

APPROVED

**CACHE COUNTY
COUNCIL MINUTES
FEBRUARY 23, 2010**

CACHE COUNTY COUNCIL February 23, 2010

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CACHE COUNTY COUNCIL MEETING
February 23, 2010

The Cache County Council convened in a regular session on February 23, 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: Kenneth Allsop, Kaylene Ames, Kevin Bankhead, Stacey Bankhead, Graham Beland, Raelene Bishop, Wally Bloss, Dave Cable, Elizabeth Fallentine, Hal Fronk, Nolan Gunnell, Brent W Hansen, JoAnn Hansen, Mike Haynie, Sharon L Hoth, Ross A Jacobson, Miles Jensen, Kris Lindley, Leslie Mascaro, Laurel S Maughan, Cassie McBride, Kevin McBride, Mandi McBride, Ron McBride, Chris Mitton, Marina Mitton, Cathy Morgan, Alicia Moser, Curtis Moser, Dewey Neves, Dixie Neves, David Nielsen, Roger Nix, Jenna Oakey, Mark Oakey, Brent Parker, Pat Parker, Ryan Parker, Sharon Parker, Annette Petersen, Clair Petersen, M E Petersen, Ryan Petersen, Wendy Petersen, Amy Platt, Shawn Platt, Director Josh Runhaar, Justin Taylor, Melody Taylor, Steve Taylor, James Schaub, Lori Schaub, Eric Schiess, Larry Slade, Ralph Stoddard, Ryan Summers, Amy Wells, Herb Weston, Matthew Wright, **Media:** Charles Geraci (Herald Journal), Jennie Christensen, (KVNU), Jeremy Threlfall (KUTA-TV).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

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 February 09, 2010 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: Don Nebeker Cache County Planning Commission

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

WARRANTS: Warrants for the periods 12-13-2009, 12-15-2009, 01-29-2010 to 02-04-2010 & 02-05-2010 to 02-11-2010 were given to the clerk for filing.

OTHER ITEMS

- ❑ **Cache County Fee** – Executive Lemon stated that the county has charged groups such as Peace Works and the “Tea Party” group to use the Cache County Historic Courthouse grounds to assemble for a demonstration, etc. He has made the decision to no longer charge groups wanting to use the grounds as an assembling point. Chairman Zilles recommended informing parties using the grounds for this purpose that they will be monitored and if there are problems with trash, etc., the fee may be reinstated.

ITEMS OF SPECIAL INTEREST

- **Cache Valley Center for the Arts Report** - Wally Bloss reported on the 2009 facilities usage noting that 83,000 people attended at least one event of the CVCA and 63,000 patrons attended a theater production of the CVCA. Bloss thanked the county for the RAPZ/Restaurant Tax funding and indicated that the Alliance for the Varied Arts (AVA) Board is in the process of merging with the CVCA.

CONSENT AGENDA

- ◇ **Final Plat Approval – H & H Subdivision**

(Attachment 1)

ACTION: Motion by Vice Chairman White to approve the Final Plat Approval-H & H Subdivision on the Consent Agenda. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: MARCH 09, 2010 – 5:45 P.M. – Open 2010 Budget

ACTION: Motion by Council member Robison to set a Public Hearing – March 09, 2010 at 6:00 p.m. – Open 2010 Budget. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

PENDING ACTION

- ❑ **Final Plat Approval – The S Curve Subdivision** – Director Josh Runhaar explained that this is the amended plat that was promised at the February 9, 2010 Council meeting.

(Attachment 2)

ACTION; Motion by Council member Chambers to approve the amended Final Plat for the S Curve Subdivision. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Wellsville Foundation Request for Usage of 2008 RAPZ/Restaurant Tax Funds** – Executive Lemon said it was originally thought that there was a previous study of the roof of the Historic Wellsville Tabernacle, but he has not been able to find any such document. The Wellsville Foundation is requesting that it be allowed to use the 2008 RAPZ/Restaurant Tax Funds, which were allocated for the heating system, for an engineering study on the roof of the Historic Wellsville Tabernacle.

Kaylene Ames of the Wellsville Foundation informed the Council that the low bid for the engineering study was just under \$10,000.00 and any 2008 RAPZ/Restaurant Tax funding left over would again be applied toward the heating system.

(Attachment 3)

ACTION: Motion by Council member Petersen to approve the Wellsville Foundation Request to use the 2008 RAPZ/Restaurant Tax Funds for an engineering analysis of the roof of the Historic Wellsville Tabernacle. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Discussion – Proposed Amendments to the Cache County Road Standards**
Chairman Zilles noted that this is still under consideration and will be discussed at a future Council meeting when Council member Yeates is present. The Planning Commission will be discussing the proposed road standards amendment at its meeting next week.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2010-11 – Approving and Adopting Fees to be Charged by the Cache County Attorney’s Office** –Chairman Zilles asked Attorney Swink to explain the fees. Attorney Swink said that any department in the county has to have its fees approved by the County Council. This resolution formally approves those fees.

(Attachment 4)

ACTION: Motion by Council member Buttars to waive the rules and approve Resolution No. 2010-11-Approving and Adopting Fees to be Charged by the Cache County Attorney’s Office. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Resolution No. 2010-12 – Approving and Adopting Fees to be charged by the Cache County Sheriff’s Office** – Attorney Swink again explained that this is to formally approve fees noting that the Property Execution Deposit fee is being raised from \$250.00 to \$500.00 to cover the expenses involved with seizing, storing, advertising and selling property.

Council member Buttars asked what happens if the expenses for seizing, storing, etc. of property is less than the \$500.00 fee? Attorney Swink responded the difference is refunded.

(Attachment 5)

ACTION: Motion by Council member Chambers to waive the rules and approve Ordinance No. 2010-12 – Approving and Adopting Fees to be charged by the Cache County Sheriff’s Office. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

- **Ordinance No. 2010-04 – UT I Ding Dong Rezone – Agricultural Zone to UCO Zone approximately 10500 South 800 East, Avon, Utah** – Chairman Zilles explained this is for a communications tower.

Vice Chairman White recommended that the tower be placed deep enough into the property that, if it fell, it would encumber neighboring property owners’ land.

(Attachment 6)

ACTION: Motion by Council member Robison to waive the rules and approve Ordinance No. 2010-04 – UT I Ding Dong Rezone-Agricultural Zone to UCO Zone approximately 10500 South 800 East, Avon, Utah. White seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Ordinance No. 2010-04: 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

Tape 1, Side B

- **Ordinance No. 2010-05 – Natural Barrier Amendment – Chapter 2 – Title 16.02.020 Natural Barriers** – Director Runhaar noted there was a Public Hearing held on this issue on February 09, 2010 and there was no significant public comment.

(Attachment 7)

ACTION: Motion by Vice Chairman White to waive the rules and approve Ordinance No. 2010-05-Natural Barrier Amendment-Chapter 2-Title 16.02.020 Natural Barriers. Buttars seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Ordinance No. 2010-05: 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

OTHER BUSINESS

- ✓ **Four-Day Work Week Review** – Chairman Zilles said that after speaking with Assessor Howell, the Department of Motor Vehicles office still must interface with the State whose offices are closed on Fridays. Howell reminded him that any citizen can renew their vehicle registration online even if the county DMV office is closed.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: FEBRUARY 23, 2010 – 6:00 P.M. – Boyd W & Sheri J Schiess Agricultural Protection Area – 8.24 acres located south of Nibley – Director Runhaar reviewed the property location and referred the Council to his office’s memorandum citing the criteria for evaluating an Agricultural Protection Area found in the State Code:

- 1) whether or not the land is currently being used for agricultural production;
- 2) whether or not the land is zoned for agricultural use;
- 3) whether or not the land is viable for agricultural production;
- 4) the extent and nature of existing or proposed farm improvements; and
- 5) anticipated trends in the agricultural and technological conditions.

Chairman Zilles opened the Public Hearing and invited public comment.

Ryan Petersen and Wendy Petersen asked that the Council wait two weeks before making a decision concerning the Schiess Agricultural Protection Area request and expressed concerns over their property developmental rights as the Petersen’s own property adjoining Schiess’.

Amy Schiess Platt and Eric Schiess asked the Council to approve the Agricultural Protection Area request. Their parents, Boyd & Sheri Schiess are out of state presently, but have done everything required for the Agricultural Protection Area request.

Part of the discussion revolved around the annexation petition filed by the Petersen family requesting annexation to Nibley City. Schiess’ stated that Boyd Schiess would not block the annexation to Nibley City if the Agricultural Protection Area is granted and Eric Petersen said his father, H. Clair Petersen, is not opposed to the Agricultural Protection Area if the Schiess’ agree to not block the annexation.

The Schiess application for the Agricultural Protection Area was filed with the county on December 14, 2009. The Petersen petition for annexation to Nibley City was filed with Nibley City on February 1, 2010, but has not been published yet.

