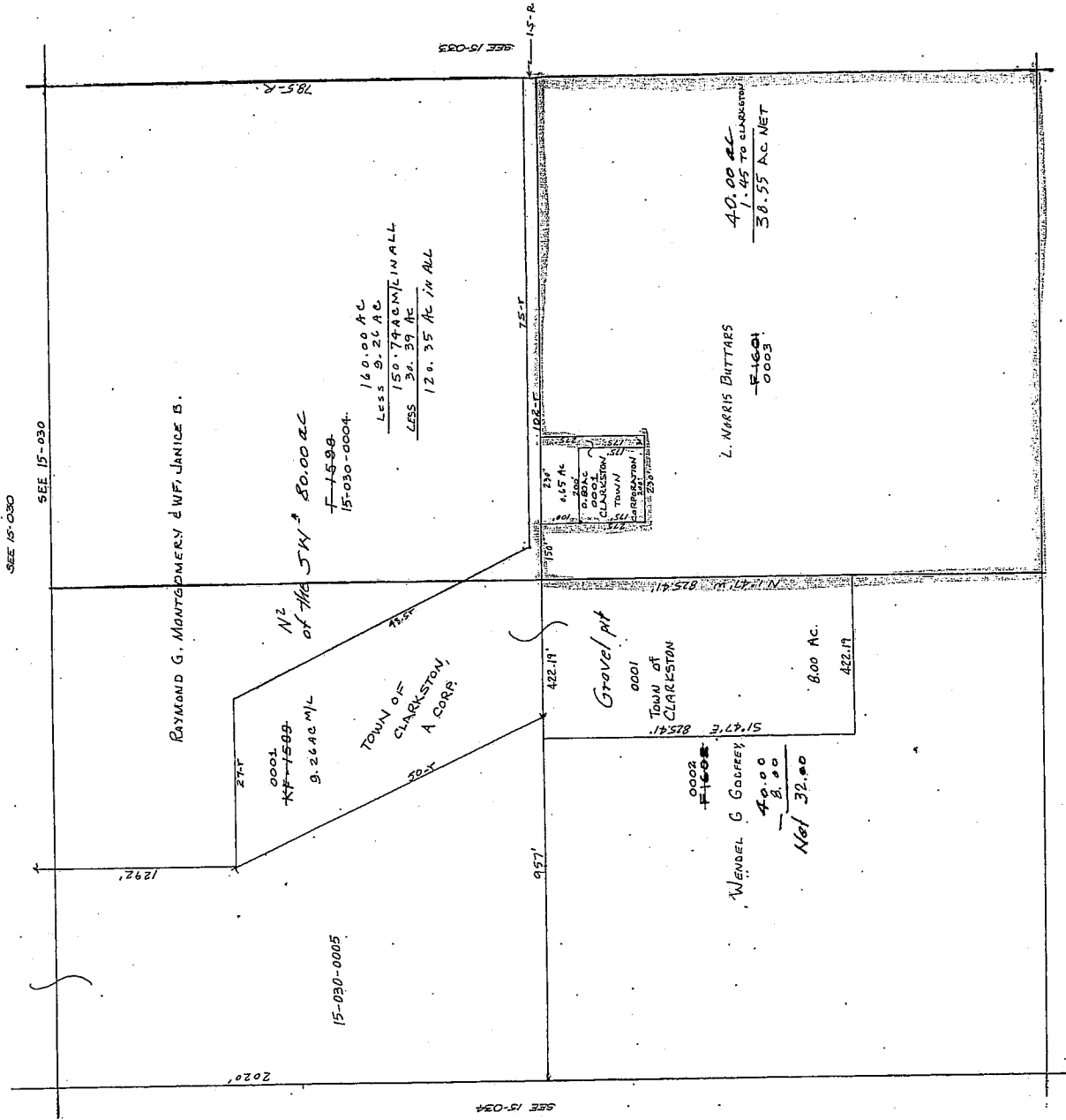
### *Cache County School District:*

- Distance from property to existing bus stops is approximately 4 blocks.
- Bus stop is at 289 North 100 West (Clarkston).



# SW 1/4 SECTION 27, TOWNSHIP 14 NORTH, RANGE 2 WEST SCALE 1 INCH = 3 CHAINS

5/3 Oct 1942  
VA.



SEE 15-030



1- **Cache County Planning Commission (CCPC)**

2  
3 Minutes for 11 Sep 2006

4  
5 Present: Jack Draxler, Lee Nelson, Linda Christiansen, LaMar Clements, Troy Allen, J. Clair  
6 Ellis, Lynn Lemon, Wendell Morse, Josh Runhaar, George Dains (arrived after item 3) Marsha  
7 Giles.

8  
9 Start Time: 12:58:03 PM

10  
11 Nelson welcomed; Christiansen gave opening remarks.

12  
13 **Approval of Minutes**

14  
15 *Clements moved to approve agenda as printed. Christiansen seconds; passed 6,0.*

16  
17 **Approval of Minutes**

18  
19 *Christiansen moved to approve minutes as printed. Clements seconds; passed 6,0.*

20  
21 01:00:35 PM

22  
23 **Consent Agenda:**

24 *1A Hawberry Lot Split Subdivision*

25 *1B Zilles Subdivision*

26 *1C Cannell Subdivision*

27 *1D Gunnell Minor Subdivision Amendment.*

28  
29 Runhaar briefs Planning Commission about new consent agenda procedure.

