

CACHE COUNTY COUNCIL

March 14, 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 Kathryn Beus, Councilmember Sandi Goodlander, Councilmember Mark Hurd, Councilmember Karl Ward, Councilmember Nolan Gunnell

MEMEBERS EXCUSED:

STAFF PRESENT: Bartt Nelson, Dustin Hansen, Terryl Warner, Scott Bodily, Nathan Argyle, Cameron Jenson, Scott Bodily

OTHER ATTENDENCE: Clayton Snow, Lee Beus, Bryan Cox, David Benson, Kyle McMullan, Bill King, Kathleen Alder

Workshop

1. **Call to Order**
2. **ARPA Funds Presentation** – Cameron Jenson, Finance Director [5:05](#)
3. **Housing Crisis Task Force Presentation** – Shawn Milne, Bear River Association of Governments Economic Development, spoke [41:55](#). Dr. Damon Cann spoke [47:23](#).
4. **Adjourn**

Council Meeting

1. **Call to Order 5:00p.m.** – Chair David Erickson
2. **Opening Remarks and Pledge of Allegiance** – Councilmember Mark Hurd [0:07](#)
3. **Review and Approval of Agenda APPROVED [1:34](#)**
Action: Motion made by Councilmember Karl Ward to approve the agenda; seconded by Councilmember Barbara Tidwell
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward
Nay: 0
4. **Review and Approval of Minutes APPROVED [1:49](#)**
Action: Motion made by Councilmember Sandi Goodlander to approve the minutes; seconded by Councilmember Barbara Tidwell
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward
Nay: 0
5. **Report of the County Executive [2:11](#)**
A report from the County Executive David Zook.
6. **Department or Committee Reports [17:31](#)**
 - a. Introduction of new CJC Director – Dane Murray, Interim County Attorney [17:40](#)
7. **Board of Equalization Matters [21:34](#)**
Action: Motion made by Councilmember Barbara Tidwell to move into Board of Equalization; seconded by Councilmember Karl Ward
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward
Nay: 0
 - a. Tax Administrator Dianna Schaeffer spoke [21:50](#)
Action: Motion made by Councilmember Karl Ward to approve the recommendations as presented; seconded by Councilmember Nolan Gunnell [23:05](#)
Motion passes.
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward
Nay: 0

Action: Motion made by Councilmember Barbara Tidwell to move out of Board of Equalization; seconded by Councilmember Nolan Gunnell [24:03](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

8. Public Hearings [24:14](#)

a. **Set Public Hearing for March 28, 2023 – Ordinance 2023-12 – TJY Storage Rezone**

A request to rezone approximately 26.42 acres located at approximately 800 W 4200 N, near Smithfield and Hyde Park, from the Agricultural (A10) to the Industrial (I) Zone.

Action: Motion made by Councilmember Barbara Tidwell to set the public hearing for Ordinance 2023-12 for March 28, 2023; seconded by Councilmember Kathryn Beus [24:17](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

b. **Public Hearing – Ordinance 2023-09 – Geneva Rock Rezone** [24:46](#)

A request to approve the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres located northwest of SR 23 & 4800 West, near Newton.

Discussion: Tim Watkins spoke to the ordinance [25:23](#). Councilmember questions and discussion [30:47](#). Matt Phillips spoke and addressed Councilmember questions [43:45](#).

Action: Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Nolan Gunnell [30:30](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

c. **Public Hearing – Ordinance 2023-10 – Allen Property Rezone** [35:49](#)

An ordinance amending the County Zoning Map by rezoning 8.77 acres located at 501 West 4600 North, near Smithfield from the Agricultural (A10) Zone to the Industrial (I) Zone.

Discussion: Tim Watkins spoke to the ordinance [35:56](#). Kyle McMullan spoke and addressed Councilmember questions [38:42](#).

Action: Motion made by Councilmember Nolan Gunnell to close the public hearing; seconded by Councilmember Karl Ward [42:59](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

d. **Public Hearing – Resolution 2023-04 – Opening the 2023 Budget** [54:26](#)

Discussion: Cameron Jenson spoke and addressed Councilmember questions [54:50](#) ([1:26:10](#)). Chief Deputy Executive Dirk Anderson spoke and addressed Councilmember questions [1:19:22](#). Attorney Dane Murray spoke [1:24:13](#). Justin Maughn spoke [1:28:33](#). Brian Cox spoke [1:31:14](#).

Action: Motion made by Councilmember Nolan Gunnell to close the public hearing; seconded by Councilmember Barbara Tidwell [1:34:42](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

9. Initial Proposals for Consideration of Action [45:18](#)

a. **Ordinance 2023-09 – Geneva Rock Rezone** [45:19](#) **ATTACHMENT 1**

A request to approve the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres located northwest of SR 23 & 4800 West, near Newton.

Action: Motion made by Councilmember Kathryn Beus to waive the rules and approve the ordinance; seconded by Councilmember Nolan Gunnell [45:35](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

b. **Ordinance 2023-10 – Allen Property Rezone** [46:12](#) **ATTACHMENT 2**

An ordinance amending the County Zoning Map by rezoning 8.77 acres located at 501 West 4600 North, near Smithfield from the Agricultural (A10) Zone to the Industrial (I) Zone.

Action: Motion made by Councilmember Nolan Gunnell to waive the rules and approve the ordinance (with the noted correction of the address); seconded by Councilmember Barbara Tidwell [47:34](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

c. **Resolution 2023-04 – Opening the 2023 Budget** [1:34:56](#)

Discussion: Councilmember discussion. Dane Murray spoke [1:35:28](#).

d. **Ordinance 2023-11** [48:31](#) **ATTACHMENT 3**

An Ordinance re-establishing a botanical, cultural, recreational, and zoological (RAPZ) tax within Cache County, Utah

Discussion: Micah Safsten spoke to the ordinance [49:01](#). Executive David Zook spoke [50:43](#).

