

CACHE COUNTY COUNCIL MEETING
September 25, 2007

An Executive Session was held with the Box Elder County Commission prior to the Council meeting to discuss legal matters concerning real property.

The Cache County Council convened in a regular session on September 25, 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, H. Craig Petersen, Kathy Robison, Cory Yeates & Gordon Zilles.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger

The following individuals were also in attendance: Gerald Alder, Jordan Allen, Robert Barlow, Ernest Bleinberger, Kent Braddy, Kenneth R. Cardon, Darrel Erickson, David Grange, Dirk P. Henningsen, Senator Lyle Hillyard, Sharon L. Hoth, Attorney Bruce Jorgensen, Jeff Jorgensen, Mike Kirschman, Wendell Morse, Erik Neilson, David Nielsen, MaKinzie Olson, Pat Parker, Josh Runhaar, Chris Speth, Steve Speth, Auditor Tamra Stones, James Swink, Mayor Cary Watkins, Alan Williams, Duane Williams, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Vice Chairman Hansen to approve the agenda with Item 7a – EPA-Regulation 8-Grant Koford – removed. Yeates seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the September 11, 2007 Council meeting as corrected. Hansen seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Executive Lemon explained that an ad hoc committee to oversee the transition of the fairgrounds from the Logan City budget to the Cache County budget has been formed and recommended the following appointments to that committee:

LaMont Poulsen
Clark Israelsen
Scott Williams

Lynn Lemon
Jill Zollinger

ACTION: Motion by Council member Yeates to approve the recommended appointments to the Transition Committee. Robison seconded the motion. The vote was unanimous, 7-0.

WARRANTS: The warrants for the period 08-31-2007 were given to the Clerk for filing.

OTHER ITEMS

- Water Manager** – Executive Lemon indicated that he anticipates having a recommendation for the County Water Manager position by the October 9, 2007 Council meeting.
- UAC Training for Legislators** will be October 8, 2007. This will be training concerning property tax issues and County elected officials are invited.
- Communities for Decency** will hold a public meeting on Thursday, September 27, 2007.
- Utah Association of County Councils and Commissions** – Lemon said the UACCC public lands meeting invited a scientist to discuss global warming and carbon footprint. The scientist stated that global warming is not a scientific issue, it is a political issue and if all automobiles were removed and solar and wind power was used exclusively, the carbon footprint would only be reduced by .00038% and the cost of power would rise dramatically. Lemon suggested inviting this individual to speak to the Council because the cost of electricity for the county is increasing and perhaps the Council needs to be considering future options.

Other topics of discussion were moving justice courts from local judges to state appointed judges, meth problems in the state, and the state mental health audit.

- Powder Mountain** – Senator Lyle Hillyard addressed the Council on behalf of Paul Morris, who has been retained by Powder Mountain. Hillyard explained that because Morris is just recently involved with Powder Mountain, he will probably be requesting an extension on the required paperwork. Morris understands there is an October 31, 2007 deadline and he will work as hard as he can to meet the deadline and will come with specific goals and dates of completion for those items still not done at the time of the extension request.

ITEMS OF SPECIAL INTEREST

- **Review of Census Challenge – Wendell Morse** reported the status of the countywide census challenge and said the Federal census formula doesn't work well in areas experiencing rapid growth. Morse is confident the requested data has been gathered and will meet the October 1, 2007 deadline. The Federal census is used to distribute money from the state to counties and a successful challenge could mean more money coming to the county to be distributed.

Jeff Jorgensen, North Logan, asked the county to support him in asking the Utah legislature to use the more accurate population projection figures from the Governor's office instead of the Federal census numbers. Jorgensen also explained that when a

large population area, such as Logan, challenges the Federal census and their numbers are increased, an equal population figure is subtracted from the other cities in the county; thereby decreasing the funding distributed to those cities. North Logan Mayor Watkins said the League of Cities and Towns is concerned with the present basis of financial distribution and Executive Lemon concurred that most counties want to change the dollar distribution to a more equitable system.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

BOARD OF EQUALIZATION

- **Hearing Dates** – Auditor Stones asked that a Council member be in attendance at the October 2, 2007 hearing. Chairman Gibbons asked Pat Parker to contact Council members to determine who can be available on October 2, 2007.

PENDING ACTION

- Ordinance No. 2007-05 – Agricultural Subdivisions – NO ACTION TAKEN**
- 2008 Budget Priorities** – Chairman Gibbons said the Sheriff's Department receives 50% of the county budget and suggested assigning Cameron Jensen to the Sheriff's office for the next few months so that when budget issues relating to the Sheriff's office come before the Council, Jensen can help the Council better understand the financial workings and needs of the Sheriff's Department. Executive Lemon asked if Gibbons wants to hold the number of employees in the Sheriff's Department at the current number until the Sheriff's finances can be reviewed in depth? Gibbons responded that perhaps the county should request a flat budget at this point until a financial analysis can be made of the Sheriff's Department. Petersen suggested having Jensen provide a preliminary review of the Sheriff's Department finances now in order for the Council to have some information and understanding as the budget process proceeds. Gibbons concurred. Lemon will forward the request to Jensen.

Council member Chambers asked that the Council invite mental health officers to give a presentation to the Council concerning financial/budget needs. Lemon said the Drug Offenders Reform Act (DORA) has funds available that county mental health organizations may qualify for. Gibbons said this will be on an agenda after the first of the year. Attorney Daines recommended inviting the new District Court Judge to be involved.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: REZONE OF 5.12 ACRES OF PROPERTY FROM THE AGRICULTURAL ZONE TO COMMERCIAL ZONE LOCATED AT APPROXIMATELY 11600 NORTH HIGHWAY 91 NORTH OF RICHMOND – SEPTEMBER 26, 2007 – 6:00 P.M.

