

CACHE COUNTY COUNCIL MEETING
June 12, 2007

The Cache County Council convened in a regular session on June 12, 2007 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Darrel Gibbons
Vice Chairman: John Hansen
Council Members: Brian Chambers, John Hansen, H. Craig Petersen, Kathy Robison, Cory Yeates & Gordon Zilles.
County Executive: **M. Lynn Lemon, absent.**
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Troy Allen, Attorney George Daines, Jay Downs, Representative Jack Draxler, Clair Ellis, Chris Gaddis, Nolan Gunnell, Vern Gunnell, Claudia Harmon, Kon Harmon, Matt Haas, Phillip Holmgren, Sharon L. Hoth, Assessor Kathleen Howell, Gary Joy, Kristofor Kvarfordt, Maryann McDonald, Walt Morrell, Wendell Morse, Dave Nielsen, Matt Nielsen, Jacob Nielson, Evan Olsen, Ines Olsen, Kevin Ostergaard, Tamara Ostergaard, June Owen, Brent Parker, Pat Parker, Lamont Poulsen, Chief Gary Roberts, Josh Runhaar, Andrew Semadeni, Trigge Simpson, Jodi Skinner, Jim Smith, Malinda Tolson, Janet Valle, Gary Van Powell, Dustin Ward, Rod Wilhelm, Kristie Wilkinson, Tim Wilkinson, Walt Young **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as written.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Zilles to approve the minutes of the May 22, 2007, Council meeting as written. Yeates seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON (Pat Parker gave the report in Lemon's absence who was attending the Public Risk Management Association Conference.)

APPOINTMENTS: There were no appointments

WARRANTS: The warrants for the period 05-25-2007 to 05-31-2007 were given to the clerk for filing.

OTHER ITEMS

- **Water Manager Job Description Draft** – The Council members' packets included a beginning draft for the Council's review and input. Lemon indicated he had tried to prepare the draft considering the following:
 - a. The development of the Bear River 60,000 acre feet allotted to Cache County
 - b. Working with Franklin County and the municipalities in the valley and other water owners to manage current water resource and plan for future water needs
 - c. Bringing all water entities together to plan and development future water needs collectively
 - d. Speak with a united voice on water management and development

- **TV Translator Proposal** – Initially the Salt Lake television stations agreed, in principle, to provide additional translators so Cache County could provide both analog and digital television signals when the FCC permitted such. Several issues have voided that agreement. An additional translator would cost \$10,000.00 to \$11,000.00. Mike Braegger proposes that he flash cut the channel 9 translator meaning it will switch from analog to digital overnight. The analog signal will be discontinued. That translator will then be used four digital channels – 2, 4, 5 and 9. The analog signals of 2, 4, and 5 will remain on the air for now. Only the analog signal for Channel 9 will be affected by this action. Lemon asked if the proposal should be approved or if the Council wants to go through a public hearing before making a decision?

Gibbons said that by switching channel 9 all the other channels become digital and Channel 9 will be the only one without an analog signal.

Hansen said it is always wise to hold a public hearing to become more educated.

Petersen said Channel 9 carries educational programming with online courses and this could impact them.

ACTION: Motion by Council member Yeates to set a Public Hearing for June 26, 2007 at 5:45 p.m. to receive public comment on the TV translator proposal. Hansen seconded the motion. The vote was unanimous, 7-0.

- **Proposal from Lieutenant Governor's Office for 2007 Election** – It is proposed to provide Cache County with \$59,501.00 to conduct the General Municipal Election including the "school voucher" vote. This is \$64,499.00 less than the Lieutenant Governor's Office planned to provide the county to conduct the Western States Presidential Primary next year. Lemon and Clerk Zollinger are meeting with City Recorders June 14, 2007 to determine the amounts the cities will provide to help fund the General Municipal Election. A proposal will be returned to the County Council after this meeting.

- **USACCC Summer Conference** is scheduled for July 20, 2007 at Snow College Richfield Campus.

- **Cache County Senior Citizens Center** has been under a corrective action period since late 2006. The county budgeted funds to purchase additional kitchen equipment and to

hire additional kitchen staff. During the visit on May 29, 2007 the State Division of Aging and Adult Services acknowledged great improvement and recommended to continue to fund the meals program.

- **Parking Lot on County Block** – A letter about the county block parking has been received from Mayor Watts generally containing the terms of the June 26, 2006 letter from Kymber Housley. Item No. 3 now includes “with the understanding that it will be developed as public parking.” Mayor Watts’ letter also indicates that the city will commence construction on the walkway by the summer of 2008 and will at that time reimburse the county for the \$75,000.00 and deed the city property interest to the county.

ITEMS OF SPECIAL INTEREST

- **Introduction of Temporary Logan District Ranger – Janet Valle** introduced herself to the Council and indicated she is out of the Ogden Regional Office and will be assigned here for two to four months.

Petersen asked if Valle knows what is happening in regard to the \$9,000.00 in RAPZ funds given to the Forest Service to be used for trail signage? Valle responded she will check on it.

- **Employee of the Month** for the month of June was presented to Maryann McDonald of the Assessor’s Office by Jim Smith.

BUDGETARY MATTERS

❖ **Intra-Departmental Budget Transfers**

Ambulance	Transfer \$5,000.00 from Misc Services to Non-Capitalized Equipment to purchase poly-com system for Smithfield & Hyrum EMS locations to be used for training.
Search & Rescue	Transfer \$1,631.00 from Education and Training to Capitalized Equipment to transfer balance of RAPZ award money to equipment.
Support Services	Transfer \$7,920.00 from Non-Capitalized Equipment to Capitalized Equipment to reverse transfer of \$7,920.00. Expense was a capitalized purchase.
Fire	Transfer \$59,380.00 from HLS Non-Capitalized Equipment to HLS Grant Contrib to other Units to reclassify budget to contributions to other units to meet actual expenditures.

(Attachment 1)

ACTION: Motion by Council member Yeates to approve the Intra-Departmental Budget transfers of \$5,000.00, \$1,631.00, \$7,920.00 and \$59,380.00. Robison seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Hardship Request** - Hale, A. Roderick – The Auditor’s office recommended approval of this as all tax notices were mailed to the property address and Mr. Hale resides in Farmington, Utah and never received the notices. Mr. Roderick has paid the back taxes and is simply requesting that the penalties and interest be forgiven and the administrative costs be waived.

(Attachment 2)

ACTION: Motion by Council member Petersen to approve the recommended property tax Hardship request for Hale, Roderick A. Chambers seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2007-18 – Approval of 2007 Weed Policy** – Chairman Gibbons explained that this is done each year. Yeates asked if there were any new species on the list? Gibbons said he didn’t think so.

Chambers asked if the county ever has to bill anyone for removing weeds? Gibbons said that does occur.

Vice-Chairman Hansen asked how the battle against Dyers Woad is coming? Gibbons said he believes the university is trying different approaches in test locations around the valley.

(Attachment 3)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2007-18-A Resolution Adopting the 2007 Cache County Weed Control Policy, Plan and Fee Schedule. Robison seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2007-19 – Business License Fire Inspection Fee** – Chairman Gibbons asked Chief Roberts to explain the fee. Roberts said the Fire Board decided to implement this fee to cover the costs of doing inspections after conducting a study through fire departments in the county who charge a fee. The \$20.00 fee is towards the bottom end of what departments are charging.

Robison asked how many inspections the county fire department does in a year? Roberts replied almost three hundred for business license purposes only.

(Attachment 4)

ACTION: Motion by Vice Chairman Hansen to waive the rules and approve Resolution No. 2007-19-A Resolution to Amend Cache County Fire Department Fee Schedule to Include Fees for Business License Inspections. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Final Plat Approvals** - Josh Runhaar said that the following three plats were without any major problems and recommended approving them together as consent agenda items – Reese Subdivision, Paradise Springs Subdivision, and Tim Wilkinson Subdivision.

(Attachment 5)

ACTION: Motion by Council member Robison to waive the rules and approve the Final Plats for the Reese Subdivision and the Paradise Springs Subdivision and to approve the Tim Wilkinson Subdivision Final Plat with the stipulation that residential fire sprinklers be required as recommended by the fire department. Yeates seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- ❑ **Discussion – Requirements to Hire Water Manager** – Chairman Gibbons directed Council members to the draft that Executive Lemon had included in their packets and indicated the salary range will be \$28.00 to \$40.00/hour depending on experience and qualifications, he/she would report to the County Executive, would be expected to work at least 40 hours per week and asked for the Council's input. Gibbons said he feels this is a critical enough issue that the Council should take action on the job description quickly.

Petersen suggested that the following should be added: Manage and conduct research on water related matters; Engage in grantsmanship; Recommend policy to the Council; Excellent written and oral communications skills; Bachelors Degree.

Further discussion among the Council produced the following additional points: No less than five years of experience; Address storm water issues.

Robison raised the question of whether this salary was in the range with present Department Heads in the county? Gibbons said Human Resources Officer Jim Smith was not present to ask.

Petersen pointed out that an error was made when this was passed last week. The Council voted to increase the property tax mil levy by ¼ mil on the anticipation that it would generate \$180,000.00. Actually, ¼ mil will generate \$900,000.00. It was off by a factor of five and the error occurred because of a misunderstanding of what a mil is. Mils are no longer used. Petersen recommended correcting the action of the last meeting to reflect the actual intent of the Council. The Council should only raise property taxes a sufficient amount to generate \$180,000.00. This would represent a 2.57% increase in the county's portion of the tax or one-half of one percent of total property taxes. The county's total levy is 2.425 mils.