30  
31 Nelson asks audience if they would like to bring up any issues regarding Consent Agenda Items  
32 1A through 1 D. There was no response.

33  
34 *Allen moved to approve Consent Agenda Items 1A through 1D with stipulations. Clements*  
35 *seconds; passed 6,0.*

36  
37 01:05:27 PM

38  
39 **Item 2: Kent Peterson Lot Split Subdivision**

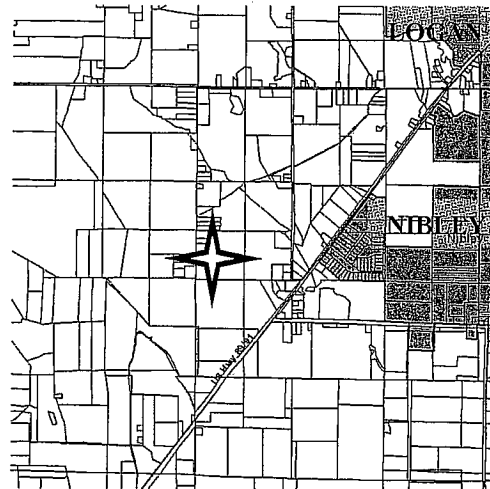
40  
41 Runhaar briefs Planning Commission on Kent Peterson Lot Split Subdivision. This was  
42 continued from last meeting.

43  
44 Peterson Mr. Jenkins and I haven't reached an agreement yet. This new option is news to me.

45  
46 Runhaar further subdivision may have difficulties if this split goes through.

# Development Services Cache County Corporation

*Project Name:* Shane Zilles Subdivision  
*Agent:* Shane Zilles  
*Request:* Three (3) Lot Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 2321 West 3000 South (College Ward)  
  
*Tax ID:* 03-011-0007/0018  
*Staff Recommendation:* Recommend Approval with Stipulations  
  
*Surrounding Uses:* North – Homes/Agriculture  
South – Agriculture  
East – Homes/Agriculture  
West – Agriculture



Site Location

## PROJECT

*History:* This subdivision application was received on August 11, 2006, after the County Council approved a new subdivision ordinance. This subdivision is being processed and reviewed under the August 2006 Subdivision Ordinance. There is an existing home on Lot 2 of this subdivision.

*Request:* The applicant is requesting a three (3) lot subdivision on an original 1970 parcel. The proposed lot sizes are 1.75 acres (Lot 1), 3.31 acres (Lot 2), and 33.42 acres (Lot 3). The lot sizes on all of the lots meet the minimum lot size requirements for a small subdivision as provided in §17.09.080.

*Water & Septic:* Lots 1 and 3 are feasible for new septic systems, and the existing septic system on Lot 2 is in working order. Water rights currently exist on Lot 2 and have been approved on Lot 1. Staff is recommending that Lot 3 be approved without water as a dry lot. Water would need to be provided if Lot 3 is developed at a future date.

*Access:* The existing home on Lot 2 is accessed from 2400 ~~North~~ <sup>West</sup> North. Lot 1 will have access onto 3000 South. As 2400 West (Meridian Road) is a collector road with a 66 foot wide right-of-way, staff is recommending that no further residential accesses be permitted onto 2400 West from Lot 3. Appropriate right-of-way has been dedicated on the plat.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Lots 1 & 3 are feasible for septic systems. The existing septic system on Lot 2 is in working order.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- 3000 South has a current paved surface width of 21 feet.
- 2400 West has a current paved surface width of 20 feet.
- Dedicate of 25 feet from the centerline for 3000 South and 33 feet from the centerline of 2400 West is required.

### *Cache County Fire Department:*

- Access road to property for fire protection is adequate.
- Water supply tenders from Logan City Fire Department which is 5.2 miles away.
- Fire hydrants are not available.

### *Cache County School District:*

- Bus stop is at 2400 West 3000 South.