Action: Motion made by Councilmember Karl Ward to waive the rules and approve the ordinance; seconded by Councilmember Barbara Tidwell [49:53](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Action: Motion made by Councilmember Mark Hurd to accept the Executive’s recommendations for the RAPZ Tax committee; seconded by Councilmember Nolan Gunnell [52:27](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

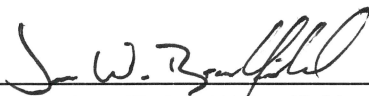
10. **Other Business** [1:40:15](#)

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|--|--|
| a. UAC Building Utah Conference | April 4-5, 2023 – Dixie Convention Center, St. George |
| b. UAC Management Conference | April 27-28, 2023 – Salt Palace Convention Center, SLC |
| c. NACo WIR Conference | May 17-19, 2023 – Washington County, St. George |
| d. Smithfield Health Days Parade | May 13, 2023 at 10:00 a.m. |
| e. Discussion on hiring process and cost of contracting auditors | |

11. **Councilmember Reports** [1:44:01](#)

- David Erickson** – No report.
- Kathryn Beus** – No report.
- Karl Ward** – No report.
- Barbara Tidwell** – No report.
- Sandi Goodlander** – Commented on a Legislative Affairs Committee breakfast.
- Nolan Gunnell** – Commented on Cache Waste Consortium.
- Mark Hurd** – Commented on the Northern Utah Water Conference.

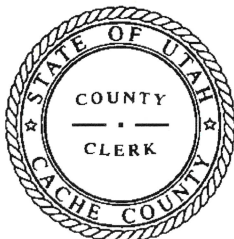
Adjourn: approximately 6:50 PM



ATTEST: Jess W. Bradfield
County Clerk/Auditor



APPROVAL: David Erickson
Chair



**CACHE COUNTY COUNCIL MEETING
MARCH 14, 2023**

ATTACHMENT 1

Ordinance No. 2023-09

Cache County, Utah

Geneva Rock Rezone

An ordinance amending the County Zoning Map by applying the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres of property in the Agricultural (A10) 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 February 2, 2023, the Planning Commission held a public hearing, 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 March 14, 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 Mineral Extraction and Excavation (ME) Overlay Zone as identified under §17.08.050[A] of the Cache County Code as it:
- i. Is located on property that has been identified as likely to contain areas of high resource potential of delta & shoreline deposits as identified on the County Sand and Gravel Resource Potential Map;
 - ii. Allows for development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties; and,
 - iii. The proposed overlay zone does not impact and is compatible with the adjoining existing gravel pit to the north.

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 MARCH 29, 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: ___/___/_____	Council Votes			
Council members	In Favor	Against	Abstain	Absent
Kathryn Beus	✓			
Dave Erickson	✓			
Sandi Goodlander	✓			
Nolan Gunnell	✓			
Mark Hurd	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Total:	7	-	-	-
Final action:	<input checked="" type="checkbox"/> Adopt <input type="checkbox"/> Reject			

Cache County Council:



Dave Erickson, Chair

Attest:



Jess Bradfield, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2023-09, the Geneva Rock Rezone

Approve

Disapprove (A Statement of Objection is attached)



David Zook, Executive
Cache County

3/16/23

Date

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Ord 2023-09
Geneva Rock Rezone
Amending the Cache County Zoning Map by applying the
Mineral Extraction and Excavation (ME) Overlay Zone to
157.18 acres of property in the Agricultural (A10) Zone.

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County Council action

Hold a public hearing on March 14, 2023.

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

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Planning Commission action

Approval (6-yea; 0-nay).

Public hearing held on February 2, 2023.

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

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1. The location of the subject property is compatible with the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone as identified under §17.08.050[A] of the Cache County Code as it:
 - a. Is located on property that has been identified as likely to contain areas of high resource potential of delta & shoreline deposits as identified on the County Sand and Gravel Resource Potential Map;
 - b. Allows for development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties; and,
 - c. The proposed overlay zone does not impact and is compatible with the adjoining existing gravel pit to the north.

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Staff Report review by Development Services Planning Manager

Tim Watkins

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Staff Report by County Planner

Angie Zetterquist

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General Description

This ordinance amends the County Zoning Map by applying the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres in the Agricultural (A10) Zone.

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Additional review materials included as part of Exhibit A

Staff Report to Planning Commission

Staff Report: Geneva Rock Rezone

2 February 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: Geneva Rock

Parcel ID#: 13-017-0001, 13-018-0002

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:
~SR 23 & 4800 West
Near Newton

Acres: 157.18

Surrounding Uses:

North – Gravel Pit (Parsons)

South – Agricultural

East – West Bend Subdivision/Agricultural

West – Agricultural

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Mineral Extraction
and Excavation (ME)
Overlay



