

CACHE COUNTY COUNCIL

April 14, 2009

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CACHE COUNTY COUNCIL MEETING

April 14, 2009

The Cache County Council convened in a regular session on April 14, 2009 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

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

The following individuals were also in attendance: Janeen Allen, Lloyd Berentzen, Sherman Buck, Jay Downs, Clair Ellis, Sandy Emile, Recorder Michael Gleed, Chief Rod Hammer, Sharon L. Hoth, Jim Huska, Grant Koford, Amy Lambert, Bracken Longhurst, Sheriff Lynn Nelson, Melanie Nichols, David Nielsen, Jill Parker, Pat Parker, Jackie Robinette, Josh Runhaar, Tara Wabel, **Media:** Charles Geraci (Herald Journal), Arrin Brunson (Salt Lake Tribune), Jeremy Threlfall (KUTA-TV), Jennie Christensen (KVNU), Gidedon Oakes (Hard News Café).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

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

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as written.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the March 24, 2009 Council Meeting as corrected. Buttars seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: Larry D. Parker Road Special Service District Board

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

WARRANTS: Warrants for the periods 04-27-2007 to 05-03-2007, 12-17-2008, 12-19-2008, 02-20-2009 to 02-26-2009, 02-27-2009 to 03-05-2009 and 03-13-2009 were given to the Clerk for filing.

OTHER ITEMS

- ❑ **Tax Roll Information Request** – Executive Lemon reported that he has denied the Farm Bureau's request for a copy of the tax roll to use to recruit new members. Lemon noted that Cache County has only provided copies of the tax roll to entities who furnish a letter stating that the information will not be used for commercial purposes. The Farm Bureau asked Lemon to bring the question to the Council. The Council agreed with Lemon's denial of the request.
- ❑ **Courthouse Use Fee** – Lemon said that a group of citizens have reserved the Historic Courthouse and have objected to the fee charged. They reason that it is a public building supported by their taxes and there should not be a fee. The Council concurred with Executive Lemon that the fee should be charged.
- ❑ **North American Weather Consultants Report** – At the end of March 2009 the snow water equivalent was 96% of normal and the water year precipitation was 100% of normal.
- ❑ **Recovery Act Money – Terryl Warner** has applied for grants from the stimulus funds including a one-year grant for a victim advocate, a JAG grant for up to four years to finalize paperless system training and equipment (\$28,806.00), a two-year grant for a Crime Scene Investigator for Cache County Attorney's Office. Lemon reviewed the grants, their purposes and the amount of funding. One of the conditions of the grants is that the governing body must be informed of the applications.
- ❑ **CHRP Program Request** – The Sheriff's office has applied for a three-year grant for the CHRP Program from stimulus funds and also must inform the governing body of the application. The grant is for one officer that Providence City will pay for and one officer that Cache Valley Transit District will pay for and one investigator. At the end of the three years Cache County will be required to pay for the investigator on the fourth year.
- ❑ **Recommendations for Resource Advisory Committee (RAC)** are due on April 30, 2009 and Lemon asked the Council members to obtain applications from Pat Parker to give to interested individuals and encourage them to apply.

ITEMS OF SPECIAL INTEREST

- **Employee of the Month** award was presented to Tara Wabel of the Auditor's Office by Janeen Allen as Jim Smith was out of town.
- **Chamber of Commerce Economic Development Report – Sandy Emile** updated the Council on the mission and services of the Cache Chamber of Commerce including economic development, business networking and information resources. Emile reminded the Council of the Chamber's upcoming Northern Utah Business Expo 2009 on May 14, 2009 at the BATC West building.

Executive Lemon asked if Emile had an idea how local businesses are faring with the national economic downturn? Emile responded that Cache businesses are well positioned. There will be a drop, but it is believed it will be later than the rest of the nation and that recovery will be sooner because of the business diversity in the area.

UNIT OR COMMITTEE REPORTS

★ **Cache County Sheriff Annual Report – Sheriff G. Lynn Nelson** briefly reviewed the operations of the Sheriff's office and stated that the average daily numbers break down to twenty-eight incidents, ten arrests, twenty-five tickets, twelve bookings and nineteen papers served each day for 2008. The Sheriff's department has three divisions: Support Services, Patrol, and Jail.

Tape 1, Side B

Because of stimulus funds the federal grants for the Drug Task Force have been reinstated.

In the past eleven years there has been a 35% increase in cases handled, a 41% increase in total arrests and a 104% increase in drunk driving.

The schools are excited about the new NOVA program that will replace the DARE program.

There are presently 335 inmates with 213 county inmates and 116 contract inmates which is the reverse of what the ratio was a few years ago. This is a problem because the state cut the funding for the contract inmates significantly.

Chairman Petersen stated the Sheriff's office is a very well-run office.

★ **Bear River Health 2009 Air Quality Program – Grant Koford** explained the 2008 Air Quality Program and the proposed 2009 budget for Cache Valley Air Quality. Koford stated that because Cache County is at nonattainment, control strategies will have to be implemented and the presently unused portion of the air pollution control (APC) fee will be needed to fund that implementation. Koford cautioned the Council to not be hasty in reducing or eliminating the APC fee.

Chairman Petersen asked how much of the APC fee has not been used. Executive Lemon replied approximately one-half or about \$150,000.00.

BUDGETARY MATTERS

♦ Intra-Departmental Transfers

Election

Transfer \$25,098.00 from Salary to Temporary Employees to cover part time employees – (1 FTE retired-replaced with 2 part time employees)

Surveyor

Transfer \$8,000.00 from Salary to Capitalized Equipment to cover purchase of ATV

(Attachment 1)

ACTION: Motion by Council member Robison to approve the Budget Transfers of \$25,098.00 and \$8,000.00. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: APRIL 28, 2009 - 5:45 P.M. – OPEN 2009 BUDGET

ACTION: Motion by Council member Yeates to set a Public Hearing for April 28, 2009 at 5:45 p.m. to Open 2009 Budget. Zilles seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION.

BOARD OF EQUALIZATION

▫ **Tax Exemption Requests**

Beaver Mountain Ski Patrol (real property bldg and personal property)
Family Institute of Northern Utah (personal property only)
Neighborhood Non-Profit Housing Corporation

ACTION: Motion by Council member Yeates to approve the property tax exemption requests. Chambers seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PENDING ACTION

- **Four-Day Work Week – Discussion** – Chairman Petersen said that the county offices presently on the four-day work week will remain on that schedule until the August review by the state except the Recorder's office which this discussion pertains to.

Recorder Gleed indicated his office prefers to remain with office hours the same as the rest of the Administration Building and presented options for the Council to consider:

If the county stays with the four-day week, the Recorder's office will be open on the Fridays that are the last recording day of the month. This would be three Fridays between now and the end of the year. The office would be open for a couple of hours by appointment only. Gleed feels this is the best option and asked that the ordinance allowing emergency recordings on Friday be rescinded.

Electronic recordings are another option, but that still requires a person to be in the office, unless remote access could be set up. The IT Department will not be able to do the remote set-up for at least three to four months.

Executive Lemon said that, generally, the county offices are here to serve the public and would like to try to accommodate the title companies. Lemon asked if it would be possible to rotate employees in the Recorder's office to be available on Fridays to accept FAXes to record? The office would not be open to the public.

Gleed said that is an option his office could work with. It couldn't be a FAX, but could be electronic filings. Gleed would prefer to have two employees in the office on Fridays rather than only one.

Chairman Petersen said title companies indicate the crucial issue is Friday afternoons. What if the Recorder's office is open every Friday from 1:00 to 5:00 p.m. with two people (employees could rotate) in the office for recording by appointment only? Petersen asked what the difficulty would be with this proposal?

Gleed replied it is not fair to those people and an inconvenience to their weekend.

