

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
JANUARY 26, 2010**

CACHE COUNTY COUNCIL
January 26, 2010

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CACHE COUNTY COUNCIL MEETING
January 26, 2010

The Cache County Council convened in a regular session on January 26, 2010 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Glenn Ames, Becky Bates, Gary Bates, Ron Case, Jake Dickson, Jim Glenn, Melissa Glenn, Matt Goodworth, Julie Hollist, Sharon L Hoth, Lieutenant Chad Jensen, Kelly Johnson, Sherilyn Johnson, Jay Leishman, Leslie Mascaro, Kris Monson, Cathy Morgan, Craig Munk, Susan Munk, David Nielsen, Pat Parker, Thamon Richards, Director Josh Runhaar, Jim Schaub, Johanna Schaub, Lori Schaub, Marta Schaub, Justin C. Taylor, Steven Taylor, Mark Teuscher, CJ Visick, **Media:** Charles Geraci (Herald Journal), Jeremy Threlfall (KUTA-TV).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Executive Lemon gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Buttars to approve the agenda as written. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Robison to approve the minutes of the January 12, 2010. Council Meeting as amended. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Diane Petersen Cache County Library Board
Doug Clausen Cache County Library Board

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

WARRANTS: Warrant for the periods 12-04-2009, 12-05-2009, 01-01-2010 to 01-07-2010 and 01-14-2010 were given to the Clerk for filing.

OTHER ITEMS

- ❑ **Place Making in Cache Valley** – Executive Lemon called the Council's attention to a flyer for the February 2, 2010, Place Making in Cache Valley event and encouraged Council members to attend.
- ❑ **Letter – House Bill 48** – Executive Lemon reported he wrote a letter to the sponsor of HB 48 stating the Cache County's opposition to the bill. Council members received a copy of the letter.
- ❑ **RAPZ/Restaurant Tax Committee Recommendations** – Executive Lemon summarized the recommendations the Committee arrived at after reviewing suggestions from applicants:
 1. RAPZ/Restaurant Tax applications will be due by the first Friday in March.
 2. The Committee will recommend applications only if they have been submitted on time.
 3. Applicants will provide eight copies of their applications to the Committee.
 4. Applications will be emailed to all applicants who provided email contacts in prior years and to each of the Mayors in Cache County.
 5. RAPZ/Restaurant Tax funds awarded must be used before the two years' fiscal year end.
 6. Each city will be sent a letter reminding them that RAPZ/Restaurant Tax funds must be spent in accordance with Utah law to enhance park and recreation programs.
 7. The 15% allocation for RAPZ/Restaurant Tax based on population will be on a reimbursement basis.

Executive Lemon asked the Council to review the letter that will be sent informing applicants of these changes.

Council member Petersen noted that because of timing, the application deadline will be moved to an earlier date next year. It is too late to do it this year.

Chairman Zilles stated it is the responsibility of applicants to find out information regarding RAPZ/Restaurant Tax applications. Executive Lemon said the information is on the website. Applications generally go out the first part of February and are due back the first Friday of March this year. This information will be emailed to any prior applicants who have listed an email contact.

Council member Buttars asked for clarification on the reimbursement issue because it sounds as if parties will have to spend the funds before they can be reimbursed. Lemon responded that this means that applicants must make sure funds are used for the proper purposes. Buttars said the language is not clear. Lemon said he will reword the reimbursement statement.

Executive Lemon observed that because funding comes from Restaurant Tax as well as RAPZ tax, the RAPZ logo should have TRCC (Tourism, Recreation, Cultural & Convention) on it somewhere.

Because few people recognize what TRCC stands for, Council member Petersen suggested the words "partially funded by RAPZ/Restaurant Tax" be placed on the RAPZ/Restaurant Tax logo. Executive Lemon agreed.

- UAC Legislative Committee** meetings are broadcast live at the Bear River Health Department each Thursday at 9:00 a.m. through March 4, 2010. Executive Lemon invited Council members to attend.
- Legislators' Saturday Meeting** – The first meeting with the Legislators from Cache County will be Saturday, January 30, 2010 in the County Council Chambers at 11:00 a.m. The public is invited.
- Envision Cache Valley** Forum for Local Officials will be Tuesday, February 16, 2010 at 7:00 p.m. at the BATC. Time ran out at the earlier Forum meeting and this will be a continuation of that first Forum.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: FEBRUARY 09, 2010 – 6:15 P.M. – UT 1 Ding Dong Rezone – Agricultural Zone to UCO Zone – Chairman Zilles explained that this is for a communications tower in the Paradise area.

ACTION: Motion by Council member Buttars to set a Public Hearing – February 9, 2010 at 6:15 p.m. – UT 1 Ding Dong Rezone-Agricultural Zone to UCO Zone. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARING SET: FEBRUARY 09, 2010 – 6:30 P.M. – Natural Barrier Amendment – Title 16.2.20 Natural Barriers

ACTION: Motion by Council member Robison to set a Public Hearing – February 09, 2010 at 6:30p.m. – Natural Barrier Amendment – Title 16.02.020 Natural Barriers. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PENDING ACTION

- Motion – Request from Farm Service Agency Department of U.S. Agriculture – CRP** – Chairman Zilles reminded the Council this was discussed at the last meeting and the revised letter is in Council members' packets for review.

(Attachment 1)

ACTION: Motion by Vice Chairman White to send to the USDA a letter in reference to the Conservation Reserve Program (CRP). Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION

- **Final Plat Approval – The S Curve Subdivision** – Director Runhaar stated this is a 4-lot subdivision on approximately thirteen acres located at about 2200 West

4500 North in Benson. Only two lots will have culinary water connections; the other two lots will have to apply for well permits. Staff is concerned with the water quality in the area. Runhaar noted that the words "for all lots" should be added to Conditions of Approval #2 so that it reads, "Prior to final plat recordation adequate approved domestic water rights shall be set in place for all lots." Runhaar also said road access was discussed by staff. The back half of the property has potential wetlands and any construction would have to have a full delineation unless development stayed to the west of the delineated line. There will be no sub grade construction.

Council member Chambers is familiar with the property and stated it is under water part of the year and wondered why development would be considered on it?

Chairman Zilles asked if a septic review has been done? Runhaar said it has been done and it is feasible. Bear River Health Department has approved septic tanks for the property.

Chairman Zilles asked about road access and a provision for a fire truck turnaround.

Vice Chairman White said access should be restricted to 4500 North and the 4500 North road should be paved, not gravel. White also asked why the 4500 North road is twenty feet off of the southern property boundary? Director Runhaar said the current property owner proposed the road be placed there.

Chairman Zilles invited public comment.