ACTION: Motion by Council member Petersen to reconsider the action of the Council at the May 22, 2007 meeting and stipulate that property taxes will be raised by \$180,000.00 to fund the Water Department. Yeates seconded the motion. The vote was unanimous, 7-0.

(This was the action at the May 22, 2007 meeting: Motion by Council member Zilles to form a Cache County Water Department and hire a Water Department Head who will report to the County Executive for the first year; to fund the Water Department with a ¼ mil dedicated tax; to extend an invitation to Franklin County to provide a Franklin County Commissioner as a member of the Cache County Water Committee; and that the Water Policy Advisory Board remains intact. Hansen seconded the motion. The vote was unanimous, 6-0. Chambers absent.)

Executive Lemon will rework the job description and return it to the Water Committee for approval.

- Ordinance No. 2007-05 – Agricultural Subdivisions** – No action was taken on this pending the outcome of Public Hearings.

OTHER BUSINESS

- ✓ **Hyrum 4th of July Parade – 12:00 noon – July 4, 2007** – Zilles and Yeates will attend.
- ✓ **Lewiston 4th of July Parade – 9:15 a.m. – July 4, 2007** – Yeates and Gibbons will attend.
- ✓ **Joint Meeting with Logan City Council – June 14, 2007-5:00 p.m.** - Cache County Administration Building, Multi Purpose Room, Logan, Utah
- ✓ **Sesquicentennial Celebration** – Petersen commended Clerk Jill Zollinger and Treasurer Karen Jeppesen on the County's Sesquicentennial program stating it was a great program and far exceeded expectations. The Council concurred.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING – PROPOSED AGRICULTURAL SUBDIVISION ORDINANCE 2007-05 – Josh Runhaar explained the various options to be discussed and then presented the following questions for public comment:

1. How many lots should a small subdivision be?
2. Should the county utilize the multiple AG zone option?
3. Should the county implement clustering of some form?
4. What zoning densities should the county have if it goes to the multiple zone option?
5. What should the base zone be?

Petersen asked why it is important to designate a base zone? Runhaar said if there is no base zone, each piece has to be looked up separately and placed in a zone. With a default base zone, all are in that base zone and must request being moved up or down from it. Daines added the base zone would function as a transition zone.

ACTION: Motion by Council member Yeates to open the Public Hearing-Proposed Agricultural Subdivision Ordinance 2007-05. Hansen seconded the motion. The vote was unanimous, 7-0.

Chairman Gibbons opened the Public Hearing, invited public comment, and asked that people wishing to speak state their names and keep comments brief and to the point of the five questions outline by Runhaar.

Walt Morrell asked for clarification on the clustering options. The AG 20C zone – if you built ten homes on small lots clustered, does that mean you have to have 200 acres? Twenty times ten?

Gibbons said that is correct.

Petersen asked how incentives for clustering fits? Runhaar said the county would have to determine what kind of incentives it wants to offer. Instead of allowing only ten homes, might allow thirteen or fourteen.

Daines said that if you had an AG 40 zone, you would agree that the property could be rezoned to a 10C so that you could get more homes if you agreed to the clustering.

Claudia Harmon, Petersboro, said she is not going to address any of the questions but is concerned about what is happening with the natural barriers issue and feels that problem should be corrected before other changes are addressed.

Clair Ellis, County Planning Commission, suggested that the county is too big for one catchall zone. The master plan just states regional planning – it doesn't have to be the same everywhere in the county. If the county begins with 8-10 regional zones based on agricultural definitions, it would be a starting point. If the county starts with multiple zones based on development, the county is doing what is contrary to its intention to zone for agriculture. If development pays its own way, there would be less concern on the part of the public as to where that development occurs if it's not a burden on the county and hopes multiple zones are not seen as an alternative to having development pay its own way.

Brent Parker, Wellsville, suggested a quarter page ad in the paper to announce these types of meetings and asked how the county is weighing public input? Is it by the number of people attending, many names on a petition, or public comments?

Petersen answered that this is a two-stage endeavor. The Council will receive ideas from the public at these hearings and then will have another public hearing when the actual ordinance is proposed.

Parker said a five-lot minor subdivision is fine and thought a three-lot minor subdivision would create a high demand and push up the costs. Parker favored clustering and suggested deed or code restrictions on the remaining open space in clustered developments.

Walt Young, Petersboro, asked why the county is thinking of changing its subdivision ordinance?

Gibbons said the current ordinance allows no major subdivisions and restricts development to five-lot subdivisions. The Development Services office is concerned that five-lot subdivisions are springing up all over the county without a plan for the development of the county.

Zilles said Cache County is open and beautiful and the county wants to allow people to develop their land and build homes and still preserve the open areas as much as possible. Planning may help preserve that as long as possible.

Young said the market should drive the land use. People want to live on two to five acre parcels. As the five-lot subdivision ordinance sits now, it gives a nice mix of lot sizes. People like that.

Trigge Simpson said his concern is a landowner with 100 acres and one with 10 acres can have the same number of lots. Simpson said he has been in other communities with a similar situation – a rural area in which a large influx is occurring and it has to be organized. Traffic issues, high water table areas,

sewer issues all have to be dealt with. Simpson worked in Clark County, Nevada to develop one master plan. Many people worked together for a long period of time to come up with the plan. They decided that along this corridor because it's a state highway width, they could pick the reason why the density should change there and the city grows in density and traffic in an efficient way. Basically, all the city and county did was take care environmental and traffic issues and let free market do its job. Huntsville established a one acre density and then to preserve the open space, they went to one house per three acres – Simpson didn't feel that worked well. The county should set the rules as far as clustering bonuses. Simpson said he was bringing sewer through a rural area and the county came to him and asked what size line is your engineer requiring? I said an 8-inch line. The county wanted him to bump it to a higher size for the potential growth. This was unfair for the developer to bear the burden of the sewer line for everyone else. In that case, the county footed the bill for the increased size and Simpson footed the bill for the size line he needed for his development. The county recouped their money through impact fees as soon as development tapped into that line. If you don't like that, the developer could pay for the increased line size and then the impact fees would come back to him. Simpson does not like TDR's (transfers of development rights). Simpson offered his email address to anyone wishing to contact him – tsimpson@ovalley.net. Simpson didn't like the idea of going to a three-lot subdivision, but favored a density based plan.

Jodi Skinner is building a home in Wellsville and likes the larger lots and urged the county to plan to preserve the beauty of the valley and hopes to see an open space bond on the ballot.

Nolan Gunnell said it is not always economically feasible to farm those open spaces people like. Small remainder parcels are difficult to farm. Gunnell questioned why the county spends money to promote tourism which may encourage people to move here which promotes growth the county must deal with. Gunnell likes clustering, but isn't sure what the size of a small subdivision should be. Is the 5 ½ acres greenbelt wrong? Maybe it's too large and creates a weed lot that cannot be controlled. Gunnell feels it needs to be looked at. How is agricultural land designated? Only that land that grows so many tons per acre is agricultural? There are different AG uses – maybe horses could be raised on land that won't raise hay. Farmers' retirement is their land and they need to be able to do what is economically realistic.

Daines asked if you took a hundred acre tract and zoned it 10C, which means you can cluster on the basis of one residence on 10 acres, so a 200 acre tract would yield 20 residences and leave 180 acres open. Is that kind of thing you are talking about?

Gunnell said that helps in that area; farmers still have an option to say I can let my kids have some ground, I can let something come in here and we still are getting some open space to it. In the clustering in subdivisions, Gunnell understands you have water issues and septic issues, and to him that is where you get into the zones with what can be done as far as water, what can be done as far as drainage from the septic tanks. These types of issues dictate the zones. But in the AG zone, you have dairies and all the industries that are tied to AG, which bring people here and they may end up building here. So we're impacting AG by supporting tourism and these other industries.

Jack Draxler spoke in favor of a three-lot subdivision because it would be the least intrusive on the character of the county. Draxler said input seems to indicate clustering is preferred for large subdivisions and needs to be pursued. Large developments need to be in or near the incorporated cities because that is where the infrastructure is. Draxler said there are now twelve houses out in the county in a limited area where it would be considered rural. These are so tight together that the owners are worried about septic contaminating the wells. The only alternative to encouraging large developments around cities is a large subdivision ordinance that would include infrastructure like a common water system and possibly a common sewer system and Draxler is not sure that is what most people want to see in the county. We all believe in and defend private property rights, but there are always some limitations to what can be done with our property that we've agreed on as a community is appropriate. Just because there is a market doesn't mean the county allows development in a completely free-lance fashion. North of Evanston, Wyoming is an example of that kind of development and the people who live there say they have a mess

– they have contamination of wells and a hodge-podge with houses in every direction. Draxler encouraged the Council to keep working on the ordinance and planning for the county.

Chris Gaddis said he sold about 140 acres for a man in Petersboro who couldn't farm it any longer because of health issues. He sold his property to a California developer for a major subdivision. For \$15,000.00 an acre which gives the man something to be able to retire on. Gaddis supports clustering and open space. One of the questions with open space is who's going to take care of it? Gaddis said this meeting should have been better advertised. Large subdivisions should be required to put in the infrastructure.

Matt Nielsen said he liked Daines' suggestion because it increases the value of the land, but Draxler's suggestion to go to a three-lot subdivision decreases the value of the land. Clustering keeps the value. The present five-lot subdivision ordinance is working. People want to buy larger parcels in the county to build a home.