Tape 2, Side A

Vice Chairman White and Council member Buttars both felt the Agricultural Protection Area request should be granted and the two families could then come together to resolve their concerns.

Chairman Zilles stated he believes the Council is willing to place this property in an Agricultural Protection Area and this issue will be on the March 9, 2010 Council agenda for decision and asked the Petersen's and Schiess' to have signed agreements between them concerning the annexation situation by that date.

There was no other public comment.

ACTION: Motion by Council member Petersen to close the Public Hearing - February 23, 2010 – 6:00 P.M. – Boyd W & Seri J Schiess Agricultural Protection Area – 8.24 acres located south of Nibley. Robison seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Council member Petersen said the expectation is that two weeks from now the two families will have a written agreement as to how they want this resolved.

INITIAL PROPOSAL FOR CONSIDERATION

- **Resolution No. 2010-10 – Approving Boyd W & Shri J Schiess Agricultural Protection Area-8.24 acres located south of Nibley (NO ACTION TAKEN)**

PENDING ACTION

- Motion – Approving/Disapproving a Reasonable Accommodations Request for a Residential Facility for Persons with Disabilities located at approximately 8135 S 3600 W, Mt. Sterling** – Chairman Zilles asked Director Runhaar to brief the Council on the issue and then Zilles said there will be time for public comment. Director Runhaar said the Residential Facility for persons with Disabilities is a permitted use in the Agricultural Zone for up to four persons. The issue is that the applicant has requested to have up to twelve clients reside at the facility.

Chairman Zilles invited the public to express their feelings.

Raelene Bishop supported the Residential Facility request by Uinta Academy with the recommendation that employees at the facility have proper training.

Attorney Miles Jensen, representing some residents in the area where the Residential Facility would be located, conceded that Uinta Academy provides a valuable service, but objects to the reasonable accommodation request for twelve residents instead of the allowed four. Jensen presented pictures of one of the current Uinta Academy facilities in Cache County with from eleven to twenty-one cars present on three different days. Jensen also observed that the subdivision is governed by restrictive covenants. Jensen recommended the Council deny the request.

Matthew Wright, a tutor with Uinta Academy, and Ralph Stoddard, a Uinta Academy employee, both spoke in support of the request.

Brent Parker, a local realtor as well as a property owner in the area, said there are many homes in the county for half the price that would meet the needs of Uinta Academy and if, the price is less, perhaps Uinta would not need twelve residents for economic viability.

Ryan Parker cited safety concerns about the winter conditions on the road accessing the proposed facility.

Tape 2, Side B

Amy Wells asked if the request is granted and Uinta Academy sells the home to a similar agency, will the reasonable accommodation for twelve persons go with the property, or revert back to the County Council for the permitting process again? Attorney Swink said that was a good question and the answer would depend on several legal factors pertaining to the sale at the time.

Nolan Gunnell asked that the Council give consideration to those people who have purchased property in the subdivision with the assurance that it would be developed with single family residences under restrictive covenants because, if the Council approves the request, it changes the flavor of what buyers understood the subdivision would be.

Attorney Swink offered clarification by noting that four unrelated persons are allowed in a residential facility.

Brent Hansen, property owner closest to the Uinta Academy proposed property, reiterated that the subdivision has restrictive covenants. He bought believing it would be a small subdivision of five parcels owned by families who would live together and develop long relationships. If this request is approved, it will change the complexion of the neighborhood. If Uinta Academy is trying to replicate a family atmosphere in its facilities, the average number in the twenty-one homes in a two-mile radius from his subdivision is 3,8 individuals per house, so the number four that is allowed by County Code is right on. Twelve is not. Uinta Academy can drive clients from other homes in the county to facilitate group therapy.

Attorney Kenneth Allsop, representing Uinta Academy, reminded the Council that federal laws require approving requests for reasonable accommodations. If the Council denies the request it must articulate the reasons that the request is considered unreasonable or unnecessary. Uinta needs ten residents for a break even situation without wages for the owners of the facility. Of the 146 other similar facilities in Utah only thirty-three have ten or fewer residents. Allsop noted that restrictive covenants are also subject to the federal laws allowing residential facilities.

Council member Petersen asked if Uinta owned the property yet or had an option to purchase? The response was that the purchase is in negotiation.

Chairman Zilles conceded that the facility is permitted if it doesn't change the character of the neighborhood, which is what residents in the area are concerned

about. Zilles indicated the Council still would like to see financial numbers to support the assertion that Uinta needs twelve residents for economic reasons.

Executive Lemon again expressed frustration that Cache County home-based businesses in the county cannot have more than three employees, yet Uinta is not restricted as to the number of employees it can have. The law states that any permitted use will not fundamentally alter a municipality's land use or zoning scheme. What if another business asked for more than three employees? The county would say the business cannot do that without a conditional use permit. It seems like the county is altering its zoning ordinance by allowing more employees for residential facilities.

Attorney Allsop asked the Council what information it still wanted?

Chairman Zilles responded that the Council would like to see financial information concerning four to eight to twelve clients in the home.

Roger Nix, resident living across the road from the subdivision, appealed to the Council concerning the word "reasonable."

Tape3, Side A

Nix contacted neighbors of existing Uinta Academy facilities in Cache County with the following responses:

An "event" a month such as one girl escaping and trying to kill herself by lying in the middle of the road. The adjoining neighbor's child witnessed the "event."

Another girl escaped and police searched neighbors' properties in the middle of the night.

There are additional risks with these types of facilities that need to be allowed for and mitigated. Four residents is reasonable. Anything above that number is unreasonable in the view of the community.

Attorney Jensen said the neighbors are caring, compassionate people and should not be characterized as anything less. Jensen said that if he were to apply to build a home in the county and came to the county and said, "Here are the plans, trust me." The county would say, "I don't think that works for us." That is exactly what Uinta is doing with the county. They are saying, "We need it financially. We need it because this is the only way we can do therapy. These are the only kinds of folk we'll bring in. Trust me." There's no verification on anything. There is no financial necessity shown. If the finances are going to be presented to the Council for review, in all fairness those documents need to be presented to those folks who have reservations about the number of people to be permitted at the proposed facility. Not pro forma, but actuals, so the citizens know what information the Council based its decision on. Uinta says it does not take any persons who are a threat to other persons or property, but it does not say that anywhere on Uinta's website. Jensen said with each child that came to

his family, the family did not get simpler or less complex and submitted that going from four to twelve in any kind of setting, would similarly increase the complexity.

Chairman Zilles thanked those who offered input and said the Council will take that information and consider it.

COUNCIL MEMBER REPORTS

Craig Petersen said the Council had committed to consider placing the countywide library issue on the ballot and the joint library committee will be reconvened to consider it in a few weeks.

Jon White suggested that the RAPZ/Restaurant Tax logo be placed on a plaque to be displayed by each entity receiving funding.

Kathy Robison asked that the Council approve the RAPZ/Restaurant Tax logo. Buttars asked what size the plaque Council member White suggested would be? Robison said probably about 8' x 11". Chambers recommended that displaying the plaque be a condition of receiving a RAPZ/Restaurant Tax allocation.

ACTION: Motion by Council member Petersen to approve the RAPZ/Restaurant Tax logo. Chambers seconded the motion. The vote was unanimous, 6-0. Yeates absent.

Robison asked who would be responsible to see that the plaques are presented to applicants receiving funding? Executive Lemon responded that Cameron Jensen would do that.

Craig "W" Buttars reported that he, Executive Lemon and Council member Chambers were visiting the Richmond and Lewiston Fire Departments and witnessed all of the action when the building in Richmond fell down.

Gordon Zilles asked if the Council was fine with leaving the four-day work week? Lemon said as long as the state stays with that schedule, then it's better for the county to do the same. The Council concurred.

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

ADJOURNMENT

The Council meeting adjourned at 8:27 p.m.