Kelly Johnson and Sherilyn Johnson both expressed concerns regarding yearly flooding of the property, septic problems and road access dangers on a blind curve and referred the Council to a letter signed by numerous Benson residents opposing the S-Curve Subdivision. Cookie-cutter type development on agricultural land was also condemned.

Chairman Zilles questioned why Bear River Health Department would approve septic tanks on the property with the flooding issues related by residents.

Council member Robison asked if there has been a review of the traffic hazards on the blind curve? Director Runhaar said there was not a road study required.

Tape 1, Side B

Chairman Buttars stated he knows there are ways that successful septic systems can be built in areas such as this.

Chairman Zilles reiterated his concerns over the approval of the Bear River Health Department for a well and septic system.

Council member Buttars noted that if the property owners have animals, they are impacted by the flooding as well.

ACTION: Motion by Vice Chairman White to table Final Plat for the S Curve Subdivision until the February 9, 2010 Council meeting so that clarification on the septic tanks can be obtained from Bear River Health Department. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: JANUARY 26, 2010 – 5:45 P.M. – Open 2010 Budget – Executive Lemon reviewed the changes in the 2010 Budget. Chairman Zilles opened the Public Hearing and invited public comment. There was none. (See Attachment 2 to Resolution No. 2010-06-Adjustments to 2010 Budget for details.)

ACTION: Motion by Council member Robison to close the Public Hearing-Open 2010 Budget. Petersen seconded the motion. The vote was unanimous, 6-0. Yeates absent.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2010-06 – Adjustments to 2010 Budget**

(Attachment 2)

ACTION: Motion by Council member Petersen to waive the rules and approve Resolution No. 2010-06-Adjustments to 2010 Budget. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: JANUARY 26, 2010 – 6:00 P.M. – An Ordinance adopting procedures for the application, approval, and issuing permits for Special Events – Chairman Zilles asked Lieutenant Chad Jensen to review the need for the ordinance.

Jensen said the Sheriff's Department is asked to provide law enforcement and traffic control for many large events in Cache County each year. There is a significant cost to the Sheriff's office for these services. Jensen said the Sheriff's office would like to have a way to have their overtime costs covered while still providing a service for those parties who want the events. Some of the Mayors have expressed concerns with the events' effects on their communities.

Council member Petersen asked Lieutenant Jensen to specify some of the larger events. Jensen listed the Top of Utah Marathon, MS 150 (Bike), Little Red Riding Hood (Bike), Martin Harris Pageant, triathlon and biathlon events. Jensen said there is no mechanism in place to bill and receive payment from most events.

Chairman Zilles opened the Public Hearing and invited public comment.

Ron Case, Wellsville City Council member, indicated that Wellsville City has some of the same concerns and generally supports the county's proposed permitting process for special events; however, some event organizers donate all or most of the event's revenues to charity. Should these events have to pay permitting fees, etc.? If event organizers have to get permits from cities and the county for a single event, could there be a centralized or coordinated event permitting

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process to make it easier for applicants? When are cities to be notified that an event will be held in or near their city?

Glenn Ames, a Wellsville resident and race promoter, said he agrees in general with the proposal, but cautioned the Council to not penalize nonprofit organizations or small events. Ames also suggested that promoters and/or a citizens committee be involved with the framing of the ordinance for special events and offered his contact number – 245-6950. Tourist dollars come to Cache County from these special events.

Council member Petersen asked Ames what constitutes a participant in an event? Ames said, in his case, race participants register for the event, but conceded that there are always a few “poachers” who participate without registering. Most promoters keep close tabs on handling events. Ames said he recommended that Wellsville not charge for small events. In response to Lemon’s question, Ames said small would be 200-275 people. Over 1,000 is definitely a large event. Over 500 causes a significant impact as well.

Kris Monson, Smithfield City Council and a runner, had concerns that the cost of permitting might put small events out of reach for organizers. Smithfield has three small events with one having about 500 participants. These events begin in Smithfield and go up the canyon into county property. The fees would create a hardship on these events.

Council member Chambers noted that Smithfield’s events would be exempt from the fees according to the proposed ordinance language.

Monson said over 200 is a large event.

Attorney Swink noted that Smithfield would still have to file an application, but they would be exempt from the insurance and application fee. The intent of the ordinance is to put people on notice ninety days ahead of time that these events are occurring in or near cities. The county administrator of the special event permitting would notify cities when the application is filed which is a coordination requested by cities.

Melissa Glenn, Events Coordinator for the Teddy Bear Run, observed that the proceeds of the Run are donated to the Children’s Justice Center (CJC); will she have to submit an application for a permit with every city it goes through plus the county?

Attorney Swink responded that this ordinance may preclude many cities from passing ordinances requiring permits because they will be notified by the county when an event will be passing through their communities. Logan City will probably still require a separate permit.

Petersen said events are exempt if sponsored in whole by Cache County. Does the CJC qualify? Swink said the CJC is a unit of the county. Glenn said three different groups – ABATE, Friends of the CJC, CMA (Christian Motorcycle Assn) – sponsor the Run.

Council member Buttars suggested a provision that events where 85% or more of the proceeds go to charity would be exempt from the fees.

Julie Hollist, Cache Valley Visitors Bureau Director, suggested timelines be included in the ordinance for the administrator to review the application as well as for the cleaning deposit refund. Hollist also hoped for coordination between cities and the county to streamline the process for applicants. Hollist questioned the application fee structure noting that the per head additional charge would be a heavy burden for larger events. Why not use the per head additional fee to defray extra costs of law enforcement, etc., but have the base application be the same or similar. Swink said that originally the proposal had a standard application fee regardless of size of the event.

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Jensen said he thought the desire was for a static application fee and the \$1.00 per head that could be reimbursable to the Sheriff's office or other entity providing services.

Tape 2, Side A

Hollist commented that the ordinance is not clear on the issue that groups need to go through the application process even if they are exempt from the fees.

Vice Chairman White recommended adding CCEMS to the entities to be notified of special events.

Council member Petersen asked if the traffic control for University athletic events is provided by Logan City without charge? No one knew.

Lieutenant Jensen said just the knowledge that events are going to be held will be valuable to the Sheriff's office.

There was no other public comment.

ACTION: Motion by Council member Robison to close the Public Hearing for an Ordinance adopting procedures for the application, approval, and issuing permits for Special Events. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Council member Petersen asked if the ninety-day notice requirement might have some flexibility for a worthwhile event that couldn't be planned that far in advance? There are two fees – the application fee and the cost recovery fee. Petersen said it seems that the cost recovery fee and the notice requirement were the critical issues prompting the ordinance. The \$250.00 seems high and arbitrary. That should be set to cover the administrator's cost.