Findings of Fact

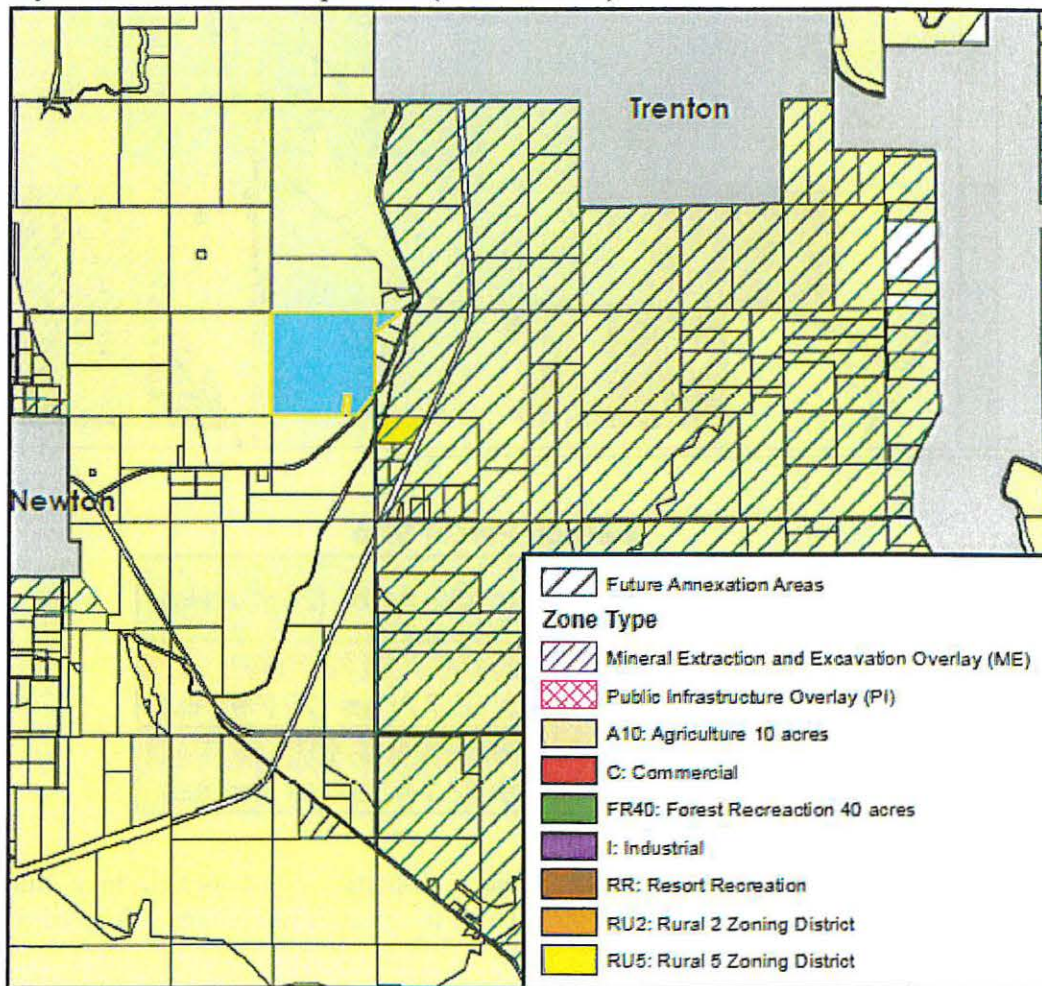
A. Request description

1. A request to approve the Mineral Extraction and Excavation (ME) Overlay zone to 157.18 acres in the Agricultural (A10) Zone.
2. This rezone may allow the parcel to establish uses permitted in the ME Overlay Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the ME Overlay Zone will be addressed as part of each respective approval process required prior to site development activities.

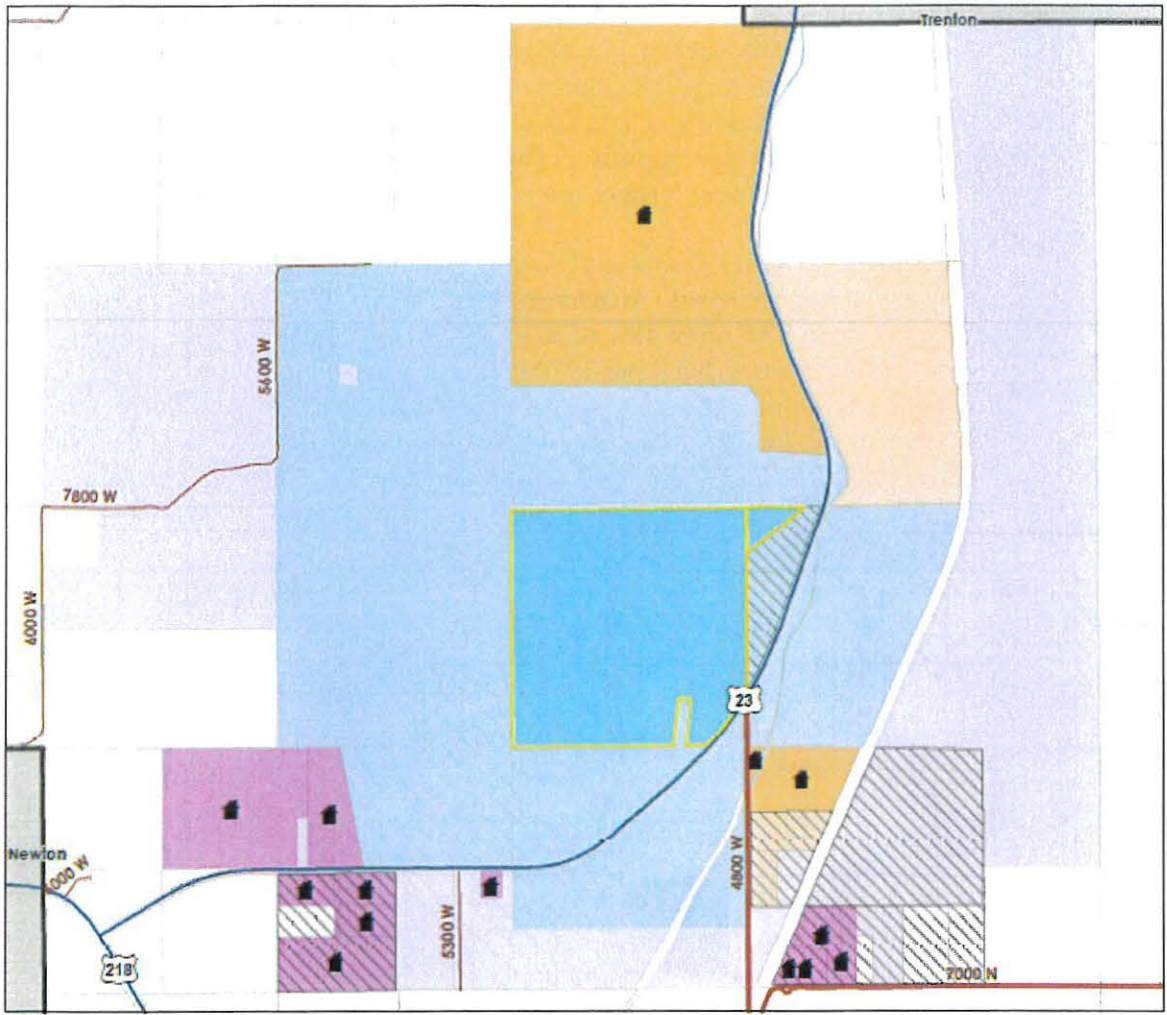
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

