

MEMORANDUM

26 April 2018

**Zanavoo Property – A request to amend the Cache County Land Use Ordinance (Land Use Code)**

This amendment is being pursued by the property owner of the Zanavoo property (3.77 ac.) in Logan Canyon where they intend to place approximately 34 apartment units (Attachment 1). The existing Commercial Zone allows a maximum of 2 units per acre and a 0.5 acre minimum lot size. This allows a maximum of 7 units on the property.

The intent of this staff memo is to expand the focus and impacts of the request beyond a single property, and to examine the proposal to amend the Land Use Code in the larger context of the county.

An initial request to amend the Land Use Code was previously submitted for Planning Commission discussion (Attachment 2). Staff responded to that request with a memorandum issued on March 20, 2018 (Attachment 3). After reviewing staff's response to the memorandum, the initial request was then withdrawn by the applicant and the second, specific request was submitted to amend the Land Use Code (Attachment 4) to allow multi-family development. This second request is focused on amending sections 17.09.030 Schedule of Uses by Zoning District, and 17.10.030 Development Density and Standards Specific to Base Zoning Districts.

**Proposed amendment 1:** §17.09.030, Schedule of Uses by Zoning District: Replace "N" with a "P" under the "C" column for Use Type 1300 Multi-Family Dwelling.

**Staff discussion:**

"N" = Prohibited;

"P" = Permitted without review and permit from the Land Use Authority.

"C" references the Commercial Zone.

The proposed amendment allows Use Type 1300 Multi-Family Dwelling, currently a prohibited use in the Commercial Zone (C), as a permitted use in the C zone. As a permitted use, it removes any future proposals from the review and permitting of the Land Use Authority prior to issuance of a building permit.

Currently, Use Type 1300 Multi-Family Dwelling is a use type that is only permitted as a conditional use in the Resort Recreation ("RR") Zone. This use allows "A building or portion thereof containing two or more dwelling units". The RR zone accommodates large scale development that includes a minimum area of 2,000 acres, additional requirements such as ski or golf facilities, and at least one residential/commercial core. Conditional Use Permit (CUP) review is under the authority of the Planning Commission.

**Proposed amendment 2:** §17.10.030, Development Density and Standards Specific to Base Zoning Districts, be amended to include a sub-section paragraph “D” to read as follows:

“Multi-Family Dwellings, 1300, shall be a permitted use within Commercial Zones at a density limited at 15 total Dwelling Units per acre regardless of the size of each Dwelling Unit, with the size of each Dwelling Unit not to exceed 2,000 square feet, and shall be subject to all applicable commercial development standards pursuant to Chapter 17.10.”

