

CACHE COUNTY COUNCIL

August 27, 2024 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 Karl Ward, Councilmember Sandi Goodlander, Councilmember Nolan Gunnell, Councilmember Mark Hurd, Councilmember Kathryn Beus.

MEMBERS EXCUSED: Vice Chair Barbara Tidwell

STAFF PRESENT:

OTHER ATTENDANCE:

Council Meeting

1. **Call to Order 5:00p.m. – :03** Chair Erickson welcomed everyone.
2. **Opening Remarks and Pledge of Allegiance – 0:22** Karl Ward gave brief remarks and opening prayer.
3. **Review and Approval of amended Agenda APPROVED 2:29**
Action: Motion made by Councilmember Nolan Gunnell to approve the amended agenda; seconded by Councilmember Kathryn Bues.
Motion passes.
Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0
4. **Review and Approval of Minutes APPROVED 2:41**
Action: Motion made by Councilmember Sandi Goodlander to approve the minutes; seconded by Councilmember Karl Ward
Motion passes.
Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd
Nay: 0
5. **Report of the County Executive**
 - A. **Appointment/Discussion**
3:28 Executive Zook spoke about a suicide prevention event and 9/11 project coming in September.
6. **Items of Special Interest**
 - A. **Rural County Grant Program Discussion and Vote – Shawn Milne, BRAG Economic Development Director**
Discussion: **4:14** Shawn explained the grants purpose and need from the County. **12:21** Councilmember Mark Hurd added there was discussion where CEO board could make recommendation on funding and the ideas lined up for something for the airport and something for Agriculture report. **13:02** Councilmember Karl Ward said Box Elder and Rich have already approved their contributions. **13:26** Councilmember Sandi Goodlander added Nephi already approved a similar ag report and it would provide potential for a great return on ag business here. **13:54** Chair Erickson asked Shawn to repeat how much the grant is for and if manufacturing agriculture facilities are included. **14:22** Stephen Nelson answered for Shawn and said the state enables code for industrial protection that an agriculture operation would have. **14:46** Shawn offered to share a slideshow presentation and brought up an example in Nevada how to help ag producers. **15:43** Chair Erickson opened for motion. **16:01** Council voted. **16:25** Councilmember Sandi Goodlander asked Shawn to keep council informed how the airport money is allocated. **16:40** Shawn answered operation decisions would be through Karl and Executive David Zook.

Action: Motion made by Councilmember Sandi Goodlander to approve grant application; seconded by Councilmember Mark Hurd.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

7. Department or Committee Reports

8. Board of Equalization

9. Public Hearings

A. Set Public hearing for September 24,2024 – Resolution 2024-19 – Opening the 2024 Budget

Discussion: [17:38](#) Chair Erickson set public hearing for Sept 24, 2024

Action: Motion made by Councilmember Kathryn Bues to approve public hearing; seconded by Councilmember Mark Hurd.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

B. Set Public hearing Resolution 101-16 – A Resolution Appointing Members to the Millville/Nibley Cemetery District

Discussion: [18:06](#) Stephen explained resolution to changes for Millville board district. [20:29](#) Chair Erickson asked those applicants in attendance to come forward. [20:54](#) Kyle Anderson gave a personal introduction why he would like to be involved with Nibley cemetery. [22:27](#) Jared Nicols from Millville introduced himself. [23:59](#) Chair Erickson opened for public hearing. Sandi moved to close.

Action: Motion made by Councilmember * to approve public hearing; seconded by Councilmember *.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

C. Set Public hearing – Ordinance 2024-13 – White Bison Acres Rezone

Discussion: [24:35](#) Stephen Nelson explained Ordinance zone. [27:18](#) Chair Erickson opened for public hearing. [27:39](#) Derick Hendry gave comments with an example almost being in an accident right after last council meeting due to a nearby approved subdivision that this one is similar to. [29:08](#) Phil Bankhead spoke to represent Wellsville Irrigation Company North and said there is not any water on this area to irrigate and it would come from him spring that he has developed to protect it. He emotionally added the landowner is not considering needs outside gaining money for himself. [32:36](#) The landowner described his plans and presented images to show council the land and the number of lots and dry land where they would be. He spoke to the land use restrictions that have added challenges to determine the number of lots. He asked council their thoughts on clustering homes. [44:48](#) Jodi Lichty gave her comments to shut the proposal down due to the easement being too small, resources being used, and trespassing concerns. [46:55](#) Tyler Willets brought his opinions of the objectors' reasoning and asked what data had been presented. [49:31](#) Jim Lichty voiced strong concern about the home cluster built around his well that has caused sediment now in his water. He asked council who would be responsible if his water goes bad. [51:27](#) Marci Larsen started with the idea of compromise. She stated although she disapproves of the proposal she would recommend a RU5 since it would limit growth and doesn't set precedence to sell lots. [53:51](#) Bessie Hendry spoke that the owner knew the land use rule when he made the purchase and is trying to bend it now. She said A10 is the rule and it should stand. [55:52](#) Kyle Larsen asked council what is allowed/needs to be done to develop the road for the property as something to consider when making a decision. [57:10](#) Reed Bryce Darley urged council to consider the precedence being made for money. The disapproval from farmers due to water being taken was presented by his son at last meeting. He added the desire to keep the area rural. [58:45](#) Lacy

Lichty voiced her reason her family did not purchase the land originally and her disapproval of the proposal. [1:00:13](#) Landowner attempted to speak again and argued for time to speak. Chair Erickson said the landowner would be excused from the next meeting and moved to close hearing.

Action: Motion made by Councilmember Nolan Gunnell to approve public hearing; seconded by Councilmember Kathryn Bues.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

D. Set Public hearing – Ordinance 2024-14 – River Side Rezone

Discussion: [1:00:44](#) Stephen Nelson gave overview of proposal. [1:02:16](#) Chair Erickson asked anyone holding their own conversations to please exit the room. [1:02:31](#) Stephen continued. [1:04:15](#) Chair Erickson opened the hearing. [1:04:32](#) Wayne Rude the landowner explained his plans for the lots on his land for his children. [1:07:16](#) LeeAnn Rude asked council not to compare their proposal to the other one in the meeting. She explained the plans for the land would cause hardly any impact on the ground or any other homes. [1:09:11](#) Joseph Neilsen spoke in favor of keeping houses clustered together to save open space. [1:10:07](#) Chair Erickson asked to close hearing.

Action: Motion made by Councilmember Nolan Gunnell to close public hearing; seconded by Councilmember Mark Hurd.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

E. Set Public hearing – Ordinance 2024-15 – Marshall P Maughan Family Trust Rezone

Discussion: [1:10:20](#) Stephen Nelson explained the proposal. [1:13:27](#) Mike Rupp pointed out resource facts and added citizen statements made in previous meetings have been contradictory to the speakers themselves. [1:19:27](#) Lisa Cooper spoke to council about the land and its poor quality. She added everyone started with needing a home and a well and that's not grounds for denial. [1:21:58](#) Derek Hendry said he supports 1 house on their property zoned for A10. [1:22:56](#) Councilmember Karl Ward motioned to close.

Action: Motion made by Councilmember Karl Ward to close public hearing; seconded by Councilmember Nolan Gunnell.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

F. Set Public hearing – Ordinance 2024-16 Paradise Cliffs Rezone

Discussion: [1:23:05](#) Chair Ericson opened for proposal. [1:23:31](#) Stephen Nelson explained application. [1:27:41](#) Chair Erickson opened hearing. No comments.

Action: Motion made by Councilmember Nolan Gunnell to close public hearing; seconded by Councilmember Mark Hurd.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

10. Pending Action

11. Initial Proposals for Consideration of Action

A. Ordinance/Resolution – A Resolution Appointing Members to the Millville/Nibley Cemetery District

Discussion: [1:28:09](#) Doug Pearson introduced himself. [1:30:51](#) Councilmember Kathryn Bues thanked the applicants for their willingness to be on the board. She asked Mr. Pearson if relationships with Millville have been smoothed over.

[1:31:37](#) Doug Pearson answered it has improved. [1:31:48](#) Councilmember Kathryn Bues thanked the applicants again and appointed those at the meeting to be the board of trustees. [1:32:21](#) Micah corrected the process the resolution will need to be amended first. [1:32:54](#) Councilmember Kathryn Bues motioned to amend the resolution and add the three names to the board. [1:33:09](#) Chair Erickson repeated the resolution for discussion.

Action: Motion made by Councilmember Kathryn Bues to amend the resolution and approve Ordinance/Resolution; seconded by Councilmember Sandi Goodlander.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

B. Ordinance/Resolution – White Bison Acres Rezone

Discussion: [1:34:07](#) Chair Erickson opened for discussion. [1:34:34](#) Councilmember Sandi Goodlander asked if what was presented also shown to planning commission. [1:34:41](#) Micah said he was not at the meeting but the report given is the same. [1:35:18](#) Councilmember Nolan Gunnell said this is tough because it is his district. The argument to build fewer homes than what zoning allows does not prevent this in the future. He concluded with his agreement with what planning and zoning recommended which is denial. [1:37:15](#) Stephen recommended council to include findings behind the reasons for denial. [1:37:43](#) Councilmember Nolan Gunnell reiterated to follow recommendation from planning and zoning to deny.

Action: Motion made by Councilmember Nolan Gunnell to approve Ordinance; seconded by Councilmember Sandi Goodlander.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

C. Ordinance/Resolution – River Side Rezone

Discussion: [1:38:44](#) Chair Erickson opened this discussion. [1:38:53](#) Councilmember Kathryn Bues asked for clarification of an instance recently when an applicant said they were unable to apply. [1:39:15](#) Stephen answered under the open space bond there are not set standards to prevent someone from applying. NRCS does have some minimum acreage requirements. [1:40:27](#) Councilmember Sandi Goodlander voiced her stance building new homes does not follow the County's plan and supported planning and zoning denial. [1:41:20](#) Councilmember Karl Ward countered there are two established roads next to the parcel and he supported it. [1:42:31](#) Councilmember Nolan Gunnell pointed out the 2 mile rule that planning and zoning found as reason to deny. [1:43:11](#) Councilmember Kathryn Bues asked if a concern was about sensitive lands. [1:43:24](#) Micah described the topography. Council discussed. [1:44:17](#) Councilmember Sandi Goodlander asked how many it leaves not in sensitive land. [1:44:41](#) Micah answered 3.5 acres. [1:47:07](#) Executive Zook asked if rezone was not done if other options are available. [1:45:15](#) Micah read code on restrictions and started a report on gis. [1:46:17](#) Councilmember Karl Ward asked because of the acreage if RU5 would work. [1:46:27](#) Chair Erickson answered the application goes through RU2 and although he likes the idea it creates other challenges too. [1:47:35](#) Micah read the gis report to check code and stated it is a legal parcel if the road was developed to County standards. [1:48:00](#) The landowner pointed out an error in the map which Micah corrected. [1:48:15](#) Councilmember Nolan Gunnell urged Council to read the letter in their packets from Paradise City. [1:48:22](#) Chair Erickson asked for motion. [1:48:37](#) Councilmember Nolan Gunnell motioned denial for the application due to planning and zoning recommendations. [1:49:31](#) Councilmember Sandi Goodlander encouraged the owners to work with Stephen for other options.

Action: Motion made by Councilmember Nolan Gunnell to deny Ordinance; seconded by Councilmember Mark Hurd.

Motion passes.

Aye: 5 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 1 Karl Ward

D. Ordinance/Resolution – Marshall P Maughan Family Trust Rezone

Discussion: [1:49:40](#) Chair Erickson opened for discussion. [1:50:10](#) Councilmember Sandi Goodlander asked about zoning. [1:50:17](#) Micah showed council the property in question and where RU2, RU5, and A10 zones are. [1:50:44](#) Councilmember Kathryn Bues confirmed the distance from the boundary to the property. [1:51:00](#) Councilmember Sandi Goodlander clarified the map in her packet has a lot of development around it. [1:51:13](#) Micah answered the map doesn't reflect zoning but more what the current uses are. [1:51:37](#) Councilmember Kathryn Bues referenced to a reason for denial from planning and zoning about a failure to provide approval from UDOT and if that is something we require at

this point in the process. [1:52:05](#) Micah answered typically it is not required at this stage but is before development. [1:52:35](#) Councilmember Kathryn Bues confirmed it would be required at a later date. [1:52:45](#) Chair Erickson added UDOT may have other input. [1:53:06](#) Micah answered it is unlikely UDOT would allow multiple accesses. [1:53:26](#) Councilmember Sandi Goodlander read the description of the property and its tie in Mendon cities plan. [1:54:07](#) Chair Erickson confirmed the frontage size. [1:54:31](#) Councilmember Sandi Goodlander clarified what planning commission voted. She asked Councilmember Nolan Gunnell what the major concerns were. [1:55:54](#) Councilmember Nolan Gunnell read the commission's response the property is not consistent with Cache County general plan. [1:56:12](#) Councilmember Sandi Goodlander referenced 3b states it is consistent. [1:56:26](#) Councilmember Karl Ward said public comments talked about the size of boulders. [1:56:43](#) Councilmember Kathryn Bues said the potential seven lots is not consistent with 300 feet away from the road. [1:57:22](#) Micah brought up the commission was concerned with water rights and the county would accept the state's opinion. [1:58:03](#) Councilmember Kathryn Bues confirmed that would come at a later point in the process and made motion. [1:58:22](#) Chair Erickson opened for discussion after motion. [1:58:40](#) Councilmember Mark Hurd asked how far this parcel is from the other application discussed in the meeting. [1:59:01](#) Micah answered 1.42 miles. [1:59:08](#) Chair Erickson said the area is classified for UDOT as access category 4 and explained zoning restrictions then opened for vote.

Action: Motion made by Councilmember Kathryn Bues to approve Ordinance; seconded by Councilmember Sandi Goodlander.

Motion passes.

Aye: 3 David Erickson, Kathryn Bues, Sandi Goodlander, Karl Ward

Nay: 3 Nolan Gunnell, Mark Hurd, David Erickson

E. Ordinance/Resolution – Paradise Cliffs Rezone

Discussion: [2:00:58](#) Chair Erickson opened for questions. No Discussion. [2:01:33](#) Chair Erickson repeated vote and added his surprise that the application was done without frontage and thanked Stephen for clarifying the sensitive areas. [2:02:22](#) Stephen answered an ordinance was denied last summer to provide an exemption for Fr40. He said if the applicant could resolve the frontage and access issue they would be able to build. [2:03:22](#) Chair Erickson said he was in a similar area and there were cabins built in pockets of steep slopes that aren't supposed to be. [2:03:52](#) Stephen said it happens and investigations are done on those illegally built. He said normal requirements would be topography studies to show the slopes. [2:04:43](#) Chair Erickson opened for questions and vote.

Action: Motion made by Councilmember Kathryn Bues to uphold denial Ordinance for reasons from the planning commission; seconded by Councilmember Nolan Gunnell.

Motion passes.

