

M. LYNN LEMON
COUNTY EXECUTIVE / SURVEYOR

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**Cache
County**
1857

COUNTY COUNCIL
VAL K. POTTER, *CHAIRMAN*
KATHY ROBISON, *VICE CHAIR*
CRAIG "W" BUTTARS
GREG MERRILL
JON WHITE
CORY YEATES
GORDON A. ZILLES

July 18, 2014

PUBLIC NOTICE is hereby given that the Cache County Council of Cache County, Utah will hold a Regular Meeting in the **Cache County Historic Courthouse, County Council Chambers**, 199 North Main, Logan, Utah 84321 at **5:00 p.m.** on **TUESDAY, JULY 22, 2014**

AGENDA

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING / PLEDGE** – M. Lynn Lemon
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (July 8, 2014)
 5. **REPORT OF COUNTY EXECUTIVE**
 - a. Appointments
 - b. Warrants
 - c. Other Items
 6. **CONSENT AGENDA**
 - a. **Mendon South Subdivision** – David Sorenson requesting a 3-Lot Subdivision on 10 acres in the Agricultural (A10) Zone located approximately 2400 South 5400 West, Mendon
 7. **ITEMS OF SPECIAL INTEREST**
 - a. Presentation of Cache Valley Century Farms – Clark Israelsen (10 min)
 8. **UNIT OR COMMITTEE REPORTS**
 9. **BUDGETARY MATTERS**
 10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
 - a. **Set Public Hearing for August 12, 2014 at 5:30 p.m. – Country Living Rezone** – Steven Russell requesting the rezone of 16.62 acres from Agricultural (A10) Zone to Rural 2 (RU2) Zone located approximately 900 West 2200 South, College Ward
 - b. **Set Public Hearing for August 12, 2014 at 6:00 p.m. – Open 2014 Budget**
 11. **PENDING ACTION**

12. **INITIAL PROPOSAL FOR CONSIDERATION OF ACTION**

- a. Discussion – Powder Mountain
- b. Land Water Conservation Fund (LWCF) - Land Conversion / Sponsorship
- c. Discussion – Reserve Senior Volunteer Program (RSVP) Grant Application
- d. Discussion – Joint Council Meeting Agenda

13. **OTHER BUSINESS**

- a. North Logan City Pioneer Day Parade – July 24, 2014 at 10:00 a.m.
Lynn, Val, Cory, Craig
- b. Logan City Pioneer Day Parade – July 24, 2014 at 12:00 p.m.
Lynn, Greg, Cory, Craig
- c. Cache County / Logan City Joint Council Meeting – July 29, 2014 at 5:30 p.m.
- d. Cache County Fair & Rodeo – August 7, 8, 9, 2014
- e. River Heights Apple Days Parade – August 23, 2014 at 4:00 p.m.

14. **COUNCIL MEMBER REPORTS**

15. **ADJOURN TO MEETING OF THE CACHE COUNTY REDEVELOPMENT AGENCY**

CACHE COUNTY REDEVELOPMENT AGENCY

Cache County Historic Courthouse, County Council Chambers - 199 North Main Street, Logan, Utah 84321

July 22, 2014

AGENDA

CALL TO ORDER

ACTION ITEMS

- 1. Consideration for Adoption of a Resolution of the Board of Directors of the Cache County Redevelopment Agency Approving an Amended Budget for the Cache County Pepperidge Farm Community Development Project Area; and Related Matters
- 2. **Resolution 2014-02** – Approving an Amended Budget for the Cache County Pepperidge Farm Community Development Project Area; and Related Matters

ADJOURNMENT



Val K. Potter, Chairman

*Citizens desiring to be heard are encouraged to submit their messages in writing during or prior to the hearing

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen at 755-1850 at least three working days prior to the meeting.