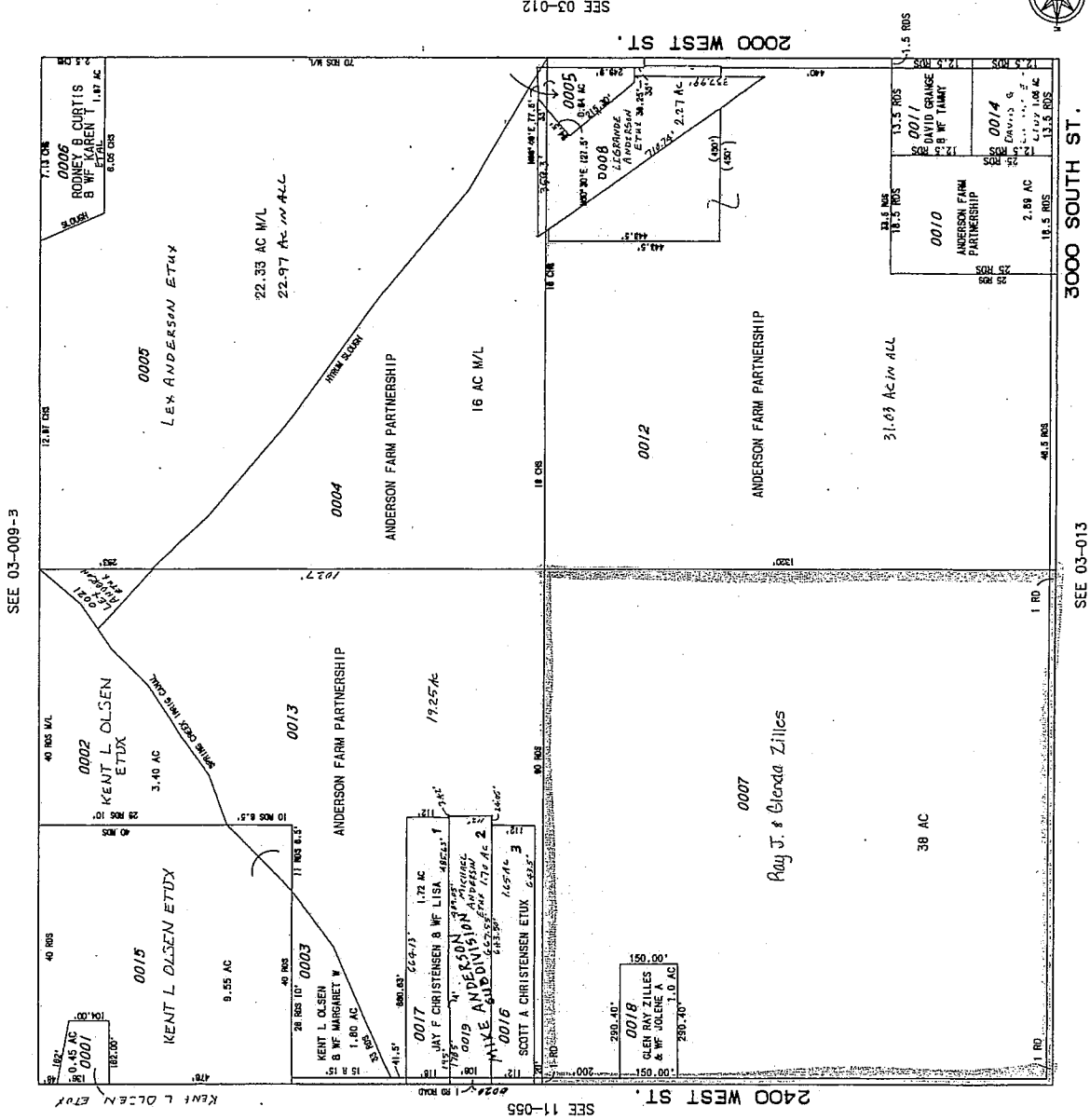


03-011

# NW/4 Sec 19 Twp 11 North, Range 1 East

## Scale 1" = 200 Feet

TAX UNIT 128



1- **Cache County Planning Commission (CCPC)**

2  
3 Minutes for 11 Sep 2006

4  
5 Present: Jack Draxler, Lee Nelson, Linda Christiansen, LaMar Clements, Troy Allen, J. Clair  
6 Ellis, Lynn Lemon, Wendell Morse, Josh Runhaar, George Dains (arrived after item 3) Marsha  
7 Giles.

8  
9 Start Time: 12:58:03 PM

10  
11 Nelson welcomed; Christiansen gave opening remarks.

12  
13 **Approval of Minutes**

14  
15 *Clements moved to approve agenda as printed. Christiansen seconds; passed 6,0.*

16  
17 **Approval of Minutes**

18  
19 *Christiansen moved to approve minutes as printed. Clements seconds; passed 6,0.*

20  
21 01:00:35 PM

22  
23 **Consent Agenda:**

24 *1A Hawberry Lot Split Subdivision*

25 *1B Zilles Subdivision*

26 *1C Cannell Subdivision*

27 *1D Gunnell Minor Subdivision Amendment.*

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29 Runhaar briefs Planning Commission about new consent agenda procedure.

30  
31 Nelson asks audience if they would like to bring up any issues regarding Consent Agenda Items  
32 1A through 1 D. There was no response.

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34 *Allen moved to approve Consent Agenda Items 1A through 1D with stipulations. Clements*  
35 *seconds; passed 6,0.*

36  
37 01:05:27 PM

38  
39 **Item 2: Kent Peterson Lot Split Subdivision**

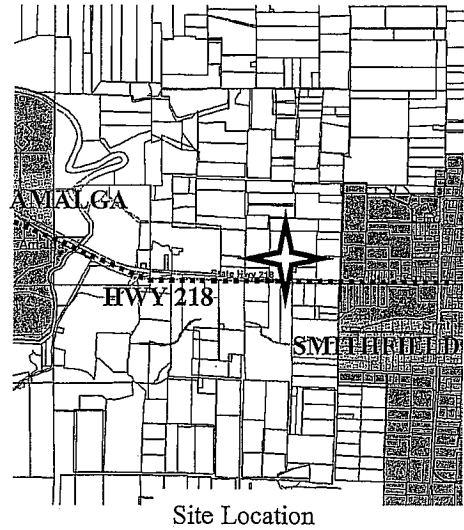
40  
41 Runhaar briefs Planning Commission on Kent Peterson Lot Split Subdivision. This was  
42 continued from last meeting.