Aye: 6 David Erickson, Kathryn Bues, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

F. Ordinance/Resolution – Consideration of a Memorandum of Understanding between Cache County, Rich County, Box Elder County, Bear River Health Department, and Bear River Mental Health Services to proceed with the creation of a Multicounty United Health Department

Discussion: [2:05:00](#) Chair Erickson read agenda headline. [2:05:45](#) Jordan Mathis described the memorandum between the counties was for assurance of a receiving center and has been reviewed by all three. [2:07:04](#) Councilmember Nolan Gunnell asked what steps are in place for what bumps may arise. [2:07:36](#) Jordan answered redrafting the agreement would be the next step to allow governance over substance and mental health in addition to public health. He confirmed with attorney Taylor Sorenson that the county would hold authority but the advisory council would oversee the contracts. [2:08:29](#) Councilmember Nolan Gunnell asked when the advisory council would take effect. [2:08:35](#) Jordan answered that would be in place through the inter-local agreement and prior to 2025. The plan is to have something to the County's legislative body for an inter-local agreement at the end of the year. [2:09:17](#) Taylor added the most difficult part is managing the relationships and making sure all the different entities are on the same page. [2:09:46](#) Councilmember Karl Ward said it turned out to be a clean way to clear up a sticky problem. [2:10:25](#) Jordan said it would be taken to the board of Health in September. [2:11:18](#) Taylor added the most important thing to know is making these changes are for real improvements to the county. [2:11:43](#) Chair Erickson commended the work done by the counties and then opened for motion.

Action: Motion made by Councilmember Mark Hurd to enter in Memorandum of Understanding; seconded by Councilmember Karl Ward.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

G. Resolution 2024-18 – Accepting the Dedication of Sections of 1590 West

Discussion: [2:13:28](#) Stephen Nelson explained application. [2:17:05](#) Chair Erickson asked if the road is up to standard already. [2:17:17](#) Stephen answered public works has reviewed it and feels comfortable with the plan. [2:17:31](#) Chair Erickson opened for discussion.

Action: Motion made by Councilmember Karl Ward to approve Resolution; seconded by Councilmember Mark Hurd.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

H. Resolution 2024-20 – A resolution Approving the Harris Farm Round Inland Port Authority Project Area in Hyde Park City and Encompassing Certain Unincorporated Areas of Cache County.

Discussion: [2:18:23](#) Stephen Nelson explained application. [2:21:10](#) Councilmember Sandi Goodlander asked how far from highway 89 it is. Stephen answered 4,000 feet. [2:21:16](#) Chair Erickson said it is closer to conference road. [2:21:27](#) Karl Ward asked what crops are planted there. Stephen answered corn. He continued what the land is being used for and said the State Department of Food and Agriculture is very interested in preserving the land. North Logan is also interested in preserving the land. He continued with the criteria and the scores given from COSAC. [2:26:10](#) Karl Ward asked who controls the area between the highway and the application. [2:26:33](#) Chair Erickson responded straight east is farmland. [2:26:45](#) The landowner spoke to where the land is. [2:26:59](#) Stephen provided further explanation of where the property is. [2:27:28](#) Executive Zook asked if COSAC considered pending developments nearby. [2:28:00](#) Stephen answered it is not weighted on the scores other than to protect scenic vistas. [2:28:15](#) Executive Zook followed up and asked if it was discussed at all on this application. [2:28:18](#) Stephen answered yes. He predicted a lot of development in the area in the future. [2:29:10](#) Councilmember Sandi Goodlander asked what criteria the State has that caused them to want to preserve the land. [2:29:21](#) Stephen answered the state representative wanted to help the owner apply for NRCS or Leroy McAllister funds to provide technical support and hold the conversation easement. [2:30:35](#) Chair Erickson said the application will be sent back to COSAC and opened motion.

Action: Motion made by Councilmember Sandi Goodlander to pass Resolution and send back to COSAC for next round; seconded by Councilmember Nolan Gunnell.

Motion passes.

Aye: 6 David Erickson, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward, Mark Hurd

Nay: 0

I. Resolution 2024-21 – A Resolution Supporting the Creation of a Utah Inland Port Authority Project Area in Hyde Park City and Encompassing Certain Unincorporated Areas of Cache County.

Discussion: [2:32:30](#) Chair Erickson introduced next subject [2:33:22](#) _____ explained application and asked Council to recognize as businesses develop the County will enforce they be annexed into the city. [2:36:10](#) Councilmember Mark Hurd added the reason there are two resolutions is to help the timeline. He said the resolution Hyde Park passed is the same with this one to have intent for the County to get the project going. [2:37:25](#) _____ continued [2:40:16](#) Chair Erickson gave light comments and joked about the cities good economic base. He asked if lines had been drawn yet. [2:40:43](#) _____ answered no. [2:41:01](#) Chair Erickson said maps will be helpful. [2:41:16](#) Councilmember Mark Hurd commented the resolution would need to be before the inland port by October. He added the scope may change and the obligation for the County would not be for anything but the request for the project area. [2:42:11](#) _____ said something will be included in the scope and if it is successful take off with it. [2:42:39](#) Chair Erickson joked all the airport authority would be taken care of by Hyde Park. [2:42:56](#) _____ said there is an opportunity for more economical success and the best interest of the airport. [2:43:19](#) Councilmember Nolan Gunnell asked if the landing zones and take off has been studied with this application. [2:43:29](#) _____ answered yes. [2:43:53](#) Councilmember Nolan Gunnell asked about sensitive

lands. [2:43:55](#) ____ said there are wetlands that may have to deal with mitigation. [2:44:11](#) Councilmember Karl Ward asked if the project is going to encompass velvet lane. [2:44:20](#) ____ answered it would be the West end. [2:44:53](#) Councilmember Sandi Goodlander questioned the process to approve something they don't know the boundaries of and if changes are requested can those be done. [2:45:06](#) Councilmember Mark Hurd said the vote will not be tonight and will be presented next meeting. [2:45:20](#) _____ said there is a non-profit parcel owner who is interested in being a part of this. [2:45:51](#) An audience member joked and everyone laughed. [2:46:10](#) Chair Erickson asked for questions. [2:46:13](#) _____ and council gave final comments.

12. Other Business

- | | |
|---|---|
| A. Wellsville Founders' Day Parade
2:47:04 Council discussed | September 2, 2024 at 10:00
Sandi, Dave, Nolan |
| B. UAC Annual Convention
2:48:18 Council discussed | September 11-12 at Utah Valley Convention Center
All Council Members |
| C. UAC Council Summer Party
2:49:53 Council discussed | September 19, 2024 at 6:00 pm |
| D. One Utah Summit
2:51:40 Council discussed | October 7-9 at Southern Utah University
Dave |
| E. USU Homecoming Parade
2:52:37 | October 12, 2024 at 10:00 am
Karl Ward, Mark Hurd, Sandi Goodlander, Dave Erickson |
| F. USACCC Fall Conference
2:53:31 | November 14-15 at Ruby's Inn
Karl Ward, Dave Erickson, Sandi Goodlander, Mark Hurd |
| G. July 2024 Treasurer's Reconciliation | |

13. Councilmember Reports

David Erickson – [2:55:12](#) Thanked everyone for being mindful of the budget efforts. [2:55:57](#) Councilmember Karl Ward asked when the last time a tax increase happened. [2:56:05](#) Council discussed that increase and property tax cuts.

Sandi Goodlander – [2:54:42](#)

Karl Ward – [2:54:39](#)

Barbara Tidwell – Absent

Kathryn Beus – [2:54:32](#)

Nolan Gunnell – [2:54:19](#)

Mark Hurd – [2:54:00](#) Thanked council for the discussion about the inland port.

14. Executive Session

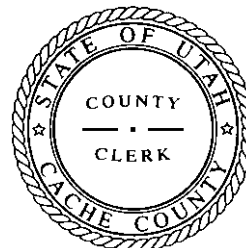
Adjourn: 7:30 PM [2:56:54](#)



APPROVAL: David Erickson, Chair
Cache County Council



ATTEST: Bryson Behm, Clerk
Cache County Council



Ordinance No. 2024-13

Cache County, Utah

White Bison Acres Rezone

An ordinance amending the County Zoning Map by rezoning 18.71 acres of property 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 August 1, 2024, the Planning Commission held a public hearing, accepted all comments, and accepted all comments, and recommended the denial 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, on August 27, 2024, the County Council held a public hearing, 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 subject property is consistent with the Cache County General Plan as it is located within the Urban Expansion Overlay.
- B.** The subject property is potentially consistent with the Cache County General Plan:
 - i.** The Cache County General Plan indicates that in the Agriculture and Ranching Zone, should any potential subdivisions be clustered, densities of residential developments that are greater than one unit per ten acres are encouraged.

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 _____, 2024. 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

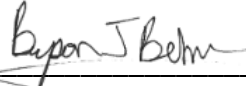
Date: <u>08 / 27 / 2024</u>	<u>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus		✓		
Dave Erickson		✓		
Sandi Goodlander		✓		
Nolan Gunnell		✓		
Mark Hurd		✓		
Barbara Tidwell				✓
Karl Ward		✓		
Total:	-	6	-	1
Final action:	<input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Reject			

Cache County Council:



 Dave Erickson, Chair

Attest:



 Bryson Behm, Clerk
 Cache County

Action of the County Executive

Regarding Ordinance 2024-13, White Bison Acres Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

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Ordinance 2024-13
White Bison Acres Rezone
Amending the Cache County Zoning Map by rezoning
18.71 acres of property from the Agricultural (A10) Zone
to the Rural 2 (RU2) Zone.

7
8

County Council action

9 Hold a public hearing on August 27th, 2024.

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

11
12

Planning Commission Action

13 Denial (7-yea; 0-nay).

14 Public hearing held on August 1st, 2024.

15 Conclusion: Based on the findings of fact noted [in the staff report], the White Bison Acres Rezone is hereby recommended for denial to the County Council as follows:

- 16
- 17 **1.** The location of the subject property to be rezoned is not compatible with the purpose of the Rural 2 (RU2) Zone:
 - 18 **a.** “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.”
 - 19 **b.** The surrounding lands are agricultural lands.
 - 20
 - 21 **2.** The recorded easement that would provide access to any future development currently has a right-of-way of 33-feet. This is only enough to support a Minor Private Road which would not allow for the maximum potential of nine lots.
 - 22 **a.** Additionally, it is unclear if the provided Utah Department of Transportation (UDOT) permit supports the construction of more than two homes.
 - 23
 - 24 **3.** The nearest area, in the County, that is in the Rural 2 (RU2) Zone is located one mile away.
 - 25
 - 26 **4.** The rezone is not congruent with the Wellsville City General Plan:
 - 27 **a.** The Wellsville City General Plan identifies this area as Farmland Residential Cluster- 5ac.
 - 28 **b.** Residential – Farmland is defined within the Wellsville City General Plan as:
 - 29 **i.** “This area is identified on the Land Use Plan to remain, primarily, as an agricultural production area. This area has historically been the primary farming land of the community and the City should preserve the qualities of this area by minimizing the taking of this land for residential,
 - 30
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1 commercial, or industrial uses. While residential uses are somewhat
2 compatible with agricultural uses, residential development in this area
3 should be minimized and large areas should be required to stay in
4 agricultural use.”
5

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

7 Stephen Nelson
8

9 **Staff Report by County Planner**

10 Conner Smith
11

12 **General Description**

13 This ordinance amends the County Zoning Map by rezoning 18.71 acres from the Agricultural
14 (A10) Zone to the Rural 2 (RU2) Zone.
15

16 **Additional review materials included as part of Exhibit A**

17 Staff Report to Planning Commission - revised

Staff Report: White Bison Acres Rezone

1 August 2024

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: Jed Willets
Staff Recommendation: None
Type of Action: Legislative
Land Use Authority: Cache County Council

Parcel ID#: 11-069-0007

Location

Reviewed by Conner Smith

Project Address:
 4200 S. Highway 23
 Wellsville
Current Zoning:
 Agricultural (A10)

Acres: 18.71
Proposed Zoning:
 Rural 2 (RU2)

Surrounding Uses:
 North – Agricultural/Residential
 South – Agricultural
 East – Agricultural
 West – Agricultural/Residential



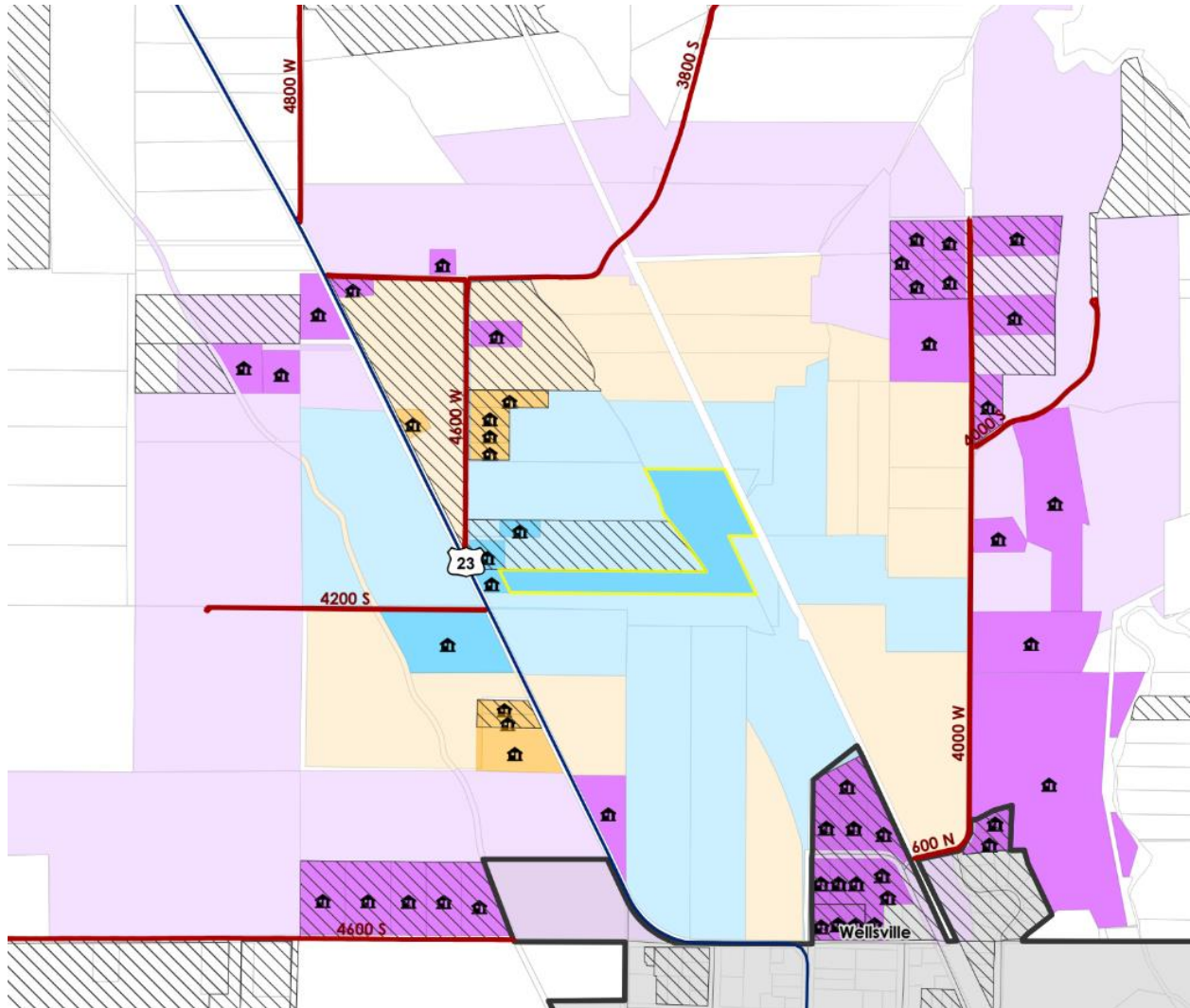
Findings of Fact

A. Request description

1. A request to rezone 18.71 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. Should the rezone request be approved, the maximum number of potential lots will be nine.
3. This rezone may allow the parcel to establish uses permitted in the Rural 2 (RU2) 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 Rural 2 (RU2) Zone will be addressed as part of each respective approval process required prior to site development activities.

