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March 10, 2009**

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**CACHE COUNTY COUNCIL MEETING  
March 10, 2009**

The Cache County Council convened in a regular session on March 10, 2009 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

**ATTENDANCE:**

**Chairman:** H. Craig Petersen  
**Vice Chairman:** Gordon Zilles  
**Council Members:** Craig W Buttars, Brian Chambers, Kathy Robison, Jon White & Cory Yeates.  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger  
**County Attorney:** James Swink

**The following individuals were also in attendance:** Bill Bower, Larry Brunson, Nolan Gunnell, Gwyn Hammer, Rodney L. Hammer, Sharon L. Hoth, Jim Huska, Jared Keller, Andrew McBride, Steve McBride, Jeff Gilbert, Joan Liquin, Julie Miller, Marcy Mouritsen, Robert Mouritsen, Floyd Naegle, Sheriff Lynn Nelson, Dave Nielsen, Pat Parker, Craig Pettigrew, Josh Runhaar, Dave Schuster, Jim Smith, Sue Ann Smith, Jeremy Threlfall, Preston Ward, Diane Williams, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jeremy Threlfall (KUTA-TV), 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**

The agenda was approved with James Swink reporting on Item 6b – *Proclamation-Child Abuse Prevention Month* – and Items 12a and 12b – *Final Plat Approvals – Cross J Subdivision-Phase I & II* – moved to Items 11g and 11h, respectively.

**REVIEW AND APPROVAL OF MINUTES**

**ACTION:** Motion by Council member Yeates to approve the minutes of the February 24, 2009 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 7-0.

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

**APPOINTMENTS:** Rodney L. Hammer Cache County Fire Chief  
nna Bowring Critchfield Cache County Deputy  
Assessor  
Jamie Croft Cache County Deputy Assessor

Chief Hammer introduced himself to the Council and reviewed his education, experience and motivation for wanting to serve in the capacity of Cache County Fire Chief.

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

**WARRANTS:** Warrants for the periods 12-15-2008 and 02-13-2009, 02-06-2009 to 02-19-2009 were given to the Clerk for filing.

### **OTHER ITEMS**

- UAC Meeting** – Executive Lemon told the Council that UAC has specifically invited the Council to attend a March 16, 2009 meeting at the UAC offices in Murray, Utah to discuss jail reimbursement. Senator Hillyard told those attending the March 7, 2009 legislators' meeting that jail reimbursement has decreased from \$11 million last year to \$5 million this year and will decrease to \$2 million next year.
- Secure Rural Schools** – Executive Lemon reported a letter was sent to the State Treasurer asking that the Secure Rural Schools Title I Fund money be deposited in the Cache County Road Special Service District account. The advantage is that this money will not be an offset to the PILT.
- North American Weather Consultants February Report** indicated the county is 94% of normal for the water year.
- RAPZ/Restaurant Tax Applications** have all been received for a total of eighty-five requesting \$4,203,000.00.

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

**PUBLIC HEARING:** MARCH 10, 2009 - 5:15 P.M. – SECOND CDBG PUBLIC HEARING

Executive Lemon reviewed the criteria for the second CDBG Public Hearing – to inform citizens or interested groups about the specifics of CDBG projects and allow citizens to raise issues or concerns. The county acting as the sponsoring jurisdiction is responsible to hold a second CDBG Public Hearing for any non-profits and Lemon reminded the Council that all of the projects sponsored by the county are non-profits.

The Public Hearing must be conducted as follows:

1. The Public Hearing should be open for public input and introductions offered as to the Hearing's purpose.
2. Identify the projects; the applicants should include any non-profit projects that agreed to be sponsored.
3. Identify the amount of money received on each project and the preliminary total project cost.
4. Receive comments.
5. Respond to specific concerns or questions of all citizens, particularly those who may be immediately impacted by the projects.

**ACTION: Motion by Vice Chairman Zilles to open the Public Hearing - March 10, 2009 at 5:15 p.m. – Second CDBG Public Hearing. Yeates seconded the motion. The vote was unanimous, 7-0.**

Executive Lemon said the purpose of the Public Hearing is for public input and identified the projects that were approved by the BRAG Governing Board.

1. Options for Independence - \$30,000.00 for assistive technology.
2. Neighborhood Non-profit Housing Corporation - \$100,000.00 for affordable housing.
3. Community Nursing Services - \$46,099.00 for computers and medical equipment.
4. All-Home in America - \$40,074.00 for land purchase to build an affordable house.

