

**CACHE COUNTY COUNCIL MEETING  
November 13, 2007**

The Cache County Council convened in a regular session on November 13, 2007 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** Darrel Gibbons  
**Vice Chairman:** **John Hansen, absent.**  
**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:** Ron Case, Captain Kim Cheshire, Clair Christiansen, Attorney George Daines, Marta DeBerard, Representative Jack Draxler, Kevin Dustin, Marcus Flamsburg, Mitchell Frost, Allen Gardner, Chief Kim Hawkes, Sharon L. Hoth, Rob Johnson, Bruce Jorgensen, Jeff Jorgensen, Troy Liquin, Jana Manley, Mayor Ruth Maughan, Wendell Morse, Richard Mueller, Elaine Nelson, David Nielson, Matt Nelson, Brent Nyman, Jack O'Neill, Jack Nixon, Damian Openshaw, Sarauna Openshaw, Blake Parker, Pat Parker, Marcene Parker, Deputy Todd Parker, Josh Runhaar, Rich Schuler, Mayor Cary Watkins, Deputy Herb Weston, Kenneth Wilson,  
**Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

Council member Petersen 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 Yeates to approve the minutes of the October 23, 2007 Council meeting as written. Chambers seconded the motion. The vote was unanimous, 6-0. Hansen absent.**

**REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON**

<b><u>APPOINTMENTS:</u></b>	M. Lynn Lemon	Utah Counties Insurance Pool
	James D. Smith	Utah Counties Insurance Pool Alternate
	Robert M. Fotheringham	Cache County Water Manager

**ACTION: Motion by Council member Petersen to approve the recommended appointments. Yeates seconded the motion. The vote was unanimous, 6-0. Hansen absent.**

Jesse Cardena	Deputy Sheriff
Zachry Checketts	Deputy Sheriff
Verl Hanchett	Deputy Sheriff
Matt Hansen	Deputy Sheriff

Kip Larsen  
Jason Whittier

Deputy Sheriff  
Deputy Sheriff

**ACTION: Motion by Council member Robison to approve the recommended Deputy Sheriff appointments. Zilles seconded the motion. The vote was unanimous, 6-0. Hansen absent.**

**WARRANTS:** The warrants for the periods 10-12-2007 to 10-18-2007, 10-19-2007 to 10-25-2007, and 10-26-2007 to 11-01-2007 were given to the Clerk for filing.

### **OTHER ITEMS**

- Census Bureau Letter** – Executive Lemon reported that the county had received a letter dated November 2, 2007, from the Census Bureau acknowledging receipt of the information submitted by Wendell Morse and Kent Braddy pertaining to the census challenge. The Bureau stated it has accepted the new numbers and is changing the July 1, 2006 population estimates from 98,662 to 106,399.
- Providence City Crosswalk Request** – Lemon said Providence City has asked permission to put in a crosswalk with a crossing guard and light across former State Road 238 – specifically at 280 North 100 West. There is a new development with many children walking to school across this street. Providence will pay for the lights, installation and the crossing guards. Lemon said he will send Providence City a letter instructing them to proceed.
- Schreiber Foods Tax Abatement Request** – Lemon indicated Schreiber's wants to add additional lines in the Amalga facility. Schreiber's has approached Amalga for some tax relief, but Amalga didn't feel it was in a position to be able to do that. Schreiber's then approached the state, but because no new buildings would be built, the state was not favorable towards granting tax relief so Schreiber's is asking if the county will consider a tax abatement. In answer to Chambers' question Lemon said that state level incentives are conditioned upon Schreiber Foods receiving benefits from the local level, but the state indicated that since no buildings were being built, the state would not plan on offering any assistance. Lemon questioned subsidizing a business when employers are presently having a hard time finding employees. Gibbons asked if there was any interest from the Council in putting this item on a future agenda. There was not.
- Election Canvass** – Lemon noted that Clerk Zollinger has requested three Council members be present on November 20, 2007 at 3:00 p.m. to complete the canvass of the county for the November 6, 2007 election. Petersen, Robison and Chambers said they would attend.
- Powder Mountain Letter** – Attorney Daines said he sent a letter on October 25, 2007 to each of the Powder Mountain representatives stating the results of the Council meeting where an extension was granted to Powder Mountain and asked them for information including: a designation of who would be representing Powder Mountain, a communication in writing to Cache County, instructions to go through Josh Runhaar in Planning with all writings going to Josh with a copy to Attorney Daines, and an examination of documents. Daines also sent them a proposed agreement on legal fees, told Powder Mountain that Cache County would like to talk with them about the interlocal agreements with Weber County, and indicated Cache County is prepared to retain additional legal counsel in the development office to work with Powder Mountain.

Daines said the only response he has received from Powder Mountain is an email containing the same information he had previously received from them. Daines presented each Council member a packet of all the communications with Powder Mountain so the Council can track the communication. Daines indicated he has talked with other legal counsel about an independent review of the county's dealings with Powder Mountain and will probably have the process started on Thursday, November 15, 2007.

### **ITEMS OF SPECIAL INTEREST**

- **Employee of the Month** for the month of November was presented to Damian Openshaw of the Cache County Sheriff's Office by Sergeant Mitch Frost, County Awards Committee.
- **Introduction of Rich Schuler, Interim District Forest Ranger for Logan District** – Council member Yeates turned the time to Schuler who told the Council that he will be short term as Jennifer Parker will replace him on January 7, 2007. Schuler is a Utah State University graduate and is a Recreation Manager in Wyoming and has visited Cache County concerning the snowmobiles/cross country skiers conflict last year. Schuler invited input from the Council at any time.
- **Bear River Mental Health Annual Financial Report – Rob Johnson** reviewed the annual financial audit including the balance sheet, income statement, revenues and expenditure details. Johnson said the county's \$260,000 contribution is the base that the budget is built on. There were no current year findings and the follow-up on the 2006 findings indicates all billings have been submitted by the required dates.

### **(Attachment 1)**

**ACTION: Motion by Council member Yeates to approve the Bear River Mental Health Annual Financial Audit Report. Robison seconded the motion. The vote was unanimous, 6-0. Hansen absent.**

### **BUDGETARY MATTERS**

#### ◆ **Intra-Departmental Transfers**

Building Inspections

Transfer \$1,500.00 from Education & Training to Non-Capitalized Equipment to purchase laptops for Building Inspectors.

Building & Grounds

Transfer \$2,986.00 from Utilities to Non-Capitalized Equipment to replace motor in 99 Blazer (pool vehicle).

Travel Council

Transfer \$2,200.00 from Advertising & Promotions to Office Expense & Supplies (500.00) and Postage (\$1,700.00) to cover VISA Bankcard fees and additional postage expense through year-end.

Building & Grounds A & C	Transfer \$1,323.00 from Utilities to Non-Capitalized Equipment to replace motor in 99 Blazer (pool vehicle).
Sheriff Patrol-Municipal Services Fund	Transfer \$3,614.00 from Salary (\$2,475.00) and Capitalized Equipment (\$1,139.00) to Overtime (\$900.00), Temporary employees (\$2,700.00) and Subscriptions (\$14.00) to balance line items.
Sheriff Patrol	Transfer \$24,668.00 from Salary (\$24,380.00) and Equipment Supply & Maint (\$288.00) to Temporary Employees (\$18,000.00), Subscriptions (\$668.00) and Overtime ((\$6,600.00) to balance line items.
Assessor – Assessing & Collecting	Transfer \$43,800.00 from Misc Services (\$5,000.00) and Prof & Tech (\$38,800.00) to Capitalized Equipment to purchase new vehicles.
Recorder	Transfer \$1,200.00 from Overtime to Non-Capitalized Equipment to purchase color laser printer for maps.

**(Attachment 2)**

**ACTION: Motion by Council member Chambers to approve the budget transfers. Robison seconded the motion. The vote was unanimous, 6-0. Hansen absent.**

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

**PUBLIC HEARING SET:**

DECEMBER 11, 2007 – 6:00 P.M. – OPEN 2007 BUDGET.

**ACTION: Motion by Council member Yeates to set a Public Hearing for December 11, 2007 at 6:00 p.m. to Open 2007 Budget. Robison seconded the motion. The vote was unanimous. 6-0. Hansen absent.**

**PENDING ACTION**

- Ordinance No. 2007-05 – Agricultural Subdivisions (NO ACTION TAKEN)** – Council member Zilles indicated the committee has met twice and is making progress.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Resolution No. 2007-34 – Fee Change for Cache County Building Inspections** – Chairman Gibbons noted this was presented in detail to the Council at a previous

meeting. The recommendation is for a residential plan review fee of 1/10 of 1% of the building valuation with a minimum fee of \$20.00.