**Staff discussion:**

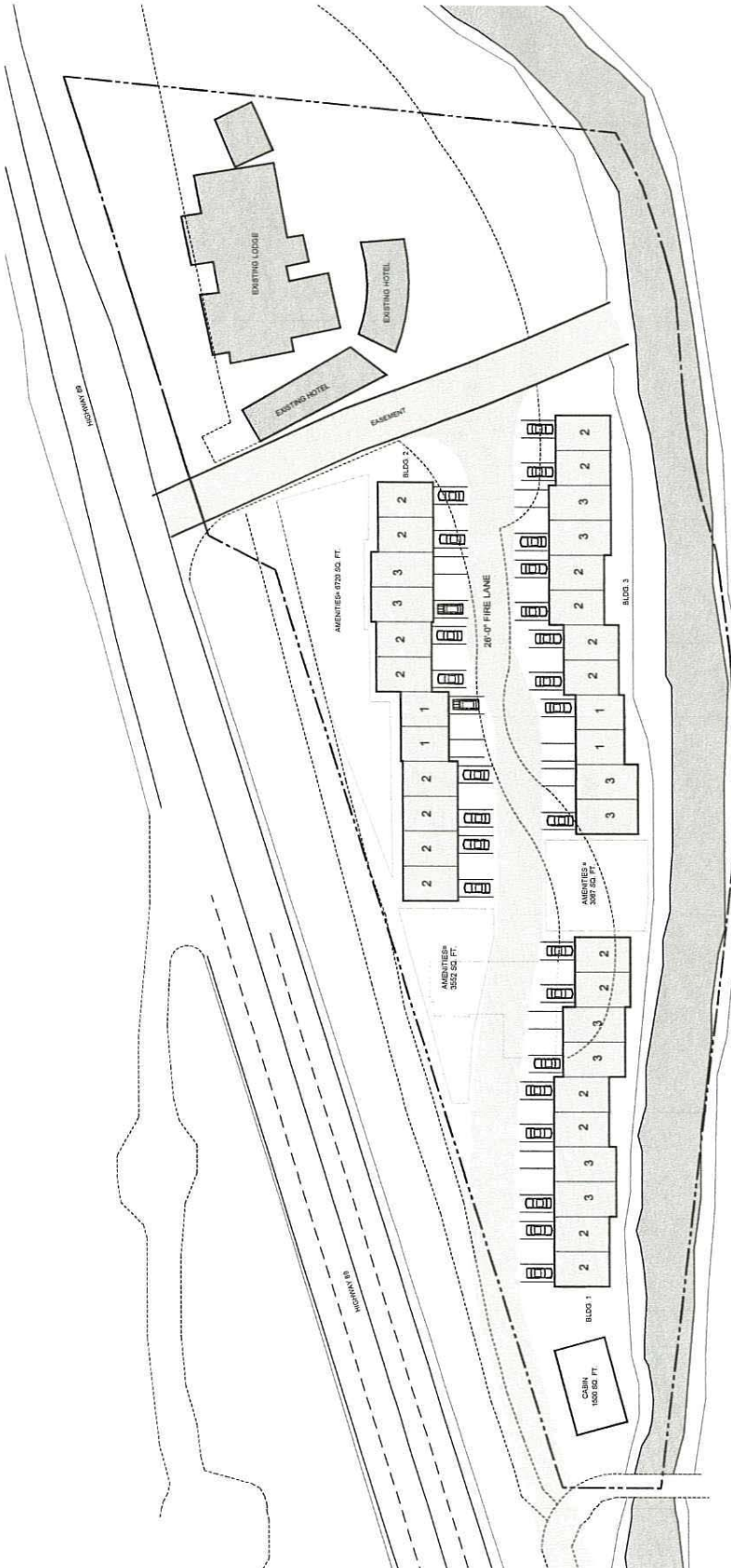
As stated in the first memorandum (Attachment 3) as part of the discussion under Option 1, and in the context of Cache County, this request is for an urban type of development typically found in cities. Cache County is a rural county that does not provide urban type services, and does not have the necessary standards, policies, or supporting infrastructure to begin providing such services. While this request is directed to the Zanavoo property, it also applies to the 28 other properties currently zoned Commercial, and to any future Commercial rezones of property in the unincorporated county.

An amendment of this type, that significantly increases the potential density of residential development, is best considered during or following the update to the county general plan. It is anticipated that the next general plan update will begin in 2019. This allows adequate county review and public comment prior to a decision by the County Council.

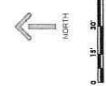
**Staff conclusion**

Staff has identified and recommends that this request to amend the County Land Use Ordinance be denied based on the following conclusions:

1. Cache County is a rural county that does not provide urban type services, and does not have the necessary standards, policies, or supporting infrastructure to begin providing such services.
2. The amendment as proposed, to allow multi-family housing as a permitted use in the Commercial Zone, significantly increases the potential density of residential development and is best considered during or following the future update to the county general plan, in order to allow sufficient county review and public comment.



