

**CACHE COUNTY COUNCIL**  
**October 27, 2009**

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**CACHE COUNTY COUNCIL MEETING**  
**October 27, 2009**

The Cache County Council convened in a regular session on October 27, 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 absent.**  
**County Executive:** M. Lynn Lemon  
**County Clerk:** Jill N. Zollinger  
**County Attorney:** James Swink

**The following individuals were also in attendance:** Jared Adams, Lloyd Berentzen, Ken Brown, Sharon L. Hoth, Kara Kawakami, Jared Keller, Keith Larsen, Todd Morrill, David Nielsen, Jeff Nielsen, Pat Parker, Josh Runhaar, Auditor Tamra Stones, David Thomas, Mark Walsh, Terryl Warner, Steve Wright, Walt Young, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU), Jeremy Threlfall (KUTA-TV).

**OPENING REMARKS AND PLEDGE OF ALLEGIANCE**

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

**REVIEW AND APPROVAL OF AGENDA**

**The agenda was approved with Items 11a – *Logan Canyon Gateway Trail Grant Application-Decision*; 11b – *Approval-Deep Spring Subdivision*; and 12a – *Final Plat Approval-Eagle Rock Subdivision Phase II* – deleted from the agenda as they were not ready for action.**

**REVIEW AND APPROVAL OF MINUTES**

**ACTION: Motion by Council member Chambers to approve the minutes of the October 13, 2009 Council Meeting and the October 20, 2009 Special Council Meeting as written. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

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

**APPOINTMENTS:** M. Lynn Lemon Cache County Member Representative  
Utah County Insurance Pool  
James D. Smith Alternate Cache County Member Representative  
Utah County Insurance Pool

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

**WARRANTS:** There were no warrants.

### **OTHER ITEMS**

- ❑ **CCEMS Interlocal Agreement Limitations** – Executive Lemon explained that the current CCEMS interlocal agreement does not give CCEMS the power of eminent domain, or the power to tax or bond. CCEMS is trying to obtain a lease agreement for ambulances and other medical equipment and they cannot qualify for a tax exempt interest rate without one of these aforementioned powers. Lemon recommended giving CCEMS the power of eminent domain which will qualify them for the tax exemption and asked the Council's input on the issue.

Vice Chairman Zilles asked County Attorney Swink's opinion. Swink responded giving eminent domain power to CCEMS is the best of the three options of power.

Chairman Petersen asked if it is possible to grant CCEMS eminent domain subject to review by the County Council or would that thwart the intent? Swink said he would look into that possibility, but Council member Buttars doubted the possibility.

- ❑ **Forest Service Roads & Bridges** – Executive Lemon shared a cost breakdown sheet from JUB and noted the job was overrun by \$49,706.00. There was not an intent to do that, but JUB's bid was based on the number of yards of needed material and in several of those road projects more material was needed. On the Rock Creek Road about \$50,000.00 worth of rock for the road has not been delivered. The payment has already been made for the rock to be crushed and the rock is in Rich County in a gravel pit awaiting crushing. Lemon believes it would be better for JUB to deliver the material and place on the road next spring. However, he will first ask the Forest Service if there is a way to receive back the \$49,000.00. If not, Class B road funds will probably cover the expense.

Lemon also indicated that if there is a lot of snow the bridge replacements may not be able to be completed until spring.

### **ITEMS OF SPECIAL INTEREST**

- **Bear River Health Annual Report/H1N1 Flu Update – Lloyd Berentzen** referred the Council to copies of the complete annual report and distributed copies of a Public Health Emergency Guide the Health Department will be placing in every household in the tri-county area. The Guide provides information outlining procedures for before, during and after various public health emergencies.

Keith Larsen gave an update on the H1N1 Flu situation. Larsen said the Health Department is stressing three simple, but effective, health practices to prevent the spread of the flu:

1. Cover coughs
2. Wash hands
3. Stay home if sick

Larsen said the Health Department usually gives about 8,000 doses of seasonal flu vaccine. The Health Department has the responsibility to administer those seasonal flu immunizations and has the additional responsibility to administer possibly 80,000 doses of the H1N1 vaccine. The vaccine is not yet available in the amount needed. Recent

information indicates the vaccine may be coming in greater amounts shortly. The five categories of high-risk individuals who will have priority for receiving the vaccine are:

1. Pregnant women
2. Children aged 6 months to 24 years
3. Children and adults through 49 years with chronic health conditions
4. Health care and emergency services workers
5. Caretakers of children under 6 months of age

When the vaccine is available in larger quantities, the goal is community immunity and all wanting the vaccine will receive it. There is no charge for the vaccine at the Health Department.

Council member Buttars stated that many in the community have already possibly had the H1N1 flu. What should they do about the vaccine when it is available? Larsen urged individuals to avail themselves of the immunization anyway. It will do no harm, and another wave of H1N1 is expected. Cache County is currently at epidemic levels for the H1N1 flu.

Executive Lemon inquired why the vaccine was not available earlier? Berentzen replied that developing a vaccine is a six-month process with additional time needed to refine the vaccine once it is developed. The refining and production process is what is presently holding up the vaccine distribution.

Vice Chairman Zilles asked if one shot of the H1N1 vaccine is sufficient? Larsen responded that anyone 9 years of age or younger will need a booster. Those 10 years and older need only one shot.

Council member Buttars said he understands that H1N1 is similar to a strain of flu that was rampant 40 to 45 years ago so those exposed then are immune to H1N1. Larsen said the findings indicate that of the 65 and older population, 40% have been exposed to a similar virus in the past and, therefore, have immunity and are not included in the target group of high risk individuals.

- **Western Counties Alliance Update – Mark Walsh** reported there is a proposal for a change in the PILT formula which the WCA favors. It would be a simpler formula and the federal government would be required to pay more for certain categories of land which might act as a deterrent to removing lands from the prior year use category. WCA is currently acquiring the reauthorizations for the PILT and Secure Rural Schools Act as each expires in the near future and must be reauthorized.

Executive Lemon asked for a comparative table of present benefits and how the proposed formula change will affect them. Walsh assured Lemon that the WCA will forward a table with this information as soon as possible.

- **RAPZ/Restaurant Tax Report –Dennis Nelson**, via a power point presentation, gave a brief history of the taxes, how funds have been distributed in past years and a review of the long-term commitments on the taxes including the American West Heritage Center, which bond payment obligation was completed last year; the Eccles Ice Center bond payment, scheduled for completion in 2014 or 2015; and the Eccles Theater, scheduled to end in 2012.

Nelson reviewed some of the varied projects that have been funded over the years. Fifty-eight different entities and well over 250 projects have been awarded funding. Nelson expressed the opinion that almost every citizen in Cache County has attended an event or used a facility funded by the RAPZ/Restaurant Tax. Nelson noted the smaller communities expressed great appreciation for the awards and stated the projects would not have been possible without the RAPZ/Restaurant Tax. Nelson observed that applications for RAPZ/Restaurant Tax motivate communities to develop master plans, outreach programs, additional summer programs and serve as leverage to obtain matching funds.

Nelson shared the following recommendations from applicants:

- Maintain a balance between arts and recreation
- Need identifiable "brand" or logo for RAPZ/Restaurant Tax recognition
- Demand more accountability for use of funds in a timely manner through on-site visits
- Examine similar programs in other counties to improve the process
- Take a closer look at the population 15% allocations
- Require cities to account for matching funds by keeping track of in-kind donations and equipment use
- Limit the number of applications for any one entity
- Create an email contact list – better notification of application timeline
- Move up application process and make awards known by May 1

A detailed report of individual projects will be presented at a future date.

### **UNIT OR COMMITTEE REPORTS**

- ★ **VAWA Grant Report – Jared Keller** reported that the amount awarded through this grant had decreased each year and is expected to continue to decrease. His position is charged with monitoring and investigating all domestic violence including any adult woman as a victim. He works closely with other agencies and programs.
- ★ **Victim Services Report – Terry Warner** thanked the county for the support received. The County Attorney's office has two grants – the VAWA grant that funds a special prosecutor and the VOCA (Victims of Crime Act) that funds the Victim Advocate position. As of June 30, 2009, 2,428 victims of crime were served through the VOCA grant and the VAWA grant served 323 victims from January 1, 2009 to September 30, 2009. Warner stated her office is concerned with the growing number of financial crimes targeting the elderly population.

Warner reminded the Council of the Safety Summit scheduled for November 17, 2009 from 10:00 a.m. to 1:15 p.m. This Summit was prompted by the seventeen deaths in Cache County in the last eleven months due to drowsy driving, distracted driving, texting and driving, DUI driving, speeding, etc. Warner handed out copies of a DVD her office was involved in producing in conjunction with Zero Fatalities and UDOT and encouraged Council members to view it.

The Child Abduction Response Team (CART) has been established.

Attorney Swink observed that the two grants – VAWA and VOCA – are paid for by criminals.

Council member Chambers expressed concern that the Valley View Highway seems to have had a high rate of deaths. Warner said that perhaps the road has problems that need to be addressed and widows in the texting fatalities case have spoken with attorneys about the road. Six of the seventeen fatalities were due to drowsy driving.

### **CONSENT AGENDA**

- ◇ **Final Plat Approval – McGinnis Subdivision** – Vice Chairman Zilles asked for clarification on the request. Director Runhaar said this refers to a garage built many, many years ago that is non-conforming.

(Attachment 1)

**ACTION: Motion by Vice Chairman Zilles to approve the Final Plat for McGinnis Subdivision. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

### **BUDGETARY MATTERS**

- ◆ **Intra-Departmental Transfers**  
Sheriff's Office/Mounted Posse

Transfer \$1,500.00 from Non-Capitalized Equipment to Equipment Supplies Maint. to pay maintenance bills

Extension

Transfer \$1,700.00 from Equipment Supply & Maintenance to Equipment Under \$5000 for laptop projector

(Attachment 2)

**ACTION: Motion by Council member Robison to approve the Budget Transfers of \$1,500.00 and \$1,700.00. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

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

**PUBLIC HEARING SET: NOVEMBER 10, 2009 – 5:45 P.M. – Open 2009 Budget**

**ACTION: Motion by Council member Buttars to set a Public Hearing for November 10, 2009 at 5:45 p.m. to Open the 2009 Budget. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

### **INITIAL PROPOSAL FOR CONSIDERATION**

- **Final Plat Approval – Sterling Country Estates and Wellsville View Estates** – One 3-lot and one 5-lot subdivision located approximately 0.8 mile southwest of Hyrum City in the Agricultural Zone. The two subdivisions are adjoining and together total 8 lots. Director Runhaar noted that staff changed Condition No. 3 from the Planning

Commission's recommendation that "surfacing shall meet minimum county standards" to a recommendation for a paved road.