**(Attachment 3)**

**ACTION: Motion by Council member Yeates to waive the rules and approve Resolution 2007-34-Fee Change for Cache County Building Inspections. Petersen seconded the motion. The vote was unanimous, 6-0. Hansen absent.**

- **Ordinance No. 2007-11 – Amending the Cache County Code, Section 3.82.050, RAPZ/Restaurant Tax Allocation Procedures** – Council member Petersen reviewed some housekeeping changes as well as a more substantive change in the zoological allocation. The wording is being changed to read “up to 10%” instead of 10% and adds the phrase “based on a proposal submitted each year”. Also added “If less than 10% the additional funds may be allocated to parks and recreation.” Condition No. 2 is struck out. The county has no representation on the zoo now and this will allow the Council to monitor how the money is being spent.

**(Attachment 4)**

**ACTION: Motion by Council member Petersen to waive the rules and approve Ordinance No. 2007-11-Amending the Cache County Code, Section 3.82.050, RAPZ/Restaurant Tax Allocation Procedures. Chambers seconded the motion. The vote was unanimous, 6-0. Hansen absent.**

**Ordinance No 2007-11:** The vote was 6-0. Hansen absent.

	CHAMBERS	ZILLES	GIBBONS	HANSEN	PETERSEN	ROBISON	YEATES	VOTES CAST
AYE	X	X	X		X	X	X	6
NAY								0
ABSTAINED								0
ABSENT				X				1

- **Approval of 2008 Cache County Council Meeting and Holiday Schedule** – Chairman Gibbons pointed out that November 11, 2008 is Veteran’s Day, a holiday for Cache County employees, and is listed as a County Council meeting. The Council decided to leave the Council meeting on November 11, 2008 and require the necessary county employees/elected officials to attend.

**(Attachment 5)**

*Tape 1, Side B*

**ACTION: Motion by Council member Petersen to accept the 2008 Cache County Council Meeting and Holiday Schedule as outlined. Robison seconded the motion. The vote was unanimous. 6-0. Hansen absent.**

- **Final Plat Approval – Mendon Shadow Subdivision** – A five-lot subdivision at 675 South 5400 West, Mendon. Josh Runhaar indicated this is adjacent to Mendon City but the railroad is between Mendon and the proposed subdivision. Because of the high

water table field drains for protection from flood irrigation are recommended and no basements shall be constructed on the lots are listed in the site-specific stipulations. Runhaar said an engineering review of the private road design is also a site-specific stipulation. Council members expressed concerns about the width of the roads servicing the subdivision because of possible future development in the area.

Chairman Gibbons noted that it was time for the 6:00 p.m. Public Hearing and stated the Council would return to this discussion after the Public Hearing.

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

**PUBLIC HEARING:** NORTH LOGAN CITY'S REQUEST FOR A COMMUNITY DEVELOPMENT AREA – NOVEMBER 13, 2007 – 6:00 P.M. – Chairman Gibbons asked North Logan to give a brief overview of their proposal after which the Council will ask questions before opening the meeting to the public.

North Logan Mayor Watkins briefly noted that the original proposal has been revised and the Cache County School District has approved the revised proposal. Watkins turned the time to City Administrator Jeff Jorgensen.

Jorgensen distributed the revised proposal to the Council and indicate the first page describes the changes. The Cache County General Fund's portion of the tax is reduced from 70/60/50% to 50% and the length of time for which the property tax increment is diverted to the CDA is reduced from fifteen years to twelve years. In addition, any tax increment earned over the life of the project beyond what the budget shows (\$1,601,433.00 for Cache County), will be fully reimbursed to the county.

Jorgensen noted that, presently, the 200 East road project may not happen for many years, but this proposal would accelerate that project's completion. Jorgensen also pointed out the eventual increased property tax revenues that will flow to the county if the proposal is approved.

Executive Lemon asked if the new proposal is for a straight 50% for twelve years? Jorgensen replied it is.

Chambers asked how strong was the Cache County School District's support of the project? Jorgensen responded the school district's vote was unanimous in favor.

**ACTION: Motion by Council member Yeates to open the Public Hearing. Zilles seconded the motion. The vote was unanimous, 6-0. Hansen absent.**

**Chairman Gibbons opened the Public Hearing and invited public comment.**

Executive Lemon said Mayor Kooyman of Hyde Park had called and asked Lemon to convey Hyde Park's support of the project.

Jack Nixon, Hyde Park, expressed support of the project.

Blake Parker, Parker Real Estate, spoke in support.

Representative Jack Draxler spoke as a county citizen and former mayor of North Logan in support of the proposal. Draxler addressed the Council's concerns that a precedent will be set that will invite other cities to ask for the same benefits. Any future requests from other cities

should be reviewed to see if they are quality proposals. If they are, they should be approved. If not, they should be denied. Draxler said the CDA legislation was intended to foster quality economic development with the problems associated with an RDA, i.e. definitions of blighted areas. This allows the city, the county and the school district to become partners. With the increased tax revenues, there is no down side. The county is presently collecting just under \$8,500.00 a year from this property. With the 50% interlocal agreement, the county will be able to collect 50% of any new property tax generated through the development. The North Logan proposal is exactly what the legislation envisioned. Draxler noted that any quality development depends on some tax increment financing. Draxler said he does not foresee this development being harmful to any other business or development in the county.

Richard Mueller, North Logan, spoke in support.

Marta DeBerard, North Logan, spoke in support of the project as "smart growth".

There was no other public comment.

**ACTION: Motion by Council member Yeates to close the Public Hearing. Robison seconded the motion. The vote was unanimous, 6-0. Hansen absent.**

Council member Petersen asked if there are options on the parcels involved? Mayor Watkins said there are options on some of the parcels. Petersen asked if there was a piece where the owner could hold out and create problems for North Logan's proposal? Watkins said there is not.

Chambers noted the Hilton Garden Inn is the anchor to the proposal and asked if their participation is solid? Watkins said that Hilton is sincerely desirous and enthusiastic about the proposal, but North Logan and Hilton are not yet into development agreement details.

Chambers asked if there are deadlines that need to be met on portions of the proposal? Watkins said some parcels are on timelines and resolution needs to be forthcoming soon. A financial institution has expressed interest in being a financing partner for the project. Jorgensen added that North Logan can't make some of the definitive plans with Hilton until the CDA is granted. If any financial portion of the proposal is changed, then North Logan must change what is provided to the developer, etc.

Zilles asked if North Logan City can begin the process without the county? Jorgensen said the rezoning is on North Logan's agenda for tomorrow.

Chairman Gibbons asked if the Council could make a decision tonight when it has not been advertised as an action item for this agenda? Daines said there would be a problem.

Gibbons invited the Council to express any concerns while North Logan officials are present.

Robison said she had received a letter from Visitors Bureau Director Julie Hollist expressing concerns from the Cache Valley Lodging Association which voted not to support Transit Room Tax expenditures for Riverwoods and if the county provides this incentive for the North Logan facility, Riverwoods developers will demand the same. Whether they ask for tax relief or TRT to make up the difference, it is doubtful Riverwoods will sit back while the Council subsidizes North Logan and not Riverwoods. Yeates noted that Logan City gave Riverwoods an incentive in the form of an RDA and there is no TRT involved in the North Logan proposal.

Lemon said he is worried about the ability of two conference centers to sustain themselves in the county.

Chambers indicated that he would expect a group of hotel owners (Cache Valley Lodging Association) would always take the position noted in Hollist's letter to "protect their turf".

*Tape 2, Side A*

Chambers said that different types of facilities provide more options for visitors.

Watkins stated the county is underserved in the number of rooms available. There are about 800 rooms presently and 1200 or more rooms are needed when conferences are in the area. Cache County does not have an upscale hotel servicing the valley. North Logan's proposal and Riverwoods on the south will provide that service for both sides of the valley.

Chambers noted that he lives six blocks away from the proposed site and it is vacant land currently used for alfalfa, etc. This proposed use could generate more property tax.