Gleed said one alternative would be to let his office work four nine-hour days and four hours on Friday. Employees could rotate and have every other Friday off.

Council member Robison said the Council should give Gleed the flexibility as a Department Head to work out a schedule that works for his department.

Council member Buttars agreed someone needs to be in the office on Fridays and agreed with Gleed's proposal of four nines with four hours on Friday to be rotated through his employees.

Chairman Petersen said the Recorder's office does not get much patronage from 7:00 a.m. to 8:00 a.m. and 5:00 p.m. to 6:00 p.m. Gleed agreed.

Gleed noted that other counties simply say no recordings on Fridays.

Petersen observed the four nines would have a zero impact on the public and would allow someone to be available for Fridays which would have a positive impact on the public.

Council member Yeates said he has spoken with some mortgage officers who indicated the only real problem is when Friday is the last recording day of the month, particularly for FHA loans. Gleed is willing to work on that Friday. Yeates said most people have made the adjustment and Gleed should be given the flexibility he needs and the Council could rescind the ordinance allowing emergency Friday filings. This solution would minimize the effect on Gleed's office.

Council member Chambers said he thought there were concerns over other Fridays and feels it would be a benefit to have the Recorder's office available every Friday.

Yeates said he believes business is changing and the people know the money isn't going to transfer until Monday when signed on Thursday.

Executive Lemon said the county is here to serve people and the county should do what they can to serve them.

Gleed said if the Council gives him the flexibility to make adjustments for the four nines with a rotating shift on Fridays for a half day, he could do that.

Tape 2, Side A

ACTION: Motion by Council member White that the Cache County Council would like to see the Recorder's office available on Friday afternoons from noon to 4:00 p.m. and the Recorder has the flexibility to work out his office schedule as he prefers to accommodate the Friday opening. Buttars seconded the motion.

Discussion:

Robison reiterated her preference to allow Gleed to work out his own office schedule.

Chairman Petersen said Gleed can do whatever he needs to do to accommodate the Council's preference that the Recorder's office be available on Friday afternoons.

Vice Chairman Zilles asked if that means the Recorder's office will be open by appointment only?

Chairman Petersen said, no, it means that staff will be available and may be contacted by patrons via telephone or other means for admittance to the building to conduct business.

ACTION: Chairman Petersen called for the vote on the motion. The vote was unanimous, 7-0.

- ☐ **Ordinance No. 2009-01 – Utility Corridors Code Amendment—Amendments to County Code Sections 17.02 Administration, 17.05 Supplementary and Qualifying Regulations, 17.07 Definitions, 17.08 Schedule of Zoning Uses, and 17.19 Utility Corridor Overlay Zone** – Director Runhaar said the handout with the proposed ordinance language the Council has is self-explanatory and asked if there were questions.

Council member White questioned why the FR-40 zone under the *Utility Facility, Major* was not as restricted as the “A” (Agricultural) zone? Runhaar responded that Agricultural zones are frequently on the valley floor and the transmission lines would be more disruptive to people’s property so there is one more step in the process before approval would be given.

White said he believes the FR-40 zone should be considered for that same restriction because watersheds, etc. are all in the FR-40 zone. If the county has a more restrictive application process in place, property owners will have “back-up” as they deal with parties wanting to put transmission lines through their properties and the county’s water, etc. will be better protected.

Executive Lemon suggested deleting the “C” (conditional use) requirement from the FR-40 and “A” zones which would create the more restrictive process White favors. Applicants would then have to obtain an overlay zone to be certain watersheds, etc. are not going to be affected.

(Attachment 2)

Motion by Council member Yeates to approve Ordinance No. 2009-01 Utility Corridors Code Amendment—Amendments to County Code Sections 17.02 Administration, 17.05 Supplementary and Qualifying Regulations, 17.07 Definitions, 17.08 Schedule of Zoning Uses, and 17.19 Utility Corridor Overlay Zone. Zilles seconded the motion.

ACTION: Motion by Council member White to amend Ordinance No. 2009-01 Utility Corridors Code Amendment—Amendments to County Code, etc. by deleting the “C” in the FR-40 and “A” zones under Utility Facility Major in Section 17.08 Schedule of Uses by Zones. Yeates seconded the motion. The vote was unanimous, 7-0.

ACTION: Chairman Petersen called for the vote on the main motion as amended. The vote was unanimous, 7-0.

Ordinance No 2009-01: The vote was 7-0.

	<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	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- ☐ **Proposed Ordinance language for Agricultural Zone – Discussion** – Chairman Petersen distributed Director Runhaar’s one-page handout summarizing the proposed multiple residential/agricultural zones. A committee of Chairman Petersen, Council

member Chambers, Director Josh Runhaar, Vice Chair Zilles, Attorney James Swink, Clair Ellis, Lee Nelson and Leslie Larson developed and unanimously recommended the proposed ordinance language. The Planning Commission is working through this ordinance and the Council has requested that the Commission bring proposals to the Council as they are completed so the Council can review it simultaneously with the Commission.

Director Runhaar said the Planning Commission is looking at both clean up of language and the addition of multiple zones. The Council is reviewing just a portion of the Commission's work. At the last meeting there was a 4-3 vote on the issue of looking at three new zones. There is currently a single AG zone that covers everything. The proposal is the implementation of three zones – the Agricultural 10 zone (A-10) – ten acres, the Agricultural Estate Zone (AE-5) – five acres, and the Residential Estate Zone (RE-2) – two acres. Four of the Planning Commissioners are satisfied to proceed with the three zoning designations; three are looking at potentially increasing the standards on the A-10 zones.

Chairman Petersen pointed out that these zones are density based.

Director Runhaar explained the proposed zones in more detail and Executive Lemon asked how these zones work with the county's philosophy of promoting development near cities and preserving land?

Director Runhaar responded that the problem with promoting development near cities is that the density allowed by cities is much higher than that allowed by the county. The biggest stumbling block to annexation by cities is the cost of infrastructure. Better communication with cities needs to be pursued to work out the difficulties.

Council member White suggested that the county's standards for infrastructure need to be upgraded. People want to build in the county because it is cheaper. If the county's standards were more stringent, building in the county would not be so attractive and individuals would look more to building within cities.

Runhaar said there is a draft set of road standards that is 75% to 80% percent complete and final revisions are in the process. That will be presented to the Council at a later time.

Vice Chair Zilles stated that until the county requires developers to build to or near the standards of the cities, the county will continue to encourage development in the county. It is important that road standards be raised to the level of similar subdivisions in a city. If the county does not have hydrant requirements similar to cities or does not require fire sprinklers, the county gives those lots an advantage over city lots.

Lemon said he assumed the committee of Council members, Planning Commission members, etc. are in agreement with the principles in this proposed language. Chairman Petersen replied that is correct.

Tape 2, Side B

Council member Buttars asked why the necessity of the AE-5 and RE-2 zones? Runhaar explained that AE-5 (maximum density: one lot per five acres) does not mean the lots will be five acres. It could mean the lot is ½ acre with the remaining acreage

remaining as farmland or consolidated with other “left-over” acreage in a subdivision to be used as open space or equestrian facilities or riding areas, etc.

(Attachment 3)

INITIAL PROPOSAL FOR CONSIDERATION

- **Property Tax Hardship Application Committee Report** – Council member Robison presented recommendations from the committee as follows:
 1. Ask the Treasurer’s office to add a page to the hardship application asking for additional information about IRA’s, 401(k)s, annuities, rental properties, etc.
 2. When the Council has a question on an abatement, ask that it be moved to the next meeting and ask for additional information from the auditor and/or treasurer and, if necessary, set up a personal interview with the applicant and two Council members to hear the story of the hardship, then bring the information to Pat Parker to include in the Council’s next packet.

(Attachment 4)

ACTION: Motion by Council member Robison to accept the Property Tax Hardship Application Committee Report and implement the two recommendations. Buttars seconded motion. The vote was unanimous, 7-0.