ACTION: Motion by Vice Chairman Hansen to open the Public Hearing-Rezone of 5.12 Acres of Property from the Agricultural Zone to Commercial Zone Located at Approximately 11600 North Highway 91 North of Richmond. Yeates seconded the motion. The vote was unanimous, 7-0.

Josh Runhaar said Richmond City is supportive of the rezone and the Planning Commission recommends approval.

Chairman Gibbons invited public comment.

Jordan Allen, son of the owner of the property, said the site will probably be used as a storage facility.

There was no other public comment.

ACTION: Motion by Council member Yeates to close the Public Hearing-Rezone of 5.12 Acres of Property from the Agricultural Zone to Commercial Zone Located at Approximately 11600 North Highway 91 North of Richmond. Robison seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING: REZONE OF 7.55 ACRES OF PROPERTY FROM THE AGRICULTURAL ZONE TO INDUSTRIAL/MANUFACTURING ZONE LOCATED AT APPROXIMATELY 168 NORTH 2100 WEST, WEST OF LOGAN -6:05 P.M.– Josh Runhaar said this is located next to Howard’s Scrap Yard and near the Logan Landfill and sewer lagoons. The Planning Commission recommended upgrading the request to a commercial zone. Logan City has submitted a letter opposed to the rezone because of the possible negative visual impact on the west entrance to Logan City. There are noncompliance issues because of vehicles and equipment already being placed on the parcel as well as enforcement issues with the parcel next door owned by the same party.

ACTION: Motion by Vice Chairman Hansen to open the Public Hearing-Rezone of 7.55 Acres of Property from the Agricultural Zone to Industrial/Manufacturing Zone located at approximately 168 North 2100 West, west of Logan. Yeates seconded the motion. The vote was unanimous, 7-0.

Chairman Gibbons invited public comment.

Attorney Daines noted this is a good location for a needed service and recommended that the Council not approve this request until the enforcement and noncompliance issues are cleared up.

Mike Kirschman, Nibley, spoke against the rezone citing problems on other properties owned by the same party.

Executive Lemon noted there is a need in the county for a facility that will take junk cars and screening walls, etc. can be installed to alleviate Logan’s concerns.

David Grange, current owner of the property, said he took over Howard’s Scrap Yard six months ago and has begun the cleaning up process. Grange said the location is a good location for this type of facility and adequate screening will be provided. Grange said he could be in compliance on the vacant land within a matter of weeks.

Erik Neilson asked if a turn lane is needed for entrance to the property? Runhaar said UDOT is conducting a study to determine traffic and lane needs in front of the property and UDOT also has screening requirements for junk and scrap yards.

ACTION: Motion by Council member Zilles to close the Public Hearing- Rezone of 7.55 Acres of Property from the Agricultural Zone to Industrial/Manufacturing Zone located at approximately 168 North 2100 West, west of Logan. Robison seconded the motion. The vote was unanimous, 7-0.

Attorney Daines reiterated that he is uncomfortable with approving the request for rezone while Mr. Grange is in noncompliance on the parcel and has problems on other properties. The county should require Grange to remove the vehicles and equipment from the requested rezone area and clean up his 3000 South property. Once the rezone is approved, that property will be available to help with his clean up of the neighboring property and will help Grange be successful in his business ventures.

The Council returned to the 2008 Budget Priorities discussion

Executive Lemon indicated he is hopeful to have a budget to present to the Council at the October 23, 2007 Council meeting. A decision is needed on the APPLE program relative to medical and dental insurance. All Council members but Robison have heard the presentation. Gibbons asked those who had heard the presentation to indicate if they are supportive. All were supportive.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2007-08 – Rezone of 5.12 acres of property from Agricultural Zone to Commercial Zone located at approximately 11600 North Highway 91 North of Richmond.**

(Attachment 1)

ACTION: Motion by Council member Chambers to waive the rules and approve Ordinance No. 2007-08-Rezone of 5.12 acres of property from Agricultural Zone to Commercial Zone located at approximately 11600 North Highway 91 North of Richmond. Petersen seconded the motion. The vote was unanimous, 7-0.

Ordinance No 2007-08: The vote was 7-0.

	<u>CHAMBERS</u>	<u>ZILLES</u>	<u>GIBBONS</u>	<u>HANSEN</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>YEATES</u>	<u>VOTES CAST</u>
AYE	X	X	x	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **Ordinance No. 2007-09 – Rezone of 7.55 acres of property from Agricultural Zone to Industrial/Manufacturing Zone located at approximately 168 North 2100 West, west of Logan** – Gibbons noted the County Attorney’s concerns expressed earlier. Yeates concurred with Daines’ concerns and said if Grange can be in compliance in two to four weeks, he will be in favor of approval at that time. Gibbons said this item will remain on the agenda until compliance by Grange is demonstrated.

- **Resolution No. 2007-29 – Authorizing Executive to execute an Interlocal Agreement for Payment of Tax Increment Revenues with North Logan City** – Gibbons invited Jeff Jorgensen, North Logan Administrator, to address the Council. Jorgensen explained that North Logan wants to develop a planned downtown center and village green. There are three ways to apply for tax increment financing:

1. Urban Renewal Area (URA)
2. Economic Development Area (EDA)
3. Community Development Area (CDA)

North Logan has chosen the CDA method where tax revenue is diverted over fifteen years at predetermined percentages to the requesting entity. The benefit to the taxing body is increased tax revenue as the area develops.