Clerk Zollinger reminded Petersen that it is not just the Clerk's office working on the application. The Sheriff's office will review it, Planning and Zoning will review it and all these offices' time must be covered. Petersen said he wants to make sure those costs are covered, but have the majority of the fee go towards reimbursing the Sheriff's department.

Director Runhaar cautioned that larger events do require much more and application fees for them should be scalable to reflect the extra time required of the administrator.

Attorney Swink said there is a clean-up fee separate from the other fees. The clean-up fee (\$250 deposit plus per head fee) is refundable. The initial application fee would be a set fee – nonrefundable – to cover the costs of the county. Swink stated that wording could be added to have the additional per head application fee used to defray costs to the county. The insurance component does not seem to raise concerns.

Chairman Zilles pointed out the need for a clause for exempt applications.

Petersen wanted clarification on what constitutes using a public road. Petersen said the county needs to consider that some of these events are very beneficial to the valley in terms of charitable donations generated and also in terms of tourism and he hopes this ordinance will not "kill the golden goose."

INITIAL PROPOSAL FOR CONSIDERATION

- **Final Plat Approval – High Creek Properties Subdivision** - Director Runhaar said this is a request for a 5-lot subdivision on a 16-acre property at approximately 8100 South 400 West just north of Paradise.

Council member Robison asked the proximity of this subdivision to Paradise. Runhaar said it is about three-quarters of a mile from Paradise and the lots meet Paradise's standards.

Vice Chairman White noted this should be a 66-foot road. Director Runhaar said it is listed as a 50-foot road and Conditions of Approval No. 5 should read "shall reaffirm the County's 66-foot right-of-way for the County road, 400 West, across the entire frontage of the proposed subdivision."

(Attachment 3)

ACTION: Motion by Vice Chairman White to waive the rules and approve the Final Plat for the High Creek Properties Subdivision with the change to Conditions of Approval No. 5 reaffirming the county's 66-foot right-of-way. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Motion to Approve – Cache County Planning Commission By-Laws and Rules of Procedure Amendment** – Director Runhaar reviewed changes to the date of officer elections and the default to staff in lieu of a secretary.

(Attachment 4)

ACTION: Motion by Vice Chairman White to approve the Cache County Planning Commission By-Laws and Rules of Procedure Amendment. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Resolution No. 2010-07 – Adopting the 2009 Pre-Disaster Mitigation Plan: Bear River Region, Utah as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000** – Chairman Zilles mentioned this was discussed at the previous Council meeting and asked if there was any further comment.

(Attachment 5)

ACTION: Motion by Council member Chambers to waive the rules and approve Resolution No. 2010-07 – Adopting the 2009 Pre-Disaster Mitigation Plan: Bear River Region, Utah as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Discussion – Consideration of Gravel for Irrigation Project** – Chairman Zilles said the county has been asked to consider donating gravel to assist in the restoration of the irrigation project that was washed out in Logan City. Executive Lemon said the county wants to be supportive, but he worries about the precedent this may set. The cost of what the county would charge someone else

for the gravel is \$4.00/cubic yard or \$3.00/ton. The gravel needed is 250,000 cubic yards; however, approximately 2/3 of that will be re-used gravel – gravel removed and then replaced in the project. The remainder would be about 84,000 cubic yards. Lemon indicated the county is looking at the possibility of a trail easement on this project as well.

Bob Fotheringham said this is not just a canal issue, it is a county issue and it is in the interests of the citizens of Cache County for the county to help with this project because it keeps water rights in Cache County.

Vice Chairman White emphasized that anything regarding water should be in writing.

Council member Petersen asked about the impact this will have on the county's gravel supply? Lemon said there would be no severe impact.

Chairman Zilles noted this issue will be on a future agenda.

- **Discussion – RAPZ/Restaurant Tax Application Deadlines** - Executive Lemon said the deadline will be changed next year as discussed earlier in the meeting. The goal this year is to have recommendations to the Council by April so the awards can be made by May 1, 2010.
- **Discussion – Gift Acceptance for Elected Officials** – Attorney Swink distributed copies of the code relating to this issue and reviewed it. Swink recommended an annual review of the law regarding gifts because it does occasionally change. Attorney Swink said his best counsel is that county elected officials should not take any gift valued at \$50.00 or more.

Council member Chambers left the meeting.

Tape 2, Side B

COUNCIL MEMBER REPORTS

Chairman Zilles asked Council members to address Council Goals for 2010 as part of their reports.

Brian Chambers asked Council member Petersen to share his goal of seeing that the farm road between 3700 North and 4200 North is completed this coming year.

Craig Petersen listed his goals as finishing the AG Zone ordinance including changes in clustering and standards, putting a vote on the countywide library issue on the November 2010 ballot, complete the Envision Cache Valley process and reactivate the Regional Council.

Jon White said he would like to see the AG Zone ordinance finished including road standards, have Council members complete training and have the Council abide by the rules in the AG Ordinance. White also said a replacement for Fotheringham's part-time assistant when she leaves in May is another goal. Water information is invaluable to the county.

Kathy Robison reported that the BRAG Services-at-a-Glance sheet she gave to each Council member has a report of the Homeless Housing project on page 5. Her goals are to continue to work on the options for the Senior Citizen Center. Robison asked if a report was ever received from Senator Hillyard on the Adequate Water Supply issue? Lemon and Swink stated they have not received that report that was promised. Attorney Swink said the State Fire Marshall's opinion was that the fire code does apply to all counties and Cache County is waiting to see what the legislature may weigh in with on this issue. Robison said it would be nice to have Hillyard's response before the legislators' meeting on Saturday.

Craig "W" Buttars shared his goals as the landfill issue, fire suppression and adequate water supply for building in the county and the AG Zone ordinance including clustering to provide ways to preserve agricultural land.

Gordon Zilles said his goals are also the AG Zone ordinance including road standards, fire suppression and clustering as well as and update for the Council on public roads through private property.

ACTION: Motion by Council member Buttars to adjourn from the County Council meeting. White seconded the motion. The vote was unanimous, 5-0. Chambers & Yeates absent.

ADJOURNMENT

The Council meeting adjourned at 7:40 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Gordon A. Zilles
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
CORY YEATES
H. CRAIG PETERSEN
KATHY ROBINSON
BRIAN CHAMBERS
GORDON A. ZILLES
CRAIG "W" BUTTARS
JON WHITE

Robert Stephenson
Director, Conservation and Environmental Programs (CEPD)
Farm Service Agency, Room 4714-S, Stop 0513
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250-0513

Dear Director Stephenson:

As a member and chair of the Cache County Council, I am writing you on behalf of the citizens of Cache County, Utah regarding the importance of the Conservation Reserve Program (CRP) to our constituents and county. The CRP has provided agricultural producers in our county and local communities with an important soil and water conservation mechanism. Additionally, and equally as important, CRP has ensured the survival and sustainability of many different wildlife species particularly the Columbian sharp-tailed grouse.

