

## CACHE COUNTY COUNCIL

DAVID L. ERICKSON, *CHAIR*

BARBARA Y. TIDWELL, *VICE CHAIR*

KATHRYN A BEUS

SANDI GOODLANDER

NOLAN P. GUNNELL

MARK R. HURD

KARL B. WARD



199 NORTH MAIN STREET  
LOGAN, UT 84321

435-755-1840

[www.cachecounty.org](http://www.cachecounty.org)

**PUBLIC NOTICE** is hereby given that the County Council of Cache County, Utah will hold a **REGULAR COUNCIL MEETING** at **5:00 p.m.** in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah 84321, **TUESDAY, JULY 11, 2023**

Council meetings are live streamed on the Cache County YouTube channel at:

<https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>

## AGENDA

### COUNCIL MEETING

- 5:00 p.m.**
1. **CALL TO ORDER**
  2. **OPENING** – Councilmember Sandi Goodlander
  3. **REVIEW AND APPROVAL OF AGENDA**
  4. **REVIEW AND APPROVAL OF MINUTES** (June 27, 2023; June 30, 2023)
  5. **REPORT OF COUNTY EXECUTIVE**
    - a. **Appointments:**
    - b. **Financial Reports:**
    - c. **Other Items:**
  6. **ITEMS OF SPECIAL INTEREST**
    - a. Report from Waste Management regarding updates to County garbage collection – Blake Leonelli
    - b. Discussion of changes to policy on accessory dwelling units – Stephen Nelson and Tim Watkins
    - c. Suggestions for process of outside entities applying for ARPA funds – Alma Burgess
  7. **DEPARTMENT OR COMMITTEE REPORTS**
- 5:30 p.m.**  
(Estimated)
8. **PUBLIC HEARINGS**
    - a. **Set Public Hearing for July 25, 2023 – Ordinance 2023-25 – Amending the Definition and Standards Associated with Accessory Apartments to Comply with Recent Changes in State Code**
    - b. **Set Public Hearing for July 25, 2023 – Ordinance 2023-26 – Amending 17.10 Development Standards Specific to Industrial (I) Zone Development for Agricultural Processing Facilities Specific to Food Production**
    - c. **Public Hearing – Ordinance 2023-22 – 8479 Rezone**  
A request to rezone 8.37 acres located at 8479 N Hwy 91, between Richmond and Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
  9. **PENDING ACTION**
  10. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
    - a. **Ordinance 2023-22      8479 Rezone**  
A request to rezone 8.37 acres located at 8479 N Hwy 91, between Richmond and Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

- b. *Resolution 2023-08*      **Amending the Cache County Personnel Policy & Procedure Manual Regarding County Cell Phones and Cell Phone Stipend**
- c. *Ordinance 2023-24*      **An Ordinance Amending 17.02 Updating the Requirements to Serve on the Planning and Zoning Commission**

11. **OTHER BUSINESS**

- a. **Hyde Park Hometown Days Parade**      *July 15, 2023 at 10:00 am*  
**Mark**
- b. **North Logan Pioneer Day Parade**      *July 24, 2023 at 10:00 am*  
**Mark, Barbara (?)**
- c. **Logan Pioneer Day Parade**      *July 24, 2023 at 12:00 pm*  
**Barbara, Mark(?)**
- d. **USACCC Fall Conference**      *Sept. 7-8, 2023 at Ruby's Inn*  
**Sandi, Dave, Barbara, Karl**

12. **COUNCIL MEMBER REPORTS**

13. **ADJOURN**



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David L. Erickson, Chair

## CACHE COUNTY COUNCIL

June 27, 2023 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**MEMBERS PRESENT:** Chair David Erickson, Councilmember Barbara Tidwell, Councilmember Karl, Councilmember Mark Hurd, Councilmember Nolan Gunnell, Councilmember Kathryn Beus

**MEMEBERS EXCUSED:** Councilmember Sandi Goodlander

**STAFF PRESENT:** Chief Deputy County Executive Dirk Anderson, County Attorney Dane Murray, Interim Clerk/Auditor Bryson Behm Bartt Nelson, Scott Bodily, Brittany Kingston, Alma Burgess, Nathan Argyle, Micah Safsten, Amy Adams

**OTHER ATTENDENCE:** Brett Jensen, Joann Bennett, Jeff Nielsen, Lane Parker

### Council Meeting

1. **Call to Order 5:00p.m.** – Council Chair David Erickson

2. **Opening Remarks and Pledge of Allegiance** – Councilmember Karl Ward [0:20](#)

3. **Review and Approval of Agenda APPROVED [2:10](#)**

**Action:** Motion made by Councilmember Nolan Gunnell to approve the agenda; seconded by Councilmember Kathryn Beus  
**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay:** 0

**Absent:** 1 Sandi Goodlander

4. **Review and Approval of Minutes APPROVED [2:25](#)**

**Action:** Motion made by Councilmember Nolan Gunnell to approve the minutes; seconded by Councilmember Barbara Tidwell  
**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay:** 0

**Absent:** 1 Sandi Goodlander

5. **Report of the County Executive [3:01](#)**

Chief Deputy County Executive Dirk Anderson reported to the County Council.

6. **Items of Special Interest [5:52](#)**

a. Reviewing Sworn Statements for Conflict of Interest submitted by County Employees

1. Julie Holist Terrill [6:12](#)

7. **Department or Committee Reports**

8. **Public Hearings [26:50](#)**

a. **Set Public Hearing for July 11, 2023 – Ordinance 2023-22 – A request to rezone 8.37 acres located at 8479 N Hwy 91, between Richmond and Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.**

**Action:** Motion made by Councilmember Karl Ward to set a public hearing for Ordinance 2023-22 on July 11, 2023; seconded by Councilmember Barbara Tidwell [27:01](#)

**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay:** 0

**Absent:** 1 Sandi Goodlander

b. **Public Hearing for Resolution 2023-06 – Opening the 2023 Budget [34:58](#)**

**Discussion:** Brittany Kingston spoke to the Resolution [35:21](#). Discussion followed [36:06](#)

**Action:** Motion made by Councilmember Barbara Tidwell to close the public hearing; seconded by Councilmember Nolan Gunnell [42:04](#)

**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay:** 0

**Absent:** 1 Sandi Goodlander

c. **Public Hearing for Resolution 2023-07 – Multi-Jurisdictional Access to 1400 West and Acceptance of a New Right-of-Way**  
[27:42](#)

**Discussion:** Matt Phillips spoke to the Resolution [27:53](#). Discussion followed [32:58](#). Lane Parker spoke [33:52](#)

**Action:** Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Nolan Gunnell [34:46](#)

**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay:** 0

**Absent:** 1 Sandi Goodlander

9. **Pending Action** [25:21](#)

10. **Initial Proposals for Consideration of Action** [9:44](#)

a. **Ordinance 2023-23 APPROVED** [9:44](#)

An Ordinance Amending 15.08 Updating Fire Code Regulations

**Discussion:** Fire Chief Rod Hammer spoke to the ordinance [9:57](#). Councilmember questions and discussion followed [11:41](#).

**Action:** Motion made by Councilmember Kathryn Beus to waive the rules and to approve the ordinance; seconded by Councilmember Karl Ward [14:36](#)

**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay:** 0

**Absent:** 1 Sandi Goodlander

b. **Resolution 2023-06 APPROVED** [42:16](#)

Opening the 2023 Budget

**Discussion:** Councilmember questions and discussion followed [42:30](#).

**Action:** Motion made by Councilmember Karl Ward to remove item 10 from the proposed budget opening; seconded by Councilmember Barbara Tidwell [55:45](#)

**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay:** 0

**Absent:** 1 Sandi Goodlander

**Action:** Motion made by Councilmember Kathryn Beus to add item 56 to the proposed budget opening; seconded by Councilmember Barbara Tidwell [59:13](#)

**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay:** 0

**Absent:** 1 Sandi Goodlander

**Action:** Motion made by Councilmember Karl Ward to approve Resolution 2023-06 - budget opening; seconded by Councilmember Mark Hurd [59:58](#)

**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay:** 0

**Absent:** 1 Sandi Goodlander

c. **Resolution 2023-07** [1:06:49](#)

Multi-Jurisdictional Access to 1400 West and Acceptance of a New Right-of-Way

**Discussion:** Councilmember questions and discussion [1:07:00](#).

**Action:** Motion made by Councilmember Karl Ward to waive the rules and approve Resolution 2023-07 - Multi-Jurisdictional Access to 1400 West and Acceptance of a New Right-of-Way; seconded by Councilmember Barbara Tidwell [1:09:41](#)

**Motion passes.**

**Aye:** 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Karl Ward, Mark Hurd, Kathryn Beus

**Nay: 0**

**Absent: 1** Sandi Goodlander

**11. Other Business** [15:37](#) and [1:10:13](#)

a. Discussion of Vehicle Fleet Audit [15:37](#)

**Discussion:** Karl Ward spoke to the audit and council discussed [17:13](#)

b. Lewiston Independence Day Parade

*July 4, 2023 at 9:15 a.m.*

c. Hyrum Independence Day Parade

*July 4, 2023 at 10:00 a.m.*

d. North Logan Pioneer Day Parade

*July 24, 2023 at 10:00 a.m.*

e. Logan Pioneer Day Parade

*July 24, 2023 at 10:00 a.m.*

f. USACC Fall Conference

*Sept 7- 8, 2023 at 10:00 a.m.*

**12. Councilmember Reports** [1:12:24](#)

**David Erickson** – Advertising for Drainage District 4 and meeting for replacement of the new Clerk/Auditor.

**Sandi Goodlander** – Excused.

**Karl Ward** – No Report

**Barbara Tidwell** – No Report

**Kathryn Beus** –Open Space Committee meeting follow up.

**Nolan Gunnell** – Waste management meeting with council.

**Mark Hurd** – No Report

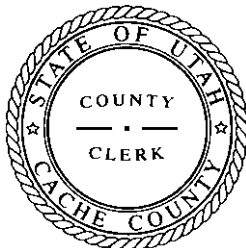
**Adjourn: approximately 6:30 PM**

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**ATTEST: David S. Benson**  
County Clerk/Auditor