Gibbons said people from the agricultural community have contacted him and asked why the county would consider subsidizing a project that would commercially develop agricultural ground when the county is supposed to be protecting agricultural ground? Gibbons also said he is concerned that this may be detrimental to Logan's downtown viability. He is reluctant to create a situation where two conference centers may have to struggle to survive. One of the Cache County School Board members visited with Gibbons and told him he had second thoughts about his vote of support for the North Logan proposal.

Zilles said he is concerned about taking raw farm land out of agricultural land and helping businesses which will compete with those individuals who have developed their businesses without any county subsidy. The only people that have been heard from tonight are realtors and people who will benefit from the proposal.

Chambers said this land will be developed commercially someday – that is a given by nature of its location.

Yeates noted that agricultural land is developed for residential use all the time. Yeates said he likes the look of the North Logan proposed development.

Jorgensen pointed out that all but five acres of the North Logan land is zoned residential. Utah State University and the Church of Jesus Christ of Latter-day Saints own the agricultural land, but neither entity has any interest in keeping their land agricultural. This type of a development will discourage sprawl and actually save agricultural land in other parts of the valley.

Attorney Daines said he is certain other cities will come to the county will similar requests if this is approved and proposed a possible alternative. The road project for 200 East is critical to the county transportation plan and if the county could fund that portion of the North Logan project, rather than giving tax breaks, it would be a giant step for the transportation needs of the entire county.

Petersen asked what Mayor Watkins thought of Daines' suggestion?

Watkins agreed it is critical for 200 East to be developed and if North Logan waits for the Federal dollars it may be years before the development happens; whereas, if the 200 East road project is completed early, it will be cheaper and will alleviate the county transportation problem.



If the question is what does North Logan say to Cache County not participating in the CDA request, but Cache County will build the road (200 East), North Logan says build the road.

Daines suggested a special improvement district could be utilized to build 200 East. The advantage to the county would be that if 200 East is made a regional road, the county would have input on the road. This would allow the county to focus its responsibility on building a road that is badly needed rather than on a tax benefit to be administered by someone else.

Lemon asked if North Logan could bond to pay for their proposed development? Watkins said, yes, but it is easier in theory than in practice because North Logan must have revenue to offset the bonding and this type of a development has a delayed revenue benefit.

Petersen reminded the Council that any road tax monies used must be approved by the local government council that will be established to administer the monies.

Daines said he understands that, but 200 East is second on the priority list for county transportation needs. Daines also said the property taxes that will be generated by this area equal a circle of money that will come back.

Lemon said North Logan is only asking for \$50,000.00 the first year and if the county looks at the project and says rather than the CDA, the county is going to give you X amount of dollars over the same period of time the CDA would have covered – that may be an option.

Gibbons asked Daines to prepare two resolutions – one dealing with the CDA and one dealing with the 200 East road proposal – for the next meeting.

Morse said the item first on the transportation priorities is 100 East and Federal money is available for that project. One of the things about the road tax money is that it can be bonded against. The 200 East road project is a big priority to many cities and this is a way to do it that helps more cities than North Logan. It is worth looking at.

Chairman Gibbons asked Pat Parker to place this on the November 27, 2007 Council meeting agenda.

Daines said this distinguishes the fact that the county is focused on regional roads and North Logan and the Cache County School District have made a decision to offer a tax incentive to the incidental development that occurs in North Logan.

**Chairman Gibbons turned the meeting to Council member Yeates and excused himself from the meeting.**

Chambers said it sounds as if the Council would never approve a CDA? Is this true?

Daines reiterated the difficulties created by setting a precedent; however the 200 East road project is a good idea and the county should help with that, if possible.

Bruce Jorgensen, attorney for North Logan, responded that every tax imposed has to have a decision made over how that money is used. That is the nature of the Council positions -- to allocate those revenues.

**INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- **Final Plat Approval for Mendon Shadow Subdivision (continued)** – Zilles stated his main concern is – Has the county addressed the adequate road question for this subdivision taking into consideration future development? Runhaar said the high water table in the area will probably limit development somewhat.

Yeates asked if the standard for a county road is 66 feet? Daines said yes, but one arterial road in a subdivision can be 50 feet; however, sufficient space needs to be retained to accommodate easements for utilities, etc.

Jack O'Neill, subdivision proponent, said 5400 West is not 66 feet wide.

Daines said the road itself may not be, but the right-of-way exists for the 66 feet width.

**(Attachment 6)**

**ACTION: Motion by Council member Zilles to waive the rules and approve the Final Plat for Mendon Shadow Subdivision with Site Specific Stipulation 13 deleted and replaced with the requirement to provide an easement for the future approximate 5500 West that shall be a minimum of 66 feet. Petersen seconded the motion. The vote was unanimous, 5-0. Gibbons and Hansen absent.**

*Tape 2, Side B*

- **Final Plat Approval – Wellsville Mountain Reserve Phase II** – Runhaar said this is a five-lot subdivision originally approved in December of 2005 then amended in March 2007 to add four lots. The current application would add five lots to the existing nine being serviced by the same private road. This is Phase II of several phases. The Planning Commission recommends constructing the road needed for the subdivision as a new county road. The Planning Office is still trying to contact property owners around the area. As the subsequent phases are completed a road network will need to be developed.

**(Attachment 7)**

**ACTION: Motion by Council member Zilles to waive the rules and approve the Final Plat for the Wellsville Mountain Reserve Phase II subdivision with the addition to Site Specific Stipulation No. 5 a requirement that a set of “as built” plans shall be submitted for review prior to the acceptance of any roads previously built within this subdivision. Any improvements yet to be completed shall meet the minimum County road standards. All right-of ways or easements shall be a minimum of 66 feet wide. Petersen seconded the motion. The vote was unanimous, 5-0. Gibbons and Hansen absent.**

**Discussion on the motion:**

Robison recommended that residential fire sprinklers be required. After some discussion, Robison withdrew the recommendation.

- **Discussion – 800 East Speed Limit in North Logan** – North Logan Chief Kim Hawkes said there is a law enforcement committee for Hyde Park and North Logan. That committee met and discussed the acquisition of SR 257 (800 East) from the state. The speed limit has been a concern to the two communities for many years because of the proximity to the road of schools and a park. The committee recommended lowering the

speed limit to 35 mph from the current 40 mph. The consensus of the Council was that it is comfortable with the recommended 35 mph.

- **Discussion – Presentation of 2008 Budget – Cache County Executive M. Lynn Lemon** reviewed the proposed 2008 Budget including the general property tax, the dedicated tax for the County Water Department, county option sales tax, fees in lieu of tax, pay-for-stay and condition of probation, etc. figures, salaries and insurance costs. The 2008 budget includes one new full-time employee in GIS. There is a Public Hearing scheduled for the November 27, 2007 Council meeting based on the proposed tax figures.

*Tape 3, Side A*

### **COUNCIL MEMBER REPORTS**

**Gordon Zilles** reported the AG Subdivision committee is meeting and starting to work towards an ordinance.

**Craig Petersen** reminded the Council that the road tax must be formally enacted by resolution at the November 27, 2007 Council meeting.

**Brian Chambers** noted that 800 East is presently a city road, but there is always the possibility that it could become a county road. Lemon pointed out that the County Council is the body that decides where the road money goes and stipulations could be placed on the funding.

**Cory Yeates** said he had attended a meeting at Ecosystems where they revealed plans to build a reservoir near Bear Lake. Water would be pumped from the lake to the reservoir for fourteen hours each night. At noon each day, the water would be drained for power and returned to the lake. It is estimated this will provide wattage for 250,000 homes for ten hours.

### **ADJOURNMENT**

The Council meeting adjourned at 8:21 p.m.

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

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**APPROVAL:** Darrel Gibbons  
Council Chairman

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**APPROVAL:** Cory Yeates  
Acting Chairman



State of Utah

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

Department of Human Services

LISA-MICHELE CHURCH  
Executive Director

Division of Substance Abuse and Mental Health

MARK I. PAYNE  
Director

Certification of Audit Review

*As required under the provisions of contracts with Local Substance Abuse and Mental Health Authorities*

The requirement for members of the Local Substance Abuse and Mental Health Authorities to annually certify receipt and review of the independent audit and interview with the provider's executive officers is to assure compliance with the following statutory mandates:

Each member of the Local Substance Abuse and Mental Health Authority shall annually certify that he has received and reviewed the independent audit and has participated in a formal interview with the provider's Executive Officers. (See Utah Codes 62A-15-110(1)(d) and 62A-15-713(4))

That an independent audit shall be conducted pursuant to title 51-02 and that the prescribed Guidelines and procedures are in accordance with the State Auditor. (See Utah Code 67-3-1)

That the Local Substance Abuse and Mental Health Authority are exercising sufficient oversight and control over public funds allocated for substance abuse and mental health programs and services.