ATTEST: Jill N. Zollinger
County Clerk

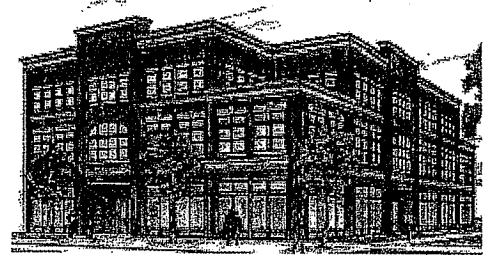
APPROVAL: Gordon A. Zilles
Chairman

CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

JOSH RUNHAAR, AICP
DIRECTOR/
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>1-6-00</u>	Received By: <u>MDG</u>	Receipt Number: <u>4872</u>	Amount/Check Number: <u>1400⁰⁰</u> <u>500⁰⁰ 678</u>
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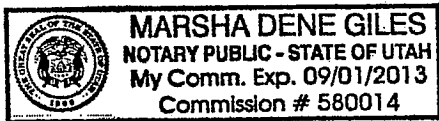
PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>A lot subdivision</u>	AGENT NAME <u>Joel B Hoyt</u>
PROJECT NAME <u>H H Subdivision</u>	ADDRESS <u>7860 N Hwy 91</u>
PROJECT ADDRESS <u>7770 N Hwy 91</u> <u>Smithfield</u>	<u>Smithfield Utah 84335</u>
SERIAL NUMBER(S) <u>08-022-0001</u>	TELEPHONE (DAY) <u>563-3868</u> (CELL) _____
ZONE <u>A9</u>	OWNER NAME <u>Carroll Orson Hodges Jr</u>
PROJECT LOCATION <u>Smithfield rd.</u>	ADDRESS <u>7760 N Hwy 91</u>
	<u>Smithfield Utah 84335</u>
	TELEPHONE (DAY) <u>563-9122</u> (CELL) _____

State of Utah)

County of Cache)

On this 6 day of JANUARY, 2000, personally appeared before me, Joel B. Hoyt, 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.

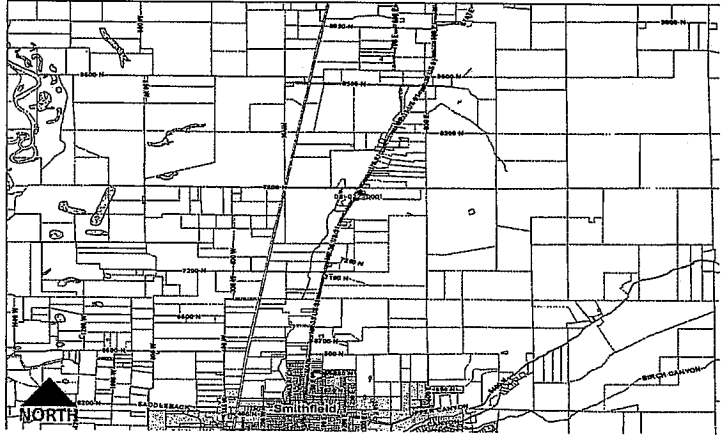
Signed Joel B. Hoyt
(Property Owner or Agent)



Marsha Dene Giles
Notary Public

CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

Project Name: **H & H Subdivsion**
Agent: Joel B Hoyt
Request: 4-lot Subdivision
Type of Action: Recommend to County Council
Current Zoning: Agricultural (A)
Project Address: Approximately 7770 North Hwy 91
Staff Recommendation: Approval with conditions
Tax ID: 08-022-0001
Surrounding Uses: North – Agriculture/Residential
 South – Agriculture
 East – Hill ground
 West – Hwy 91
Reviewed by: Leslie M. Mascaro, Planner I



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

PROJECT SUMMARY

The proposal is to create a 4-lot subdivision, with one new building lot being proposed, located approximately 7770 North Highway 91 between Richmond and Smithfield in the Agricultural Zone. There are currently two (2) single family dwellings located on the existing parcel. Lot's 1 & 2 will be created to comply with section 17.05 of the Cache County Code requires that every single family dwelling shall be on a separate lot. Lot 4 will be used for residential purposes, and lot 3 is a remainder parcel.

Access:

- Access from Highway 91 is adequate. The private drive will meet County standards, 20' with 1' shoulders and an approved turnaround. The applicant has met with UDOT; there are no improvements required at this time.

Water & Septic:

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

Service Provision:

- All refuse and recycling containers must be placed along the shoulder of Highway 91 for Friday 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 would be located at 7800 North Highway 91, approximately .25 Blocks from the proposed subdivision.

STAFF DETERMINATION

It is staff's determination that the H & H Subdivision, a 4-lot subdivision for property located at approximately 7770 North Highway 91 with TIN #: 08-022-0001 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 H & H 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 H & H 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 H & H 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 H & H Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. Highway 91, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed level of development.

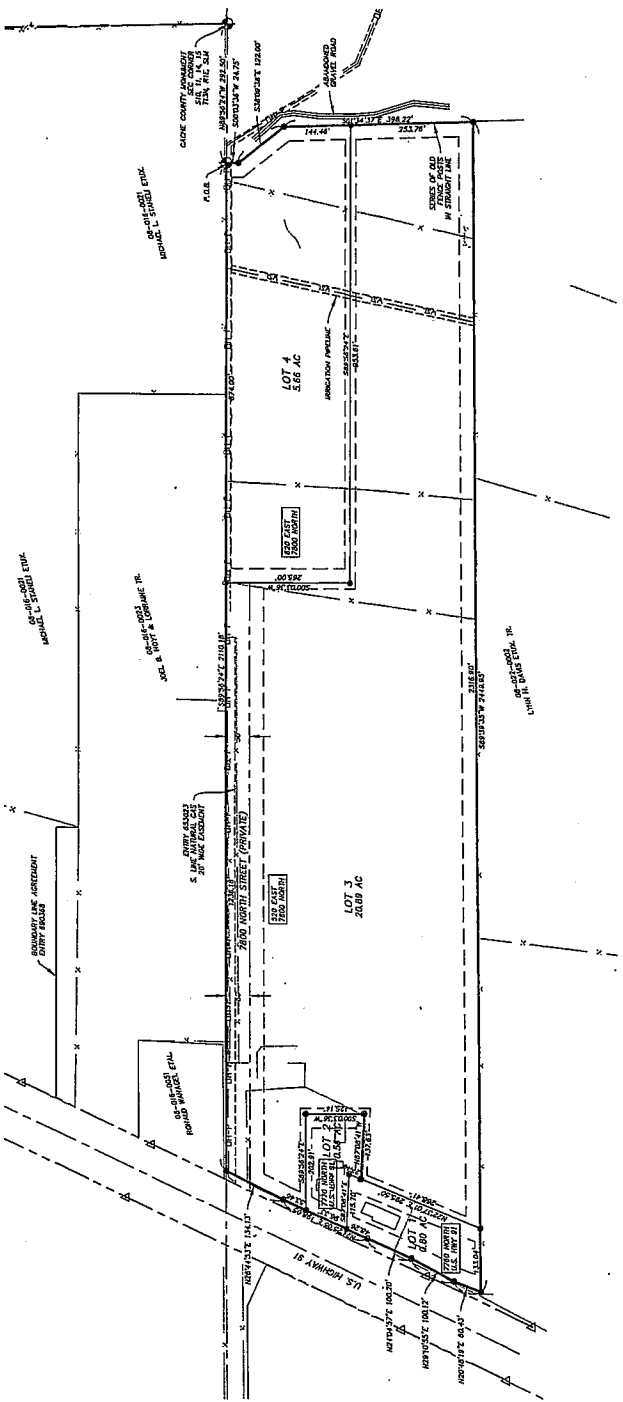
CONDITIONS OF APPROVAL

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

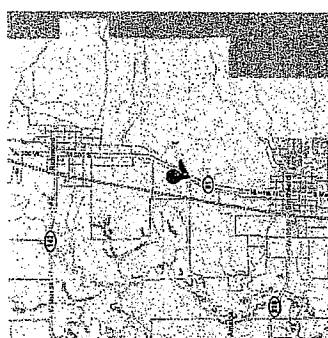
1. Prior to final plat recordation, the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
3. All private drives shall meet applicable requirements of the 2006 International Fire 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.



H & H SUBDIVISION
 PART OF NE 1/4 SEC 15, T13N, R1E, S1M
 CACHE COUNTY, UTAH
 JANUARY 6, 2010



- NOTES**
- A. ALL UTILITIES, GROUND AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE RIGHTS, DOWNS, AND SHIFTS ASSOCIATED WITH AGRICULTURAL AND FORESTRY USES AND OTHER PERMITTED USES IN THE CUMULATIVE WATERS. CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY OR CUMULATIVE EFFECTS OF SUCH RIGHTS, DOWNS, AND SHIFTS. PROPERTY OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CUMULATIVE WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ASSURANCE OF A BUILDING SETBACKS.
 - B. PRIMARY BUILDING SETBACK LINES SHOWN ON THIS SUBDIVISION PLAT ARE FOR SETBACKS FROM NATURAL WATERWAYS SHALL BE FIFTY (50) FEET FOR ALL STRUCTURES.
 - C. SETBACKS FROM MANMADE WATERWAYS SHALL BE 10 FEET FOR ALL STRUCTURES.
 - D. A 100-FOOT BUFFER SETBACK FROM ANY HARDED 100-YEAR FLOOD PLAIN, IF THE PROPERTY OWNER(S) WISHES TO CONSTRUCT A STRUCTURE SHALL BE MAINTAINED.
 - E. AREAS WITHIN THE SHOWN FLOOD ZONE ARE REQUIRED TO COMPLETE A FLOOD HAZARD ANALYSIS AND FLOOD DAMAGE PREVENTION PLAN.
 - F. FRONT YARD SETBACK SHALL BE 30'.
 - G. SIDE YARD SETBACK SHALL BE 12'.
 - H. THIS SUBDIVISION IS SUBJECT TO THE FLOOD DAMAGE PREVENTION ACT AND THE SUBDIVISION TO ANY ADJACENT PROPERTIES, ATTORNEYS, CANALS, OR WATERWAYS FOR ANY AND ALL REASONS, INCLUDING, BUT NOT LIMITED TO, DAMAGE TO PROPERTY OR ENVIRONMENT (MAY INCLUDE BUT IS NOT LIMITED TO, ADJACENT PROPERTY OWNERS, ATTORNEYS, CANALS, OR WATERWAYS).
 - I. LOT 1 AND LOT 2 SHARE A COMMON DRIVEWAY ACCESS ONTO U.S. HIGHWAY 89, TO HAVE A DRIVEWAY ACCESS ONTO THE HIGHWAY, ONLY ONTO 2800 NORTH ST.