Revised Pg. 7 - Planning Commission Recommendation

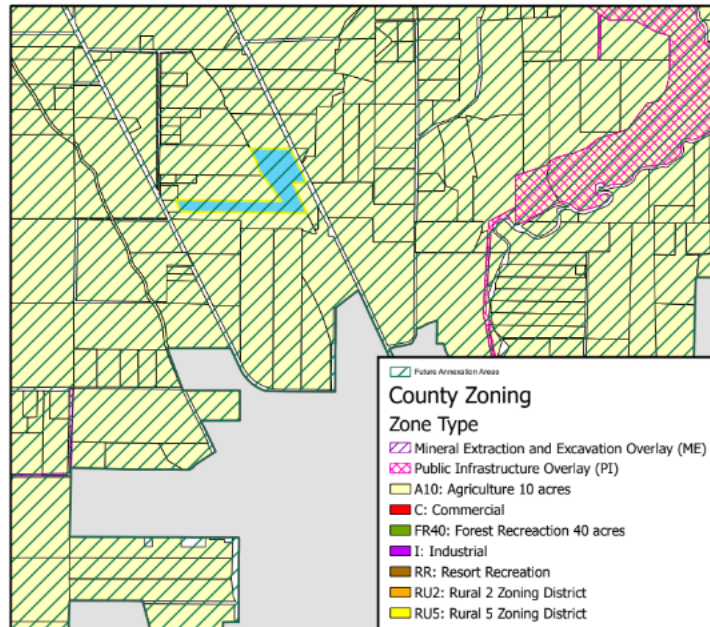
4. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text.
 - a. Land Use Context:
 - i. Parcel status: The property does not match the configuration it had on August 8, 2006 as boundary line adjustments and the splitting of a non-contiguous portion of the parcel was done. However, the property is still legal.
 - ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 3.2 Acres (4 Parcels)
	Without a Home: 12.9 Acres (19 Parcels)
1/4 Mile Buffer	With a Home: 2.2 Acres (12 Parcels)
	Without a Home: 11.7 Acres (40 Parcels)
1/2 Mile Buffer	With a Home: 4.5 Acres (37 Parcels)
	With a Home in Wellsville City: 1.4 Acres (15 Parcels)
	Without a Home: 13.4 Acres (71 Parcels)
	Without a Home in Wellsville City: 4.4 Acres (5 Parcels)

Revised Pg. 7 - Planning Commission Recommendation

- i. Schedule of Zoning Uses: The Rural 2 (RU2) Zone is more restrictive than the Agricultural (A10) Zone. The following uses are ones that are permitted, with the use of a zoning clearance or CUP, in the Agricultural (A10) Zone but not in the Rural 2 (RU2) Zone:
 - Agricultural Manufacturing
 - Rural Kennel
 - Recreation Facility
 - Cemetery
 - Crematorium
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Agritourism
 - Small-Scale Slaughter Facility
 - Winery
 - Topsoil Extraction
- ii. Adjacent Uses: The properties adjacent to the subject parcel to the east and south are primarily used for agricultural purposes while the properties to the north and west are used for agricultural and residential purposes. The nearest parcel, in the county, in the Rural 2 (RU2) Zone is located a mile to the northwest of the subject parcel.
- iii. Annexation Areas: The subject property is located within the Wellsville City future annexation area.



- The Wellsville General Plan Map, an appendix to the Wellsville City General Plan, marks this location as “Farmland Residential Cluster – 5ac”.

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

5. 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.

Revised Pg. 7 - Planning Commission Recommendation

6. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Rural 2 (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 Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality 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.”
7. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. “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.”
 - b. “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.”
8. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, Page 26*. This section states:
 - a. Location: Private agriculture landscapes in the Cache Valley outside of municipalities.
 - b. Example Areas: Most of the valley.
 - c. 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.
 - d. Preferred Land Uses: Agriculture, ranching, rural residential uses at densities of less than one unit per 10 acres, Conservation Easements (CEs) and conserved public lands, Agritourism.
 - e. Secondary Land Uses: Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution), clustered subdivision developments, outdoor recreation, farm worker housing.
 - f. Discouraged Uses: Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development, commercial office, commercial retail, flex office/industrial, heavy industrial.

Revised Pg. 7 - Planning Commission Recommendation

9. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Urban Expansion Overlay.” *Cache County General Plan, Chapter 4, Page 29*. This section states:
- a. Location: Adjacent to city/town limits within municipal annexation policy areas, where future development could be accommodated with urban-level services. As communities may provide additional information, these reference areas may be updated on the Future Land Use Map without an adopted amendment to reflect the probable expansion of services within a 10 to 20 year timeframe.
 - b. Example Areas: Unincorporated enclaves between or within cities.
 - c. Purpose and Character: To provide for unified municipal growth that aligns with the municipal land use plan in an approved annexation policy area with an approved County Intergovernmental Agreement. If developed, these areas would need to be annexed into the neighboring community which would facilitate service provision. The following criteria must be met for these areas
 - i. Accommodate 20-year growth projections
 - ii. Plan for urban-level densities, intensities
 - iii. Meet urban design standards
 - iv. Connect with water and sewer providers, and urban streets
 - v. Urban services provided by the County are minimized
 - d. Preferred Land Uses: Annexations within these areas should strive to accomplish the densities, intensities, and street patterns contained where urban-level infrastructure is available. Affordable housing options are also appropriate in this area.
 - e. Secondary Land Uses: Civic (meeting spaces), residential support uses (e.g. parks, medical, schools, fire and police stations).
 - f. Discouraged Uses: Uses that are not consistent with the municipal general plan or existing county zoning.
10. Consideration of impacts related to uses allowed within the Rural 2 (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

11. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
12. §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.
13. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Rural 2 (RU2) Zone is 90 feet.
14. §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
15. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
16. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
17. The Road Manual specifies the following:
 - a. §2.1 Roadway Functional Classification – Minor Arterial (A): Minor arterial roads link cities, larger towns, and other large traffic generators and are capable of facilitating travel

Revised Pg. 7 - Planning Commission Recommendation

over long distances. These routes have relatively high travel speeds and minimal interferences to the through movement of traffic.

18. A basic review of the access to the subject property identifies the following:
 - a. An analysis of the nearest road, SR-23, is below.
19. SR-23 – Utah Department of Transportation (UDOT) Road:
 - a. West of the subject parcel, SR-23 is an UDOT road classified as a Minor Arterial.
 - b. The road services multiple dwellings and agricultural uses but is primarily the connection between Mendon and Wellsville with access to SR-30 and Highway 89/91.
 - c. Is maintained by UDOT.
 - d. This section of SR-23 is classified per UDOT as an Access Category 4, which has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet.
 - e. Frontage for buildable lots in the County requires a minimum of 90 feet on a public or private road. Based on an initial review of the existing County road grid and existing driveways along SR-23, it does not appear access that meets the requirements of the County Road Manual is possible in combination with UDOT requirements.
 - f. Initial review showed that there was no access and staff recommended denial. However, after staff forwarded the staff report that recommended denial to the applicant, the applicant provided new information showing that there is a recorded 33-foot easement through Parcel 11-068-0013. Additionally, the applicant provided a copy of an approval from UDOT for access from SR-23 but it is not clear how many residential lots were approved as part of that approval.
 - g. The 33-foot right-of-way will allow for a Minor Private Road to provide frontage for future potential development. However, as they lack a 66-foot easement, they lack a sufficient right-of-way to build a Major Private Road to allow for the maximum potential of nine lots.

D. Service Provisions:

20. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application.
21. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

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

22. Public notice was posted online to the Utah Public Notice Website on 19 July 2024.
23. Notices were posted in three public places on 22 July 2024.
24. Notices were mailed to all property owners within 300 feet and Wellsville City on 19 July 2024.
25. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Staff Conclusion

The White Bison Acres rezone, a request to rezone 18.71 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 based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

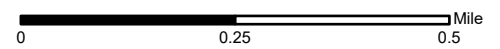
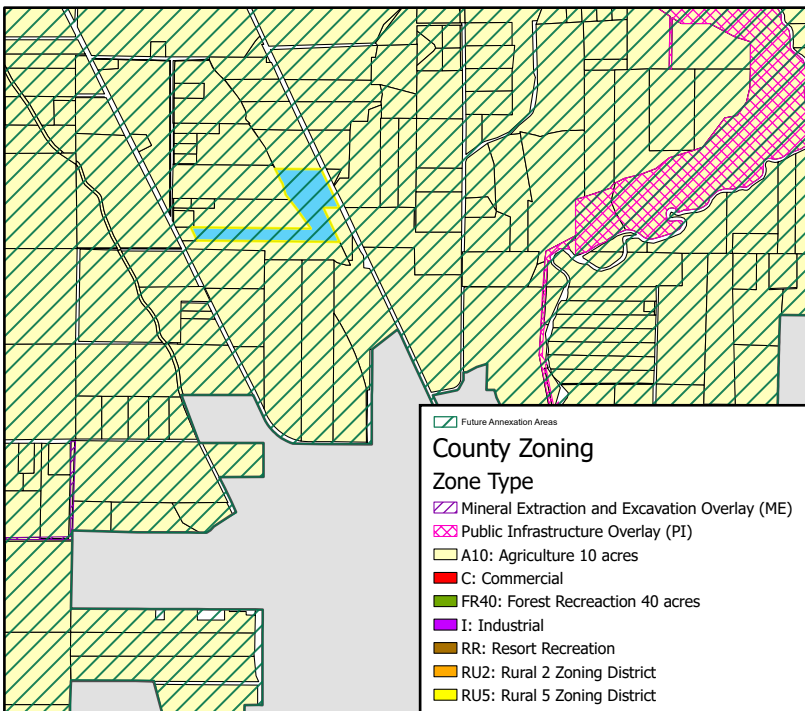
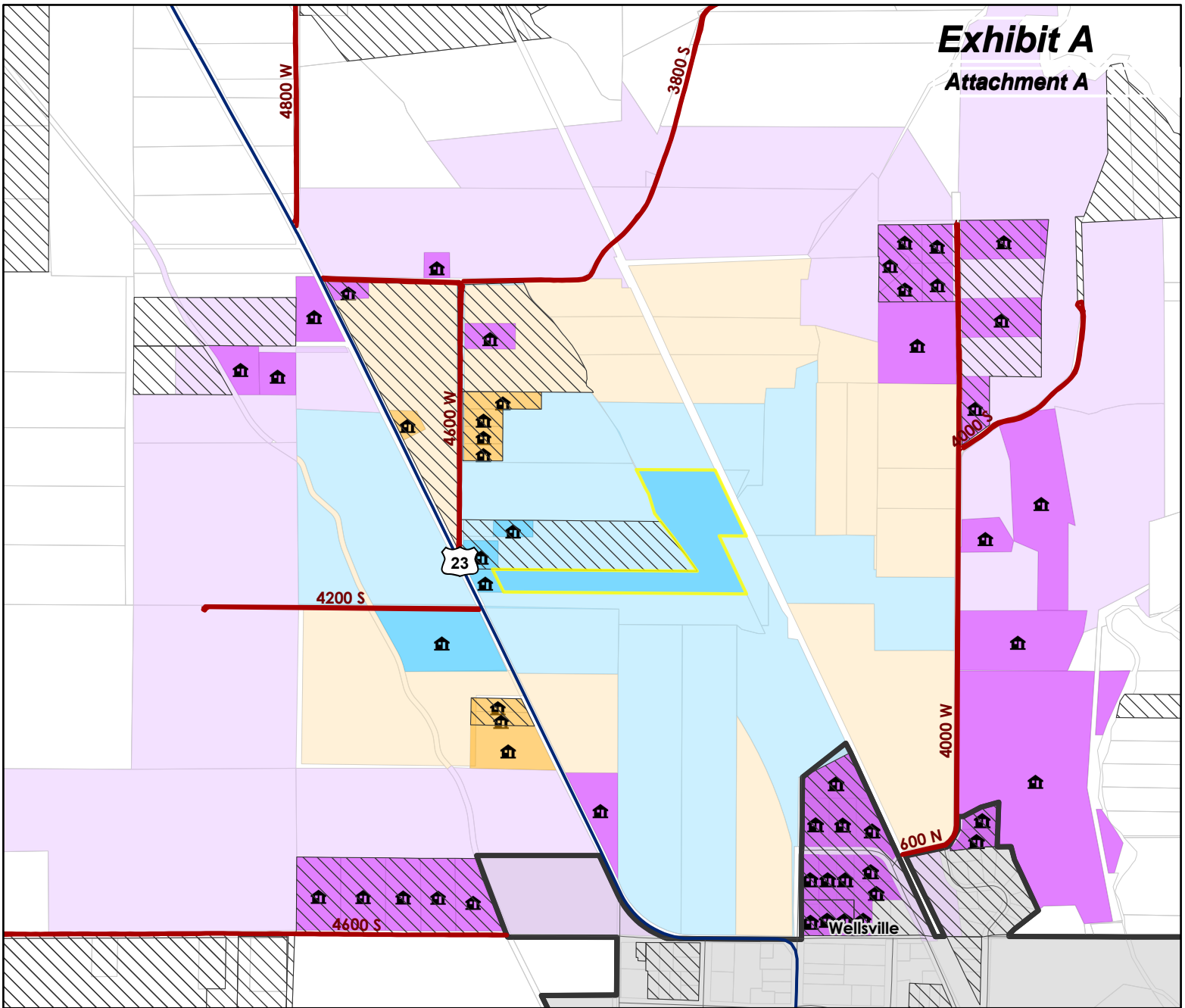
Planning Commission Conclusion

Based on the findings of fact noted herein, the White Bison Acres rezone is hereby recommended for denial to the County Council as follows:

- 1.** The location of the subject property to be rezoned is not compatible with the purpose of the Rural 2 (RU2) Zone:
 - a.** “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.”
 - b.** The surrounding lands are agricultural lands.
- 2.** The recorded easement that would provide access to any future development currently has a right-of-way of 33-feet. This is only enough to support a Minor Private Road which would not allow for the maximum potential of nine lots.
 - a.** Additionally, it is unclear if the provided UDOT permit supports the construction of more than two homes.
- 3.** The nearest area, in the County, that is in the Rural 2 (RU2) Zone is located one mile away.
- 4.** The rezone is not congruent with the Wellsville City General Plan
 - a.** The Wellsville City General Plan identifies this area as Farmland Residential Cluster – 5ac.
 - b.** Residential – Farmland is defined within the Wellsville City General Plan as:
 - i.** “This area is identified on the Land Use Plan to remain, primarily, as an agricultural production area. This area has historically been the primary farming land of the community and the City should preserve the qualities of this area by minimizing the taking of this land for residential, commercial, or industrial uses. While residential uses are somewhat compatible with agricultural uses, residential development in this area should be minimized and large areas should be required to stay in agricultural use.”