43  
44 Peterson Mr. Jenkins and I haven't reached an agreement yet. This new option is news to me.

45  
46 Runhaar further subdivision may have difficulties if this split goes through.

# Development Services Cache County Corporation

*Project Name:* Cannell Subdivision  
*Agent:* Cheryl & Alma Burgess  
*Request:* Two (2) Lot Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 1057 West Hwy 218 (Smithfield)  
*Tax ID:* 08-089-0010  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agriculture  
South – Agriculture  
East – Agriculture  
West – Agriculture



## PROJECT

*History:* This subdivision application was received on August 14, 2006, after the County Council approved a new subdivision ordinance. This subdivision is being processed and reviewed under the August 2006 Subdivision Ordinance. There is an existing home on Lot 2 of this subdivision.

*Request:* The applicant is requesting a two (2) lot subdivision on an original 1970 parcel. The proposed lot sizes are 5.7 acres (Lot 1) and 29.6 acres (Lot 2). The lot sizes on all of the lots meet the minimum lot size requirements for a small subdivision as provided in §17.09.080.

*Water & Septic:* Lots 1 is feasible for a new septic systems, and the existing septic system on Lot 2 is in working order. Water rights currently exist for the home on Lot 2 and have been applied for on Lot 1.

*Access:* Both Lot 1 and the existing home on Lot 2 are accessed by State Hwy 218. Any new access will require UDOT approval. The applicant has attended CAMP and been required by UDOT to complete a variance request for access for Lot 1.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Lot 1 is feasible for a septic system. The existing septic system on Lot 2 is in working order.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- Hwy 218 (State Road) has a paved width of 26 feet.
- The applicant will be required to apply for a variance request for access to Lot 1 from UDOT. No Zoning Clearances will be granted until UDOT access approvals have been received.

### *Cache County Fire Department:*

- Access road to property for fire protection is adequate.
- Water supply tenders from Smithfield Fire Department which is 1.0 miles away.
- Fire hydrants are not available.

### *Cache County School District:*

- Bus stop located at 1057 West Hwy 218 is acceptable.

### *Cache County Service Area #1*

- The applicant will need to meet the requirements of Cache Service Area #1 for garbage pickup on a State Hwy.