LEGEND

- BOUNDARY/LOT LINE
- - - RIGHT-OF-WAY
- - - FENCE
- x PUBLIC UTILITY EASEMENT
- - - SETBACK LINE, EXCEPTIONS NOTED
- - - PRIMARY BUILDING SETBACK
- - - OVERHEAD POWER
- - - STREET ADDRESS
- - - SURVEY MONUMENT
- - - LOT 1/4 MONUMENT

GRAPHIC SCALE
 (IN FEET)
 1 inch = 100 ft.

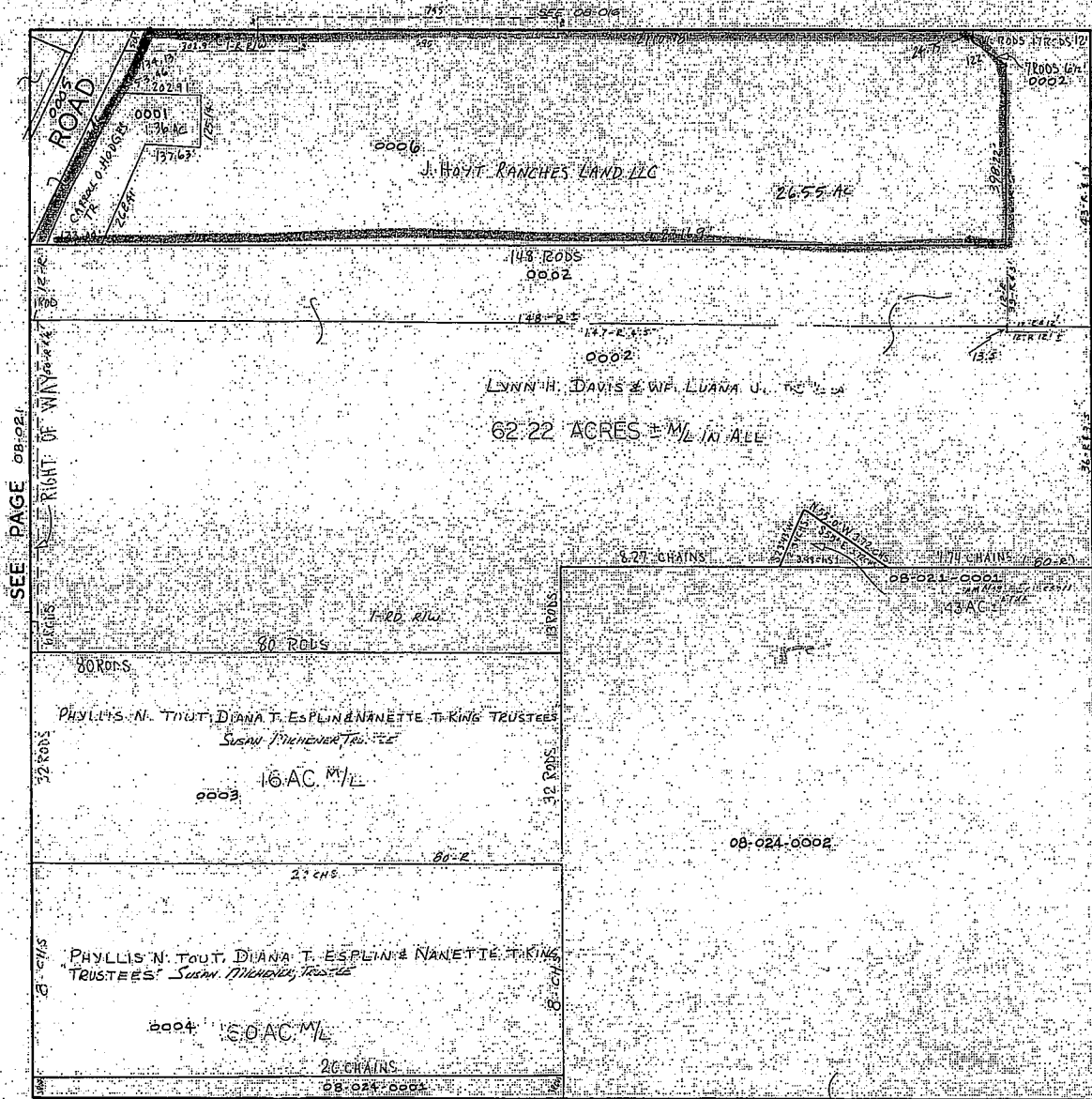
<p>COUNTY RECORDER'S NO. STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____ FEE _____ ABSTRACTED _____</p>	<p>COUNTY ATTORNEY APPROVAL I HEREBY APPROVE THIS PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE THIS _____ DAY OF _____, A.D. 2010.</p> <p>COUNTY ATTORNEY _____</p>	<p>ENGINEER'S CERTIFICATE I CERTIFY THAT THIS PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ORDINANCE, THIS _____ DAY OF _____, A.D. 2010.</p> <p>COUNTY ENGINEER _____</p>	<p>PLANNING COMMISSION APPROVAL THIS PLAT HAS BEEN REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON THE _____ DAY OF _____, A.D. 2010. IT IS THE RECOMMENDATION OF THIS BOARD TO APPROVE/DENY THIS SUBDIVISION BASED ON FINANCE.</p> <p>PLANNING COMMISSION CHAIRMAN _____</p>
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NE⁴ Section 15 Township 13 North Range 1 East

Scale 1 Inch = 200 Feet

TAX UNIT 28

08-022



1 **Lynn Lemon** I'm not trying to take sides, but I do want to note that the Schiess' did apply on
2 Dec. 14. Action has to take place with 120 days or the area automatically becomes an
3 Agricultural Protection Area.
4

5 *Dent motioned to recommend approval for the Schiess' Agricultural Protection Area to the*
6 *Cache County Council; Erickson seconded;*
7

8 **Erickson** our limiting factor is we must follow the state code and if they meet all 5 requirements
9 we have to approve.
10

11 *with the above discussion, the motion passed 4, 0.*
12

13 **6:09:00 pm**
14

15 **#3 City of Logan (Justin Maughan)**
16

17 **Mascaro** reviewed Justin Maughan's request for a Conditional Use Permit for the construction of
18 two parallel sewer pipelines along 1900 West from 600 South to approximately 600 North,
19 Logan. Logan City will be responsible for all signage during construction.
20

21 Staff, the applicant, and the Commission discussed the right of way for the road, the construction
22 process, signage and signage responsibility, road work, and if repairs need to be made to the
23 sewer pipes.
24

25 *Erickson motioned for approval for the Logan City Conditional Use Permit; Dent seconded;*
26 *passed 4, 0.*
27

28 **6:16:00 pm**
29

30 **#4 H&H Subdivision (Joel Hoyt)**
31

32 **Mascaro** reviewed Mr. Joel Hoyt's request for a 4-lot subdivision on 27.91 acres of property in
33 the Agricultural Zone located at approximately 7770 North Highway 91, north of Smithfield.
34 There are 2 homes, so there would only be 1 lot created. Road access is adequate and is septic
35 feasible. Garbage/recycling will have to be brought to the road and they do not need to apply to
36 UDot.
37

38 **Dent** who has been paying the taxes?
39

40 **Runhaar** I don't know how they are taxing the property.
41

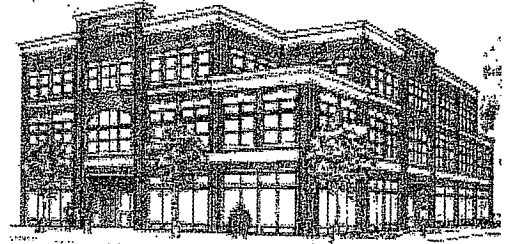
42 **Erickson** I need to disclose that I have lived on this property.
43

44 **Mr. Joel Hoyt** we are trying to bring the land into compliance with the county.
45