The Columbian sharp-tailed grouse is listed as a Utah Tier II sensitive species. In the past several groups have petitioned to the U.S. Fish and Wildlife Service to list the species as threatened or endangered under the Endangered Species Act. Because of the habitat benefits provided this species by CRP and the actions of the Utah Division of Wildlife Resources (UDWR) and other partners, we do not believe listing the species is warranted. If the species were listed, it could have serious economic impacts for Cache County landowners.

Research conducted by Utah State University under the sponsorship of UDWR, confirms that this species occurs primarily on private lands in the county and spends much of its time on agricultural lands enrolled in CRP. The loss of CRP in our county and surrounding counties would seriously jeopardize the existence of this species in Utah. Within the next three years, over 15,000 acres of CRP contract will expire in Cache County. These acres are essential to maintaining the species in the state. The loss of this species and its habitat in Utah would have ramifications across the southern extent of its range.

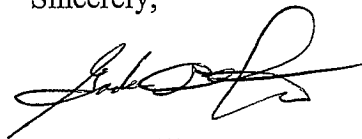
Many landowners with CRP contracts have expressed a strong interest in and support for wildlife conservation and re-enrolling their land in CRP for this purpose. In determining statewide CRP priority areas – especially regarding Columbian sharp-tailed grouse conservation, we request that the Cache County Council be kept apprised of any actions that may affect the county. Additionally, we further recommend that future CRP contract processes allow for "non-federal" cost-sharing to assist landowners in approved

conservation plantings. In Cache County, a number of non-governmental groups and the state wildlife agency in recognition of the wildlife values provided by land, have expressed an interest in helping to pay the landowner's portion in establishing approved wildlife management practices.

Lastly, we also understand that some states may not use their nationally allocated CRP acreage. We recommend that if this occurs, other states, such as Utah, who have presently expressed greater conservation needs, be allowed to receive and benefit by these unused allocations.

Thank you for your consideration. We remain willing to offer assistance in any way you may desire.

Sincerely,



Gordon Zilles
Chairperson
Cache County Council

cc: Arthur Douglas
Executive Director
USDA, Farm Service Agency
125 S. State Street, Rm 3202
SLC, UT 84138

Clark Israelsen
Ag Agent USU/EXT
179 N. Main St. Suite 111
Logan, UT 84321

Sylvia Gillen
Utah State Conservationist
Natural Resources Conservation Service
125 S. State Street, Rm 4402
SLC, UT 84138

Leonard Blackham
Commissioner
Department of Agriculture and Food
350 N. Redwood Road
P.O. Box 146500
SLC, UT 84114-6500

Jim Karpowitz
Director
Utah Division of Wildlife Resources
1594 West North Temple
SLC, Utah 84114-5610

Lori Jones
Farm Program Specialist
USDA, Farm Service Agency
125 S. State Street, Rm 3202
SLC, UT 84138

Noelle Cockett
Vice President for University Extension and Agriculture
UMC 4900
Utah State University
Logan, Utah 8422-4900

Terry Messmer
Utah State University Extension
UMC 5230
Logan, Utah, 84322-5230

Scott Williams
4-H Agent USU/EXT
179 N. Main St. Suite 111
Logan, UT 84321

RESOLUTION NO. 2010- 06

A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2010 are reasonable and necessary; that the said budget has been reviewed by the County Auditor with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that all County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2010 budget for Cache County:

see attached

Section 2.

Other than as specifically set forth above, all other matters set forth in the said budget shall remain in full force and effect.

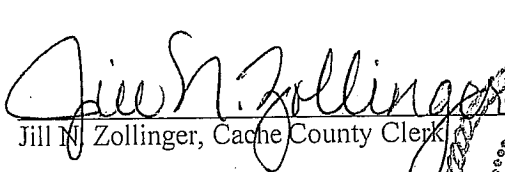
Section 3.

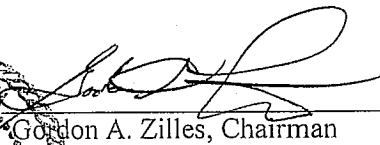
This resolution shall take effect immediately upon adoption and the County Auditor and other county officials are authorized and directed to act accordingly.

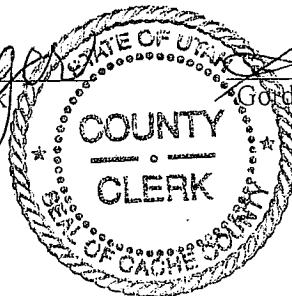
This resolution was duly adopted by the Cache County Council on the 26th day of January, 2010.

ATTESTED TO:

CACHE COUNTY COUNCIL


Jill N. Zollinger, Cache County Clerk


Gordon A. Zilles, Chairman



Resolution #2010-06
Hearing: January 26, 2010 5:45pm

FUND 10 GENERAL FUND REVENUES

| ACCOUNT | DESCRIPTION | Current Budget | Recommended | | Amended Budget | Reason for Change |
|-----------|--------------------------------|-------------------|-------------------|--------------------|-------------------|--------------------------------|
| | | | Increase DEBIT | Decrease CREDIT | | |
| 103426100 | OTHER PUBLIC SAFETY SUPPORT | (10,000) | | (5,000) | (15,000) | COMMUNITY EDUCATION CLASS FEES |
| 103890000 | APPROP SURPLUS | (494,160) | | (9,000) | (503,160) | EQUIP FOR NEW VEHICLES |
| 103892000 | APPROP SURPLUS - MOUNTED POSSE | (13,900) | | (2,000) | (15,900) | CONTRIB FOR SEARCH & RESCUE |
| | Totals | | - | (16,000) | | |
| | Net Adjustment | | | | (16,000) | |

FUND 10 GENERAL FUND EXPENDITURES

| ACCOUNT | DESCRIPTION | Current Budget | Recommended | | Amended Budget | Reason for Change |
|-----------|---|-------------------|-------------------|--------------------|-------------------|---|
| | | | Increase DEBIT | Decrease CREDIT | | |
| 104210740 | Sheriff | 30,000 | 9,000 | | 39,000 | Equip for new patrol car DONATION FROM WALMART |
| 104216251 | SEARCH & RESCUE - NON-CAPITALIZED EQUIP | 12,850 | 2,000 | | 14,850 | FOUNDATION |
| 104255254 | EMG MGMT - NON-CAPITALIZED EQUIP - HLS | 385,473 | | (29,000) | 356,473 | TRANSFER FOR EOC CONSOLE |
| 104255744 | EMG MGMT - CAPITALIZED EQUIP - HLS | 50,000 | 29,000 | | 79,000 | EOC CONSOLE PURCHASE |
| 104255620 | EMG MGMT - MISC SERVICES | - | 5,000 | | 5,000 | COMM EDUCATION CERT |
| | Totals | | 45,000 | (29,000) | | |
| | Net Adjustment | | | | 16,000 | |