- **Property Tax Hardship Request** – Executive Lemon indicated the individual is willing to set up a payment plan to have the taxes paid within the year. Lemon recommends approving the Tax Hardship Request and abating penalties and interest. (Details are on file in the Auditor’s office.)

ACTION: Motion by Council member Yeates to accept the recommendation of Executive Lemon and implement the payment plan and waive the penalties and interest. Chambers seconded the motion. The vote was unanimous, 7-0.

- **Property Tax Hardship Request** – Executive Lemon explained that an appeal was filed on the rollback tax and the State Tax Commission sent it back to the county. The party did not file for Greenbelt status by the deadline. The Assessor’s office indicated notices were sent; however, the property owner claims they were never received. The land has always been used for agriculture. Lemon recommends waiving penalties and interest and requiring the taxes be paid within the year on a payment schedule. (Details are on file in the Auditor’s office.)

Motion by Vice Chair Zilles to waive penalties and interest and require the taxes be paid within the year. Buttars seconded the motion.

ACTION: Motion by Council member Yeates to amend the motion to extend the payment period to within two years. White seconded the motion. The vote was unanimous, 7-0.

ACTION: Chairman Petersen called for the vote on the main motion as amended. The vote was unanimous, 7-0.

- **Resolution No. 2009-12 – Authorizing Executive to Execute the Cache County Emergency Medical Services Interlocal Agreement** – Executive Lemon advised the

Council that Logan City has signed the agreement and the agreement is the same as previously.

(Attachment 5)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2009-12 – Authorizing Executive to Execute the Cache County Emergency Medical Services Interlocal Agreement. Zilles seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2009-13 – Annexation of Property to North Logan City** – Executive Lemon reminded the Council that a few years ago Cache County petitioned for part of the county-owned property to be annexed to Hyde Park and part to be annexed to North Logan. An arbitrary line was drawn representing where the 200 East road would be. It is two years later and the county still does not know where 200 East will be. The proposal now has been worked out between Hyde Park and North Logan for North Logan to annex all the property and reach a boundary line agreement with Hyde Park. Cache County will have to approve the boundary line agreement.

(Attachment 6)

ACTION: Motion by Council member Chambers to waive the rules and approve Resolution No. 2009-13 – Annexation of Property to North Logan City. Zilles seconded the motion. The vote was unanimous, 7-0.

- **Resolution No. 2009-14 – Supporting Improved Access to the Logan Library for Residents of the Unincorporated Area of Cache County** – Chairman Petersen informed the Council that this is the same proposal discussed in a previous Council meeting with one change. Logan City approved an agreement with Providence City two years ago. Provisions 2 through 7 are basically the same language as Logan City had approved for the Providence agreement. Petersen noted that Provision 3 – the sentence beginning “New cards will not be issued...” should be changed to read “*New cards will not be issued under the terms of Provision #1 during the last three months of the trial period.*”

Council member Robison asked for an explanation of the “value, plus a processing fee” in Provision 4. Petersen responded that if, at the end of this agreement, there are people in the unincorporated area of the county who have not returned items to the library, the Logan Library has no authority to pursue the return or payment for the items. This allows the county to stand the expense for the Logan Library for any losses incurred in this way.

The Logan Library Board is meeting tonight and Mayor Watts is supportive as well as Herm Olsen and Jay Monson, Logan City Council members.

(Attachment 7)

ACTION: Motion by Council member Chambers to waive the rules and approve Resolution No. 2009-14 – Supporting Improved Access to the Logan Library for Residents of the Unincorporated Area of Cache County. Yeates seconded the motion. The vote was unanimous, 7-0.

Chairman Petersen and Council member White noted that a similar agreement in reference to the Hyrum Library will be brought to the Council in the near future. Since Hyrum's fee is \$30.00 someone from the unincorporated area could come in for free with the county paying the \$30.00.

- **Review of Cache County Government Revenues** – Executive Lemon reported that from September 2008 to January 2009 there has been a reduction in sales tax revenues over the previous year during the same period of 6.8%. That percentage change is reflected in the projected revenues for the rest of the year indicating a \$62,000.00 shortfall. At this time last month the difference was 7.7% so there have been improvements. Lemon will continue to track this information and keep the Council informed. Lemon said the county is also tracking payroll and the vacancy savings will more than make up for the above projected shortage.

Chairman Petersen commended Lemon on his handling of the budget.

OTHER BUSINESS

- ✓ **Smithfield City Health Days Parade – May 9, 2009 – 10:00 a.m.** – Executive Lemon and Council members Chambers and Buttars indicated they will be attending.

COUNCIL MEMBER REPORTS

Craig “W” Buttars reported that the Forest Service will be meeting with the County Attorney concerning the High Creek Road issue on April 24, 2009 at 10:00 a.m. in the County Attorney's office. Council members are invited to attend.

ADJOURNMENT

The Council meeting adjourned at 7:58 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: H. Craig Petersen
Chairman

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Surveyor
DATE: 4/6/2009

Amount to be transferred -- (rounded to the nearest dollar) \$8,000.00

Transfer From ---

Line Item No. : 10-4147-110

Fund Designation: Salary

Original Budget:	<u>\$107,156.00</u>
Current Budget:	<u>\$109,286.00</u>
Expenditures to date:	<u>\$26,002.97</u>
Balance before transfer:	<u>\$83,283.03</u>
Balance after Transfer:	<u>\$75,283.03</u>

Transfer To ---

Line Item No. : 10-4147-740

Fund Designation: Capitalized Equipment

Original Budget:	<u>\$10,000.00</u>
Current Budget:	<u>\$10,000.00</u>
Expenditures to date:	<u>\$0.00</u>
Balance before transfer:	<u>\$10,000.00</u>
Balance after Transfer:	<u>\$18,000.00</u>

Description of needs and purpose of transfer ---
Transfer to cover purchase of ATV.

D. B. W.
Department Head

Recommendation: ☒ Approval ☐ Disapproval
Comments:

Date: 4/6/2009

Jamra Stones
Cache County Auditor

Recommendation: ☒ Approval ☐ Disapproval
Comments:

Date: 4/14/09

M. Lynn Lendon
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 14th day of April, 2009.

Glenn Zollinger
Cache County Clerk

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Election
DATE: 3/23/2009

Amount to be transferred -- (rounded to the nearest dollar) \$25,098.00

Transfer From ---

Line Item No. : 10-4170-110

Fund Designation: Salary

Original Budget:	<u>\$96,925.00</u>
Current Budget:	<u>\$98,428.00</u>
Expenditures to date:	<u>\$12,031.52</u>
Balance before transfer:	<u>\$86,396.48</u>
Balance after Transfer:	<u>\$61,298.48</u>

Transfer To ---

Line Item No. : 10-4170-120

Fund Designation: temporary employees

Original Budget:	<u>\$9,785.00</u>
Current Budget:	<u>\$9,785.00</u>
Expenditures to date:	<u>\$4,398.65</u>
Balance before transfer:	<u>\$5,386.35</u>
Balance after Transfer:	<u>\$30,484.35</u>

Description of needs and purpose of transfer ---

Transfer to cover part time employees - (1FTE retired -replaced with 2 part time employees)

Recommendation: ☒ Approval ☐ Disapproval
Comments:

Date: 3/23/2009

Joe Zollinger
Department Head

Recommendation: ☒ Approval ☐ Disapproval
Comments:

Date: 3/26/09

James Stones
Cache County Auditor

M. Lynn Herman
Cache County Executive

Consented by the Cache County Council meeting in regular session on the 14th day of April, 2009.