Andrew Semadeni said AG land will be valuable in the future and supports efforts to preserve agricultural land.

Kris Kvarfordt, landscape architect, said the number of lots allowed for a small subdivision depends on what else you have. If something else is developed in the ordinance, then he favors a three-lot subdivision because it makes the process easier for people who want to divide for family. Kvarfordt said different densities are appropriate and rezoning is a valid process for that because each site is unique. Kvarfordt supports clustering but it should be incentivized. The incentives should give the landowner a benefit, but the county also because it gives the county tools to control, maintain and preserve. There needs to be planning to decide which connections the county wants to preserve – open space is not a lot of good if it isn't connected to other open space. Understanding how the county wants the open space connected and how the county wants the transportation system connected and understanding how the county wants the open space to be used are all important. Clustering should include open space management plans which could be agricultural, recreational, etc. Kvarfordt offered a caution concerning density saying it should be handled on a case-by-case rezone to allow the county to have all the information regarding water, sewer, etc. People may want to preserve open space for aesthetic reasons, but who pays for it? Transportation is needed to get people around and perhaps the traffic corridors should provide some of the open space around them. What should the base zone be? It depends on whether it's residential or agricultural. Kvarfordt said a survey would gather better information for the county than public hearings do.

Gary Van Powell said a farmer can't farm forty acres and make it pay. Van Powell feels that Utah State is the farmer's biggest competitor in the valley.

Gibbons asked if there was any other public comment. There was none.

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

Chairman Gibbons indicated there will be another Public Hearing in two weeks.

OTHER BUSINESS

- ✓ **Joint Meeting with Logan City Council – June 14, 2007-5:00 p.m.-Cache County Administration Building, Multi Purpose Room** – Chairman Gibbons reminded the Council that in the last joint meeting, Logan City said they wanted to terminate the Willow Park Agreement and gave some general reasons. The specific issues will be discussed at this June 14th meeting. Gibbons said he has had discussions with various Logan City personnel and Council members and feels the biggest decision will concern

the administration and budgets of the Willow Park Complex and Fairgrounds. Gibbons asked for the Council's input in preparation for the discussion at the coming meeting.

Most Council members aren't sure of what Logan City's desires are at present.

Attorney Daines said that after reviewing the agreement, he feels it would be costly to Logan City to dissolve the partnership. Daines recommended that the Council go slowly and be sure they understand what Logan City is proposing before proceeding. The county should analyze the City's proposal before taking any action. Daines said he would prepare a packet for the Council that will contain maps of the properties, ownership information, who administers the property, value and size of the properties, etc. Daines said the County needs to look closely at its finances and have a thorough understanding as it participates in this discussion. Daines asked what sense it makes for the county to own property over which it has no control, no management, no revenue and no involvement?

Petersen reminded the Council that the plan is to receive Logan City's written proposal at the June 14th meeting and then form a joint sub-committee to pursue finalization of any proposal. Petersen said there are other ways of administering these properties without terminating the joint agreement.

Gary Joy, Logan resident, asked to speak and said he has not been able to find out what Logan City is trying to say. He has spoken with residents around the fairgrounds and some do have an issue with the noise, but the early residents want the fair to stay. Joy urged the Council to take some time to consider this. The fairgrounds are a beautiful facility that serves all of the county. The library system should have stayed with the county, but went to Logan City and now there are problems for county residents trying to use the library.

Gibbons asked Lamont Poulsen for suggestions on how to handle public comment at the meeting.

Poulsen said a two-minute time limit per speaker is sufficient with a caution that comments should be respectful.

Gibbons agreed and suggested a thirty-minute limit for all public comment.

Petersen recommended taking time to define the issues to be discussed before opening the meeting to public comment.

Gibbons said Logan City has asked him to state that Logan is not pushing the fair out of Logan, only in getting out of the fair business by having the facility administered differently and suggested also stating the following:

1. Ask Logan City if they have the termination papers.
2. Ask Logan City what they want to accomplish at this meeting.
3. Take public comment.

COUNCIL MEMBER REPORTS

Cory Yeates said he has been in touch with Box Elder County Commissioner Hardy and their Chief Deputy Sheriff and road supervisor took a ride up over Rocky Dugway and down through Three-Mile and the lock is off the gate; however, it appears to be locked, but you can still swing the gate open. The Cache side of the road needs attention.

Chairman Gibbons said roads in the Clarkston area have six-foot ruts and citizens have asked him if the County is so busy with Forest Service roads, that it can't fix these roads?

John Hansen said Alan Summers has told him that things are happening in regard to the road placement and asked to be kept informed. Daines said Selman's have volunteered that the road should be on Summers' property line. Summers is not in agreement with that proposal.

Kathy Robison reported that the Library Board has met and is still working towards accreditation. She also met with the new Bookmobile Director and discussed future Bookmobile policy, materials and route.

Brian Chambers said the Instrument Landing System is being installed and should be completed by August 26, 2007.

ADJOURNMENT

The Council meeting adjourned at 7:55 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Darrel Gibbons
Council Chairman

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Ambulance
DATE: 6/4/2007

Amount to be transferred -- (rounded to the nearest dollar) \$5,000.00

Transfer From ---
Line Item No. : 74-4262-620
Fund Designation: Misc Services

Original Budget:	<u>\$198,000.00</u>
Current Budget:	<u>\$198,000.00</u>
Expenditures to date:	<u>\$130,389.00</u>
Balance before transfer:	<u>\$67,611.00</u>
Balance after Transfer:	<u>\$62,611.00</u>

Transfer To ---
Line Item No. : 74-4262-251
Fund Designation: Non-Capitalized Equipment

Original Budget:	<u>\$0.00</u>
Current Budget:	<u>\$0.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$0.00</u>
Balance after Transfer:	<u>\$5,000.00</u>

Description of needs and purpose of transfer ---
To purchase poly-com system for Smithfield & Hyrum EMS locations to be used for training.

[Signature]
Department Head

Recommendation: [] Approval [] Disapproval
Comments:

Date: 6/4/2007

[Signature]
Cache County Auditor

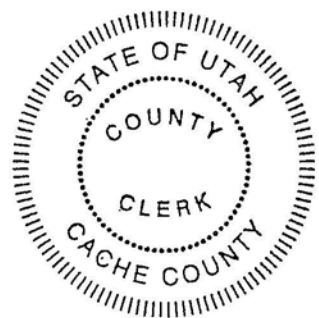
Recommendation: [] Approval [] Disapproval
Comments:

Date: 6/14/07

[Signature]
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 12th day of June, 2007.

[Signature]
Cache County Clerk



REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Search & Rescue
 DATE: 6/6/2007

Amount to be transferred -- (rounded to the nearest dollar) \$1,631.00

Transfer From ---

Line Item No. : 10-4216-330
 Fund Designation: Education and Training

Original Budget:	<u>\$8,000.00</u>
Current Budget:	<u>\$13,000.00</u>
Expenditures to date:	<u>\$9,302.00</u>
Balance before transfer:	<u>\$3,698.00</u>
Balance after Transfer:	<u>\$2,067.00</u>

Transfer To ---

Line Item No. : 10-4216-740
 Fund Designation: Capitalized Equipment

Original Budget:	<u>\$10,000.00</u>
Current Budget:	<u>\$20,000.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$20,000.00</u>
Balance after Transfer:	<u>\$21,631.00</u>

Description of needs and purpose of transfer ---
To transfer balance of RAPZ award money to equipment

[Signature]
 Department Head

Recommendation: Approval Disapproval
 Comments:

Date: 6/6/2007

[Signature]
 Cache County Auditor

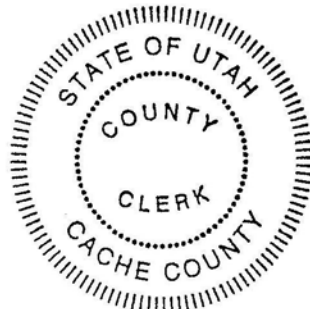
Recommendation: Approval Disapproval
 Comments:

Date: 6/14/07

[Signature]
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 12th day of June, 2007.

[Signature]
 Cache County Clerk



REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Support Services
 DATE: 5/29/2007

Amount to be transferred -- (rounded to the nearest dollar) \$7,920.00

Transfer From ---
 Line Item No. : 10-4211-251
 Fund Designation: Non-Capitalized Equipment

Original Budget:	<u>\$39,000.00</u>
Current Budget:	<u>\$50,945.00</u>
Expenditures to date:	<u>\$29,942.07</u>
Balance before transfer:	<u>\$21,002.93</u>
Balance after Transfer:	<u>\$13,082.93</u>

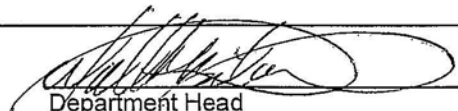
Transfer To ---
 Line Item No. : 10-4211-740
 Fund Designation: Capitalized Equipment

Original Budget:	<u>\$41,000.00</u>
Current Budget:	<u>\$33,080.00</u>
Expenditures to date:	<u>\$41,528.00</u>
Balance before transfer:	<u>(\$8,448.00)</u>
Balance after Transfer:	<u>(\$528.00)</u>

Description of needs and purpose of transfer ---
to reverse transfer of \$7920. Expense was a capitalized purchase.