## PUBLIC COMMENTS

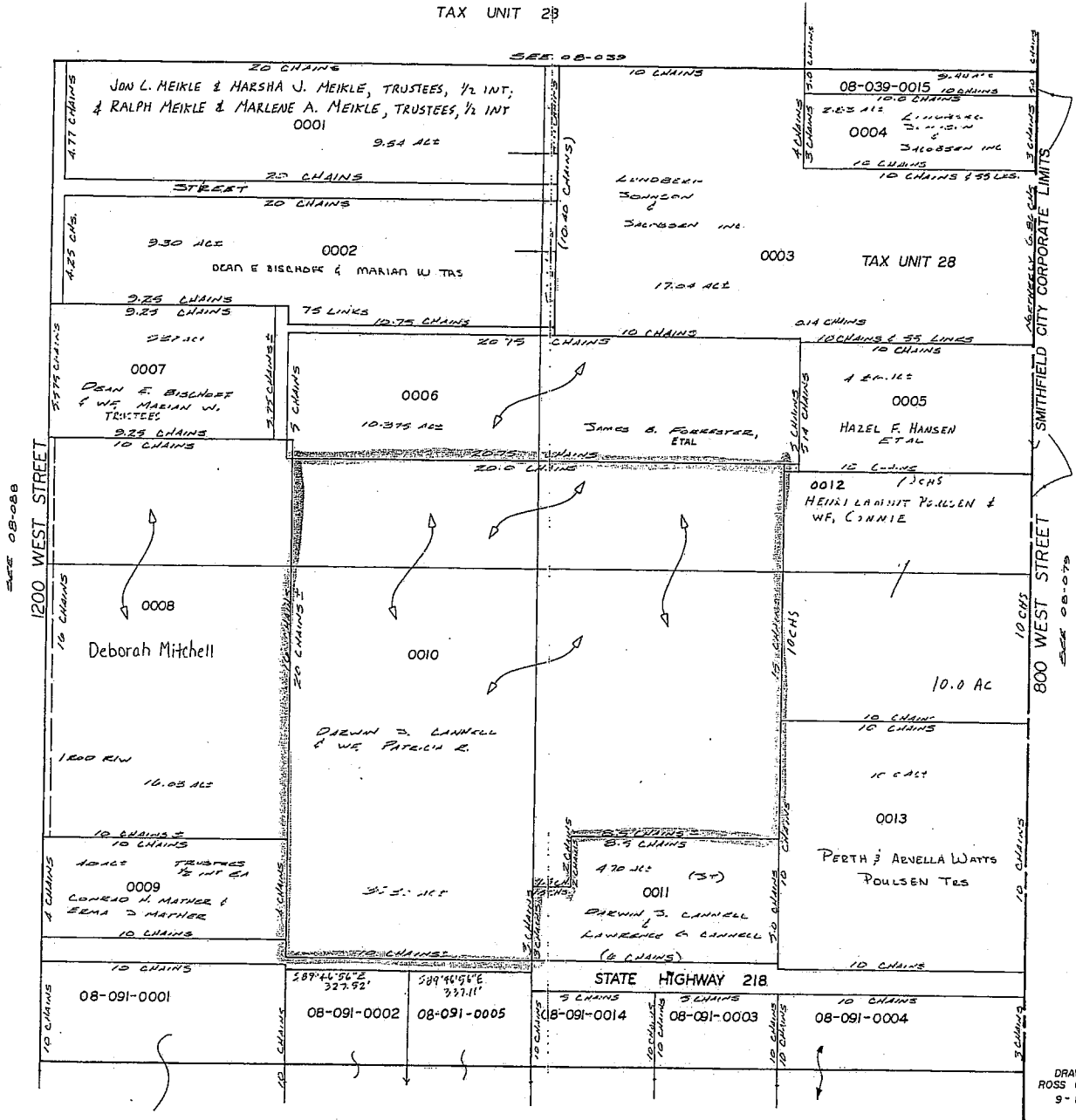


NE 1/4 Section 29 Township 13 North Range 1 East

08-089

Scale 1 Inch = 200 FEET

TAX UNIT 28



DRAWN BY:  
ROSS G. LAFRAY  
9-8-1980



1. **Cache County Planning Commission (CCPC)**

2

3 Minutes for 11 Sep 2006

4

5 Present: Jack Draxler, Lee Nelson, Linda Christiansen, LaMar Clements, Troy Allen, J. Clair  
6 Ellis, Lynn Lemon, Wendell Morse, Josh Runhaar, George Dains (arrived after item 3) Marsha  
7 Giles.

8

9 Start Time: 12:58:03 PM

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11 Nelson welcomed; Christiansen gave opening remarks.

12

13 **Approval of Minutes**

14

15 *Clements moved to approve agenda as printed. Christiansen seconds; passed 6,0.*

16

17 **Approval of Minutes**

18

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20

21 01:00:35 PM

22

23 **Consent Agenda:**

24

*1A Hawberry Lot Split Subdivision*

25

*1B Zilles Subdivision*

26

*1C Cannell Subdivision*

27

*1D Gunnell Minor Subdivision Amendment.*

28

29 Runhaar briefs Planning Commission about new consent agenda procedure.

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35 *seconds; passed 6,0.*

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37 01:05:27 PM

38

39 **Item 2: Kent Peterson Lot Split Subdivision**

40

41 Runhaar briefs Planning Commission on Kent Peterson Lot Split Subdivision. This was  
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43

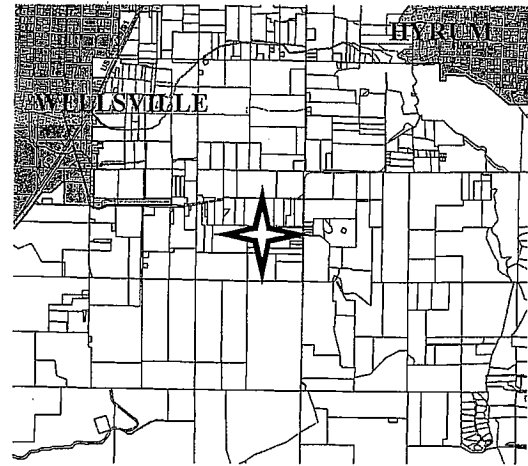
44 Peterson Mr. Jenkins and I haven't reached an agreement yet. This new option is news to me.

45

46 Runhaar further subdivision may have difficulties if this split goes through.

# Development Services Cache County Corporation

*Project Name:* Gunnell Subdivision Amendment  
*Agent:* Nolan Gunnell  
*Request:* Amendment to Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 2800 West 7000 South (Mt. Sterling)  
*Tax ID:* 10-046-0044/0045  
*Staff Recommendation:* Recommend Approval with Stipulations  
*Surrounding Uses:* North – Agriculture  
South – Agriculture  
East – Agriculture  
West – Agriculture



Site Location

## PROJECT

*History:* The Gunnell Minor Subdivision, a four lot subdivision with a remainder parcel, was originally approved in March of 2005.

*Request:* The applicant is requesting to increase the lot size for Lots 3 and 4 of the Gunnell Minor Subdivision. There are no existing homes on either of the lots that are being amended. The subdivision amendment is being completed in compliance with State Code §17.27a Part 6 which requires that the land use authority approve “any proposed vacations, alterations, or amendments of a subdivision plat.”

The applicant is requesting that Lot 3 be increased from 5.09 acres to 7.53 acres and that Lot 4 be increased from 3.14 acres to 5.65 acres. The applicant has stated that the purpose of this amendment is to ensure that these lots will be eligible for greenbelt status. The lot sizes on all of the lots meet the minimum lot size requirements for a small subdivision as provided in §17.09.080.

*Water & Septic:* Bear River Health has provided a letter stating that the increase in lot size will not effect the septic suitability of these lots. Water rights have been approved for both Lot 3 and Lot 4, and staff is recommending that the remainder parcel remain as a dry lot.

*Access:* Both Lot 3 and Lot 4 are accessed from 2800 West, a private road with a gravel surface width of 20 feet. As there is no proposed increase in lots, staff is recommending that no further requirements be imposed on the existing private access drive.