**(Attachment 3)**

**ACTION: Motion by Council member Robison to waive the rules and approve the Final Plat for the Sterling Country Estates and Wellsville View Estates with the stipulations that that the road is paved to Cache County standards and fire sprinklers are recommended. White seconded the motion.**

**Discussion on the motion**

Robison expressed the opinion that in subdivisions of this size an adequate road is needed as well as fire protection.

Vice Chairman Zilles agreed.

White favored a paved road as well.

Buttars noted that in a recent meeting with the Fire Board it was stated that, awaiting the establishment of final standards regarding fire sprinklers, the Board would not require fire sprinklers, but would strongly recommend fire sprinklers. The weight load for bridges is going to be recommended at 90,000 lbs.

**ACTION: Chairman Petersen called for the vote on the motion. The vote was unanimous, 6-0. Yeates absent.**

- **Final Plat Approval – Estancia Subdivision Phase 4** – A 4-lot subdivision located approximately 1.8 miles northwest of Smithfield City in the Agricultural Zone.

**(Attachment 4)**

*Tape 2, Side A*

**ACTION: Motion by Council member Chambers to waive the rules and approve the Final Plat for the Estancia Subdivision. Zilles seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

- **Ordinance No. 2009-11 – Changing Agricultural Protection Area from 10 Acres to 5 Acres (Originally submitted without Ordinance No. Amending Ordinance No. 1996-06)**– Executive Lemon explained he has had requests to consider acreage that is less than 10 acres for agricultural protection areas and this amendment presents possible language for that change.

Council member Buttars observed that the requirement for Greenbelt status is 5 acres and favors the change for Agricultural Protection Areas. Five acres can support some farming activities.

**(Attachment 5)**

**ACTION: Motion by Council member Buttars to waive the rules and approve Ordinance No. 2009-11 – Changing Agricultural Protection Area from 10 Acres to 5 Acres (Originally submitted without Ordinance No. Amending Ordinance No. 1996-06). White seconded the motion.**



**Discussion on the motion:**

Vice Chairman Zilles expressed concerns that this might be used vindictively against a city or other entity's expansion, i.e. water lines, sewer lines, etc.

Director Runhaar reviewed the criteria for applying for an agricultural protection area:

1. Land is currently being used for agricultural production.
2. Land is zoned for agriculture.
3. Land is viable for agricultural production.
4. The extent and nature of the existing of proposed farm improvements.
5. Anticipating trends in agriculture and technological conditions.

White favors the change to 5 acres.

Director Runhaar said agricultural protection areas can protect farmers from government entities planning infrastructure, etc. through the area as well as prevent construction in the area.

White argued that agricultural protection areas create a protection to the farmer and allows him/her to have a bargaining chip in development issues.

**ACTION: Chairman Petersen called for the vote on the motion. The vote was unanimous, 6-0. Yeates absent.**

**Ordinance No. 2009-11:** The vote was 6-0. Yeates absent.

	<u>CHAMBERS</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>PETERSEN</u>	<u>WHITE</u>	<u>ROBISON</u>	<u>BUTTARS</u>	<u>VOTES CAST</u>
AYE	X		X	X	X	X	X	6
NAY								0
ABSTAINED								0
ABSENT		X						1

- **Presentation of 2010 Budget – M. Lynn Lemon** presented a tentative draft of the 2010 budget and noted that the General Fund is out of balance \$914,000.00. The goal is to have a balanced budget to the Council by November 10, 2009. The tentative budget has no pay increases and the intent is to not have any additional employees.

Council member Chambers expressed the view that even with the present economic difficulties, Cache County is probably in better condition than any other county in Utah.

Chairman Petersen commended Executive Lemon and Auditor Stones on an excellent job in preparing the budget.

**OTHER BUSINESS**

- ✓ **UAC Conference – November 11-13, 2009** – Pat Parker reminded Council members that she needs a check for \$55.00 from those members whose spouses will be attending the Thursday lunch and Friday dinner.

- ✓ **Rocky Mountain Power Meeting – October 28, 2009 – 8:30 a.m.** – Executive Lemon reminded Council members of the meeting tomorrow.

### **COUNCIL MEMBER REPORTS**

**Kathy Robison** commented that the County Code Committee Report she gave each of the Council members notes concerns about large special events. They bring in tourist dollars, but the cost of providing law enforcement and safety issues have raised concerns. Robison asked for the Council's input to help form ordinance language addressing the matter.

Vice Chairman Zilles suggested discovering how other counties are handling these concerns.

Attorney Swink stated that all the larger counties have ordinances that pass the cost on to the event sponsors. The issue for Cache County is how much should the county charge? Indemnity for the county is also an issue. In addition, the ordinance would help establish an early notification of events so law enforcement can be prepared. This would only apply to the unincorporated areas of the county and cities are not affected. There will also be groups that are exempt, such as church groups, family groups, etc.

Robison asked the Council members to contact her with comments before December 1, 2009. A proposal will be brought back to the Council some time after the ordinance language is drafted.

### **(Attachment 6)**

**ACTION: Motion by Vice Chairman Zilles to adjourn. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.**

### **ADJOURNMENT**

The Council meeting adjourned at 7:10 p.m.

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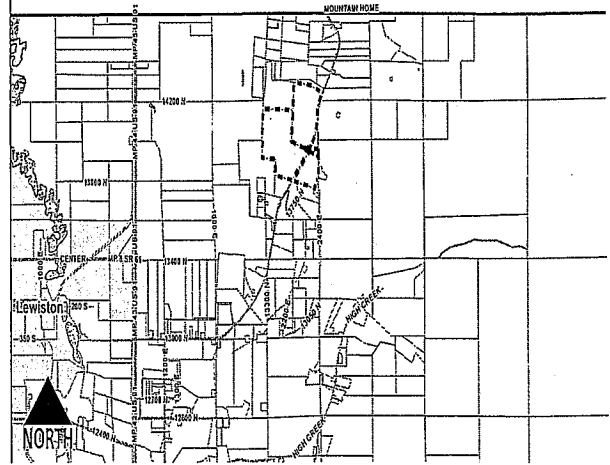
**ATTEST:** Jill N. Zollinger  
County Clerk

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**APPROVAL:** H. Craig Petersen  
Chairman

# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

**Project Name:** McGinnis Subdivision  
**Agent:** Jared Adams  
**Request:** 2-lot Subdivision; Boundary Line Adjustment  
**Type of Action:** Recommend to County Council  
**Current Zoning:** Agricultural (A)  
**Project Address:** Approximately 13989 Mountain Home Road  
Cove, UT  
**Staff Recommendation:** Approval with conditions  
**Tax ID:** 09-001-0005, 09-001-0007, 09-001-0006  
**Surrounding Uses:** North – Agriculture  
South – Agriculture  
East – Agriculture  
West – Agriculture  
**Reviewed by:** Leslie M. Mascaro, Planner I



**PURPOSE:** To recommend approval of the preliminary & final plat for the McGinnis Subdivision to the Cache County Council.

## PROJECT SUMMARY

The project is located in Cove on 100.67 acres of property in the Agricultural Zone. The proposal is to create a .5 acre lot from the parent parcel to relieve the current restricted status. There is one residential home that was built on the proposed .5 acre lot split. The residence and the garage are separated by Mountain Home Road. The residence and garage were built several years ago and are nonconformities. The garage does not meet the minimum setback of 30'. A section of the garage is located within the 33' centerline road right-of-way.

### Access:

- Access from County Road Mountain Home Road is adequate. The existing private drive does not provide adequate access as per county road standards, but it is vested as a nonconforming use.

### Water & Septic:

- The applicant currently has water rights from a spring located on an adjacent property. The applicant has a perpetual easement and right-of-way from the spring.
- The septic system drainfield isn't located within the proposed lot line boundaries. The applicant shall obtain a perpetual easement and right of way on the adjacent lot for the operation and maintenance of the septic system drainfield. The easement will be shown on the final plat.

### Service Provision:

- All refuse and recycling containers must be placed along Mountain Home Road for collection. Property owners should allow sufficient space along the shoulder of the road for the placement of the containers so that they will not interfere with traffic flow.
- A school bus stop is located at 13989 Mountain Home Road adjacent to the proposed subdivision.

## STAFF DETERMINATION

It is staff's determination that the McGinnis Subdivision, a 2-lot subdivision and boundary line adjustment for property located at approximately 13989 Mountain Home Road, Cove with TIN #'s 09-001-0005, 09-001-0007, 09-001-0006 is in conformance with the Cache County Ordinance requirements for preliminary and final plat approval to the County Council. This determination is based on the following **findings of fact:**

- The McGinnis 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 McGinnis 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 McGinnis Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The McGinnis Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. Mountain Home Road, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed level of development.

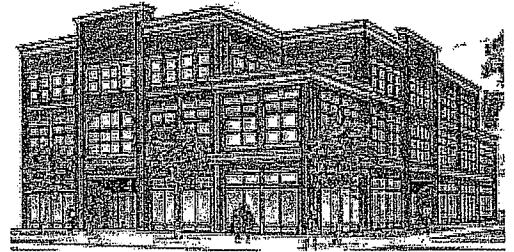
#### **CONDITIONS OF APPROVAL**

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 the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
4. Residents shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
5. The applicant shall obtain a perpetual easement and right of way on the adjacent lot for the operation and continued maintenance, repair, alteration, inspection, relocation, and replacement of the drainfield, to include all rights to ingress and egress necessary or convenient for the full or complete use, occupation, and enjoyment of the granted easement. Said easement shall be placed on the final plat.
6. The Applicant shall reaffirm the County's right-of-way for the County road, Mountain Home Road, across the entire frontage of the proposed subdivision.



# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



**JOSH RUNHAAR, AICP**  
DIRECTOR/  
ZONING ADMINISTRATOR

**PAUL BERNTSON**  
CHIEF BUILDING  
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1630 ♦ FAX (435)755-1987

**APPLICATIONS ARE DUE BY 3:00 PM ON THE DAY OF THE DEADLINE**  
PLEASE ALLOW STAFF 20-30 MINUTES TO PROCESS THE APPLICATION  
LATE APPLICATIONS WILL BE HELD FOR THE NEXT MEETING'S AGENDA  
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

## PROJECT APPLICATION

### REVIEW AUTHORITY

- CACHE COUNTY COUNCIL
- CACHE PLANNING COMMISSION
- BENSON PLANNING COMMISSION
- BOARD OF ADJUSTMENTS
- ADMINISTRATIVE REVIEW

### TYPE OF APPLICATION

- SUBDIVISION
- CONDITIONAL USE PERMIT
- ZONE CHANGE
- CODE AMENDMENT
- BOUNDARY LINE ADJUSTMENT

Date Received: <u>8-31-09</u>	Received By: <u>CH</u>	Receipt Number: <u>4662</u>	Application Number:
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*chk #1009  
600*

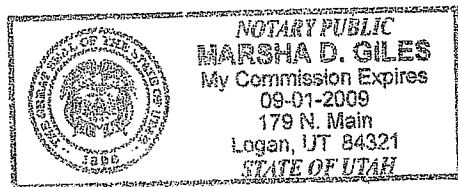
PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>2-lot sub + BUA</u>	AGENT NAME <u>Jared Adams</u>
PROJECT NAME <u>McGinnis Subdivision</u>	ADDRESS <u>PO Box 472</u>
PROJECT ADDRESS <u>13989 Mt Home Rd</u>	<u>Paradise UT 84328</u>
<u>Cove, Utah</u>	TELEPHONE (DAY) _____ (CELL) <u>435-994-2009</u>
SERIAL NUMBER(S) <u>09-001-0005, 0007</u>	OWNER NAME <u>Nola McGinnis</u>
<u>0006</u>	ADDRESS <u>13989 Mt Home Rd</u>
ZONE <u>Ag.</u>	<u>Cove UT 84320</u>
PROJECT LOCATION <u>Cove</u>	TELEPHONE (DAY) <u>480 254-9763</u> (CELL) _____

State of Utah )

County of Cache )

On this 31 day of August, 2009, personally appeared before me, NOLA MCGINNIS, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to on this instrument, and acknowledged that they executed the same.

Signed Nola McGinnis  
(Property Owner or Agent)



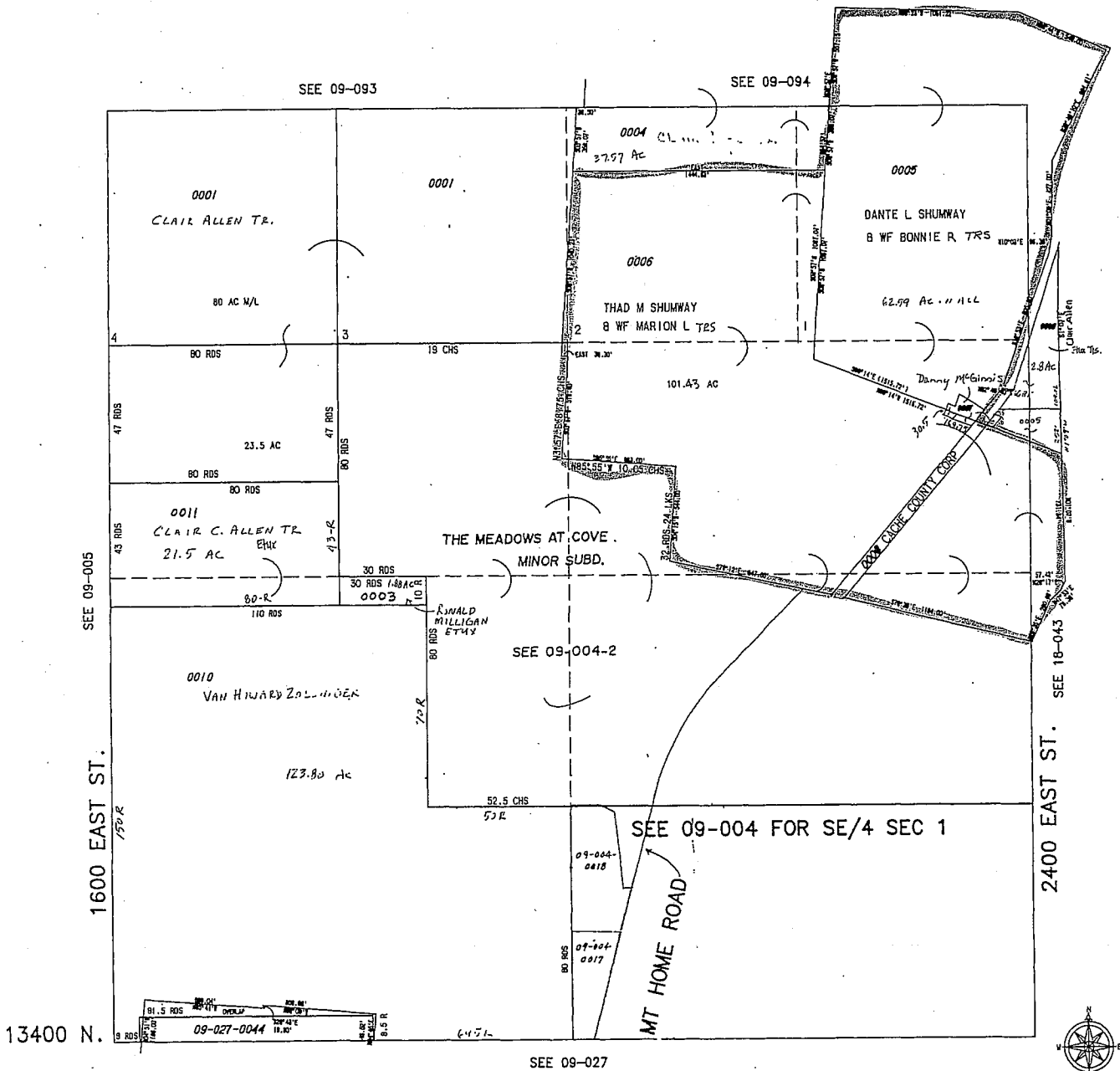
Marsha D. Giles  
Notary Public



Sec 1 Township 14 North, Range 1 East  
Scale 1" = 400 Feet

09-001

TAX UNIT 17





1 Cache County Planning Commission (CCPC)

2  
3 Minutes for 1 October 2009

4  
5 **Present:** Josh Runhaar, Leslie Mascaro, Chris Sands, Curtis Dent, Lee Nelson, Lamar Clements,  
6 Clair Ellis, John White, Megan Izatt

7  
8 **Start Time: 5:35:00** (Video time not shown on DVD)

9  
10 Nelson welcomed; Nelson gave opening remarks.

11  
12 Approval of Agenda

13  
14 *Clements moved to approve the agenda; Dent seconded, passed 5, 0.*

15  
16 Approval of Minutes

17  
18 *Clements moved to approve the 03 September, 09 minutes with the noted changes; Ellis*  
19 *seconded; passed 5, 0.*

20  
21 **5:37:00**

22  
23 Approval of Consent Agenda

24  
25 #1 McGinnis Subdivision (Jared Abrams)

26  
27 **FINDINGS OF FACT:**

- 28 1. The McGinnis Subdivision has been revised and amended by the conditions of project approval to address the issues and  
29 concerns raised within the public and administrative records.
- 30 2. The McGinnis Subdivision has been revised and amended by the conditions of project approval to conform to the  
31 requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
- 32 3. The McGinnis Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the  
33 Cache County Subdivision Ordinance.
- 34 4. The McGinnis Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of  
35 adjoining or area properties.
- 36 5. Mountain Home Road, the road that provides access to the subject property, has an adequate capacity, or suitable level of  
37 service, for the proposed level of development.

38  
39 **CONDITIONS OF APPROVAL**

- 40  
41 1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
- 42 2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
- 43 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes  
44 as adopted by Cache County.
- 45 4. Residents shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
- 46 5. The applicant shall obtain a perpetual easement and right of way on the adjacent lot for the operation and continued  
47 maintenance, repair, alteration, inspection, relocation, and replacement of the drainfield, to include all rights to ingress and  
48 egress necessary or convenient for the full or complete use, occupation, and enjoyment of the granted easement. Said  
49 easement shall be placed on the final plat.
- 50 6. The Applicant shall reaffirm the County's right-of-way for the County road, Mountain Home Road, across the entire  
51 frontage of the proposed subdivision.

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Sheriff's Office Mounted Posse  
DATE: 10-6-09

Amount to be transferred -- (rounded to the nearest dollar) \$ 1500<sup>00</sup>

Transfer From ---  
Line Item No. : 10-4217-251  
Fund Designation: Non Capitalized equip  
Original Budget: \_\_\_\_\_  
Current Budget: \_\_\_\_\_  
Expenditures to date: \_\_\_\_\_  
Balance before transfer: \_\_\_\_\_  
Balance after Transfer: \_\_\_\_\_

Transfer To ---  
Line Item No. : 10-4217-250  
Fund Designation: Equip. supplies maint.  
Original Budget: \_\_\_\_\_  
Current Budget: \_\_\_\_\_  
Expenditures to date: \_\_\_\_\_  
Balance before transfer: \_\_\_\_\_  
Balance after Transfer: \_\_\_\_\_

Description of needs and purpose of transfer ---  
We are in the negative in 250 and have maintenance bills to pay.

[Signature]  
Department Head

Recommendation: [] Approval [ ] Disapproval  
Comments:

Date: 10-6-09

Jamra Stokes  
Cache County Auditor

Recommendation: [] Approval [ ] Disapproval  
Comments:

Date: 10-13-09

M. Lynn Lewison  
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 27<sup>th</sup> day of October, 2009.

Jim Zollinger  
Cache County Clerk

# REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Extension  
 DATE: 9/30/09

Amount to be transferred – (rounded to the nearest dollar) \$1700

Transfer From – Equipment Supply & Maintenance  
 Line Item No. : 10-4610-250  
 Fund Designation: \_\_\_\_\_

Original Budget:	\$ 9000
Current Budget:	\$ 8600
Expenditures to date:	\$ 3870
Balance before transfer:	\$ 4730
Balance after transfer:	\$ 3030

Transfer To –  
 Line Item No. : Equipment Under \$5000  
 Fund Designation: 10-4610-251

Original Budget:	\$ 2000
Current Budget:	\$ 2000
Expenditures to date:	\$ 1781
Balance before transfer:	\$ 219
Balance after transfer:	\$ 1919

Description of needs and purpose of transfer —  
Expenses for laptop projector.