BUILDING 1 FOOTPRINT: 8771 SQ. FT.	AMENITIES: 4729 SQ. FT.	BUILDING 2 FOOTPRINT: 10,111 SQ. FT.	AMENITIES: 3087 SQ. FT.	BUILDING 3 FOOTPRINT: 2340 SQ. FT.	AMENITIES: 3087 SQ. FT.
GARAGE SPACE: 4000 SQ. FT.	AMENITIES: 3087 SQ. FT.	GARAGE SPACE: 4000 SQ. FT.	AMENITIES: 3087 SQ. FT.	GARAGE SPACE: 4000 SQ. FT.	AMENITIES: 3087 SQ. FT.
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OVERALL: 22042 SQ. FT.	AMENITIES: 3087 SQ. FT.	OVERALL: 22042 SQ. FT.	AMENITIES: 3087 SQ. FT.	OVERALL: 22042 SQ. FT.	AMENITIES: 3087 SQ. FT.
1 BEDROOM UNITS: 4 UNITS	AMENITIES: 3087 SQ. FT.	1 BEDROOM UNITS: 4 UNITS	AMENITIES: 3087 SQ. FT.	1 BEDROOM UNITS: 4 UNITS	AMENITIES: 3087 SQ. FT.
2 BEDROOM UNITS: 10 UNITS	AMENITIES: 3087 SQ. FT.	2 BEDROOM UNITS: 10 UNITS	AMENITIES: 3087 SQ. FT.	2 BEDROOM UNITS: 10 UNITS	AMENITIES: 3087 SQ. FT.
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TOTAL: 34 UNITS	AMENITIES: 3087 SQ. FT.	TOTAL: 34 UNITS	AMENITIES: 3087 SQ. FT.	TOTAL: 34 UNITS	AMENITIES: 3087 SQ. FT.
GARAGE STALLS: 24 STALLS	AMENITIES: 3087 SQ. FT.	GARAGE STALLS: 24 STALLS	AMENITIES: 3087 SQ. FT.	GARAGE STALLS: 24 STALLS	AMENITIES: 3087 SQ. FT.
TANDEM STALLS: 14 STALLS	AMENITIES: 3087 SQ. FT.	TANDEM STALLS: 14 STALLS	AMENITIES: 3087 SQ. FT.	TANDEM STALLS: 14 STALLS	AMENITIES: 3087 SQ. FT.



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ZANAVOO APARTMENTS  
MASTER PLAN

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February 27, 2018

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Chris Harrild  
Cache County Planning Manager  
Chris.harrild@cachecounty.org

Re: Zanavoo Property

Dear Chris:

As you know, we have the pleasure of representing John Brandley and his respective entities with respect to the Zanavoo Property located in Logan Canyon. You and I spoke a few days ago about this property and the hopeful changes to zoning that my client would like to pursue. As a result of that conversation, we agreed to provide you with some specifics regarding what we might propose in order to maximize the use of that property. We understand that you have a meeting coming up and wanted to be able to get this to you before then so it may be considered. If you have any questions or concerns, or would simply like to talk through these options further, I would be very happy to do so.

To begin, the Zanavoo Property is fairly unique within Cache County. Simply put, its traditional use is no longer viable. Obviously, property owners and county officials come at these issues from differing perspectives. It is no secret that the developer is hopeful to develop the property in such a way as to turn a profit, while the county is more interested in protecting the health and welfare of the county and to promulgate sensible and responsible development of property throughout the county. However, those interests also have a common purpose of maximizing the effective use of property within the county and avoiding property that is unusable or becomes a negative "asset" within the county.

To this end, it is clear to us that the Zanavoo Property is not viable within its historic use. If we are not able to find a way to allow it to be used in a different manner, the property will remain largely unoccupied and unused, or at best it may be sold as a transient/motel property but will most likely fail and

\*Licensed in Multiple States

go from one failed owner to the next. It is for this purpose that we ask for the county's vision and cooperation in finding a way to allow this current property to be refitted to allow for multi-family use, mainly apartments. These apartments would likely be in high demand and would also likely serve the USU professor community and other professionals. We have noted that currently there is no zone within Cache County that permits multi-family use. In fact, there is only one zone, the Resort Recreational Zone, which allows for multi-family use under a conditional use permit. We also note that there is very little commercially zoned property within the county.

Accordingly, our first proposal would be to permit multi-family use within the currently existing commercial zones in Cache County. We further propose that the density be limited to a Unit Equivalent Density of 15 Equivalent Units per acre regardless of the type of multi-family residential use, as identified and defined in 17.14.080. There are very few commercial zones in Cache County that would be impacted by this change. Furthermore, the Equivalent Unit Density is still somewhat low, thereby minimizing the same impact.