Executive Lemon invited public comment. There was none.

**ACTION: Motion by Vice Chairman Zilles to close the Public Hearing – March 10, 2009 at 5:15 p.m.-Second CDBG Public Hearing. White seconded the motion. The vote was unanimous, 7-0.**

### **ITEMS OF SPECIAL INTEREST**

- **Employee of the Month** was presented to Marcy Mouritsen of the Cache County Sheriff's department by Jim Smith.
- **Proclamation – Child Abuse Prevention Month – Attorney James Swink** distributed a handout listing some of the services of the Child & Family Support Center and showed a DVD from the Center noting that the Center is a non-profit agency that provides a remarkable service to the community. The Center relies heavily on donations and Swink encouraged the Council's support of the various fund raising activities that will be conducted this year.

Chairman Petersen asked Vice Chairman Zilles to read the Proclamation – Child Abuse Prevention Month.

### **(Attachment 1)**

**ACTION: Motion by Council member Buttars to proclaim April as Child Abuse Prevention Awareness month. Robison seconded the motion. The vote was unanimous, 7-0.**

- **Children's Victim Special Report – Jill Liquin** offered the report and Liquin works solely with the Juvenile Court. Juvenile Court is technically a civil court with a focus on rehabilitation and prevention over intervention. Liquin stated that pornography has a heavy influence on juvenile crimes.
- **VAWA Grant Report – Deputy Jared Keller**, recently assigned as a detective specifically to investigate domestic violence and child abuse, noted that his position is partially funded by a VAWA grant for 2009. Keller said he has only had the assignment for a few weeks and will have a more complete report in the future.

*Tape 1, Side B*

### **UNIT OR COMMITTEE REPORTS**

- ★ **Eccles Ice Arena Report – Floyd Naegle, Executive Director**, reviewed the operations of the Ice Center noting that 29% of their funding comes from donations from the Belva and Delbert Hansen Charitable Trust Fund managed by Wasatch Properties, the



Marriner S. Eccles Foundation, the Eccles-Jones Foundation, individual donations, the RAPZ/Restaurant Fund and others. Naegle showed the Council schedules for Center use and explained the attempted balance among community programs, hockey and other teams, and public skating. Naegle noted that the user groups are the public as well. Naegle also indicated that the public skate hours offered at the Center are comparable to other rinks in the state. A change is being made on Monday evenings to offer more public skate time.

Chambers and Executive Lemon stated that Naegle is doing a very good job.

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

**PUBLIC HEARINGS SET:**    MARCH 24, 2009 - 5:45 P.M. – OPEN 2009 BUDGET  
MARCH 24, 2009 – 6:15 P.M. – TO TAKE PUBLIC INPUT ON  
CACHE COUNTY FOUR DAY WORK WEEK

**ACTION: Motion by Council member Yeates to set Public Hearings for March 24, 2009 at 5:45 p.m. to Open 2009 Budget and for March 24, 2009 at 6:15 p.m. to Take Public Input on Cache County Four Day Work Week. Buttars seconded the motion. The vote was unanimous, 7-0.**

**ACTION: Motion by Council members Yeates to convene as a Board of Equalization. Zilles seconded the motion. The vote was unanimous, 7-0.**

**THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION.**

## **BOARD OF EQUALIZATION**

- **Tax Exemption Requests**
  - American Red Cross of Northern Utah
  - American West Heritage Center
  - Bear River Head Start
  - Bear River Mental Health Services
  - Boy Scouts of America – Logan Scout Shop
  - Bridgerland Audubon Society
  - Cache Employment and Training Center
  - Cache Humane Society
  - Child and Family Support Center
  - Church of Jesus Christ of Latter-day Saints
  - Common Ground Outdoor Adventures
  - Community Nursing Services
  - Daughters of the Utah Pioneers Leavitt-Layne Camp
  - Daughters of the Utah Pioneers Museum
  - Emmanuel Baptist Church
  - Faith and Fellowship Center
  - Harmony Lodge #31 F & AM of Utah
  - Maranatha Baptist Church
  - Options for Independence
  - Prince of Peace Lutheran Church
  - Providence Place Housing Corporation
  - Roman Catholic Church
  - Somebody's Attic
  - Stokes Nature Center

Thomas Edison Charter School  
USU Research Foundation  
Utah Festival Opera Company