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**APPROVAL: David Erickson**  
Chair



## CACHE COUNTY COUNCIL

**June 30, 2023 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.**

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**MEMBERS PRESENT:** Chair David Erickson, Councilmember Karl Ward, Councilmember Mark Hurd, Councilmember Nolan Gunnell, Councilmember Barbara Tidwell

**MEMEBERS EXCUSED:** Councilmember Sandi Goodlander, Councilmember Kathryn Beus

**STAFF PRESENT:** County Executive David Zook, County Attorney Dane Murray, Bryson Behm

**OTHER ATTENDENCE:** David Benson, Judge Brian Cannell

### Special Council Meeting

**1. Call to Order 5:00p.m.** – Council Chair David Erickson

### 2. Approval of Agenda **APPROVED**

**Action:** Motion made by Councilmember Nolan Gunnell to approve the agenda; seconded by Councilmember Barbara Tidwell

**Motion passes.**

**Aye:** 5 David Erickson, Barbara Tidwell, Karl Ward, Nolan Gunnell, Mark Hurd,

**Nay:** 0

**Absent:** 2 Sandi Goodlander, Kathryn Beus

### 3. Items of Special Interest **APPOINTED**

a. Appointment of a new Cache County Clerk/Auditor – Pursuant to Utah Code 20A-1-508

**Action:** Motion made by Councilmember Barbara Tidwell to appoint David S. Benson as Clerk/Auditor; seconded by Councilmember Karl Ward

**Motion passes.**

**Aye:** 5 David Erickson, Barbara Tidwell, Karl Ward, Nolan Gunnell, Mark Hurd,

**Nay:** 0

**Absent:** 2 Sandi Goodlander, Kathryn Beus

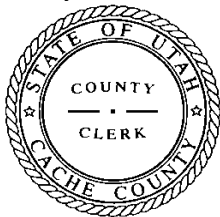
### 4. Adjourn approximately 5:30

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**ATTEST: David S Benson**  
County Clerk/Auditor

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**APPROVAL: David Erickson**  
Chair





## Hold a Public Hearing

### Ordinance 2023-25 Amending Title 17 re: Use Type 1120 - Accessory Apartment

**Agenda request submitted by:** Tim Watkins, Planning Manager– Forwarded from the County Planning Commission

**Assisting Department:** Development Services

**Requested Council meeting date:** July 25, 2023

**Agenda Item Language:** Public Hearing for July 25, 2023, at 5:30 PM for Ordinance 2023-25 Amendments to Title 17 to update the definition title and requirements of Use Type 1120 – ‘Accessory Apartment.’

**Planning Commission Recommendation:** Approval: 6-yea; 0-nay, July 6, 2023.

**Background:** An amendment to land use type 1120 – ‘Accessory Apartment’ required by the adoption of Ord. 2023-25, an ordinance amending the County Code to update the definition title and requirements and schedule of zoning uses of an accessory apartment, and to be consistent with State Code requirements for an Internal Accessory Dwelling Unit.

**Fiscal Impact:** N/A

**Public Hearing Required:** Land Use Ordinance amendments require a public hearing before the County Planning Commission (PC). This hearing was held on July 6, 2023. No additional hearing is required under the requirements of the State Code, however, the Council has previously directed it is beneficial to rehear the public comment and hold an additional hearing before the Council.

**County Staff Presenter:** Stephen Nelson, Tim Watkins

**Presentation Time:** 5 minutes.

**County Staff Point of Contact:** Stephen Nelson, Director, Tim Watkins, Planning Manager

**Legal Review:** County Attorney Staff reviewed during the Planning Commission hearing on July 6, 2023.



**Hold a Public Hearing**

**Ordinance 2023-26 Amending Title 17 re: Proposed Industrial Site Development Standards for Agricultural Processing Facilities / Industrial Uses**

**Agenda request submitted by:** Tim Watkins, Planning Manager– Forwarded from the County Planning Commission  
**Assisting Department:** Development Services  
**Requested Council meeting date:** July 25, 2023

**Agenda Item Language:** Public Hearing for July 25, 2023, at 5:30 PM for Ordinance 2023-26 Amendments to Title 17 to add the definition title of ‘Agricultural Processing Facilities’ and to update standards for industrial uses.

**Planning Commission Recommendation:** Approval: 5-yea; 1-nay (Chris Sands), July 6, 2023.

**Background:** Amendments to create a new definition for Agricultural Processing Facilities and update Industrial site development standards required by the adoption of Ord. 2023-26, an ordinance amending the County Code to update general definitions development requirements applicable to property zoned as Industrial (I).

**Fiscal Impact:** N/A

**Public Hearing Required:** Land Use Ordinance amendments require a public hearing before the County Planning Commission (PC). This hearing was held on July 6, 2023. No additional hearing is required under the requirements of the State Code, however, the Council has previously directed it is beneficial to rehear the public comment and hold an additional hearing before the Council.

**County Staff Presenter:** Stephen Nelson, Tim Watkins

**Presentation Time:** 5 minutes.

**County Staff Point of Contact:** Stephen Nelson, Director, Tim Watkins, Planning Manager





## Council Meeting Memorandum

**Legal Review:** County Attorney Staff reviewed during the Planning Commission hearing on July 6, 2023.



## Hold a Public Hearing Ordinance 2023-22 – 8479 Rezone

**Agenda request submitted by:** Stephen Nelson, Director of Development Services –  
Forwarded from the County Planning Commission

**Assisting Department:** Development Services

**Requested Council meeting date:** July 11, 2023

**Agenda Item Language:** Hold a public hearing on July 11, 2023, for Ordinance 2023-22 8479 Rezone – A request to rezone 8.37 acres located at 8479 North Highway 91, between Richmond and Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

**Action:** Planning Commission – Recommendation of Approval (4-yea; 1-nay)

**Background:** A request to rezone 8.37 acres located at 8479 North Highway 91, between Richmond and Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

**Fiscal Impact:** N/A

**Public Hearing Required:** Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on 1 June 2023 and their recommendation to approve the rezone was made on 1 June 2023.

No additional hearing is required under the requirements of the State Code, however, the Council has previously directed it is beneficial to rehear the public comment and hold an additional hearing before the Council.

See attached for additional information.

**County Staff Presenter:** Tim Watkins, Planning Manager

**Presentation Time:** No additional staff presentation time is anticipated.

**County Staff Point of Contact:** Angie Zetterquist, County Planner

**Legal Review:** N/A

1 **Ord 2023-022**

2 **8479 Rezone**

3 **Amending the Cache County Zoning Map by rezoning**  
4 **8.37 acres of property from the Agricultural (A10) Zone**  
5 **to the Rural 2 (RU2) Zone.**

6  
7  
8 **County Council action**

9 Hold a public hearing on July 11, 2023.

10 If approved, the rezone will take effect 15 days from the date of approval.

11  
12 **Planning Commission action**

13 Approval (4-yea; 1-nay).

14 Public hearing held on June 1, 2023.

15 Conclusion: Based on the findings of fact noted [in the staff report], the 8479 Rezone is hereby  
16 recommended for approval to the County Council as follows:

- 17 **1.** The location of the subject property is compatible with the purpose of the Rural 2 (RU2) Zone as  
18 identified under §17.08.030[A] of the Cache County Code as it:
- 19 **a.** To allow for residential development in a moderately dense pattern that can allow for rural  
20 subdivisions, and to allow for clustering plans larger than a single parcel. This type of  
21 development should be located and designed to not unreasonably impede adjacent  
22 agricultural uses, nor to unreasonably conflict with the development standards of adjacent  
23 municipalities.
  - 24 **b.** Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with  
25 the development standards of adjacent communities.
  - 26 **c.** The property is appropriately served by a suitable public road, 8500 North, with access to  
27 Highway 91, necessary water and utilities, and adequate provision of public services.
- 28

29 **Staff Report review by Development Services Director**

30 Stephen Nelson

31  
32 **Staff Report by County Planner**

33 Angie Zetterquist

34  
35 **General Description**

36 This ordinance amends the County Zoning Map by rezoning 8.37 acres from the Agricultural (A10)  
37 Zone to the Rural 2 (RU2) Zone.