Joe Zollinger
Cache County Clerk

CACHE COUNTY, UTAH
ORDINANCE NO. 2009-01

UTILITY CORRIDORS AND FACILITIES

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 CHAPTERS 2, 5, 7, 8, AND 19 OF
TITLE 17 OF THE CACHE COUNTY CODE REGARDING UTILITY CORRIDORS
AND FACILITIES**

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

WHEREAS, the purpose of the ordinance amendments is to provide for utility and other infrastructure improvements necessary for the growth and development of Cache County while protecting the rights of all property owners; and

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

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 2, 5, 7, 8, and 19 of Title 17 of the Cache County Code is hereby amended and superseded as follows:

1. Statutory Authority
 2. Purpose of Provisions
 3. Findings
 4. Title 17, Chapter 2 Amendment
Title 17, Chapter 5 Amendment
Title 17, Chapter 7 Amendment
Title 17, Chapter 8 Amendment
Title 17, Chapter 19 Amendment
 5. Prior Ordinances, Resolutions, Policies And Actions Superseded
 6. Effective Date
-
1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a-503 (1953, as amended to date).
 2. Purpose of Provisions.

The purpose of this ordinance is to amend and supersede Chapters 2, 5, 7, 8, and 19 of Title 17 of the Cache County Code regarding Utility Corridors and Facilities is to insure compatibility with surrounding land uses, conformity with

the Cache County General Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. Findings

- A. The proposed changes to Chapter 2, 5, 7, 8, and 19 of Title 17 of the Cache County Code are necessary to establish standards for certain land uses which, because of their unique characteristics or potential impacts on the County, residential areas, farming, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts.
- B. The proposed changes to Chapter 2, 5, 7, 8, and 19 of Title 17 of the Cache County Code will insure compatibility with surrounding land uses, conformity with the Cache County General Plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.
- C. The County Council caused notice of the hearing and the proposed changes to Title 17, Chapter 2, 5, 7, 8, and 19 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.
- D. The amendments to Title 17, Chapter 2, 5, 7, 8, and 19 of the Cache County Code was submitted to the Cache County Planning Commission ("Planning Commission") on September 22nd, 2008. The Planning Commission recommended approval of the proposed changes to the County Council.
- E. On November 6th, 2008, December 4th, 2008, and January 8th, 2009, the County Planning Commission held a public meeting to consider any comments regarding the proposed changes to Title 17, Chapters 2, 5, 7, 8, and 19 of the Cache County Code. The County Planning Commission accepted all comments.
- F. On March 24th, 2009, at 6:00 P.M., the County Council held a public hearing subsequent to the required notice, *supra*, to consider any comments regarding the proposed changes to Title 17, Chapters 2, 5, 7, 8, and 19 of the Cache County Code. The County Council accepted all comments.
- G. Subsequent to the public hearing, the Cache County Council found that it is in the interest of the public and the citizens of Cache County that the proposed changes to Title 17, Chapters 2, 5, 7, 8, and 19 of the Cache County Code be approved.

4. Title 17, Chapter 2 of the Cache County Code is amended to read as follows:

SEE EXHIBIT A

Title 17, Chapter 5 of the Cache County Code is amended as follows:

SEE EXHIBIT B

Title 17, Chapter 7 of the Cache County Code is amended to read as follows:

SEE EXHIBIT C

Title 17, Chapter 8 of the Cache County Code is amended to read as follows:

SEE EXHIBIT D

Title 17, Chapter 19 of the Cache County Code is amended to read as follows:

SEE EXHIBIT E

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

This ordinance amends and supersedes Chapter 2, 5, 7, 8, and 19 of Title 17 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 fifteen (15) days after its passage. 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 14th day of April, 2009.

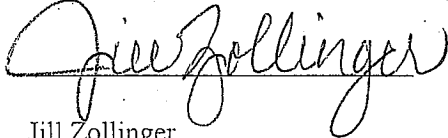
	In Favor	Against	Abstained	Absent
Chambers	X			
Buttars	X			
White	X			
Petersen	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	7	0	0	0

CACHE COUNTY COUNCIL



Craig Petersen, Chair
Cache County Council

ATTEST:



Jill Zollinger
Cache County Clerk

Publication Date: April 29th, 2009

CACHE COUNTY SYNOPSIS OF
ORDINANCE NO. 2009-01

A SYNOPSIS OF ORDINANCE NO. 2009-01, OF THE CACHE COUNTY
ORDINANCE RELATING TO UTILITY CORRIDORS AND FACILITIES.

On April 14th, 2009, the County Council of Cache County adopted and enacted Ordinance 2009-01, which amends ordinance language for Utility Corridors and Facilities within Title 17 of the Cache County Code. This ordinance was passed, adopted and a synopsis ordered published on the 29th day of April, 2009.

Copies of the complete ordinance may be reviewed in the Office of the Cache County Clerk at 179 North Main, Logan, Utah.

Council Members _____ voted for the ordinance.

Council Members _____ voted in opposition to the ordinance.

**CACHE COUNTY, UTAH
ORDINANCE NO. 2009-01**

UTILITY CORRIDORS AND FACILITIES

EXHIBIT A

Amendments to Title 17.02 Administration

17.02.070 Establishment of Land Use Authority

B. Authority to Hear and Act:

4. **County Council:** The Cache County Council shall be the land use authority to hear and act on the following land use applications:
 - a. General plan approvals or amendments;
 - b. Land use ordinance amendments;
 - c. Amendments to the zoning map;
 - d. Subdivision ordinance amendments;
 - e. Requests for Reasonable Accommodations made by Residential Facilities for Disabled Persons for 9 or more occupants;
 - f. Subdivision reviews for new subdivisions, phases of subdivisions, preliminary and final plat approval, and amendments to existing subdivisions other than those listed for Zoning Administrator review;
 - g. Zone change requests; and
 - h. Conditional Use Permit Requests for:
 - i. Major Utility Facilities
 - ii. Electrical Generating Facility

**CACHE COUNTY, UTAH
ORDINANCE NO. 2009-01**

UTILITY CORRIDORS AND FACILITIES

EXHIBIT B

Amendments to Title 17.05 Supplemental and Qualifying Regulations

17.05.170 Major Utility Corridors and Facilities

- A. Setbacks: The setback requirement for a major utility corridor from property lines, rights-of-way, easements, natural and man-made water features, fault lines, built structures, or other features shall be determined by the Land Use Authority based on the proposed facility type, size, and routing. The determination of a setback requirement shall be based on what is reasonable and necessary to preserve the ability to locate a utility corridor while preserving private property rights and access to community facilities.
- B. Design Standards: The design and construction of major utility corridors and facilities shall be done to minimize the visual impact of the facility on surrounding residents and the community. Major utility corridors shall demonstrate that all structures or easements will not result in undesirable impacts and that they can be authorized as a conditional use, complying with the requirements of this title.

Additionally, the Land Use Authority shall consider the following when acting upon a major utility corridor:

- a. Hydrologic impacts of surface and ground water systems,
 - b. Wildlife habitat areas and migration patterns,
 - c. Erosion control plans,
 - d. Vegetation plans,
 - e. Reclamation, decommissioning, and abandonment plans as applicable,
 - f. Construction plans, including phasing plans and the location of staging areas and traffic control plans, and
 - g. Other issues and impacts as may be applicable.
- C. Fire Protection: Any development of a major utility corridor shall comply with the requirements of the Wildland-Urban Interface Code where applicable.
- D. Land Use Application: All applications for Major Utility Facilities must contain the following information in addition to the application materials required within 17.06:
 - a. Engineered drawings of the proposed facility which include:
 - i. The exact location of any and all rights-of-way or easements, identifying the proposed width and alignment centerline, and
 - ii. Specific information on the facilities to be installed, including all above and below grade facilities and improvements,
 - iii. Phasing plans,
 - iv. Any other necessary improvements or alterations including public and private infrastructure, grading or drainage alterations, removal of vegetation, etc.
 - b. Emergency and normal shutdown procedures.
 - c. Emergency response plans.

