

CRAIG W BUTTARS
COUNTY EXECUTIVE / SURVEYOR

199 NORTH MAIN
LOGAN, UTAH 84321
TEL: 435-755-1850



COUNTY COUNCIL
KARL B. WARD, COUNCIL CHAIR
GINA H. WORTHEN, VICE CHAIR
PAUL R. BORUP
DAVID L. ERICKSON
BARBARA Y. TIDWELL
JON WHITE
GORDON A. ZILLES

July 26, 2019

PUBLIC NOTICE is hereby given that the Cache County Council of Cache County, Utah will hold a **REGULAR MEETING** at **5:00 p.m.** in the **Cache County Historic Courthouse Council Chambers**, 199 North Main Street, Logan, Utah 84321, **TUESDAY, JULY 30, 2019**

AGENDA

- 5:00 p.m. REGULAR MEETING**
1. **CALL TO ORDER**
 2. **OPENING / PLEDGE** – County Executive Craig Buttars
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (July 9, 2019)
 5. **MINUTES FOLLOW-UP**
 6. **REPORT OF COUNTY EXECUTIVE**
 - a. **Appointments:** Board of Adjustments; Planning Commission
 - b. **Financial Reports:** June 2019 Financial Statements
 - c. **Other Items:** UAC Dues & Membership Committee • UAC Interviews for new CEO • Cardboard Recycling
• Solid Waste Advisory Board Retailer Lunch Meeting • CVEDA Site Visit to Washington County, August 5, 2019
• PILT Fly-in to Washington D.C. and White House Invitation
 7. **CONSENT AGENDA**
 8. **ITEMS OF SPECIAL INTEREST**
 - a. RAPZ Funds Reallocation Request – Newton – Kathryn Rigby
 9. **DEPARTMENT OR COMMITTEE REPORTS**
 - a. Fire District – Chief Rod Hammer
 10. **BOARD OF EQUALIZATION MATTERS**
 11. **PUBLIC HEARINGS**
 - a. **Set Public Hearing for August 13, 2019 at 5:30 p.m. – Ordinance 2019-05 -- 165 Subdivision Rezone**
Request for a rezone of 32.6 acres in a previously approved four-lot subdivision from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, located at 10900 South Hwy 165 near Paradise
 - b. **Set Public Hearing for August 13, 2019 at 5:40 p.m. – Ordinance 2019-06 -- Hansen RU2 Rezone**
Request for a rezone of 14.59 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 6600 North 400 West near Smithfield
- 6:00 p.m. c. Public Hearing – Open 2019 Budget**

12. **PENDING ACTION**

13. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**

a. **Ordinance 2019-03 – Hawkes Rezone RU5**

Request for a rezone of 19.92 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at 8300 South 4000 West near Wellsville

b. **Ordinance 2019-04 – Applewood Hollow RU5 Rezone**

Request for a rezone of 22.76 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at 4642 Hollow Road near Nibley

c. **Resolution 2019-24 – Amending the 2019 Budget**

d. **Resolution 2019-25 – Cache County Support and Sponsorship of Cache Celebration 2020**

14. **OTHER BUSINESS**

a. **Cache County Fair & Rodeo – August 8-10, 2019**

b. **River Heights Apple Days Parade – Saturday, August 24, 2019 at 4:00 p.m.**

c. **Wellsville Founders' Day Parade – Monday, September 2, 2019**

d. **USACCC Fall Conference – September 25-26, 2019 – Midway**

Dave, Paul(?)

e. **USU Homecoming Parade – Saturday, September 28, 2019 at 10:00 a.m.**

15. **COUNCIL MEMBER REPORTS**

16. **EXECUTIVE SESSION – Utah Code 52-4-205(1)(d) – Discussion of the purchase of real property**

17. **ADJOURN**



Karl B. Ward, Chairman

ORDINANCE NO. 2019-03

CACHE COUNTY, UTAH

HAWKES REZONE RU5

AN ORDINANCE AMENDING THE COUNTY ZONING MAP

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

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

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

WHEREAS, on June 6, 2019, 6:15 p.m., the Planning Commission held a public hearing for a rezone from the Agricultural (A10) Zone to Rural 5 (RU5) Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on June 6, 2019 the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action, and;

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

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

WHEREAS, on July 9, 2019, 5:40 p.m., the County Council held a public hearing to consider any comments regarding the proposed rezone. The County Council accepted all comments, and;

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

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.

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).