## AGENCY AND COUNTY DEPARTMENT COMMENTS

### *Bear River Health Department:*

- Lot 3 and 4 are feasible for septic systems.
- Any new septic system shall be between 100 and 200 feet from any water ways or wells, as determined by the Bear River Health Department.

### *Cache County Road Department:*

- 2800 West, a private drive, has a gravel width of 20 feet.

### *Cache County Fire Department:*

- Access road to property for fire protection is adequate.
- Water supply tenders from Wellsville Fire Department which is 4.3 miles away.
- Fire hydrants are not available.

### *Cache County School District:*

- Bus stop located at 6800 South 2400 West.

### *Cache County Service Area #1*

- The applicant will need to bring the cans to an accessible County road or meet the requirements of Cache Service Area #1 for garbage pickup on a private drive.

### **PUBLIC COMMENTS**

Notices were mailed to 11 property owners located within three hundred feet of the subject property. At the time the staff report was prepared, no written comments had been received by Staff.

### **STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Gunnell Minor Subdivision Amendment, an amendment for Lots 3 and 4 of the Gunnell Minor Subdivision on property located at approximately 2800 West 7000 South, TIN #10-046-0044 and 0045.

*Stipulations:*

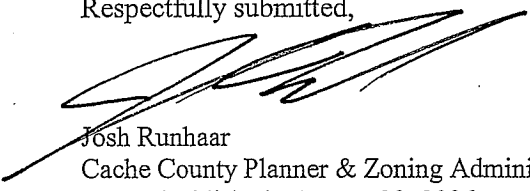
1. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet from any water way or well unless otherwise designated by the Health Department.

### **RECOMMENDED FINDINGS OF FACT**

The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

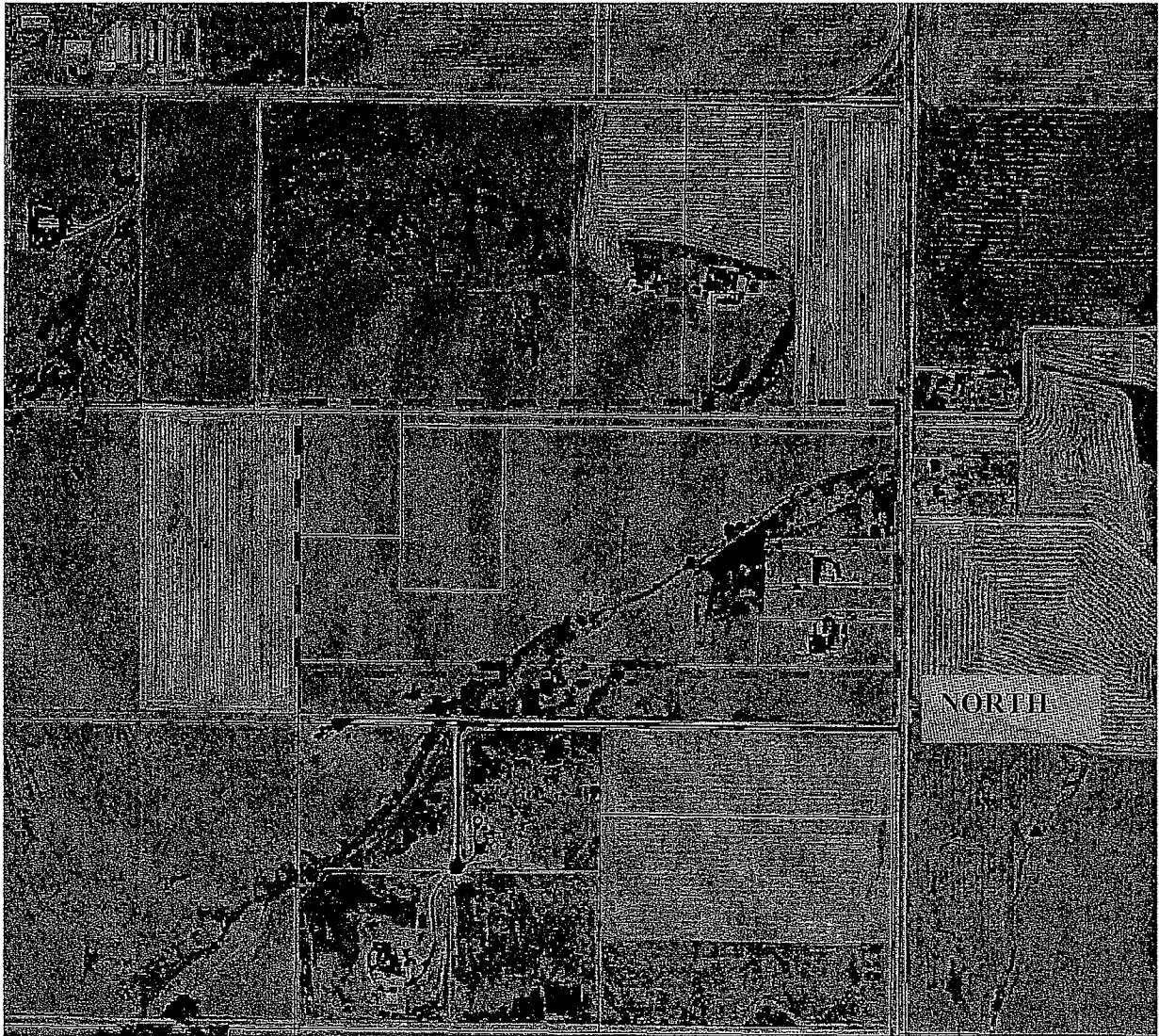
1. The Gunnell Subdivision Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Gunnell Subdivision Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Gunnell Subdivision Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 2800 West, the private road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,