Recommendation: [] Approval [] Disapproval
 Comments:

Date: 5/29/2007

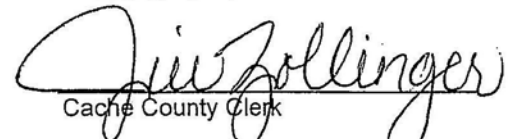

 Department Head

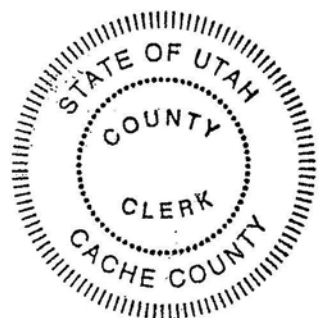
Recommendation: [] Approval [] Disapproval
 Comments:

Date: 6/14/07


 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 12th day of June, 2007.


 Cache County Clerk



REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Fire
 DATE: 5/29/2007

Amount to be transferred -- (rounded to the nearest dollar) \$56,380.00

Transfer From ---
 Line Item No. : 104220-251
 Fund Designation: HLS -Non-Capitalized Equipment

Original Budget:	<u>\$40,000.00</u>
Current Budget:	<u>\$106,279.00</u>
Expenditures to date:	<u>\$32,171.33</u>
Balance before transfer:	<u>\$74,107.67</u>
Balance after Transfer:	<u>\$17,727.67</u>

Transfer To ---
 Line Item No. : 10-4220-990
 Fund Designation: HLS Grant -Contrib to other Units

Original Budget:	<u>\$80,000.00</u>
Current Budget:	<u>\$19,542.00</u>
Expenditures to date:	<u>\$75,921.88</u>
Balance before transfer:	<u>(\$56,379.88)</u>
Balance after Transfer:	<u>\$0.12</u>

Description of needs and purpose of transfer ---
To reclassify budget to contributions to other units to meet actual expenditures.

[Signature]
 Department Head

Recommendation: [] Approval [] Disapproval
 Comments:

Date: 5/29/2007

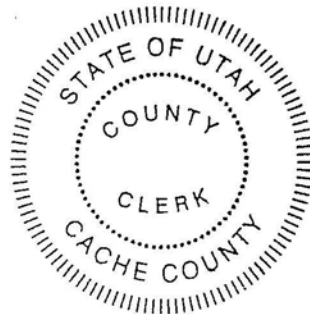
[Signature]
 Cache County Auditor

Recommendation: [] Approval [] Disapproval
 Comments:

Date: 5/29/07

[Signature]
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 12th day of June, 2007.



[Signature]
 Cache County Clerk

MEMORANDUM

TO: Cache County Council
FROM: Tamra Stones, Cache County Auditor
DATE: June 12, 2007
SUBJECT: Property Tax Requests for Hardship Applicants

The guidelines for the severe economic hardship abatement found in the Utah Code Annotated, Sections 59-2-1107, 59-2-1108, and 59-2-1109, is up to 50 percent of taxes owing for the current year, not to exceed \$676.00. The following applicants do not meet the criteria for circuit breaker and indigent abatement because of age or income; therefore it becomes the governing body's decision to remit or abate according to the above-mentioned codes.

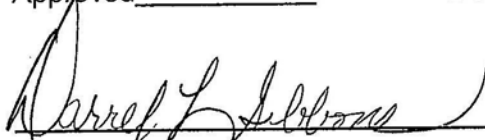
New Applicant:

A Roderick Hale – 01-130-0009 (Paradise). Mr. Hale's property was listed on the current year's tax sale due to unpaid taxes for the past 5 years. After numerous attempts by the County Auditor to find Mr. Hale, he was finally located and the back taxes were paid in full, including penalties and interest totaling \$626.42. Mr. Hale is requesting the penalties and interest to be forgiven and the administrative costs of \$165.00 waived. This is due to never having received tax notices indicating amounts or due dates. All tax notices were mailed to the property address, which has been uninhabited since the property was purchased. Mr. Hale resides in Farmington.

Recommend cancellation and refund of penalties & interest totaling \$626.42 and waiving of administrative costs totaling \$165.00.

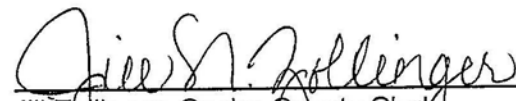
Applicants request for assistance is:

Approved Denied Tabled



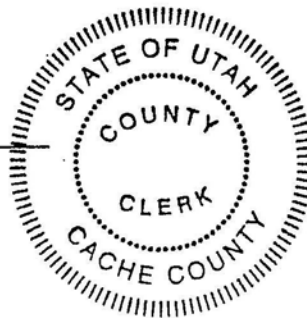
Darrel L. Gibbons, Chairperson

ATTESTED:



Jill Zollinger, Cache County Clerk

Date: 6-12-2007



Cache County
Office of the County Auditor
179 North Main STE 202
Logan, Utah 84321

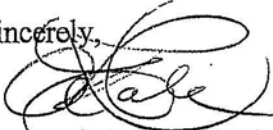
Re: Parcel 01-130-0009

I am submitting this request to forgive the penalties and interest in the amount of \$626.42 and the administrative costs of \$165.00, totaling \$821.42. The reason for requesting this forgiveness is because I never received a tax nor assessment notice indicating amounts or due dates. All notices mailed, were mailed to the property address which has been uninhabited since I purchased the property.

If necessary, please confirm this information with Tamara Stones, the Cache County Auditor. Please also confirm with her that upon notification, I immediately resolved the issue at hand.

Your support and timely approval of this request would be greatly appreciated.

Sincerely,



A Roderick (Rick) Hale
1647 West 1410 North
Farmington, Utah 84925
Home Phone (801) 451-0406

CACHE COUNTY
RESOLUTION NO. 2007 - 18

A RESOLUTION ADOPTING THE 2007 CACHE COUNTY WEED CONTROL POLICY, PLAN AND FEE SCHEDULE

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which had been given, finds that it is appropriate and necessary in accordance with the Utah Noxious Weed Act and Cache County Ordinance 79-11 for Cache County to adopt a weed control policy for the calendar year 2007.

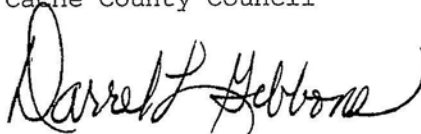
THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED that the 2007 Cache County Weed Control Policy, Plan and Fee Schedule, a copy of which is attached hereto, is hereby adopted.

This resolution shall take effect immediately upon adoption and supercedes any prior resolution, motion, or policy adopted by Cache County.

This resolution was adopted by the Cache County Council on the 12th day of June, 2007.

Cache County Council

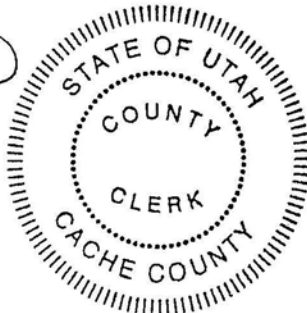


Darrel L. Gibbons
Chairman

ATTESTED:



Jill N. Zollinger
Cache County Clerk



2007 CACHE COUNTY WEED CONTROL POLICY

STATEMENT OF INTENT

The Cache County weed control program will function in accordance with the 1971 Utah State Noxious Weed Act and Cache County Ordinance (79-11) to organize, supervise, and coordinate a noxious weed control plan for Cache County.

Cache County encourages commercial and private weed control efforts where possible. The county weed control personnel will provide noxious weed control in areas where terrain, organizational problems, or special equipment requirements make it difficult for commercial or private control efforts to succeed.

Current weed control practices will be used including chemical, biological, cultural and mechanical methods.

ANNUAL COORDINATION MEETINGS

The County Weed Board shall initiate quarterly coordination meetings each year. All organizations concerned with weed control should be invited to have a representative in attendance. The following agencies should be invited:

Utah Department of Transportation, U.S. Forest Service, Utah Division of Wildlife Resources, State Trust Lands, Utah Department of Agriculture and Food, Cache County Extension, Union Pacific Railroad, Pacificorp Corporation, Queststar, and irrigation companies.

Cache County personnel from the Weed Department as well as the Road Superintendent and the County Executive should be in attendance. Any other interested parties or citizens should be notified of these meetings through a notice in the newspaper.

The purpose of the spring meeting will be to inventory and record current problem areas, discuss and record any new infestations, discuss effective weed control efforts, discuss and coordinate county priorities with the Cooperative Weed Management Area (CWMA) priorities, and plan and organize the year's weed control program.

The two mid year meetings will be held to discuss pressing weed control issues such as new weed discoveries, weed law violations, and enforcement.

Another meeting shall be held in the fall to inform the Weed Board of the activities of the Weed Department for the past weed season and to discuss possible county priorities for the CWMA the following year. The *Annual Weed Progress Report* should be presented and a summary of the results of the summer's activities should be discussed.

WEED CONTROL SERVICE AREA

Any individual, corporation, municipality, governmental agency, or organization owning, leasing, or controlling property within Cache County may request the services of the County Weed Department in accordance with weed control priorities established and approved by the Weed Board and the Cache County Council. All requests for agriculture crop spraying and residential yard and/or garden spraying will be referred to commercial applicators.

Property owners are encouraged to participate in the weed control process by locating, identifying and controlling specific infestations on their individual properties. The Weed Control Department reserves the right to schedule commercial application equipment when the County equipment is not available.

WEED CONTROL PRIORITIES

1. Control of noxious weeds or any plant deemed a nuisance or hazard on county property.
2. Control of noxious weeds on steams, drainage, and irrigation systems. Also, control of non-noxious plants which impede the water flow in irrigation systems when that control can be accomplished as part of the noxious weed application.
3. Control of noxious weeds on non-crop land areas such as rangeland, wet pastures, fence lines, vacant land etc.