2. Approval of Rezone.

The County Council hereby rezones parcels 10-059-0001, 19.92 acres of property as described within Exhibit A, currently zoned as the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

3. Adoption of Amended Zoning Map.

The County Council hereby amends the county's zoning map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended zoning map with the amendment identified as Exhibit A, of which a detailed digital or paper copy is available in the Development Services Department.

4. Conclusions

A. The location of the subject property is compatible with the purpose of the Rural 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:

- i. Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
- ii. Does not unreasonably impede adjacent agricultural uses.
- iii. The property is appropriately served by adequate provision of public services.

5. Severability.

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

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

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

7. Exhibits.

Exhibit A: Zoning Map of Cache County – Affected portion

8. Effective Date.

This ordinance takes effect on August 14, 2019. 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.

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APPROVED AND ADOPTED this 30th day of July, 2019.

	In Favor	Against	Abstained	Absent
Borup				
Erickson				
Tidwell				
Ward				
White				
Worthen				
Zilles				
Total				

CACHE COUNTY COUNCIL

ATTEST:

Karl Ward, Chair
Cache County Council

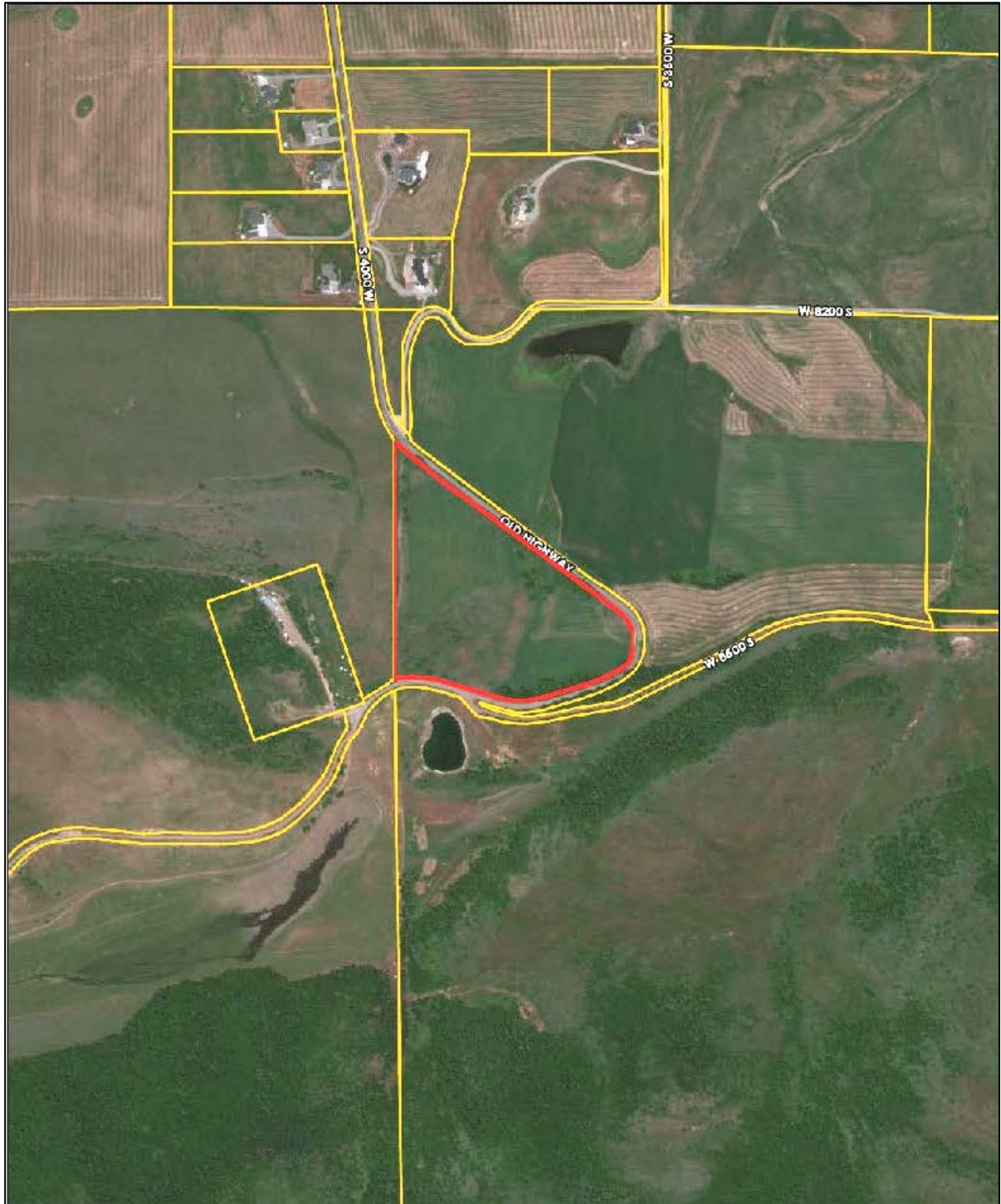
Jill Zollinger
Cache County Clerk

Publication Date:

_____, 2019

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Exhibit A: Ordinance 2019-03
Zoning map of Cache County affected portion
Hawkes RU5 Rezone



10-059-0001

BEG S 696 FT FROM N/4 COR OF NW/4 SEC 26 T 10N R 1W, S 53*41'E 1476.3FT S 28*52' E 95 FT
S 58' W 95.4 FT S 24*34' W 119.5 FT S 62*29' W 120.4 FT S 69*53' W 258.8 FT S 81* 17' W 161.9
FT N 86*38' W 117.4 FT N 72*54' W 333.1 FT N 77*16' W 92.6FT N 89*20' W 144.8 FT N 1202 FT
TOBEG 20.176 AC E726A

ORDINANCE NO. 2019-04
CACHE COUNTY, UTAH
APPLEWOOD HOLLOW RU5 REZONE

AN ORDINANCE AMENDING THE COUNTY ZONING MAP

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

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

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

WHEREAS, on June 6, 2019, 6:25 p.m., the Planning Commission held a public hearing for a rezone from the Agricultural (A10) Zone to Rural 5 (RU5) Zone, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on June 6, 2019 the Planning Commission recommended the approval of said rezone and forwarded such recommendation to the County Council for final action, and;

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

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

WHEREAS, on July 9, 2019, 5:50 p.m., the County Council held a public hearing to consider any comments regarding the proposed rezone. The County Council accepted all comments, and;

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

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NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 Part 2 (1953, as amended to date).

2. Approval of Rezone.

The County Council hereby rezones parcels 03-066-0017 and 03-066-0033, 22.76 acres of property as described within Exhibit A, currently zoned as the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

3. Adoption of Amended Zoning Map.

The County Council hereby amends the county's zoning map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended zoning map with the amendment identified as Exhibit A, of which a detailed digital or paper copy is available in the Development Services Department.

4. Conclusions

A. The location of the subject property is compatible with the purpose of the Rural 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:

- i. Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
- ii. Does not unreasonably impede adjacent agricultural uses.
- iii. The property is appropriately served by adequate provision of public services.

5. Severability.

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

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

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

7. Exhibits.

Exhibit A: Zoning Map of Cache County – Affected portion

8. Effective Date.

This ordinance takes effect on August 14, 2019. 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.

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APPROVED AND ADOPTED this 30th day of July, 2019.

	In Favor	Against	Abstained	Absent
Borup				
Erickson				
Tidwell				
Ward				
White				
Worthen				
Zilles				
Total				

CACHE COUNTY COUNCIL

ATTEST:

Karl Ward, Chair
Cache County Council

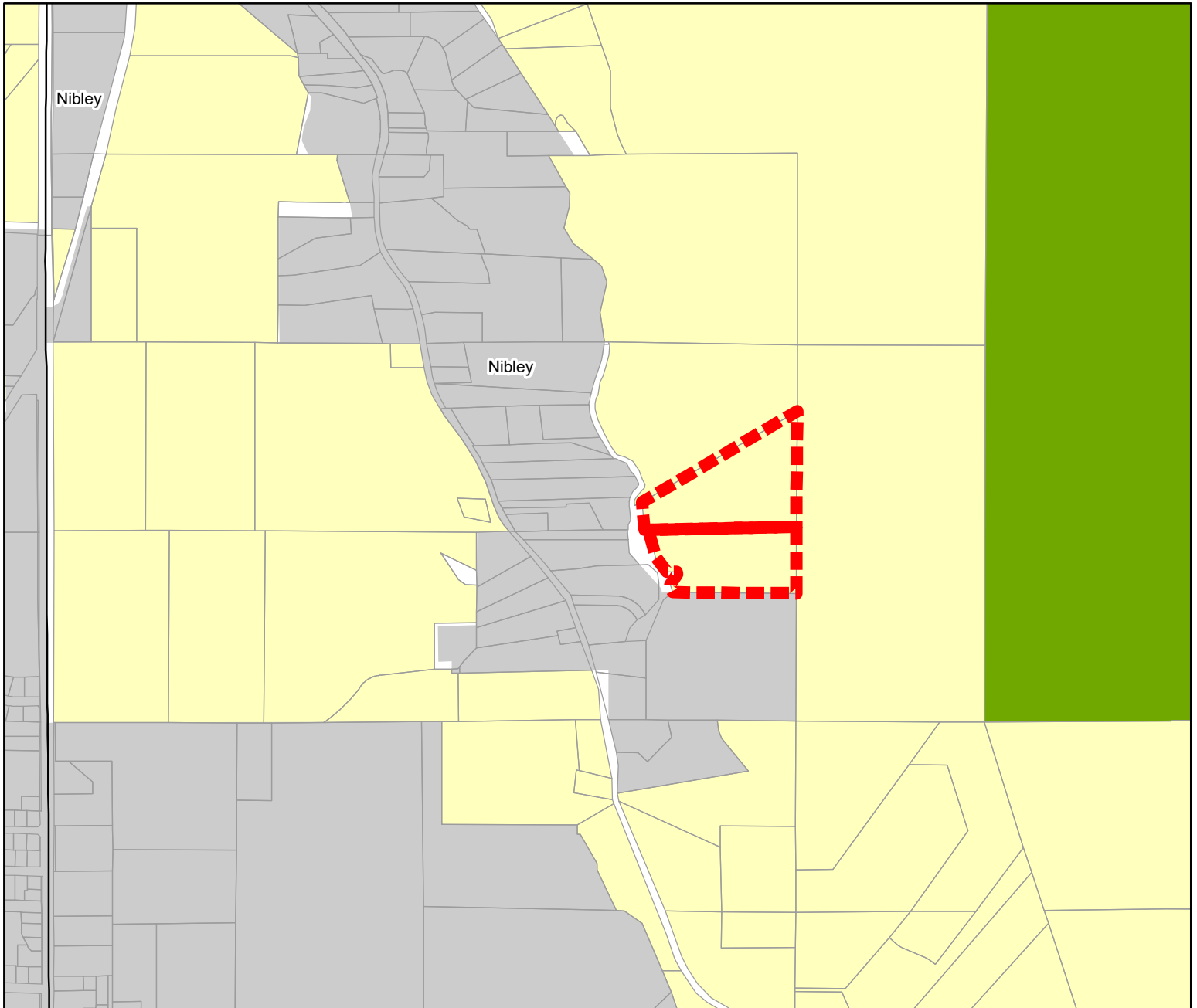
Jill Zollinger
Cache County Clerk

Publication Date:



_____, 2019

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Exhibit A: Ordinance 2019-04 Zoning Map of Cache County Affected Portion Applewood Hollow RU5 Rezone



Legend

-  Major Roads
-  City Boundary

Zone Type

-  Mineral Extraction and Excavation Overlay (ME)
-  Public Infrastructure Overlay (PI)
-  A10: Agriculture 10 acres
-  C: Commercial
-  FR40: Forest Recreation 40 acres
-  I: Industrial
-  RR: Resort Recreation
-  RU2: Rural 2 Zoning District
-  RU5: Rural 5 Zoning District

03-066-0017

BEG AT A PT S 88°32'18"W 142.30 FT FROM SE COR OF NE/4 OF SE/4 SEC 34 T 11N R 1E & TH S 88°32'18"W 921.7 FT TH N 05°40'29" W 204.31 FT ALG BANK OF RIVER TH N 59°53'24"E 1088.42 FT TO PT N OF BEG TH S 752.86 FT TO BEG CONT 10 AC ALSO: BEG 1311 FT S (1320 FT BR) FROM NE COR SE/4 SD SEC & TH S 88°32'18" W 142.3 FT TH N 752.86 FT TH NE'LY TO E LN OF SD SEC TH S TO BEG WITH R/W'S ON DEED CONT 12.5 AC IN ALL WITH 20 FT R/W ACROSS 0009 570/779 & 709/8

03-066-0033

BEG NE COR SE/4 SE/4 SEC 34 T 11N R 1E & TH S 1°23'37" W 463.2 FT ALG E LN OF SEC TH W 841.96 FT TO EAST BANK OF BLACKSMITH FORK RIVER TH NE'LY ALG RIVER (SEE 470/584) TO A PT S 88°32'18" W OF BEG TH N 88°32'18" E 1040.05 FT TO BEG CONT 10.26 AC M/B (SEE ENT 1081998, PR DEED FROM ESTATE OF MARGARET F PACE FOR ANY PROP LYING W OF ABOVE PARCEL & RUNNING TO E BANK OF BLACKSMITH FORK RIVER)