Exhibit A

Attachment A

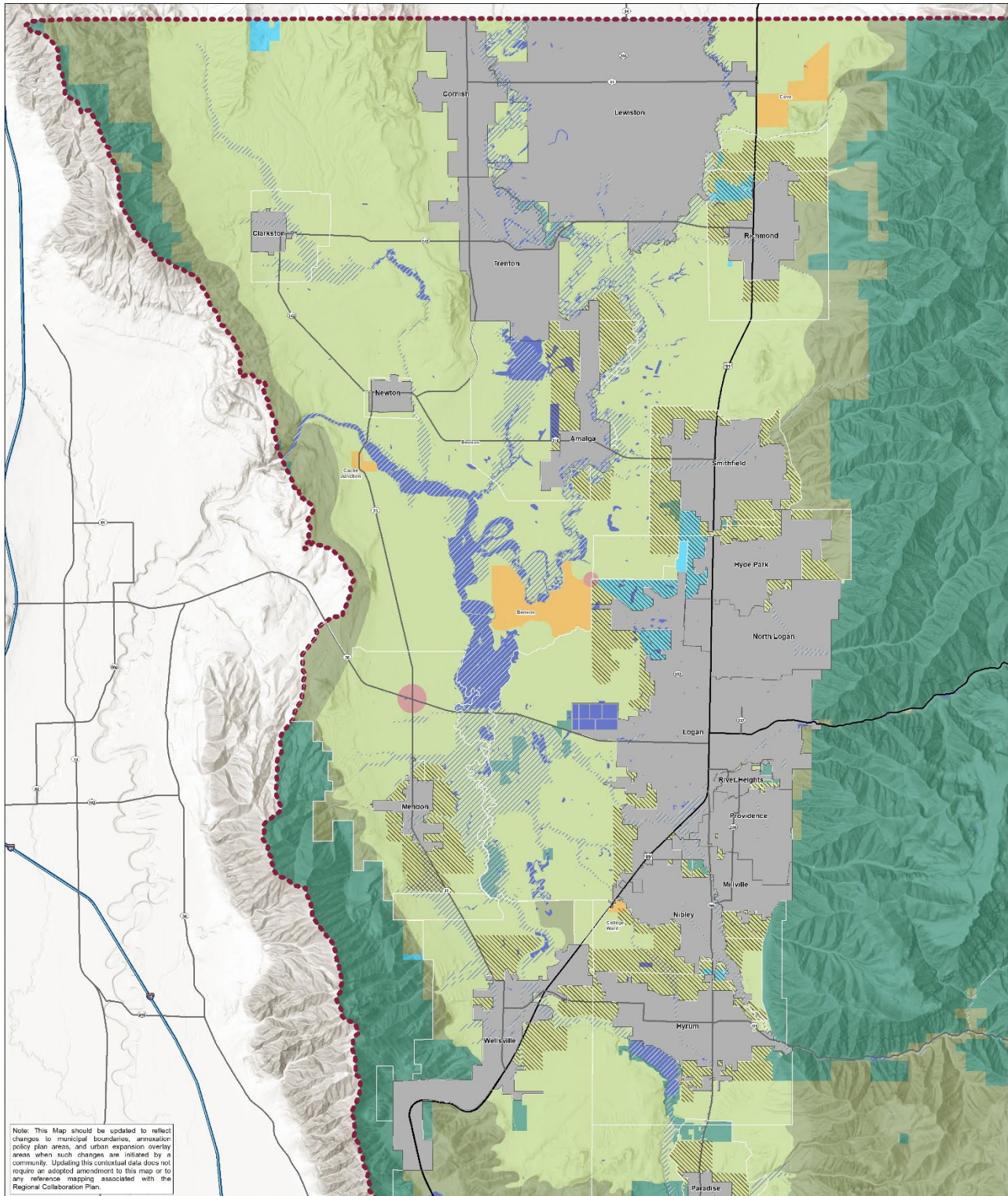


Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home: 3.2 Acres (4 Parcels)
	Without a Home: 12.9 Acres (19 Parcels)
1/4 Mile Buffer	With a Home: 2.2 Acres (12 Parcels)
	Without a Home: 11.7 Acres (40 Parcels)
1/2 Mile Buffer	With a Home: 4.5 Acres (37 Parcels)
	With a Home in Wellsville City: 1.4 Acres (15 Parcels)
	Without a Home: 13.4 Acres (71 Parcels)
	Without a Home in Wellsville City: 4.4 Acres (5 Parcels)





Note: This Map should be updated to reflect changes to municipal boundaries, annexation policy plan areas, and urban expansion overlay areas when such changes are initiated by a community. Updating this cartographic data does not require an adopted amendment to this map or to any reference mapping associated with the Regional Collaboration Plan.

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

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





The following legal description reflects the noted property above to be rezoned from Agricultural (A10) to Rural 2 (RU2):

BEGINNING AT A POINT LOCATED NORTH 89° 27' 35" WEST, A DISTANCE OF 1082.98 FEET ALONG THE SOUTH LINE SECTION 27 AND NORTH 26° 09' 11" WEST, A DISTANCE OF 142.53 FEET AND SOUTH 89°30' 42" EAST, A DISTANCE OF 209.00 FEET, AND NORTH 26° 09' 11" WEST, A DISTANCE OF 4.00 FEET; FROM THE SOUTH QUARTER CORNER OF SECTION 27; THENCE, NORTH 26° 09' 11" WEST, A DISTANCE OF 205.87 FEET; TO THE SOUTH LINE OF THE WELLSVILLE RISING SUBDIVISION; THENCE FOLLOWING THE SOUTH AND EAST LINES OF SAID WELLSVILLE RISING SUBDIVISION THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 89° 27' 56" EAST, A DISTANCE OF 1667.47 FEET; (2) NORTH 30° 18' 56" WEST, A DISTANCE OF 8.03 FEET; (3) NORTH 35° 34' 56" WEST, A DISTANCE OF 321.20 FEET; (4) NORTH 38° 19' 56" WEST, A DISTANCE OF 172.40 FEET; THENCE, NORTH 36° 42' 04" WEST, A DISTANCE OF 82.96 FEET; THENCE, NORTH 16° 43' 04" WEST, A DISTANCE OF 160.69 FEET; THENCE, NORTH 29° 04' 15" WEST, A DISTANCE OF 65.10 FEET; THENCE, NORTH 25° 03' 41" WEST, A DISTANCE OF 99.73 FEET; THENCE, NORTH 27° 53' 14" WEST, A DISTANCE OF 63.18 FEET; THENCE, SOUTH 89° 42' 07" EAST, A DISTANCE OF 659.67 FEET (EAST 665.4 FEET, BY RECORD) TO THE WEST LINE OF THE OREGON SHORT LINE RAILROAD; THENCE ALONG SAID WEST LINE SOUTH 25° 09' 52" EAST, A DISTANCE OF 593.44 FEET (SOUTH 25°30' EAST 597 FEET, BY RECORD); THENCE, NORTH 89° 42' 07" WEST, A DISTANCE OF 237.00 FEET (NORTH 89°31' WEST 237 FEET, BY RECORD); THENCE, SOUTH 25° 09' 52" EAST (SOUTH 25°15' EAST, BY RECORD), A DISTANCE OF 523.29 FEET; THENCE NORTH 89° 30' 45" WEST A DISTANCE OF 1977.14 FEET TO THE POINT OF BEGINNING. CONT 18.71 AC (CCR)

Ordinance No. 2024-14
Cache County, Utah
River Side Rezone

An ordinance amending the County Zoning Map by rezoning 20.47 acres of property 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 August 1, 2024, the Planning Commission held a public hearing, accepted all comments, and accepted all comments, and recommended the denial 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, on August 27, 2024, the County Council held a public hearing, 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 subject property is consistent with the Cache County General Plan as it is located within the Urban Expansion Overlay.
- B.** The subject property is potentially consistent with the Cache County General Plan.
 - i.** The Cache County General Plan indicates that, should any potential subdivisions be clustered, densities of residential developments that are greater than one unit per ten acres are encouraged.
- C.** The subject property has sufficient road access.

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 _____, 2024. 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

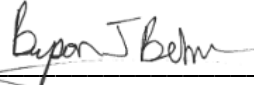
Date: <u>8 / 27 / 2024</u>	<u>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus		✓		
Dave Erickson		✓		
Sandi Goodlander		✓		
Nolan Gunnell		✓		
Mark Hurd		✓		
Barbara Tidwell				✓
Karl Ward	✓			
Total:	1	5	-	1
Final action:	<u> </u> Adopt <u> ✓ </u> Reject			

Cache County Council:

Attest:



 Dave Erickson, Chair



 Bryson Behm, Clerk
 Cache County

Action of the County Executive

Regarding Ordinance 2024-14 River Side Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

1 **Ordinance 2024-14**

2 **River Side Rezone**

3 **Amending the Cache County Zoning Map by rezoning**
4 **20.47 acres of property from the Agricultural (A10) Zone**
5 **to the Rural 2 (RU2) Zone.**

6
7 **County Council action**

8 Hold a public hearing on August 27th, 2024.

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

10
11 **Planning Commission Action**

12 Denial (7-yea; 0-nay).

13 Public hearing held on August 1st, 2024.

14 Conclusion: Based on the findings of fact noted [in the staff report], the River Side Rezone is
15 hereby recommended for denial to the County Council as follows:

- 16 1. The area is not conducive to residential development due to the presence of sensitive
17 areas including, but not limited to, wetlands, moderate and steep slopes, and wildfire
18 hazard areas.
- 19 2. The location of the subject property to be rezoned is not compatible with the purpose of
20 the Rural 2 (RU2) Zone:
 - 21 a. To allow for residential development in a moderately dense pattern that can
22 allow for rural subdivisions, and to allow for clustering plans larger than a single
23 parcel. This type of development should be located and designed to not
24 unreasonably impede the adjacent agricultural uses, nor to unreasonably conflict
25 with the development standards of adjacent municipalities.
 - 26 b. To implement the policies of Cache countywide comprehensive plan, including
27 those regarding improved roadways, density based residential standards,
28 clustering, moderate income housing and municipality standards.
 - 29 c. This zone must be appropriately served by suitable public roads, have access to
30 the necessary water and utilities, and have adequate provision of public services.
- 31 3. The subject property is potentially not consistent with the Cache County General Plan:
 - 32 a. The Cache County General Plan has identified this area as “Agriculture and
33 Ranching” which places an emphasis on agricultural production. The Rural 2
34 (RU2) Zone has limited agricultural potential as many agriculture related uses are
35 not possible within the Rural 2 (RU2) Zone.

1 **b.** The Cache County General Plan indicates that, should any potential subdivisions
2 not be clustered, densities of residential developments that are greater than one
3 unit per ten acres are discouraged.

4 **4.** The nearest parcel, in the County, in the Rural 2 (RU2) Zone is located two miles to the
5 south of the subject parcel.

6

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

8 Stephen Nelson

9

10 **Staff Report by County Planner**

11 Conner Smith

12

13 **General Description**

14 This ordinance amends the County Zoning Map by rezoning 20.47 acres from the Agricultural
15 (A10) Zone to the Rural 2 (RU2) Zone.

16

17 **Additional review materials included as part of Exhibit A**

18 Staff Report to Planning Commission - revised

Staff Report: River Side Rezone

1 August 2024

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: Wayne Ruud
Staff Recommendation: None
Type of Action: Legislative
Land Use Authority: Cache County Council

Parcel ID#: 01-086-0004, 01-087-0002

Location

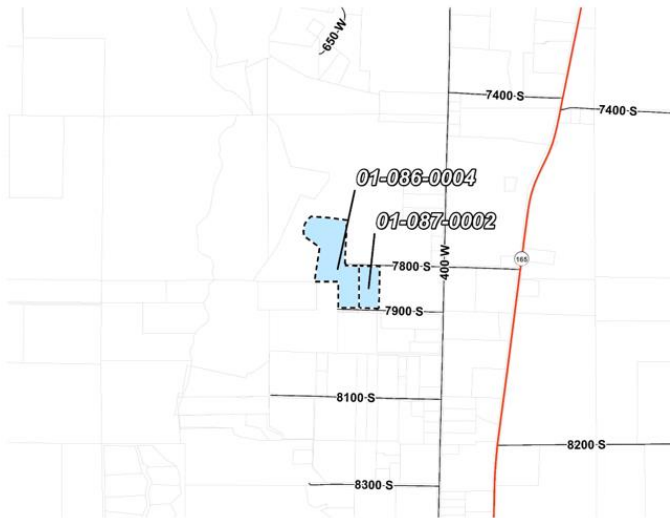
Reviewed by Conner Smith

Project Address:
 616 W. 7800 S.
 Paradise
Current Zoning:
 Agricultural (A10)

Acres: 20.47

Proposed Zoning:
 Rural 2 (RU2)

Surrounding Uses:
 North – Agricultural
 South – Agricultural/Residential
 East – Agricultural/Residential
 West – Agricultural



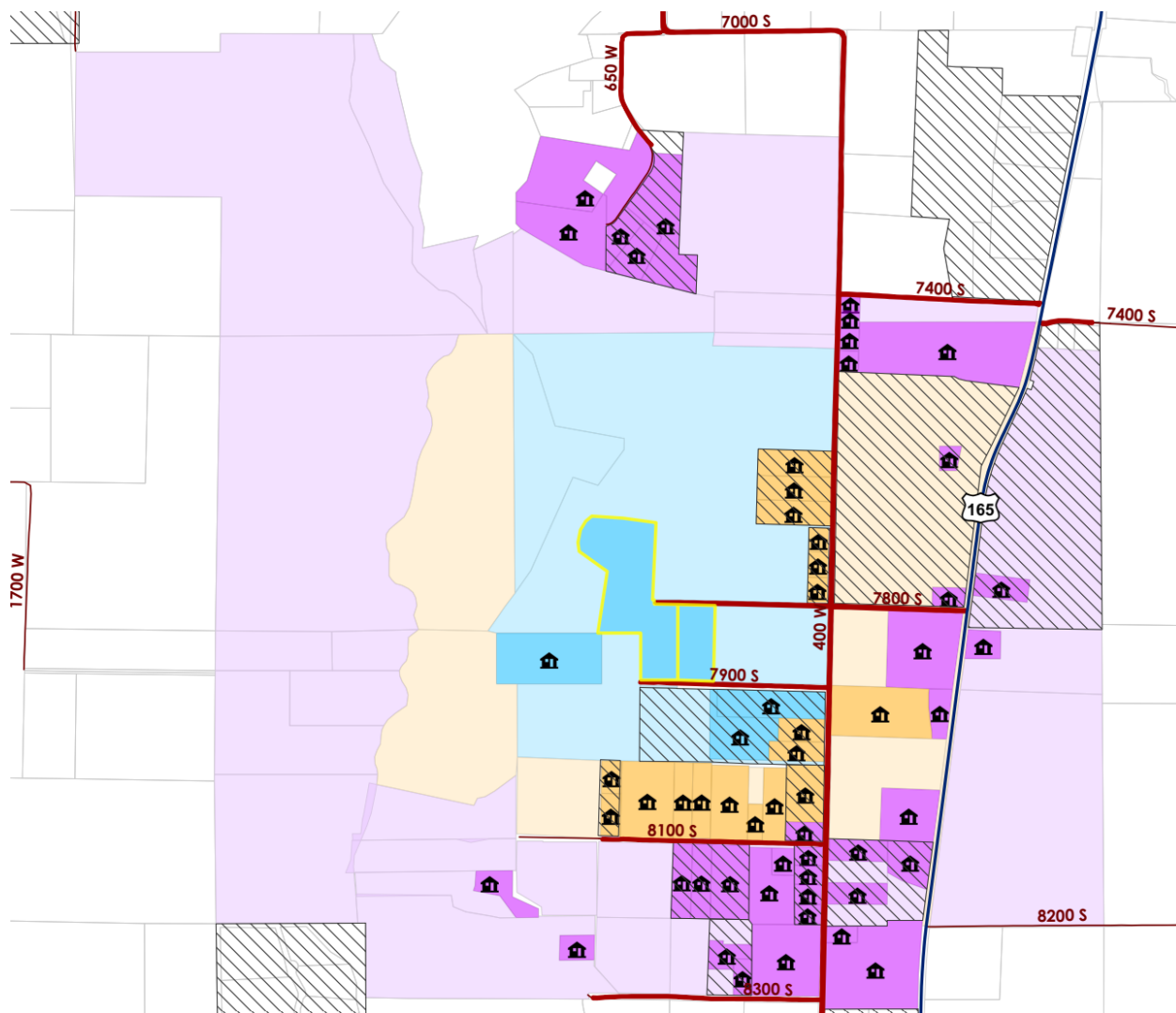
Findings of Fact

A. Request description

1. A request to rezone 20.47 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. Should the rezone request be approved, the maximum number of potential lots will be nine.
 - a. Parcel 01-086-0004 will have seven potential lots.
 - b. Parcel 01-087-0002 will have two potential lots.
3. This rezone may allow the parcel to establish uses permitted in the Rural 2 (RU2) 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 Rural 2 (RU2) Zone will be addressed as part of each respective approval process required prior to site development activities.