FUND 21 HEALTH FUND REVENUES

| ACCOUNT | DESCRIPTION | Current Budget | Recommended | | Amended Budget | Reason for Change |
|-----------|--------------------------------|-------------------|-------------------|--------------------|-------------------|---------------------------|
| | | | Increase DEBIT | Decrease CREDIT | | |
| 213891000 | APPROPRIATED SURPLUS- APC Fees | (28,000) | | (19,700) | (47,700) | PAY FOR AIR QUALITY COSTS |
| | Totals | | - | (19,700) | | |
| | Net Adjustment | | | | (19,700) | |

FUND 21 HEALTH FUND EXPENDITURES

| ACCOUNT | DESCRIPTION | Current Budget | Recommended | | Amended Budget | Reason for Change |
|-----------|----------------|-------------------|-------------------|--------------------|-------------------|---------------------------|
| | | | Increase DEBIT | Decrease CREDIT | | |
| 214310620 | MISC SERVICES | 28,000 | 19,700 | | 47,700 | PAY FOR AIR QUALITY COSTS |
| | Totals | | 19,700 | | | |
| | Net Adjustment | | | | 19,700 | |

FUND 24 COUNCIL ON AGING FUND REVENUES

| ACCOUNT | DESCRIPTION | Current Budget | Recommended | | Amended Budget | Reason for Change |
|-----------|----------------------|-------------------|-------------------|--------------------|-------------------|--|
| | | | Increase DEBIT | Decrease CREDIT | | |
| 243890000 | APPROPRIATED SURPLUS | (1,241) | | (1,100) | (2,341) | CONTAINERS ORDERED IN 09 BILLED IN 2010 |
| | Totals | | - | (1,100) | | |
| | Net Adjustment | | | | (1,100) | |

FUND 24 COUNCIL ON AGING FUND EXPENDITURES

| ACCOUNT | DESCRIPTION | Current Budget | Recommended | | Amended Budget | Reason for Change |
|-----------|----------------------------|-------------------|-------------------|--------------------|-------------------|--|
| | | | Increase DEBIT | Decrease CREDIT | | |
| 244970255 | HDM SUPPLIES & MAINTENANCE | 18000 | 1100 | | 19,100 | CONTAINERS ORDERED IN 09 BILLED IN 2010 |
| | Totals | | 1,100 | (2,200) | | |
| | Net Adjustment | | | | (1,100) | |
| | | | | | (2,200) | |

FUND 27 COUNTY WIDE PLANNING & DEVELOPMENT FUND REVENUES

| ACCOUNT | DESCRIPTION | Current Budget | Recommended | | Amended Budget | Reason for Change |
|-----------|----------------------|-------------------|-------------------|--------------------|-------------------|---------------------|
| | | | Increase DEBIT | Increase CREDIT | | |
| 273892000 | APPROPRIATED SURPLUS | (8,494) | | (5,000) | (13,494) | APPROP FOR WORKSHOP |
| | Totals | | | (5,000) | | PRESENTOR |
| | Net Adjustment | | | | (5,000) | |

FUND 27 COUNTY WIDE PLANNING & DEVELOPMENT FUND EXPENDITURES

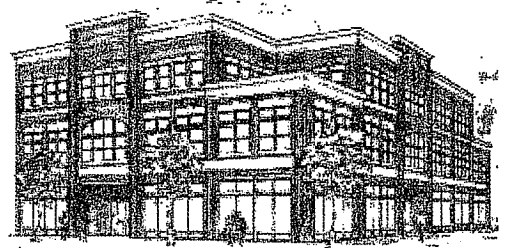
| ACCOUNT | DESCRIPTION | Current Budget | Recommended | | Amended Budget | Reason for Change |
|-----------|----------------|-------------------|-------------------|--------------------|-------------------|--------------------------|
| | | | Increase DEBIT | Increase CREDIT | | |
| 274181620 | Misc Services | | 5,000 | | 5,000 | CONSULTANT FOR EDUCATION |
| | Totals | | 5,000 | | | WORKSHOP |
| | Net Adjustment | | | | 5,000 | |

FUND 28 LIBRARY FUND EXPENDITURES

| ACCOUNT | DESCRIPTION | Current Budget | Recommended | | Amended Budget | Reason for Change |
|-----------|------------------------------|-------------------|-------------------|--------------------|-------------------|-------------------------------|
| | | | Increase DEBIT | Increase CREDIT | | |
| 284581210 | SUBSCRIPTIONS & MEMBERSHIPS | | 400 | | 400 | NATIONAL LIBRARIAN MEMBERSHIP |
| 284581990 | CONTRIBUTION TO FUND RESERVE | 3,896 | | (400) | | TRANSFER FOR SUBSCRIPTIONS |
| | Totals | | 400 | (400) | | |
| | Net Adjustment | | | | | |

CACHE COUNTY CORPORATION

DEVELOPMENT SERVICES DEPARTMENT



GARTH DAY
DIRECTOR/
COUNTYWIDE PLANNER

JOSH RUNHAAR, AICP
COUNTY PLANNER/
ZONING ADMINISTRATOR

PAUL BERTSON
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>12/07/09</u> | Received By: <u>JBS</u> | Receipt Number: <u>4846</u> | Application Number: <u>\$1900 + \$500 dep. ch. 1242412</u> |
|-----------------------------------|----------------------------|--------------------------------|---|

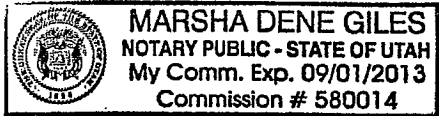
| PROJECT INFORMATION | AGENT/OWNER INFORMATION |
|---|--|
| REQUEST TYPE <u>Subdivision §-lot</u> | AGENT NAME <u>High Creek Properties LLC</u> |
| PROJECT NAME <u>High Creek Properties</u> | ADDRESS <u>393 E. 2440 N.</u> |
| PROJECT ADDRESS <u>812 S. 400 W.</u> | <u>N. Logan, UT 84341</u> |
| <u>Paradise, UT</u> | TELEPHONE (DAY) <u>753-8020</u> (CELL) <u>757-8230</u> |
| SERIAL NUMBER(S) <u>01-085-0015,</u> | OWNER NAME <u>Mike Hopkins + Jay Leishman</u> |
| <u>0005</u> | ADDRESS <u>393 E. 2440 N.</u> |
| ZONE <u>Ag</u> | <u>N. Logan, UT 84341</u> |
| PROJECT LOCATION <u>North of Paradise</u> | TELEPHONE (DAY) <u>753-8020</u> (CELL) <u>757-8230</u> |

State of Utah)

County of Cache)

On this 7 day of December, 2009, personally appeared before me, Jay Leishman, 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.