CATEGORIES OF WEEDS

For the purpose of organizing and funding control programs, noxious and invading weeds are classified into four categories.

A-PRIORITY WEEDS

Qualifications for this class include: Classified as noxious or invading; Less than 25 total acres in Cache County; Reasonable possibility for eradication; Accessible to spray equipment.

These weeds include: **Yellow starthistle, squarrose knapweed, dalmatian toadflax, yellow toadflax, buffalobur, black henbane, Bermudagrass, Johnsongrass, and St. Johnswart.**

B-PRIORITY WEEDS

Qualifications for this class include: Classified as noxious or invading; Poses significant threat to surrounding counties/states; Beyond expectation of eradication due to large acreage and/or poor access; Still considered controllable with herbicide and/or biocontrol.

These weeds include, in order of priority: **Diffuse knapweed, spotted knapweed, Russian knapweed, goatsrue, musk thistle, Scotch thistle, perennial pepperweed, purple loosestrife, leafy spurge, medusahead, velvetleaf, poison hemlock, puncturevine, dyer's woad, hoary cress (whitetop), and saltcedar (*Tamerix* spp.).**

C-PRIORITY WEEDS

Qualifications for this class include: Weeds that are well beyond expectation of eradication or control because infestation is widespread throughout Cache County, Utah and neighboring states.

These weeds include: **Canada thistle, field bindweed, quackgrass.**

SPECIAL PROJECT WEEDS

Under special circumstances Cache County Weed Department receives funding to do certain projects. In such circumstances, the Weed Department may subsidize a percentage of the project.

NOXIOUS WEED SEED RESTRICTIONS

It shall be unlawful for any person, firm, or corporation to sell, offer, or expose for sale or distribute in the State of Utah any agricultural, vegetable, flower, tree and shrub seeds, or seeds for sprouting for seeding purposes which: Contain, either in part or in whole, any prohibited noxious weed seeds.

"Prohibited" noxious weed seeds are the seeds of any plant determined by Utah Commissioner of Agriculture and Food to be injurious to public health, crops, livestock, land, or other property. (Utah Seed Law, R68-8)

WEED CONTROL FEE SCHEDULE

The following charges will be effective for the 2007 spraying season.

- 1. **GENERAL**
LABOR/EQUIPMENT FEE \$40.00 per man hour
HERBICIDE FEES Varies depending on herbicide
- 2. **A-PRIORITY WEEDS** – Projects where the Weed Department treats a majority of weeds in this category a 50% discount will be given. \$30.00 minimum charge.
- 3. **B & C-PRIORITY WEEDS** – Property owners/managers and municipalities will be charged the fees for labor/equipment used to apply herbicides and the price of herbicide applied.
- 4. **SPECIAL PROJECT WEEDS** -- Will be considered upon funding available.
- 5. A **MINIMUM FEE** of \$30.00 will apply to all site visits made by Weed Department personnel and vehicles in response to requests for weed control, except as provided in category 2.
- 6. **LONG DISTANCE FEE** – Work performed in areas beyond ten (10) miles from the Weed Department will be charged a Long Distance Fee of \$5.00.

Requests for services or contracts with Cache County Weed Department which, due to distance, terrain, or special personnel requirements, create expenses not anticipated in the above guidelines (categories 1 through 5), will be negotiated on an individual basis with the County Weed Supervisor and, if necessary, the County Executive.

PUBLICATION OF NOXIOUS WEED NOTICE

Before May 1 of each year a general notice of the noxious weeds in the County must be posted in at least three public places in the County. The same notice must be published in a newspaper or other publication of general circulation within the County.

The following is a list of weeds declared noxious by the state of Utah:

- | | |
|--------------------------------------|------------------------|
| Bermudagrass | Yellow Starthistle |
| Field Bindweed (Morning Glory) | Quackgrass |
| Perennial Pepperweed (Tall Whitetop) | Russian Knapweed |
| Canada Thistle | Squarrose Knapweed |
| Dyer's Woad | Diffuse Knapweed |
| Johnsongrass | Spotted Knapweed |
| Leafy Spurge | Hoary Cress (whitetop) |
| Musk Thistle | Medusahead |
| Scotch Thistle | Purple Loosestrife |

The following weeds are declared noxious by Cache County:

- | | |
|----------------|--------------|
| Goatsrue | Puncturevine |
| Poison Hemlock | |

NOTIFICATION OF PROPERTY OWNERS FAILING TO CONTROL WEEDS

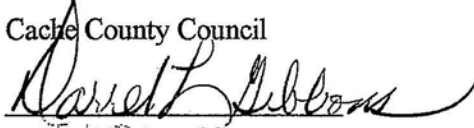
Property owners, or the person in possession of a piece of ground, may be given notice personally or by certified mail that the noxious weeds on their property must be controlled. The notice shall include the specific actions required to control weeds on the property and a specific time frame for completion. If no action is taken to remedy the situation, the property may be declared a public nuisance.

If the owner or person in possession of the property fails to take action to control the noxious weeds within five working days after the property is declared a public nuisance, the County Weed Department may, after reasonable notification, enter the property, without the consent of the person in control of the property and perform any work necessary to control the weeds. Any expense incurred by the County in controlling the noxious weeds is paid by the property owner or the person in possession of the property. These charges must be paid within 90 days after receipt of the charges. If not paid within 90 days after notice of the charges, the charges become a lien against the property and are collectible with the general property taxes.

ATTEST:

Jill N. Zollinger
Cache County Clerk

Cache County Council



Darrel E. Gibbons
Chairman

Date

revised 04/2006

CACHE COUNTY

RESOLUTION NO. 2007-19

A RESOLUTION TO AMEND CACHE COUNTY FIRE DEPARTMENT FEE SCHEDULE TO INCLUDE FEES FOR BUSINESS LICENSE INSPECTIONS.

The County Council of Cache County, State of Utah, in a regular meeting, lawful notice of which has been given, finds that the legal requirements for amending Cache County Fire Department Fee Schedule to include fees for Business License Inspections..

THEREFORE, the Cache County Council hereby adopts the following resolution:


BE IT RESOLVED that:

The proposal (Please see "Exhibit A" attached hereto and made a part hereof) amending the Cache County Fire Department Fee Schedule to include Business License Inspection fee in the amount of \$20.00 per hour and any increase in specific fees shall be approved by the County Executive is hereby approved.

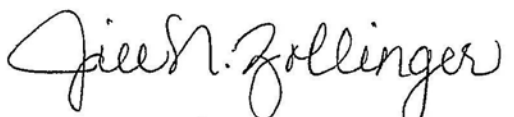
This resolution shall become effective immediately upon adoption.

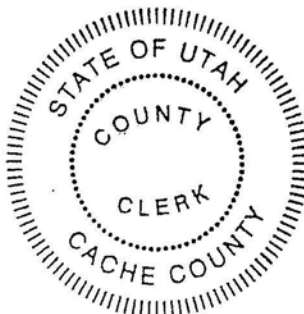
DATED this 12th Day of June, 2007.

CACHE COUNTY COUNCIL:

By: 
Darrel L. Gibbons, Chairman

ATTEST TO:


Jill N. Zollinger, Cache County Clerk



FEE SCHEDULE

FOR THE CACHE COUNTY FIRE DISTRICT

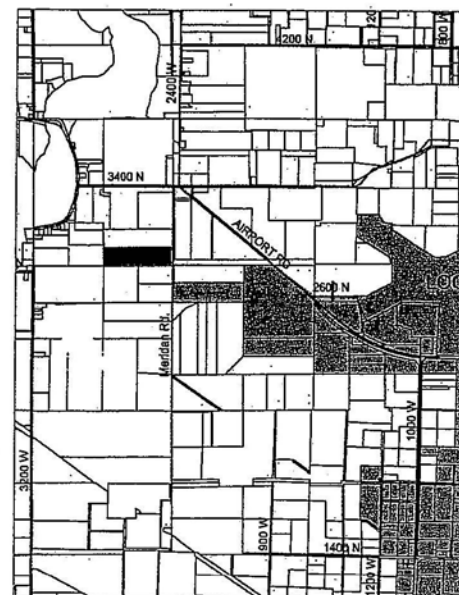
Effective June 26, 2007

Fees may be adjusted by the Fire Chief and/or Fire Board on a case by case basis. Any increase in specific fees shall be approved by the County Executive.

<u>Application</u>	<u>Fee</u>
Business License Inspection	\$20 per hour

Development Services Cache County Corporation

Project Name: Reese 3-Lot Subdivision
Agent: Michelle & Dustin Ward
Request: 3-Lot Subdivision
Type of Action: Quasi-Judicial
Current Zoning: Agriculture (A)
Project Address: 3086 North 2400 West (Benson)
Tax ID: 12-014-0011
Staff Recommendation: Recommend Approval with Stipulations
Surrounding Uses: North – Agriculture
South – Agriculture
East – Agriculture
West – Agriculture



Site Location

PROJECT

Request: The applicant is requesting a subdivision to create 3 lots on a 1970 parcel. Lots 1 and 2 are proposed as building lots and Lot 3 is a dry lot for agriculture only. The proposed lot sizes are 0.5 acre (Lot 1), 1.50 acres (Lot 2), and 37.80 acres (Lot 3). The lot sizes of all lots meet the minimum lot size requirements for an agricultural subdivision as provided in §17.09.080.