Revised Pg. 9 - Planning Commission Recommendation

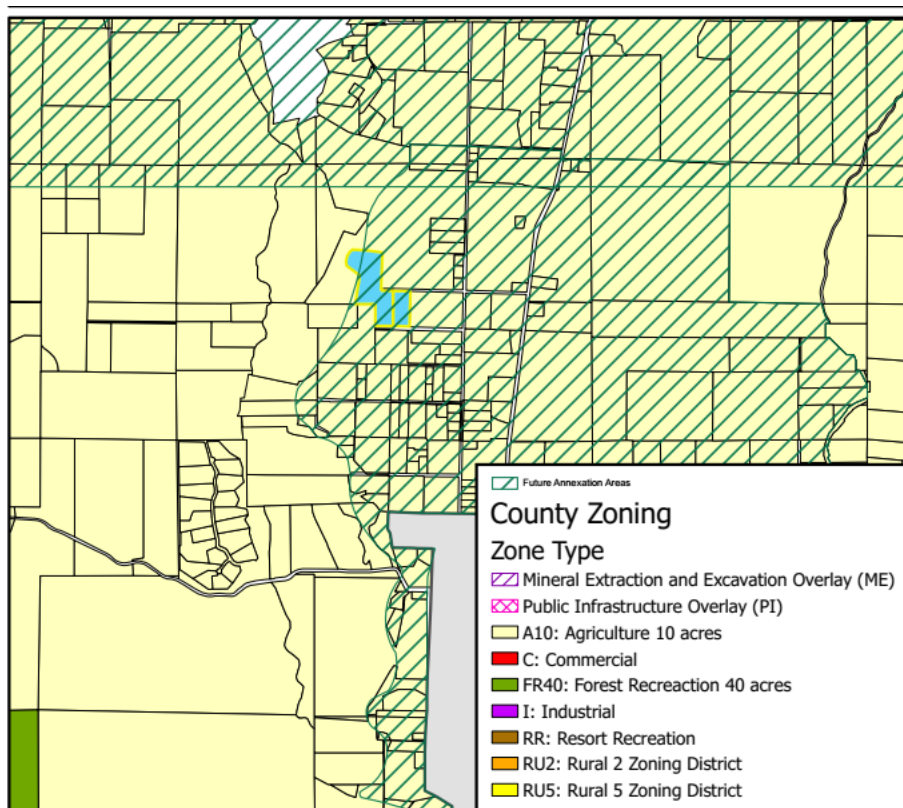
4. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text.
 - a. Land Use Context:
 - i. Parcel status: The property matches the configuration it had on August 8, 2006 and is legal.
 - ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 7 Acres (3 Parcels)
	Without a Home: 23.2 Acres (10 Parcels)
1/4 Mile Buffer	With a Home: 3.6 Acres (21 Parcels)
	Without a Home: 21.4 Acres (19 Parcels)
1/2 Mile Buffer	With a Home: 3.7 Acres (58 Parcels)
	Without a Home: 24.2 (52 Parcels)

Revised Pg. 9 - Planning Commission Recommendation

- i. Schedule of Zoning Uses: The Rural 2 (RU2) Zone is more restrictive than the Agricultural (A10) Zone. The following uses are ones that are permitted, with the use of a zoning clearance or CUP, in the Agricultural (A10) Zone but not in the Rural 2 (RU2) Zone:
 - Agricultural Manufacturing
 - Rural Kennel
 - Recreation Facility
 - Cemetery
 - Crematorium
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Agritourism
 - Small-Scale Slaughter Facility
 - Winery
 - Topsoil Extraction
- ii. Adjacent Uses: The properties adjacent to the subject parcel to the north and west are primarily used for agricultural purposes while the properties to the south and east are primarily used for agricultural and residential purposes. The nearest parcel, in the county, in the Rural 2 (RU2) Zone is located two miles to the south of the subject parcel.
- iii. Annexation Areas: The subject property is located within the Paradise City future annexation area.



- Paradise City has no General Plan and has not specified what the future zoning for these parcels will be.

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

5. 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.
6. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Rural 2 (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 Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality 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.”
7. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. “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.”
 - b. “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.”
8. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, Page 26*. This section states:
 - a. Location: Private agriculture landscapes in the Cache Valley outside of municipalities.
 - b. Example Areas: Most of the valley.
 - c. 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.
 - d. Preferred Land Uses: Agriculture, ranching, rural residential uses at densities of less than one unit per 10 acres, Conservation Easements (CEs) and conserved public lands, Agritourism.
 - e. Secondary Land Uses: Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution), clustered subdivision developments, outdoor recreation, farm worker housing.

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- f. Discouraged Uses: Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development, commercial office, commercial retail, flex office/industrial, heavy industrial.
9. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Urban Expansion Overlay.” *Cache County General Plan, Chapter 4, Page 29*. This section states:
- a. Location: Adjacent to city/town limits within municipal annexation policy areas, where future development could be accommodated with urban-level services. As communities may provide additional information, these reference areas may be updated on the Future Land Use Map without an adopted amendment to reflect the probable expansion of services within a 10 to 20 year timeframe.
 - b. Example Areas: Unincorporated enclaves between or within cities.
 - c. Purpose and Character: To provide for unified municipal growth that aligns with the municipal land use plan in an approved annexation policy area with an approved County Intergovernmental Agreement. If developed, these areas would need to be annexed into the neighboring community which would facilitate service provision. The following criteria must be met for these areas
 - i. Accommodate 20-year growth projections
 - ii. Plan for urban-level densities, intensities
 - iii. Meet urban design standards
 - iv. Connect with water and sewer providers, and urban streets
 - v. Urban services provided by the County are minimized
 - d. Preferred Land Uses: Annexations within these areas should strive to accomplish the densities, intensities, and street patterns contained where urban-level infrastructure is available. Affordable housing options are also appropriate in this area.
 - e. Secondary Land Uses: Civic (meeting spaces), residential support uses (e.g. parks, medical, schools, fire and police stations).
 - f. Discouraged Uses: Uses that are not consistent with the municipal general plan or existing county zoning.
10. Consideration of impacts related to uses allowed within the Rural 2 (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**
- 11. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
 - 12. §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.
 - 13. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Rural 2 (RU2) Zone is 90 feet.
 - 14. §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
 - 15. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
 - 16. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
 - 17. The Road Manual specifies the following:

Revised Pg. 9 - Planning Commission Recommendation

- a. §2.1 Roadway Functional Classification – Minor Local (L) Road: Minor local roads serve almost exclusively to provide access to properties adjacent to the road. Minor local roads generally serve residential or other non-commercial land uses. Many minor local roads are cul-de-sacs or loop roads with no through continuity. The length of minor local roads is typically short. Because the sole function of local roads is to provide local access, such roads are used predominantly by drivers who are familiar with them.
18. A basic review of the access to the subject property identifies the following:
- a. Primary access to the subject property is 7800 S.
19. 7800 South – County Road:
- a. North of the subject parcel, 7800 South is a County road classified as a Minor Local.
 - b. The road services agricultural and residential lands.
 - c. Has a variable right-of-way, a paved width of 20 feet, and a posted speed limit of 55 mph.
 - d. Is maintained year round by the county.
 - e. Is considered acceptable as to travel lanes, right-of-way, paved shoulder, gravel shoulder, clear zone, and material.
 - f. Currently has a minimum driveway spacing of 10 feet and a minimum street spacing of 300 feet.

Analysis of Existing Roadway - Along Frontage

Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	20	20	OK
Right-of-Way	Varies	66	OK
Paved Shoulder	0	0	OK
Gravel Shoulder	4	4	OK
Clear Zone (4:1)	10	10	OK
Material	Paved	Paved	OK
Structural			Base is visually OK

Access Management

Classification	Min. Spacing Standard (ft)		
	Public/Private Roads	Commercial	Residential/Farm Access
Minor Local	300	Not Permitted	10

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line.



20. 7900 South – County Road:

- a.** South of the subject parcel, 7900 South is a County road classified as a Minor Local.
- b.** The road services agricultural and residential lands.
- c.** Has a variable right-of-way, an unpaved width of 20 feet, and a posted speed limit of 55 mph.
- d.** Is maintained year round by the county.
- e.** Is considered substandard in terms of gravel shoulder and material.
- f.** Currently has a minimum driveway spacing of 10 feet and a minimum street spacing of 300 feet.

Analysis of Existing Roadway - Along Frontage

Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	20	20	OK
Right-of-Way	Varies	66	OK
Paved Shoulder	0	0	OK
Gravel Shoulder	0	4	Substandard
Clear Zone (4:1)	10	10	OK
Material	Gravel	Paved	Substandard
Structural			Base is visually OK

Access Management

Classification	Min. Spacing Standard (ft)		
	Public/Private Roads	Commercial	Residential/Farm Access
Minor Local	300	Not Permitted	10

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line.



D. Service Provisions:

- 21. §16.04.080 [C] Fire Control – The County Fire District had no comment in regard to this application.
- 22. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.
- 23. §17.18.040 Sensitive Areas – Sensitive areas are present on Parcel 01-086-0004.
 - a. Steep slopes and wetlands are present on this parcel.
 - b. Per §17.18.040, steep slopes and wetlands are non-developable.
 - c. As these parcels are being converted to the Rural 2 (RU2) Zone, a density calculation must be performed. This means that the net developable acreage will be calculated by removing the acreage of non-developable acreage, in this case steep slopes and wetlands, from the gross acreage (20.47 acres).

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

- 24. Public notice was posted online to the Utah Public Notice Website on 19 July 2024.
- 25. Notices were posted in three public places on 22 July 2024.

26. Notices were mailed to all property owners within 300 feet and Paradise City on 19 July 2024.
27. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conclusion

The River Side rezone, a request to rezone 20.47 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 based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

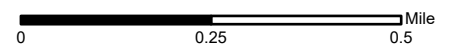
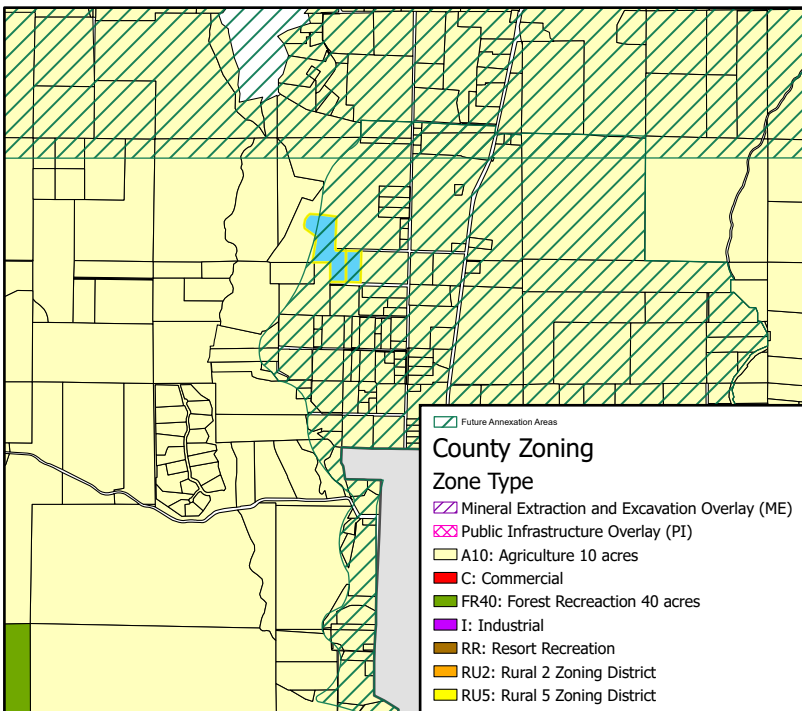
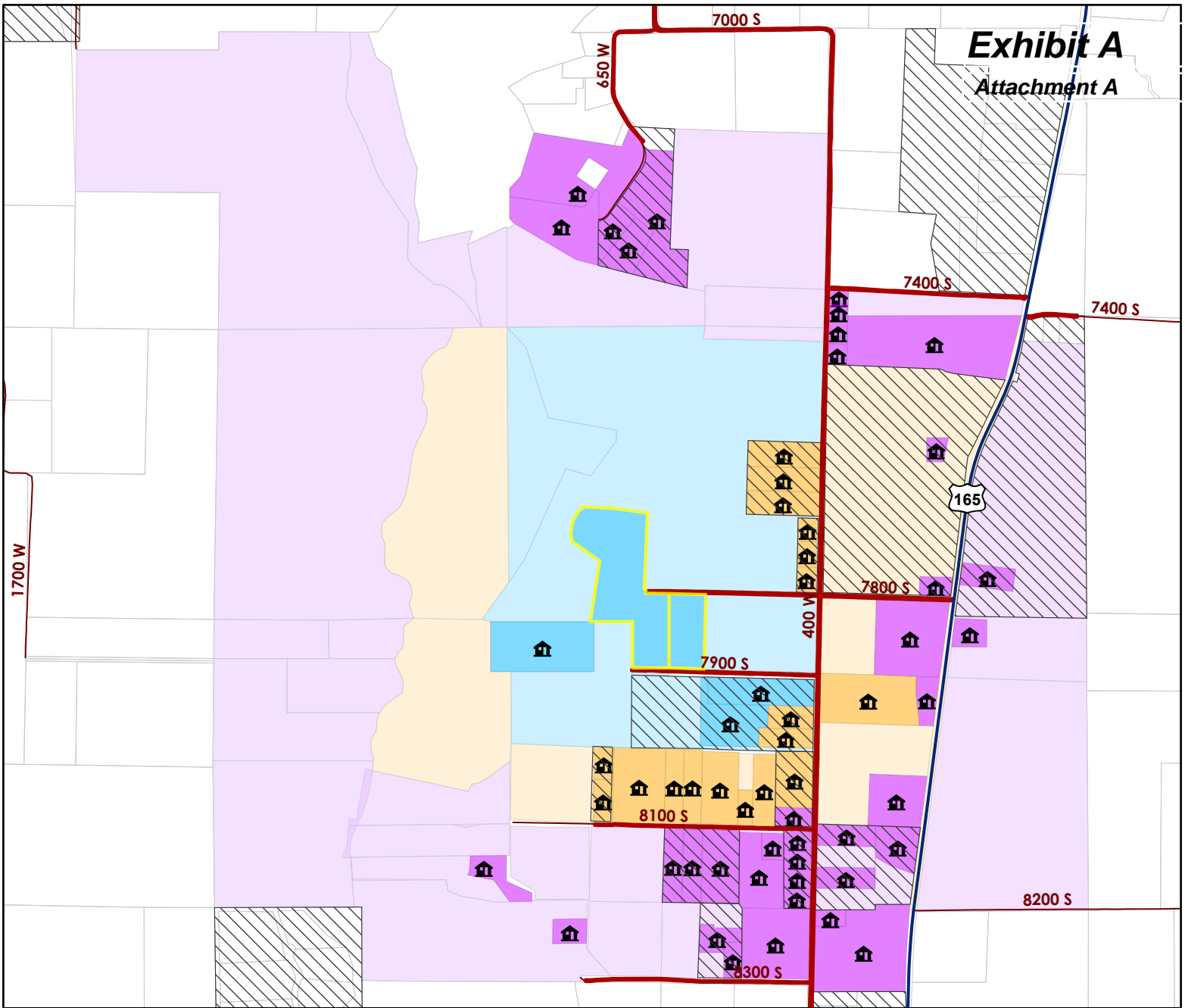
Planning Commission Conclusion

Based on the findings of fact noted herein, the River Side rezone is hereby recommended for denial to the County Council as follows:

1. The area is not conducive to residential development due to the presence of sensitive areas including, but not limited to, wetlands, moderate and steep slopes, and wildfire hazard areas.
2. The location of the subject property to be rezoned is not compatible with the purpose of the Rural 2 (RU2) Zone:
 - 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 Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality 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.
3. The subject property is potentially not consistent with the Cache County General Plan.
 - a. The Cache County General Plan has identified this area as “Agriculture and Ranching” which places an emphasis on agricultural production. The Rural 2 (RU2) Zone has limited agricultural potential as many agriculture related uses are not possible within the Rural 2 (RU2) Zone.
 - b. The Cache County General Plan indicates that, should any potential subdivisions not be clustered, densities of residential developments that are greater than one unit per ten acres are discouraged.
4. The nearest parcel, in the county, in the Rural 2 (RU2) Zone is located two miles to the south of the subject parcel.