Gibbons asked how North Logan's proposed conference center would impact the south Logan Riverwood conference center already underway?

Jorgensen introduced Ernie Bleinberger, Strategy Five Consulting, who has compared the south Logan Riverwood development with the proposed Hilton Conference Center proposed by North Logan in its city center plan. Bleinberger said that Riverwood is more of an events/reception center concept with Marriott Spring Hill Suites and North Logan's is a true conference center with a Hilton Garden Inn and is a larger facility than Riverwood. Bleinberger said the Cache County School District has heard this presentation and seemed supportive but took no formal action. North Logan has had a workshop with the entire school board and is scheduled for a mid-October reading before the board.

Mayor Watkins said there will be no impact on the North Logan General Fund as all monies will be kept within the CDA.

Daines asked what the Council would say to other cities that may come with similar requests if the Council approves North Logan's request for tax increment financing? Watkins replied each request should be considered on its merits.

Petersen asked what incentives were offered on the Riverwood RDA? Bleinberger said he believed it was around \$3,000,000.00, but wasn't certain.

Vice Chairman Hansen asked if North Logan citizens have had a chance to express their feelings on the city center proposal? Watkins responded they have.

Watkins indicated growth will happen in this area, but it will be fragmented. This proposal will channel growth.

Gibbons said this will be on the October 9, 2007 Council agenda.

- **Cloudseeding for 2007/2008 Year** – Lemon said he had received the proposal from North American Weather Consultants and if both Box Elder and Cache Counties participate, Cache County's cost will be \$48,500.00. Cache County will receive 40-50% back. October 15, 2007 is the deadline for the state to know if Cache County will

participate. In Box Elder County the Bear River Water Conservancy District is going to participate.

ACTION: Motion by Vice Chairman Hansen to accept the North American Weather Consultants proposal. Yeates seconded the motion. The motion passed, 6 aye – Chambers, Gibbons, Hansen, Robison, Yeates & Zilles and 1 nay – Petersen.

- **Approval of Capital Improvement Project – 4800 West** – Executive Lemon indicated that this was originally scheduled as a two-year project, but the project engineer has recommended it be done all in one year so it will be over the 2007 budget appropriation. Darrel Erickson gave the Council an update on the location of the road and the needed work. Because of heavy use by gravel trucks, a four-inch surface is needed rather than the originally planned three-inch surface. The Council is supportive of the project.

Auditor Stones noted a budget opening will need to be scheduled for this item.

ACTION: Motion by Council member Yeates to set a Public Hearing to Open the 2007 Budget -Approval of Capital Improvement Project-4800 West on October 9, 2007 at 5:45 p.m. Robison seconded the motion. The vote was unanimous, 7-0.

- **Property Tax Hardship Requests** – Executive Lemon asked Attorney Daines to review a memo Daines sent him concerning hardship request information. Daines said this information is private and should not be discussed in an open meeting. Daines asked Auditor Stones to share with the Council what other counties are doing.

Stones said she had been in contact with Salt Lake County and they have a committee that reviews hardship requests under guidelines developed by the county. The property tax committee has authority assigned to them to make decisions and the requests are then brought as a group to be approved by the Commission.

Gibbons said CCEMS has a committee that makes recommendations on write-off's and it works well and said a committee formed of three Council members could serve this purpose regarding property tax hardship requests.

Hardship Tax requests:
Carroll, Jennifer M.
Dunn, Diane A.

ACTION: Motion by Council member Yeates to approve the Property Tax Hardship Requests. Robison seconded the motion. The vote was unanimous, 7-0.

- **Final Plat Approval - Thalman Subdivision** – A two-lot subdivision at 2580 West 600 South in Logan.

(Attachment 2)

ACTION: Motion by Council member Yeates to waive the rules and approve the Final Plat for the Thalman Subdivision with the stipulation that residential fire sprinklers are installed. Robison seconded the motion. The vote was unanimous, 7-0

ACTION: Motion by Vice Chairman Hansen to reconsider the motion on the Final Plat for the Thalman Subdivision and approve the Final Plat without the stipulation that residential fire sprinklers be installed . Chambers seconded the motion. The motion passed, 4 aye – Chambers, Gibbons, Hansen & Petersen and 3 nay – Robison, Yeates & Zilles.

- **Final Plat Approval - High Creek Subdivision** – A 4-lot subdivision at 1005 East High Creek Road, Cove. Runhaar said this was originally a 5-lot subdivision and access was a major concern. It now has only two access points.

(Attachment 3)

ACTION: Motion by Council member Zilles to waive the rules and approve the Final Plat for the High Creek Subdivision. Robison seconded the motion. The motion passed, 6 aye – Chambers, Gibbons, Hansen, Petersen, Yeates & Zilles and 1 nay – Robison.

Council member Petersen left the meeting.

- **Resolution No. 2007-30 – Approving sale of declared surplus real property to Malen Pierson and authorization to the Cache County Executive and Cache County Clerk to execute a Quit Claim Deed for the Conveyance of said property** – Gibbons said this is the property the Council has been informed of in past meetings. It is a landlocked parcel and the county has received a \$3,100.00 bid for the property.

(Attachment 4)

ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2007-30-Approving sale of declared surplus real property to the Cache County Executive and Cache County Clerk to execute a Quit Claim Deed for the conveyance of said property. Yeates seconded the motion. The vote was unanimous, 6-0. Petersen absent.