46 *Dent motioned to recommend approval for the 4-lot H&H Subdivision to the County Council;*
47 *Sands seconded; passed 4, 0.*

CACHE COUNTY CORPORATION

DEVELOPMENT SERVICES DEPARTMENT



GARTH DAY
DIRECTOR/
COUNTYWIDE PLANNER

JOSH RUNHAAR, AICP
COUNTY PLANNER/
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>4-28-08</u>	Received By: <u>M. D. G.</u>	Receipt Number: <u>3692</u>	Application Number:
----------------------------------	---------------------------------	--------------------------------	---------------------

ck # 3462
51400.00 +
\$ 500.00

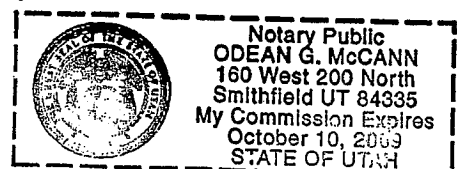
PROJECT INFORMATION	AGENT/OWNER INFORMATION
REQUEST TYPE <u>Subdivision</u> ^{4-lot}	AGENT NAME <u>STEVEN C. TAYLOR</u>
PROJECT NAME <u>S Curve Subdivision</u>	ADDRESS <u>83 Canterbury Circle</u>
PROJECT ADDRESS <u>4500 N 2400 W</u>	<u>Logan Utah 84321</u>
<u>Benson UT 84335</u>	TELEPHONE (DAY) _____ (CELL) <u>435-232-3590</u>
SERIAL NUMBER(S) <u>04-020-0005</u>	OWNER NAME <u>Herbert R. Weston</u>
ZONE <u>Aq</u>	ADDRESS <u>6118 N 2400 W</u>
PROJECT LOCATION <u>Benson UT</u>	<u>Amalga UT 84335</u>
	TELEPHONE (DAY) _____ (CELL) <u>435-770-2625</u>

State of Utah)
 §
County of Cache)

On this 17th day of April, 2008, personally appeared before me, _____, 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.

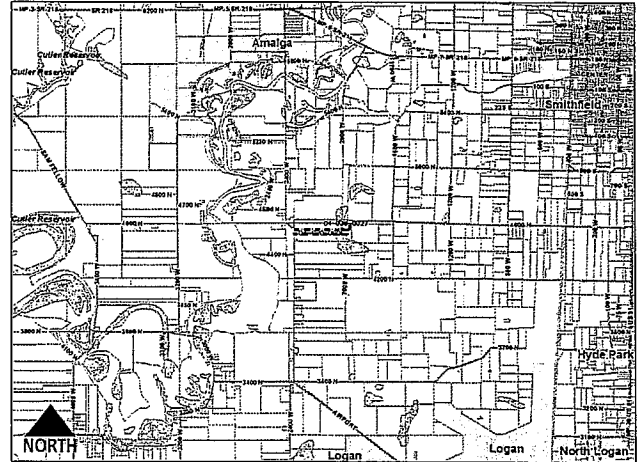
Signed Herbert R. Weston
(Property Owner or Agent)

Deean G. McCann
Notary Public



CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT

Project Name: S Curve Subdivision
Agent: Steven C. Taylor
Request: 2-lot Subdivision with an agriculture remainder; Boundary Line adjustment
Type of Action: Recommend to County Council
Current Zoning: Agricultural (A)
Project Address: Approximately 4500 N 2400 W
Benson, UT 84335
Staff Recommendation: Approval with conditions
Tax ID: 04-020-0005; 04-020-0027
Surrounding Uses: North – Agriculture
South – Agriculture; Residential
East – Agriculture
West – Agriculture; Residential
Reviewed by: Leslie M. Mascaro, Planner I



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

PROJECT SUMMARY

The proposal is to create a 2-lot subdivision with an agriculture remainder and a boundary line adjustment for property located near Benson on 13.50 acres in the Agricultural Zone.

Access:

- Access from county road 2400 West is adequate;
- Private drive shall be constructed to 22' and 2' shoulders with a gravel base ;and
- A new fire hydrant shall be installed within 500 feet of lots 1 and 2.

Water & Septic:

- This parcel is located within the Benson Culinary Water Improvement District which has determined that lots 1 and 2 are approved for a connection to the Benson Culinary Water System;
- Lots 3 and 4 will remain in agriculture, and the remainder will be part of the protection area around the district reservoir through a Boundary Line Adjustment;
- Two (2) domestic water rights are in the process of being transferred to parcel 05-020-0005 to service lots 3 & 4; and
- The proposed lots are feasible for shallow onsite wastewater disposal.

Service Provision:

- All refuse and recycling containers must be placed along 2400 West 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; and
- A school bus stop is located approximately .5 blocks from this subdivision at 4500 North 2400 West.

ADDITIONAL INFORMATION

This subdivision is located within the Benson Culinary Water District. The district was established to provide a clean water supply to this area through a culinary water system, because of the poor water quality within the area. Benson Culinary Water District has approved lots 1 & 2 to connect to this water system.

There was a wetlands study conducted by an environmental consulting firm using a Global Positioning System (GPS) that separates the parcel into two sections. There are no wetlands in Lots 1 and 2; Lots 3 & 4 has sections with wetlands. (See attached wetland map) Building on the east side of the wetland study line is prohibited unless a formal wetland delineation study is conducted.

STAFF DETERMINATION

It is staff's determination that the S Curve Subdivision, a 5-lot subdivision and boundary line adjustment for property located at approximately 4500 North 2400 West, Benson with TIN #'s 04-020-0005 and 04-020-0027 is in conformance with the Cache County Ordinance requirements for preliminary & final plat approval to the County Council. This determination is based on the following **findings of fact**:

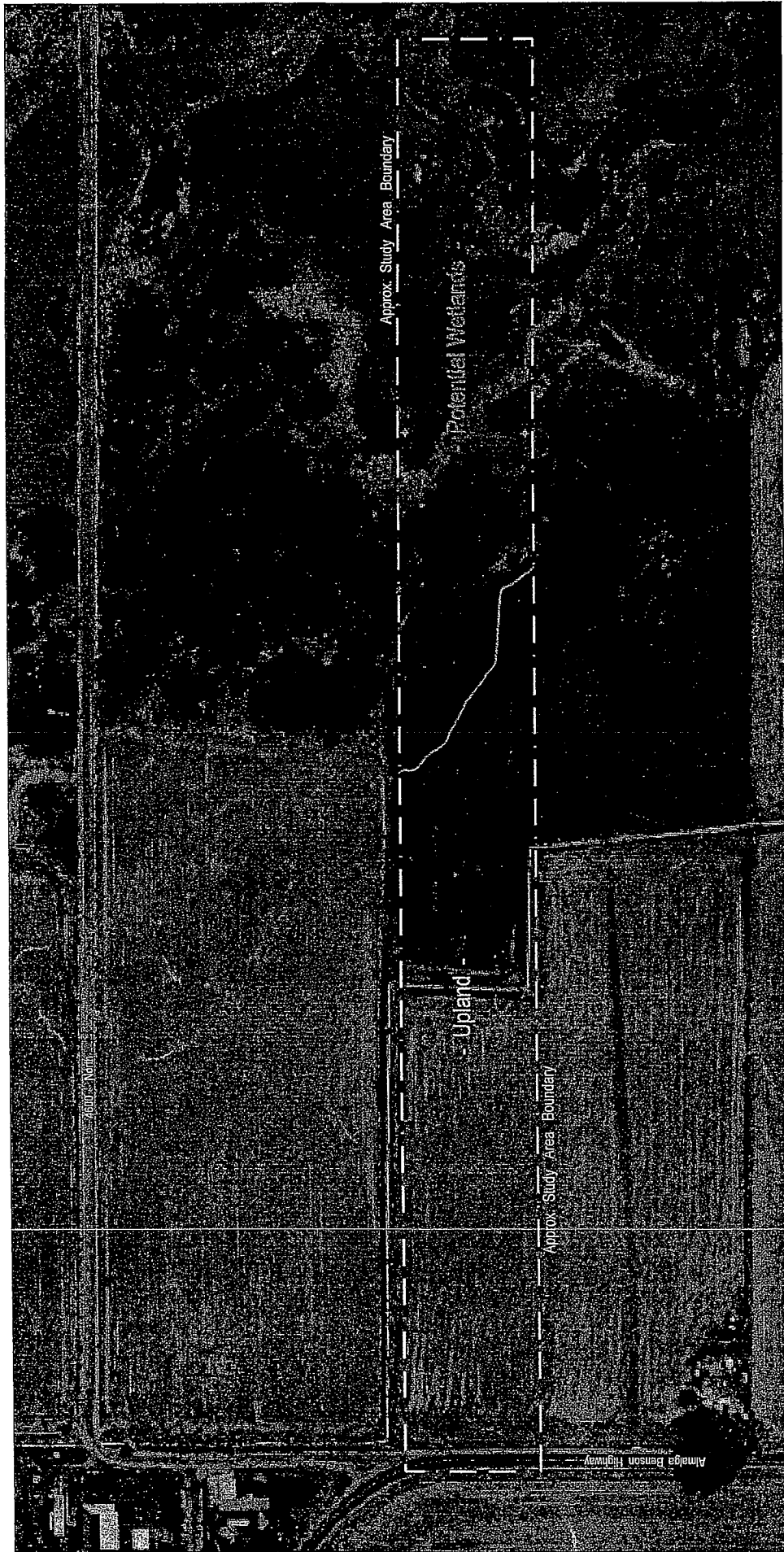
1. The S Curve Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records;
2. The S Curve Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies;
3. The S Curve Subdivision conforms to the preliminary requirements of §16.03.030 of the Cache County Subdivision Ordinance;
4. 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
5. 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.