Exhibit A

Attachment A

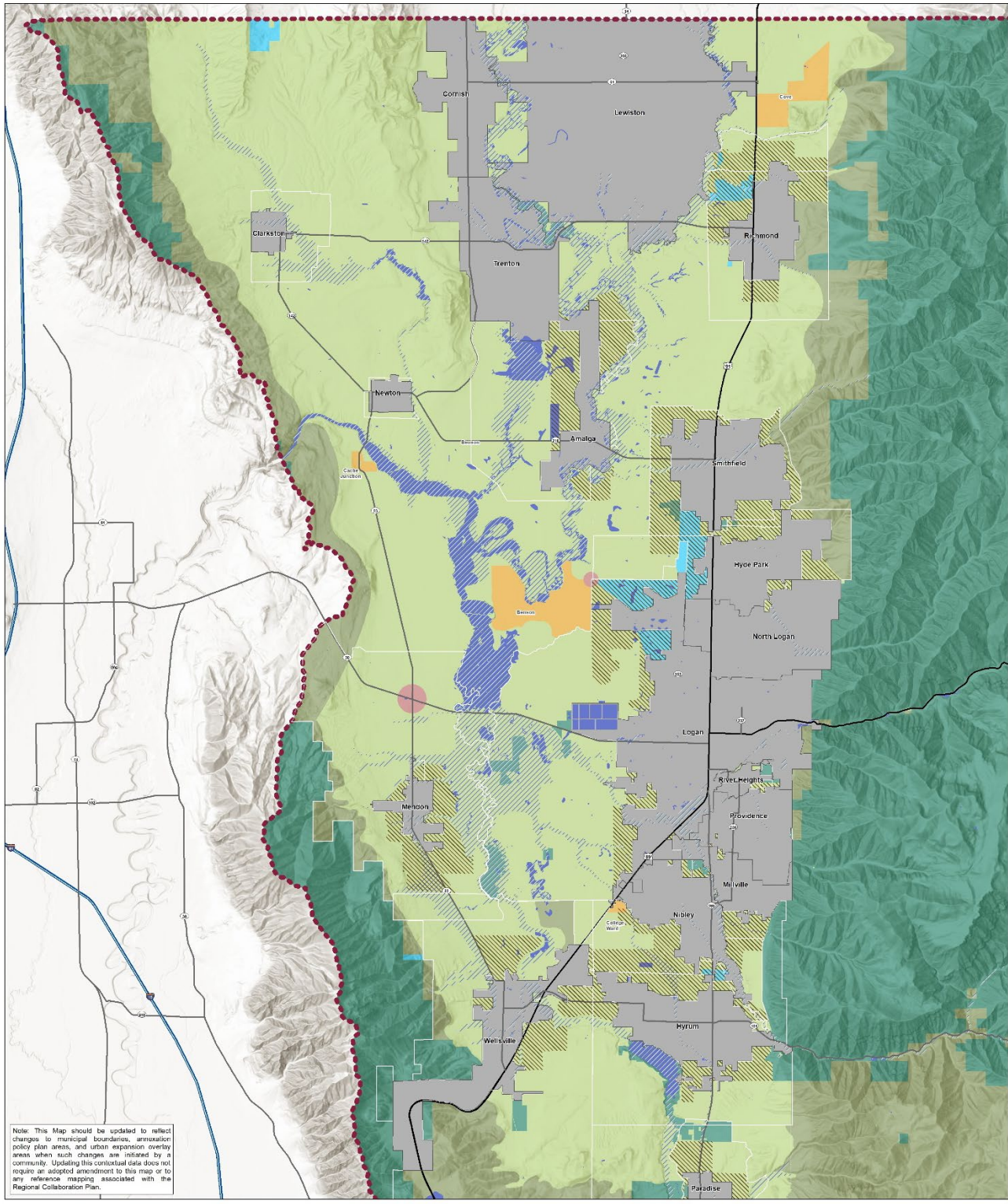


Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home: 7 Acres (3 Parcels)
	Without a Home: 23.2 Acres (10 Parcels)
1/4 Mile Buffer	With a Home: 3.6 Acres (21 Parcels)
	Without a Home: 21.4 Acres (19 Parcels)
1/2 Mile Buffer	With a Home: 3.7 Acres (58 Parcels)
	Without a Home: 24.2 Acres (52 Parcels)





Note: This Map should be updated to reflect changes to municipal boundaries, annexation policy plan areas, and urban expansion overlay areas when such changes are initiated by a community. Updating this cartographic data does not require an adopted amendment to this map or to any reference mapping associated with the Regional Collaboration Plan.

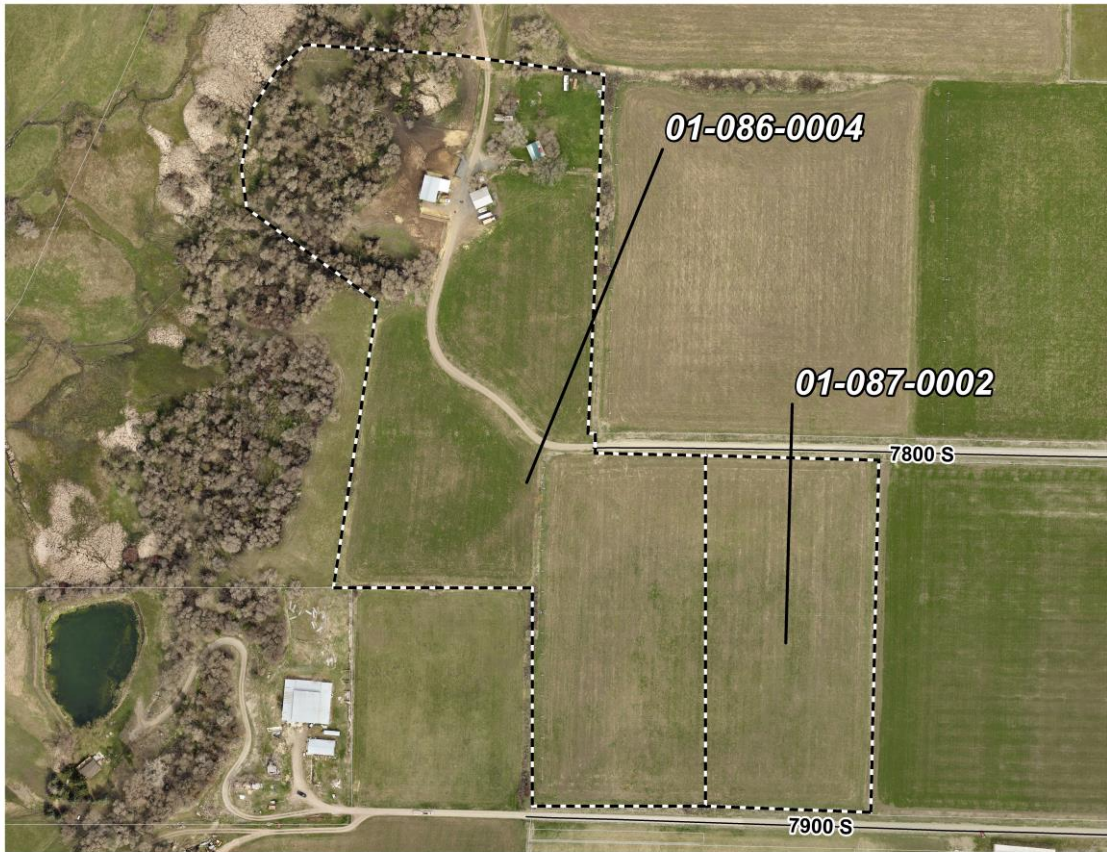
- Water Bodies
- 100 Year Floodplain
- Municipalities
- Annexation Policy Plan Areas
- Urban Expansion Overlay
- Retail Commercial
- Rural Community
- Agriculture and Ranching
- Mountain Rural and Conservation
- Forest and Natural Resource
- Industrial and Mineral Extraction

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





The following legal description reflects the noted properties above to be rezoned from Agricultural (A10) to Rural 2 (RU2):

01-086-0004

BEGINNING AT A POINT 6.65 CHAINS SOUTH AND 16.80 CHAINS EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 1 EAST; THENCE NORTH 424 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 21; THENCE WEST 386.5 FEET TO BROW OF HILL; THENCE NORTH 8°45' EAST 561.23 FEET; THENCE NORTH 54°20' WEST 312.6 FEET TO MILL RACE; THENCE NORTHERLY 350 FEET FOLLOWING MILL RACE SOUTH 86°09' EAST 283.3 FEET EASTERLY 313.56 FEET TO POINT IN THE NORTH FENCE LINE WHICH POINT IS NORTH 2°33' EAST 697 FEET OF A POINT NORTH 88°53' WEST 1584.8 FEET FROM THE SOUTHEAST CORNER OF LOT 8, BLOCK 7, PLAT B OF PARADISE FARM SURVEY; THENCE SOUTH 2°33' WEST 697 FEET EAST 228.2 FEET SOUTH 724.2 FEET TO ROAD WEST 5.10 CHAINS TO BEGINNING. CONT 15.67 AC LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT A POINT ON THE GRANTOR'S NORTH LINE LOCATED NORTH 89°09'51" EAST, A DISTANCE OF 1448.78 FEET AND NORTH 00°50'09" WEST, A DISTANCE OF 220.80 FEET AND NORTH 00°00'00" WEST 43.39 FEET FROM THE A.A. HUDSON ALUMINUM CAP MARKING THE WEST QUARTER CORNER OF SECTION 21, FROM WHICH MONUMENT THE A.A. HUDSON ALUMINUM CAP MARKING THE EAST QUARTER CORNER OF SECTION 21 BEARS NORTH 89°09'51" EAST, A DISTANCE OF 5279.11 FEET; THENCE, SOUTH 00°00'00" EAST, A DISTANCE OF 43.39 FEET; THENCE, NORTH 88°45'42" WEST, A DISTANCE OF 214.17 FEET; THENCE, NORTH 00°00'00" EAST, A DISTANCE OF 38.76 FEET TO NORTH LINE OF GRANTOR'S PROPERTY; THENCE, NORTH 90°00'00" EAST, A DISTANCE OF 214.12 FEET TO THE POINT OF BEGINNING. CONT 0.20 AC SUBJECT TO AN EASEMENT DESCRIBED IN ENTRY #1285116 CONT 15.47 AC NET

01-087-0002

BEG 6.65 CHS S & 21.90 CHS E OF NWCOR OF SW/4 OF SEC 21 T 10N R 1E & TH E 5.20 CHS
TH N 7.75 CHS TH WEST 5.20 CHS TH S 7.75 CHS TO BEG ALSO THE NORTH PT OF W/2 OF
LT 2 BLK 7 PARADISE NORTH FIELD FARM SVY 5 AC

Ordinance No. 2024-15

Cache County, Utah

Marshall P Maughan Family Trust 14 Acres – Currently A10 Rezone

An ordinance amending the County Zoning Map by rezoning 14.00 acres of property 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 August 1, 2024, the Planning Commission held a public hearing, accepted all comments, and accepted all comments, and recommended the denial 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, on August 27, 2024, the County Council held a public hearing, 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 to be rezoned is compatible with the purpose of the Rural 2 (RU2) Zone:
 - 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.** To implement the policies of Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
 - iii.** 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.
- B.** The subject property is consistent with the Cache County General Plan as it is located within the Urban Expansion Overlay.
- C.** The subject property is reasonably consistent with the Mendon City General Plan as it is potentially located in the A-1 or A-2 Zone.
 - i.** A-1 Agricultural 2.5 acres
 - i.** “Agricultural – (A-1) lot sizes 2.5 acres up to 5 acres with more farm animals and production opportunities. Secondary water (irrigation) is available.”
 - ii.** A-2 Agricultural from 5 Acres up to 10 acres
 - i.** “Agricultural – (A-2) lot sizes of 5 acres up to 10 acres with more farm animals and production opportunities. Secondary water (irrigation) is available.”
 - iii.** The nearest parcel, in the County, in the Rural 2 (RU2) Zone is located 300 feet to the south of the subject property.

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 _____, 2024. 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>8 / 27 / 2024</u>	<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	✓			
Total:	3	3	-	1
Final action:	<input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Reject			

Cache County Council:



 Dave Erickson, Chair

Attest:



 Bryson Behm, Clerk
 Cache County

Action of the County Executive

Regarding Ordinance 2024-15, the Marshall P Maughan Family Trust 14 Acres –
Currently A10 Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

1 **Ordinance 2024-15**

2 **Marshall P Maughan Family Trust 14 Acres – Currently A10 Rezone**
3 **Amending the Cache County Zoning Map by rezoning**
4 **14.00 acres of property from the Agricultural (A10) Zone**
5 **to the Rural 2 (RU2) Zone.**

6
7 **County Council action**

8 Hold a public hearing on August 27th, 2024.

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

10
11 **Planning Commission Action**

12 Denial (7-yea; 0-nay).

13 Public hearing held on August 1st, 2024.

14 Conclusion: Based on the findings of fact noted [in the staff report], the Marshal P Maughan
15 Family Trust 14 Acres – Currently A10 Rezone is hereby recommended for denial to the County
16 Council as follows:

- 17 **1.** The applicant failed to provide any approval from the Utah Department of
18 Transportation (UDOT) that would approve access from SR-23 to any potential
19 developments.
 - 20 **a.** The applicant has potential to put seven new parcels on this parcel. UDOT might
21 consider this a substantial increase and, depending on if it is congruent with their
22 plans, might deny access.
 - 23 **b.** The only frontage this parcel has is SR-23. This means that in the event UDOT
24 denies any access to this property there will be no other way to access the
25 property.
- 26 **2.** The subject property is potentially not consistent with the Cache County General Plan.
 - 27 **a.** The Cache County General Plan has identified this area as “Agriculture and
28 Ranching” which places an emphasis on agricultural production. The Rural 2
29 (RU2) Zone has limited agricultural potential as many agriculture related uses are
30 not possible within the Rural 2 (RU2) Zone.
 - 31 **b.** The Cache County General Plan indicates that, should any potential subdivisions
32 not be clustered, densities of residential developments that are greater than one
33 unit per ten acres are discouraged.