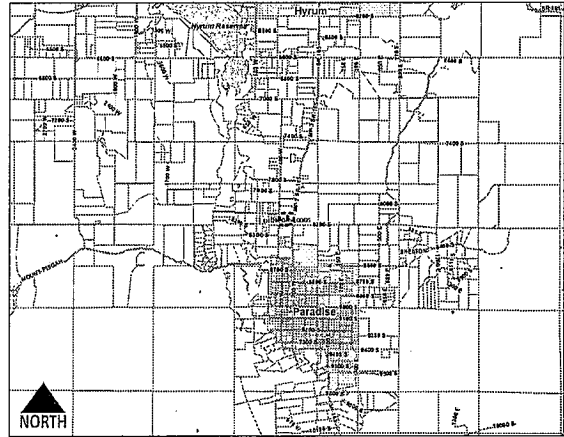
Signed _____
(Property Owner of Agent)



Marsha D. Giles
Notary Public

**CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT**

Project Name: **High Creek Properties Subdivision**
Agent: Mike Hopkins & Jay Leishman
Request: 5-lot Subdivision
Type of Action: Recommend to County Council
Current Zoning: Agricultural (A)
Project Address: Approximately 8112 South 400 West; Paradise
Staff Recommendation: Approval with conditions
Tax ID: 01-085-0015, 01-085-0005
Surrounding Uses: North – Agriculture
South – Residential
East – Residential
West – Residential
Reviewed by: Leslie M. Mascaro, Planner I



PURPOSE: To recommend approval of the preliminary & final plat for the High Creek Properties Subdivision to the Cache County Council.

PROJECT SUMMARY

The proposal is to create a 5-lot subdivision located approximately 8112 South 400 West near Paradise in the Agricultural Zone. The first 4 lots are being created with the intention of residential use. Lot 5 was subdivided without the necessary board approvals; there is currently one single family dwelling unit on this restricted lot.

Access:

- Access from county road 400 West is adequate. The hard surface width is 20' wide with a paved surface.

Water & Septic:

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

Service Provision:

- All refuse and recycling containers must be placed along county road 400 West for collection. The collection trucks only pick up along the west side of 400 West so the residents will need to place their containers across the street along the west side of the road.
- 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 gravel pad will be placed on the west side of the road to allow sufficient space for each refuse and recycling container.
- A school bus stop would be located at 8100 South 400 West, approximately 50 feet from the proposed subdivision.

STAFF DETERMINATION

It is staff's determination that the High Creek Properties Subdivision, a 5-lot subdivision for property located at approximately 8112 South 400 West with TIN #'s 01-085-0015; 01-085-0005 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**:

1. The High Creek Properties Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The High Creek Properties 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 High Creek Properties 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 High Creek Properties Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 400 West, 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. All private drives shall meet applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
4. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic. Gravel pads will be placed on the west side of the road to allow sufficient space for each refuse and recycling container.
5. The Applicant shall reaffirm the County's 66' right-of-way for the County road, 400 West, across the entire frontage of the proposed subdivision.



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3. The S Curve Subdivision conforms to the preliminary requirements of §16.03.030 of the Cache County Subdivision Ordinance; The S Curve Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties; and
 4. Amalga Benson 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.

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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.

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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 set in place;
 3. The private road shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County. The private road shall be constructed to 22' wide and 2' shoulders with a gravel base surface;
 4. Residents shall provide sufficient space for placement of refuse and recycle containers along the county road so they do not interfere with traffic;
 5. The Applicant shall reaffirm the County's right-of-way of 33' from centerline for the County road, Amalga Benson Road, across the entire frontage of the proposed subdivision;
 6. A formal wetland delineation study shall be conducted prior to any building on the west side of the line as indicated in the wetland study.
 7. There shall be no sub-grade construction within the subdivision.

06:25:00

#2 High Creek Properties Subdivision (Jay Leishman)

Mascaro reviewed Mr. Jay Leishman's request for a 5-lot subdivision on 16.17 acres of property in the Agricultural Zone located north of Paradise. There is an existing home on Lot 5, and lots 1, 2, 3, and 4 are being subdivided for residential use. County road 400 West provides adequate access to lots 1, 2, 3, & 4. The hard surface is 20' wide with a paved surface. All lots are feasible for septic tank systems and wells. Refuse and recycling containers must be placed on the west side of 400 West. Property owners shall place a gravel pad along the west side of 400 West to allow sufficient space for these containers to ensure they will not impact traffic.

Dent how close is the subdivision from the city limits?

White about 3/4 mile.

Mr. Leishman my only concern is the garbage/recycling pad. Is that going to have to be paved?

Runhaar no, it just needs to be a gravel pad at the side of the road for collection.

Eugene Ware I live right across from this subdivision. Part of the value of our house, according to the appraisal, is due to the 360° view. I'm worried that this subdivision could lower the value of my property because the view maybe impeded. I just want to be notified and included.

Runhaar notification is handled by the County Executive's office, but we can make a special exception to notify you.

Nelson passed a motion to recommend approval of the 5-lot High Creek Properties Subdivision to the County Council; Dent seconded; passed 7, 0.

Findings of Fact:

1. The High Creek Properties Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The High Creek Properties 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 High Creek Properties 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 High Creek Properties Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 400 West, 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

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. All private drives shall meet applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
4. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic. Gravel pads will be placed on the west side of the road to allow sufficient space for each refuse and recycling container.
5. The Applicant shall reaffirm the County's right-of-way for the County road, 400 West, across the entire frontage of the proposed subdivision.

06:36:00

UT 1 Ding Dong Rezone (Doug Kofford)

Mascaro reviewed Mr. Doug Kofford's request for a Rezone from Agricultural Zone to a UCO (Utility Corridor Overlay) Zone of a 50' X 50' leased area of a 43.50 acre parcel for a communications tower and construction of an equipment shelter located at approximately 10500 South 800 East in Avon. The rezone will not change the base zone, it is an overlay zone that will be applied to the 50' x 50' area. Access from county road is adequate. The facility itself, private drive, and other service provisions will be discussed at the Conditional Use Permit stage.

Mr. Dennis Hansen I live off the hill along 8th East. My concern is what it's going to do to our wireless equipment and electronics in our home. We currently have Direct TV and Digis internet and if it's not going to interfere with those, we have no problems.