Access: All lots will gain access from County Road 2400 West. The road is a 20-foot wide paved surface. The road department recommends that a minimum 18 inch culvert be installed in the approach off of 2400 West. Staff is not recommending that the County require full dedication of road right-of-way. In working with the County Attorney, staff is instead requesting that the applicant record a written easement that affirms the County's right-of-way on the existing roads.

Water & Septic: The Benson Culinary Water District has provided a letter stating that Lots 1 and 2 are approved for connection to the Benson Culinary Water System. Culinary water will not be provided for Lot 3 as it will be designated a dry lot for agricultural use.

The proposed subdivision is in an area of high ground water (measured at 40 inches on Lot 1 by the Bear River Health Department). Lot 1 has been determined feasible for a shallow septic system. The percolation test on Lot 2 passed but the current landowner agreed that the Health Department put a pipe in the hole and monitor it for one year to determine the true high water table mark. Hence, Lot 2 will require further review.

Service Provision: Fire tenders from Smithfield Fire Department Zone 4 are 6.6 miles away. The County Fire Department requires that fire hydrants be installed within 400 feet of each lot not including the dry lot. The applicant will need to work with the Fire Department for approval of hydrant location.

Residents will be required to bring containers to 2400 West for collection. They also need to provide sufficient space along the side of the road for the containers. The bus stop is located 3 to 5 blocks from the proposed subdivision at 2400 West 3400 South.

Logan/Cache Airport: The subdivision lies underneath the Airport Influence Area which considers residential development as a conditional use. As a condition of development, proximity to the airport must be disclosed. Approval of all structures greater than 50 feet will require FAA approval. Any structure less than 35 feet will not require FAA approval.

PUBLIC COMMENTS

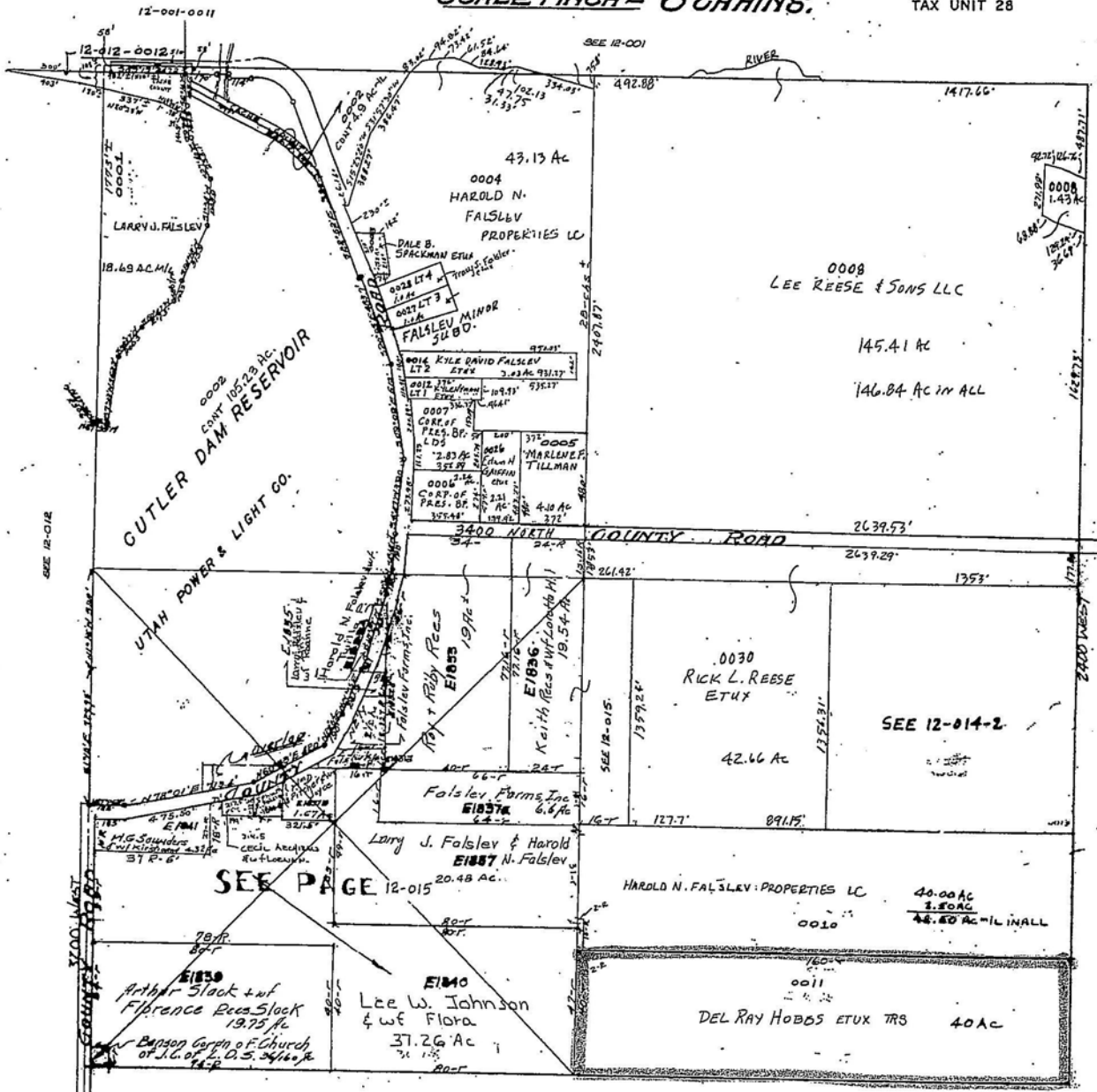
Notices were mailed to 4 property owners located within three hundred feet of the subject property. As of the publication of this report no comments had been received.



SECTION 12, TOWNSHIP 12 NORTH, RANGE 1 WEST.

SCALE 1 INCH = 6 CHAINS.

TAX UNIT 28



SEE 12-018

SEE 04-022

SEE PAGE 12-015

SEE 12-016

1 **Benson Planning Commission**

2
3 Minutes for 15 May 2007

4
5 Present: Jason Watterson, Tracy Reese, Lanny Ballard, C. Wayne Maughan, Kenneth Cardon,
6 Jay Baker, Shawn Bunnell.

7
8 Start Time: **7:30:30 PM**

9
10 **Ballard** welcomed.

11
12 **Approval of Agenda**

13
14 *Reese moved to approve minutes as printed. Watterson seconds; passed 4,0.*

15
16 **Approval of Minutes**

17
18 *Watterson moved to approve agenda. Reese seconds; passed 4,0.*

19
20 **Elections**

21
22 *Reese moved to elect C.Wayne Maughan as Benson Planning Commission Chair; Watterson*
23 *seconds; passed 4,0.*

24
25 *Maughn moved to elect Jason Watterson as Benson Planning Commission Vice Chair; Reese*
26 *seconds; passed 5,0. (Cardon arrived for this vote)*

27
28 **7:33:30 PM**

29
30 **Reese Subdivision**

31
32 **Ballard** introduces subdivision request.

33
34 **Reese** Are you putting in a basement?

35
36 **Michelle Ward** No.

37
38 **Watterson** what is the set back?

39
40 **Baker** 30 feet from edge of right of way.

41
42 **Cardon** points out incorrect address.

43
44 **Baker** an actual address will be designated by building inspector.

1 *Cardon moved to recommend approval of the Reese Subdivision to the County Council with an*
2 *added stipulation that an 18" culvert be installed. Reese seconds; passed 5,0.*

3
4 **7:33:30 PM**

5
6 **Cardon** discusses with the board changes with land valuation. 1 acre in Benson will be valued at
7 \$40,000. Tax notices are listed as a total for house and land. They should be listed separate.

8
9 *Reese moved to assign Kenneth Cardon to write a letter to the County Council addressing*
10 *changes in assessment and the clear disclosure of this information on tax notices. Watterson*
11 *seconded; passed 5,0.*

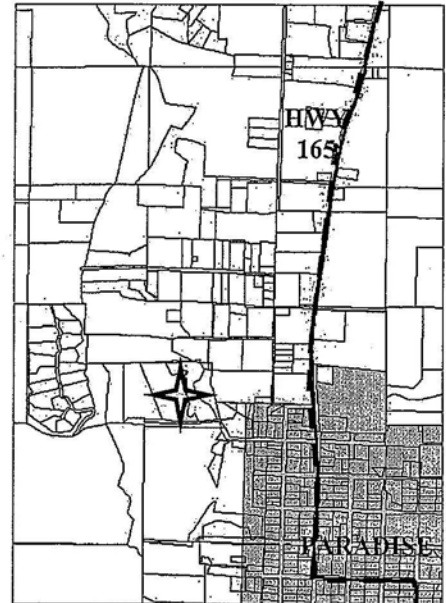
12
13 *Watterson moved to adjourn the Benson Planning Commission meeting. Reese seconded; passed*
14 *5,0.*

15
16 Meeting adjourned at **7:53:48 PM**

17
18 For more detailed discussion see DVD recording.