38  
39 **Additional review materials included as part of Exhibit A**

40 Staff Report to Planning Commission

41

**Staff Report: 8479 Rezone**

1 June 2023

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

**Agent:** Nanette T. King

**Parcel ID#:** 08-016-0011

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

**Project Address:**  
8479 North Highway 91  
near Richmond

**Acres:** 8.37

**Surrounding Uses:**

North – Agricultural

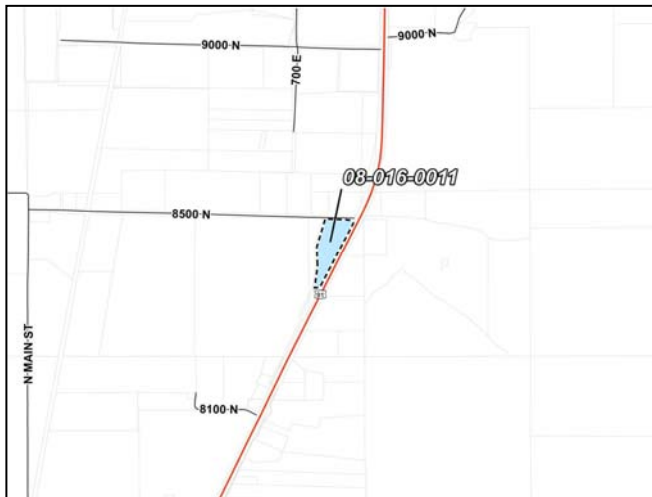
South – Agricultural

East – Agricultural/Residential

West – Agricultural

**Current Zoning:**  
Agricultural (A10)

**Proposed Zoning:**  
Rural 2 (RU2)



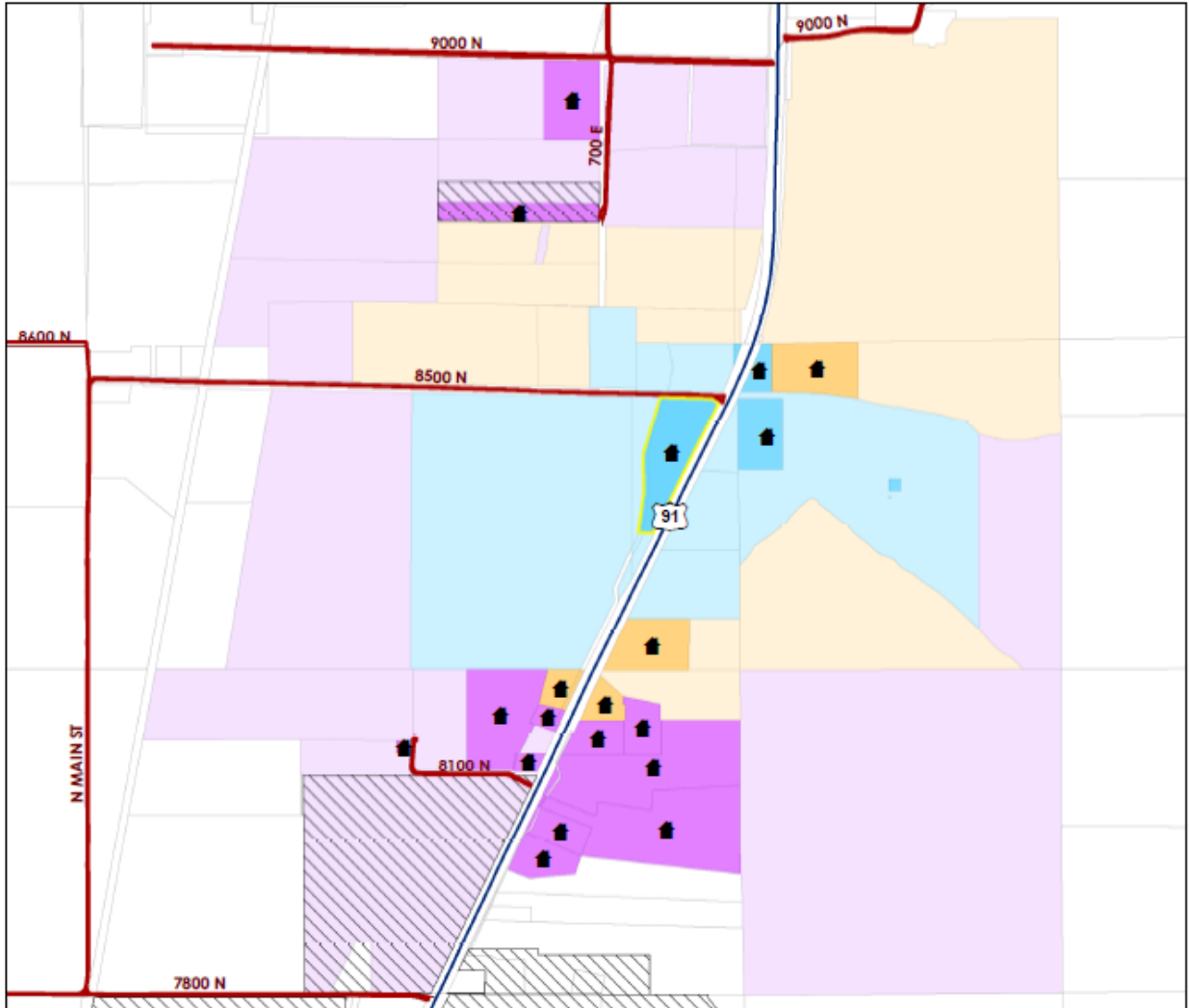
**Findings of Fact**

**A. Request description**

1. A request to rezone 8.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum potential of 4 separate lots as part of a subdivision process. The current A10 Zone allows for a maximum of 1 buildable lot.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

**a. Land Use Context:**

- i.** Parcel status: The subject property is not in the same size and configuration as it was on August 6, 2008, however, it is a legal parcel as the change occurred as part of a dedication for the highway.
- ii.** Average Lot Size: (See Attachment A)



Average Parcel Size	
<b>Adjacent Parcels</b>	With a Home: 16 Acres (3 Parcels)
	Without a Home: 18.2 Acres (9 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 4.8 Acres (7 Parcels)
	Without a Home: 20 Acres (22 Parcels)
<b>1/2 Mile Buffer</b>	With a Home: 5.3 Acres (19 Parcels)
	Without a Home: 19.4 Acres (42 Parcels)

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 8.37 acres of property, the subject property cannot be further divided under the current A10 Zone standards. A rezone to RU2 may allow up to a maximum potential of 4 buildable lots, including one lot with the existing single-family dwelling.

- iii. **Schedule of Zoning Uses:** Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- iv. **Adjacent uses:** The properties adjacent to the subject rezone are primarily used for agriculture with a few single family dwellings on the east side of the highway. The closest Richmond City boundary is located approximately 1.1 miles north of the subject property.
- v. **Annexation Areas:** The subject property is not located within a future annexation area.
- vi. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The nearest RU2 zone is located approximately 3.0 miles south of the subject property on the north west Smithfield City municipal boundary. This RU2 Zone was approved as the Brooks Hansen Smithfield West Rezone on 14.37 acres in 2022 per Ordinance 2022-03. The West View Estates Subdivision was approved with conditions as a 5-lot subdivision in May 2023.

**B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [C]**

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU2 Zone and includes the following:
  - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.

- b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
  - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. The future land use map (Attachment B) adopted as part of the recently approved Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.”

**AGRICULTURE AND RANCHING**

Location:	Private agriculture landscapes in the Cache Valley outside of municipalities.
Example Areas:	<ul style="list-style-type: none"> <li>• (Most of the valley)</li> </ul>
Purpose and Character:	Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Valley. Separation from dense residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities and protects suitable soils.
Preferred Land Uses:	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Ranching</li> <li>• Rural residential uses at densities of less than one unit per 10 acres</li> <li>• Conservation Easements (CEs) and conserved public lands</li> <li>• Agritourism</li> </ul>
Secondary Land Uses:	<ul style="list-style-type: none"> <li>• Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution)</li> <li>• Clustered subdivision developments</li> <li>• Outdoor Recreation</li> <li>• Farm Worker Housing</li> </ul>
Discouraged Uses:	<ul style="list-style-type: none"> <li>• Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development</li> <li>• Commercial Office</li> <li>• Commercial Retail</li> <li>• Flex Office/ Industrial</li> <li>• Heavy Industrial</li> </ul>

Cache County General Plan, Chapter 4, pg. 24

## CHAPTER 4: FUTURE LAND USE PLAN

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The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines—in large measure—the future of Cache County. The Future Land Use Map represents the County’s collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.

The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.

7. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.
- C. Access—16.04.040 [A], 16.04.080 [E], Road Manual**
8. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
  9. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the RU2 Zone is 90 feet.
  10. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
  11. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
  12. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
  13. A basic review of the access to the subject property identifies the following:
    - a. Primary access to the subject property is from Hwy 91 and 8500 North, a County road.
  14. Hwy 91:
    - a. Is a UDOT road classified as an “Other Principal Arterial”.
    - b. Other Principal Arterials provide a high degree of mobility through rural areas and can serve abutting land uses directly.
    - c. This portion of Hwy 91 is also classified as an Access Category 4, which has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet.
    - d. Access to any new future development on the subject property from Hwy 91 would need approval by UDOT.
  15. 8500 North:
    - a. Is an existing county facility that provides to residential dwellings and agricultural lands.
    - b. Is classified as a Minor Local Road.
    - c. Is paved and is approximately 20 feet wide.
    - d. Is maintained year round by the County.
    - e. Is considered substandard as to gravel shoulder width and clear zone.