Josh Runhaar  
Cache County Planner & Zoning Administrator  
Report Published: August 30, 2006

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 prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report. The Zoning Administrator reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



1. **Cache County Planning Commission (CCPC)**

2

3 Minutes for 11 Sep 2006

4

5 Present: Jack Draxler, Lee Nelson, Linda Christiansen, LaMar Clements, Troy Allen, J. Clair  
6 Ellis, Lynn Lemon, Wendell Morse, Josh Runhaar, George Dains (arrived after item 3) Marsha  
7 Giles.

8

9 Start Time: 12:58:03 PM

10

11 Nelson welcomed; Christiansen gave opening remarks.

12

13 **Approval of Minutes**

14

15 *Clements moved to approve agenda as printed. Christiansen seconds; passed 6,0.*

16

17 **Approval of Minutes**

18

19 *Christiansen moved to approve minutes as printed. Clements seconds; passed 6,0.*

20

21 01:00:35 PM

22

23 **Consent Agenda:**

24

*1A Hawberry Lot Split Subdivision*

25

*1B Zilles Subdivision*

26

*1C Cannell Subdivision*

27

*1D Gunnell Minor Subdivision Amendment.*

28

29 Runhaar briefs Planning Commission about new consent agenda procedure.

30

31 Nelson asks audience if they would like to bring up any issues regarding Consent Agenda Items  
32 1A through 1 D. There was no response.

33

34 *Allen moved to approve Consent Agenda Items 1A through 1D with stipulations. Clements*  
35 *seconds; passed 6,0.*

36

37 01:05:27 PM

38

39 **Item 2: Kent Peterson Lot Split Subdivision**

40

41 Runhaar briefs Planning Commission on Kent Peterson Lot Split Subdivision. This was  
42 continued from last meeting.

43

44 Peterson Mr. Jenkins and I haven't reached an agreement yet. This new option is news to me.

45

46 Runhaar further subdivision may have difficulties if this split goes through.

RESOLUTION NO. 2006- 27

**A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.**

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2006 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2006 budget for Cache County:

**see attached**

Section 2.

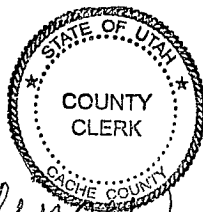
Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

Section 3.

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

This resolution was duly adopted by the Cache County Council on the 10th day of October, 2006.

ATTESTED TO:



*Jill N. Zollinger*  
Jill N. Zollinger, Cache County Clerk

CACHE COUNTY COUNCIL

*Cory Yeates*  
Cory Yeates, Chairman

FUND 10 GENERAL FUND REVENUES

Resolution 2006-12  
budget hearing - 10/10/06 6:30PM

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Increase CREDIT	Amended Budget	Reason for Change
10-33-70102	USU - Grant Other Local	-	(3,240)	(3,240)	(3,240)	Horticultural intern grant
10-31-30000	Sales Tax Revenue	(3,300,000)	(1,200)	(1,200)	(3,301,200)	Increase estimate based on current projections
10-33-10400	Homeland Security Grant	(256,520)	15,218	(241,302)	(241,302)	reclass budget to actual grant program
10-33-10410	Fed Grant - Law Enforcement Terrorism Pro		(15,218)	(15,218)	(15,218)	reclass budget to actual grant program
10-35-14000	Court Fines	(135,000)	(250)	(250)	(135,250)	Plea in Abeyance fee - CCVS
10-36-70000	County Fair Fees	(54,500)	(6,091)	(6,091)	(60,591)	Adjust to actual collections
10-36-73000	Rodeo Ticket Sales	(24,000)	(3,089)	(3,089)	(27,089)	Adjust to actual collections
	Totals		15,218	(29,089)	(13,870)	
	Net Adjustment					