STAFF REPORT: MENDON SOUTH SUBDIVISION

10 July 2014

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: David Sorenson

Parcel ID#: 11-035-0006

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Chris Harrild - Planner II

Project Address:

2400 South 5400 West
Mendon, Utah 84325

Current Zoning:

Agricultural (A10)

Acres: 10

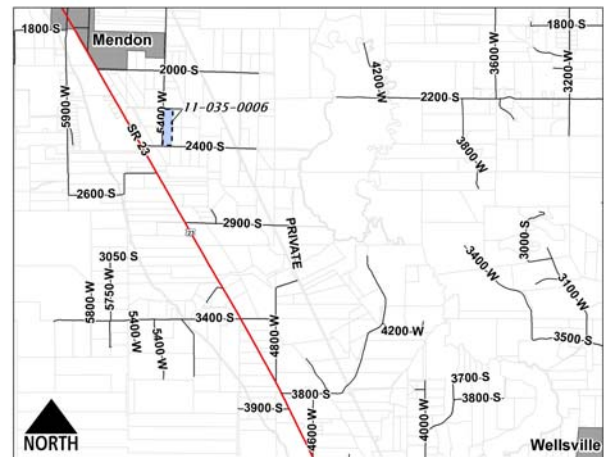
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

Purpose:

To review and make a recommendation to the County Council regarding the proposed Mendon South Subdivision.

Ordinance:

As per the Cache County Zoning Ordinance Table §17.10.030 Development Density and Standards Specific to Base Zoning Districts, this proposed subdivision qualifies for a development density of one of one (1) unit per two (2) acres for the first 3 lots, and (1) unit per ten (10) acres thereafter. The maximum development potential for this 1970 parcel is three (3) buildable lots.

Summary:

This proposal is to divide parcel number 11-035-0006 into three (3) developable lots.

Access:

- Access to this property is from county roads 2400 South (24' wide pavement, 3' wide gravel shoulders) and 5400 West (22' wide pavement, 2' wide gravel shoulders). A private drive at the north end of the property is not an access for these lots. Both county roads are adequate.

Storm Water:

- Drainage along the north side of 2400 South flows through a culvert from the west side to the east side of 5400 West. The culvert appears to be 15-18" in diameter but is nearly entirely obstructed due to sediment accumulation. This culvert must be cleaned out or replaced, and the immediate drainage paths reformed for the drainage to function properly. The county will take responsibility for the culvert and the developer shall address the drainage paths.

Water & Septic:

- An adequate, approved, domestic water right must be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- Lot 2 has been identified as a dry lot. One dry lot is allowed per subdivision; however, a dwelling shall not be built on this lot until an adequate, approved, domestic water right is in place.
- The Bear River Health Department has determined that on-site septic tank systems are feasible for the proposed lots.

Service Provision:

- Residential waste containers shall be placed on 5400 West for Monday collection. Sufficient shoulder space must be provided for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
- A school bus stop is located at 5426 West 2400 South, less than 0.1 miles away.
- Any driveways shall meet all applicable requirements of the current International Fire Code, minimum County standards, and any other applicable codes.
- Water supply for fire suppression will be provided by the Mendon City Fire Department. Access for emergency services is adequate.

Public Comment:

Notices were mailed to the property owners located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

STAFF DETERMINATION AND FINDINGS OF FACT (4)

It is staff's determination that the Mendon South Subdivision, a 3-lot subdivision for property located at approximately 2400 South 5400 West with parcel number 11-035-0006, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

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

CONDITIONS OF APPROVAL (6)

Prior to final plat recordation, the following conditions must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. Adequate, approved, domestic water rights shall be in place for all building lots within the subdivision.
3. The applicant shall reaffirm 33' from the centerline of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision boundary.
4. Sufficient shoulder space must be provided for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
5. Permits for and/or construction of a dwelling shall not be allowed on Lot #2 until an adequate, approved, domestic water right is in place.
6. The drainage paths in the direct vicinity of the culvert under 5400 West at the intersection with 2400 South, shall be reformed to allow the drainage from the culvert to function properly. These improvements are required in the locations east of 5400 West and on the north side of 2400 South.

1 **Staff and Commission** discussed the concerns that the public raised. While wells are typically a
2 state concern, they can be taken into consideration with a rezone. This is a unique situation
3 where it is located near three cities and the county is trying not to patch work services and roads.
4 There is a consistency of service issues and it's going to be difficult to put development in the
5 county in these types of situations. It would be very unlikely for this parcel to be annexed if it is
6 developed as residential because it would require higher taxes. The county is backing off of
7 services for islands like this. Staff's recommendation for denial is not based solely on the
8 density, the concern is with development in general because of the possibility of annexation for
9 the three cities surrounding this area.