The Local Mental Health Authority of Cache County provides this assurance.

Harrel L. Gibbons  
County Commissioner/Councilman

Conrad [Signature]  
County Commissioner/Councilman

Kathy Robinson  
County Commissioner/Councilman

S. Brian Chambers  
County Commissioner/Councilman

Craig [Signature]  
County Commissioner/Councilman

[Signature]  
County Commissioner/Councilman

John Hansen absent due to illness  
County Commissioner/Councilman

\_\_\_\_\_  
County Commissioner/Councilman

Date: November 13, 2007

Please submit this certification to:

The Utah Division of Substance Abuse and Mental Health  
Attention: Albert Nieto  
120 North 200 West, Room # 209  
Salt Lake City, UT 84103

**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Building Inspections  
 DATE: 10/29/2007

Amount to be transferred -- (rounded to the nearest dollar) \$1,500.00

Transfer From ---

Line Item No. : 20-4241-330  
 Fund Designation: Education & Training

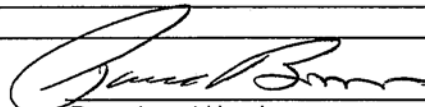
Original Budget:	<u>\$3,100.00</u>
Current Budget:	<u>\$3,100.00</u>
Expenditures to date:	<u>\$1,254.00</u>
Balance before transfer:	<u>\$1,846.00</u>
Balance after Transfer:	<u>\$346.00</u>

Transfer To ---

Line Item No. : 20-4241-251  
 Fund Designation: Non-Capitalized Equipment

Original Budget:	<u>\$1,000.00</u>
Current Budget:	<u>\$5,397.00</u>
Expenditures to date:	<u>\$572.27</u>
Balance before transfer:	<u>\$4,824.73</u>
Balance after Transfer:	<u>\$6,324.73</u>

Description of needs and purpose of transfer ---  
To Purchase laptops for Building Inspectors.

  
 Department Head

Recommendation: [] Approval [ ] Disapproval  
 Comments:

Date: 10/29/2007

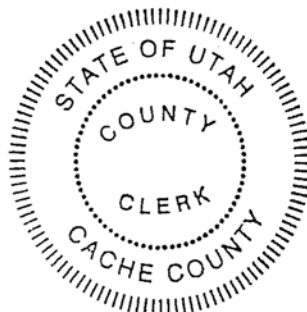
  
 Cache County Auditor

Recommendation: [] Approval [ ] Disapproval  
 Comments:

Date: 11/13/07

  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 13<sup>th</sup> day of November, 2007.



  
 Cache County Clerk

**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Building & Grds  
 DATE: 11/5/2007

Amount to be transferred -- (rounded to the nearest dollar) \$2,986.00

Transfer From ---  
 Line Item No. : 10-4160-270  
 Fund Designation: Utilities

Original Budget:	<u>\$48,510.00</u>
Current Budget:	<u>\$48,510.00</u>
Expenditures to date:	<u>\$38,849.60</u>
Balance before transfer:	<u>\$9,660.40</u>
Balance after Transfer:	<u>\$6,674.40</u>

Transfer To ---  
 Line Item No. : 10-4160-251  
 Fund Designation: non-capitalized equipment

Original Budget:	<u>\$4,838.00</u>
Current Budget:	<u>\$4,838.00</u>
Expenditures to date:	<u>\$6,127.00</u>
Balance before transfer:	<u>(\$1,289.00)</u>
Balance after Transfer:	<u>\$1,697.00</u>

Description of needs and purpose of transfer ---  
To replace motor in 99 Blazer (pool vehicle).

*M. [Signature]*  
 Department Head

Recommendation: [] Approval [ ] Disapproval  
 Comments:

Date: 11/5/2007

*Jamra [Signature]*  
 Cache County Auditor

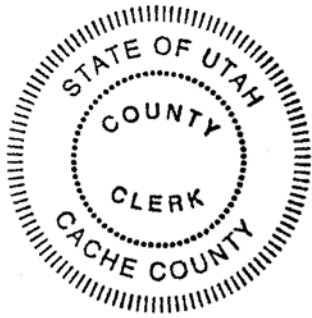
Recommendation: [] Approval [ ] Disapproval  
 Comments:

Date: 11/5/2007

*M. [Signature]*  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 13<sup>th</sup> day of November, 2007.

*Jim [Signature]*  
 Cache County Clerk





**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Building & Grds A & C  
 DATE: 11/5/2007

Amount to be transferred -- (rounded to the nearest dollar) \$1,323.00

Transfer From ---  
 Line Item No. : 15-4160-270  
 Fund Designation: Utilities

Original Budget:	<u>\$21,490.00</u>
Current Budget:	<u>\$21,490.00</u>
Expenditures to date:	<u>\$17,214.50</u>
Balance before transfer:	<u>\$4,275.50</u>
Balance after Transfer:	<u>\$2,952.50</u>

Transfer To ---  
 Line Item No. : 15-4160-251  
 Fund Designation: non-capitalized equipment

Original Budget:	<u>\$2,164.00</u>
Current Budget:	<u>\$2,164.00</u>
Expenditures to date:	<u>\$2,743.71</u>
Balance before transfer:	<u>(\$579.71)</u>
Balance after Transfer:	<u>\$743.29</u>

Description of needs and purpose of transfer ---  
To replace motor in 99 Blazer (pool vehicle).

Recommendation: [] Approval [ ] Disapproval  
 Comments:  
 Date: 11/5/2007

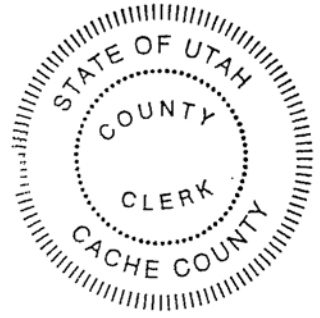
M. Lynn Lovin  
 Department Head

Recommendation: [] Approval [ ] Disapproval  
 Comments:  
 Date: 11/5/2007

Jamra Stones  
 Cache County Auditor

M. Lynn Lovin  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 13<sup>th</sup> day of November, 2007.



Gene Zollinger  
 Cache County Clerk



**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Sheriff Patrol -Municipal Services Fund

DATE: 06-Nov-07

Amount to be transferred -- (rounded to the nearest dollar) \$3,614

**Transfer From ---**

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
20-4210-110	Salary	\$ 220,536		\$ (2,475)	\$ 218,061
20-4210-740	Capitalized Equipment	\$ 32,218		\$ (1,139)	\$ 31,079

**Transfer To ---**

20-4210-115	Overtime	\$ 11,055	\$ 900		\$ 11,955
20-4210-120	Temporary employees	\$ 6,017	\$ 2,700		\$ 8,717
20-4210-210	Subscriptions	\$ 352	\$ 14		\$ 366
<b>Totals</b>			<b>\$ 3,614</b>	<b>\$ (3,614)</b>	


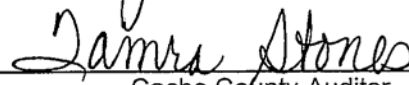
Net adjustment \$ -

Description of needs and purpose of transfer ---

Transfer to accounts to balance line items.

Recommendation:  Approval     Disapproval

Date: 06-Nov-07

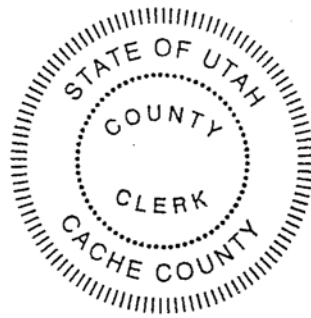
  
 \_\_\_\_\_  
 Department Head  
  
 \_\_\_\_\_  
 Cache County Auditor

Recommendation:  Approval     Disapproval

Date: 11/7/07

  
 \_\_\_\_\_  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 13<sup>th</sup> day of November, 2007.