- i. Parcel status: The subject properties are legal as they are in the same size and configuration since August 8, 2006.
- ii. The Mineral Extraction and Excavation (ME) Overlay Zone allows mineral extraction (Use Type 6400) and topsoil extraction (Use Type 6410) with approval of a Conditional Use Permit. These use types are not permitted in any of the other base zoning districts.
- iii. The *Sand and Gravel Resource Potential Map* indicates the general area may contain delta & shoreline deposits (Attachment A).
- iv. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agricultural purposes, but a pre-1970 gravel pit (Jack B Parson Companies) is located immediately north of the subject properties, and the West Bend Subdivision, a 4-lot subdivision, is located immediately east of the subject properties. The subdivision was approved in 2005, even though the property was likely an old Newton landfill site, but has never been developed with residential structures and all 4 lots are owned by Staker & Parson Companies. (Attachment B).



v. Average Lot Size:



Average Parcel Size	
Adjacent Parcels	Without a Home: 43.9 Acres (20 Parcels)
1/4 Mile Buffer	With a Home: 96.9 Acres (3 Parcels)
	Without a Home: 39.7 Acres (25 Parcels)
1/2 Mile Buffer	With a Home: 28.8 Acres (14 Parcels)
	Without a Home: 42.1 Acres (41 Parcels)

vi. Annexation Areas: The subject property is not located in a municipal future annexation area; the Trenton Town future annexation area is located on the east side of Highway 23.

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. County Land Use Code §17.08.050 [A] identifies the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:
 - a. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.
 - b. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.
6. Any impacts related to permitted and conditional uses allowed within the Mineral Extraction and Excavation (ME) Overlay 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

7. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
8. §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
9. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
10. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
11. A basic review of the access to the subject property identifies the following:
 - a. Primary access to the subject property is from State Road 23, a UDOT facility.
12. SR-23:
 - a. Is an existing UDOT facility that is a main connection for Trenton to Newton to access SR-218 as well as providing access to some single family homes.
 - b. Is classified by UDOT as a Major Collector. Major Collectors in rural areas are typically designed to provide relatively high overall travel speeds, within minimum interference to through movement.
 - c. This section of SR-23 is also classified as an Access Category 4 and has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet. The frontage along SR-23 on the south-east section of the property from the intersection of 4800 West is approximately 672 feet based on GIS information.
 - d. Access to any future development will need approval from UDOT.

D. Service Provisions:

13. §16.04.080 [C] Fire Control – The County Fire District did not have any comments regarding the rezone request. Any potential future development will be reviewed and may require improvements depending on location and size. Plans must be submitted to the Fire Department for review and approval prior to construction.

14. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

E. Public Notice and Comment—§17.02.040 Notice of Meetings

15. Public notice was posted online to the Utah Public Notice Website on 20 January 2023.

16. Notices were posted in three public places on 20 January 2023.

17. Notices were mailed to all property owners within 300 feet on 20 January 2023.

18. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Staff Conclusion

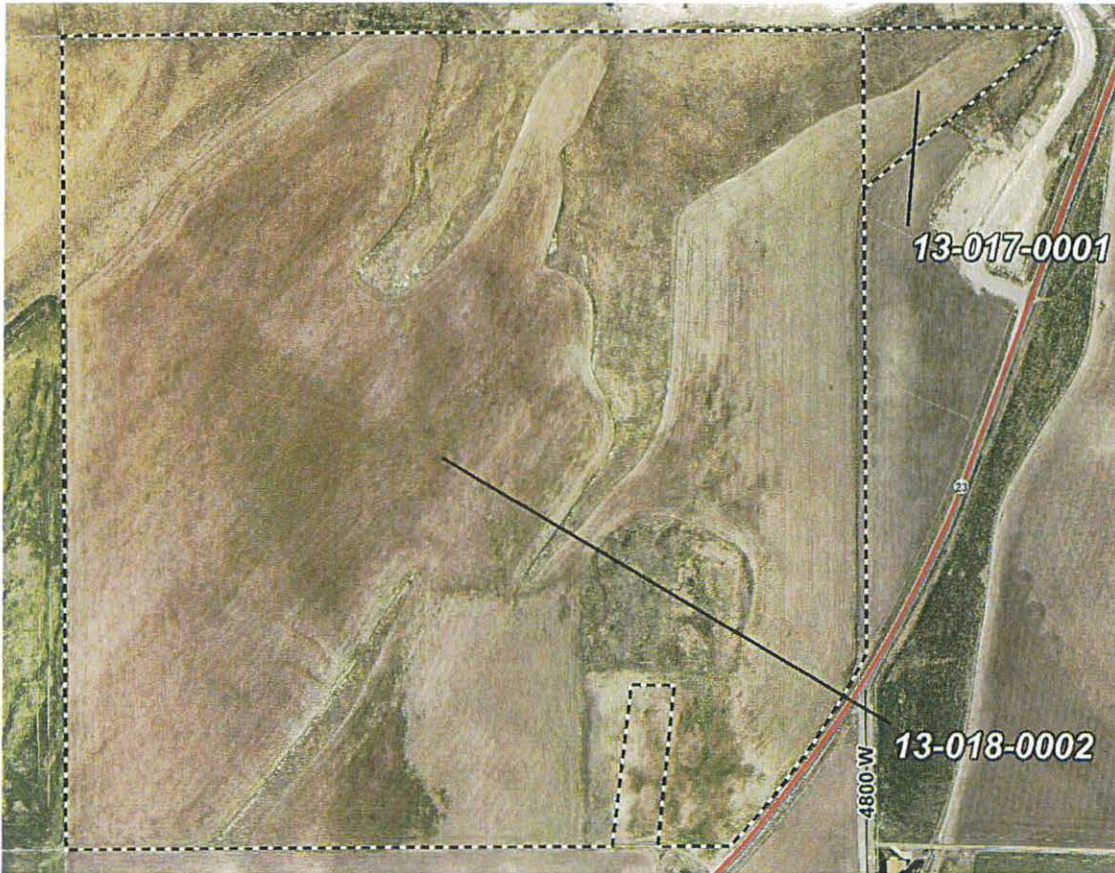
The Geneva Rock Rezone, a request to approve the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres in the Agricultural (A10) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. 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 Geneva Rock 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 Mineral Extraction and Excavation (ME) Overlay Zone as identified under §17.08.050[A] of the Cache County Code as it:
 - a. Is located on property that has been identified as likely to contain areas of high resource potential of delta & shoreline deposits as identified on the County Sand and Gravel Resource Potential Map;
 - b. Allows for development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties; and,
 - c. The proposed overlay zone does not impact and is compatible with the adjoining existing gravel pit to the north