34
35 **Staff Report review by Development Services Director**

36 Stephen Nelson

1 **Staff Report by County Planner**

2 Conner Smith

3

4 **General Description**

5 This ordinance amends the County Zoning Map by rezoning 14.00 acres from the Agricultural
6 (A10) Zone to the Rural 2 (RU2) Zone.

7

8 **Additional review materials included as part of Exhibit A**

9 Staff Report to Planning Commission - revised

Staff Report: Marshall P Maughan Family Trust 14 Acres – Currently A10 Rezone 1 August 2024

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: David Rupp

Parcel ID#: 11-047-0003

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:
 3201 S. Highway 23
 Wellsville

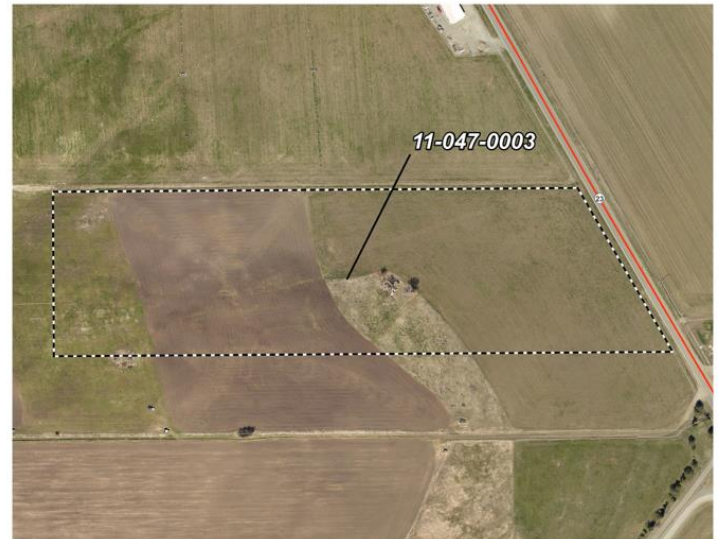
Acres: 14.00

Surrounding Uses:

North – Agricultural/Residential
 South – Agricultural/Residential
 East – Agricultural/Residential
 West – Agricultural/Residential

Current Zoning:
 Agricultural (A10)

Proposed Zoning:
 Rural 2 (RU2)



Findings of Fact

A. Request description

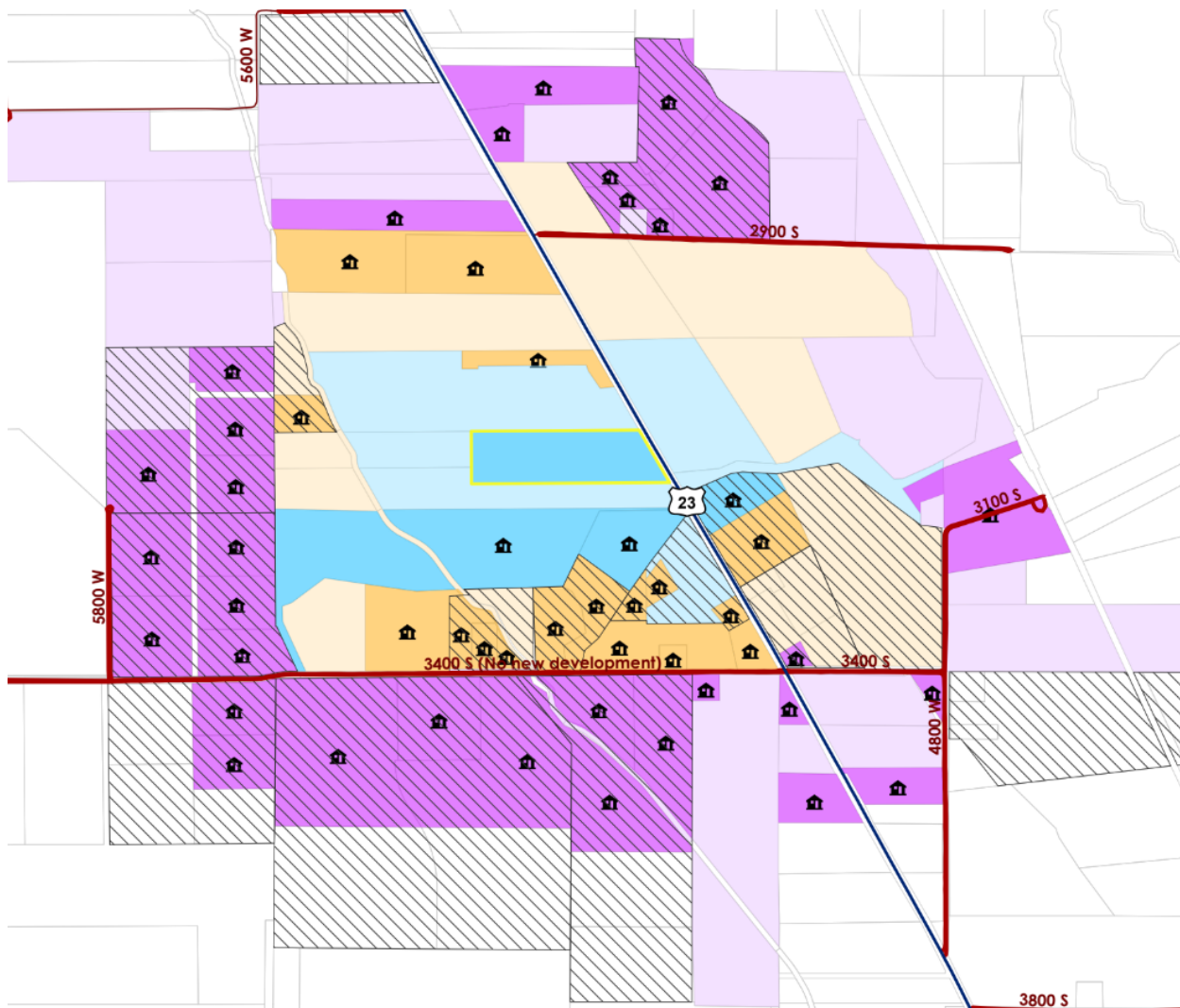
1. A request to rezone 14.00 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. Should the rezone request be approved, the maximum number of potential lots will be seven.
3. This rezone may allow the parcel to establish uses permitted in the Rural 2 (RU2) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within Rural 2 (RU2) Zone will be addressed as part of each respective approval process required prior to site development activities.

Revised Pg. 6 - Planning Commission Recommendation

4. 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 property does not match the configuration it had on August 8, 2006 as boundary line adjustments were done. However, the property is still legal.
- ii. Average Lot Size: (See Attachment A)



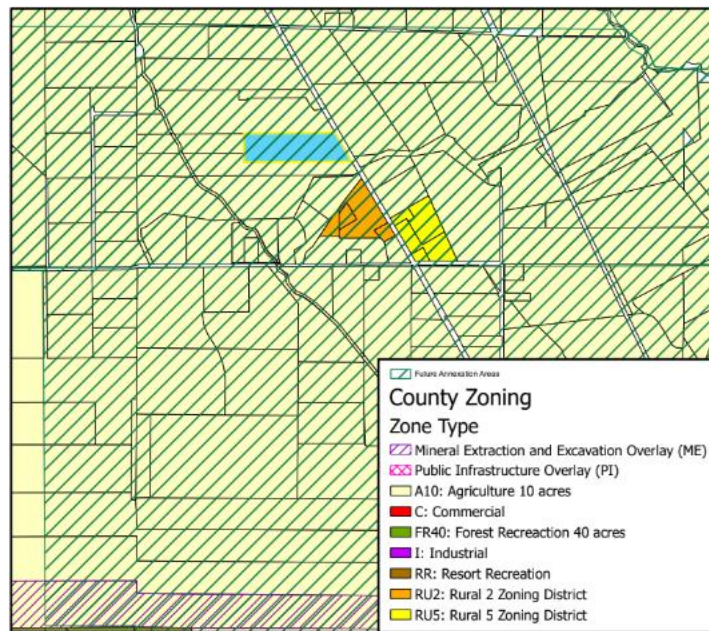
Average Parcel Size	
Adjacent Parcels	With a Home: 16.7 Acres (3 Parcels)
	Without a Home: 14.1 Acres (7 Parcels)
1/4 Mile Buffer	With a Home: 6.3 Acres (20 Parcels)
	Without a Home: 11.3 Acres (23 Parcels)
1/2 Mile Buffer	With a Home: 7.5 Acres (52 Parcels)
	Without a Home: 11.1 (49 Parcels)

- i. Schedule of Zoning Uses: The Rural 2 (RU2) Zone is more restrictive than the Agricultural (A10) Zone. The following uses are ones that are permitted, with the use

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of a zoning clearance or CUP, in the Agricultural (A10) Zone but not in the Rural 2 (RU2) Zone:

- Agricultural Manufacturing
 - Rural Kennel
 - Recreation Facility
 - Cemetery
 - Crematorium
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Agritourism
 - Small-Scale Slaughter Facility
 - Winery
 - Topsoil Extraction
- ii.** Adjacent Uses: The properties adjacent to the subject parcel are primarily used for agricultural and residential purposes. The nearest parcel, in the county, in the Rural 2 (RU2) Zone is located 300 feet to the south-east of the subject parcel. Additionally, there is a Rural 5 (RU5) Zone 1,000 feet to the south-east of the subject parcel.
- The Rose Hill rezone, a request to rezone 11.48 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, was approved by County Council on 22 April 2014 as Ordinance 2014-08. Rose Hill was already a pre-existing 2-lot subdivision. However, a subdivision amendment was done in 2014 which resulted in the creation of a new lot for a total of 3-lots with an agricultural remainder.
 - The Denali South rezone, a request to rezone 12.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone, was approved by County Council on 24 January 2023 as Ordinance 2023-01. Denali South was already a pre-existing 1-lot subdivision with an agricultural remainder. However, a subdivision amendment was done in 2023 which resulted in the creation of a new lot for a total of 2-lots with two agricultural remainders.
- iii.** Annexation Areas: The subject property is located within the Mendon City future annexation area.



- The Mendon City General Plan Map marks this location as “Agricultural (A-1/A-2/A-3)”.

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

5. 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.
6. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Rural 2 (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 Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality 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.”
7. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. “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.”
 - b. “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.”

8. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, Page 26*. This section states:
 - a. Location: Private agriculture landscapes in the Cache Valley outside of municipalities.
 - b. Example Areas: Most of the valley.
 - c. 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.
 - d. Preferred Land Uses: Agriculture, ranching, rural residential uses at densities of less than one unit per 10 acres, Conservation Easements (CEs) and conserved public lands, Agritourism.
 - e. Secondary Land Uses: Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution), clustered subdivision developments, outdoor recreation, farm worker housing.
 - f. Discouraged Uses: Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development, commercial office, commercial retail, flex office/industrial, heavy industrial.

C. Access—16.04.040 [A], 16.04.080 [E], Road Manual

9. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
10. §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.
11. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Rural 2 (RU2) Zone is 90 feet.
12. §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
13. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
14. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
15. The Road Manual specifies the following:
 - a. §2.1 Roadway Functional Classification – Minor Arterial (A): Minor arterial roads link cities, larger towns, and other large traffic generators and are capable of facilitating travel over long distances. These routes have relatively high travel speeds and minimal interferences to the through movement of traffic.
16. A basic review of the access to the subject property identifies the following:
 - a. Primary access to the subject property is SR-23.
17. SR-23 – Utah Department of Transportation (UDOT) Road:
 - a. East of the subject parcel, SR-23 is an UDOT road classified as a Minor Arterial.

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- b. The road services multiple dwellings and agricultural uses but is primarily the connection between Mendon and Wellsville with access to SR-30 and Highway 89/91.
- c. Is maintained by UDOT.
- d. This section of SR-23 is classified per UDOT as an Access Category 4, which has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet.
- e. Access to any proposed development must be approved by UDOT.

D. Service Provisions:

18. §16.04.080 [C] Fire Control – The County Fire District had no comments in regards to this application.

19. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

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

20. Public notice was posted online to the Utah Public Notice Website on 19 July 2024.

21. Notices were posted in three public places on 22 July 2024.

22. Notices were mailed to all property owners within 300 feet and Wellsville City on 19 July 2024.

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

Conclusion

The Marshal P Maughan Family Trust 14 Acres – Currently A10 rezone, a request to rezone 14.00 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 based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