  
 \_\_\_\_\_  
 Cache County Clerk

**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Sheriff Patrol  
 DATE: 06-Nov-07

Amount to be transferred -- (rounded to the nearest dollar) \$24,668

**Transfer From ---**

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
10-4210-110	Salary	\$ 1,263,475		\$ (24,380)	\$ 1,239,095
10-4210-250	Equipment supply & maint	\$ 74,836		\$ (288)	\$ 74,548
				\$	\$ -

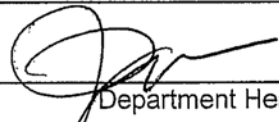
**Transfer To ----**

10-4210-120	Temporary employees	\$ 33,231	\$ 18,000		\$ 51,231
10-4210-280	Telephone	\$ 22,650			\$ 22,650
10-4210-210	Subscriptions	\$ 3,393	\$ 668		\$ 4,061
10-4210-115	Overtime	\$ 62,645	\$ 6,000		\$ 68,645
				\$	\$ -
Totals			\$ 24,668	\$ (24,668)	
Net adjustment					\$ -

Description of needs and purpose of transfer ---  
 Transfer to accounts to balance line items.

Recommendation: [  ] Approval [  ] Disapproval

Date: 06-Nov-07

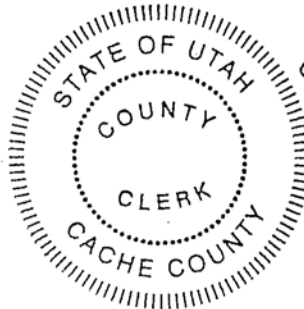
  
 Department Head  
James Stones  
 Cache County Auditor

Recommendation: [  ] Approval [  ] Disapproval

Date: 11/9/07

  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 13<sup>th</sup> day of November, 2007.



Jim Zollinger  
 Cache County Clerk

**REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER**

DEPARTMENT: Assessor - Assessing & Collecting

DATE: 06-Nov-07

Amount to be transferred -- (rounded to the nearest dollar) \$43,800

**Transfer From ---**

ACCOUNT	DESCRIPTION	Current Budget	Increase DR	Decrease CR	Amended Budget
15-4146-620	misc services	\$ 5,000		\$ (5,000)	\$ -
15-4146-311	Prof & Tech	\$ 38,800		\$ (38,800)	\$ -
15-4146-					

**Transfer To ---**

15-4146-740	capitalized equipment	\$ 25,000	\$ 43,800		\$ 68,800
Totals					\$ -
Net adjustment					\$ -

Description of needs and purpose of transfer ---  
Transfer to purchase new vehicles.

Recommendation:  Approval     Disapproval

Date: 06-Nov-07

Kathleen C. Howell  
 Department Head

Jamra Stones  
 Cache County Auditor

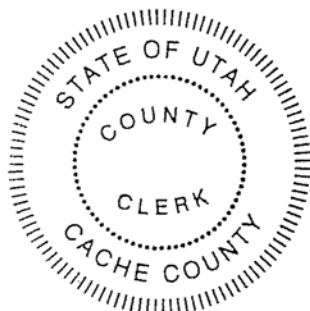
Recommendation:  Approval     Disapproval

Date: 11/6/07

M. [Signature]  
 Cache County Executive

Consented by the Cache County Council meeting in regular session on the 13<sup>th</sup> day of November, 2007.

Jim Zollinger  
 Cache County Clerk



REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Recorder  
DATE: 11/5/2007

Amount to be transferred -- (rounded to the nearest dollar) \$1,200.00

Transfer From ---  
Line Item No. : 10-4144-115  
Fund Designation: Overtime

Original Budget:	<u>\$1,200.00</u>
Current Budget:	<u>\$1,200.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$1,200.00</u>
Balance after Transfer:	<u>\$0.00</u>

Transfer To ---  
Line Item No. : 10-4144-251  
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>\$1,200.00</u>

Description of needs and purpose of transfer ---  
To purchase color laser printer for maps.

[Signature]  
Department Head

Recommendation:  Approval [ ] Disapproval  
Comments:

Date: 11/5/2007

[Signature]  
Cache County Auditor

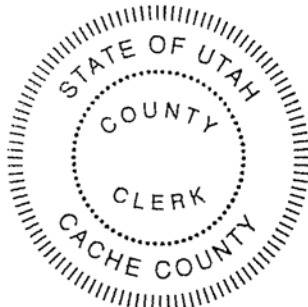
Recommendation:  Approval [ ] Disapproval  
Comments:

Date: 11/5/2007

[Signature]  
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 13<sup>th</sup> day of November, 2007.

[Signature]  
Cache County Clerk



RESOLUTION NO. 2007-34

A RESOLUTION AMENDING THE BUILDING PERMIT FEE SCHEDULE OF THE OFFICE OF THE CACHE COUNTY DEVELOPMENT SERVICES DEPARTMENT'S BUILDING INSPECTION DEPARTMENT.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is appropriate, necessary and in the best interests of the citizens of Cache County to increase the service fee schedule for services provided by the Office of the Cache County Development Services Department - Building Inspection - be amended as follows.

NOW THEREFORE, the Cache County Council hereby adopts the following amended Building Inspection Service Fees:

Section 1: Building Inspection Department Fee Schedule:

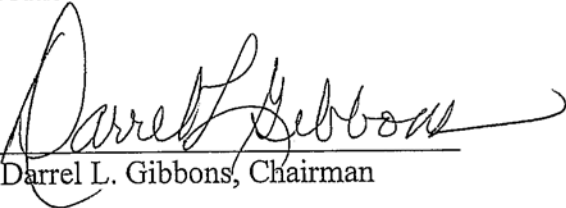
*A residential plan review fee of 1/10 (10%) of one (1) percent of the building valuation with a minimum fee of \$20.00 is hereby approved superseding all prior service fee schedules for that office.*

Section 2: Effective Date:

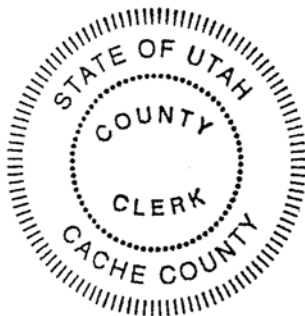
*This resolution shall become effective immediately upon adoption.*

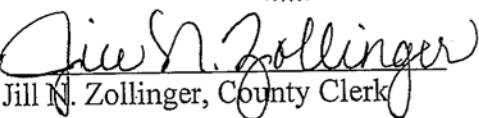
DATED this 13<sup>th</sup> day of November, 2007.

CACHE COUNTY COUNCIL

By   
Darrel L. Gibbons, Chairman

ATTEST:



By   
Jill N. Zollinger, County Clerk

**AN ORDINANCE AMENDING THE CACHE COUNTY CODE, SECTION 3.82.050, RAPZ/RESTAURANT TAX ALLOCATION PROCEDURES**

The Cache County Council, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enact the following:

WHEREAS, the Cache County Code, Section 3.82.050 establishes procedures for allocation of RAPZ and Restaurant taxes; and

WHEREAS, minor changes in wording in that section are needed to correct references to dates, dollar amounts, and the RAPZ/Restaurant Tax administrator; and

WHEREAS, changes in the wording of that section are needed to provide the Cache County Council appropriate oversight over use of funds for zoological facilities;

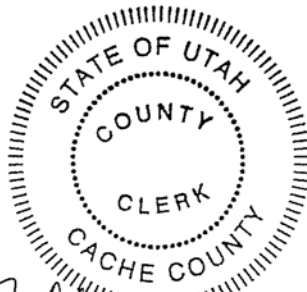
NOW, THEREFORE, BE IT ENACTED BY THE CACHE COUNTY COUNCIL THAT:

The Cache County Code, Section 3.82.050 is amended as specified by Attachment A.

This ordinance shall take effect immediately upon adoption.