*Adri J. Roberts*  
 Department Head

Recommendation:  Approval  Disapproval  
 Comments:

Date: 9/30/09

*Jamra Stone*  
 Cache County Auditor

Recommendation:  Approval  Disapproval  
 Comments:

Date: 10/5/09

*M. [Signature]*  
 Cache County Executive

Date: 10/27/09

*Jim Zollinger*  
 Cache County Clerk

**CACHE COUNTY CORPORATION  
DEVELOPMENT SERVICES DEPARTMENT**

---

**Project Name:** Wellsville View Estates &  
Sterling Country Estates

**Agent:** Stephen Wright

**Request:** One 3-Lot and one 5-Lot Subdivision

**Type of Action:** Recommend to County Council

**Current Zoning:** Agricultural (A)

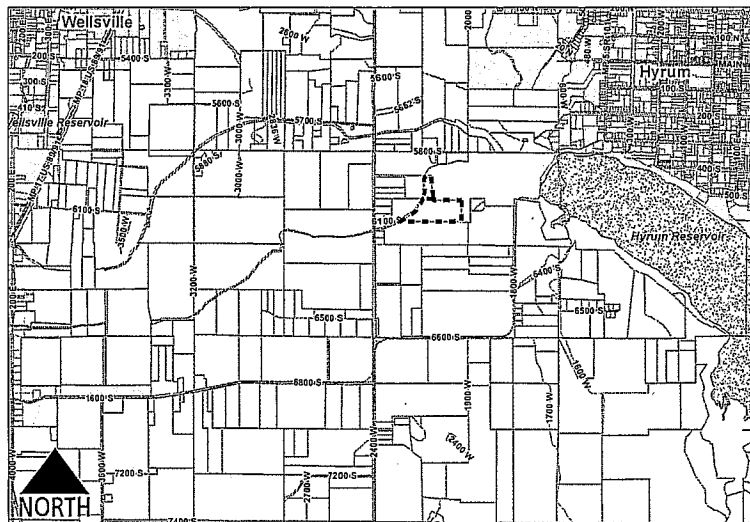
**Project Address:** 5953 South 2140 West

**Staff Recommendation:** Approval with conditions

**Tax ID:** 01-061-0053  
01-061-0052

**Surrounding Uses:** North – Agriculture  
South – Agriculture  
East – Agriculture  
West – Agriculture/Homes

**Reviewed by:** Leslie Mascaro, Planner I



**PURPOSE:** To approve the final plat for the Wellsville View Estates and Sterling Country Estates Subdivisions. Approval of the Preliminary plat was on the April 2, 2009 meeting.

**PROJECT SUMMARY**

The project is located approximately 0.8 mile southwest of Hyrum City in the Agricultural Zone. The two subdivisions are adjoining and together total 8 lots.

**Access:**

- Access from County Road 2400 west is adequate.
- Access to the lots is from a proposed private road that would be approximately 2,800 feet long.
- The proposed private road would cross a canal owned by the United States. The crossing currently consists of a 42' steel culvert with 2" to 6" of dirt over a 15' traveled way. This crossing would need to be improved to support emergency vehicle crossing.
- For the proposed emergency vehicle and heavy truck loading the existing CMP (culvert) will require 18" of cover over the pipe. This cover will support the necessary emergency vehicles for the proposed project. The fill shall consist of a compacted granular soil.
- As 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 road should be constructed to minimum County standards.

**Water & Septic:**

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

**Service Provision:**

- Access for fire protection from Hyrum is not adequate at this time. The private road will need to be constructed to County standards and Fire Code Standards to provide adequate access for emergency vehicles.
- Due to the length of the proposed private road, the Fire Department requires it to be 22' wide with 2' shoulders and include (2) turnaround points. The private road shall be paved with asphalt or a minimum of chip-and-seal will be required.
- The canal crossing shall be constructed to support a minimum of 75,000 pounds. The County Fire Chief will review the proposed road alignment at the canal crossing.
- Due to the distance from fire protection and the lack of water in the area, the County Fire Department strongly recommends residential fire sprinklers in these developments.

- All private roads servicing the subdivision must be all-weather and meet County requirements to be adequate for emergency and service vehicles.
- Garbage pick-up may be on the private road if residents sign a liability release. Additionally, if the road surface is not adequately maintained or cleared of snow in a timely manner refuse collection will be unavailable.
- The all weather turn around on the private road at the north end must be level and be sufficient for a large truck to turn around.
- A school bus stop would be located at 6000 South 2400 West, approximately 2 Blocks from the proposed subdivision.

#### **ADDITIONAL INFORMATION**

This is essentially an 8-lot subdivision and should be evaluated as such. Approval of the preliminary plat was on the April 2, 2009 meeting. This development is in an area of moderate slopes. Road construction will alter drainage patterns on the property. The drainage should be addressed with an engineered drainage plan to ensure that no increased level of storm water is allowed to flow from this property to adjacent properties or to the canal. Applicant may need to discuss drainage with the Bureau of Reclamation.

#### **STAFF DETERMINATION**

It is staff's determination that the Wellsville View Estates Subdivision, a three (3) lot subdivision for property located at approximately 5953 South 2140 West (Wellsville) TIN# 01-061-0053, is in conformance with the Cache County Ordinance requirements for a final plat. This determination is based on the following **findings of fact**:

1. The Wellsville View Estates 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 Wellsville View Estates 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 Wellsville View Estates Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Wellsville View Estates 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 Sterling Country Estates Subdivision, a five (5) lot subdivision for property located at approximately 6031 South 2140 West (Wellsville) TIN# 01-061-0052, is in conformance with the Cache County Ordinance requirements for a final plat. This determination is based on the following **findings of fact**:

1. The Sterling Country Estates 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 Sterling Country Estates 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 Sterling Country Estates Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Sterling Country Estates Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

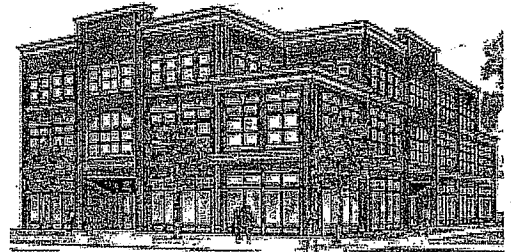
#### **CONDITIONS OF APPROVAL**

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

1. Prior to final plat recordation adequate, approved, domestic 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 design of the private roads 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. Surfacing shall meet minimum county standards.
4. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
5. 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. The applicant shall provide documentation that the private road, 6100 south, will be jointly maintained.
6. A note shall be added to the final plat stating that County services may be limited or discontinued if the private road is not adequately maintained.
7. There must be a drainage plan set in place with special consideration given to the slope, the road, and excess water run-off collected in the canal.
8. Applicant shall obtain a letter of approval from the Bureau of Reclamation for the proposed changes regarding access and collection of additional storm water run-off.



# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



**JOSH RUNHAAR, AICP**  
DIRECTOR/  
ZONING ADMINISTRATOR

**PAUL BERTSON**  
CHIEF BUILDING  
OFFICAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1630 ♦ FAX (435)755-1987

**APPLICATIONS ARE DUE BY 3:00 PM ON THE DAY OF THE DEADLINE**  
PLEASE ALLOW STAFF 20-30 MINUTES TO PROCESS THE APPLICATION  
LATE APPLICATIONS WILL BE HELD FOR THE NEXT MEETING'S AGENDA  
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

## PROJECT APPLICATION

### REVIEW AUTHORITY

- CACHE COUNTY COUNCIL
- CACHE PLANNING COMMISSION
- BENSON PLANNING COMMISSION
- BOARD OF ADJUSTMENTS
- ADMINISTRATIVE REVIEW

### TYPE OF APPLICATION

- SUBDIVISION
- CONDITIONAL USE PERMIT
- ZONE CHANGE
- CODE AMENDMENT
- BOUNDARY LINE ADJUSTMENT

Date Received: <u>2-23-09</u>	Received By: <u>M Og</u>	Receipt Number: <u>4293</u>	Application Number:
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ck # 4465  
1900<sup>00</sup> + 500<sup>00</sup>

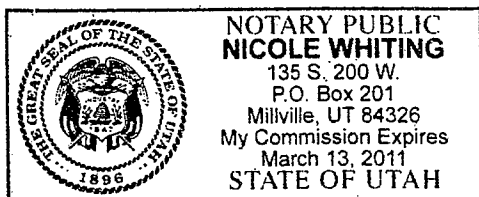
PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>Subdivision</u> <i>5-lot</i>	AGENT NAME _____
PROJECT NAME <u>Sterling Country Estates</u>	ADDRESS _____
PROJECT ADDRESS <u>2500 W 6000 S</u> <u>Wellsville, UT</u>	TELEPHONE (DAY) _____ (CELL) _____
SERIAL NUMBER(S) <u>01-061-0052</u> <u>21.20 acres</u>	OWNER NAME <u>Stephen Wright</u>
ZONE <u>Ag - 6031 S. 2140 W.</u>	ADDRESS <u>2024 W 5800 S</u> <u>Wellsville, UT 84339</u>
PROJECT LOCATION <u>2500 W 6000 S County</u>	TELEPHONE (DAY) _____ (CELL) <u>435-770-1097</u>

State of Utah )

County of Cache )

On this 22nd day of February, 2009 personally appeared before me, Stephen Wright, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to on this instrument, and acknowledged that they executed the same.