Exhibit B: Ordinance 2023-09
Zoning Map of Cache County – Affected Portion
Geneva Rock Rezone



The following legal description reflects the noted properties above to apply the Mineral Extraction and Excavation (ME) Overlay Zone:

13-017-0001

BEG NW COR SEC 15 T 13N R 1W E 40 RDS TO CO ROAD SWLY 51 RDS 1.5 FT TO A PT S OF BEG N 31 RDS 2.5 FT TO BEG CONT 3.90 AC

13-018-0002

ALL NE/4 OF SEC 16 T 13N R 1W LYING W OF ST HWY, LESS: COUNTY ROADS & GRAVEL PITS NET 153.28 AC M/L

**CACHE COUNTY COUNCIL MEETING
MARCH 14, 2023**

ATTACHMENT 2

Ordinance No. 2023-10
Cache County, Utah
Allen Property Rezone

An ordinance amending the County Zoning Map by rezoning 5.12 acres from the Commercial (C) Zone to the Industrial (I) 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 February 2, 2023, the Planning Commission held a public hearing, 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 March 14, 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 Industrial (I) Zone as identified under §17.08.030[F] of the Cache County Code as it:
 - i. Allows for industrial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties;
 - ii. Is consistent with the industrial zone to the south of the parcel; and
 - iii. Has direct access to transportation facilities (i.e., Hwy 91, 11600 North, and the railroad) to support an industrial use.

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 MARCH 29, 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: ____ / ____ / ____	Council Votes			
	In Favor	Against	Abstain	Absent
<u>Council members</u>				
Kathryn Beus	✓			
Dave Erickson	✓			
Sandi Goodlander	✓			
Nolan Gunnell	✓			
Mark Hurd	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Total:	7	-	-	-
Final action:	<input checked="" type="checkbox"/> Adopt <input type="checkbox"/> Reject			

Cache County Council:


 Dave Erickson, Chair

Attest:


 Jess Bradfield, Clerk
 Cache County

Action of the County Executive

Regarding Ordinance 2023-10, the Allen Property Rezone

Approve

Disapprove (A Statement of Objection is attached)



3/16/23

David Zook, Executive
Cache County

Date

Staff Report: Allen Property Rezone

2 February 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: Kyle L. McMullin

Parcel ID#: 09-042-0010

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:

Acres: 5.12

11595 North Highway 91

Near Richmond

Current Zoning:

Proposed Zoning:

Commercial (C)

Industrial (I)

Surrounding Uses:

North – Residential/Agricultural

South – Industrial/Richmond City

East – Residential/Agricultural

West – Agricultural/Railroad



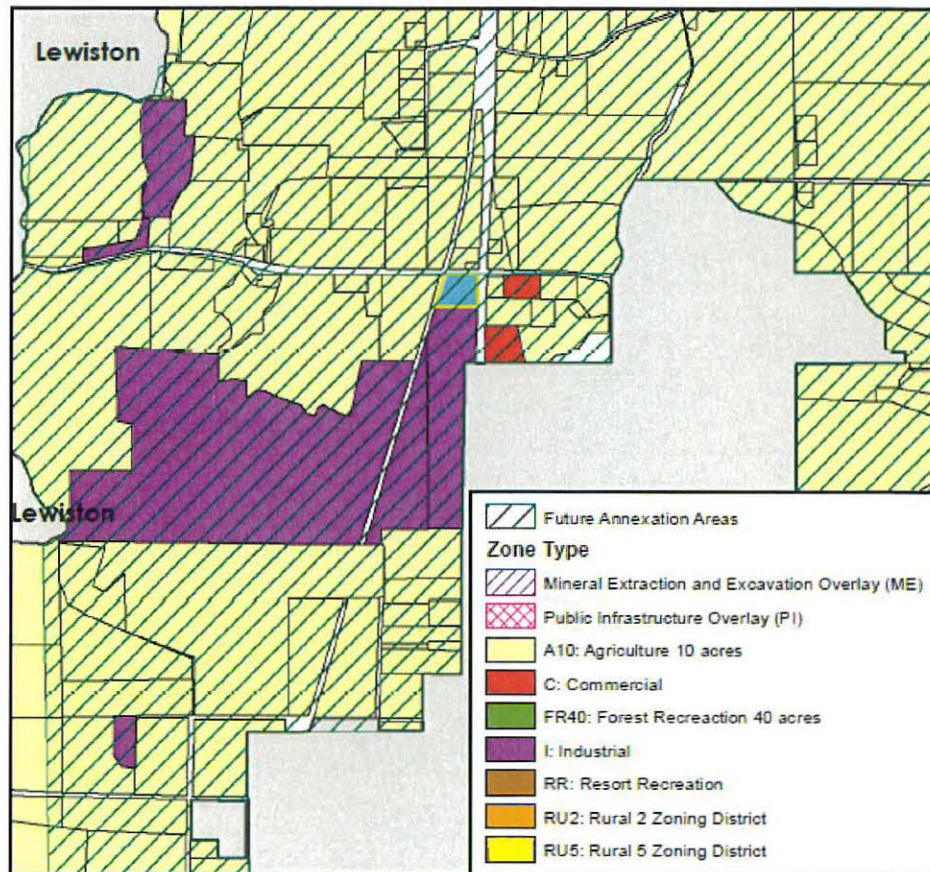
Findings of Fact

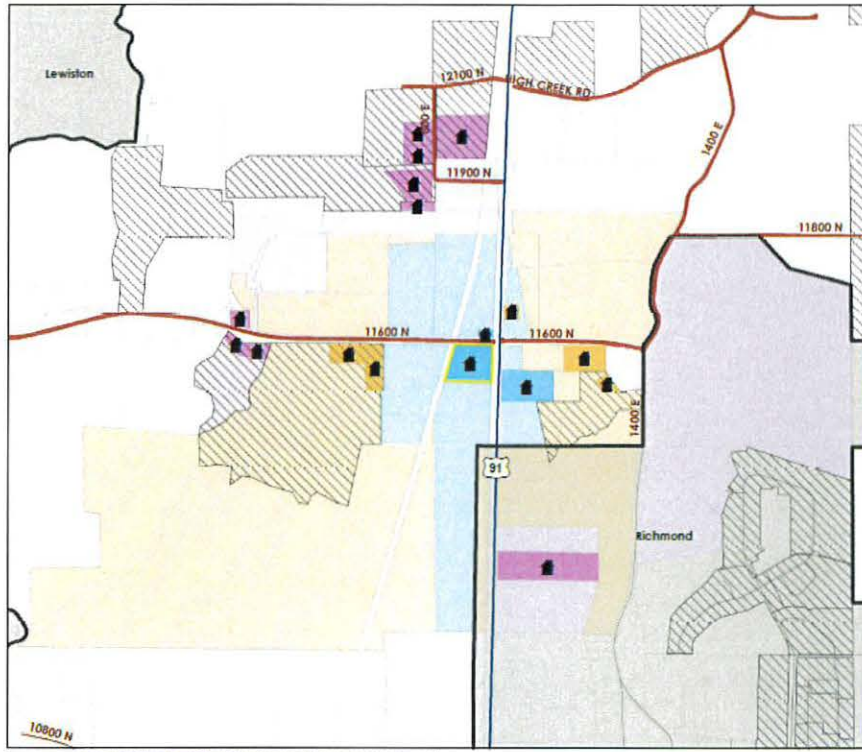
A. Request description

1. A request to rezone 5.12 acres from the Commercial (C) Zone to the Industrial (I) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Industrial (I) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the Industrial Zone will be addressed as part of each respective approval process required prior to site development activities.
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 legal as it is in the same size and configuration since August 8, 2006. In 2007, the County Council approved a rezone (Ordinance #2007-18) on the subject property from the Agricultural (A10) Zone to the Commercial (C) Zone. At the time of the 2007 rezone request, the applicant stated their intention was to construct a storage facility for Pepperidge Farm, located immediately south of the subject parcel. Since the rezone was approved, no commercial development has been pursued on the property and no improvements have been made to the previously existing single-family dwelling and agricultural buildings.
- ii.** The Industrial (I) Zone allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses, that are not permitted in the current Commercial (C) Zone:
 - General Manufacturing
 - Storage and Warehousing
 - Transport Services
 - Sexually-oriented Businesses
 - Crematorium
- iii.** Adjacent uses: The properties adjacent to the subject rezone are primarily used for agricultural purposes with the exception of the industrial use (i.e., Campbell Snacks, Inc.) located immediately south of the subject property and the UDOT facility to the east. The Casper's ice cream facility is to the west, ~0.8 miles. (Attachment A).





iv. Average Parcel Size:

Average Parcel Size	
Adjacent Parcels	With a Home: 3.9 Acres (3 Parcels)
	Without a Home: 13.6 Acres (8 Parcels)
1/4 Mile Buffer	With a Home: 2.9 Acres (8 Parcels)
	Without a Home: 28.1 Acres (20 Parcels)
	Without a Home in Richmond City: 11.1 Acres (6 Parcels)
1/2 Mile Buffer	With a Home: 2.8 Acres (16 Parcels)
	With a Home in Richmond City: 9.1 Acres (1 Parcel)
	Without a Home: 20.1 Acres (36 Parcels)
	Without a Home in Richmond City: 25.3 Acres (11 Parcels)

v. Annexation Areas: The subject property is located within the Richmond City future annexation area. Staff has notified the City of this rezone request, but has not received any response from the City at the time this report was drafted.

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 Industrial (I) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [F] identifies the purpose of the Industrial Zone and includes the following:

Exhibit A: Pg 5, Planning Commission Conclusion

- a. "To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well being of the citizens and to broaden the tax base.
 - b. 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. Any impacts related to permitted and conditional uses allowed within the Industrial (I) 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**
7. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
 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 Industrial Zone is 150 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, a UDOT facility, and 11600 North, a County road.
 14. Hwy 91:
 - a. Is a UDOT road classified as a Major Collector.
 - b. Major Collectors in rural areas are typically designed to provide relatively high overall travel speeds, with minimum interference to through movement.
 - c. This portion of Hwy 91 is further classified by UDOT as an Access Category 4 with a minimum driveway spacing of 500 Feet and a minimum street spacing of 660 feet.
 - d. The frontage of the subject property along the highway is approximately 457 feet with the intersection of 11600 North on the north side.
 - e. Access for any future development off of Hwy 91 will require approval from UDOT.
 15. 11600 North:
 - a. Is an existing county facility that provides through access from Hwy 91 into Lewiston, as well as providing access to multiple single-family homes, agricultural lands, and commercial/industrial properties.
 - b. Is classified as a Minor Collector.
 - c. Is paved and is approximately 24 feet wide.
 - d. Is maintained year-round.
 - e. Is considered substandard as follows:

Roadway Element	Existing Width (ft)	Minor Collector	Comments or Findings
		Standard Width (ft)	
Right-of-Way	80	66	OK
Travel Lanes	20	22	Substandard
Paved Shoulder	2	4	Substandard
Gravel Shoulder	0	2	Substandard
Clear Zone (4:1)	0	12	Substandard
Material	Paved	Paved	OK
Structural	Visually OK		Visually OK

D. Service Provisions:

- 16. §16.04.080 [C] Fire Control – The County Fire District will require an adequate water supply and fire department access for future development in the Industrial (I) Zone.
- 17. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

E. Public Notice and Comment—§17.02.040 Notice of Meetings

- 18. Public notice was posted online to the Utah Public Notice Website on 20 January 2023.
- 19. Notices were posted in three public places on 20 January 2023.
- 20. Notices were mailed to all property owners within 300 feet and Richmond City on 20 January 2023.
- 21. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