Petersen returned to the meeting.

OTHER BUSINESS

- ✓ **UAC Conference – St. George, Utah – November 14-16, 2007**

COUNCIL MEMBER REPORTS

Kathy Robison distributed copies of a proposal for a uniform statewide sales and use tax by Representative Wayne A. Harper for the Council. Robison also attended a workshop on the role of the budget officer and the Council and will have copies of that information available at the next Council meeting.

Robison asked the status of 1200 East. Lemon said there isn't presently enough funding and some cities have not signed agreements, but the plan is still in the works.

Craig Petersen expressed concern over North Logan City proposing to lower the speed limit on 800 East and said he thought the Council had stated by motion that 800 East would stay a

county road. Pat Parker will check the minutes to find out. Daines said the county can legally designate two north/south and two east/west roads in each city as county roads and advised the Council that a regional road plan is needed. Petersen asked that the designation of 800 East as a county road be on the October 23, 2007 agenda. Gibbons asked Daines to prepare a memo to the Council outlining the steps the Council would have to take to designate two county roads in each city.

Petersen said the County Council is scheduled to make a presentation on the County Road Proposition to the Logan City Council October 2, 2007 at 6:30 p.m. and asked who would be able to attend with him. Gibbons and Yeates said they would attend.

Pat Parker reported that Logan City has requested a Joint Council Meeting on October 30, 2007.

ADJOURNMENT

The Council meeting adjourned at 8:25 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Darrel Gibbons
Council Chairman

CACHE COUNTY
ORDINANCE NO. 2007-08

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 5.12 acres, which is owned by Michael A. and Kathleen M. Allen, NW 4, Section 23, Township 14 North Range 1 East, Parcel #09-042-0010 be rezoned from Agricultural Zone to Commercial described as follows:

BEG 6 RDS S & 14 RDS E OF NW COR S/2 OF NW/4 SEC 23 T 14N R 1 E & TH E
32.33 RDS TH S 26.5 RDS TH W 38.8 RDS TO E LN OF OSL RR CO TH NE'LY ALG
RR 27.85 RDS TO BEG CONT 5.33 AC
LESS: PARCEL TO UDOT FOR HWY 91 ENT 861045 BK 1297 PG 694 CONT 0.21
AC NET 5.12 AC M/L

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 25 day of September, 2007 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	7			

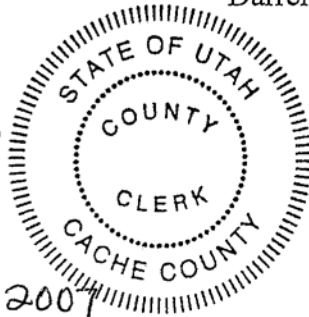
CACHE COUNTY COUNCIL

By:

Darrel L. Gibbons
Darrel L. Gibbons, Chairman

ATTESTED BY:

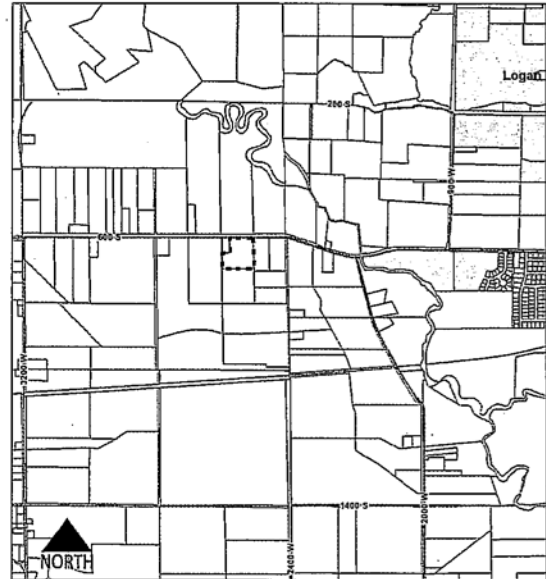
Jill N. Zollinger
Jill N. Zollinger, County Clerk



Publication Date: *October 10, 2007*

Development Services Cache County Corporation

Project Name: Thalman Subdivision
Agent: Stephen Speth
Request: 2-Lot Subdivision
Type of Action: Quasi-Judicial
Current Zoning: Agriculture (A)
Project Address: 2580 West 600 South (Logan)
Tax ID: 11-002-0016
Staff Recommendation: Continuation
Surrounding Uses: North – Agriculture
South – Agriculture
East – Single Family Homes
West – Agriculture



Site Location

PROJECT

Request: The applicant is requesting a subdivision to create one building lot and one agricultural parcel on the 1970 parcel. Lot 1 is 1.25 acres and Lot 2 (Agricultural Parcel) is 6.51 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 two lots from the original 1970 parent parcel).

Access: This subdivision will be serviced from 600 South, a County road. County Road 600 South is a 24-foot wide paved surface. The Road Department recommendation is to accept the access to the proposed subdivision from the county roads with a requirement that culverts will be required in the approaches to the lots.

Water & Septic: The applicant has obtained an approved culinary water right for Lot 1. Culinary water for the agricultural parcel is not required at this time. If in the future this parcel is to be made a buildable lot a subdivision amendment will be required along with proof of a culinary water right and septic feasibility.

The Bear River Health Department has found that conditions on Lot 1 adequate for a septic system with a maximum trench depth of 12 inches. At the time of building, the homeowner 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 Logan Fire are 4.1 miles away. Access is adequate from 600 South. Additional clearance will be required at time of construction. The bus stop is located at 2580 West 600 South, approximately one-and-one-half blocks from the property.