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, culinary water connection shall be set in place for lots 1 and 2;
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 drive 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 east side of the line as indicated in the wetland study.
7. There shall be no sub-grade construction within the subdivision.





The S Curve Subdivision Preliminary Wetland Reconnaissance
Almalga, Cache County, Utah

Prepared By:
Natural Resources Consulting
 River Heights, Utah
 November 20th, 2008

Color Aerial Photo 2006 UTM12 nad83 meters

1 **Cache County Planning Commission (CCPC)**

2
3 Minutes for 7 January 2010

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

7
8 **Start Time: 5:32:00** (Video time not shown on DVD)

9
10 **Ellis** welcomed; **Larson** gave opening remarks.

11
12 **Approval of Agenda**

13
14 *Passed.*

15
16 **Approval of Minutes**

17
18 *Passed.*

19
20 **5:37:00**

21
22 **#1 The S Curve Subdivision (Steven C. Taylor)**

23
24 **Runhaar** Benson has no active board right now. We do need to follow due process, and allow
25 the applicant to proceed. That is why this board is reviewing this subdivision.

26
27 **Mascaro** reviewed Steven C. Taylor's request for a 4-lot subdivision and boundary line
28 adjustment on 13.20 acres of property in the Agricultural Zone located at 2202 West 4500 North
29 in Benson. County road 2400 West will provide adequate access to the proposed subdivision.
30 The private drive shall be constructed to county standards, 22' wide with 2' shoulders and a
31 gravel base. This parcel is located within the Benson Culinary Water District. This district was
32 established to provide clean water to the residents within Benson, because of the poor water
33 quality in this area. Benson will allow a maximum of two water hook-ups per subdivision. All
34 buildable lots will need to connect to Benson Culinary Water System. There was a wetland
35 study conducted that indicates there are potential wetlands. In reference to the wetland study
36 map, any construction proposed on the east side of the line, will need to conduct a wetland
37 delineation prior to construction.

38
39 **Staff** and Planning Commission discussed the road requirements. The road needs to be 22ft
40 wide with 2 foot shoulders and at least a gravel surface. The road also needs to have the 33 foot
41 wide easement in place.

42
43 **Clements** I have an issue with #6. They have to be part of the Benson Culinary Water District
44 even if Benson doesn't have the water to support the subdivision?

45
46 **Runhaar** that is what is supposed to happen

1 **Steven Taylor** Herb Weston is the owner of the property and I'm his agent. We were told that
2 we could have two hook-ups and no more, because Benson Culinary Water District couldn't
3 afford more. Because of that, we were told we need to get a well permit for the back two lots
4 and the state water board has approved a well being drilled there.
5

6 **Ellis** do you have any concerns with other conditions?
7

8 **Mr. Taylor** this is an official county right of way?

9 **Runhaar** yes, it is.
10

11 **Mr. Taylor** the intent is to stay in agriculture, and to keep the wetlands as they are.
12

13 **Dent** Do you have a well permit? If you don't build the house, do you plan to drill a well for
14 livestock?
15

16 **Mr. Taylor** yes.
17

18 **Erickson** can you please give me a little background on the wetland's study that was conducted?
19

20 **Mr. Taylor** before Jay would consider accepting the plot, someone needed to go walk the
21 property and that's what Cindy did.
22

23 **Kelby Johnson** I have a concern with the well. The Benson culinary well is not very far from
24 where they want to drill a well. The Benson well serves all of Benson. I have studied this and
25 drilling a new well could cause a funnel in the water table and could impact the Benson well.
26

27 **Mascaro** Benson's culinary well is located approximately 1 mile northeast from this area near
28 Smithfield.

29 **Brad Reese** I have an irrigation ditch running through this piece of property and I'm wondering
30 how this will affect it.
31

32 **Mr. Taylor** it won't affect the irrigation ditch.
33

34 **Mr. Herb Weston** I replaced the cement culvert with a plastic culvert a few years ago. I want to
35 put another 24 inch culvert in near the corner.
36

37 **Ms. Sherilyn Johnson** I have a couple of concerns. There is a very high water table due to the
38 wetlands. There is also a problem with septic tanks. Neighbors in the area have their septic
39 tanks flooded out during the spring. I'm also concerned about road traffic. There is a dangerous
40 blind curve and I've had people end up in my front yard coming around that curve.
41

42 **Larson** I have a question on the septic tank. What does shallow water table mean?
43

44 **Runhaar** I don't know, but Bear River Health has approved these lots for septic tank systems.
45

46 **Larson** can we state something like the septic can be no lower than the footings for the house?

1 **Clements** I reviewed a septic a few months ago and it was 2 ft and footings require at least 3
2 feet.

3
4 **Ellis** we've had restrictions on basements before. Are there any concerns there?

5
6 **Runhaar** not on the front two lots.

7
8 **Ms. Wynona Steel** I own the home net to this on the north side. I am concerned about water
9 too. I've lived there since 1979 and several years I haven't been able to use my septic because it
10 floods and I can't get it fixed because it just happens again and it cost too much. I'm also
11 concerned with the extra traffic.

12
13 **Mr. Wayne Maughan** I understand growth is happening around the state and the county. I
14 would like to see as growth happens we limit the impact on current residents. People live in the
15 country because they don't want multiple dwellings in their back yards. We also need to
16 consider the air pollution in our valley when discussing new construction and the added drivers
17 that it could possibly bring.

18
19 **Ellis** thank you for the comments.

20
21 **Mr. Weston** I appreciate the opinions of others and neighbors. I was born and raised here in
22 Logan. After attending USU, I went into farming. My father passed away and I continued to
23 farm with my 3 boys. As to the flooding, I think part of it is due to the road. Mr. Reese has put a
24 lot of money into the drainage and it was an expensive and mighty undertaking and we will get
25 to see how it works this year. The traffic will probably increase, but hopefully people will be
26 careful drivers.

27
28 **Staff** and the planning commission discussed condition #6 and its requirements.

29
30 **Mr. Taylor** we were asked to obtain a well permit for the back (2) two lots because we couldn't
31 have more hook-ups through Benson's Culinary Water District.

32
33 **Runhaar** if there is no contention from Benson Culinary Water District, we can take it out.

34
35 **Mr. Taylor** due to their funding, I've been told, they couldn't have more than (2) two water
36 hook-ups per subdivision in Benson.

37
38 *Sands made a motion for recommendation approval of the 4-lot S Curve Subdivision to the*
39 *County Council with the removal of condition #6 and the necessary rewording of #7; Nelson*
40 *seconded.*

41
42 *Nelson made a motion to amend the previous motion to include the addition of condition #8*
43 *stating that no sub-grade construction will be allowed. Sands seconded; passed 7, 0.*

44
45 *Main Motion passed 7, 0.*

46
47 FINDINGS OF FACT

1. The S Curve 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 S Curve 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;
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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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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 east 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.

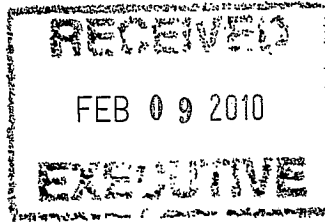
Mr. Leishman my only concern is the garbage/recycling pad. Is that going to have to be paved?

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

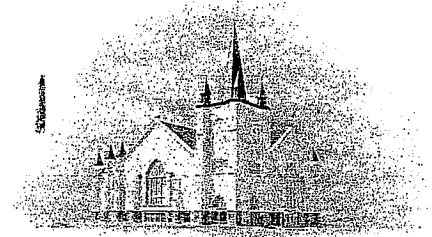
Eugene Ware I live right across from this subdivision. Part of the value of our house, according to the appraisal, is due to the 360 view. I'm worried that this subdivision could lower the value of my property because the view maybe impeded. I just want to be notified and included.

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.