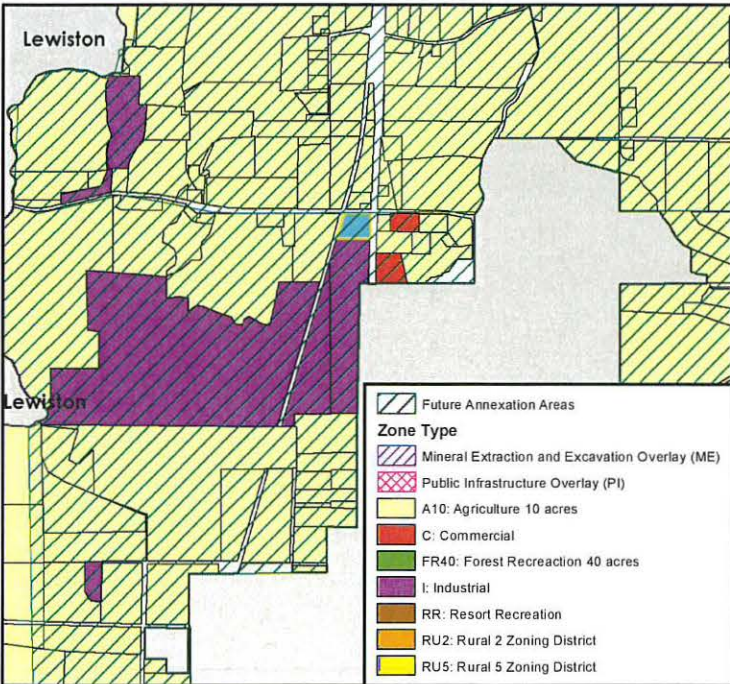
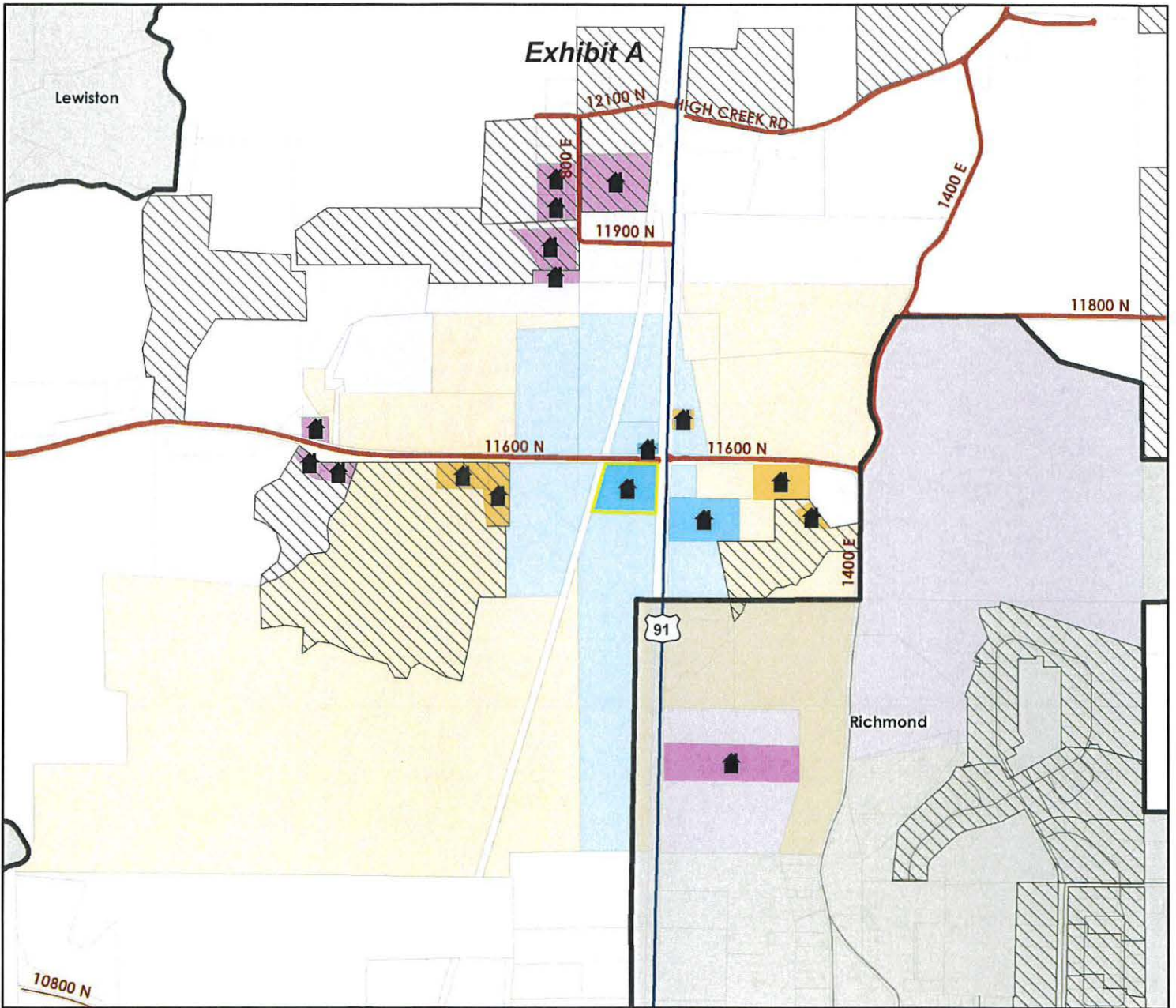
Staff Conclusion

The Allen Properties Storage Rezone, a request to rezone 5.12 acres from the Commercial (C) Zone to the Industrial (I) 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 Allen Property 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 Industrial (I) Zone as identified under §17.08.030[F] of the Cache County Code as it:
 - a. Allows for industrial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties;
 - b. Is consistent with the industrial zone to the south of the parcel; and
 - c. Has direct access to transportation facilities (i.e., Hwy 91, 11600 North, and the railroad) to support an industrial use