Development Services Cache County Corporation

Project Name: Paradise Springs Subdivision Amendment
Agent: Kevin Ostergaard
Request: Boundary Line Adjustment
Type of Action: Quasi-Judicial
Current Zoning: Agriculture (A)
Project Address: 630 West Mt. Pisgah Rd. (Paradise)
Tax ID: 01-095-0051
01-095-0079
Staff Recommendation: Recommend Approval with Stipulations
Surrounding Uses: North – Agriculture
South – Recreation
East – Agriculture
West – Agriculture/Subdivision



Site Location

PROJECT

Request: The applicant is requesting a boundary line adjustment as an amendment to the Paradise Springs Lot Split Subdivision. The Paradise Springs Lot Split Subdivision was originally approved by the County Council and recorded in October, 2004. Lot sizes will change as follows with the Boundary Line Adjustment. Lot 1 is currently 19.30 acres and will increase in size by 0.29 acre. Lot 2 is currently 11.81 acres and will decrease in size by 0.29 acres. The proposed subdivision amendment meets the minimum lot size requirements of §17.09.040 and the number of lots/ lot size requirements of §17.09.080. This Boundary Line Adjustment is being brought to the Planning Commission in compliance with State Code §17-27a-608 Vacating or Changing a Subdivision Plat, which requires the Land Use Authority to amend the subdivision.

Access: This subdivision would be serviced from 6600 South, a county road. County Road 6600 south has a 20-foot wide paved surfaced. The Road Department recommendation is to accept the existing access from Mt. Pisgah Road as adequate for this subdivision.

Water & Septic: There are existing culinary water rights issued by the State of Utah Division of Water Rights for both lots within the subdivision.

The Bear River Health Department has found that the soils on both of the lots are suitable for septic systems. Lot 1 has an existing septic system that may be shared with Lot 2. There is an existing easement on Lot 1 to allow the two lots to share the septic system. Each home will be required to obtain a permit and install the septic system in accordance with R317-4 Utah Administrative Code. 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.

Service Provision: Water supply tenders from Paradise Fire are 1.3 miles away. Access from Mt. Pisgah Road is adequate. Each new home will require additional review when their location on the lots is determined. The bus stop is located at 396 West 8700 South, approximately 2 to 5 blocks from the property. Garbage cans must be placed on the county road, Mt. Pisgah Road, for collection.

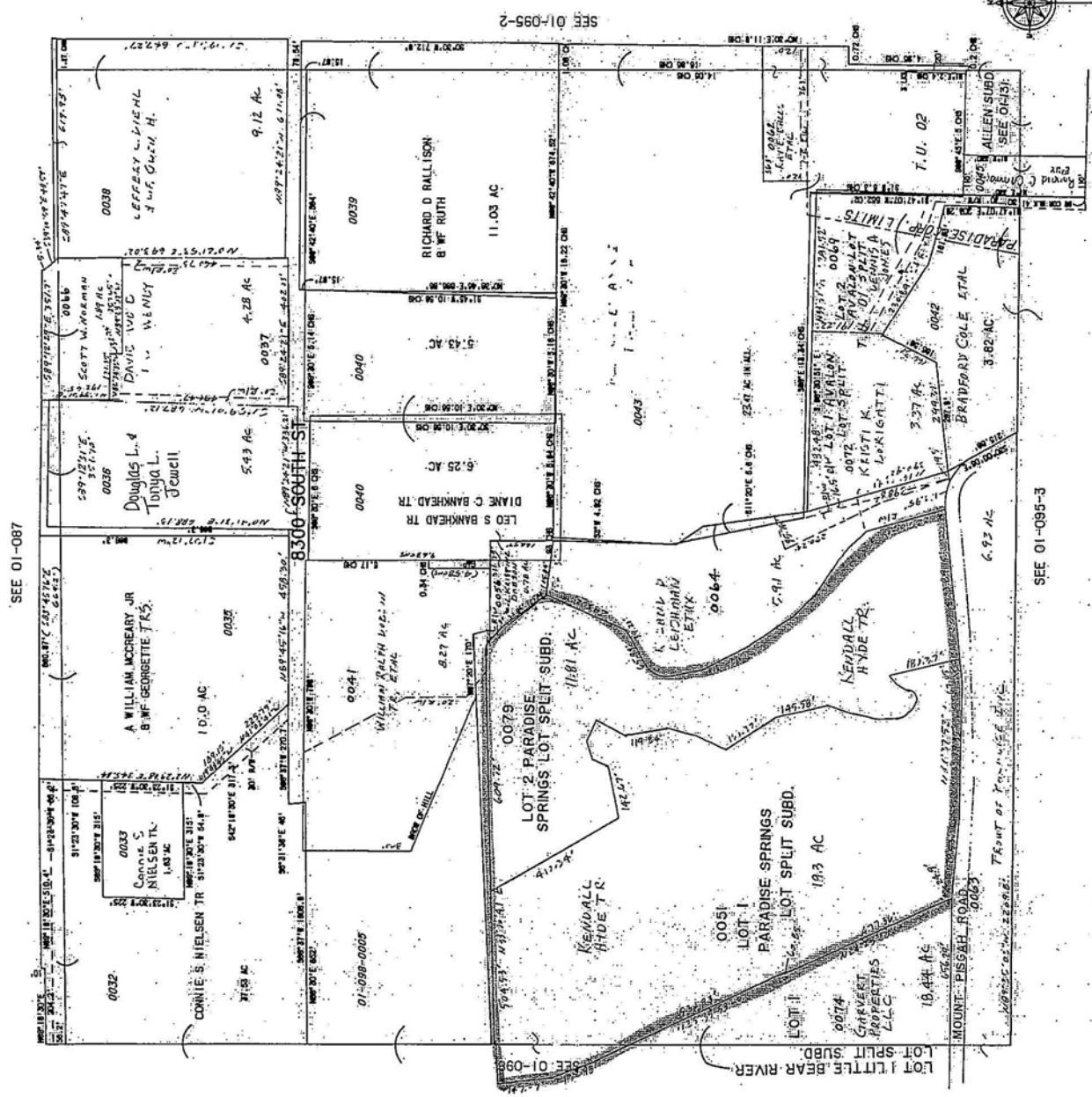
PUBLIC COMMENTS

Notices were mailed to 11 property owners located within three hundred feet of the subject property and to Paradise Town. At the time this report was published, staff had received no comments.



NW/4 Section 28, Township 10 North, Range 1 East

Scale 1" = 200 Feet



1
2 **Runhaar** this is only a draft. With a legal review and comments from the public and
3 Planning Commission we will continue to refine it.

4
5 **07:27:22 Recess**

6
7 **07:35:54 Reconvene**

8
9 **Item #3 Consent Agenda: Paradise Springs Subdivision Amended**

10
11 **Baker** introduces Kevin Ostergaard's request.

12
13 **Discussion Items:** Bear River Health 200 feet waterway setback stipulation, Reaffirming
14 County Right of Way stipulation.

15
16 **Runhaar** explains that this boundary line adjustment was required to come to the
17 Planning Commission. Efforts will be made to make this an administrative function in the
18 future.

19
20 **Baker** the original subdivision didn't have any stipulations.

21
22 **STAFF RECOMMENDATIONS**

23 *Action:* Staff recommends that the Planning Commission make a motion to recommend approval to the County Council of the
24 Paradise Springs Subdivision Amendment, a boundary line adjustment of a two (2) lot subdivision for property located at
25 approximately 630 West Mt. Pisgah Rd. (Paradise), TIN #01-095-0079, and 01-095-0051.

26 *Standard Stipulations:*

- 27 1. The proponent shall reaffirm the County's right-of-way on all County Roads adjacent to and within the development area with
28 an easement or dedication to be recorded on the final survey plat.
29 2. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet
30 from any water way or well unless otherwise designated by the Health Department.
31 3. Each landowner shall obtain a septic tank permit from the Bear River Health Department prior to construction on any lot.
32 4. All trash containers shall be placed on Mt. Pisgah Road, a county road for collection.
33 5. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the
34 lots.

35 *Site Specific Stipulations:*

- 36 6. All stipulations of the Conditional Use Permit for Touch of Paradise shall continue to run with the land as stated in Cache
37 County Ordinance Title 17.06.
38

39 **RECOMMENDED FINDINGS OF FACT**

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

- 41 1. The Paradise Springs Subdivision Amendment has been revised and amended by the conditions of project approval to address
42 the issues and concerns raised within the public and administrative records.
43 2. The Paradise Springs Subdivision Amendment has been revised and amended by the conditions of project approval to conform
44 to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
45 3. The subdivision amendment approval is issued in conformance with Title 17 of the Cache County Code.
46 4. The Paradise Springs Subdivision Amendment is compatible with surrounding land uses and will not interfere with the use and
47 enjoyment of adjoining or area properties.
48 5. Mount Pisgah Road, the road that provides access to the subject property, has an adequate capacity, or suitable level of service,
49 for the proposed use.
50

51 **Dent** moved to recommend to the County Council approval of Paradise Springs
52 Subdivision Amended. **Allen** seconded; passed 7, 0.

53

1 Kevin Ostergaard was confused why a boundary line adjustment required Planning
2 Commission process, but staff has been very helpful.

3
4 Dent brings up county road set back issue.

5
6 Daines Utah Power and Light probably should have surveyed before they put in the box.

7
8 07:59:10

9
10 **Item #4 Tim Wilkinson Subdivision**

11
12 Baker introduces Tim Wilkinson's request.

13
14 **Discussion Items:** An adjacent property owner is concerned about his irrigation water
15 getting into basements, Access to lots, Lot 5 not eligible for development statement,
16 Width of right of way is 50 ft.

17
18 **STAFF RECOMMENDATIONS**

19 *Action:* Staff recommends that the Planning Commission make a motion to recommend approval to the County Council of the Tim
20 Wilkinson Subdivision, a five (5) lot subdivision for property located at approximately 160 East 6600 South (Hyrum), TIN #01-079-
21 0004, 01-079-0027, and 01-079-0028.