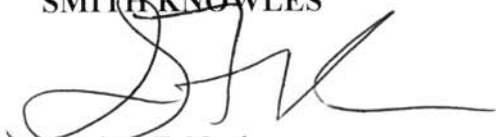
The second option would be to rezone the Zonavoo Property as Resort Recreational, with a clarification that the multi-family use within this zone be permitted instead of conditional. This would be preferred. However, regardless of whether it is conditional or permitted, we believe that this zone will allow for multi-family use such as apartments within the Zonavoo Property. Again, by permitting multi-family use within this zone, we would be limiting it to, again, 15 Equivalent Units with respect to permitted dwellings. This, again, would minimize the impact.

Lastly, a third option is to create a new zone. As I pointed out, Cache County is really without any type of multi-family zone. It permits multi-family as a conditional use under the Resort Recreation Zone only, but the county could do well to have a separate multi-family zone that would allow for such housing within the county. Once this zone is adopted, we would request that the Zonavoo Property be rezoned to this multi-family zone. I have enclosed with this letter a rough draft of certain terms and elements of such a proposed zone.

I very much look forward to discussing these options with you. It is our goal to achieve approval of the planning department such that a favorable recommendation could be made to the county commission. I look forward to hearing from you.

Sincerely,

**SMITH KNOWLES**



Stephen F. Noel

cc: John Brandley

## **LOGAN CANYON MULTIPLE-FAMILY RESIDENTIAL ZONE**

### **Purpose and intent.**

The purpose of this Zone classification is to provide residential areas that will accommodate the development of certain multi-family dwelling types with their associated necessary public services and activities compatible with and sensitive to the unique qualities and concerns of Logan Canyon. It is also to provide an orderly transition from less intensive, lower density uses to more compatible intensive, higher density uses.

### **Permitted uses.**

The following uses are permitted in the Logan Canyon Multiple-Family Residential Zone:

- (1) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (2) Agriculture.
- (3) Educational institution, including conference, convention and retreat uses.
- (4) Golf course, except miniature golf course.
- (5) Greenhouse for private use only.
- (8) Multi-Family Residential with a Unit Equivalent Density of 20 Equivalent Units per acre, regardless of the type of multi-family residential use, as identified and defined in 17.14.080.
- (6) Home occupations.
- (7) Household pets.
- (8) Parking lot accessory to uses permitted in this zone.
- (9) Public building, public park, recreation grounds and associated buildings.
- (10) Private park, playground, or recreation area, but not including privately owned commercial amusement business.
- (11) Single-family dwelling.
- (12) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (13) Two-family dwelling.
- (14) Reception and catering facilities.

### **Conditional uses.**

The following uses shall be permitted only when authorized by a conditional use permit as provided in this Land Use Code.

- (1) Bachelor and/or bachelorette dwelling with 25 or more dwelling units.
- (2) Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.
- (3) Day care center.
- (4) Educational/institutional identification signs.
- (5) Multi-Family Residential with a Unit Equivalent Density of greater than 20 Equivalent Units per acre, regardless of the type of multi-family residential use, as identified and defined in 17.14.080.
- (6) Nursing home.
- (7) Planned residential unit development, in accordance with this Land Use Code.

(8)Public utility substations.

(9)Water storage reservoir developed by a public agency and meeting requirements of this Land Use Code.

(10)Church, synagogue or similar permanent building used for regular religious worship.

(11)Library or museum, public or nonprofit.

(12)Residential facility for handicapped persons meeting the requirements of this Land Use code.

(13)Residential facility for elderly persons meeting the requirements of this Land Use code.



MEMORANDUM

20 March 2018

**Zanavoo Property – Ordinance amendment discussion**

A request to amend the County Land Use Ordinance has been submitted for Planning Commission discussion (Attachment 1). This request is focused on the residential development of the Zanavoo property (3.77 ac.) in Logan Canyon, and provides three proposed options for amendment. The perceived intent of the applicant is to determine which of the three options is most likely to provide a positive result for the property owner.

This request is being pursued as the property owner is seeking to place approximately 34 apartment units on this property (Attachment 2). However, the existing Commercial Zone allows a maximum of 2 units per acre and a 0.5 acre minimum lot size. This would allow a maximum of 7 units on the property.