CACHE COUNTY, UTAH
ORDINANCE NO. 2009-01

UTILITY CORRIDORS AND FACILITIES

EXHIBIT C

Amendments to Title 17.07 Definitions

Compression/Pumping Station (Minor): A gas or petroleum regulating facility designed to regulate the flow along minor utility facilities. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Compression/Pumping Station (Major): A gas or petroleum regulating facility designed to regulate the flow along major utility facilities. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Conditional Use: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Electrical Generating Facility: A device or facility that converts mechanical or kinetic energy to electrical energy. The energy source may include fossil fuel, or energy derived from green power sources including the sun, wind, water, or geothermal sources to generate electricity. Development of this facility is only allowed as a conditional use permit in the Industrial/Manufacturing (UCO) Zone.

Electric Substations (Minor): A power regulating facility designed to regulate power for distribution to customers at voltages less than 140,000 volts (140 kV). This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Electric Substation (Major): A power regulating facility designed to regulate power for distribution at voltages of 140,000 volts (140kV) or greater. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Prison: A publicly or privately operated facilities housing both persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Public/Institutional Facility: A facility that is owned or operated by a public or quasi-public body to provide educational, cultural, recreational, religious, or similar types of programs.

Public Uses and Utilities: A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including recreational facilities and public utilities (water and sewer facilities). A public entity seeking approval for any other use as detailed within this ordinance shall meet the requirements of the use as defined.

Quasi-Public Use: means a use owned or operated by a nonprofit, religious, or eleemosynary (charitable) institution and providing educational, cultural, recreational, religious, or similar types of programs.

Telecommunication Facility: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Utility Facility, Major

- A. Electric Transmission Right-of-Way: A power transmission right-of-way designed to provide for the location of electric transmission lines designed to operate at voltages of 140,000 volts (140 kV), or greater, and that may provide for interstate power transmission, or to provide power to customers or areas located outside of the County.
- B. Gas Pipeline Right-of-Way: A right-of-way designed to provide for the location of a gas transmission pipeline of twelve (12) inches, or larger, diameter and that may provide for interstate gas transmission, or to provide gas to customers or areas located outside of the County.
- C. Wind Energy System: A wind energy conversion system consisting of one (1) or more wind turbine(s) and tower(s) and associated control and/or conversion electronics and providing wind generated electrical power to be used primarily for off-site consumption and having a rated capacity of more than twenty kilowatts (20 kW).
- D. Petroleum Pipeline Right of Way: A right-of-way designed to provide for the location of a petroleum or oil transmission pipeline of four (4) inches, or larger, in diameter and that may provide for interstate petroleum or oil transmission, or to provide petroleum or oil to customers or areas located outside of the County.

Utility Facility, Minor

- A. Electric Transmission Right of Way (Minor): A power transmission right-of-way designed to provide for the location of electric transmission lines designed to operate at voltages of less than 140,000 volts (140 kV), and that provides power transmission to customers or areas located within the County.
- B. Gas Pipeline Right of Way (Minor): A right-of-way designed to provide for the location of a gas transmission pipeline of less than twelve (12) inches in diameter and that provides gas transmission to customers or areas located within the County.
- C. Wind Energy System (Minor): A wind energy conversion system consisting of one (1) wind turbine and tower and associated control and/or conversion electronics which have a rated capacity of less than twenty kilowatts (20kW) and providing wind generated electrical power to be used for on-site consumption.
- D. Petroleum Pipeline Right of Way (Minor): A right-of-way designed to provide for the location of a petroleum or oil transmission pipeline of less than four (4) inches in diameter and that provides petroleum or oil to customers or areas located within the County.

CACHE COUNTY, UTAH ORDINANCE NO. 2009-01

UTILITY CORRIDORS AND FACILITIES

EXHIBIT D

Amendments to Title 17.08 Schedule of Uses

17.08.020 Schedule of Uses by Zones

Abbreviations Used:

A	Agricultural Zone
FR-40	Forest/Recreation Zone
C	Commercial
IM	Industrial/Manufacturing Zone
ME	Mineral Extraction Zone
RR	Resort Recreation Zone
UCO	Utility Corridor Overlay Zone

USE	ZONE						
	A	FR-40	C	IM	ME	RR	UCO
Accessory Apartment	C		C	C	C	C	
Accessory Use or Building	P	P	P	P	C	P	
Adult Day Center	C		C			C	
Agriculture	P	P	P	P	P	P	
Agricultural Building	P	P	P	P	P	P	
Agricultural Experiment Station/Agricultural Field Station	P	P	P	P	P	P	
Agricultural Products Processing and Storage	SB		C	C	C		
Agricultural Sales and Services	SB		C	C	C	C	
Airport			C	C			
Aquiculture	C	C					
Asphalt Plant				C	C		
Automobile repair	SB		C	C		C	
Bed and Breakfast Inns	SB	C	C	C		C	

USE	ZONE						
	A	FR-40	C	IM	ME	RR	UCO
Boarding School	C		C			C	
Cemetery	C					C	
Church	P	P	P	P	P	P	
Commercial Sales and Services	SB		P	P		C	
Composting Facility	C			C	C		
Concentrated Animal Feeding Operation	C						
Concrete Plant	C			C	C		
Condominium and /or Townhouse	C					C	
Corporate Retreat	SB					C	
Country Club	C		C			C	
Day Care/Preschool Center - Commercial	SB		C			C	
Day Care - Home	SB					C	
Day Care - Group Child Care	SB					C	
Day Use Cabin	C					C	
Day Treatment Facility/Program			C			C	
Detached Guest Home to a Single Family Dwelling						C	
Domestic Violence Treatment Facility/Program			C			C	
Electrical Generating Facility				C			C
Electric Substation, Minor	C	C	C	C		C	C
Electric Substation, Major							C
Extraction Operation of Less than 5 acres	C	C	C	C	C	C	
Foster Home	P	P	P	P	P	P	
Gas Compression Station, Minor	C	C	C	C		C	C
Gas Compression Station, Major							C
Gravel Pit					C		
Guest Ranch	SB	C	C	C		C	

USE	ZONE						
	A	ER-40	C	IM	ME	RR	UCO
Health Care Facility			C				
Home Preschool	SB					C	
Hotel/Motel			C	C		C	
Intermediate Secure Treatment Facility/Program for Minors			C				
Kennel	SB		C	C	C	C	
Livestock Auction Facility	C						
Lockout Functionality in a Condominium, Townhome, Zero Lot Line Unit, and/or Patio Home						C	
Logging and Timber Harvesting	C	C				C	
Manufacture, Processing and Assembling	SB		C	C			
Manufacture and Storage of Fireworks or Explosives	C						
Manufacture of Goods to be Sold at Retail on the Premises	SB		C	C		C	
Meat or Poultry Processing Facility	C		C	C			
Mining		C			C		
Outpatient Treatment			C			C	
Private Agricultural Experiment and/or Filed Station (Amended September 13, 2005)	C						
Prison/Animal Control Facility				C			
Professional Offices	SB		P	P		C	
Public Uses and Utilities	C	C	C	C		C	C
Public/Institutional Facilities	C	C	C			C	
Recreational Facility	C	C	C	C		C	
Residential Facility for Elderly Persons	P	P	P	P	P	P	
Residential Facility for Persons with a Disability	P	P	P	P	P	P	
Residential Treatment Facility/Program							
A Family or 1-4 Unrelated Persons	P	P	P	P	P	P	