Signed Stephen Wright  
(Property Owner or Agent)



Nicole Whiting  
Notary Public



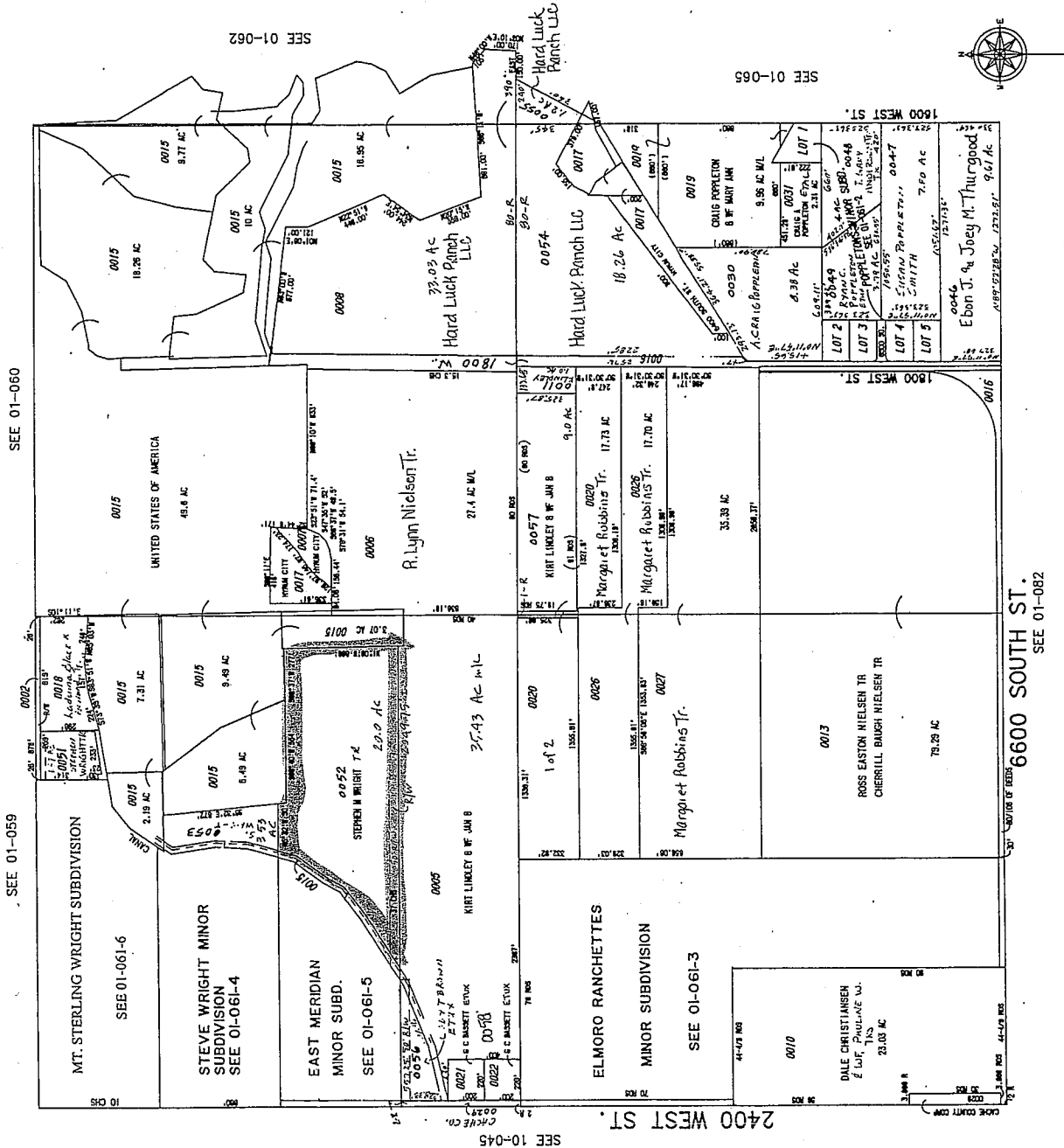


01-061

Section 7, Township 10 North, Range 1 East

Scale 1" = 400 Feet

TAX UNIT 28



SEE 01-059

SEE 01-060

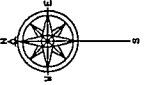
SEE 10-045

2400 WEST ST.

6600 SOUTH ST.  
SEE 01-082

SEE 01-065

SEE 01-062



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

- 3 4. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
- 4 5. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
- 5 6. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by  
6 Cache County. Applicant shall upgrade the private drive to meet the 20' wide requirement including an approved turnaround.
- 7 7. Access to Lots 1 & 2 shall be combined.
- 8 8. Residents of Lot 1 shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.

9  
10 *Dent moved to recommend approval to the County Council for the South Mount Sterling 2-lot*  
11 *Subdivision and the Housley Brothers Subdivision 1-lot amendment to the County Council.*  
12 *Clements seconded; passed 6, 0.*

13  
14 5:46:00

15  
16 # 3 & 4 Wellsville View Estates Subdivision and Sterling Country Estates Subdivision  
17 (Stephen Wright)

18  
19 **Mascaro** reviewed Mr. Stephen Wright's request for a 3-lot subdivision on 3.35 acres in the  
20 Agricultural Zone east of Wellsville and a 5-lot subdivision on 21.20 acres in the Agricultural  
21 Zone east of Wellsville. Fire and Garbage have reviewed the road and stated there are no  
22 problems. The culvert will need 18 inches of fill over it for it to support 75000 lbs. The county  
23 is requesting that Mr. Wright submit a drainage plan addressing the storm run-off concerns from  
24 the proposed development, and a letter of approval from the canal company.

25  
26 **Nelson** will the new homes change the path of runoff?

27  
28 **Mr. Stephen Wright** There is over 24 acres and only 8 homes going in so I don't think so. We  
29 are meeting the Bureau of Reclamation regarding the canal and I think wings need to be added to  
30 the culvert. I don't see how the drainage will affect the intersection of 6100 S and 2400 W. If  
31 you're concerned about the road, you could grant me a waiver for the chip and seal.

32  
33 **Clements** I don't believe in forcing people to chip and seal a private road.

34  
35 **Mr. Wright** it is a private road, and it will cost me a minimum of \$70-100,000 to do the road.

36  
37 **Clements** if the fuel tax was going towards helping with the cost of the road and maintenance, I  
38 wouldn't have a problem with it.

39  
40 **Mr. Wright** there are 8 homeowners where I live now and we all got together to do the road as  
41 we could afford to do it. If I have to add the chip and seal for the development, that should be  
42 my decision.

43 **Nelson** we are in a hard spot because private roads cause great problems because people still  
44 expect the county to maintain the road.

45  
46 **Mr. Wright** the county doesn't maintain the road.

47  
48 **Ellis** what is the extent of the road.

1  
2 **Mr. Wright** it starts here and ends here. As I understand it, I'm also responsible for chipping  
3 and sealing the existing part of the road where there already are homes due to the subdivision  
4 going in.

5  
6 **Nelson** any other questions?  
7

8 **Mr. Wright** I understand that I have 1 yr. from county approval to record my plat. I would like  
9 to have 2 years to complete the project because the land is part of the proposed annexation into  
10 Hyrum for a golf course. I would like additional time for the developers of the golf course to  
11 pursue the annexation. If I don't get this done, I have to start over with the process.  
12

13 **Runhaar** only the County Council can grant extensions.  
14

15 **Mr. Wright** the Planning Commission's agreement would help.  
16

17 **Runhaar** developers have to apply for an extension through the County Council after the first 12  
18 months.  
19

20 **Wright** if I don't get an extension, it's not good. I have to go in this fall to do the initial grade  
21 for the road to give it time to settle.  
22

23 **Runhaar** We write escrows all the time. We just need a security agreement among our office,  
24 the attorney's and the developer. We can't sell lots without a guarantee that the improvements  
25 for the road will happen, but that can be done.  
26

27 **Nelson** you do have that option.  
28

29 **Mr. Wright** I would like you to not require the chip and seal. I would prefer to do gravel.  
30

31 **Ellis** how does the road fit in with the county road plan?  
32

33 **Baker** it's a dead end, there are not connections. The county will not take it over.  
34

35 **Runhaar** that road is bordered on three sides, two sides by the canal, one side by the Bureau of  
36 Reclamation; they would have to cross back over the canal to connect to anything.  
37

38 The Planning Commission and Staff discussed weight limits and fire code regulations for the  
39 culvert.  
40

41 **Mr. Wright** if you go axle to axle, you can't get 75000 lbs.  
42

43 **Baker** we can look at it, but it is fire code.  
44

45 **Runhaar** they have had an engineer look at it, and has determined this culvert will need 18  
46 inches of cover. It's not even a bridge it just needs some cover over the culvert.  
47

1 The Commission and staff discussed road width, management, and designation.

2  
3 **Larson** the county is in long enough to see the agreement is in place for the home owner's  
4 association to take care of the road and it becomes a civil matter after the home owner's  
5 association takes over.

6  
7 **Mr. Wright** it is stated on the plat map that the road is private and is to be maintained by the  
8 homeowners.

9  
10 **Larson** which is why this part is important because we say all that needs to be said, and it is  
11 stated in a public record.

12  
13 **Mr. Wright** the existing road is gravel, and it's a nice gravel road.

14  
15 **Wellsville View Estates findings of fact:**

- 16  
17  
18  
19  
20  
21  
22  
23  
24  
25
1. The Wellsville View Estates 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 Wellsville View Estates 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 Wellsville View Estates Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
  4. Wellsville View Estates Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

26  
27  
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32  
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34  
35

**Sterling Country Estates Subdivision findings of fact:**

1. The Sterling Country Estates 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 Sterling Country Estates 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 Sterling Country Estates Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Sterling Country Estates Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

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54

**CONDITIONS OF APPROVAL**

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

1. Prior to final plat recordation adequate, approved, domestic 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 design of the private roads 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. Surfacing shall meet minimum county standards.
4. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
5. 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. The applicant shall provide documentation that the private road, 6100 south, will be jointly maintained.
6. A note shall be added to the final plat stating that County services may be limited or discontinued if the private road is not adequately maintained.
7. There must be a drainage plan set in place with special consideration given to the slope, the road, and excess water run-off collected in the canal.
8. Applicant shall obtain a letter of approval from the Bureau of Reclamation for the proposed changes regarding access and collection of additional storm water run-off.

55 *Clements motioned for approval to the County Council for the Wellsville View Estates 3-lot*  
56 *Subdivision and the Sterling Country Estates 5-lot Subdivision with the removal of the*

1 requirement for chip and seal and replacing it with "surfacing shall meet County requirements."  
2 Ellis seconded, passed 5, 1 (Erickson opposed).