10
11 *Larson motion to recommend denial of the Country Living Rezone to the County Council with the*
12 *stated conditions and findings of fact; Christensen seconded; Passed 4, 0.*

13
14 **6:36:00**

15
16 **#2 Mendon South Subdivision (David Sorensen)**

17
18 **Harrild** reviewed Mr. David Sorensen's request for a recommendation of approval to the County
19 Council for a 3-lot subdivision on 10 acres of property in the Agricultural (A10) Zone located at
20 approximately 2400 South 54000 West, Mendon. Access is from 2400 South and 5400 West and
21 both are adequate. The Bear River Health Department (BRHD) has approved on-site septic
22 tank systems for the buildable lots. Lot 2 has been identified as a dry lot and no dwelling will be
23 permitted on this lot until an adequate, approved, domestic water right is in place. Staff has
24 received comment from one person that noted their disagreement with additional homes on the
25 roadway and with allowing a dry lot. The code does allow for the dry lot but the Commission
26 can deny the dry lot and make it a wet lot. There is a culvert along the north side of 2400 south
27 that is obstructed due to sediment accumulation that will need to be cleaned out or replaced, and
28 the immediate drainage paths will need to be reformed for it to function properly. The County
29 will take responsibility for the culvert and the developer shall address the drainage paths.

30
31 **Jeff Nielson** I did the surveying and the platting for Mr. Sorensen. This is a pretty straight
32 forward application.

33
34 **Scott Cannon** in 2003 the Utah Geological Society did a study and my concern, which is found
35 in this study, is that although the ground water quality in this area is pristine, it is deteriorating
36 throughout Cache Valley. On the basis of this scientific report, it is deteriorating and the area
37 has been separated into zones with a recommended septic density. In our area, Mendon, they
38 recommend a maximum septic density of five acres, that's one septic system per five acres. I'm
39 not suggesting Cache County has to comply with that, but my thought is that I hope the BRHD
40 follows this. I hope there is science behind that. The water is deteriorating and my alarm went
41 up when the Mendon well started showing nitrates and maybe people weren't paying enough
42 attention to this idea of septic density. But it seems like if it is deteriorating we need to pay
43 attention to that and I don't know what the County's science basis is for giving this the okay.
44 That's one issue and that's probably the primary issue. I'm worried for future generations and
45 how it could harm them. The dry lot, it appears as if you are all aware of it, but the BRHD, when
46 I was getting my water rights, and I have some canal rights, I had occasion a couple of years ago
47 to trade some of my canal rights for well rights. The BRHD told me that they didn't believe I

1 would be able to trade canal rights for well rights because the canal company wouldn't allow it.
2 I have heard it is the plan to follow that same course to do that, but the fact of the matter is, is
3 that has got to happen before it gets approved. But I have pursued this course before and was
4 told no. Secondly, because of the allocation of the ground water I was also told by the BRHD
5 that even if I could provide water rights they had nothing they could give to increase the well
6 permits in the area because they were over allocated. I worry about that little well in that corner
7 being close to the well in my corner and two or three families drawing on it and what the
8 implications would be but I have no data except what I have on my well and I don't know what
9 that would do. It seems like the proposal isn't unreasonable but I am concerned that someone
10 needs to pay attention to what the science of hydrology is telling us in the area regarding the
11 capacity to support wells.

12
13 **Sands** do you have a pump for your well?

14
15 **Mr. Cannon** I do; a submerged pump.

16
17 **Sands** on the UGS study, is that referring to the shallow aquifer or the deep aquifer that you are
18 drawing your water off of?

19
20 **Mr. Cannon** when I was looking at it, it was referring to ground water. It was not detailed
21 enough for stratification.

22
23 **Sands** my expectation would be that it is the shallow ground water that they are concerned about
24 seeing nitrates in.

25
26 **Lori Jenkins** I'm concerned with the wells. I'm just wondering if the more wells we get there
27 could affect our wells. We have a neighbor who has drilled two wells and cannot use either well
28 and is having to bring in water from elsewhere and store it in a tank.

29
30 **Runhaar** honestly as to the problem there, typically the more wells you see affect the flow, not
31 the quality. I don't know how good the aquifer is in this area but we don't typically see flow
32 issues in sparsely populated areas but I cannot give you a definitive answer on that. They will
33 have to prove out water rights before they can do anything with the subdivision but they do not
34 have to prove water flow. Water is not controlled by the county but by the state and they are not
35 required to prove flow but a water right. Three wells should not affect your quantity.

36
37 **Sands** is that a wet area?

38
39 **Staff and Commission** discussed the wet area of land. No wetlands have been defined in this
40 area but in the spring it gets wet. People who have questions regarding septic tanks, and what
41 the criteria are for approval of septic tanks should contact the Bear River Health Department
42 (BRHD). If people have questions regarding wells and water rights need to contact the state.
43 The county has no authority on wells or water rights.