**ACTION: Motion by Council member Buttars to approve the Tax Exemption Requests. Robison seconded the motion. The vote was unanimous, 7-0.**

- **Tax Exemption Requests**  
Planned Parenthood Association of Utah

**ACTION: Motion by Council member Robison to approve the Tax Exemption Request. Chambers seconded the motion. The motion passed, 6 aye – Buttars, Chambers, Petersen, Robison, White & Zilles and 1 nay - Yeates.**

**ACTION: Motion by Council member Yeates to adjourn from the Board of Equalization. Buttars seconded the motion. The vote was unanimous, 7-0.**

**THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.**

### **PENDING ACTION**

- **Road Project Funding – Discussion** – Executive Lemon said the CMPO met yesterday and stated that with the federal stimulus money, \$2,860,000.00 will go towards the 100 East road (south from Logan) project leaving the county to contribute only \$1,392,188.00 which frees up approximately \$3 million to be used on other projects. The county collected about \$2.2 million in road tax funds last year and the county can pay for the Nibley project as well at a cost of \$658,000.00. The county must wait for the study to be completed on the 200 East road (north from North Logan) before committing funds for that project.

Chairman Petersen noted that there is no need for financing arrangements because the county has the funding on hand for the 100 East and Nibley projects.

Jeff Gilbert, CMPO, indicated the 100 East project may begin in two weeks.

- **Ratify Council Action of February 24, 2009 – Approval of Interlocal Agreement between Cache County and the Forest Service for improvements on forest roads AND Resolution No. 2009-09 – Authorizing Executive to execute Interlocal Agreement between Cache County and the Forest Service for improvements on forest roads (NO ACTION TAKEN)** – Executive Lemon explained that the forest service did officially notify the county that it had been awarded \$3 million in stimulus money to improve forest service roads. The county still does not have the agreement. The forest service indicated the agreement should be to the county by March 11, 2009 to be signed by March 12, 2009.

Chairman Petersen noted these items will be on the March 24, 2009 agenda for formal ratification after the Interlocal agreement is received. (See Attachment No. 5 to February 24, 2009 Council meeting.)

- **Approval of 2009/2010 Road Maintenance Plan with Forest Service**  
**AND**  
**Resolution No. 2009-10 – Authorizing Executive to execute 2009/2010 Road Maintenance Plan with the Forest Service (NO ACTION TAKEN)** – Executive Lemon recommended no action be taken on these two items until the county knows which roads will be improved with the stimulus funding.

Chairman Petersen stated these two items will be on a subsequent County Council agenda.

- **Strategic Planning – Discussion** – Chairman Petersen said he modified his original proposed county planning process so that it now reads that by the end of May each unit is asked to submit at least two proposed initiatives. Units will also be asked to project how a 10% ongoing budget cut would be implemented. Petersen asked for the Council's approval by motion.

**ACTION: Motion by Council member White to approve the 2009 Strategic Planning process and have Executive Lemon implement it. Zilles seconded the motion. The motion passed, 6 aye – Buttars, Chambers, Petersen, Robison, White & Zilles and 1 abstention – Yeates.**

- **Final Plat Approvals – Cross J Subdivision – Phase I and II** – Director Runhaar stated these subdivision applications were reviewed by the Council previously, but corrections to the plat had to be made to reflect the boundary adjustments.

Attorney Swink gave the legal opinion that a boundary adjustment is not prohibited by the current county code. This would be an administrative action which requires substantial reasons for the adjustment.

Director Runhaar said that normally boundary line adjustments are handled in his office and do not come before the Council. In order to save time and money, two processes are being accomplished for the Cross J Subdivisions – the final plat approvals and the boundary adjustment. Because final plat approvals come to the Council, the boundary line adjustment is also before the Council. Runhaar assured the Council that wording in the forthcoming subdivision ordinance has language prohibiting boundary line adjustments to create additional density or units in a subdivision. The boundary line adjustment in the Cross J Subdivision will not create any additional density, etc.

*Tape 2, Side A*

White expressed concern that 3200 West narrows down significantly at the boundary of the subdivision onward to 6800 South.

Nolan Gunnell, developer, indicated the Parkers, owners of the property abutting the narrow portion of 3200 West, are agreeable to dedicating additional width to the road.