3  
4 6:26:00

5  
6 #5 & 6 Lazy 9 Ranch Subdivision Phases 1 and 2 (Garret Mansell and Danny Mcfarlane)

7  
8 **Mascaro** reviewed Mr. Mansell's and Mr. Mcfarlane's request for a 10-lot subdivision done in  
9 two phases of 5-lots each on 39.57 acres in the Agricultural Zone at 94 E 7340 N in Smithfield.  
10 The applicants are working with UDOT on access to the subdivision. The Richmond Canal does  
11 run through the property. The applicants have proposed 3 wells to service the 10-lots; easements  
12 must be set in place before final plat is recorded. All lots are feasible for septic tanks. We have  
13 consulted with the County engineer and there are drainage concerns especially with lots 1, 3, and  
14 5.

15  
16 **Erickson** I am a property owner to the north and east of this project and I am friends with the  
17 owner of the land. I will abstain from voting.

18  
19 **Ellis** what is the loop in the road?

20  
21 **Mr. Garret Mansell** the loop is for traffic flow and it creates a 9 for the Lazy 9 Ranch  
22 Subdivision.

23  
24 **Nelson** the open space could be a difficult area to maintain.

25  
26 **Mr. Mansell** the community area?

27  
28 **Nelson** yes.

29  
30 **Runhaar** that is listed on the bullet points.

31  
32 **Nelson** You are more than welcome to do it, but we just wanted to make you aware that  
33 community areas are hard to maintain.

34  
35 **Ellis** is this a private road?

36  
37 **Nelson** yes.

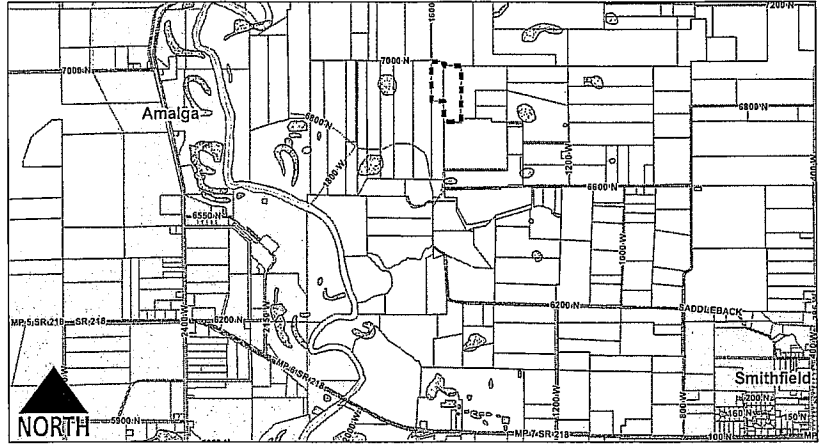
38  
39 **Roy Hebdon** I oppose this. My land runs directly south and kitty corner of where this  
40 development is being proposed for. I live where I do because I am in agriculture and I don't like  
41 to see good farmland developed.

42  
43 **Ellis** we are bound by the ordinance and I would suggest you maybe look at the ordinance for  
44 grounds to oppose this development.

45  
46 **Erickson** I was born and raised right across the road from this development. Paul acquired the  
47 land from my brother. All of these lots on the road front, run into the canal for drainage. The

# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

*Project Name:* **Estancia Phase 4**  
*Agent:* Todd Morrill & Walt Young  
*Request:* 4-Lot Subdivision  
*Type of Action:* Recommend to County Council  
*Current Zoning:* Agricultural (A)  
*Project Address:* 1600 West 7000 North  
*Staff Recommendation:* Approval with conditions  
*Tax ID:* 08-036-0001  
*Surrounding Uses:* North – Agriculture  
South – Agriculture  
East – Agriculture  
West – Agriculture  
*Reviewed by:* Leslie Mascaro, Planner I



**PURPOSE:** To recommend approval of the preliminary and final plat for the Estancia Subdivision Phase 4 to County Council.

## PROJECT SUMMARY

The project is located approximately 1.8 miles northwest of Smithfield City in the Agricultural Zone.

### Access:

- Current access from County Road 1600 West is not adequate. The road has a 16-foot gravel surface.
- Access will be made adequate through the same requirements of Phases I, II, and III that are located north of this phase. County Road 1600 W is required to be a 20-foot wide chip seal surface with one foot shoulders.

### Water & Septic:

- Adequate, approved, domestic water rights will be in place at the time of final plat recordation.
- All lots are feasible for onsite septic systems and wells.
- Due to the streams running through the lots, the Bear River Health Department requires that the disclosures on the attached letter be made available to all potential buyers.

### Service Provision:

- Access for fire protection from Smithfield is not adequate at this time. Required improvements to County Road 1600 W will make the access adequate.
- The County Fire Department strongly recommends residential fire sprinklers in these developments.
- Garbage pick-up will be on 1600 West. Residents will be required to provide sufficient space on the side of the road for refuse and recycle containers so the traveled way is not impeded.
- The school bus stop would be located at 1600 West 6600 North. The bus will not make stops north of this intersection.

## ADDITIONAL INFORMATION

The Amalga Town water line runs through Lot 16. The surveyor platted the water line easement approximately 150' south of the actual water line. Staff recommends that an easement on the actual water line be placed on the final plat. For the purposes of this development the easement would only extend the length of the subdivision.

There are a number of streams and generally wet areas within the proposed development. A wetland's delineation was conducted to identify wetlands under the jurisdiction of the U.S. Army Corps of Engineers. The delineation is in conformance with County Ordinance 17.18 Sensitive Areas Overlay.

This inspection indicated that no wetlands occur within the proposed building envelopes. There are jurisdictional wetlands in the drainages on the property and in the northwest portion of Lot 19, but all of these areas occur outside of the building envelopes.

### STAFF DETERMINATION

It is staff's determination that the Estancia Subdivision Phase 4, a four (4) lot subdivision for property located at approximately 1600 West 7000 North (Smithfield) TIN# 08-036-0001, is in conformance with the Cache County Ordinance requirements for a preliminary and final plat. This determination is based on the following **findings of fact**:

1. The Estancia Phase 4 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 Estancia 4 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 Estancia 4 Subdivision conforms to the Preliminary and final plat requirements of §16.03.030 and §16.03.040 Cache County Subdivision Ordinance.
4. Estancia 4 Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

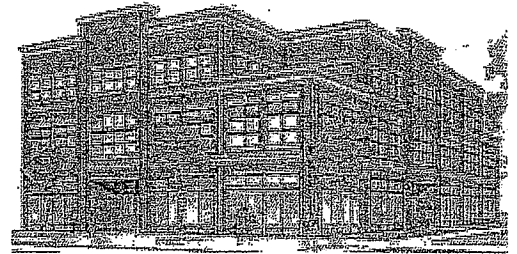
### CONDITIONS OF APPROVAL

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

1. Prior to final plat recordation adequate, approved, domestic 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. Prior to final plat recordation the proponent shall correct the placement of Amalga's waterline easement through Lot 16.
4. The proponent shall enter into a development agreement with the County for the improvement of all off-site roads as listed in the attached draft Development Agreement prior to recordation of the plat. The draft Development Agreement shall be finalized prior to hearing by the County Council.
5. County road 1600 West shall be constructed to a minimum 20 foot width with a double chip-and-seal surface and a minimum one foot shoulder.
6. The design of 1600 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.
7. Special accommodation to access should be made for potential conflicts with farm equipment.



# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



JOSH RUNHAAR, AICP  
DIRECTOR/  
ZONING ADMINISTRATOR

PAUL BERNTSON  
CHIEF BUILDING  
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 + (435)755-1630 + FAX (435)755-1987

**APPLICATIONS ARE DUE BY 3:00 PM ON THE DAY OF THE DEADLINE**  
PLEASE ALLOW STAFF 20-30 MINUTES TO PROCESS THE APPLICATION  
LATE APPLICATIONS WILL BE HELD FOR THE NEXT MEETING'S AGENDA.  
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

## PROJECT APPLICATION

### REVIEW AUTHORITY

- CACHE COUNTY COUNCIL
- CACHE PLANNING COMMISSION
- BENSON PLANNING COMMISSION
- BOARD OF ADJUSTMENTS
- ADMINISTRATIVE REVIEW

### TYPE OF APPLICATION

- SUBDIVISION
- CONDITIONAL USE PERMIT
- ZONE CHANGE
- CODE AMENDMENT
- BOUNDARY LINE ADJUSTMENT


Date Received: <u>2-5-09</u>	Received By: <u>mdg</u>	Receipt Number: <u>4776</u>	Application Number: <u>#1029</u> <u>1400</u> <u>+500</u>
---------------------------------	----------------------------	--------------------------------	---

PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>MINOR SUBDIVISION</u>	AGENT NAME <u>TODD MORRILL (50% OWNER)</u>
PROJECT NAME <u>ESTANCIA SUBDIVISION PHASE 4</u>	ADDRESS <u>1375 VALLEY HILLS BLVD</u>
PROJECT ADDRESS <u>1600 W 7000 N</u> <u>SMITHFIELD, UT</u>	<u>HEBER CITY, UT 84032</u>
SERIAL NUMBER(S) <u>08-036-0001</u> <u>14.34 acres</u>	TELEPHONE (DAY) _____ (CELL) <u>435-534</u>
ZONE <u>AGRICULTURAL</u>	OWNER NAME <u>WALT YOUNG (50% OWNER)</u>
PROJECT LOCATION <u>SMITHFIELD N.W</u>	ADDRESS <u>6590 W. CENTER STREET</u>
	<u>PETERSBORO, UT 84325</u>
	TELEPHONE (DAY) _____ (CELL) <u>757-5971</u>

State of Utah )  
(SW) SUMMIT §  
County of Cache )

On this 29 day of January, 2009, personally appeared before me, TODD MORRILL, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to on this instrument, and acknowledged that they executed the same.

Signed \_\_\_\_\_  
(Property Owner or Agent)

 LORRI M. WOLD  
Notary Public, State of Utah  
My Commission Expires  
March 10, 2010  
2500 Lower Lando Lane, Park City, UT 84098

\_\_\_\_\_  
Notary Public



# Subdivision Boundary

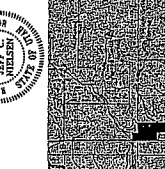
A PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 1 EAST, S.L.B.&M. AS DESCRIBED IN THE RECORDS OF THE SALT LAKE AND IRIDONIA, BRONING AT THE NORTHEAST CORNER OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS THE SHAPE HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

**Subdivision Boundary**  
 A PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 1 EAST, S.L.B.&M. AS DESCRIBED IN THE RECORDS OF THE SALT LAKE AND IRIDONIA, BRONING AT THE NORTHEAST CORNER OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS THE SHAPE HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

ALSO, A PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 1 EAST, S.L.B.&M. AS DESCRIBED IN THE RECORDS OF THE SALT LAKE AND IRIDONIA, BRONING AT THE NORTHEAST CORNER OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS THE SHAPE HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

CONTAINING 14.135 ACRES IN TOTAL AND FOUR (4) LOTS.