DATED this 13<sup>th</sup> day of November, 2007

CACHE COUNTY COUNCIL



By: Darrel Gibbons  
Darrel Gibbons, Chair

ATTEST:

Jill N. Zollinger  
By: Jill N. Zollinger  
Cache County Clerk

## ATTACHMENT A

### 3.82.050: RAPZ/RESTAURANT TAX ALLOCATION PROCEDURES:

RAPZ/restaurant tax funds will be distributed in a manner consistent with the following:

#### A. Administration:

1. Allocate 0.6% (~~approximately \$6,000.00~~) of RAPZ tax to the state of Utah for collection expense.
2. Allocate 0.9% (~~approximately \$9,000.00~~) for a RAPZ/restaurant tax administrator.
  - ~~a. The position will be one fourth (1/4) time without benefits.~~
  - ~~b. The administrator will: 1) report to the county executive; 2) assist in preparation and evaluation of proposals; 3) assure that allocated funds are properly used; and 4) obtain and review follow up reports on projects.~~
3. A single RAPZ/restaurant tax advisory committee will be established to evaluate proposals and make recommendations to the county council on the allocation of restaurant and RAPZ (~~with the exception of zoological facilities~~) taxes.
  - a. The RAPZ/restaurant tax administrator will act as staff to the advisory committee.
  - b. The committee will consist of eight (8) members recommended by the county executive and approved by the county council.
    - (1) Two (2) county council members and the county executive;
    - (2) One person from each of the five (5) county council districts not represented by a council member.
4. A single form will be developed to apply for RAPZ and restaurant tax funds and the advisory committee will recommend which source of funds will be used.
5. Proposals will be due by the first Friday in March ~~on March 2~~ and allocation decisions will be completed by the second County Council meeting in May 24.
6. Projects funded with RAPZ or restaurant tax funds must be available for use on an equal basis by all citizens of the county.

#### B. RAPZ Cultural And Botanical:

1. Allocate forty percent (40%), after administrative costs, to this area. The percentage will be reviewed each year.

2. All funds allocated to this area will be based on proposals submitted each year, however multi-year commitments will be considered.

3. By law, no funds allocated to this area can be used for capital projects.

C. RAPZ Parks And Recreation:

1. Allocate fifty percent (50%), after administrative costs, to this area. The percentage will be reviewed each year.

a. Fifteen percent (15%) will be allocated proportional to city populations, with the proviso that any city receiving funds does not reduce its current level of expenditures in this area.

b. Thirty five percent (35%) of funds allocated to this area will be based on proposals submitted each year, however multi-year commitments will be considered.

2. The county may use a proportion of the thirty five percent (35%) identified in subsection C1b of this section to fund county wide or multiple jurisdiction recreation projects.

3. Funds allocated to this area can be used either for capital projects or operating expenses.

D. RAPZ Zoological Facilities:

1. Allocate up to ten percent (10%), after administrative costs, to the Willow Park Zoo, based on a proposal submitted each year. The percentage will be reviewed each year. If less than ten percent, the additional funds may be allocated to parks and recreation.

~~2. Specific use of funds in this area will be determined by the Willow Park advisory committee.~~

~~3.~~ Funds can be used either for capital projects or operating expenses.

E. Restaurant Tax:

1. Emphasis will be given to supporting tourism.

2. Funds from the restaurant tax can be used either for capital projects or maintenance expenses.

3. Multi-year commitments will be considered. (Ord. 2005-01, 1-25-2005)



**NOTICE OF THE ANNUAL CACHE COUNTY COUNCIL MEETING AND HOLIDAY  
SCHEDULE**

PUBLIC NOTICE is hereby given that the 2008 meeting schedule of the Cache County Council is as follows:

JANUARY	8 <sup>th</sup> and 22 <sup>nd</sup>	JULY	8 <sup>th</sup> and 22 <sup>nd</sup>
FEBRUARY	12 <sup>th</sup> and 26 <sup>th</sup>	AUGUST	12 <sup>th</sup> and 26 <sup>th</sup>
MARCH	11 <sup>th</sup> and 25 <sup>th</sup>	SEPTEMBER	9 <sup>th</sup> and 23 <sup>rd</sup>
APRIL	8 <sup>th</sup> and 22 <sup>nd</sup>	OCTOBER	14 <sup>th</sup> and 28 <sup>th</sup>
MAY	13 <sup>th</sup> and 27 <sup>th</sup>	NOVEMBER	11 <sup>th</sup> and 25 <sup>th</sup>
JUNE	10 <sup>th</sup> and 24 <sup>th</sup>	DECEMBER	2 <sup>nd</sup> and 9 <sup>th</sup>

Special meetings and emergency meetings may be called as necessary pursuant to State law.

Regular meetings of the Council will be held in the Cache County Historic Courthouse, 199 North Main, Logan, Utah 84321 beginning at 5:00 p.m., unless notice is given otherwise.

The following legal holidays will be observed in 2008 by Cache County Government: County offices, except emergency services shall be closed on these days:


JANUARY	1 <sup>st</sup>	Tuesday	New Years Day
JANUARY	21 <sup>st</sup>	Monday	Human Rights Day
FEBRUARY	18 <sup>th</sup>	Monday	Presidents Day
MAY	26 <sup>th</sup>	Monday	Memorial Day
JULY	4 <sup>th</sup>	Friday	Independence Day
JULY	24 <sup>th</sup>	Thursday	Pioneer Day
SEPTEMBER	1 <sup>st</sup>	Monday	Labor Day
OCTOBER	13 <sup>th</sup>	Monday	Columbus Day
NOVEMBER	11 <sup>th</sup>	Tuesday	Veterans Day
NOVEMBER	27 <sup>th</sup>	Thursday	Thanksgiving Day
NOVEMBER	28 <sup>th</sup>	Friday	Preference Day
DECEMBER	25 <sup>th</sup>	Thursday	Christmas Day


Cache County Offices will close on Wednesday, December 24, 2008 at 3:00 p.m.

And all days which may be set apart by the President of the United States, or the Governor of this State by proclamation as days of Fast or Thanksgiving shall also be observed as legal holidays.

Witness my hand and official seal this ~~11~~<sup>13</sup>th day of November, 2007:

Attest:

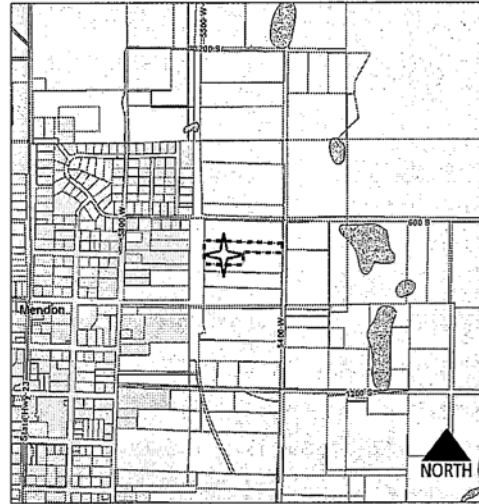
  
Jill N. Zollinger  
Cache County Clerk

  
Darrell L. Gibbons, Chairman  
Cache County Council

Publication Date: December 4, 2007

# Development Services Cache County Corporation

*Project Name:* Mendon Shadow Subdivision  
*Agent:* Jack O'Neill  
*Request:* 5-Lot Subdivision  
*Type of Action:* Quasi-Judicial  
*Current Zoning:* Agriculture (A)  
*Project Address:* 675 South 5400 West (Mendon)  
*Tax ID:* 11-009-0008  
*Staff Recommendation:* Approval with Stipulations  
*Surrounding Uses:* North – Agriculture  
 South – Agriculture  
 East – Agriculture  
 West – Agriculture/Mendon City



Site Location

## PROJECT

*Request:* The applicant is requesting a subdivision to create five (5) building parcels. Lot sizes are as follows: Lot 1 is 2.93 acres, Lot 2 is 1.75 acres, and Lots 3, 4, and 5 are 1.25 acres each. 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 675 South, a private road accessed by County Road 5400 West. County Road 5400 West is a 22-foot wide paved surface. The Road Department recommendation is to accept the road condition as adequate. The private road is proposed to be approximately 1200 feet long and will service all lots within this subdivision.

In order to provide for future access to adjacent properties and more options for traffic circulation, staff recommends that road easements be continued to the north and south property lines. At such time that the adjacent properties are developed they will have the option of connecting to the private road network. Staff is concerned that long, dead end roads do not provide good traffic circulation as the surrounding area develops. Future connections should be provided whenever possible.

*Water & Septic:* The applicant has obtained agricultural water rights that may be used for the proposed subdivision. There has been no application to the State Water Engineer to change the use to culinary water or to assign them to any of the proposed lots. The proponent has also provided irrigation shares to allow for maintenance of the lots.

The Bear River Health Department has found that soil conditions are such that all lots are feasible for shallow onsite septic systems. Site and soil conditions on all lots will allow for a septic system with a trench depth limited to 10 inches below natural grade. A lift pump may be required for below grade pumping.