**Council member Buttars left the meeting.**

**(Attachment 2)**

**ACTION: Motion by Vice Chairman Zilles to approve the Final Plats for the Cross J Subdivisions-Phase I and II including stipulations 1 through 5a and stipulation No. 6a; striking Stipulation No. 5b and 6b; and adding Stipulation No. 7, *required full dedication of 33 feet from the center line of 3200 West from north end of subdivision to 6800 South with 3200 West being built to the county standard without pavement, and Stipulation No. 8, all road improvements must be reviewed by Cache County Engineering & Road Department and cost of review to be paid by the developer.* Robison seconded the motion. The motion passed, 5 aye – Chambers, Petersen, Robison, White & Zilles; 1 nay – Yeates. Buttars absent.**

#### **INITIAL PROPOSAL FOR CONSIDERATION**

- **Bear River Health 2009 Air Quality Program – Approval** – Executive Lemon noted that he and Chairman Petersen, as members of the Air Quality Board, usually give this approval, but Lemon thought the Council should be kept informed. Lemon said only about half of the \$2.00 air quality fee, or \$70,000.00, is being used at present.

Yeates suggested cutting the fee to \$1.00 if only half of it is being used. Yeates has received many complaints about the \$2.00 fee.

The Bear River Health Department will be invited to attend the March 24, 2009 Council meeting to respond to Council concerns.

- **Property Tax Hardship Request** – Executive Lemon said this property is up for the tax sale in May and the owners have proposed a one-year extension with \$500.00/month payments for ten months until the amount is paid in full. Lemon recommended approval. (Details are on file in the Cache County Auditor's Office)

**ACTION: Motion by Council member Yeates to approve the property tax hardship request of monthly payments of \$500.00 until the tax, etc. is paid in full. White seconded the motion. The vote was unanimous, 6-0. Buttars absent.**

- **Bear River Health Distribution of County DUI Funds – Discussion** – Executive Lemon said the county has been using these funds in different areas, such as alcohol enforcement, but the state has indicated these funds must be used for treatment only. Bear River Health Department is asking that the county donate the DUI funds to the health department for use in the substance abuse treatment program. Lemon said this is in the budget and wants the Council's approval.

**ACTION: Motion by Vice Chairman Zilles to waive the rules and approve the distribution of County DUI funds to the Bear River Health Department for use in the substance abuse treatment program. Chambers seconded the motion. The vote was unanimous, 6-0. Buttars absent.**

- **North Logan City Request to annex North Logan Property – Discussion** - Executive Lemon reminded the Council that the county met with North Logan and Hyde Park cities and requested the property be divided with part being annexed to Hyde Park and part being annexed to North Logan. The problem has been the 200 East road project and not knowing the exact placement of the boundary line. North Logan has now reached an agreement with Hyde Park for Cache County to request that all the property be annexed to North Logan. North Logan and Hyde Park will come to an agreement for boundary line adjustments on the property.

Chairman Petersen asked if the Council could approve this tonight? Attorney Swink said a more formal request is needed. Executive Lemon will meet with the County Attorney and present a more formal proposal to the Council at a future Council meeting.

- **2009 Revenues – Discussion** – Executive Lemon told the Council the county option sales tax is \$3000.00 short, fairly close to the budget. Using the numbers from September, October, November and December and projecting them forward, the county will be \$111,000.00 short in sales tax revenue for next year. This is not a scientific projection, but it is cause for concern. Jail reimbursement will be much less than thought. Property tax information should be available by the end of March. The original projection of \$200,000.00 to \$300,000.00 short is now thought to be less. Values have not gone down.

Lemon said he is considering talking with department heads about leaving a position that becomes vacant without filling it immediately depending on the state of the economy.

- **Landfill Update** – Executive Lemon reported the Solid Waste Advisory Board met and received a report from the regional landfill group. Lemon thinks that the Northern Utah Regional Landfill (NURLA) is considering renting the Little Mountain Landfill and has sent a letter to Box Elder County. A reply is expected by the end of March.
- **Library Proposal** – Chairman Petersen referred the Council to an article he co authored with City Council member Jay Monson proposing that the Logan Library provide limited use cards to non-residents – initially only residents in the unincorporated portions of the county – for \$60.00/year per family. The cost could be paid entirely by the user and/or the county could subsidize all or part of the fee. The option would be limited to a two-year period and evaluated for demand. There is evidence to suggest the demand would not be great.

Robison objected that Logan City residents pay taxes for the library, whereas, citizens in the unincorporated areas do not and will be receiving services paid for by Logan citizens which is unfair.