1300 Multi-Family Dwelling is a use type that is only permitted as a conditional use in the Resort Recreation Zone. This use allows “A building or portion thereof containing two or more dwelling units”. The RR zone accommodates large scale development that includes a minimum area of 2,000 acres, additional requirements such as ski or golf facilities, and at least one residential/commercial core.

The intent of this staff memo is to expand the focus and impacts of the request beyond the specific property in question, and to examine the proposed options in the larger context of the county and Cache County Land Use Ordinance.

The proposed options have been presented in abbreviated form below, followed by staff discussion for each item.

**Option 1:** Amend the Commercial Zone to allow multi-family housing at a density of 15 units per acre.

**Staff discussion** – The existing purpose of the Commercial Zone is to, “To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the county's tax base.”

This request is for an urban type of development typically found in cities. Cache County is a rural county that does not provide urban type services. While this request is directed to the Zanavoo property, it also applies to the 28 other properties currently zoned Commercial, and to any future Commercial rezones of property in the unincorporated county.

The uses that allow dwelling units in the Commercial Zone are conditionally permitted and are limited to a brief stay of less than 30 consecutive days. These uses include: 4100 Recreational Facility, 4300 Transient Lodging, and 4310 Bed and Breakfast Inn.



A unit density of 15 units per acre on the 3.77 acre property would allow a maximum of 56 units, an increase of 47 units or ~670%. If this option were pursued, at a minimum:

- An analysis addressing the impacts of multi-family dwellings in commercial zones must be completed.
- The purpose of the Commercial Zone must be significantly amended as the primary use would be multi-family residential under the proposal with limited to no commercial uses.
- The use related definition 1300 Multi-Family Dwelling must be reviewed and revised to reflect a different application than intended, or a new use related definition must be created.

This density of development is more reflective of downtown Logan rather than the unincorporated county. An amendment of this type that significantly increases the potential density or residential development may be best considered during or following an update to the county general plan. This would allow adequate county review and public comment prior to possible adoption. It is anticipated that the next general plan update will begin in 2019.

**Option 2:** Rezone the Zanavoo property from the Commercial Zone to the Resort Recreation (RR) Zone and allow housing at a density of 15 units per acre as a permitted rather than a conditional use.

**Staff discussion** – The RR zone accommodates large scale development that is a minimum area of 2,000 acres, and includes additional requirements such as ski or golf facilities and at least one residential/commercial core. In order to accommodate the Zanavoo property, the purpose of the RR Zone would have to be amended and the entirety of that section of code (17.14 Resort Recreation (RR) Zone) would have to be rewritten, essentially creating a new zone.

If such an option is pursued, it is best considered during or following an update to the county general plan. This would allow adequate county review and public comment prior to possible adoption. It is anticipated that the next general plan update will begin in 2019.

**Option 3:** Create a new zone – Logan Canyon Multiple-Family Residential Zone.

**Staff discussion** – As a practice, jurisdictions do not typically craft zoning specific to a single parcel. This has in the past led to complicated to dysfunctional zoning ordinance that don't treat similar properties with similar regulations.

If such an option is pursued, the creation of a new zone is best considered during or following an update to the county general plan. This would allow adequate county review and public comment prior to possible adoption. It is anticipated that the next general plan update will begin in 2019.

### **Staff conclusion**

At this time, and after reviewing the proposed options, staff has not discovered sufficient justification to recommend any of the options and promote the addition of multi-family housing to the County Land Use Ordinance. Staff has identified that the discussion regarding multi-family housing is best served during the future general plan update process.



## DEVELOPMENT SERVICES DEPARTMENT

BUILDING | COUNTYWIDE PLANNING | ENGINEERING | GIS | PLANNING &amp; ZONING

## APPLICATION: ORDINANCE AMENDMENT

Date Received:	By:	Receipt #:	Amount:	Check #:
4/4/18	[Signature]	11231	450	23050/1003

1. Applications are accepted by appointment only. Call (435) 755-1640 to set an appointment.
2. The items indicated in the attached checklist must accompany this application.
3. Incomplete applications are not accepted.
4. Late applications are held for the next meeting's agenda.
5. The application fee is not refundable.
6. Any information submitted with this application becomes public record and is posted online.