Ground water monitoring will need to be completed through the wet season of 2008. The perimeter of the subdivision will need to be protected from flood irrigation from adjacent properties by installing a field drain. No building or septic system shall be constructed over the field drain. Additional property drainage may be needed as determined by a Utah Licensed engineer to protect septic system drainfield areas. Each septic drainfield will be sized at 60 MPI. 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 Mendon Fire Department are 1.5 miles away. Access from

6

5400 West is adequate. The bus stop would be located at the corner of 5400 West and 600 South, approximately two to five blocks from the proposed subdivision. If garbage cans are to be placed on the private road, the surface must meet County road standards and be all weather accessible. No parking is allowed in the turn around.

#### **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 and to Mendon City. At the time this report was published, staff had received no comments.

#### **STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission recommend approval to the County Council for the Mendon Shadow Subdivision, a five (5) lot subdivision for property located at approximately 675 South 5400 West (Mendon), TIN#11-009-0008.

##### *Standard Stipulations:*

1. The proponent shall reaffirm the County's right-of-way on County Road 5400 West 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 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 within the County right-of-way.

##### *Site Specific Stipulations:*

6. The design of private road 675 South shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by the proponent.
7. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes.
8. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the Cache County Attorney and Zoning Administrator to ensure that the private road can be adequately funded and maintained.
9. All lots will be accessed from the private road 675 South.
10. The final plat will show the location of all irrigation lines with appropriate easements.
11. The proponent shall install a filed drain around the perimeter of the subdivision to protect lots from flood irrigation from adjacent properties. No building or septic system shall be constructed over the field drain.
12. No parking is allowed in the turn around to provide space for service and emergency vehicles.
13. The easement for the future 5500 West shall be a minimum of 66 feet.
14. Due to a high ground water table no basements shall be constructed on the lots.
15. The Homeowner's Association and CC&Rs shall incorporate the location and maintenance of private water easements for culinary and irrigation water.

**RECOMMENDED FINDINGS OF FACT**

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

**MH**

1. The Mendon Shadow 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 Mendon Shadow 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 Mendon Shadow Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

Respectfully submitted,  
Jay Baker

Associate Planner I

Report Published: September 20, 2007

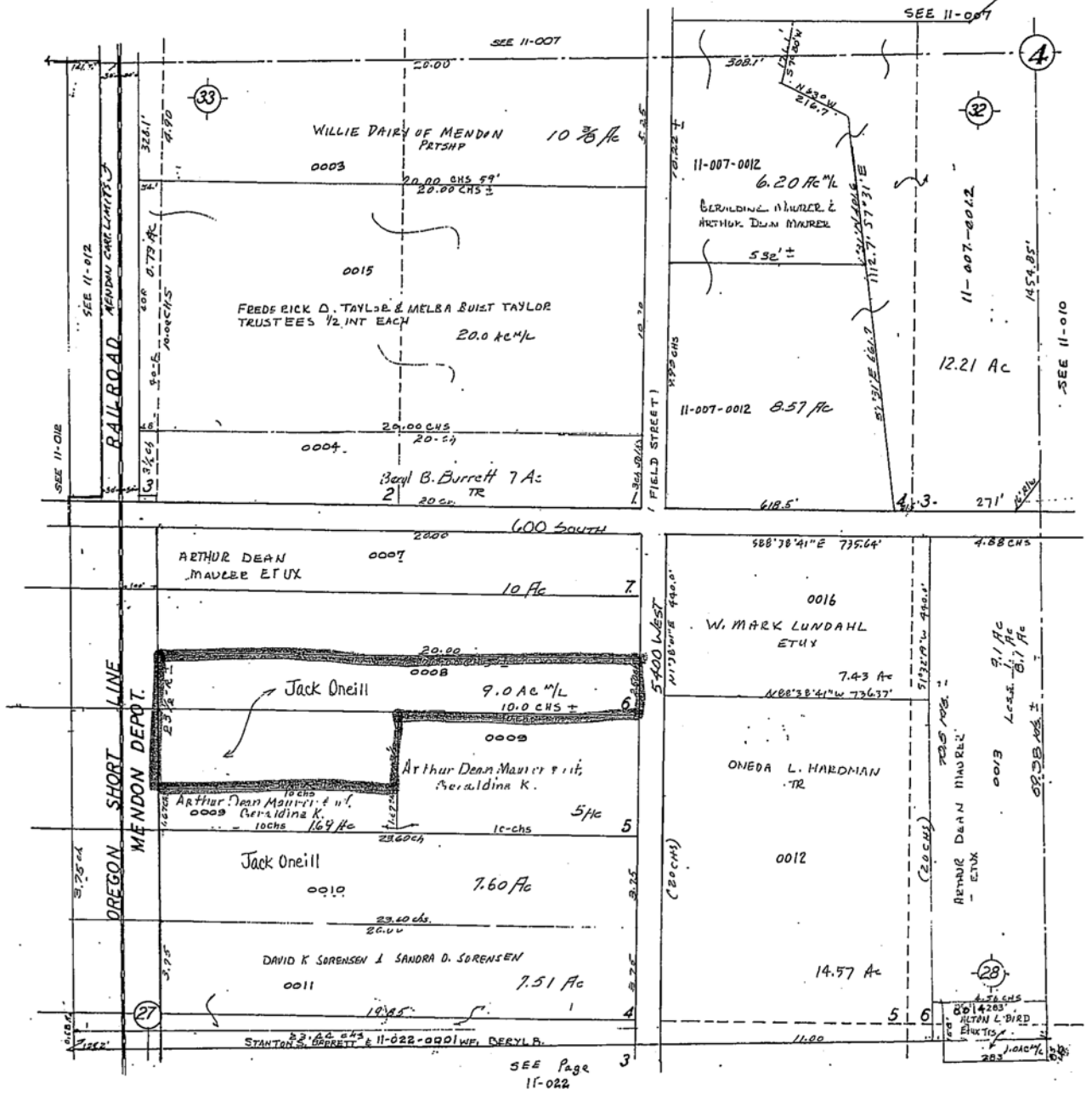
This staff report is an analysis of the application based on adopted County documents, standard County development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional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



# PART PLAT "A" MENDON FARM SURVEY.

SW<sup>4</sup> SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 WEST.

SCALE 1 INCH = 3 CHAINS.



# Development Services Cache County Corporation

*Project Name:* Wellsville Mountain Reserve  
Phase II Subdivision

*Agent:* Matt Nielson

*Request:* 5-Lot Subdivision

*Type of Action:* Quasi-Judicial

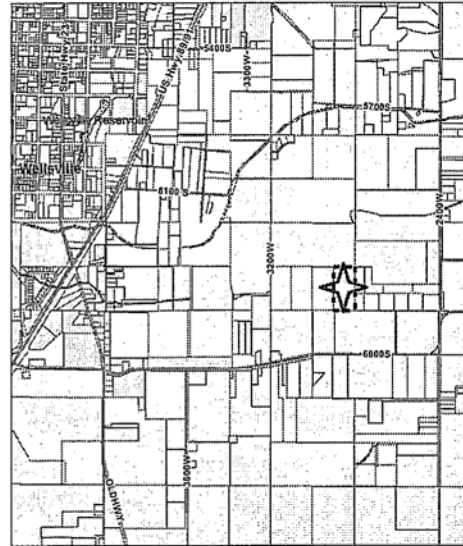
*Current Zoning:* Agriculture (A)

*Project Address:* 6500 South 2400 West (Wellsville)

*Tax ID:* 10-045-0013

*Staff Recommendation:* Approval with Stipulations

*Surrounding Uses:* North – Agriculture  
South – Agriculture  
East – Residential  
West – Agriculture



## PROJECT

*History:* The Wellsville Mountain Reserve Subdivision is a five lot subdivision that was originally approved in December of 2005 then amended in March 2007 to add four lots. The current application would essentially add five lots to the existing nine being serviced by the same private road.

*Request:* The applicant is requesting a five lot subdivision on 20 acres. The proposed lot sizes are as follows: Lot 10 is 5.59 acres, Lot 11 is 2.73 acres, Lot 12 is 2.50 acres, Lot 13 is 5.52 acres, and Lot 14 is 3.92 acres. The proposed subdivision meets the minimum lot size requirements and the number of lots/lot size requirements of §17.09.040 (there will be five lots from the original 1970 parcel).