**Analysis of Existing Roadway – Along the Frontage**

Roadway Element	Existing Width (ft)	Minor Local	Comments or Findings
		Standard Width (ft)	
Right-of-Way	66	66	OK
Travel Lanes	20	20	OK
Paved Shoulder	0	0	OK
Gravel Shoulder	2	4	Substandard
Clear Zone (4:1)	0	18	Substandard
Material	Paved	Paved	OK
Structural	Visually OK		Visually OK

**D. Service Provisions:**

- 16. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
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- 18. Public notice was posted online to the Utah Public Notice Website on 19 May 2023.
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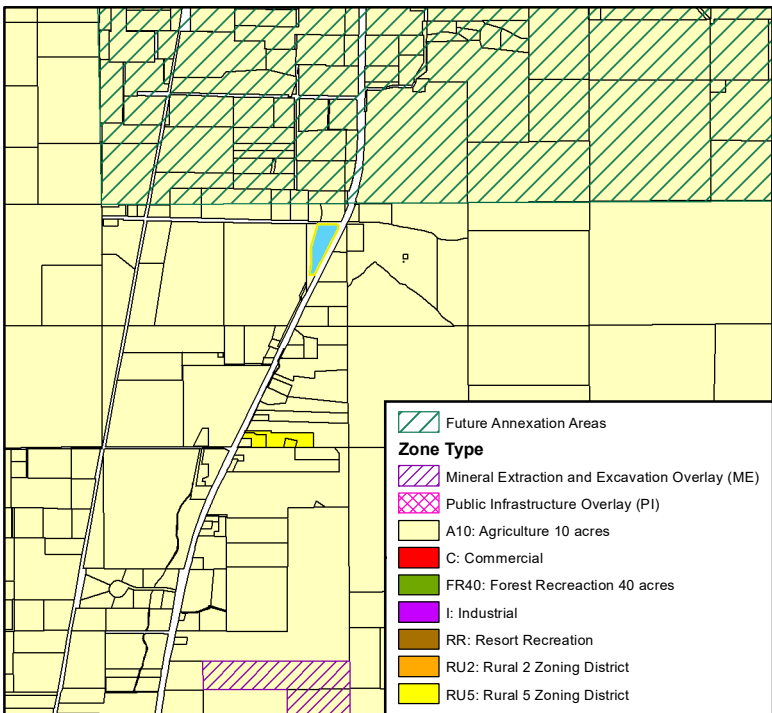
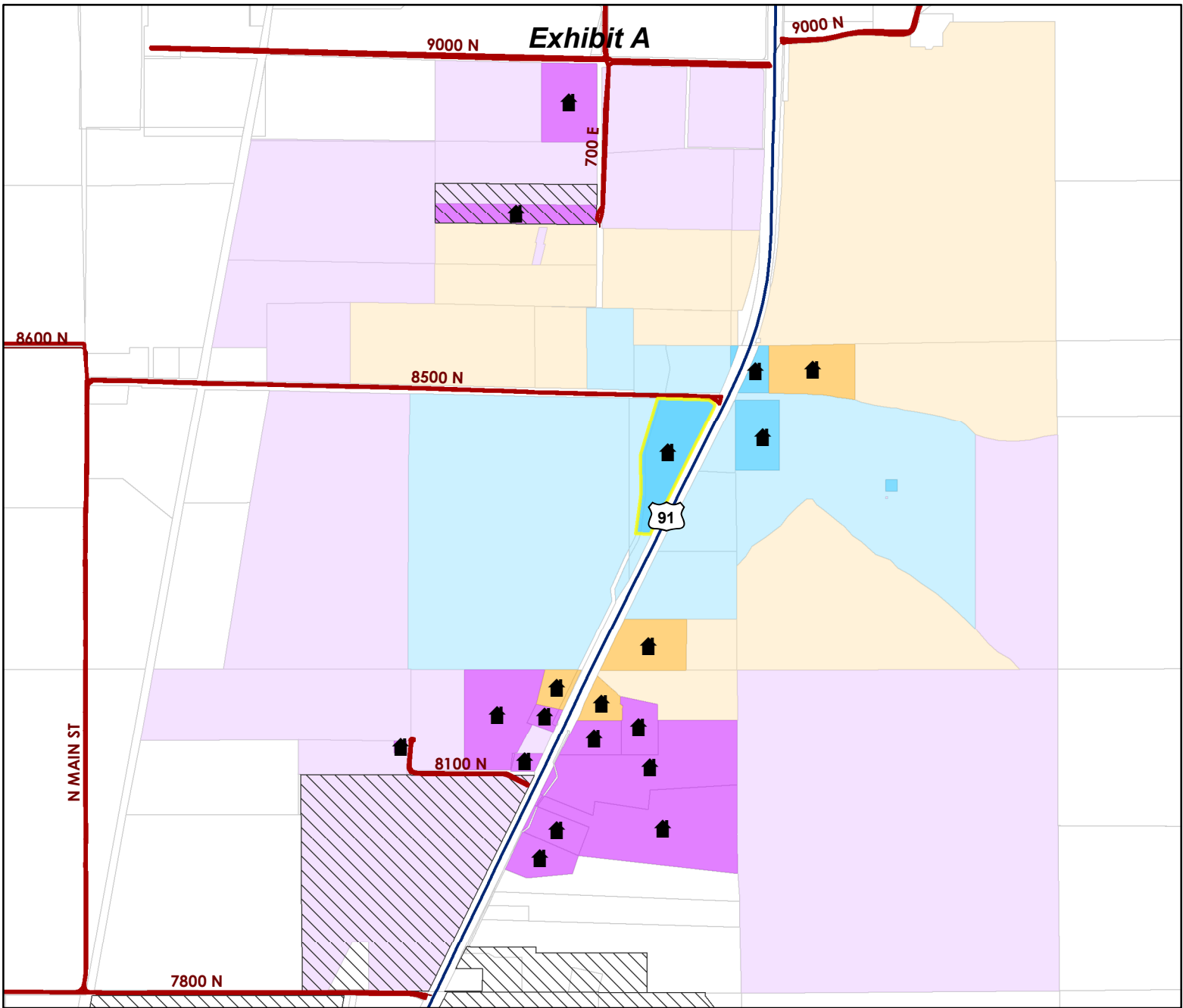
**Conclusion**

The 8479 Rezone, a request to rezone 8.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

**Planning Commission Conclusion**

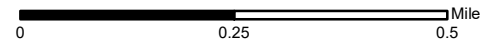
Based on the findings of fact noted herein, the 8479 Rezone is hereby recommended for approval to the County Council as follows:

- 1. The location of the subject property is compatible with the purpose of the Rural 2 (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - a. To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - b. Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.
  - c. The property is appropriately served by a suitable public road, 8500 North, with access to Highway 91, necessary water and utilities, and adequate provision of public services.



**Legend**

- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

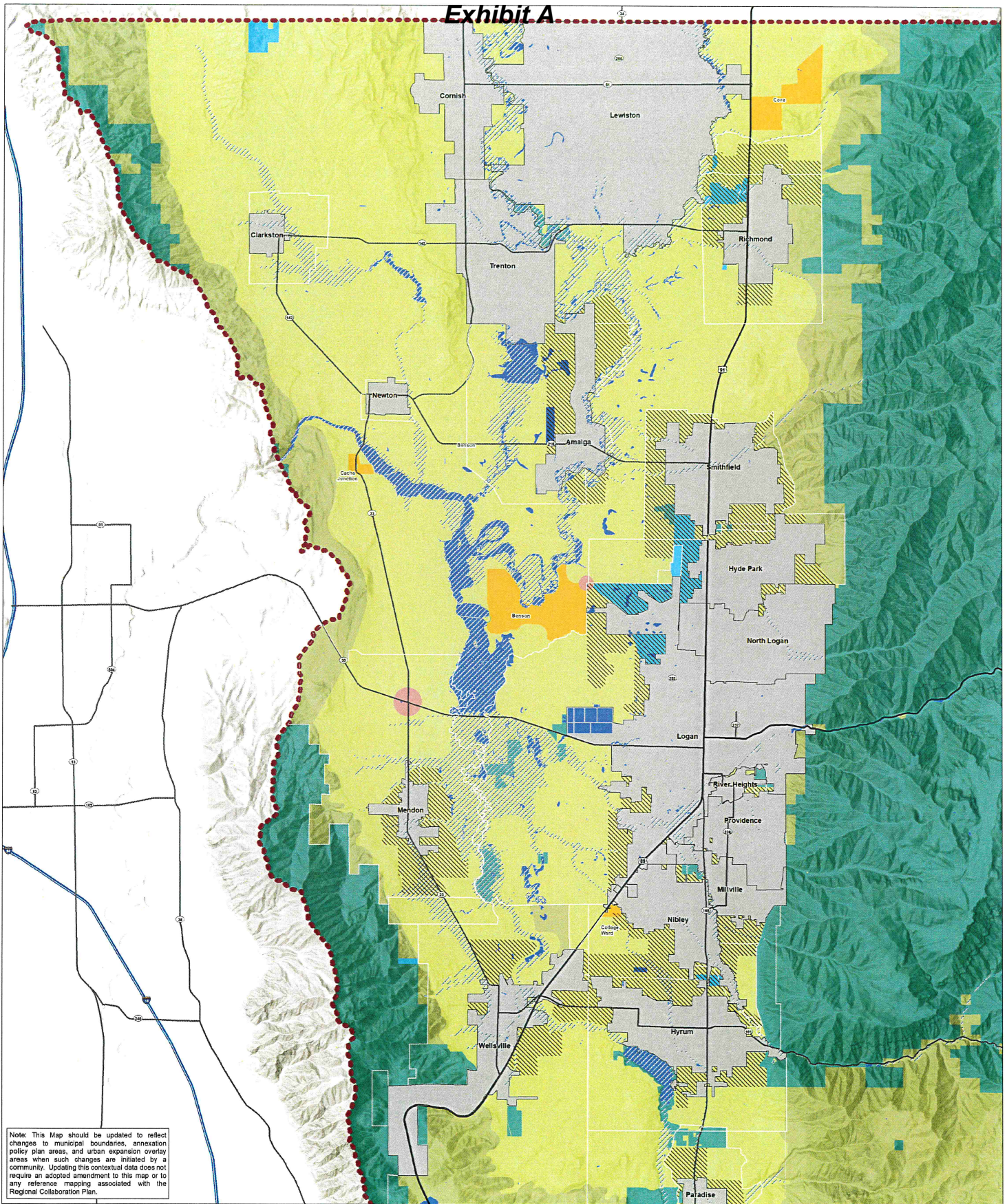


<b>Average Parcel Size</b>	
<b>Adjacent Parcels</b>	With a Home: 16 Acres (3 Parcels)
	Without a Home: 18.2 Acres (9 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 4.8 Acres (7 Parcels)
	Without a Home: 20 Acres (22 Parcels)
<b>1/2 Mile Buffer</b>	With a Home: 5.3 Acres (19 Parcels)
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5/15/2023

# Exhibit A

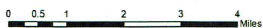


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- Water Bodies
- 100 Year Floodplain
- Municipalities
- Agriculture and Ranching
- Mountain Rural and Conservation
- Forest and Natural Resource
- Urban Expansion Overlay
- Retail Commercial
- Rural Community
- Industrial and Mineral Extraction
- Annexation Policy Plan Areas

## Cache County Future Land Use Map

Disclaimer: This map is illustrative and for advisory purposes only. This is not a regulatory or zoning document, and locations are generalized to illustrate concepts.