Petersen noted that Logan residents have the convenience factor of living in close proximity to the library and citizens in the unincorporated areas do not.

*Tape 2, Side B*

Chairman Petersen said that even if a countywide library system could be implemented from a cost standpoint, the support does not exist for it.

Vice Chairman Zilles, who lives in the unincorporated area, said he doesn't think there will very much demand for the \$60.00 access card as citizens in his area really support and use the Bookmobile service. However, the proposal is a way to measure the demand.

Chairman Petersen agreed.

- **Develop Criteria for Property Tax Hardship Requests** – Chairman Petersen indicated

the Council will be receiving hardship requests soon and suggested a committee be formed to develop criteria to review the requests. Council members said a committee was formed in the past. Executive Lemon will follow up on finding the committee members' names.

### **COUNCIL MEMBER REPORTS**

**Kathy Robison** said she has attended informal meetings concerning alternatives for the funding of a new senior citizens center. Recommendations will be presented to the Council when available.

**Brian Chambers** said he is new on the RAPZ/Restaurant Tax Committee and asked what the meeting schedule is? Executive Lemon and Chairman Petersen said that the applications are distributed to the committee members and the procedures, rules, etc. are reviewed. The committee takes a couple of weeks to review and score the applications. The committee meets about twice more to arrive at recommendations which are forwarded to the Council for its first meeting in May. The Council makes the decision on allocations at the second meeting in May.

### **ADJOURNMENT**

The Council meeting adjourned at 7:31 p.m.

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

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**APPROVAL:** H. Craig Petersen  
Chairman

CACHE COUNTY  
CORPORATION

**M. LYNN LEMON**  
COUNTY EXECUTIVE/SURVEYOR

199 N. MAIN  
LOGAN, UTAH 84321  
TEL 435-755-1850  
FAX 435-755-1981

**COUNTY COUNCIL**

DARREL L. GIBBONS  
JOHN A. HANSEN  
CORY YEATES  
H. CRAIG PETERSEN  
KATHY ROBINSON  
BRIAN CHAMBERS  
GORDON A. ZILLES

**PROCLAMATION**

Whereas, Cache County's greatest asset is our children. All children deserve to grow up in a safe and nurturing environment to assure they reach their full potential.

Whereas, child abuse is a serious and growing problem affecting over 3 million of our nation's children annually, and

Whereas, all citizens of Cache County should become more aware of child abuse and its prevention within their respective communities and to actively encourage and support parents to raise their children in a safe nurturing environment, and

Whereas, decreasing the occurrence of child abuse relies upon the efforts of each of us, in order to make a positive, substantial effect on the children of today who will grow to be the leaders of tomorrow.


NOW THEREFORE, in recognition of all of our children in Cache County, be it resolved that the Cache County Council and the Cache County Executive, County of Cache, State of Utah, hereby proclaims the month of April, 2009 as

**CHILD ABUSE PREVENTION MONTH**


and calls upon all citizens to become aware of the impact of child abuse and to join in working for its prevention within our communities.

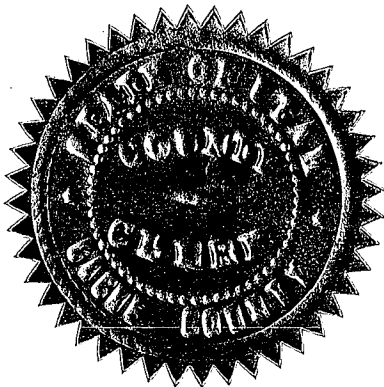
In witness thereof, as Chairman of the County Council and County Executive, we have hereunto set out hand this 10<sup>th</sup> day of March 2009.

Attest:

  
Jill N. Zollinger, County Clerk

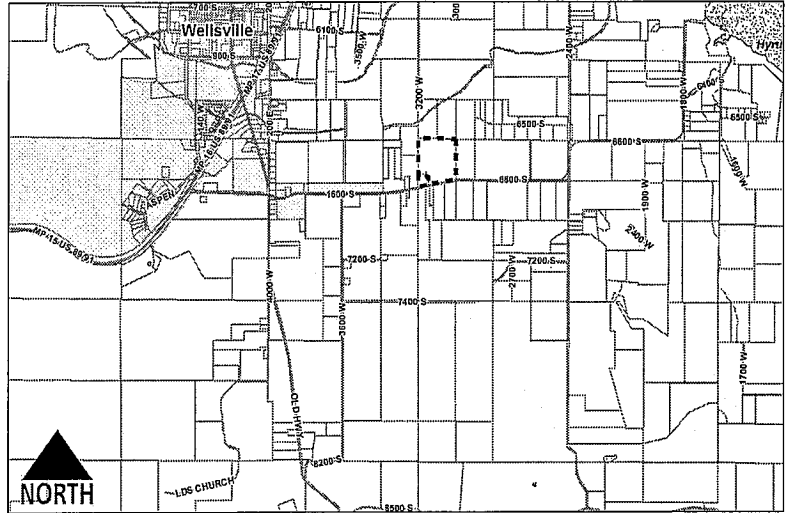
  
H. Craig Petersen, Council Chairman

  
M. Lynn Lemon, County Executive



# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

*Project Name:* **Cross J Phases I & II**  
*Agent:* Nolan Gunnell  
*Request:* One 5-Lot and one 3-Lot Subdivision  
and Boundary Line Adjustment  
*Type of Action:* Recommend to County Council  
*Current Zoning:* Agricultural (A)  
*Project Address:* 3053 West 6800 South  
*Staff Recommendation:* Approval with Conditions  
*Tax ID:* 10-046-0003  
10-046-0002  
*Surrounding Uses:* North – Agriculture  
South – Agriculture/Homes  
East – Agriculture  
West – Agriculture/Homes  
*Reviewed by:* Jay Baker, Associate Planner II



**PURPOSE:** To approve the preliminary and final plat for Phases I and II of the Cross J Subdivision.

## PROJECT SUMMARY

The project is located approximately 1 mile east of Wellsville City in the Agricultural Zone. There are two proposed phases totaling 8 lots. This is essentially an 8 lot subdivision and should be evaluated as such. The proposed boundary line adjustment involves two 1970 parcels that are approximately 3 acres and 35.5 acres. The orange line on the aerial photo below shows the approximate location of the property line between the two 1970 parcels. Phase II would be on the 3 acre parcel and Phase I would be on the 35.5 acre parcel.

These two subdivisions were discussed at Planning Commission on December 4, 2008. The issues discussed included roadway layout and road construction. It was suggested that 3200 West be widened but remain a gravel surface as this is not the primary access and would likely need further improvement with future development. If 3200 West is widened only along the frontage of the subdivision it will essentially be a dead end. If the developer wishes to make the internal road a County road then 3200 West should be improved to its intersection with 6800 South to eliminate the dead end. A potential road connection between this development and potential development to the north was considered.

### Access:

- Access from County Road 6800 South is adequate. The road is a 23-foot wide paved surface.
- Access from County Road 3200 West is not adequate. This road is an 18-foot wide gravel surface with encroaching fences and vertical sight distance issues. The road department recommends that this road be improved to minimum County standards.
- The internal road to the development is proposed to be a County Road. If it is a private road the developer shall record Covenants, Conditions, and Restrictions with the development to ensure that the private road can be adequately funded and maintained. The internal road should be constructed to minimum County standards.

### Water & Septic:

- Adequate water rights will be in place at the time of final plat recordation.
- All lots are feasible for onsite septic systems and wells.

### Service Provision:

- Access for fire protection from Wellsville is adequate. The road interior to the subdivision should be improved to meet the requirement of the Fire Code.
- The Wellsville fire station is 3.9 miles from the site.
- The County Fire Department strongly recommends residential fire sprinklers in this development.



- All roads within the subdivision must be all weather and meet County requirements to be adequate for service vehicles.

#### **STAFF DETERMINATION**

It is staff's determination that the Cross J Phase I Subdivision, a five (5) lot subdivision for property located at approximately 3053 West 6800 South (Wellsville) TIN# 10-046-0003, is in conformance with the Cache County Ordinance and should be recommended for preliminary and final plat approval to the County Council. This determination is based on the following **findings of fact**:

1. The Cross J Phase I 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 Cross J Phase I Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Cross J Phase I Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Cross J Phase I Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

#### **STAFF DETERMINATION**

It is staff's determination that the Cross J Phase II Subdivision, a three (3) lot subdivision for property located at approximately 3095 West 6800 South (Wellsville) TIN# 10-046-0002, is in conformance with the Cache County Ordinance and should be recommended for preliminary and final plat approval to the County Council. This determination is based on the following **findings of fact**:

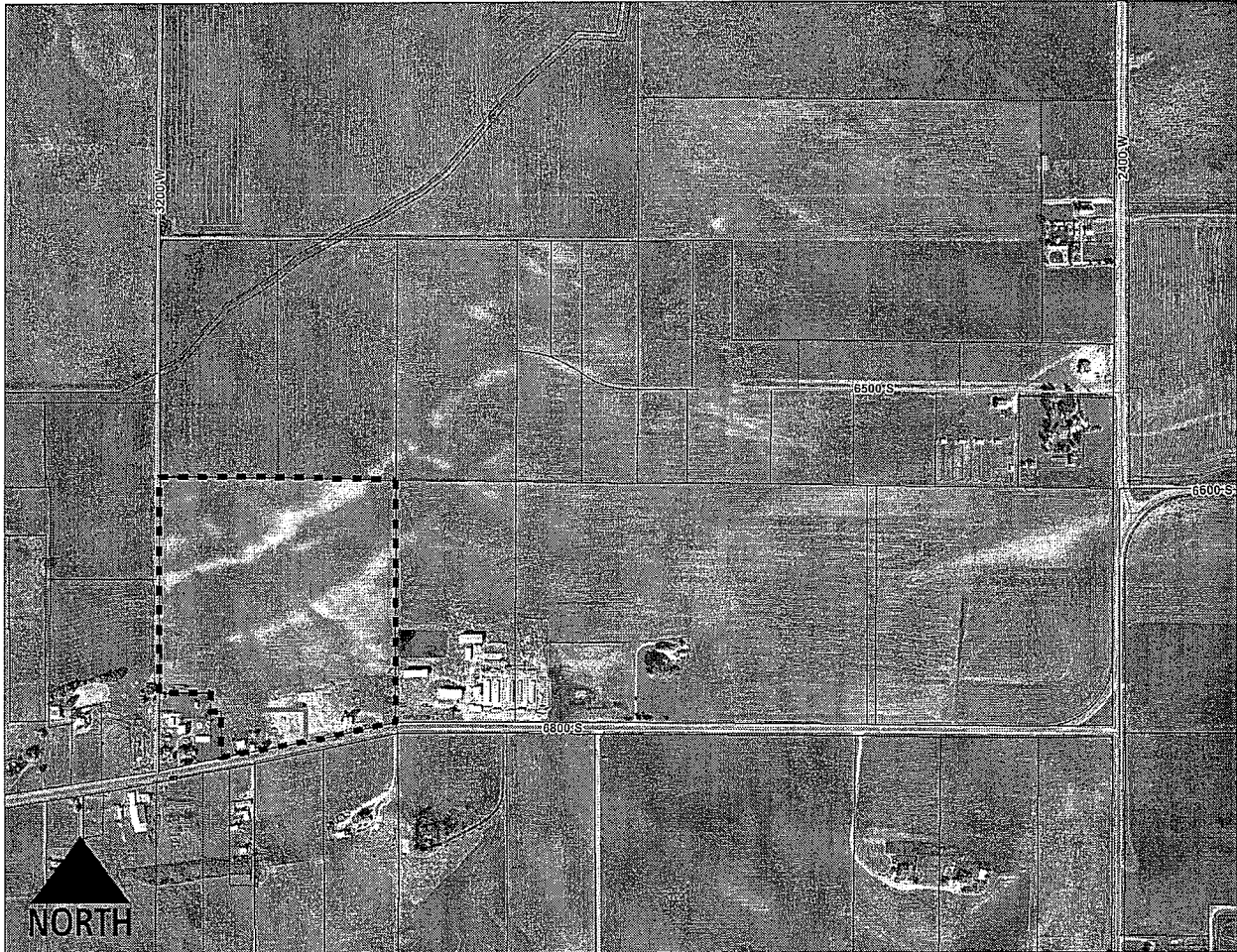
1. The Cross J Phase II Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Cross J Phase II Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Cross J Phase II Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Cross J Phase II Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

#### **CONDITIONS OF APPROVAL**

The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation adequate water rights shall be in place.
2. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
3. The proponent shall widen County Road 3200 West from the north boundary of Lot 1 to the intersection with 6800 South to a minimum of 20 feet with one-foot shoulders. The surface shall be gravel.
4. The design of all roads within the development and County Road 3200 West 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.
5. The road interior to the subdivision shall be made a public road. Prior to the County accepting it as a public road the proponent shall construct the road to County standards and provide a dedicated 66-foot wide right-of-way.