*Issues:* The applicant has plans to add up to an additional 15 lots bringing the total number of lots chained together to 29. The average number of vehicle trips per day per household is approximately ten. This means that when all lots are developed there would be an additional 290 cars per day on 2400 West all entering and exiting at the same point. The dead end road could potentially be 0.85 mile long. Staff is recommending that the applicant provide a connection of the private road to another County Road such as 3200 West or 6800 South as an additional ingress/egress for these lots. Staff is concerned that long, dead end roads do not provide good traffic circulation as the surrounding area develops. Future connections should be provided whenever possible.

*Water & Septic:* The applicant has agricultural water rights for each proposed lot. A change of use application has been filed with the State Division of Water Rights but the change has not been approved.

Bear River Health has provided a letter stating that the all lots are suitable for shallow septic systems. The septic systems will be limited to a trench depth of 12-18 inches from the natural grade. Each drainfield will be sized 60 MPI. Each home will be required to obtain a permit and installed in accordance with R317-4 Utah Administrative Code, Onsite Wastewater Systems Rule.

*Access:* All lots will be accessed via 6500 South, a private road. As the length of the road will be increasing and there is an increase in the number of lots accessed by this road, staff is recommending that a connector road be constructed to the nearest County Road or at a minimum a turnaround be constructed and the hard surface be widened to 26 feet as per the 2006 International Fire Code §D103.4 for the entire length of the road. The original subdivision was approved with the stipulation that any further division of properties utilizing or extending the proposed private road may be considered as a major subdivision requiring further infrastructure or amenities including the paving of the entirety of the private road.

*Service Provision:* Fire protection will be provided by water tender truck from Wellsville Fire located 4.7 miles from the proposed subdivision. An additional inspection of private road 6500 South for

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compliance with the 2006 International Fire Code will be required before permits can be issued on the lots.

Garbage will be collected on the private road. The proponent must provide an adequate, approved, all-weather turn-around at the end of private road 6500 South for service and emergency vehicles. The school bus stop will be located at 6500 South 2400 West, approximately 4 blocks from the proposed subdivision.

#### **AGENCY AND COUNTY DEPARTMENT recommendations**

##### *Cache County Fire Department:*

- Due to the potential number of homes, the lack of water supply, and distance from the fire department, residential fire sprinklers are recommended.

#### **PUBLIC COMMENTS**

Notices were mailed to 7 property owners located within three hundred feet of the subject property. At the time the staff report was prepared, no written comments had been received by Staff.

#### **STAFF RECOMMENDATIONS**

*Action:* Staff recommends that the Planning Commission approve a motion to recommend that the County Council approve the Wellsville Mountain Reserve Phase II Subdivision a five lot subdivision on property located at approximately 6500 South 2400 West, TIN #10-045-0013.

##### *Standard Stipulations:*

1. 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.
2. Each landowner shall obtain a septic tank permit from the Bear River Health Department prior to construction on any lot.
3. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lots.

##### *Site Specific Stipulations:*

4. Construction of 6500 South shall be completed before recording the final subdivision plat. The developer may enter into a development agreement with the County and provide financial surety for the construction of 6500 South in lieu of finishing the construction prior to plat recordation. The hard surface of the private road 6500 South shall be upgraded to a double chip and seal surface.
5. The design of all roads within the development shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by the proponent. A set of "as built" plans shall be submitted for review prior to the acceptance of any roads previously built within this subdivision. Any improvements yet to be completed shall meet the minimum County road standards. All right-of-ways or easements shall be a minimum of 66 feet wide.
6. 6500 South shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes.
7. Staff shall review the Homeowner's Association CC&Rs with regards to funding and maintenance of 6500 South.
8. The applicant shall construct a turnaround at the end of 6500 South with a minimum size determined by the Cache County Fire Department. The applicant shall gain final approval of the turnaround design through review from the county engineer.
9. The applicant shall work with staff to design 6500 South and provide appropriate easements to allow such road to become public and be maintained by the county.

**RECOMMENDED FINDINGS OF FACT**

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

**MH**

1. The Wellsville Mountain Reserve Phase II Subdivision Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Wellsville Mountain Reserve Phase II Subdivision Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The subdivision approval is issued in conformance with Title 17 of the Cache County Code.
4. The Wellsville Mountain Reserve Phase II Subdivision Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

Respectfully submitted,

Jay Baker

Associate Planner I

Report Published: September 26, 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.



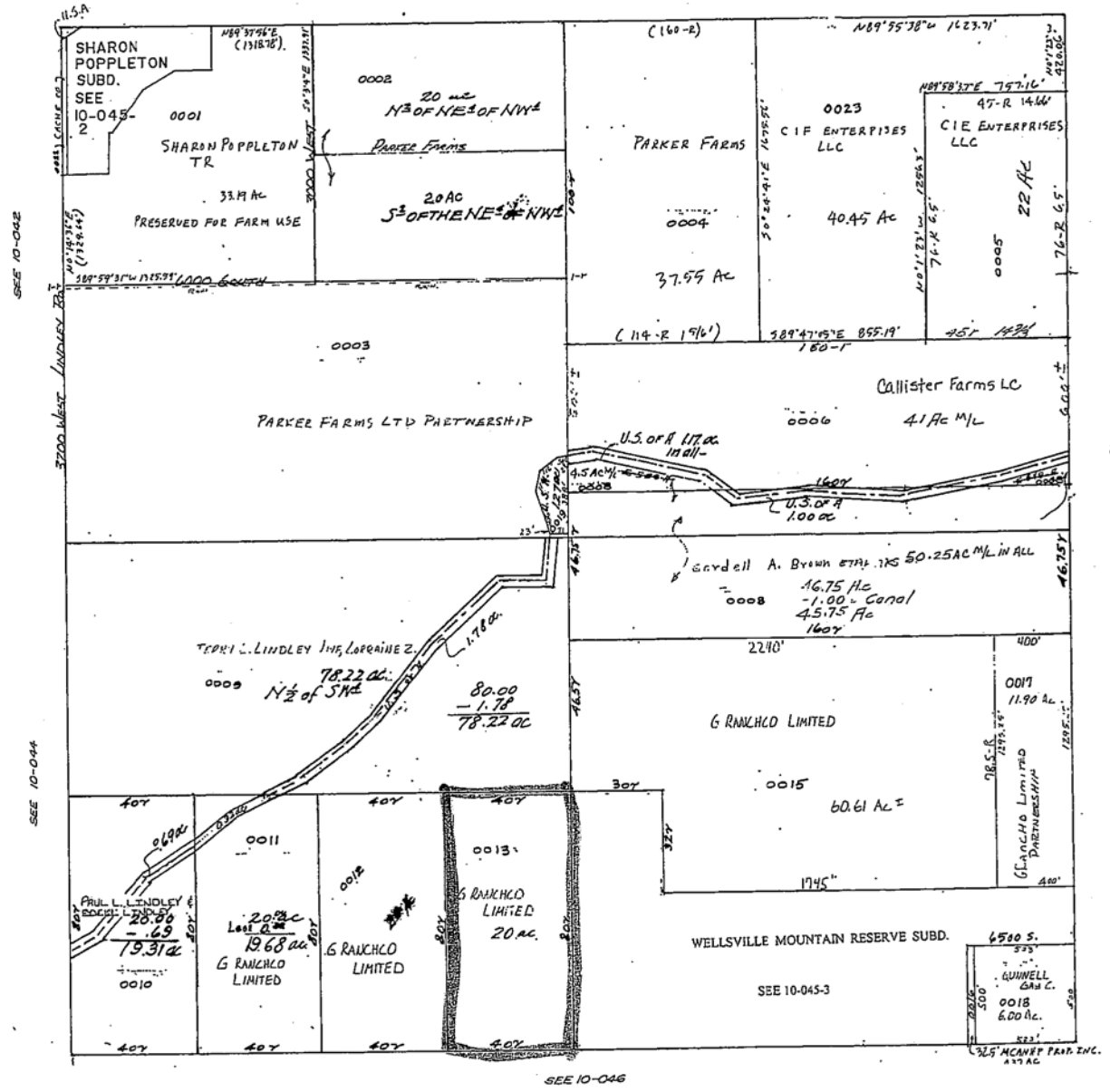


SECTION 12, TOWNSHIP 10 NORTH, RANGE 1 WEST  
SCALE 1 INCH = 6 CHAINS

TAX UNIT 28

SEE 10-012

SEE 10-015



SEE 10-046