DATE \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_



OWNERS' DEDICATION  
 THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE-DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL OF LAND TO BE SUBDIVIDED AND KNOWN AS ESTANCIA SUBDIVISION PHASE 4.

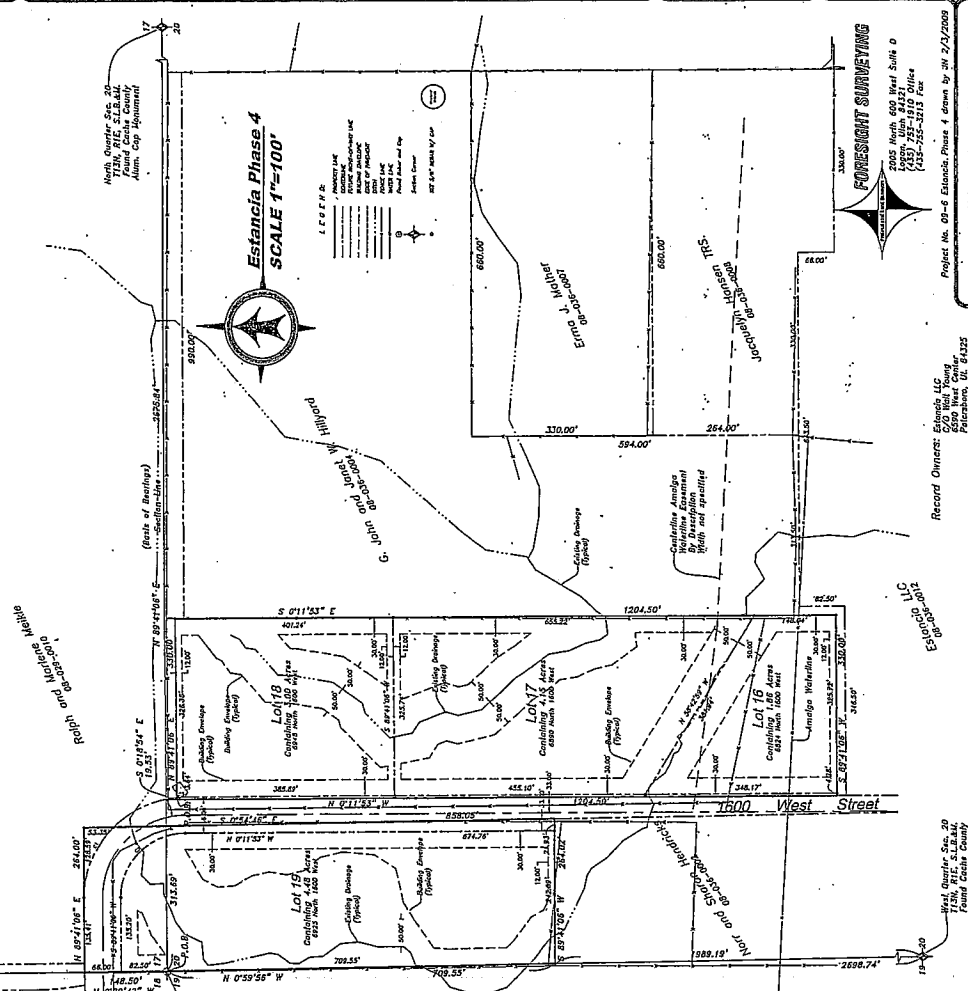
DEDICATION THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

ACKNOWLEDGMENT  
 STATE OF UTAH  
 County of CACHE  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
 personally appeared before me, and said document was signed by him (her) and acknowledged to me that said act contained the truth.

CACHE COUNTY RECORDER  
 STATE OF UTAH  
 COUNTY OF CACHE  
 THIS INSTRUMENT WAS FILED AND RECORDED IN CACHE COUNTY, UTAH  
 FILED AND RECORDED:  
 DATE \_\_\_\_\_  
 BY \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 PAGE 557 OF \_\_\_\_\_

# A FINAL PLAN FOR: Estancia Subdivision Phase 4

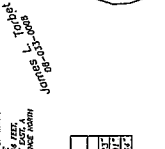
A PART OF THE NORTHWEST QUARTER OF SECTION 20 AND  
 A PART OF THE SOUTHWEST QUARTER OF SECTION 17, T13N, R1E, S.L.B.&M.  
 MOUNT STERLING, CACHE COUNTY, UTAH



**Curve Table**

Curve Length	Radius	Chord	Offset	Delta
0.00	17.00	0.00	0.00	0.00
1.00	17.00	1.00	0.01	3.44
2.00	17.00	2.00	0.04	6.88
3.00	17.00	3.00	0.09	10.32
4.00	17.00	4.00	0.16	13.76
5.00	17.00	5.00	0.25	17.20
6.00	17.00	6.00	0.36	20.64
7.00	17.00	7.00	0.49	24.08
8.00	17.00	8.00	0.64	27.52
9.00	17.00	9.00	0.81	30.96
10.00	17.00	10.00	1.00	34.40

**GENERAL NOTES:**  
 1. Cache County has determined the validity and integrity of records under its jurisdiction. It is the responsibility of the filer to ensure that all records are accurate and complete.  
 2. Survey monuments are shown on this plan for reference only. They are not to be used as a basis for any future survey.  
 3. All bearings are given in degrees, minutes, and seconds.  
 4. All distances are given in feet and inches.  
 5. All boundaries shown on this plan are the result of a survey conducted by Jeffrey M. Hulseb, a professional surveyor in the State of Utah.



**FORESIGHT SURVEYING**  
 2005 North 600 West Suite 0  
 Ogden, Utah 84213  
 (435) 225-3213 Fax  
 (435) 225-3213 Cell

Record Owners: Estancia, LLC  
 620 West Center  
 Pocatello, ID 83420  
 (208) 233-2771

Project No. 08-6 Estancia Phase 4 drawn by JM 2/2/2009

**BEAR RIVER HEALTH DEPT. APPROVAL**  
 I HAVE EXAMINED THIS PLAN AND APPROVE THE BEAR RIVER HEALTH DEPARTMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

**CACHE COUNTY PLANNING COMMISSION**  
 I HAVE EXAMINED THIS PLAN AND APPROVE THE CACHE COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

**CACHE COUNTY ATTORNEY APPROVAL**  
 I HAVE EXAMINED THIS PLAN AND APPROVE THE CACHE COUNTY ATTORNEY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

**CACHE COUNTY COUNCIL**  
 I HAVE EXAMINED THIS PLAN AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

**CACHE COUNTY RECORDER**  
 STATE OF UTAH  
 COUNTY OF CACHE  
 THIS INSTRUMENT WAS FILED AND RECORDED IN CACHE COUNTY, UTAH  
 FILED AND RECORDED:  
 DATE \_\_\_\_\_  
 BY \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 PAGE 557 OF \_\_\_\_\_

**OWNER'S DEDICATION**  
 THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE-DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL OF LAND TO BE SUBDIVIDED AND KNOWN AS ESTANCIA SUBDIVISION PHASE 4.

DEDICATION THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

ACKNOWLEDGMENT  
 STATE OF UTAH  
 County of CACHE  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
 personally appeared before me, and said document was signed by him (her) and acknowledged to me that said act contained the truth.

CACHE COUNTY RECORDER  
 STATE OF UTAH  
 COUNTY OF CACHE  
 THIS INSTRUMENT WAS FILED AND RECORDED IN CACHE COUNTY, UTAH  
 FILED AND RECORDED:  
 DATE \_\_\_\_\_  
 BY \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 PAGE 557 OF \_\_\_\_\_



2. The Lazy 9 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 Lazy 9 Phase I Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Lazy 9 Phase I Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

#### Lazy 9 Subdivision II

#### Findings of fact:

1. The Lazy 9 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 Lazy 9 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 Lazy 9 Phase II Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. Lazy 9 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

1. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
2. Prior to final plat recordation adequate, approved, water rights shall be in place for the proposed open space.
3. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
4. The design of the private roads 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. Surfacing shall meet minimum county standards.
5. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
6. 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 and open space can be adequately funded and maintained.
7. A note shall be added to the final plat stating that County services may be limited or discontinued if the private road is not adequately maintained.
8. Water line easements for the (3) proposed wells that will service ten lots shall be set in place before final recordation.
9. Applicant shall obtain a permit from U-DOT prior to road construction.
10. A temporary all weather 96" diameter turn-around must be provided at the end of Phase I until the road is completed for both phases.
11. The pipe under 7940 North Street shall be a 42" Reinforced Concrete Pipe with a total length of 48'.
12. No storm water above the natural unimproved run-off shall be allowed into the canal. The canal board approved the drainage plan, showing rock check dams and earth berms used to contain the storm water from the subdivision improvements from entering the canal.
13. Prior to final plat recordation the applicant must set in place a 32' wide easement as opposed to the current 30' wide easement as per the request of Richmond Irrigation Company. One third of the easement shall be located on the East side of the centerline of the canal with the remaining two-thirds of the easement located on the west side of the centerline of the canal.

*Larson motioned to recommend approval to the County Council for the Lazy 9 Subdivision Phases 1 and 2. Clements seconded; passed 4, 0 (Erickson & Dent abstained).*

6:35:00

Dent arrives.

#### #7 Estancia Subdivision Phase 4 (Todd Morrill & Walt Young)

Mascaró reviewed Mr. Todd Morrill's and Mr. Walt Young's request for a 4-lot subdivision on 14.34 acres of property in the Agricultural Zone located northwest of Smithfield. The road is currently not adequate but conditions from phases 1, 2, and 3 will also apply for phase 4. Bear River Health Department (BRHD) has approved the lots for septic tanks and wells with several stipulations. There are jurisdictional wetlands in this area, and the applicant has consulted with

1 an ecological engineering firm and has determined that there are no jurisdictional wetlands in the  
2 building envelopes.