6. All roads internal to the subdivision shall be constructed to a minimum 20-foot width with a double chip-and-seal surface and a minimum one foot shoulder.
7. The proponent shall dedicate to Cache County 33 feet from the centerline of 3200 West from the northern most boundary of the subdivision to the intersection of 3200 West and 6800 South.







1 Cache County Planning Commission (CCPC)

2  
3 Minutes for 8 January 2009

4  
5 **Present:** Josh Runhaar, Jay Baker, Chris Sands, Curtis Dent, Lee Nelson, Troy Allen, Lamar  
6 Clements, Clair Ellis, Leslie Larson, James Swink, Megan Izatt

7  
8 **Start Time: 5:33:00** (Video time not shown on DVD)

9  
10 Nelson welcomed and gave opening remarks.

11  
12 Approval of Agenda

13  
14 *Clements moved to approve agenda. Larson seconded; passed 7, 0.*

15  
16 Approval of Minutes

17  
18 *Dent moved to approve the 04 December 08 minutes. Clements seconded; passed 7, 0.*

19  
20 **5:37:00**

21  
22 #1 and 2 Cross J Subdivision Phases I and II (Nolan Gunnell)

23  
24 Baker reviewed Nolan Gunnell's request for a 9-lot subdivision, done in two phases, on 23.10  
25 acres of property in the Agriculture Zone east of Wellsville. Mr. Gunnell has also requested a  
26 boundary line adjustment on lot 6. Part of the acreage will go to Brent Parker and lots 9 and 6  
27 will be combined. With those changes the subdivision will go from 9-lots to 8-lots.

28  
29 Nolan Gunnell we are now gifting 33 ft of land to the county on 3200 west so the necessary  
30 improvements can be made from lot 1 south to 6800 south.

31  
32 Nelson will this be a public or private road through the subdivision?

33  
34 Mr. Gunnell we would prefer it be public.

35  
36 Nelson you know the county road standards?

37  
38 Mr. Gunnell yes.

39  
40 Vern Gunnell one of the roads need to be chip and seal and one gravel?

41  
42 Runhaar yes, 3200 west only needs to be gravel. It would be unfair to require chip and seal on  
43 3200 W. where further development of land on that road is probable.

44  
45 Larson what are the buildings on the property?

1 Nolan Gunnell there used to be a dairy, but all the buildings but one blue shed have been  
2 demolished.

3  
4 Larson what about the buildings to the east of your subdivision?

5  
6 Mr. Gunnell Brent Parker leases those to a farmer for cows.

7  
8 Dent moved for recommendation of approval to the County Council for the Cross Subdivisions  
9 Phase I and Phase II with the changes to the conditions of approval and with the suggestion to  
10 the Council that the subdivision road be made public. Larson seconded, approved 7,0.

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12 FINDINGS OF FACT:

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1. The Cross J Phase I 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 Cross J Phase I Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
  3. The Cross J Phase I Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
  4. Cross J Phase I Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

21 FINDINGS OF FACT:

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1. The Cross J Phase II 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 Cross J Phase II Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
  3. The Cross J Phase II Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
  4. Cross J Phase II Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

30 CONDITIONS OF APPROVAL

31 The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

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1. Prior to final plat recordation adequate water rights shall be in place.
  2. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
  3. The proponent shall widen County Road 3200 West from the north boundary of Lot 1 to the intersection with 6800 South to a minimum of 20 feet with one-foot shoulders. The surface shall be gravel.
  4. The design of all roads within the development and County Road 3200 West 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.
  - 5a. The road interior to the subdivision shall be made a public road. Prior to the County accepting it as a public road the proponent shall construct the road to County standards and provide a dedicated 66-foot wide right-of-way.
  - 5b. 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 all private roads can be adequately funded and maintained.
  - 6a. All roads internal to the subdivision shall be constructed to a minimum 20-foot width with a double chip-and-seal surface and a minimum one foot shoulder.
  - 6b. All roads internal to the subdivision shall be constructed to a minimum 20-foot width with a hard surface and a minimum one foot shoulder.

48 5:52:00 pm

49  
50 #3 Utility Corridors Code Amendment

51  
52 Runhaar presented an amendment to the Utility Corridors Code. The code deals with gas lines,  
53 windmills, transmission lines, etc. The proposed amendment is for clarification and would create  
54 an overlay zone where major utilities would cross other zones.