USE	ZONE						
	A	FR-40	C	IM	ME	RR	UCO
5-8 Unrelated Persons	C	C	P			C	
9-16 Unrelated Persons			C				
Residential Support Facility/Program							
A Family or 1-4 Unrelated Persons	P	P	P	P	P	P	
5-8 Unrelated Persons	C	C	P			C	
9-16 Unrelated Persons			C				
Resort	C	C	C	C		C	
Retail Nursery	SB		C	C	C		
Salvage Yard	C		C	C	C		
Sanitary Landfill	C			C	C		
Saw Mill	C	C	C	C	C		
School	C	C	C	C		C	
Seasonal Cabin	P	P	P	P		C	
Secure Treatment			C	C			
Self-Service Storage Facility	C		P	P	C		
Sexually-oriented Businesses				C			
Single Family Dwelling on a legal lot of record	P		C	C	C	P	
Single Family Dwelling in a Zero Lot Line or Patio Home Configuration						C	
Social Detoxification Facility/Program			C	C			
Sportsman Kennel (Amended March, 22, 2005)	C	C	C	C	C	C	
Stands for Sale of Produce Grown on the Premises	P	C	P	P		C	
Substance Abuse Treatment Facility/Program			C	C			
Telecommunications Site/Facility			C	C			C
Temporary use	P	P	P	P		P	
Temporary Extraction Operation and associated uses	C	C	C	C	C	C	
Therapeutic School		C	C				

USE	ZONE						
	A	ER-40	C	IM	ME	RR	UCO
Timeshare or Fractional Ownership	C	C	C	C		C	
Utility Facility, Major							
Electric Transmission Right-of-Way							C
Gas Pipeline Right-of-Way							C
Wind Energy System							C
Petroleum Pipeline Right of Way							C
Utility Facility, Minor							
Electric Transmission Right-of-Way	C	C	C	C		C	C
Gas Pipeline Right-of-Way	C	C	C	C		C	C
Wind Energy System	C	C	C	C		C	C
Petroleum Pipeline Right of Way	C	C	C	C			C
Wholesale Business and Storage	SB		P	P			
Veterinary Clinic	C		P	P		C	
Youth Program			C				

CACHE COUNTY, UTAH
ORDINANCE NO. 2009-01

UTILITY CORRIDORS AND FACILITIES

EXHIBIT E

Amendments to Title 17.19 Utility Corridors Overlay

CHAPTER 17.19

UTILITY CORRIDOR OVERLAY ZONE: UCO
SITE DEVELOPMENT STANDARDS

17.19.010	Purpose	1
17.19.020	Definitions	1
17.19.030	Schedule of Uses.....	1
17.19.040	Setback Standard.....	2
17.19.050	Lot Area.....	3
17.19.060	Height Standards.....	3

17.19.010 Purpose

The purpose of the Utility Corridor Overlay Zone is:

- A. To provide areas to allow for the placement of major utility facilities that provide service to the residents, businesses, and communities of Cache County.
- B. To provide areas to allow for the placement of major utility facilities that provide interstate services.
- C. To limit the disruption of major transmission facilities on the agricultural, commercial, industrial, and recreational lands of Cache County.

17.19.020 Definitions

All uses that are allowed within this zone are defined within §17.07 Definitions.

17.19.030 Schedule of Uses

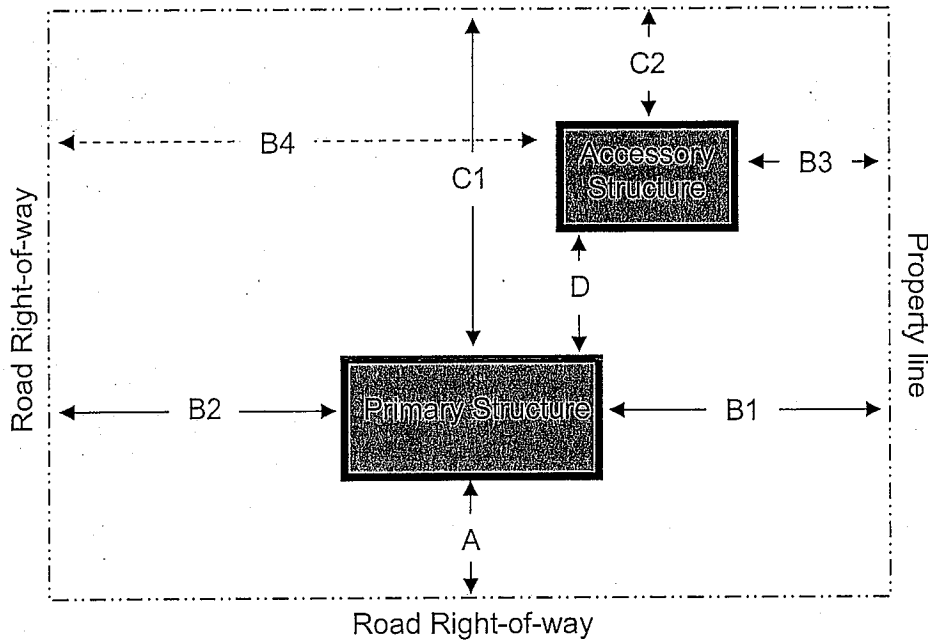
The UCO Zone shall be utilized as a combining district with any of the County's Base Zoning Districts. The UCO Zone shall not limit the uses allowed under the base zoning district. For a schedule of Permitted and Conditional Uses for the UCO Zone, refer to Chapter 17.08 for both the UCO Zone and the base zoning district.

17.19.040 Setback Standard

- A. The following table and figure depict the required minimum setback for the Utility Corridor Zone.

Setback	A	B1	B2	B3	B4	C1	C2	D
Above ground facility	Same as the Base Zone							
Sub-grade facility	*	0'	*	NA	NA	0'	NA	NA

* To be determined by the Land Use Authority based on the type and location of a facility.



- A = Front Yard Setback
 B1 = Side Yard Setback
 B2 = Side Yard Setback - Primary Structure (Corner Lot Only)
 B3 = Side Yard Setback - Accessory Structure
 B4 = Side Yard Setback - Accessory Structure (Corner Lot Only)
 C1 = Rear Yard Setback - Primary Structure
 C2 = Rear Yard Setback - Accessory Structure
 D = Setback from Primary Structure to Accessory Structure

B. Other setbacks in all Utility Corridor Overlay Zones shall be as follows:

1. Minimum distance for primary and accessory buildings shall be not less than sixteen and half (16.5) feet from any canals, and/or ditches.

17.19.050 Lot Area and Width

- A. Legal subdivision of land shall be required.
- B. No minimum Lot Area or Width is required within the UCO Zone for utility facilities.
- C. Easements or subdivisions to accommodate utility corridors or facilities shall not create lots which would make improvements impracticable due to size, shape, steepness of terrain, location of watercourses, inability to locate well and septic facilities, or other physical conditions.

17.19.060 Height Standards

- A. No structure shall be erected to a height greater than as allowed in the Base Zoning District, except for those exceptions identified in Section 17.05.110 of this Title.

PROPOSED MULTIPLE RESIDENTIAL/AGRICULTURAL ZONES

Proposed Zones

1. Residential Estate Zone (RE-2)
 - a. Maximum density: One lot per two acres
2. Agricultural Estate Zone (AE-5)
 - a. Maximum density: One lot per five acres
3. Agricultural 10 Zone (A-10)
 - a. Maximum density
 - i. First Three lots*: One lot per two acres
 - ii. Additional lots: One lot per ten acres

Additional Provisions

1. The minimum size for any individual lot remains at 1/2 acre for all zones.
2. All land in the existing Agricultural Zone will be designated A-10 until rezoned.
3. Rezones to RE-2 and AE-5 can only be initiated by landowners.
4. The "First Three Lot" option in the A-10 zone base zone is provided to allow an equitable transition from the current ordinance which allows a maximum of five lots in a subdivision, regardless of parcel size. It also allows for simple lot splits without the need to go through the rezone process. The following provisions apply to this option:
 - a. This division can only occur from a base 1970 parcel.
 - b. Previous subdivision will count towards the density and number of lots allowed.