Mr. Doug Kofford all companies are given a frequency they are supposed to use. If I interfere with the frequency of Digis or Direct TV then we have to fix the problem. If anyone has any problems they need to let us know so we can adjust our equipment so we aren't interfering with other provider's signals.

Larson passed a motion to approve the UCO Zone for the UT 1 Ding Dong; Erickson seconded; passed 7, 0.

06:45:00

Cache County Planning Commission
By-Laws and Rules of Procedure
Adopted August 8th January 26th, 20062010

ARTICLE 1 - OBJECTIVES

1-1. This commission, established in conformance with the motion adopted by the Cache County Council on the 20th day of December, 1950, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of State Code Ann. §17-27a Part 3.

1-2. The official title of this Commission shall be the "Cache County Planning Commission".

ARTICLE 2 - MEMBERS

2-1. The Cache County Planning Commission shall consist of (7) voting members. A member of the County Council shall be appointed as an ex-officio member of the Planning Commission and shall be a non-voting member. The Zoning Administrator shall serve as an ex-officio member of the Planning Commission and shall be a non-voting member.

2-2. The term of the member from the County Council shall be a one year term or as otherwise designated. As the term of the members first appointed to this Commission, or their replacements, expire, their successors shall be appointed for terms of three (3) years or to fulfill the previously designated term. Each member shall be recommended by the County Executive and evaluated and confirmed by the County Council prior to their appointment or reappointment to the Planning Commission.

2-3. Any appointed member may be removed by the County Council for inefficiency, neglect of duty, or malfeasance in office. Such removal may be made only after a public hearing when the member is given an opportunity to appear and be heard on the charges against him.

2-4. The Council may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not County employees.

ARTICLE 3 - OFFICERS AND THEIR SELECTION

3-1. The officers of the Planning Commission shall consist of a Chair, a Vice-Chair, and a Secretary. ~~If no Secretary is elected from among the serving Planning Commissioners, With consent of the Commission, the Director of Development Services, the Zoning Administrator, or their designee, similar official may will~~ serve as Secretary of the Commission; otherwise, the Secretary shall be selected from the membership.

3-2. Nomination of officers shall be made by the general membership of the Planning Commission at the regularly scheduled ~~November~~ December meeting of the Commission each year. The election of officers shall follow immediately.

3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He/She shall take office January 1st, the following year and serve for one (1) year or until their successor shall take office.

ARTICLE 4 - DUTIES OF OFFICERS

4-1. The Chair shall be an appointed member of the Commission and shall:

4-1-1. Preside at all meetings.

4-1-2. Appoint committees, special and/or standing and liaisons.

4-1-3. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the members present).

4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.

4-1-5. Represent the Commission before the County Council and other public bodies except when this responsibility has been delegated to an appropriate official or Commission member.

4-1-6. Carry out other duties as assigned by the Commission.

4-1-7. Fill any vacancies in the offices of Vice-Chair or Secretary by appointment lasting through January 1st of the following year.

4-2. The Vice-Chair shall be an appointed member of the Commission and shall:

4-2-1. Act in the absence or inability of the Chair to act.

4-2-2. Have the powers to function in the same capacity as the Chair in cases of the Chair's inability to act.

4-2-3. Fill immediately any vacancy in the office of Chair through January 1st of the following year.

4-2-4. Be responsible for the orientation of new members of the Commission.

4-3. The Secretary shall:

4-3-1. Keep a written record of all business transacted by the Commission.

4-3-3. Keep a file of all official records and reports of the Commission.

4-3-4. Certify all minutes of the Commission.

4-3-5. Give notice of all hearings and public meetings.

4-3-6. Attend to the correspondence of the Commission.

4-3-7. Keep a set of minutes.

4-3-8. Prepare and be responsible for the publishing of all advertisements relating to public hearings.

4-3-9. If the Secretary is an appointed member of the Commission, the Secretary may, with the consent of the Commission, delegate any of the above responsibilities of the Secretary to the Director of Planning, Zoning Administrator or similar official, except that the certification of minutes of the Commission may not be delegated.

ARTICLE 5 - STANDING AND SPECIAL COMMITTEES

5-1. Any standing committees may be appointed by the Chair. Necessary standing committees should be appointed within thirty (30) days after the Chair takes office.

5-2. Any special committees may be appointed by the Chair and shall function for a duration as set by the Chair. The duties and responsibilities of any special committee

shall be clearly defined and outlined at a regularly schedule Planning Commission meeting.

5-3. Each standing and special committee shall prepare a written report of meetings held to become a part of the permanent records of the Commission.

ARTICLE 6 - MEETINGS

6-1. Regular meetings of the Commission shall be held on the first Thursday of each month, commencing at 5:30pm and ending at 8:00pm. Meetings may be extended beyond 8:00 p.m. with the approval of two-thirds (2/3) of the members present. When a meeting date falls on a legal holiday, the meeting shall be held on the week following unless otherwise designated by the Commission.

6-1-1 Commission public hearings shall be held during the regular meeting on the first Thursday of each month.

6-2. Special meetings shall be called at the request of the Chair or at the request of any three members of the Commission. Written notice which states the time and purpose of the special meeting shall be given to each member at least five (5) days prior to such meetings. Noticing of special meetings shall be made in compliance with State Code Ann. §17-27a Part 2 and §17-53 Part 4.

6-3. A majority of the membership of the Commission shall constitute a quorum. When a quorum is present, a majority vote of the entire Planning Commission (a minimum of four (4) votes) is sufficient for the adoption of any motion. Voting may be a roll call, in which case a record shall be kept as part of the minutes. Any member shall have the right to demand a roll call vote.

6-4. Meetings shall be open to the public except when deemed necessary, in which case the Commission may go into Executive (closed) Session, when the provisions of the Utah Open and Public Meetings Act, State Code Ann §17-53 Part 4, shall be in effect.

ARTICLE 7 - ORDER OF BUSINESS

7-1. The order of business for a Regular Meeting shall be:

7-1-1. Call to Order by the Chair

7-1-2. Roll call by the Secretary

7-1-2-1. Determination of a quorum

7-1-3. Approval of agenda

7-1-4. Approval of minutes

7-1-5. Report of the Secretary

7-1-6. Consent Agenda

7-1-9. Agenda Items

7-1-9-1 Public Comment

7-1-9-2 Public Hearings

7-1-10. Report of Special Committees

7-1-11 Liaison Reports

7-1-12 Zoning Administrator's Report

7-1-13 Adjournment

7-2. The Zoning Administrator is authorized to prepare for each meeting a consent agenda for consideration by the Commission. The consent agenda may include any item believed by the Zoning Administrator to meet all required ordinances, be routine, and not controversial in nature.

7-2-1. A single motion and vote in favor thereof shall approve all items on the consent agenda.