22 **Standard Stipulations:**

- 23 1. The proponent shall reaffirm the County's right-of-way on all County Roads adjacent to and within the development area with
24 an easement or dedication to be recorded on the final survey plat.
25 2. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be a minimum of 200 feet
26 from any water way or well unless otherwise designated by the Health Department. Each landowner shall obtain a septic tank
27 permit from the Bear River Health Department prior to construction on any lot.
28 3. All trash containers shall be placed on County road 6600 South for collection.
29 4. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the
30 lots.

31 **Site Specific Stipulations:**

- 32 5. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the
33 Cache County Attorney and Zoning Administrator to ensure that all private roads can be adequately funded and maintained.
34 6. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes.
35 7. If improvements are required on the private road, those improvements shall be reviewed by the County Engineer for compliance
36 with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address
37 issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by
38 the proponent. As the road services only 2 lots, staff is recommending a minimum 20 foot wide gravel surface.
39 8. Lot 4 will require a seepage trench with a trench depth limited to 10 feet below the natural grade as part of the septic system as
40 required by the Bear River Health Department.
41 9. Lot 4 is required to access from private road.
42

43 **RECOMMENDED FINDINGS OF FACT**

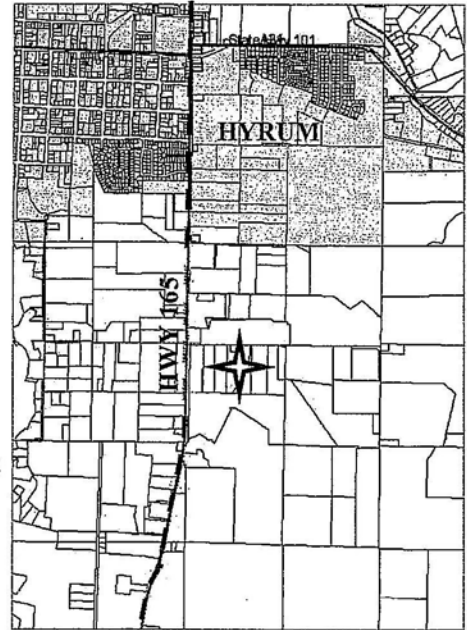
44 The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

- 45 1. The Tim Wilkinson Subdivision has been revised and amended by the conditions of project approval to address the issues and
46 concerns raised within the public and administrative records.
47 2. The Tim Wilkinson Subdivision has been revised and amended by the conditions of project approval to conform to the
48 requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
49 3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
50 4. The Tim Wilkinson Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of
51 adjoining or area properties.
52 5. County Road 6600 South, the road that provides access to the subject property, has an adequate capacity, or suitable level of
53 service, for the proposed use.
54

55 **Larson moved to recommend to the County Council approval of Tim Wilkinson**
56 **Subdivision with modified stipulation 7 & added stipulation 9. Clements seconded;**
57 **passed 7, 0.**
58

Development Services Cache County Corporation

Project Name: Tim Wilkinson Subdivision
Agent: Tim Wilkinson
Request: 5-Lot Subdivision
Type of Action: Quasi-Judicial
Current Zoning: Agriculture (A)
Project Address: 160 East 6600 South (Hyrum)
Tax ID: 01-079-0004
01-079-0027
01-079-0028
Staff Recommendation: Recommend Approval with Stipulations
Surrounding Uses: North – Agriculture
South – Agriculture
East – Agriculture
West – Agriculture



Site Location

PROJECT

Request: The applicant is requesting a subdivision to create four (4) building parcels and one dry lot. Lots 1 and 3 were created previously through two Conditional Use Permits. There are currently homes on Lots 1, 2, and 3. Lot sizes are as follows: Lot 1 is 1.00 acre, Lot 2 is 0.71 acre, Lot 3 is 3.32 acres, Lot 4 is 1.20 acres, and Lot 5 (dry lot) is 13.28 acres. The proposed subdivision meets the minimum lot size requirements of §17.09.040 and the number of lots/ lot size requirements of §17.09.080 (there will be five lots from the original 1970 parent parcel).

Access: This subdivision would be serviced from 6600 South, a county road. Lots 3 and 5 would be accessed by 258 East, a private road with a gravel surface. The private road is being recorded as a 50 foot wide easement with a 20 foot wide hard surface. Staff recommends that 258 East be maintained as a gravel road as it is only servicing 2 lots. County Road 6600 south is a 20-foot wide paved surface. The Road Department recommendation is to accept the subdivision based on access from the county road.

Water & Septic: The applicant has obtained a water right for Lot 4. Lots 1, 2, and 3 have existing water rights. Lot 5 will be designated as a dry lot for agricultural use.

The Bear River Health Department has found that soil conditions on Lot 4 will require a seepage trench with trench depth limited to 10 feet below natural grade. Lots 1, 2, and 3 have existing septic systems and wells. Lots 1 and 2 share a well that is off-site. An easement for the well should be on the recorded plat. Soil feasibility will need to be assessed on Lot 5 prior to obtaining a septic permit. Each home will be required to obtain a permit and install the septic system in accordance with R317-4 Utah Administrative Code. 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.

Service Provision: Water supply tenders from Hyrum Fire are 2.8 miles away. Access from 6600 South is adequate. The bus stop is located at 174 East 6600 South, approximately one-half block from the property. Garbage cans must be placed on county road 6600 South and allow sufficient space along the road for refuse and recycle containers.

AGENCY AND COUNTY DEPARTMENT RECOMMENDATIONS

Fire Department:

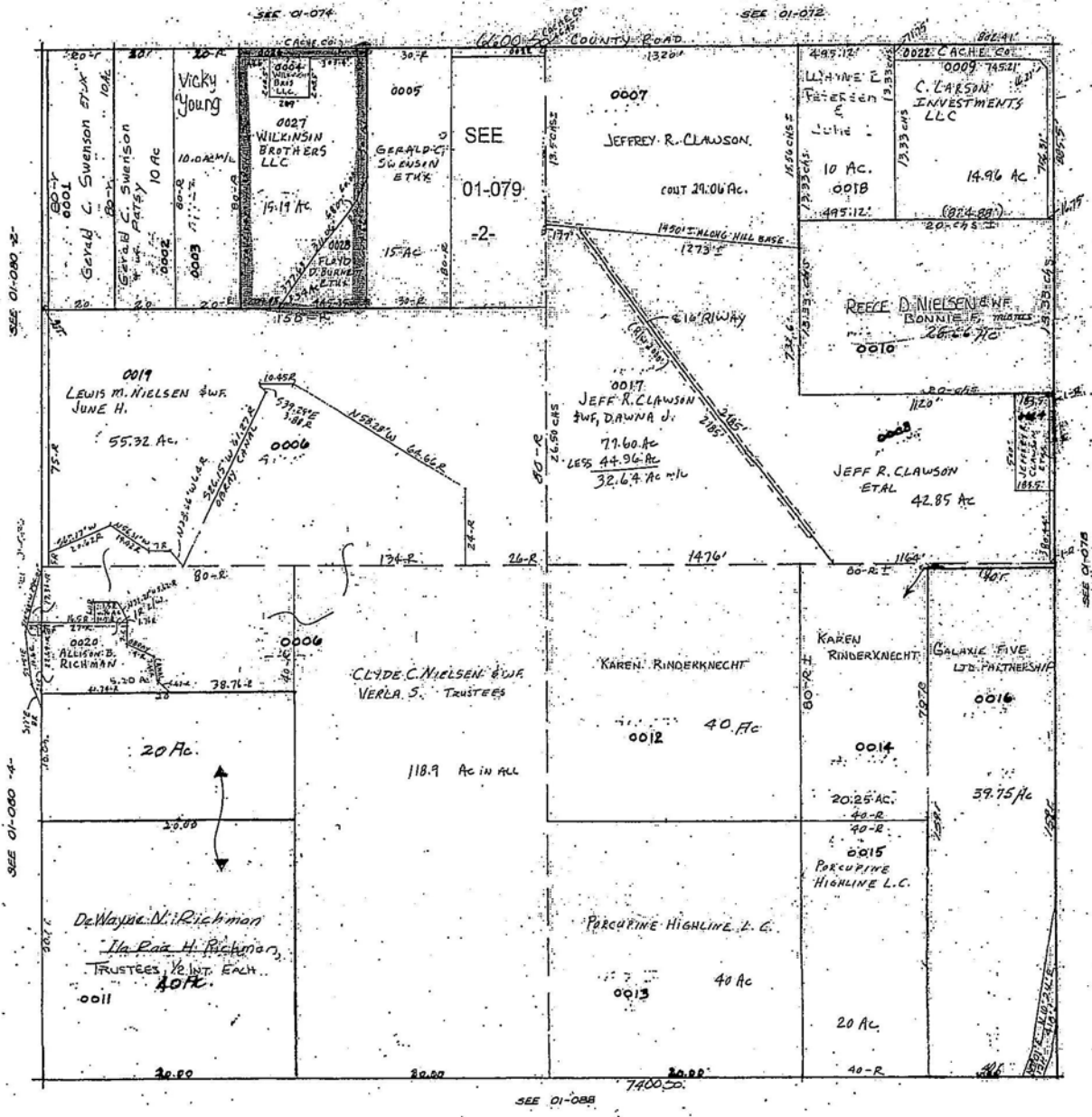
- Due to the distance from the fire department, a lack of water supply, and unavailability of fire hydrants in the area, residential fire sprinklers are recommended.



SECTION 15, TOWNSHIP 10 NORTH, RANGE 1 EAST

SCALE 1 INCH = 6 CH.

TAX UNIT 28



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57 **passed 7, 0.**