## ORDINANCE INFORMATION

Ordinance Section(s): 17.09.030 and 17.10.030Affected Zones: Commercial

## AGENT CONTACT INFORMATION

Agent Name: Stephen F. Noel Email: snoel@smithknowles.comPhone: 801-476-0303 Mailing Address: 2225 Washington Blvd., Ste. 200  
Ogden, Utah 84401

## REVIEW PROCESS

- 1) Staff will review the application with the applicant to ensure that the information submitted is sufficient to completely review the request.
- 2) Complete applications are forwarded to the necessary county departments for review and comment. The application, site visits, and department reviews are used in the preparation of the staff report that is presented to the county land use authority and is available to all interested parties and is posted online at <http://www.cachecounty.org/pz/>.
- 3) Notices are posted in the Herald Journal. Agendas are posted online at [www.cachecounty.org](http://www.cachecounty.org) and at <http://www.utah.gov/pmn/index.html>.
- 4) Projects requiring County Council approval are placed on the next available council agenda once the Planning Commission has made a recommendation. Staff forwards the staff report, the Planning Commission's recommendation, and any other pertinent information for County Council's review.

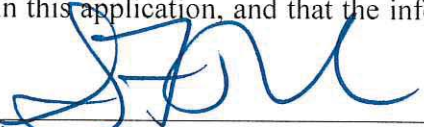
**ORDINANCE AMENDMENT - APPLICATION CHECKLIST AND ACKNOWLEDGMENT:**

A complete application must include the items noted below unless specified otherwise. Further information may be required by staff, other departments and agencies, and/or the authority that reviews the application based on the proposed amendment.

- 1)  A completed application form and *non-refundable* review fees (cash or check):  
 Fee as determined. *See enclosed checks (\$400.00 and \$50.00)*
- 2)  A copy of the proposed ordinance amendment and any supporting materials.  
*See attached and incorporated letter dated 4-4-18*

**ACKNOWLEDGMENT**

I, Steph F. Noel of Smith Knudsen, P.C. the undersigned agent acknowledge that I have read and understand the information and requirements presented in this application, and that the information I have provided is accurate and complete.

  
 Signature \_\_\_\_\_ Date 4-4-18

2018 MEETING DATES AND APPLICATION DEADLINES					
PLANNING COMMISSION (1 <sup>st</sup> Thursday of each month*)		COUNTY COUNCIL (2nd & 4th Tuesday*)		BOARD OF ADJUSTMENTS (3 <sup>rd</sup> Thursday of each month)	
Application Deadline 3:00 PM	MEETING DATE 5:30 PM	MEETING DATE 5:00 PM	Application Deadline 3:00 PM	MEETING DATE 6:00 PM	
6 Dec	4 Jan	9 Jan 23 Jan	28 Dec	18 Jan	
3 Jan	1 Feb	13 Feb 27 Feb	24 Jan	15 Feb	
31 Jan	1 Mar	13 Mar 27 Mar	21 Feb	15 Mar	
28 Feb	5 Apr	10 Apr 24 Apr	28 Mar	19 Apr	
4 Apr	3 May	8 May 22 May	25 Apr	17 May	
2 May	7 Jun	12 Jun 26 Jun	30 May	21 Jun	
6 Jun	12 Jul*	10 Jul 31 Jul*	27 Jun	19 July	
5 Jul*	2 Aug	14 Aug 28 Aug	25 Jul	16 Aug	
1 Aug	6 Sep	11 Sep 25 Sep	29 Aug	20 Sep	
5 Sep	4 Oct	9 Oct 23 Oct	26 Sep	18 Oct	
3 Oct	1 Nov	13 Nov 27 Nov	24 Oct	15 Nov	
31 Oct	6 Dec	4 Dec* 11 Dec*	28 Nov	20 Dec	

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April 4, 2018

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J. Scott Buehler\*  
Of Counsel

Mara Brown  
Of Counsel

Re: Zanavoo Property  
Application for Code Amendment<sup>1</sup>

Dear Chris:

Thank you for your response to our earlier inquiry presenting three alternatives for the zoning and use of the Zanavoo Property. On behalf of John Brandley and USU Independence, LLC, the interested/titled parties in and to the Zanavoo Property (the "Property"), we are submitting a formal application for the amendment of certain Cache County ordinances in order to maximize the better use of the Property. The detail follows below, but the general request to allow for a limited, but marketable, allowance for multi-family use at the Property, which currently is zoned as Commercial.