Hardship Application Committee Report

After meeting with Tamra Stones, Lynn Lemon, Karen Jeppeson and her staff about hardship applications, I would like to share the following information and recommendations.

1. The treasurer and auditor offices are doing an excellent job of screening applicants following federal and state guidelines. Only those who qualify under income, medical or age requirements are forwarded to the council. The state audits applications periodically to verify the stated incomes with tax returns.
2. The council in the past has not had any problems with those applicants who have certified medical qualifications nor with those over 65 years of age. Some of the questions from the council have been with applicants younger than 65, with no medical qualifications, often with dependent children at home, who may have faced a financial emergency and/or had homes high in value. These have been hard to determine qualifications for hardship abatements.
3. Tamra checked with some other counties and found out that Salt Lake County has added a page to their application asking for additional information about IRAs, 401(k)s, annuities, rental properties, etc. (See attached sheet)

***** I recommend we ask the treasurer's office to add this page to Cache County's applications to receive additional, detailed information on financial situations.**

4. Karen felt that the value of a home couldn't be a criteria for hardship abatements because applications are based on previous year's income, applicants may not be able to sell the home, they may have lost income due to losing a job or other extenuating circumstances. If they meet the income requirements they qualify for abatements.

***** I recommend that when the Council has a question on an abatement we ask that it be moved to the next meeting as we have been doing, ask for the additional information from the auditor and/or treasurer and if necessary set up a personal interview with the applicant and 2 council members to hear the story of the hardship, then bring the information to Pat to include in the next packet.**

5. Most of the 5 year tax sale delinquent accounts are being paid back to the County through monthly payments and waiving penalties.



6. All applicants applying for the indigent/Hardship abatement must complete this section.

HOUSEHOLD ASSETS AS OF DECEMBER 31, 2008
ATTACH COPIES OF ALL YEAR END ASSET STATEMENTS

Any cash on hand or in checking accounts _____
Any savings and credit union accounts _____
Balances in 401(k), 457 and IRA accounts _____
Market value of investment accounts _____

(include all balances in annuity accounts, mutual funds, NOW accounts, etc.)

Securities (including stocks and bonds) _____

Partnerships and Other business interests _____

Rental Property

(describe) _____

If you have transferred any assets to relatives or to a Trust in the preceding three years, provide complete details of all transfers in an attached statement.

7. CERTIFICATION

The undersigned hereby swear(s) subject to penalties of perjury and other legal and civil penalties that the information provided herein is complete, up-to-date, true and correct. I/We agree and understand that the information provided is subject to verification by Cache County as a consequence of this application for tax abatement. I/We hereby authorize Cache County to inspect and/or receive confidential tax information in any office of the IRS or the Utah State Tax Commission and to inspect and /or receive banking and investment information from any financial or securities institution holding such information. A copy of this signed application may be relied on as my consent to the inspection or receipt of such records.

Applicant

date

Applicant

date

CACHE COUNTY
RESOLUTION NO. 2009-12

A RESOLUTION AUTHORIZING THE CACHE COUNTY EXECUTIVE TO EXECUTE A RENEWAL OF AN INTERLOCAL AGREEMENT WITH LOGAN CITY FOR COUNTY-WIDE AMBULANCE SERVICE (CCEMS)

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into a renewal of an Interlocal Agreement with Logan City for County-Wide Ambulance Service (CCEMS).


NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute a renewal of an Interlocal Agreement with Logan City for County-Wide Ambulance Service (CCEMS) as stated in "Addendum A" attached hereto and made a part hereof.

This Resolution shall take effect immediately upon adoption.

DATED this 14th day of April, 2009

CACHE COUNTY COUNCIL

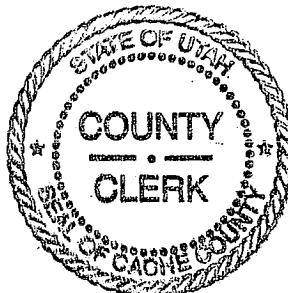
By:


H. Craig Petersen, Chairman

ATTEST:



By: Jill N. Zollinger
Cache County Clerk



INTERLOCAL AGREEMENT RENEWAL
CACHE COUNTY EMERGENCY MEDICAL SERVICE AUTHORITY
(CCEMS)

THIS AGREEMENT is made by and between THE COUNTY OF CACHE, a county corporation of the State of Utah, hereinafter referred to as "County" and THE CITY OF LOGAN, a municipal corporation of the State of Utah, hereinafter referred to as the "City." The County and City will jointly be referred to as "parties."

RECITALS

The parties entered into an agreement on June 15, 2004 to jointly own, manage, and operate an emergency medical service for the benefit of the people of Cache County; and

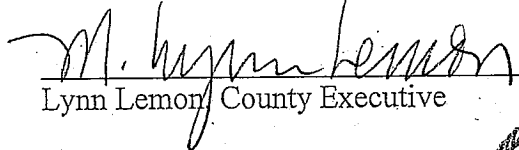
The parties intend to renew and extend this original agreement with the same terms and conditions for a period of four (4) years:

TERMS OF AGREEMENT

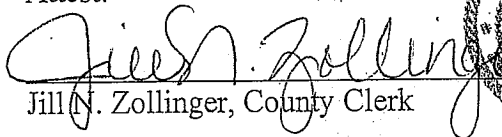
Now, therefore, in consideration of the mutual terms and covenants contained herein, this Agreement is made by and between the parties and hereby renews and extends the original agreement dated June 15, 2004. This Agreement extends all terms and conditions of the original agreement to June 15, 2013, and is effective from the date of the original agreement.

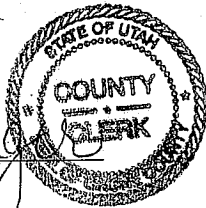
IN WITNESS WHEREOF, the parties to this Agreement have each executed the same in duplicate, each of which will be deemed an original, on the date designated with the execution.

COUNTY OF CACHE

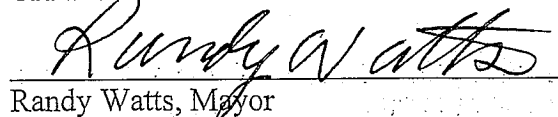

Lynn Lemon, County Executive

Attest:

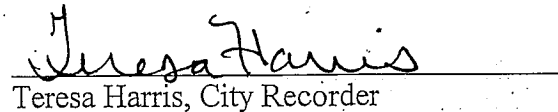

Jill N. Zollinger, County Clerk



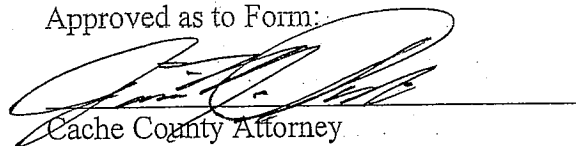
CITY OF LOGAN


Randy Watts, Mayor

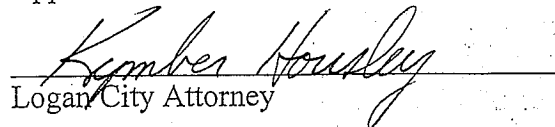
Attest:


Teresa Harris, City Recorder

Approved as to Form:


Cache County Attorney

Approved as to Form:


Logan City Attorney

RESOLUTION NO. 2009-13

A RESOLUTION AGREEING TO PETITION THE CITY OF NORTH LOGAN TO ANNEX REAL PROPERTY OWNED BY CACHE COUNTY CORPORATION.

The County Council of Cache County, Utah in a regular meeting has been asked to petition the City of North Logan to annex property owned by Cache County Corporation as shown on Exhibit A attached and incorporated hereto (hereinafter referred as "County Property"); and

After consideration of the request from the City of North Logan and receiving comments and discussing the same the County Council now finds that it is in the best interests of Cache County Corporation to petition North Logan City to annex said County Property with the following Condition Precedent to the annexation of said property.