Garbage cans must be placed on the north side of county road 600 South and allow sufficient space along the road for refuse and recycle containers. The proponent will construct a pad on the north side of 600 South to provide sufficient space for 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.

PUBLIC COMMENTS

Notices were mailed to 5 property owners located within three hundred feet of the subject property. At the time this report was published, staff had received no comments.

STAFF RECOMMENDATIONS

Action: Staff recommends that the Planning continue the Thalman Subdivision, a two (2) lot subdivision for property located at approximately 2580 West 600 South (Logan), TIN #11-002-0016.

Standard Stipulations:

1. The proponent shall reaffirm the County's right-of-way on County Road 600 South adjacent to the development area with an easement or dedication to be recorded on the final survey plat.
2. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be between 100 and 200 feet from any water way or well unless otherwise designated by the Health Department. Each landowner shall obtain a septic tank permit from the Bear River Health Department prior to construction on any lot.
3. All trash containers shall be placed on the north side of county road 600 South for collection.
4. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lots.
5. An Encroachment Permit will be required for all construction and improvements within the county right-of-way.

Site Specific Stipulation:

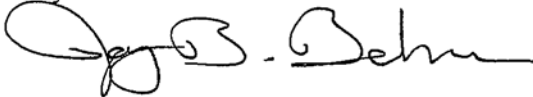
6. The applicant shall construct a pad on the north side of County Road 600 South to provide a place for refuse containers.
7. Lot 2 shall be labeled an Agricultural Parcel and will not be eligible for development until a subdivision amendment is completed to remove this designation.
8. There shall be a joint access designated between Lots 1 and 2. No other access will be granted to these lots.

RECOMMENDED FINDINGS OF FACT

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

1. The Thalman Subdivision 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 Thalman Subdivision 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 Thalman Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 600 South, the County Road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,
Jay Baker



Associate Planner I

Report Published: August 30, 2007

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.