44
45 **Caylenn Rowley** one problem I have with this, 8 years ago was we were assured there was a
46 moratorium on new wells to keep the country atmosphere and to keep the five acre lots. I think
47 approving this subdivision sets a precedent for all the other empty lots around us. We've always

1 thought a house had to have 5 acres. We were also told no well would be granted unless there
2 was a five acre lot. My husband has checked on that recently and been assured that it won't
3 happen but I think approving this subdivision is going to falsely inflate the value of the selling
4 price of the property for people who would be willing to buy it for an agricultural property but if
5 it's zoned residential you are going to inflate the property. Why approve it for 2 ½ acre lots,
6 those people can buy the lot and find out they can't build on it because they can't get a well.
7 When Mr. Sorensen did his well it was approved for one residential house on those ten acres and
8 that was it. It had to be on residential house on 10 acres if you look at this well rights and I don't
9 think approving 2 ½ acres parcel should be done.

10
11 **Sands** who did you talk to about the limitations on wells?

12
13 **Ms. Rowley** the state water people. The people we had to talk to, to get our well approved is
14 who we talked to. We were told they needed to be five acres lots. I know the partial parcel
15 between us and the Cannon's, they made sure that they annexed enough for 5 acres so that it
16 could be sold for a residential lot.

17
18 **Larson** the reason this doesn't follow the norm is because it is a 1970 parcel. This is one of the
19 things that make sense to know one, including us, but we are bound by it. But this 1970 parcel,
20 there are rights vested in a parcel that has not been divided since 1970 that we have to allow. So
21 even if the whole area is zoned for a 10 minimum acre or density of 10 acres we are still bound,
22 they are grandfathered in if the lot has not been divided since 1970.

23
24 **Sands** that is correct, because it is a 1970 parcel. If this were 20 acres or 50 acres it would still
25 be the same rules, they would get three lots.

26
27 **Ms. Rowley** it can be divided into 2 ½ acres lots?

28
29 **Sands** we are saying it can be divided into three lots.

30
31 **Larson** it's the number of divisions, not the size.

32
33 **Ms. Rowley** we bought a five acre lot.

34
35 **Sands** you bought a five acre lot, is it a division of a 1970 parcel?

36
37 **Ms. Rowley** it was part of a 1970 acre parcel, but we were told we couldn't split the parcel and
38 have our children build a home on it because of the 1970.

39
40 **Harrild** it depends on each parcel, each one is parcel specific.

41
42 **Larson** each parcel has its own history.

43
44 **Ms. Rowley** we bought it 8 years ago and the previous owner had owned it the whole time and
45 hadn't split it.

1 **Sands** you could come in and visit with Chris and he can see if it's a 1970 parcel or part of a
2 1970 parcel.

3
4 **Larson** they can clarify that quickly for you.

5
6 **Ms. Rowley** we don't want to see 2 ½ acres lots going in around us because it sets a precedent.

7
8 **Larson** it would be the same thing whether they had 100 acres or whatever because of the 1970
9 parcel rules and we are kind of stuck with it because it is grandfathered in.

10
11 **Tammy Trickler** I am adjacent to this parcel. One of the current concerns I do have regarding
12 this is back to the water. I understand you don't have anything to do with that but when our well
13 was built it was an artesian well and we've had to have our pumps worked on twice and we've
14 been informed it is no longer artesian. Nobody from BRHD has talked to us about flow or
15 function of our well and this is concerning for us.

16
17 **Robert Jenkins** we have talked about buying the north five acres. But from what I understand is
18 that he does not have water rights on that five acres now. If we purchase the five acres with the
19 water right, does it have an expiration date?

20
21 **Runhaar** yes. You have five years to prove beneficial use and then you can file for an extension
22 but if you don't prove beneficial use it will go away.

23
24 *Christensen* motioned to recommend approval of the Mendon South Subdivision to the County
25 Council with the stated conditions of approval and findings of fact; **Olsen** seconded; **Passed 4, 0.**

26
27 **7:23:00**

28
29 **Runhaar** the state and EPA are requiring us to go forward with storm water management. The
30 county was rewarded an exemption 10 years ago and we did re-file for the exemption and were
31 denied. We are hiring a full time person to deal with this issue.

32
33 **7:27:00**

34