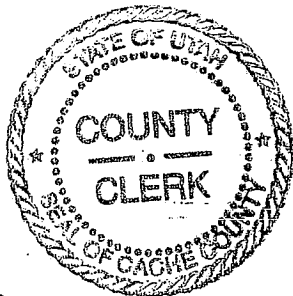
The petition will be submitted to North Logan City upon the written, legal, and binding agreement of North Logan City that when North Logan City decides to adjust the City of North Logan's City boundaries between the City of North Logan City and Hyde Park City, said boundary adjustment between the two cities will be approved by Cache County.

NOW THEREFORE BE IT RESOLVED, that the County Council finds that it is in the best interests of the public that a petition be submitted to the City of North Logan requesting the annexation of the County Property subject to the conditions set forth herein.

This resolution shall take effect immediately upon adoption

Dated this 14th day of April, 2009

CACHE COUNTY COUNCIL



ATTEST:

Jill N. Zollinger
By: Jill N. Zollinger
County Clerk

H. Craig Petersen

H. Craig Petersen, Chairman

CITY OF NORTH LOGAN

2076 NORTH 1200 EAST
NORTH LOGAN, UTAH 84341
(435) 752-1310
FAX (435) 752-1357

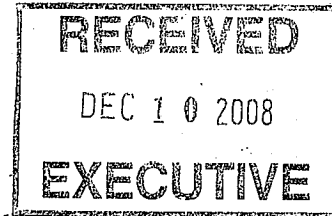
CARY WATKINS, MAYOR

To: Cache County Executive
Nate and Andy's Quality Auto Sales

JEFFREY M. JORGENSEN, P.E.
CITY ADMINISTRATOR, RECORDER

December 8, 2008

Dear Property Owners,



At a variety of times over the past three or four years, North Logan City and Hyde Park have tried to annex the area owned by Cache County near the Eccles Ice Center as well as the property on which now sits Nate and Andy's Quality Auto Sales. Both of the parties involved have even submitted letters and entered into other agreements requesting this annexation. For a variety of reasons, including changes in state laws regarding annexation, those requests for annexation by petition could not be processed.

Since that time, North Logan City has completed a new Annexation Policy Plan that indicates that about half of the County's land and all of Nate and Andy's property is to be considered for annexation into North Logan City; and the rest of the County land is to be annexed into Hyde Park. Due to the fact that the area where this property is located is not a "peninsula"; by state law the area can only be annexed through the petition process, i.e. at the request of the property owners, and then only if at least one-half of the property owners by size; and one-third of the property owners by value, agree to the annexation.

North Logan City is now prepared to proceed with the official annexation and to do so requests that the County and the owners of Nate and Andy's sign the attached petition for annexation. Once this is done we will have our engineers draw up the final annexation plat map and press forward with the rest of the annexation process.

The annexation petition normally requires the applicants' petitioning the city to provide a map, suitable for recording and prepared by a licensed engineer, showing the area to be annexed. In this case, North Logan City will be paying for that plat map to be drawn up. Please circle in the appropriate place indicating your desire to annex and sign the petition. Please return the petition, with your original signatures on it, in the enclosed envelope. If you have any questions please feel free to contact me at 435-752-1310, ext. 14.

Sincerely,

Jeffrey M. Jorgensen, P.E.
City Administrator

ANNEXATION PETITION
NORTH LOGAN CITY and HYDE PARK

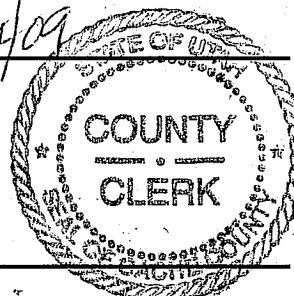
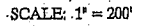
Name and Address of Owners	Tax Identification #	Agree to Annex? (circle which)	Signatures
<p>Cache County Executive 199 N Main Logan, Utah 84321</p> <p><i>Contact Sponsor of Petition</i></p>	<p>Parts of 04-058-0008 & 0009 to North Logan City, the remainder to Hyde Park City per the attached map.</p> <p>All of 04-058-0032 to North Logan City.</p>	<p style="text-align: center;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </p> <p><i>per resolution 2009-13 attached</i></p>	<p>For Cache County</p> <p><u><i>Lynn Lemon</i></u> Lynn Lemon, County Executive</p> <p>Date <u>4/24/09</u></p> <p>Attest: <u><i>Jean Zelling</i></u> County Clerk</p> <p>Date _____</p> 
<p>Quality Auto Sales 2940 N. Main North Logan, Utah 84341</p>	<p>All of 04-058-0030 to North Logan City</p>	<p style="text-align: center;"> <input type="radio"/> Yes <input type="radio"/> No </p>	<p>For Quality Auto Sales; BDM, Inc.</p> <p>_____ Nathaniel N. Derring, Member Date _____</p> <p>_____ Andrew S. Bentley, Member Date _____</p> <p>_____ Larry W. Miller, Member Date _____</p>

Exhibit A



CACHE COUNTY, UTAH
RESOLUTION 2009- 14

**A RESOLUTION SUPPORTING IMPROVED ACCESS TO THE LOGAN CITY LIBRARY
FOR RESIDENTS OF THE UNINCORPORATED AREA OF CACHE COUNTY**

WHEREAS, the unincorporated area of Cache County is the one segment of the population for which the Cache County Council has direct responsibility;

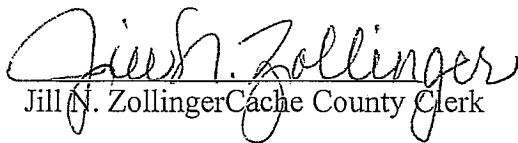
WHEREAS, the Cache County Council desires to improve library service for residents of the unincorporated area of Cache County by assisting them in gaining access to the Logan City Library;

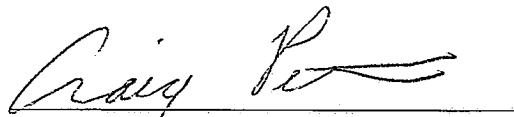
THEREFORE, BE IT RESOLVED BY THE CACHE COUNTY COUNCIL, that the Council supports the proposal in Attachment A and that the County Executive is authorized to draft and sign an interlocal agreement with Logan City that will implement the provisions of Attachment A.

BE IT FURTHER RESOLVED, that prior to signing the interlocal agreement, it will be provided to the Council for final review.

Duly adopted by the Cache County Council this 14th day of April, 2009.

ATTEST


Jill N. Zollinger Cache County Clerk


H Craig Petersen, Chair
Cache County Council

ATTACHMENT A

PROVISIONS FOR INTERLOCAL LIBRARY AGREEMENT

1. Citizens living in the unincorporated area of Cache County will be able to obtain one Logan Library card by paying \$75/year. For each card purchased, Cache County will pay Logan City \$30/year.
2. The terms of Provision #1 will be in effect for a period of 18 months, starting July 1, 2009.
3. The Logan Library will issue library cards under the terms of Provision #1 to residents of the unincorporated area for a period of 15 months. New cards will not be issued under the terms of Provision #1 during the last three months of the trial period.
4. Cache County will reimburse Logan City for the value, plus a processing fee, of all items not returned to the library within 90 days of the end of the trial period by residents of the unincorporated area who purchased cards under the terms of Provision #1.
5. Residents of the unincorporated area who have already purchased library cards will not be reimbursed for payments already made.
6. Logan City will provide the County monthly invoices indicating the number of cards purchased during that month. The County will remit payment to Logan City within 30 days of receiving the invoices. Payment on a monthly basis at the time cards are issued is equitable because it will reflect the actual demand for library service and also the costs that will be experienced by the library.
7. At the end of the first 12 months of the agreement Cache County will initiate discussions for a long-term agreement with Logan City, including consideration of a countywide library system.