Wellsville Foundation, Inc.
P. O. Box 166
Wellsville, UT 84339



"Preserving the Beauty and Heritage of Our Community"

www.wellsvilleheritage.org

February 9, 2010

Cache County Council and Executive Committee
100 North Main Street
Logan, UT 84321

RE: Historic Wellsville Tabernacle

The Wellsville Foundation received 2008 RAPZ Tax Grant monies in the amount of \$35,000 from Cache County for the design and engineering plans required for a new heating and cooling system for the Historic Wellsville Tabernacle. The monies were granted to create a comprehensive design to replace the steam heat system which is causing severe deterioration of the walls in the building.

Wellsville Foundation contracted with MechTech Engineering for the design and construction documents for the proposed heating and cooling system for the Wellsville Tabernacle. To date, we have paid MechTech Engineering approximately \$15,000 which has been covered by the 2008 RAPZ Tax Grant monies.

It was discovered during the process that the roof structure of the building may not be structurally strong enough to support the new mechanical equipment. Specific detailed information was given to MechTech from Cartwright Engineering about the structure of the proposed mechanical room. It was reported that the proposed truss and possibly other roof areas are over-stressed and showing significant signs of a catastrophic failure. The Wellsville Foundation was advised of the risks and cautioned about continued occupation until further analysis and repair of the existing structural condition of the Wellsville Tabernacle attic and roof.

The Wellsville Foundation is soliciting proposals from licensed and qualified structural engineers with experience working on historic buildings to review and further analyze the structure so that we may continue with our original plan of implementing a new heating and cooling system for the historic building.

Your permission is requested at this time to use the remaining portion of the allotted funds to help cover the costs of the structural analysis, and perhaps, the necessary modifications needed to support the existing load capacity required by code plus the proposed mechanical equipment necessary for our replacement heating and cooling system.

Kaylene Ames, President
Wellsville Foundation, Inc.

Laurel Maughan, Vice-President
Wellsville Foundation, Inc.

RESOLUTION 2010-11

**A RESOLUTION OF CACHE COUNTY APPROVING AND ADOPTING FEES
TO BE CHARGED BY THE CACHE COUNTY ATTORNEY'S OFFICE**

WHEREAS, the Cache County Attorney's Office is required by Utah State law to conduct on behalf of the state, all prosecutions of public offenses occurring within Cache County; and

WHEREAS, in the conduct of such prosecution duties, the Cache County Attorney's Office seeks to conduct such prosecutions in a manner that does not unduly burden the public; and

WHEREAS, the Cache County Attorney's Office has determined that various expenses which are incurred in the conduct of such prosecutions should more properly be passed on to those individuals necessitating the expenses rather than the residents of Cache County who are not involved in such prosecutions; and

WHEREAS, Cache County is authorized by §17-50-302 of the Utah Code to collect fees for benefits conferred by Cache County; and

WHEREAS, the Cache County Attorney's Office is authorized and required by §17-18-1(7)(d) of the Utah Code to collect and deliver money received in an official capacity to the Cache County Treasurer; and

WHEREAS, the Cache County Council has discussed and reviewed the need to establish fees for the various expenses incurred by the Cache County Attorney's Office so that appropriate expenses can be passed on to those individuals who have necessitated the expenses rather than having such expenses passed onto the residents of Cache County; and

WHEREAS, the Cache County Council has determined that the establishment of the fee schedule set forth below is appropriate and in the best interests of the residents of Cache County and will promote the safety, health, morals and general welfare of the residents of Cache County;

NOW THEREFORE, BE IT RESOLVED by the County Legislative Body of Cache County, State of Utah, with 6 members present and 6 members voting in favor thereof that the following fee schedule of the Cache County Attorney's Office is hereby approved and authorized:

Police Reports (non-indigent)	\$10.00
Copies of video tapes/disks (non-indigent)	\$25.00
Traffic Diversion Fee	\$80.00
Drug Court Fees	\$250.00
Photocopies (other than police reports)	\$.50/page



CACHE COUNTY COUNCIL

Gordon A. Zilles, Chair
Cache County Council

ATTEST:

Jill Zollinger
Cache County Clerk

RESOLUTION 2010-12

**A RESOLUTION OF CACHE COUNTY APPROVING AND ADOPTING FEES
TO BE CHARGED BY THE CACHE COUNTY SHERIFF'S OFFICE**

WHEREAS, the Cache County Sheriff's Office is required by Utah State law to preserve the peace, make all lawful arrests, attend to court security, take charge of and keep the county jail, and to attend to perform other various civil and criminal duties under §17-22-2 of the Utah Code; and

WHEREAS, in the conduct of such law enforcement duties, the Cache County Sheriff's Office seeks to conduct such duties in a manner that does not unduly burden the public; and

WHEREAS, many of the fees charged by the Cache County Sheriff's Office are authorized by §17-22-2.5 of the Utah State Code; and

WHEREAS, the Cache County Sheriff's Office has determined that various expenses which are incurred in the conduct of its law enforcement duties, and which are not specifically authorized by statute for reimbursement, should more properly be passed on to those individuals necessitating the expenses rather than the residents of Cache County who are not involved in such criminal and/or civil matters; and

WHEREAS, Cache County is authorized by §17-50-302 of the Utah Code to collect fees for benefits conferred by Cache County; and

WHEREAS, the Cache County Council has discussed and reviewed the need to establish fees for the various expenses incurred by the Cache County Sheriff's Office so that appropriate expenses can be passed on to those individuals who have necessitated the expenses rather than having such expenses passed onto the residents of Cache County ; and

WHEREAS, the Cache County Council has determined that the establishment of the fee schedule set forth below is appropriate and in the best interests of the residents of Cache County and will promote the safety, health, morals and general welfare of the residents of Cache County;

NOW THEREFORE, BE IT RESOLVED by the County Legislative Body of Cache County, State of Utah, with 6 members present and 6 members voting in favor thereof that the following fee schedule of the Cache County Sheriff's Office is hereby approved and authorized:

Notary Fee	\$5.00
Property Execution Deposit	\$500.00
Towing of Seized Property	Actual Cost of Towing
Copies of Reports	\$5.00
Photos (per page)	\$5.00
Utah Criminal Background Check	\$10.00
CD of Photos	\$25.00
Deputy Testing Fee	\$20.00
Fingerprints	\$10.00

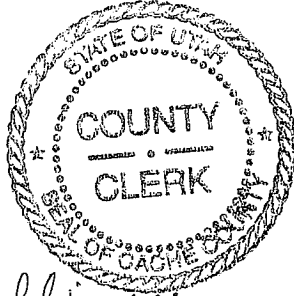
All other fees authorized by Utah State law.

Adopted by the County Council of Cache County, Utah, this 23 day of February, 2010.

CACHE COUNTY COUNCIL



Gordon Zilles, Chair
Cache County Council



ATTEST:



Jill Zollinger
Cache County Clerk

CACHE COUNTY, UTAH
ORDINANCE NO. 2010-04

REZONE – UT 1 DING DONG

Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail

AN ORDINANCE AMENDING THE CACHE COUNTY ZONING MAP

WHEREAS, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 *et seq.*, as amended (the “Act”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the County’s legislative body, following a public meeting, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county; and

WHEREAS, the Act also provides certain procedures for the County’s legislative body to adopt or amend the land use ordinance and zoning map for the County; and

WHEREAS, the County Council caused notice of the hearing to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

WHEREAS, on January 7th 2010, the Planning Commission held a public meeting for a rezone to a utility corridor overlay, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone; and

WHEREAS, on January 7th 2010, the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action; and

WHEREAS, on February 9th, 2010, at 6:15 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Code. The County Council accepted all comments; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed rezone was discussed, and recommendation of County staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to approve such rezone;

NOW, THEREFORE, BE IT ORDAINED by the Legislative Body of Cache County as follows:

1. Approval of Rezone.

The County Council hereby rezones the property described within Exhibit A from Agricultural (A) to Agricultural-Utility Corridor Overlay (A-UCO).

2. Adoption of Amended Zoning Map.

The County Council hereby amends the County's zoning map to reflect the rezone of the Property effected by this ordinance and hereby adopts the amended zoning map that is attached as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

3. Findings

- A. The locations of the subject properties are compatible with the purpose of the proposed Utility Corridor Overlay zoning district.
- B. The subject properties are suitable for development within the Utility Corridor Overlay Zone district without increasing the need for variances or special exceptions within this zone or the underlying Agricultural Zones.
- C. The subject properties are suitable as a location for all permitted uses within the proposed Utility Corridor Overlay Zone.
- D. The subject properties when used for the permitted uses in the Utility Corridor Overlay Zone would be compatible with the adjoining land uses.

4. Severability.

All parts of this ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

5. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Exhibits.

Exhibit A: Property affected by the UT 1 Ding Dong Rezone

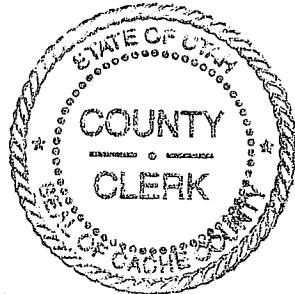
Exhibit B: Zoning Map of Cache County

7. Effective Date.

This ordinance takes effect on March 10th, 2010. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 23rd day of February, 2010.