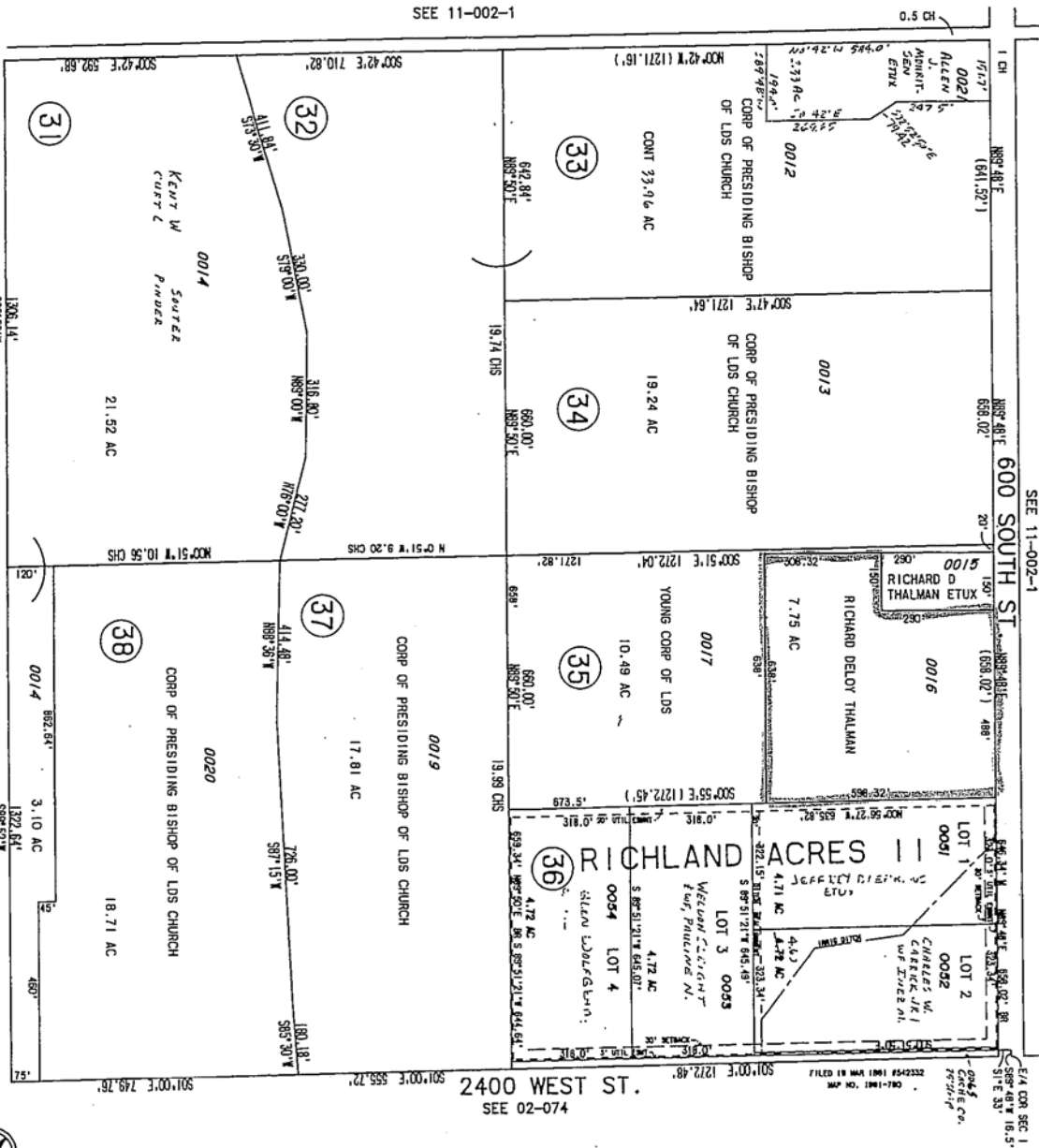
SE/4 Sec 1 Twp 11 North, Range 1 West

Scale 1" = 200 Feet

PT RICHLAND ACRES SUBDIVISION
 & RICHLAND ACRES II

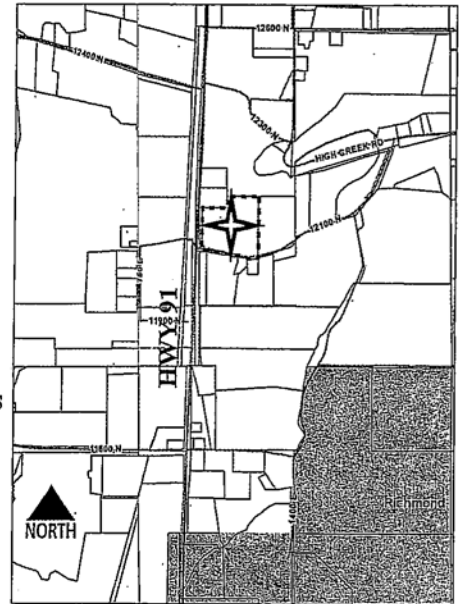
TAX UNIT 128

11-002



Development Services Cache County Corporation

Project Name: High Creek Subdivision
Agent: Duane Williams
Request: 4-Lot Subdivision
Type of Action: Quasi-Judicial
Current Zoning: Agriculture (A)
Project Address: 1005 East High Creek Road (Cove)
Tax ID: 09-029-0017
Staff Recommendation: Recommend Approval with Stipulations
Surrounding Uses: North – Agriculture/House
South – Agriculture/House
East – Agriculture/House
West – Agriculture/House



Site Location

PROJECT

Request: The applicant is requesting a subdivision to create four (4) building parcels. Lot sizes are as follows: Lot 1 is 3.25 acres, Lot 2 is 3.18 acres, Lots 3 is 6.81 acres, and Lot 4 is 4.89 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 four lots from the original 1970 parent parcel).

History: This proposal was presented to the Planning Commission on August 2, 2007 as a five lot subdivision. Concern regarding the number of accesses onto High Creek Road was brought up by adjacent property owners and board members. The Planning Commission approved a motion to continue the application to allow the proponent to reconfigure the subdivision to reduce the number of access points onto the County road. The number of lots proposed has been reduced to four and there will be two shared access points.

Access: This subdivision would be serviced from High Creek Road (12100 North), a county road. County Road 12100 North is a 22-foot wide paved surface. A lack of proper drainage on the north side of the road causes stormwater runoff from this parcel to washout the road. The Road Department recommendation is to accept the road condition as adequate with the recommendation to address drainage problems before allowing building.

Water & Septic: The applicant has obtained approved water rights for all lots within the proposed subdivision.

The Bear River Health Department has found that soil conditions on Lots 2 – 5 to be feasible for onsite septic systems. County records show that there is not an existing home on Lot 1, but the Health Department indicated that Lot 1 has an existing septic system. Site and soil conditions on Lots 2 and 3 will allow for a septic system with a maximum depth of 4 feet. Conditions on Lot 4 allow for a standard trench system with a maximum depth of 2 feet. There is seasonally high groundwater up to 48 inches on Lot 4. Site and soil conditions on Lot 5 will allow for a standard trench system with a maximum depth of 2.5 feet. The evaluation of Lot five was performed in the northwest portion of the lot which was determined to be the only portion of the lot feasible for a septic system due to the sloping and variability of the landscape. 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 Lewiston Fire are 3.8 miles away. Access from Highway 91 and High Creek Road is adequate. The bus stop would be located at the corner of High Creek Road and Highway 91, approximately four blocks from the farthest proposed lot (Lot 5). Garbage cans must be placed on High Creek Road 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.

PUBLIC COMMENTS

Notices were mailed to 8 property owners located within three hundred feet of the subject property and to Richmond City. At the time this report was published, staff had received no comments. Comments from adjacent property owners can be found in the minutes of the August 2, 2007 Cache County Planning Commission Meeting.

STAFF RECOMMENDATIONS

Action: Staff recommends that the Planning Commission make a motion to recommend approval to the County Council of the High Creek Subdivision, a four (4) lot subdivision for property located at approximately 1005 East High Creek Road (Cove), TIN #09-029-0017.

Standard Stipulations:

1. The proponent shall reaffirm the County's right-of-way on High Creek Road adjacent to the development area with an easement or dedication to be recorded on the final survey plat.
2. Any new septic systems shall meet the requirements of the Bear River Health Department and shall be 100 to 200 feet from any water way or well unless otherwise designated by the Health Department.
3. Each landowner shall obtain a septic tank permit from the Bear River Health Department prior to construction on any lot.
4. All trash containers shall be placed on county road High Creek Road for collection.
5. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lots.
6. An Encroachment Permit will be required for all construction within the County right-of-way.

Site Specific Stipulations:

7. Prior to recording the subdivision plat an appropriate drainage mechanism for the High Creek Road shall be installed by the proponent of the subdivision. The design of the drainage shall be reviewed by the County Engineer. The proponent shall pay the cost of this review.
8. No lots will be directly accessed from Highway 91. All access to High Creek Road will be limited to the designated joint access points.