FUND 10 GENERAL FUND EXPENDITURES

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Decrease CREDIT	Amended Budget	Reason for Change
10-4115-120	Water Policy - Temp employees	13,500		(2,500)	11,000	transfer to cover expenses
10-4115-620	Water Policy - Misc Services	46,057	2,500		48,557	transfer to cover expenses
10-4145-230	Attorney - Travel	8,251	2,287		10,538	transfer to cover expenses
10-4145-240	Attorney - Office Expense	9,626	1,830		11,456	transfer to cover expenses
10-4145-312	Attorney - Extraordinary Costs	26,111		(4,574)	21,537	transfer to cover expenses
10-4145-620	Attorney - Misc Services	2,292	457		2,749	transfer to cover expenses
10-4148-450	Spec Dept Petty Cash - VOCA	150	250		400	Plea in Abeyance fee - CCVS
10-4160-120	Bldg & Grnds - Temporary Employees	13,167	25,000		38,167	transfer to cover expenses
10-4160-260	Bldg & Grnds - Building & Grounds	13,860	1,500		15,360	transfer to cover expenses
10-4160-270	Bldg & Grnds - Utilities	58,905		(1,500)	57,405	transfer to cover expenses
10-4160-620	Bldg & Grnds - Misc Services	31,185		(25,000)	6,185	transfer to cover expenses
10-4232-200	Jail - Commissary	-			-	Commissary account activity
10-4450-120	Weed - Temporary Employees	22,153	2,254		24,407	to cover temp employees salaries thru the end of Sept
10-4450-250	Weed - Equipment Supplies & Maint	11,616	2,276		13,892	transfer to cover expenses
10-4450-481	Weed - Utah-Idaho Co-op Grant	20,000		(4,530)	15,470	transfer to cover expenses
10-4610-120	Extension - temporary employees	15,536	3,000		18,536	USU horticultural intern grant
10-4610-130	Extension - benefits	26,343	240		26,583	USU horticultural intern grant
10-4610-250	Extension - equip supply & maint	5,600	1,200		6,800	to cover maint for 2 vehicles not included in budget
10-4620-115	Fair - Overtime pay	1,400	1,450		2,850	transfer to cover expenses
10-4620-120	Fair - temporary employees	310	143		453	transfer to cover expenses
10-4620-130	Fair - employee benefits	515	655		1,170	transfer to cover expenses
10-4620-730	Fair - Improvements	-	8,775		8,775	for awnings on the Home Arts Building
10-4621-115	Rodeo - overtime pay	1,000	(1,000)		-	transfer to cover expenses
10-4621-120	Rodeo - temporary employees	310	(310)		-	transfer to cover expenses
10-4621-130	Rodeo - employee benefits	533	(533)		-	transfer to cover expenses
	Totals		53,817	(39,947)	13,870	
	Net Adjustment					

**FUND 15 ASSESSING AND COLLECTING FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Decrease CREDIT		
15-4145-230	Attorney - Travel	749	213		962	transfer to cover expenses
15-4145-240	Attorney - Office Expense	874	170		1,044	transfer to cover expenses
15-4145-312	Attorney - Extraordinary Costs	2,389		(426)	1,963	transfer to cover expenses
15-4145-620	Attorney - Misc Services	208	43		251	transfer to cover expenses
	Totals		426	(426)		
	Net Adjustment					

**FUND 24 SENIOR CITIZENS FUND REVENUES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Decrease DEBIT	Increase CREDIT		
24-38-60000	Project Income - Donations	(10,000)	1,000		(9,000)	reclass Walmart donation to correct line
24-38-75000	Transfers from other funds	(10,000)		(1,000)	(11,000)	reclass Walmart donation to correct line
	Totals		1,000	(1,000)		
	Net Adjustment					

**FUND 28 Cache Library FUND REVENUES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Decrease DEBIT	Increase CREDIT		
28-38-75000	Transfers from other funds	-		(750)	(750)	Walmart Grant
				(750)	(750)	

**FUND 28 Cache Library FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Decrease CREDIT		
28-4581-486	Spec Grant Expense	-	750		750	Walmart Grant
			750		750	

**FUND 29 Children's Juvenile Justice Fund EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended		Amended Budget	Reason for Change
			Increase DEBIT	Decrease CREDIT		
29-4149-120	Temporary Employees	-	300		300	to cover emergency family & medical leave for FT employee
29-4149-310	Professional & Technical	900		(300)	600	to cover emergency family & medical leave for FT employee
	Totals		300	(300)		
	Net adjustment					



**FUND 74 AMBULANCE FUND REVENUES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Recommended Increase CREDIT	Amended Budget	Reason for Change
74-38-20000	Transfer from CCEMS	(487,140)	27,000	-	(460,140)	CCEMS to keep funds to offset purchase of ambulance
	Totals		27,000	-	27,000	
	Net Adjustment					

**FUND 74 AMBULANCE FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Recommended Decrease CREDIT	Amended Budget	Reason for Change
74-4262-230	Ambulance- Travel and Training	10,000	-	(9,950)	50	reduce amounts to accommodate ambulance purchase
74-4262-292	Ambulance- Rent	24,000	-	(7,000)	17,000	reduce amounts to accommodate ambulance purchase
74-4262-620	Ambulance- Misc. Services	200,000	-	(10,050)	189,950	reduce amounts to accommodate ambulance purchase
	Totals		-	(27,000)	(27,000)	
	Net Adjustment					

**FUND 77 AIRPORT FUND REVENUES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Decrease DEBIT	Recommended Increase CREDIT	Amended Budget	Reason for Change
77-33-10421	FED Grant AIP #17	(600,000)	-	(106,168)	(706,168)	Adjust to federal grant award for AIP #17
77-33-44421	ST Grant AIP #17	-	-	(10,000)	(10,000)	adjust to grant award on AIP #17
	Totals		-	(116,168)	(116,168)	
	Net Adjustment					

**FUND 77 AIRPORT FUND EXPENDITURES**

ACCOUNT	DESCRIPTION	Current Budget	Recommended Increase DEBIT	Recommended Decrease CREDIT	Amended Budget	Reason for Change
77-4460-739	grant projects	3,443,341	116,168	-	3,559,509	Adjust for increase in AIP #17 grant
	Totals		116,168	-	116,168	
	Net Adjustment					