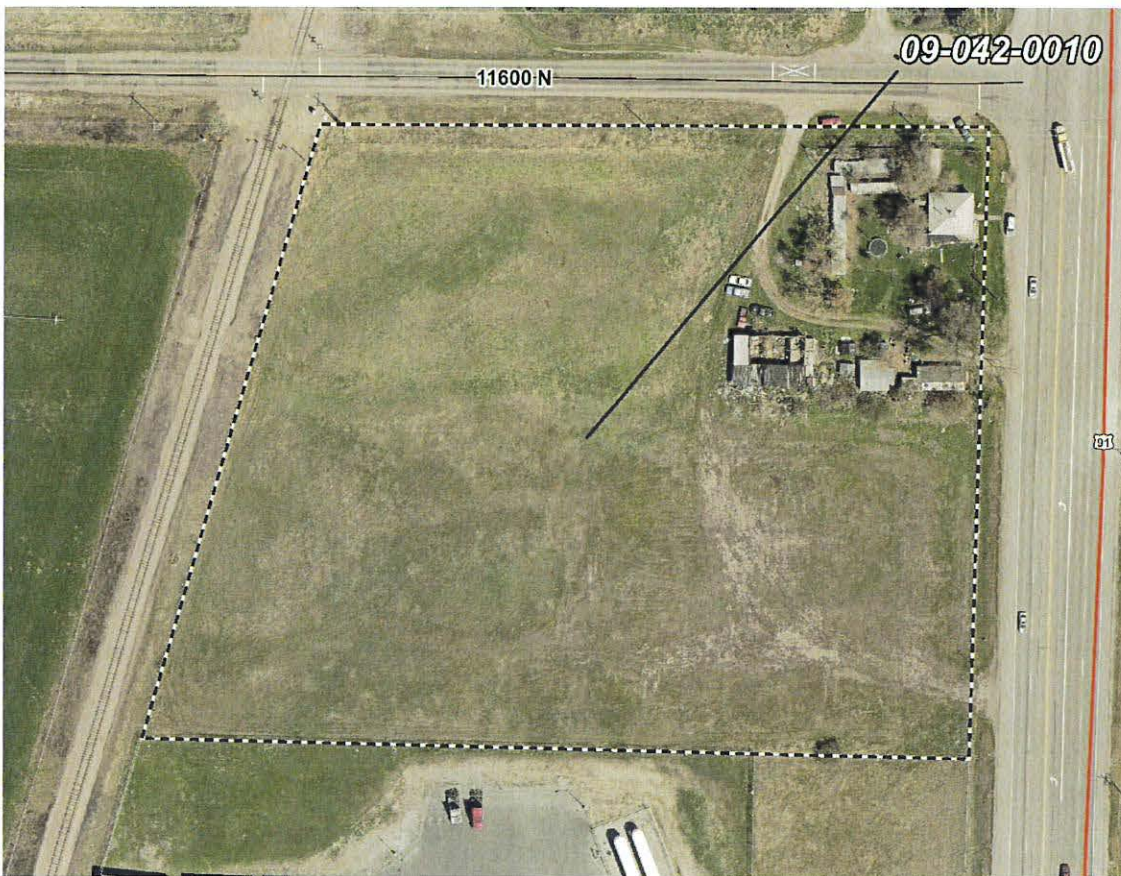
Legend

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

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Exhibit B: Ordinance 2023-10
Zoning Map of Cache County – Affected Portion
Allen Property Rezone



The following legal description reflects the noted properties above to be rezoned from the Commercial (C) Zone to the Industrial (I) Zone:

09-042-0010

BEG 6 RDS S & 14 RDS E OF NW COR S/2 OF NW/4 SEC 23 T 14N R 1E & TH E 32.33 RDS TH S
26.5 RDS TH W 38.8 RDS TO E LN OF OSL RR CO TH NE'LY ALG RR 27.85 RDS TO BEG CONT 5.33
AC
LESS: PARCEL TO UDOT FOR HWY 91 ENT 861045 BK 1297 PG 694 CONT 0.21 AC NET 5.12 AC
M/L

**CACHE COUNTY COUNCIL MEETING
MARCH 14, 2023**

ATTACHMENT 3

CACHE COUNTY
ORDINANCE NO. 2023 - 11

**AN ORDINANCE RE-ESTABLISHING A BOTANICAL, CULTURAL,
RECREATIONAL, AND ZOOLOGICAL (RAPZ) TAX WITHIN CACHE
COUNTY, UTAH, AND FOR THE ALLOCATION OF BOTH RAPZ AND
RESTAURANT TAX PROCEEDS.**

Section 1. Provisions of Chapter 3.82 are hereby re-enacted and amended as part of the Cache County Code to read as follows:

- 2.92.010 **TAX IMPOSED:** An option sales and use tax is hereby re-imposed in the amount of one-tenth of one percent on all transactions, described in Utah Code Annotated section 59-12-103(1), within Cache County, Utah, including the cities and towns located within Cache County, Utah. This tax is sometimes referred to as “RAPZ” tax in this Chapter.
- 3.82.020: **USE OF REVENUE:** The monies generated from the tax re-imposed in this chapter shall be used for financing recreational and zoological facilities within Cache County or a city or town located in the county; and ongoing operating expenses of botanical, cultural and zoological organizations within the county.
- 3.82.030: **CONTROLLING STATE LAW:** This tax shall be re-imposed, administered and defined as provided in Utah Code Annotated title 59, chapter 12, part 7, as it is presently constituted and amended from time to time.
- 3.82.040: **RAPZ AND RESTAURANT TAX ALLOCATION FINDINGS:**
- A. Voters of Cache County approved the imposition of a one-tenth of one percent sales and use RAPZ tax, as allowed by Utah Code Annotated title 59, chapter 12, part 7, on November 8, 2022, for the purpose of funding cultural, recreational and zoological organizations and facilities; and
 - B. The county council has approved a one percent (1%) restaurant tax; and
 - C. The county council, by statute, is empowered to establish procedures whereby RAPZ and restaurant tax funds are distributed to eligible organizations.

Section 2. This ordinance shall become effective January 1, 2023, or as otherwise set

forth in Utah Code Annotated section 59-12-703(f) as amended.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS MARCH 14, 2023.

	In Favor	Against	Abstained	Absent
Kathryn Beus	✓			
David Erickson	✓			
Sandi Goodlander	✓			
Nolan Gunnell	✓			
Mark Hurd	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Total	7	—	—	—

CACHE COUNTY COUNCIL:

ATTEST:



Dave Erickson, Chair
Cache County Council



Jess Bradfield, Clerk

ACTION OF COUNTY EXECUTIVE:

3 Approve

___ Disapprove (Written Statement of Objection attached)



David Zook, Executive

3/16/23
Date