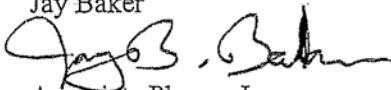
RECOMMENDED FINDINGS OF FACT

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

1. The High Creek Subdivision 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 High Creek Subdivision 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 High Creek Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. High Creek Road, the County Road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

Respectfully submitted,

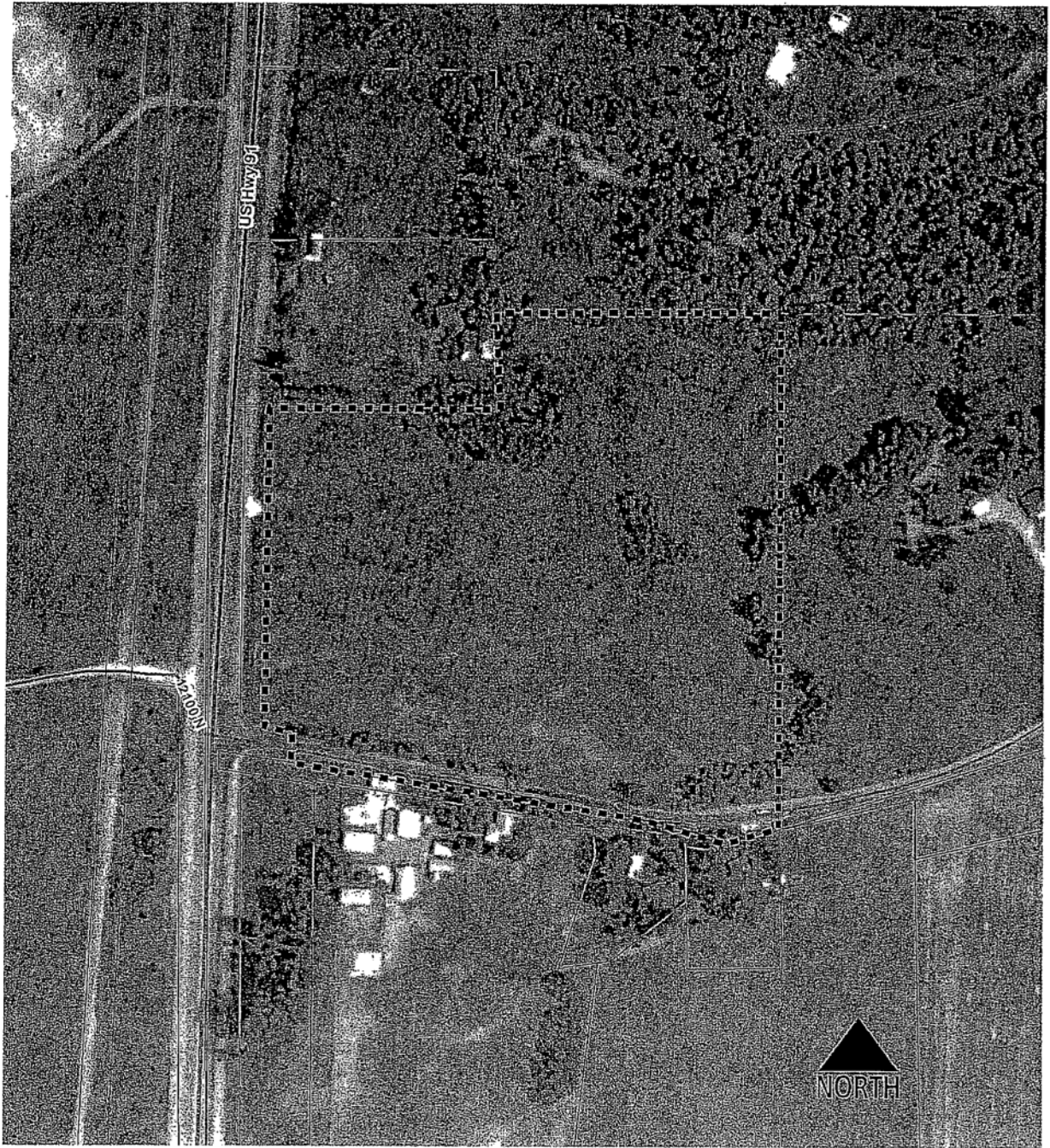
Jay Baker



Associate Planner I

Report Published: August 24, 2007

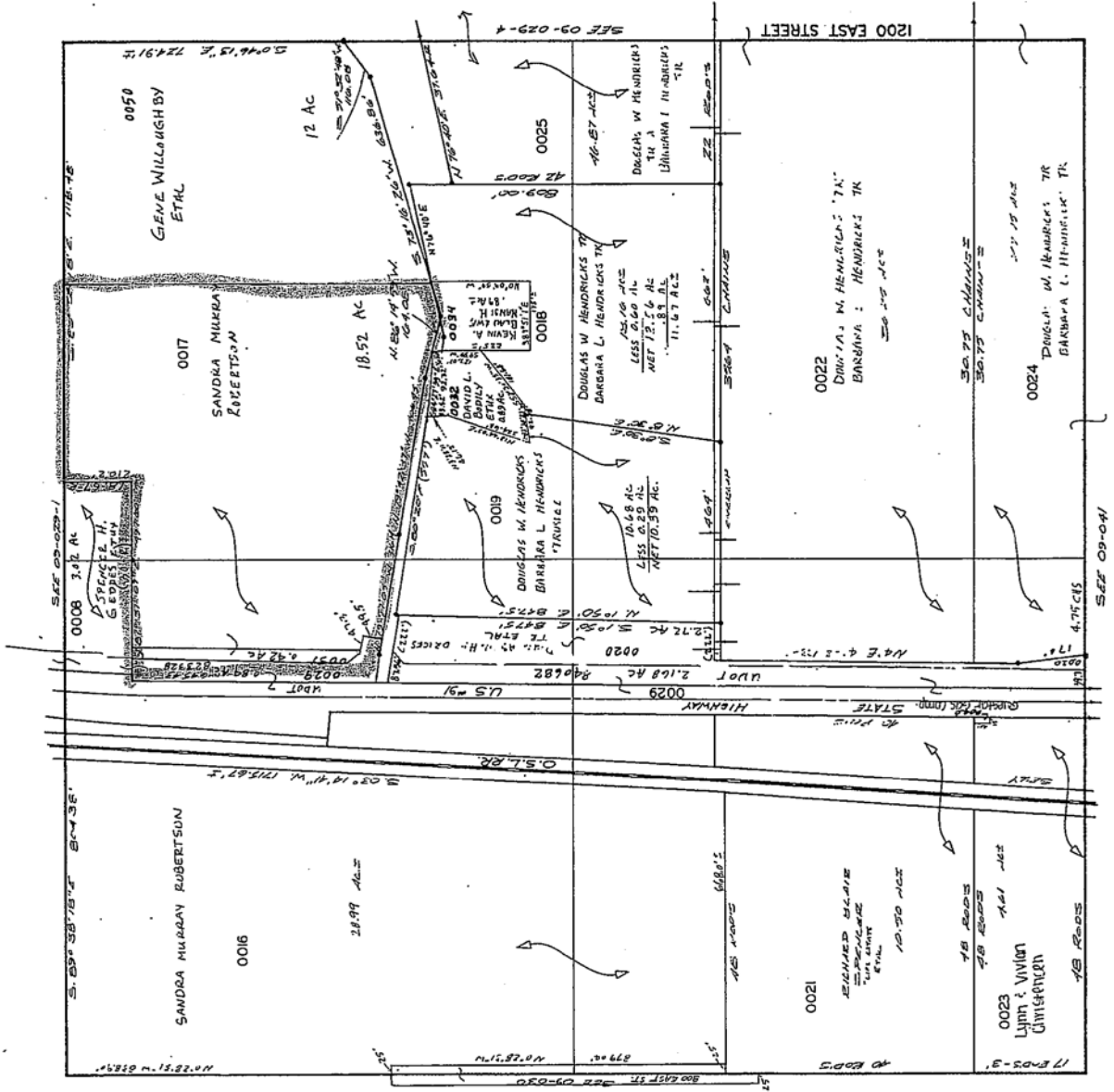
This staff report is an analysis of the application based on adopted County documents, standard County development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional 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.



S.W. 1/4, SECTION 14, TOWNSHIP 14 NORTH, RANGE 1 EAST.

09-029-3

SCALE: 1 INCH=200 FEET TAX UNIT 17



CACHE COUNTY
RESOLUTION 2007-30

A RESOLUTION APPROVING THE SALE OF DECLARED SURPLUS REAL PROPERTY TO MALEN PIERSON AND AUTHORIZATION TO THE CACHE COUNTY EXECUTIVE AND CACHE COUNTY CLERK TO EXECUTE A QUIT CLAIM DEED FOR THE CONVEYANCE OF SAID PROPERTY.