7-2-2. Any member of the Commission may request to have any item removed from the consent agenda. Such request need not be seconded. Such item shall then be taken up for discussion by the Commission.

7-3. Public Comment portion of the meeting will be limited to 30 minutes for each agenda item unless otherwise specified by the Chair.

7-3-1. The agent for the agenda item will be limited to a 5 minute period of open discussion, with additional time allowed to respond to questions of the Planning Commission.

7-3-2. Individual speakers from the public will be limited to 3 minutes each unless prior approval is obtained from the Chair.

ARTICLE 8 – COMMUNICATION AND CORRESPONDENCE

8-1. To ensure that the decision-making process is fair and impartial, the Planning Commission is to abide by certain standards regarding "ex parte" communication on cases under review.

8-1-1. Ex parte communication is defined as "oral or written, off-the record communication made to or by commissioners or commission decision-making personnel, without notice to parties, that is directed to the merits or outcome of an on-the-record proceeding."

8-1-2. If prohibited ex parte communication is attempted, the Commissioner involved should first attempt to stop the party from engaging in prohibited behavior, then document the attempt and notify the Secretary. The Secretary will then enter a statement into the public file and make copies of the statement available to other parties in the case.

8-2. If the Planning Commission and/or a Commissioner determines that there is a conflict of interest on an agenda item, that Planning Commissioner shall not participate in the discussion or action on that agenda item. In such event, the Planning Commissioner shall seat themselves in the audience or leave the room. For purposes of determining the existence of a quorum, that Commissioner shall not be counted.

8-3. It shall be the duty of the Secretary to communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

8-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Chair or Vice-Chair.

ARTICLE 9 - AMENDMENTS

9-1. These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire Planning Commission and approval by the County Council.

The Natural Barrier amendment is on the January 26th Council agenda to set a public hearing on February 9, 2010. This is being sent out early for your convenience to review.

§16.02.020 Natural Barrier

- A. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions in conformance with this Ordinance and the Land Use Ordinance.
- B. An application may be made for any lot that is clearly separated by a natural or manmade barrier within the Agricultural Zone. Natural Barrier determinations do not create new 1970 parcels.
 - 1. Natural Barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.
 - 2. Natural Barrier determinations that do not meet the minimum density requirements for the zone within which the parcel is located may apply to the Board of Adjustments for a variance to the density requirement.
 - i. The Board of Adjustments shall consider any such request in compliance with State and County code requirements.
 - ~~3.~~ The Zoning Administrator is the Land Use Authority for determining a Natural Barrier. In the event that the Zoning Administrator or Applicant requires further review of a proposed Natural Barrier, the County Council shall be the Land Use Authority. Any appeal of the Zoning Administrator's decision shall be reviewed by the Board of Adjustments.
 - ~~3.4.~~ Parcels created through the Natural Barrier process are allowed further subdivision in accordance with the standards of the Cache County Ordinance currently in effect.
 - i. ~~Where two new parcels are created through a Natural Barrier determination, each new parcel is permitted to obtain further subdivisions for up to three total lots.~~
- C. Each parcel created by a Natural Barrier determination made prior to October 11, 2005 may be allowed to be further divided in compliance with this Title and Title 17. Each parcel created prior to October 11, 2005 by the Natural Barrier determination shall be allowed ~~a maximum of 5 lots to~~ develop as if it were a 1970 Parcel.

Language to add to the current §17.07.020 Definitions

§17.07.020 Definitions:

Natural Barriers: Linear landforms or manmade structures that bisect a parcel in such a way that access between the two portions of the parcel is not feasible. The Zoning Administrator shall have the authority to determine what constitutes a natural barrier. Natural Barriers must be continuous and fully cross the subject parcel. Landforms or manmade structures, beyond those specified within this definition, that constitute a barrier to access may be determined as a natural barrier by the Zoning Administrator. Adequate documentation of a Natural Barrier must be provided by the landowner/applicant. The following are determined to be natural barriers:

- a) Manmade Barriers: All designated State Roads and rail road rights-of-way.
- b) Natural Barriers:
 - i) The main stem of the Little Bear River and Logan River, Bear River, Cub River, and the Blacksmith Fork.
 - ii) Natural or geologic features that constitute a barrier to access which may include gorges, canyons, or other features.
- c) Natural Barrier determinations made prior to October 11, 2005 are viewed as fully separate parcels, but not as 1970 base parcels.

CACHE COUNTY
RESOLUTION NO. 2010-07

RESOLUTION ADOPTING THE BEAR RIVER DISTRICT PRE-DISASTER HAZARD
MITIGATION PLAN AS REQUIRED BY THE FEDERAL DISASTER MITIGATION AND
COST REDUCTION ACT OF 2000.

The County Council of Cache County, State of Utah, in regular meeting lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to adopt the Bear River District Pre-Disaster Hazard Mitigation plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000 as it pertains to Cache County.

Whereas, the Disaster Mitigation and Cost Reduction Act of 2000, was signed into law on October 30, 2000.

Whereas, the Disaster Mitigation Act of 2000 required all jurisdictions to be covered by a Pre-Disaster hazard Mitigation Plan to be eligible for Federal Emergency Management Agency post-disaster funds,

Whereas, Bear River Association of Governments (BRAG) has been contracted by the State of Utah to prepare a Pre-Disaster Mitigation Plan covering all of the jurisdictions in the BRAG Area, and

Whereas, Cache County is within the BRAG Area, and

Whereas, Cache County is concerned about mitigating potential losses from natural disasters before they occur, and

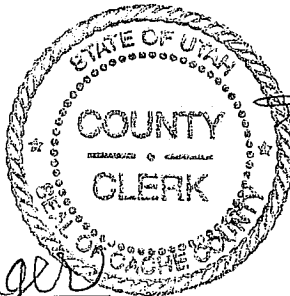
Whereas, the plan identifies potential hazards, potential loses and potential mitigation measures to limit loses.

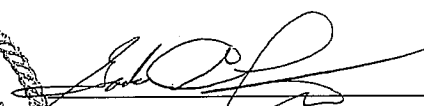
NOW, THEREFORE BE IT RESOLVED, the attached "Bear River District Pre-Disaster Mitigation Plan" is adopted to meet the requirements of the Disaster Mitigation and Cost Reduction Act of 2000.

This Resolution shall take effect immediately upon adoption.

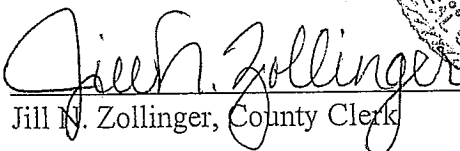
DATED this 26th day of January 2010.

CACHE COUNTY COUNCIL




Gordon A. Zilles, Chairman

Attest:


Jill N. Zollinger, County Clerk