	In Favor	Against	Abstained	Absent
Chambers	X			
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates				X
Zilles	X			
Total	6	0	0	1



ATTEST:

A handwritten signature in cursive script, reading "Jill Zollinger".

Jill Zollinger
Cache County Clerk

CACHE COUNTY COUNCIL

A handwritten signature in cursive script, reading "Gordon Zilles".

Gordon Zilles, Chair
Cache County Council

Publication Date: March 10, 2010

UT1 - DING DONG Rezone Overlay

16-036-0003

UT1 - DING DONG

16-046-0001

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, STATE OF UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED SOUTH 149.27 FEET ALONG SECTION LINE AND WEST 794.30 FEET FROM THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89° 57' 27" WEST 50.00 FEET; THENCE NORTH 00° 02' 33" WEST 50.00 FEET; THENCE NORTH 89° 57' 27" EAST 50.00 FEET; THENCE SOUTH 00° 02' 33" EAST 50.00 FEET TO THE POINT OF BEGINNING.

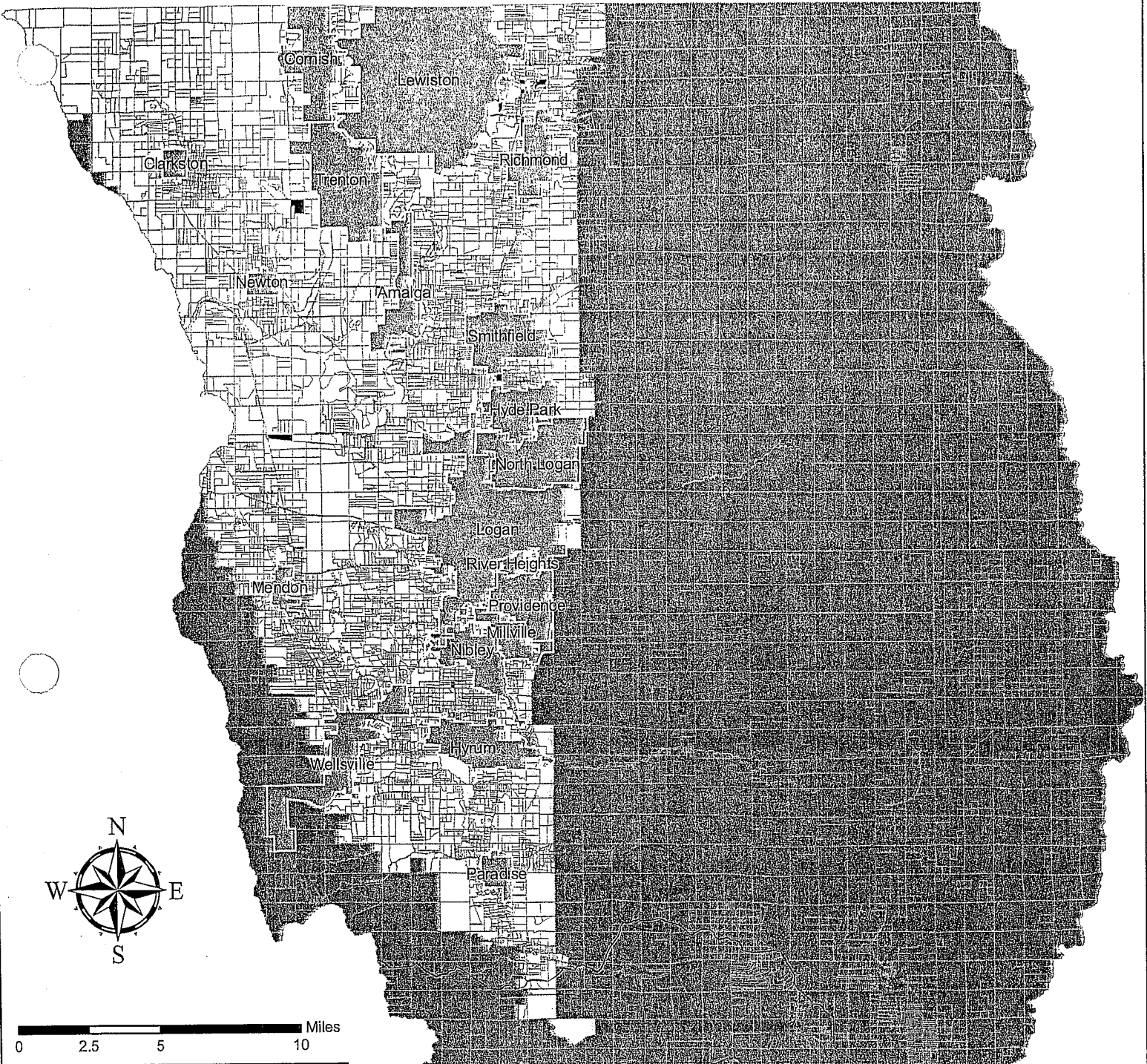
CONTAINS: 2500.50 FT. OR 0.057 ACRES MORE OR LESS (AS DESCRIBED)





16-046-0010

16-046-0002







Cache County Zoning



Legend

-  Municipal Boundary
-  Special Overlay Zones

County Zoning

-  A10: Agriculture 10 acres
-  C: Commercial
-  FR40: Forest Recreation 40 acres
-  IM: Industrial/Manufacturing
-  ME: Mineral Extraction
-  RR: Resort Recreation

**CACHE COUNTY, UTAH
ORDINANCE NO. 2010-__05**

**Subdivision Ordinance Amendments
Natural Barriers**

Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

**AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 2 OF TITLE 16 OF
THE CACHE COUNTY CODE REGARDING CACHE COUNTY'S NATURAL
BARRIER SUBDIVISIONS**

WHEREAS, the State of Utah has authorized Cache County to adopt Subdivision Ordinances;
and

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use
regulations for all land owners; and

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's
Subdivision Ordinance for all citizens; and

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 16 of
the Cache County Code to be advertised at least ten (10) days before the date of the public
hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

WHEREAS, the amendments to Title 16 of the Cache County Code was submitted to the Cache
County Planning Commission ("Planning Commission") and on January 7th 2010, the Planning
Commission recommended approval of the proposed changes to the County Council; and

WHEREAS, on February 9th, 2010, at 6:30 P.M., the County Council held a public hearing to
consider any comments regarding the proposed amendments to Title 16 of the Cache County
Code. The County Council accepted all comments; and

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate
for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that
Chapter 2 of Title 16 of the Cache County Code is hereby amended and superseded as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated
Sections 17-27a Part 6 (1953, as amended to date).

2. Purpose of Provisions.

The purpose of this ordinance is to amend and supersede Chapter 2 of Title 16 of the Cache County Code regarding Natural Barriers is to insure compatibility with the Cache County Zoning Ordinance (Title 17) and the health, safety, convenience, comfort, prosperity and general welfare of the citizens of Cache County.

3. Findings

- A. The amendments to Title 16 Chapter 2 of the Cache County Code are in conformity with Utah Code Annotated, §17-27a Part 6 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 16 Chapter 2 of the Cache County Code are necessary to ensure conformance between the County's Subdivision Ordinance and the County's Zoning Ordinance.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 16 Chapter 2 of the Cache County Code be approved.

4. Title 16, Chapter 2 of the Cache County Code is amended to read as follows:

§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.
 - 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.
- 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 to develop as if it were a 1970 Parcel.

5. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes Chapter 2 of Title 16 of the Cache County Code, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

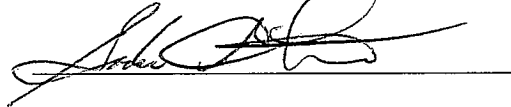
6. Effective Date.

This ordinance takes effect on March 10th, 2010. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

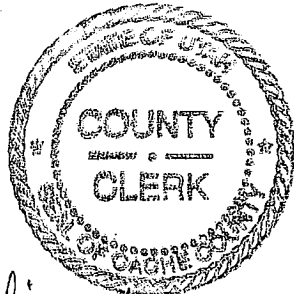
APPROVED AND ADOPTED this 23rd day of February, 2010.

	In Favor	Against	Abstained	Absent
Chambers	X			
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates				X
Zilles	X			
Total	6	0	0	1

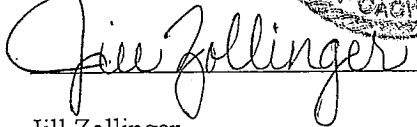
CACHE COUNTY COUNCIL



Gordon Zilles, Chair
Cache County Council



ATTEST:



Jill Zollinger
Cache County Clerk

Publication Date: March 10, 2010