Date: February 28, 2023

# Ordinance No. 2023-22

## Cache County, Utah

### 8479 Rezone

---

An ordinance amending the County Zoning Map by rezoning 8.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone

**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 a public hearing for the rezone to be posted at least ten (10) days before the date of the public hearing; and

**Whereas**, on June 1, 2023, the Planning Commission held a public hearing, accepted all comments, and accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

**Whereas**, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance and zoning map for the county; and

**Whereas**, following proper notice, the County Council held a public hearing on July 11, 2023, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

**Whereas**, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement this ordinance.

**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. 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 B, of which a detailed digital or paper copy is available in the Development Services Department.

### **3. Conclusions**

- A.** The location of the subject property is compatible with the purpose of the Rural 2 (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - i.** To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - ii.** Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.
  - iii.** The property is appropriately served by a suitable public road, 8500 North, with access to Highway 91, necessary water and utilities, and adequate provision of public services.

### **4. 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.

### **5. Exhibits**

- A.** Exhibit A: Rezone summary and information
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

### **6. Effective date**

This ordinance takes effect on \_\_\_\_\_, 2023. 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.

**7. Council Vote and Final Action**

Date: ____ / ____ / ____	<u>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus				
Dave Erickson				
Sandi Goodlander				
Nolan Gunnell				
Mark Hurd				
Barbara Tidwell				
Karl Ward				
<b>Total:</b>				
<b>Final action:</b>	_____ <b>Adopt</b> _____ <b>Reject</b>			

Cache County Council:

Attest:

\_\_\_\_\_  
David Erickson, Chair

\_\_\_\_\_  
David Benson, Clerk  
Cache County

---

## **Action of the County Executive**

Regarding Ordinance 2023-22, the 8479 Rezone

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove (A Statement of Objection is attached)

---

David Zook, Executive  
Cache County

Date

1 **Ord 2023-022**

2 **8479 Rezone**

3 **Amending the Cache County Zoning Map by rezoning**  
4 **8.37 acres of property from the Agricultural (A10) Zone**  
5 **to the Rural 2 (RU2) Zone.**

6  
7  
8 **County Council action**

9 Hold a public hearing on July 11, 2023.

10 If approved, the rezone will take effect 15 days from the date of approval.

11  
12 **Planning Commission action**

13 Approval (4-yea; 1-nay).

14 Public hearing held on June 1, 2023.

15 Conclusion: Based on the findings of fact noted [in the staff report], the 8479 Rezone is hereby  
16 recommended for approval to the County Council as follows:

- 17 **1.** The location of the subject property is compatible with the purpose of the Rural 2 (RU2) Zone as  
18 identified under §17.08.030[A] of the Cache County Code as it:
- 19 **a.** To allow for residential development in a moderately dense pattern that can allow for rural  
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21 development should be located and designed to not unreasonably impede adjacent  
22 agricultural uses, nor to unreasonably conflict with the development standards of adjacent  
23 municipalities.
  - 24 **b.** Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with  
25 the development standards of adjacent communities.
  - 26 **c.** The property is appropriately served by a suitable public road, 8500 North, with access to  
27 Highway 91, necessary water and utilities, and adequate provision of public services.
- 28

29 **Staff Report review by Development Services Director**

30 Stephen Nelson

31  
32 **Staff Report by County Planner**

33 Angie Zetterquist

34  
35 **General Description**

36 This ordinance amends the County Zoning Map by rezoning 8.37 acres from the Agricultural (A10)  
37 Zone to the Rural 2 (RU2) Zone.

38  
39 **Additional review materials included as part of Exhibit A**

40 Staff Report to Planning Commission

41



**Staff Report: 8479 Rezone**

1 June 2023

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

**Agent:** Nanette T. King

**Parcel ID#:** 08-016-0011

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

**Project Address:**  
8479 North Highway 91  
near Richmond

**Acres:** 8.37

**Surrounding Uses:**

North – Agricultural

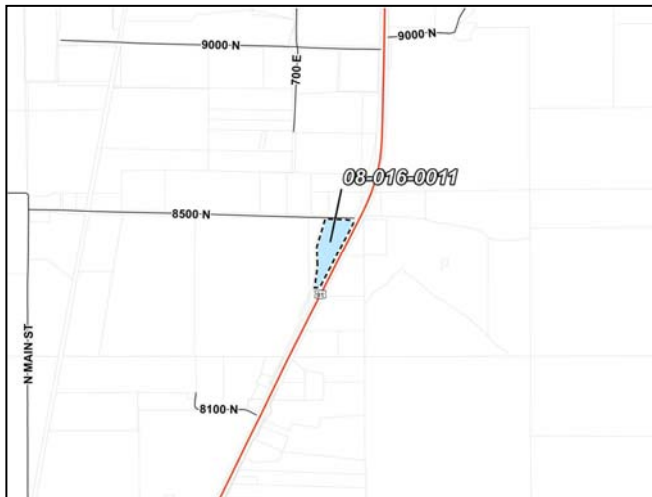
South – Agricultural

East – Agricultural/Residential

West – Agricultural

**Current Zoning:**  
Agricultural (A10)

**Proposed Zoning:**  
Rural 2 (RU2)



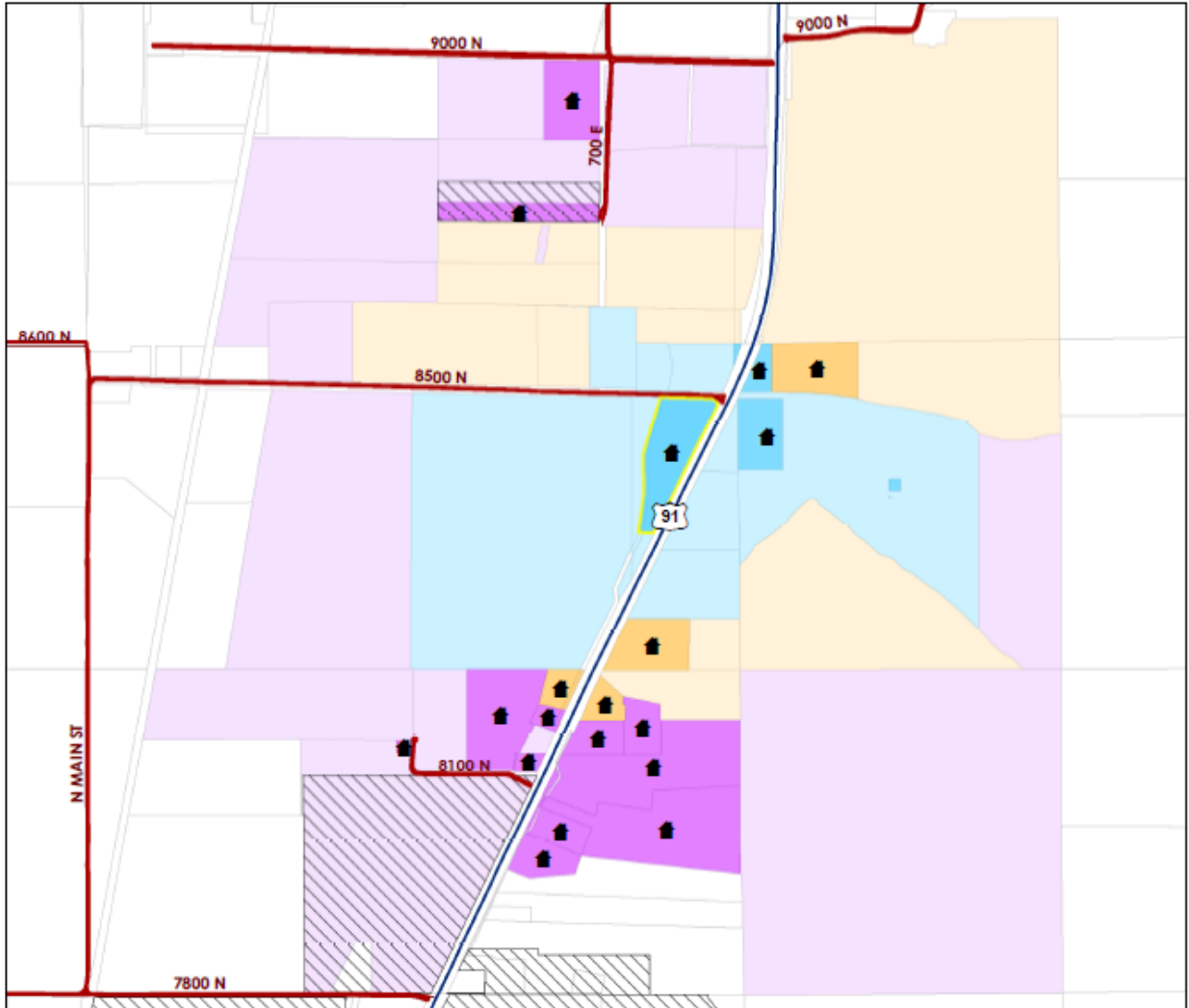
**Findings of Fact**

**A. Request description**

1. A request to rezone 8.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum potential of 4 separate lots as part of a subdivision process. The current A10 Zone allows for a maximum of 1 buildable lot.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

**a. Land Use Context:**

- i.** Parcel status: The subject property is not in the same size and configuration as it was on August 6, 2008, however, it is a legal parcel as the change occurred as part of a dedication for the highway.
- ii.** Average Lot Size: (See Attachment A)



Average Parcel Size	
<b>Adjacent Parcels</b>	With a Home: 16 Acres (3 Parcels)
	Without a Home: 18.2 Acres (9 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 4.8 Acres (7 Parcels)
	Without a Home: 20 Acres (22 Parcels)
<b>1/2 Mile Buffer</b>	With a Home: 5.3 Acres (19 Parcels)
	Without a Home: 19.4 Acres (42 Parcels)

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 8.37 acres of property, the subject property cannot be further divided under the current A10 Zone standards. A rezone to RU2 may allow up to a maximum potential of 4 buildable lots, including one lot with the existing single-family dwelling.