The traditional or "transient" use of the Property is no longer viable, and hasn't been for many years. As a result, the Property regularly changes ownership, with its use being sporadic, limited and patched together. Maintenance has become an issue. It's one of the first developments people see as they enter Cache County to the east, or the last thing they see as they leave Cache County to the west. Our goal is to make the Property viable, vibrant, usable and beneficial. To do this, it must be profitable and have a place in the market.

Currently, commercially zoned properties within the county do allow for two dwelling units per acre. While this is lower than what we propose, living or dwelling units in a commercial zone are currently allowed. Also, a larger number of "beds" or living quarters are allowed in commercial zones. In fact, I believe 15 beds per acre are allowed. Admittedly, these are "transient" beds, or hotel, motel, bed and breakfast, etc. However, even so, patrons are allowed

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States

<sup>1</sup> The fee of \$450.00 and the Application are attached and incorporated herein by this reference.

to stay up to 30 consecutive days at a time. Accordingly, the effective and meaningful distinction between a 30 day occupant and a more permanent occupant, is negligible.

After reading your memorandum, it occurred to me that I was not very artful in presenting our proposed unit limitation. We are not proposing that up to 56 units be allowed. Rather, we are proposing that a maximum of 15 units be imposed, regardless of their size. For example, whether it is a 500 square foot dwelling, or a 2,000 square foot dwelling, we propose that only 15 be allowed. This would cap the number of dwellings at around the same as that for transient properties.

To this end, it is clear to us that the Zanavoo Property is not viable within its historic use. If we are not able to find a way to allow it to be used in a different manner, the property will remain largely unoccupied and unused, or at best it may be sold as a transient/motel property but will most likely fail and go from one failed owner to the next. It is for this purpose that we ask for the county's vision and cooperation in finding a way to allow this current property to be refitted to allow for multi-family use, mainly apartments. These apartments would likely be in high demand and would also likely serve the USU professor community and other professionals. We have noted that currently there is no zone within Cache County that permits multi-family use. In fact, there is only one zone, the Resort Recreational Zone, which allows for multi-family use under a conditional use permit.

Accordingly, we propose to amend the following ordinances as set forth below:

**17.09.030** (1300) to replace the "N" with a "P" under the "C" column.


**17.10.030** should be amended to include a paragraph "D" to read as follows: *Multi-Family Dwellings, 1300, shall be a permitted use within Commercial Zones at a density limited at 15 total Dwelling Units per acre regardless of the size of each Dwelling Unit, with the size of each Dwelling Unit not to exceed 2,000 square feet, and shall be subject to all applicable commercial development standards pursuant to Chapter 17.10.*

These changes will allow the Zanvoo Property to thrive and to be relevant again. This would not convert the purpose of Commercial Zones to multi-family use. Rather, multi-family use would be only one among many uses, and it will be severely limited in the number of units allowed. Some commercial uses already allow people to sleep, eat, shower, park a car, accept guests, etc. in a living unit and at much the same "density," except for periods less than 30 days. As I am sure you know, the knock against multi-family housing has now largely been debunked, and, in fact, multi-family housing has proven to have a positive impact on communities. The county does not lose all control over the housing and may still regulate it, but it should be permitted. It's sorely needed. Allowing this change will not turn Cache County into downtown Logan. Rather, it will allow people to actually live in the county, which, at this point, is all but impossible, unless one intends to go skiing or to visit a bed and breakfast, but only if one stays less than 30 days.

These changes are needed. They are minimal. They will allow the Zanavoo Property to become something beneficial to the community and, I believe, something the county will be commended for allowing.

Sincerely,

**SMITH KNOWLES**



Stephen F. Noel

cc: John Brandley