3 **Runhaar** This development will be lumped into the same development agreement as 1, 2, and 3  
4 for the road improvements. We've been asked that the conditions regarding the wells and septic  
5 tanks be recorded on the plat, and we've discussed this and we're not sure where to put them  
6 because plat notes are permanent and requirements for septic and wells could change.

7  
8 **Dent** what is the status on the road improvements?  
9

10 **Runhaar** we have the development agreement and that will be signed at the recordation of the  
11 plat at the end of the year.

12  
13 **Clements** how many of these are you going to do? You are taking advantage of the county  
14 ordinance and I disagree with this. You are creating a residential area and destroying an  
15 agricultural area.

16  
17 **Ellis** we should state that the applicant didn't write the ordinance, the County Council did.  
18

19 **Erickson** I'm flabbergasted that this was approved due to the wetlands in the area.  
20

21 **Clements** I've been told that it is really poor water.  
22

23 **Mr. Walt Young** how many places have people talked about poor water in the county? There  
24 are wells in this area.

25  
26 **Clements** the ladies to the north of here have poor water, and I was wondering if you knew  
27 anything about it.

28  
29 **Mr. Young** I'm not an engineer, I couldn't tell you about the quality of the water.  
30

31 **Ellis** condition #7, it seems vague.  
32

33 **Runhaar** that condition is carried over from the first 3 phases.  
34

35 **Mr. Paulson** it is interesting to listen to the dialogue. I don't know who's to protect who.  
36 BRHD must approve everything because I don't know anyone who would put a septic tank in  
37 here without fear of it floating away. You can build a home, but the issues that come with the  
38 septic tank after, are enormous. People don't get enough information. There is a home there,  
39 without a basement, and if one of their sub pumps doesn't go off, they get a foot and a half of  
40 water in there home.

41  
42 **Mr. Chris Chambers** my point of view is similar to Mont's. I live east of here. The developer  
43 is going to come in and do their thing and be gone and we're left to deal with it, and so are the  
44 homeowners. This can create problems for everybody that is left there.

45  
46 **Mr. Hillyard** I own property above this. I dig post holes and 9 months out of the year, you can  
47 dig a 30 inch post hole and it will be filled before you even get the post in the ground. I turned

1 the water off on the piece of property you're looking to rezone seven days ago, and the water  
2 around the perk test hole is still standing. There is a present water issue, and there always has  
3 been in the area. There are wells in the area that Amalga has capped because they are ironing.  
4 There are good wells, but they are deep.

5

6 **Ellis** the conditions don't mention septic, is that carried over?

7

8 **Mr. Young** it comes from the health department. We did perk tests and drilled test wells.  
9 BRHD reviewed all the results.

10

11 **Runhaar** looking at BRHD, they've listed where and where not septic tanks could be. We can  
12 state no subgrade construction.

13

14 **Sands** was the intent to adopt the stipulations from the BRHD letter?

15

16 **Runhaar** we can, but in 10 yrs. standards can change. I think we need to state that buyers need  
17 to go talk to BRHD.

18

19 **Mr. Young** isn't that a requirement?

20

21 **Runhaar** it is.

22

23 **Mr. Young** this is not a flat swampy piece of land.

24

25 **Larson** I am not an engineer. This is difficult, there are some really difficult issues. Within  
26 areas where it gets that wet, there are "islands" in those areas. I don't know how far we can go  
27 to protect someone from themselves. We have the requirements and when an applicant meets  
28 those, we can't deny them. We look to see that the requirements are met and if they do, we say  
29 okay. You have legitimate concerns, but as a government agent, I don't think there is anything  
30 we can do where the applicant has met the requirements.

31

32 *Dent motioned to recommend denial to the County Council for the Estancia 4-lot Subdivision*  
33 *phase 4. Motion dies due to lack of a second.*

34

35 **Nelson** do you think irrigation will affect these homes?

36

37 **Mr. Hillyard** yes.

38

39 **Mr. Paulsen** I'm more worried about the impact on the road.

40

41 **Erickson** on 7800 west, Utah Power is moving the power lines?

42

43 **Runhaar** Yes.

44

45 **Erickson** 7800 west is impassable for passing.

46

47 **Mr. Young** all the road improvements have been approved by the county engineer.

1  
2 Erickson are the property owners aware of the road improvements?  
3

4 Mr. Young yes.  
5

6 Runhaar the road has been on the county improvement plan for the last two years. We just  
7 haven't had the oil or the funds to improve it yet.  
8

9 Findings of fact:

- 10 1. The Estancia Phase 4 Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns  
11 raised within the public and administrative records.  
12 2. The Estancia 4 Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles  
13 16 and 17 of the Cache County Code and the requirements of various departments and agencies.  
14 3. The Estancia 4 Subdivision conforms to the Preliminary and final plat requirements of §16.03.030 and §16.03.040 Cache County  
15 Subdivision Ordinance.  
16 4. Estancia 4 Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area  
17 properties.  
18

19 CONDITIONS OF APPROVAL  
20

- 21 1. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.  
22 2. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.  
23 3. Prior to final plat recordation the proponent shall correct the placement of Amalea's waterline easement through Lot 16.  
24 4. The proponent shall enter into a development agreement with the County for the improvement of all off-site roads as listed in the attached  
25 draft Development Agreement prior to recordation of the plat. The draft Development Agreement shall be finalized prior to hearing by the  
26 County Council.  
27 5. County road 1600 West shall be constructed to a minimum 20 foot width with a double chip-and-seal surface and a minimum one foot  
28 shoulder.  
29 6. The design of 1600 West shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full  
30 set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and  
31 surfacing for the road. The cost of such review shall be paid by the proponent.  
32 7. Special accommodation to access should be made for potential conflicts with farm equipment.  
33

34 *Larson motioned to recommend approval to the County Council for the Estancia Phase 4, a 4-lot*  
35 *Subdivision. Ellis seconded; passed 4(Nelson, Clements, Larson, Ellis), 3 (Sands, Dent,*  
36 *Erickson).*  
37

38 7:23:00  
39

40 #8 Discussion – Amendment to the Cache County Comprehensive Plan

41 Runhaar reviewed the proposed changes to the County Comprehensive plan.  
42

43 *Sands passed a motion for adoption of the proposed changes to the Cache County*  
44 *Comprehensive plan. Larson seconded; passed 7, 0.*  
45

46 7:40:00  
47

48 Adjourned.

AN AMENDMENT  
CACHE COUNTY  
ORDINANCE

AN AMENDMENT TO CACHE COUNTY  
COUNTY COUNCIL OF CACHE COUNTY  
SIZE OF AN AGRICULTURAL PROTECTION

The County Council of Cache County, Utah, do hereby  
for adopting this Amendment to Cache County

*Re-numbered -  
Full Ordinance  
with proper number  
to be come before  
Council in  
November 2009*

- A. The Utah Legislature, by enactment in its 1994 general session of SB 227, as codified in Title 17, Chapter 41, Utah Code Annotated, 1953 as amended, provided a procedure for creating agriculture protection areas.
- B. The Cache County Council has previously found that it is in the best interest of the residents of Cache County to establish an Agriculture Protection Area Advisory Board as provided under Title 17 Chapter 41, Utah Code Annotated, 1953 as amended, and now to create acreage limitations, fee schedules and other procedures regarding review and consideration of proposals to create agriculture protection areas.

NOW WHEREAS, the Cache County Council wants to promote agriculture in Cache County;

and

WHEREAS, after review the County Council has concluded that in order to protect agriculture, farms of five acres or more should be protected against development, and should be allowed protection as an "agriculture protection area";

THEREFORE, in order to promote agriculture and small farming operations, the Cache County Council of Cache County, Utah, finds it would be in the best interests of Cache County to Amend SECTION 2 (D) of CACHE COUNTY ORDINANCE No. 96-06 to reduce the size of any agricultural protection area from a minimum of ten (10) continuous acres to five (5) continuous acres as follows:

IT IS ORDAINED THAT SECTION 2 (D) of CACHE COUNTY ORDINANCE No. 96-06 shall here by be amended as follows:

SECTION 2: PROPOSAL AND APPROVAL OF AGRICULTURE PROTECTION AREA.

...  
D. MINIMUM SIZE FOR AGRICULTURE PROTECTION AREA.

At least 5 (five) continuous acres within Cache County must be included in each agriculture protection area.

....  
This Amendment to CACHE COUNTY ORDINANCE NO. 96-06 shall become effective fifteen (15) days after its passage and upon proper publication in a newspaper published and having general circulation in Cache County.

CACHE COUNTY COUNCIL

\_\_\_\_\_  
Craig Petersen, Chair  
Cache County Council

ATTEST:

\_\_\_\_\_  
Jill Zollinger  
Cache County Clerk

Publication Date: \_\_\_\_\_, 2009

This Ordinance was adopted by the County Council, Cache County, Utah on the \_\_\_\_\_ day of \_\_\_\_\_, upon the following vote:

	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen				
Brian Chambers				
Craig "W" Buttars				
Jon White				
Kathy Robison				
Cory Yeates				
Gordon Zilles				



**County Code Committee Report**  
**27 October 2009**

**Special Events Costs**

In the past it has been the policy of Cache County to encourage large, special events to come and bring in much needed tourist dollars. Up until a few years ago that policy worked well. However, in the past 3 to 5 years some concerns have been brought up by the Sheriff's Department in monitoring these large events. Some examples have been traffic concerns with the large bike races and marathon, injuries in these events, safety concerns with spectators, and last year a tragic death in the canyon at the Rendezvous. The costs of law enforcement have come to a tipping point where they must be addressed in relationship to the total revenue brought in by these events.

The County Code Committee has heard from law enforcement individuals and would like input and feedback from the Council as to the direction they would like to proceed. Here are some questions raised at the last meeting that the answers would help shape the language of the new ordinance.

1. How much cost for law enforcement should be passed on to promoters of a large, special event?
  - All of it?
  - A percentage as a part of "doing business?"
  - A deposit with a portion being returned in relation to the cost for service?
  
2. Should these costs be absorbed by the county in the interest of promoting tourism?
  - A special fund for "impact fees" set up in the budget each year?
  - Should fees be waived if the event is sponsored by a County entity?
  
3. Should law enforcement be able to shut down large events if they have not complied with the ordinance in place at that time?
  - Possible lawsuits?
  - Angry promoters not returning the next year?

---

Any other concerns you may have with the promotion of large, special events would be helpful to hear as we form ordinance language.

Thanks,  
Kathy