- iii. **Schedule of Zoning Uses:** Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- iv. **Adjacent uses:** The properties adjacent to the subject rezone are primarily used for agriculture with a few single family dwellings on the east side of the highway. The closest Richmond City boundary is located approximately 1.1 miles north of the subject property.
- v. **Annexation Areas:** The subject property is not located within a future annexation area.
- vi. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The nearest RU2 zone is located approximately 3.0 miles south of the subject property on the north west Smithfield City municipal boundary. This RU2 Zone was approved as the Brooks Hansen Smithfield West Rezone on 14.37 acres in 2022 per Ordinance 2022-03. The West View Estates Subdivision was approved with conditions as a 5-lot subdivision in May 2023.

**B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [C]**

- 4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU2 Zone and includes the following:
  - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.

- b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
  - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. The future land use map (Attachment B) adopted as part of the recently approved Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.”

**AGRICULTURE AND RANCHING**

Location:	Private agriculture landscapes in the Cache Valley outside of municipalities.
Example Areas:	<ul style="list-style-type: none"> <li>• (Most of the valley)</li> </ul>
Purpose and Character:	Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Valley. Separation from dense residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities and protects suitable soils.
Preferred Land Uses:	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Ranching</li> <li>• Rural residential uses at densities of less than one unit per 10 acres</li> <li>• Conservation Easements (CEs) and conserved public lands</li> <li>• Agritourism</li> </ul>
Secondary Land Uses:	<ul style="list-style-type: none"> <li>• Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution)</li> <li>• Clustered subdivision developments</li> <li>• Outdoor Recreation</li> <li>• Farm Worker Housing</li> </ul>
Discouraged Uses:	<ul style="list-style-type: none"> <li>• Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development</li> <li>• Commercial Office</li> <li>• Commercial Retail</li> <li>• Flex Office/ Industrial</li> <li>• Heavy Industrial</li> </ul>

Cache County General Plan, Chapter 4, pg. 24

## CHAPTER 4: FUTURE LAND USE PLAN

---

The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines—in large measure—the future of Cache County. The Future Land Use Map represents the County’s collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.

The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.

7. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.
- C. Access—**16.04.040 [A], 16.04.080 [E], Road Manual**
8. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
  9. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the RU2 Zone is 90 feet.
  10. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
  11. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
  12. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
  13. A basic review of the access to the subject property identifies the following:
    - a. Primary access to the subject property is from Hwy 91 and 8500 North, a County road.
  14. Hwy 91:
    - a. Is a UDOT road classified as an “Other Principal Arterial”.
    - b. Other Principal Arterials provide a high degree of mobility through rural areas and can serve abutting land uses directly.
    - c. This portion of Hwy 91 is also classified as an Access Category 4, which has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet.
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**D. Service Provisions:**

- 16. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
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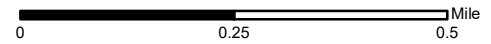
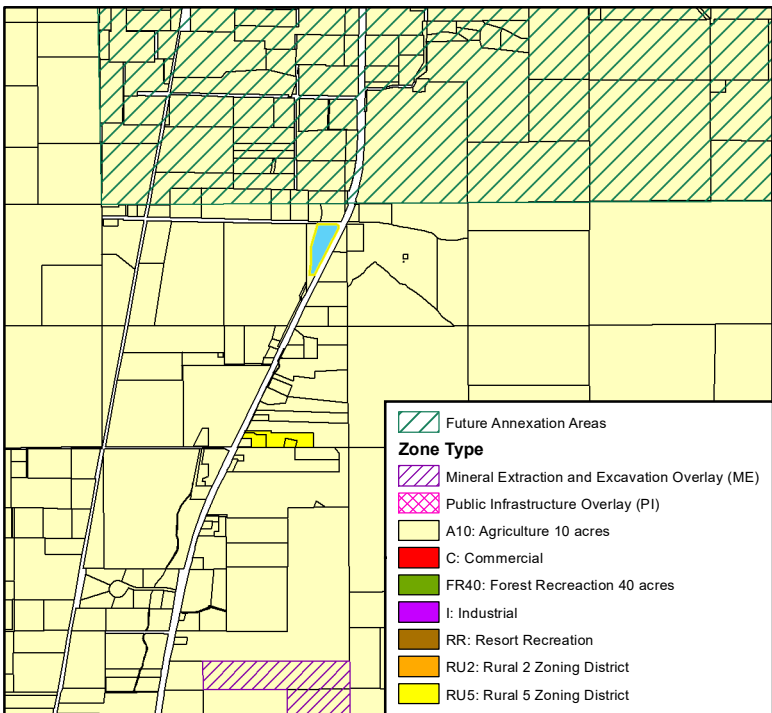
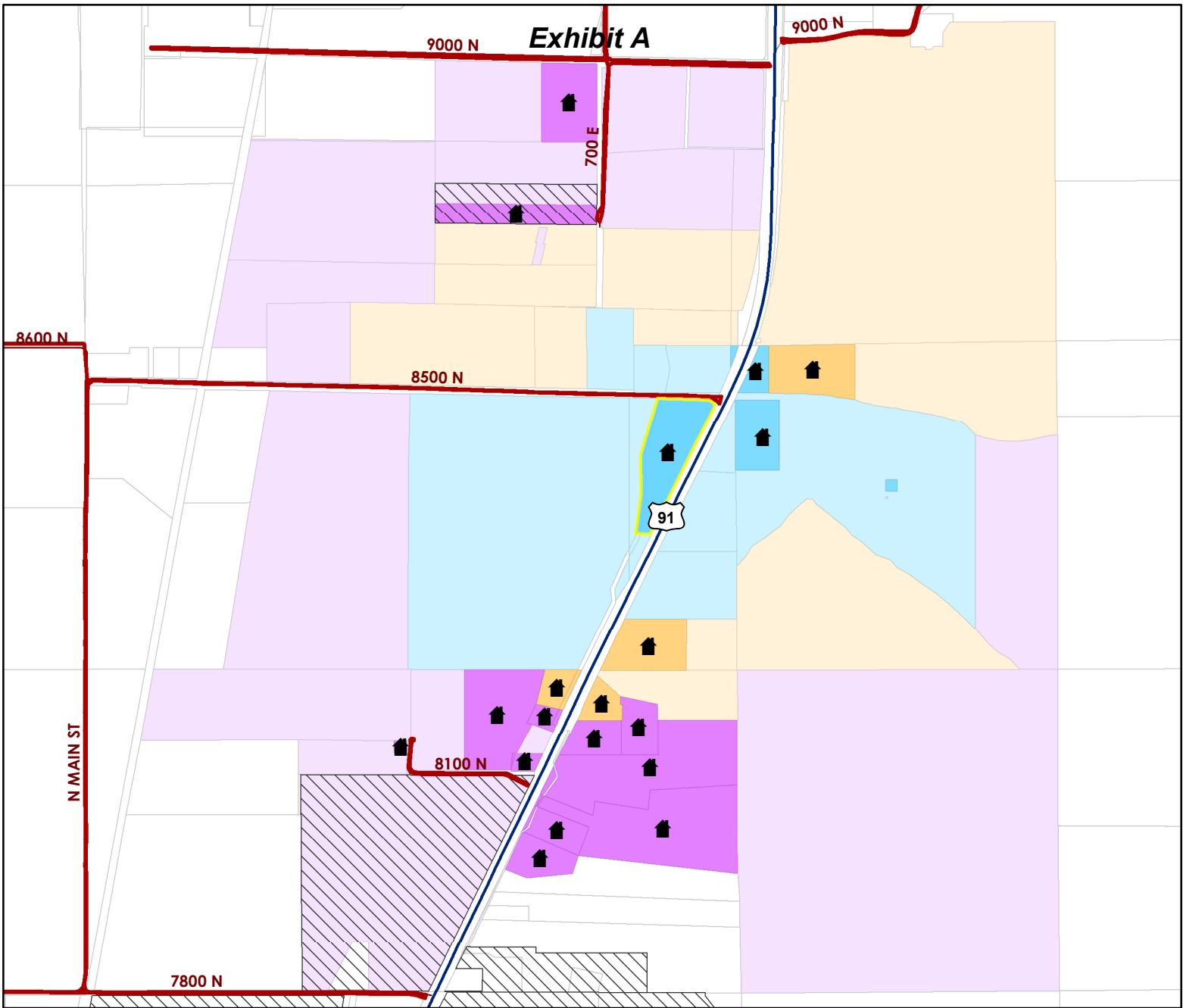
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**Planning Commission Conclusion**

Based on the findings of fact noted herein, the 8479 Rezone is hereby recommended for approval to the County Council as follows:

- 1. The location of the subject property is compatible with the purpose of the Rural 2 (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
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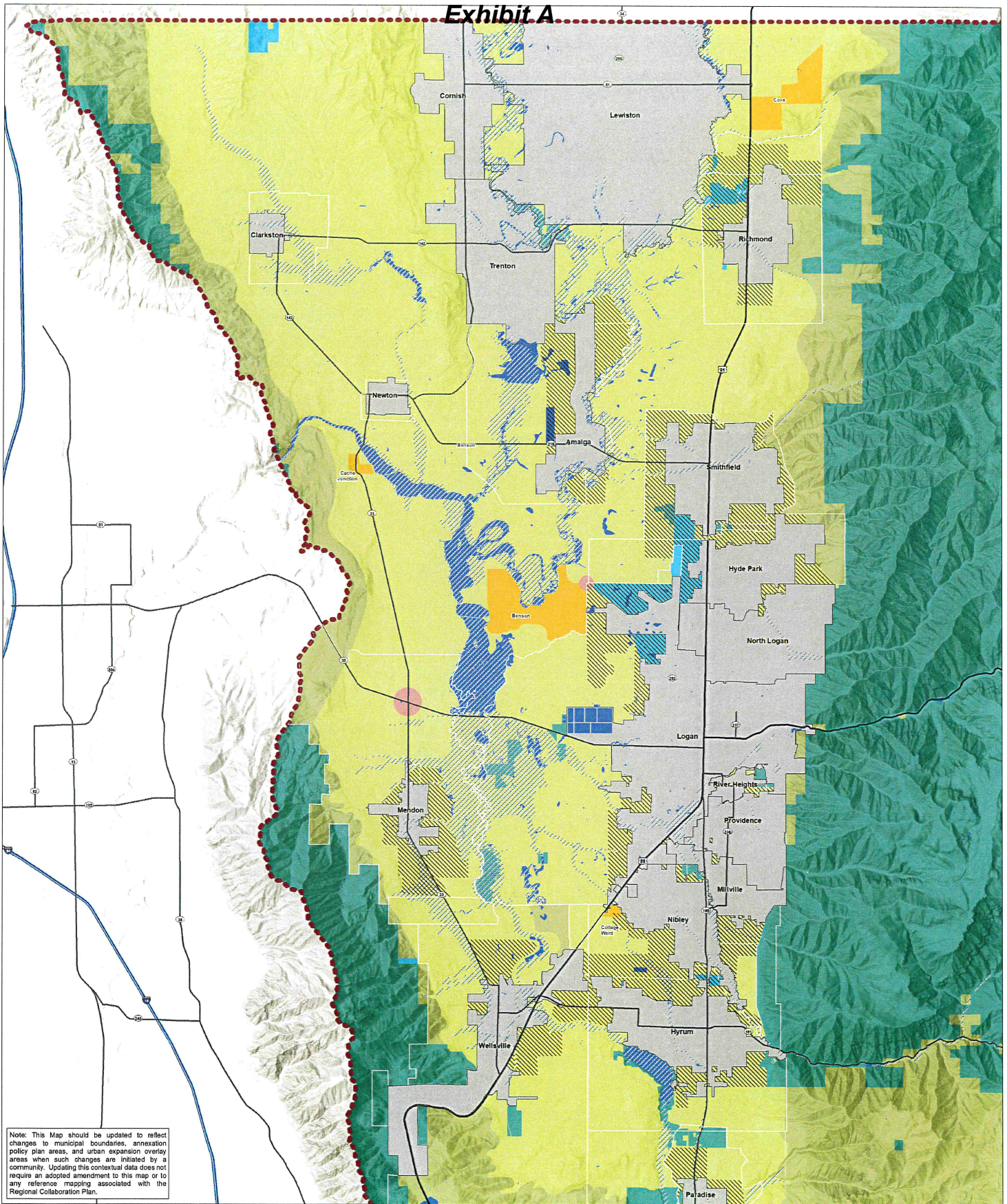
**Legend**

- Proposed Rezone (Blue box)
- Municipal Boundaries (Grey box)
- Subdivisions (Diagonal lines box)
- Parcels (White box)
- Winter Maintenance (Red line)
- County Roads (Red line)
- Highways (Blue line)

Average Parcel Size	
<b>Adjacent Parcels</b>	With a Home: 16 Acres (3 Parcels)
	Without a Home: 18.2 Acres (9 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 4.8 Acres (7 Parcels)
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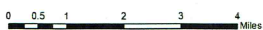


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- Water Bodies
  - 100 Year Floodplain
  - Municipalities
  - Agriculture and Ranching
  - Mountain Rural and Conservation
  - Forest and Natural Resource
  - Urban Expansion Overlay
  - Retail Commercial
  - Rural Community
  - Industrial and Mineral Extraction
- Annexation Policy Plan Areas

## Cache County Future Land Use Map

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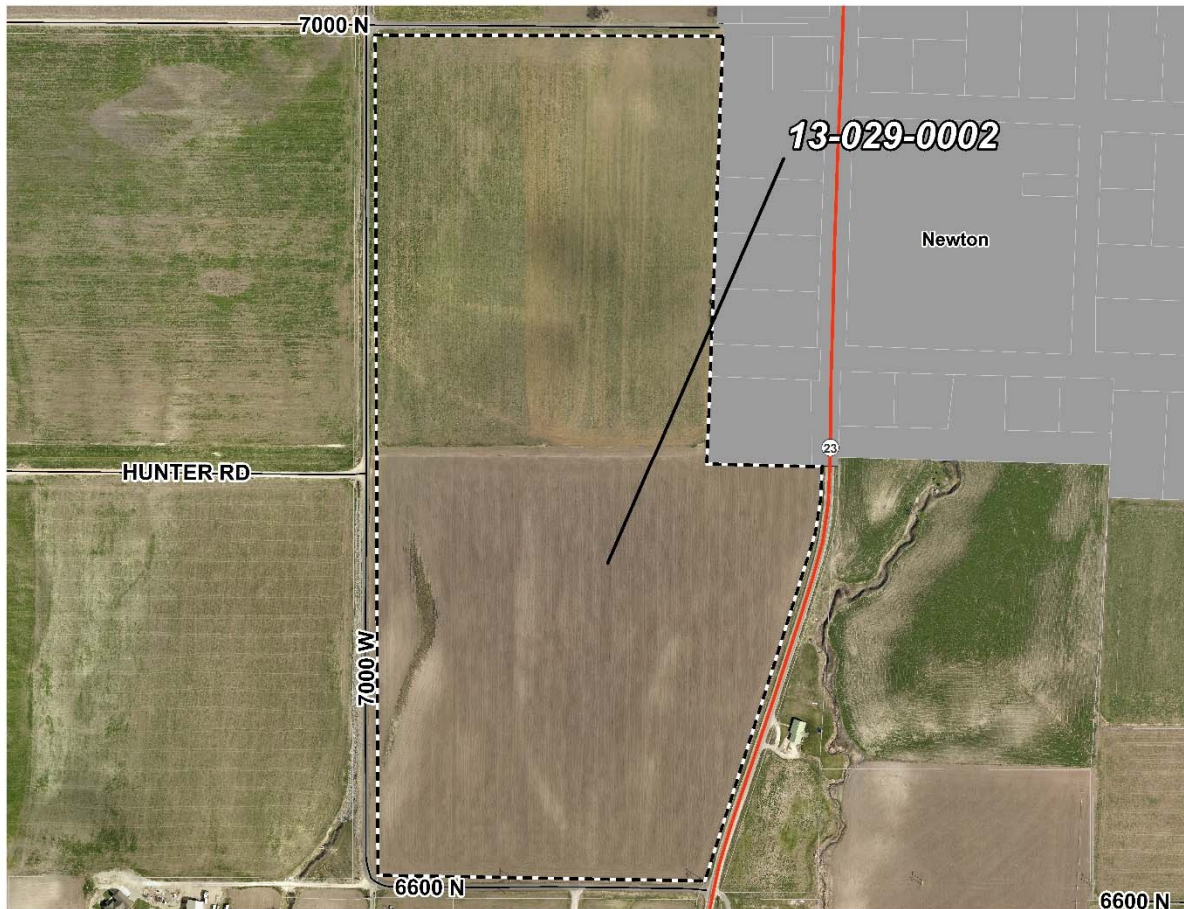


Date: February 28, 2023



## Exhibit B: Ordinance 2022-12

Zoning Map of Cache County – Affected Portion  
Cutler Valley Rezone



The following legal description reflects the noted properties above to be rezoned from Agricultural (A10) to Rural 5 (RU5):

**13-029-0002**

THAT PT OF THE FOLLOWING OUTSIDE NEWTON CORP LIMITS:  
THE E/2 OF NW/4 SEC 19 T 13N R 1W EXCEPT THE CO ROAD ALG S 4 RDS, THE ST HWY ACROSS  
THE SE COR, AND THE LAND LYING E OF SD ST HWY NET 65.72 AC



**CACHE COUNTY  
RESOLUTION NO. 2023 - 08**

**RESOLUTION AMENDING THE CACHE COUNTY PERSONNEL POLICY &  
PROCEDURE MANUAL REGARDING COUNTY CELL PHONES AND CELL PHONE  
STIPEND**

- A. WHEREAS, Utah Code Ann. § 17-53-2, gives the Cache County Council the authority to “pass all ordinances and rules and make all regulations, not repugnant to law;” and
- B. WHEREAS, Cache County Code § 2.12.120, vests “all legislative and policy determining powers” in the County Council and gives the Council the power to “adopt resolutions necessary and appropriate to establish official policy[;]”
- C. WHEREAS, county employees use personal cell phones for county business and employees in emergency service positions use county phones for county business;
- D. WHEREAS, the County does not have a policy to regulate the management of personal and county cell phone use for county business;
- E. WHEREAS, it is in the best interest of Cache County and its citizens to update the Cache County’s Personnel Policy & Procedure to enact a policy on county cell phones and a county cell phone stipend;

Now, therefore, be it ordained by the County Council of Cache County, Utah, that the Cache County Personnel Policy & Procedure Manual be changed as follows:

**PERSONNEL POLICY AND PROCEDURES MANUAL SECTION IX: EMPLOYEE BENEFITS**

**Q. County Cell Phones and Cell Phone Stipend**

County Cell Phones: Cell phones and plans may be provided to designated employees in emergency service positions for business-related purposes and must not be used for personal use. The County Executive approves the emergency service positions for this purpose.