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that certain real property was declared by the County Council on August 28, 2007 to be surplus property; that a public hearing was held on August 14, 2007; and that it is in the best interest of Cache County that title to the property be conveyed to Malen Pierson.

Now therefore, the Cache County Council adopts the following resolution:

BE IT RESOLVED that

Section 1: Transfer of title Authorized.

The Cache County Council approves the conveyance of title to the following described real property to MALEN PIERSON, for the consideration of \$3,100.00, said property being located in Cache County, Utah.

SIT IN SW/4 OF SW/4 SEC 4 T 14N R 1E CONT .37

Section 2: Authorization to Execute Deed.

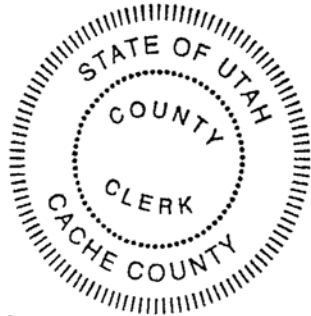
The Cache County Executive and Cache County Clerk is hereby authorized and directed to execute and deliver a quit claim deed from Cache County conveying title to said real property to Malen Pierson.

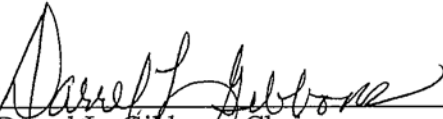
Section 3: Effective Date.

This resolution shall become effective immediately upon adoption.

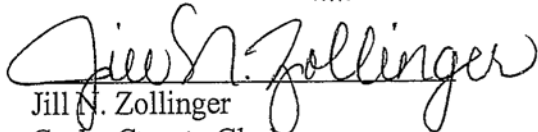
This resolution was adopted by the Cache County Council on the 25th day of September, 2007.

CACHE COUNTY COUNCIL



By: 
Darrel L. Gibbons, Chairman

Attest:


Jill N. Zollinger
Cache County Clerk