Cell Phone Stipend: Employees may receive compensation in the form of a cell phone stipend to cover costs for using a personal cell phone for county business. No further reimbursement for cell phone costs is available to employees who receive this stipend.



Stipend Amount: The monthly cell phone stipend amount shall be allocated to individual employees based on the estimated usage level shown below as determined by each department head or elected official. The Compensation Committee will review these amounts annually, and any adjustments will be recommended to the County Council for approval.

Level 1: \$15.00 – Business use represents 20% or less of the total cell phone use, including responding to phone calls and text messages as required during working hours.

Level 2: \$35.00 – Business use represents 50% or less but more than 20% of the total cell phone use, to include responding to phone calls, text messages, photos, and emails during working hours.

Level 3: \$85.00– Business use represents greater than 50% of the total cell phone use, and/or employees must have a cell phone for their position and must respond to email, text messages, or phone calls during and after regular work hours. This level is reserved for full-time employees who are department heads, elected officials, public safety, or exempt employees.

Stipend Payment: The approved cell phone stipend will be paid monthly as part of the employee’s paycheck and subject to all applicable payroll taxes. This stipend does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to salary increases or promotions.

Employee Responsibilities: Employees must retain an active cell phone contract as long as a stipend is in place. Their current phone number must be provided to their department and Human Resources. Should the cell phone number change, the employee must notify their department head and Human Resources within a reasonable amount of time. The employee is required to keep the phone charged and available for use during business hours if receiving the Level 1 or 2 stipends. Employees receiving the Level 3 stipend must keep the phone charged and available for use at all times and respond in a reasonable time frame if receiving the Level 3 stipend. Because the employee owns the cell phone personally, and the stipend provided is taxable income, the employee may use the phone for both business and personal purposes. Personal use during business hours should be minimal and follow all applicable County policies. Any cell phone use contrary to federal, state, or local laws will constitute misuse and may result in immediate termination of the cell phone stipend.

RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS \_\_\_ DAY OF \_\_\_\_\_ 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander				
David Erickson				
Nolan Gunnell				
Barbara Tidwell				
Karl Ward				
Mark Hurd				
Kathryn Beus				



Total				
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**CACHE COUNTY:**

**ATTEST:**

By: \_\_\_\_\_  
David L. Erickson, Chair

By: \_\_\_\_\_  
David Benson, County Clerk / Auditor



**CACHE COUNTY ORDINANCE No. 2023-24**

**AN ORDINANCE AMENDING 17.02 UPDATING THE REQUIREMENTS TO SERVE ON THE PLANNING AND ZONING COMMISSION**

- A) WHEREAS, Utah Code 17-27a-302 requires the county planning commission to make recommendations to the county legislative body regarding all land use decisions in the unincorporated areas of the county; and
- B) WHEREAS, members of the County Planning Commission who do not reside or otherwise own property in the unincorporated areas of the county make decisions that have little effect on their interests; and
- C) WHEREAS, the County Planning Commission should be highly representative of the population its decisions affect

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

SECTION 1: Section 17.02.030 of the Cache County Code is amended to read in full as follows, with a redline copy attached as Exhibit 1:

**17.02.030: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS:**

A. Director:

- 1. The Cache County Director of Development Services is established and functions as specified in [chapter 2.40](#) of this code and in this chapter;
- 2. The Director must be appointed by the Cache County Executive, with the advice and consent of the County Council;
- 3. The Director has the duties, authority, and powers as set forth in this chapter.
- 4. The Director must:
  - a. Adopt procedures for land use application processes;
  - b. Administer and enforce the Land Use Ordinance, the Cache County Subdivision Ordinance, and any associated policies or procedures;
  - c. Determine the mapped location of a base or overlay zoning district boundary in instances where the location may be unclear. The Director must consider the following criteria in reaching a decision:
    - (1) The policies and development standards that apply to the base or overlay zoning district; and
    - (2) Where a base or overlay zoning district map boundary is shown following a road, right-of-way line, interstate highway, public utility right-of-way, railroad line, a stream or watercourse, or a line located midway between the main track of a railroad, the base or overlay zoning district map boundary is deemed to be changed automatically whenever such centerline is changed by natural or artificial means; and



d. Interpret the use related definitions in the applicable base or overlay zoning district as contained in [chapter 17.09](#) Schedule of Zoning Uses, of this title; and

5. Designee: The Director may assign a designee to act as the land use authority in the place of the Director. Any designee must be identified in writing by the Director prior to any land use decision by the designee.

B. Planning Commission:

1. The Cache County Planning Commission is established as required by Utah Code Annotated section 17-27a-301, and has the duties, authority, and powers as found in Utah Code Annotated section 17-27a-302, as amended, and in this chapter; and

2. The Executive must appoint a Planning Commission with the advice and majority consent of the Council; and

3. The Planning Commission must be composed of seven (7) members. All members serve a term of three (3) years; and

4. The Executive, with the advice and consent of the Council, may remove a member of the Planning Commission with or without cause; and

5. No fewer than four (4) members of the Planning Commission shall either maintain a permanent residency or own real property in an unincorporated area of the County. The Executive shall, when nominating any person to the Planning Commission, verify whether or not that person meets these requirements and shall inform the Council when presenting the name.

6. The Planning Commission must adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These bylaws and rules of procedure must be approved by the Council; and

7. The Planning Commission must provide land use review to the Council in the following:

a. Preparing and recommending a General Plan and amendments to the General Plan; and

b. Recommending land use ordinances and maps, and amendments to land use ordinances and maps; and

c. On other items as the Council directs.

C. Land Use Hearing Officer:

1. Procedures:

a. The land use hearing officer may administer oaths and compel the attendance of witnesses.

b. All hearings before the land use hearing officer shall comply with the requirements of Chapter 4, Title 52, Utah Code, Open and Public Meetings.

c. The land use hearing officer shall:

(1) Keep minutes of his or her proceedings; and

(2) Keep records of his or her examinations and other official actions.

d. The land use hearing officer shall file his or her records in the office of the development services division. All such records are public records.

e. Decisions of the land use hearing officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

2. Qualifications:



a. The land use hearing officer shall be appointed by the County Executive with the advice and consent of the County Council. The Executive shall appoint more than one hearing officer, but only one hearing officer shall consider and decide upon any matter properly presented for hearing officer review.

b. A hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

3. Conflict Of Interest And Removal:

a. The hearing officer shall not participate in any appeal in which the hearing officer has a conflict of interest.

b. The hearing officer may be removed by the Executive with advice and consent of the Council for violation of this title or any policies and procedures adopted by the Development Services director following receipt by the Executive of a written complaint filed against the hearing officer.

4. Powers And Duties

a. The land use hearing officer shall:

(1) Act as the appeal authority for administrative decisions by the Development Services Director and decisions by the planning commission; and

(2) Hear and decide variances from the terms of the zoning ordinance; and

(3) Hear and decide applications for the expansion or modification of nonconforming uses.

D. County Council:

1. The Cache County Council is established as found in Utah Code Annotated section 17-52a-504 as amended, and in title 2, chapter 2.12 of this Code, and has the land use duties, authority, and powers as represented in title 2, chapter 2.12 of this Code, Utah Code Annotated section 17-53 part 2 as amended, and this chapter.

E. Authority For Land Use Actions:

1. The Land Use Authority is responsible for the land use actions as noted in the table below:

**TABLE 17.02.030  
AUTHORITY FOR LAND USE ACTIONS**

Land Use Authority	Land Use Action
Director	Zoning clearance
	Floodplain permit
	Variance for maximum structure height or minimum setback distances
Planning Commission	Subdivision
	Subdivision amendment
	Conditional use permit
Land Use Hearing Officer	Variance (except as listed under Director)



	Appeal
Council	Ordinance or ordinance amendment
	Rezone
	General Plan or General Plan amendment
	Annexation/disconnection

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

**SECTION 2:**

This ordinance takes effect 15 days following its passage and approval by the County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY,  
UTAH THIS \_\_\_ DAY OF \_\_\_\_\_ 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander				
David Erickson				
Nolan Gunnell				
Barbara Tidwell				
Karl Ward				
Mark Hurd				
Kathryn Beus				
Total				

**CACHE COUNTY:**

**ATTEST:**

By: \_\_\_\_\_  
David Erickson, Chair

By: \_\_\_\_\_  
David Benson, County Clerk / Auditor

**ACTION OF COUNTY EXECUTIVE:**





\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove (written statement of objection attached)

By: \_\_\_\_\_

David Zook, County Executive

\_\_\_\_\_

Date



## EXHIBIT 1

### 17.02.030: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS:

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2. The Director must be appointed by the Cache County Executive, with the advice and consent of the County Council;
3. The Director has the duties, authority, and powers as set forth in this chapter.
4. The Director must:
  - a. Adopt procedures for land use application processes;
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    - (1) The policies and development standards that apply to the base or overlay zoning district; and
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  - d. Interpret the use related definitions in the applicable base or overlay zoning district as contained in [chapter 17.09](#) Schedule of Zoning Uses, of this title; and
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56. The Planning Commission must adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These bylaws and rules of procedure must be approved by the Council; and

67. The Planning Commission must provide land use review to the Council in the following:

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