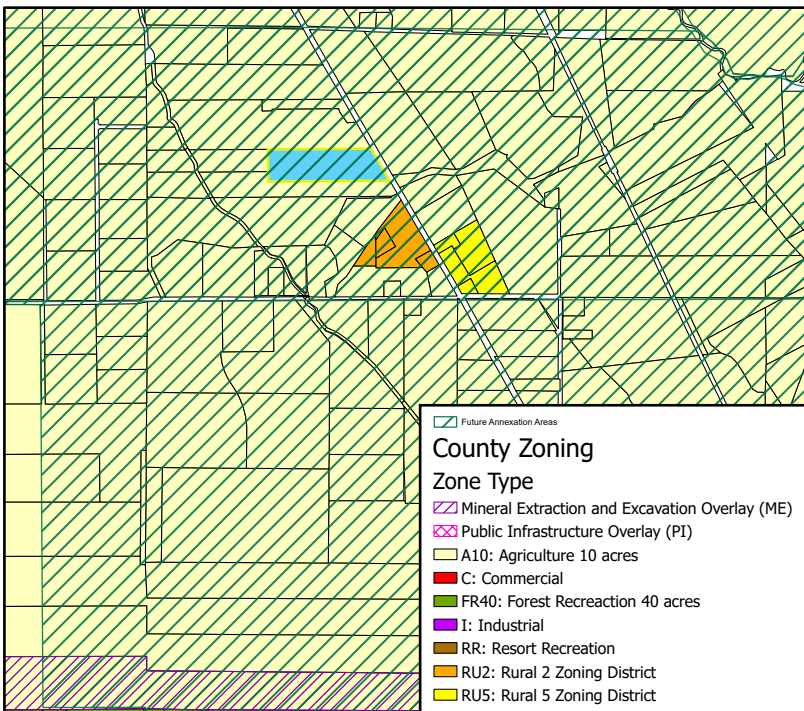
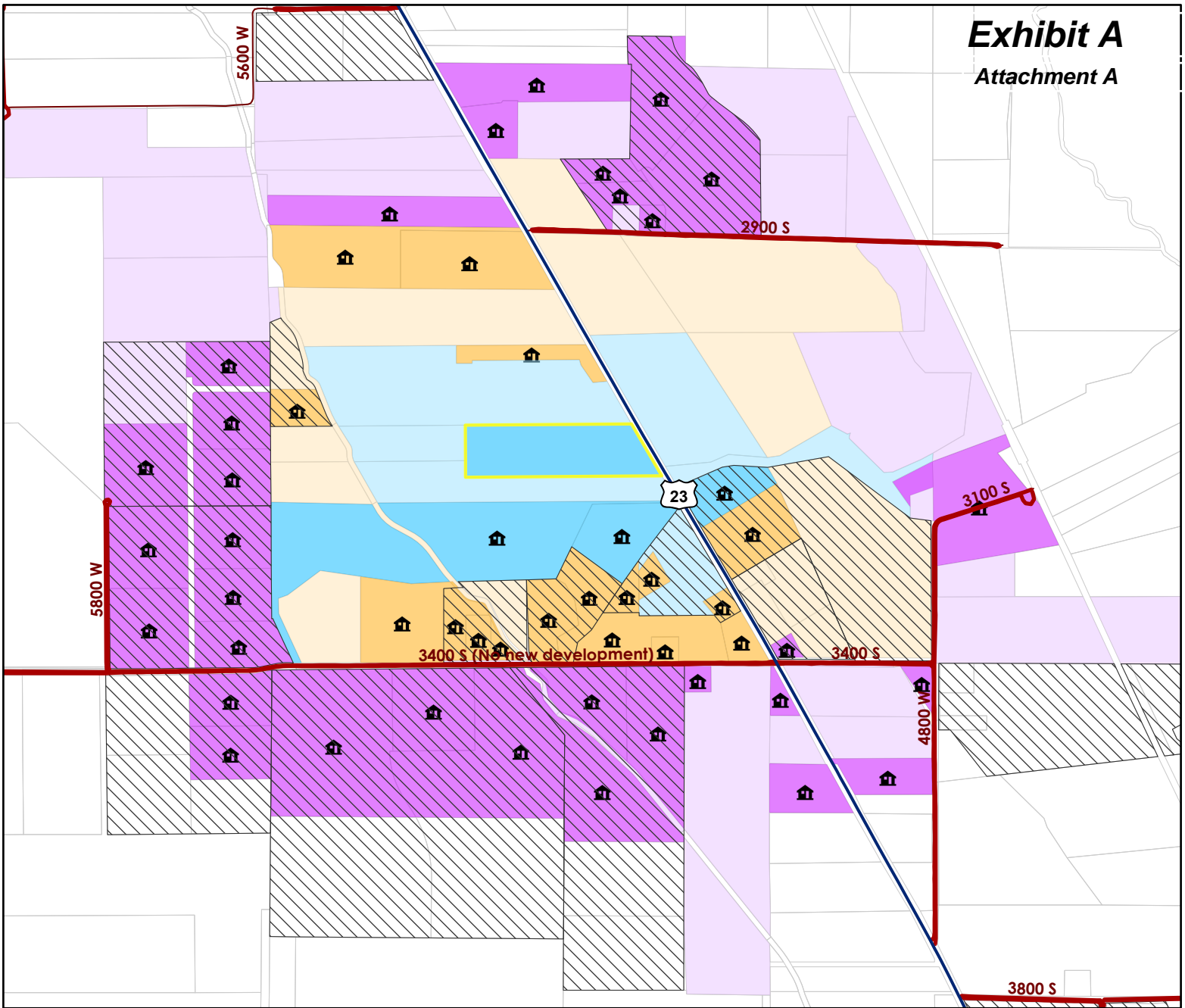
Planning Commission Conclusion

Based on the findings of fact noted herein, the Marshal P Maughan Family Trust 14 Acres – Currently A10 rezone is hereby recommended for denial to the County Council as follows:

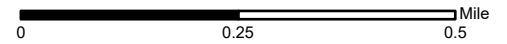
1. The applicant failed to provide any approval from UDOT that would approve access from SR-23 to any potential developments.
 - a. The applicant has potential to put seven new parcels on this parcel. UDOT might consider this a substantial increase and, depending on if it is congruent with their plans, might deny access.
 - b. The only frontage this parcel has is SR-23. This means that in the event UDOT denies any access to this property there will be no other way to access the property.
2. The subject property is potentially not consistent with the Cache County General Plan.
 - a. The Cache County General Plan has identified this area as “Agriculture and Ranching” which places an emphasis on agricultural production. The Rural 2 (RU2) Zone has limited agricultural potential as many agriculture related uses are not possible within the Rural 2 (RU2) Zone.
 - b. The Cache County General Plan indicates that, should any potential subdivisions not be clustered, densities of residential developments that are greater than one unit per ten acres are discouraged.

Exhibit A

Attachment A



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

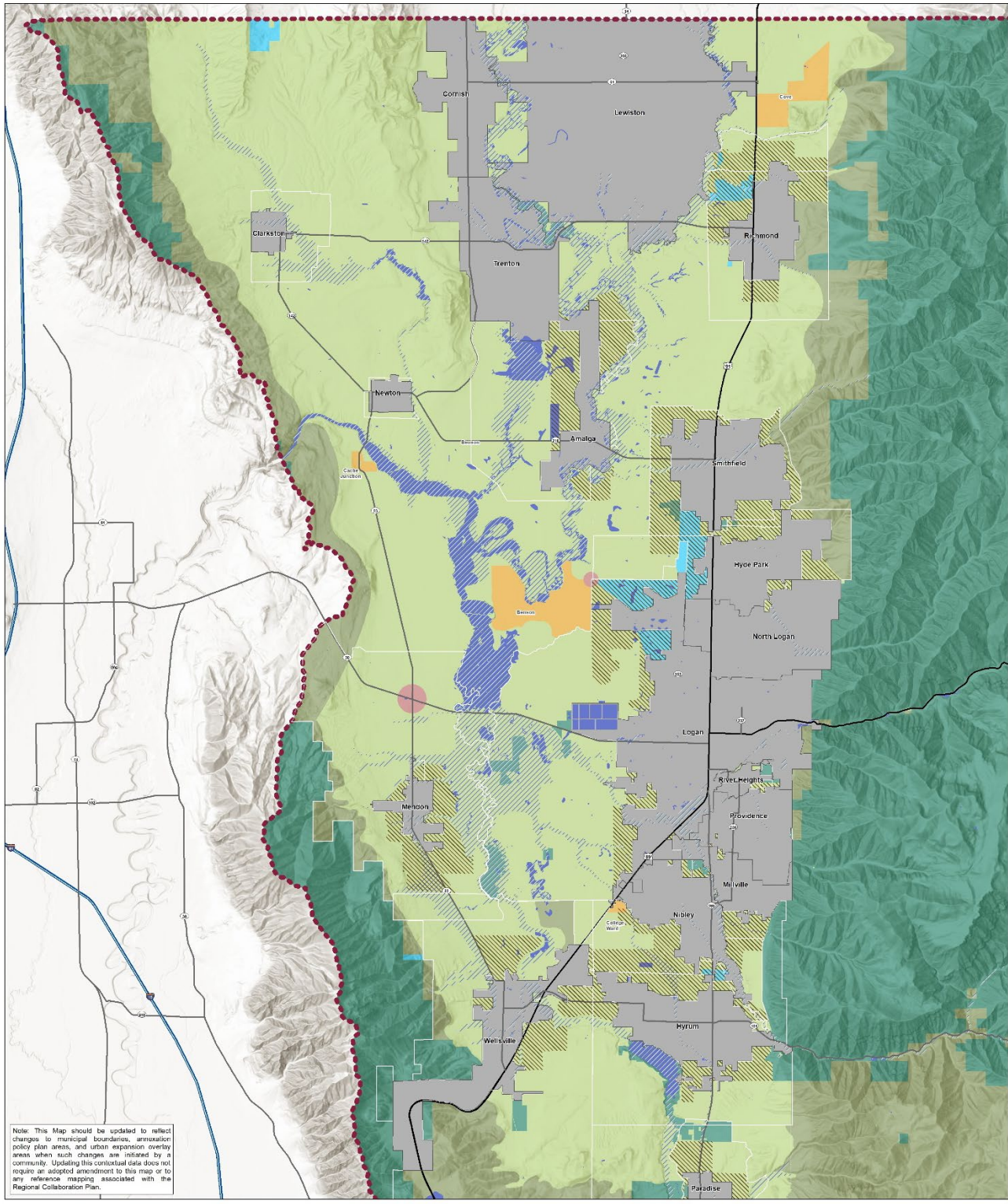


Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home: 16.7 Acres (3 Parcels)
	Without a Home: 14.1 Acres (7 Parcels)
1/4 Mile Buffer	With a Home: 6.3 Acres (20 Parcels)
	Without a Home: 11.3 Acres (23 Parcels)
1/2 Mile Buffer	With a Home: 7.5 Acres (52 Parcels)
	Without a Home: 11.1 Acres (49 Parcels)





Note: This Map should be updated to reflect changes to municipal boundaries, annexation policy plan areas, and urban expansion overlay areas when such changes are initiated by a community. Updating this cartographic data does not require an adopted amendment to this map or to any reference mapping associated with the Regional Collaboration Plan.

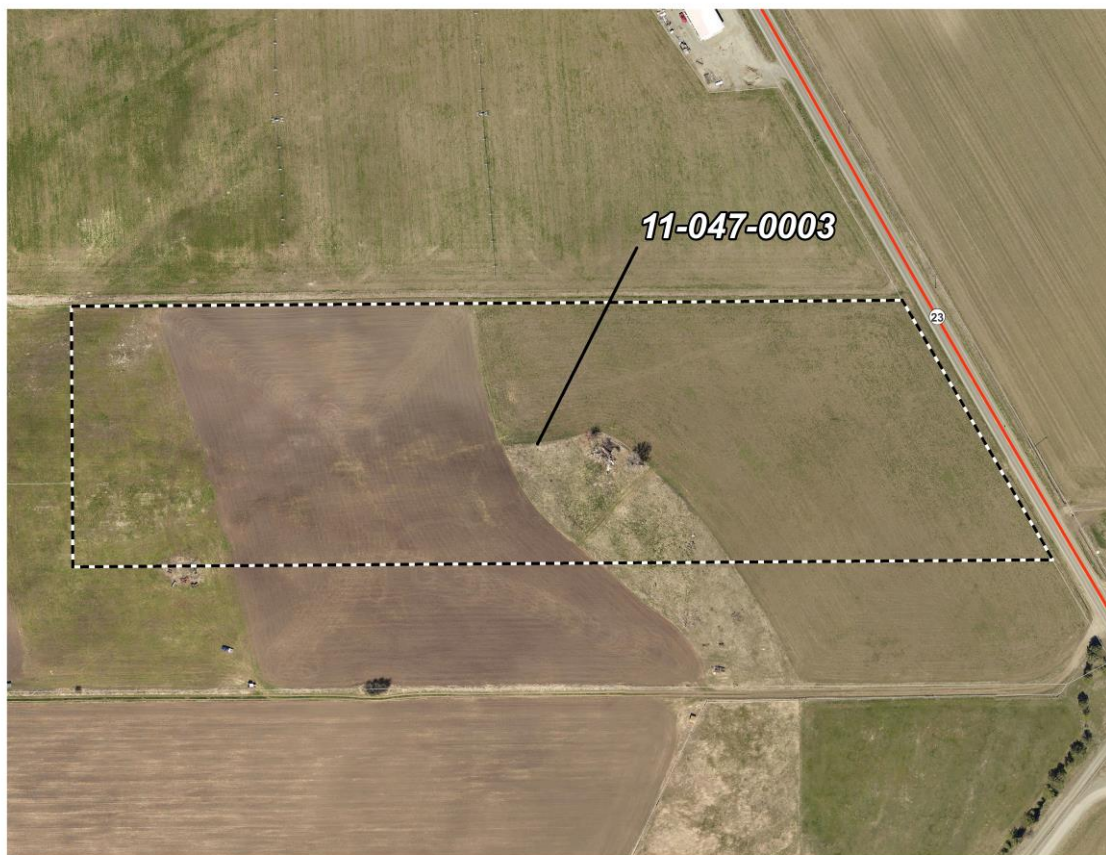
- Water Bodies
- 100 Year Floodplain
- Municipalities
- Annexation Policy Plan Areas
- Urban Expansion Overlay
- Retail Commercial
- Rural Community
- Industrial and Mineral Extraction
- Agriculture and Ranching
- Mountain Rural and Conservation
- Forest and Natural Resource

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





The following legal description reflects the noted property above to be rezoned from Agricultural (A10) to Rural 2 (RU2):

BEG N00°18'39"W 1954.72 FT (S 3328.05 FT FROM NW COR OF SEC 21) & N89°35'14"E 1562.4 FT FROM SW COR SEC 21 T 11N R 1W & TH N89°35'14"E 1334.84 FT TO W LN OF ST ROAD 23 TH ALG SD HWY S30°02'40"E 482.37 FT TH S89°35'14"W 1574.08 FT TH N00°18'39"W 419.29 FT TO BEG CONT 14 AC M/B

Ordinance No. 2024-16
Cache County, Utah
Paradise Cliffs Rezone

An ordinance amending the County Zoning Map by rezoning 161.08 acres of property from the Forest Recreation (FR40) Zone to 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 August 1, 2024, the Planning Commission held a public hearing, accepted all comments, and accepted all comments, and recommended the denial 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, on August 27, 2024, the County Council held a public hearing, 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. This application was recommended for denial by Staff.

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 _____, 2024. 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.

Council Vote and Final Action

Date: <u>8 / 27 / 2024</u>	<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		✓		
Total:	-	6	-	1
Final action:	<input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Reject			

Cache County Council:

Attest:

Dave Erickson, Chair

Bryson Behm, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2024-16, the Paradise Cliffs Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ordinance 2024-16

Paradise Cliffs Rezone

Amending the Cache County Zoning Map by rezoning 161.08 acres of property from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.

County Council action

Hold a public hearing on August 27th, 2024.

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

Planning Commission Action

Denial (7-yea; 0-nay).

Public hearing held on August 1st, 2024.

Conclusion: Based on the findings of fact noted [in the staff report], the Paradise Cliffs Rezone is hereby recommended for denial to the County Council as follows:

- 1.** The parcel does not have a history of agricultural production or agricultural related use.
- 2.** The subject property currently has no road access.
 - a.** The road leading to the proposed parcel has a series of gates. This would make access to the property difficult.
- 3.** The location of the subject property to be rezoned is not compatible with the purpose of the Agricultural (A10) Zone:
 - a.** “To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.”
 - b.** “To implement the policies of Cache countywide comprehensive plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.”
- 4.** The subject property would be exempt from sensitive lands concerns, thereby potentially allowing for the creation and development of sixteen new lots.
 - a.** Currently, the parcel is almost entirely covered by moderate slopes, steep slopes, and wildfire hazard areas.
 - i.** Per Cache County Code 17.18.040 and 17.18.050, steep slopes are non-developable.
 - ii.** Per Cache County Code 17.18.040 and 17.18.050, moderate slopes and wildfire hazard areas are potentially developable following further studies and submission of plans.

- 1 **5.** The proposed rezone is not congruent with the Cache County General Plan:
- 2 **a.** The General Plan states that this area is supposed to be Mountain Rural and
- 3 Conservation:
- 4 **i.** Preferred uses of this zone includes forestry, agriculture, conservation
- 5 easements, watershed protection, hazard mitigation, and outdoor
- 6 recreation and tourism.
- 7 **ii.** Secondary uses of this zone includes seasonal residential housing at one
- 8 unit per forty acres, clustered subdivision developments, resorts,
- 9 recreation businesses, and public institutions.
- 10 **iii.** Discouraged uses include residential development at a density greater
- 11 than one unit per forty acres.
- 12 **b.** The General Plan does not include this area in the Urban Expansion Overlay.

13

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

15 Stephen Nelson

16 **Staff Report by County Planner**

17 Conner Smith

18

19 **General Description**

20 This ordinance amends the County Zoning Map by rezoning 161.08 acres from the Forest

21 Recreation (FR40) Zone to the Agricultural (A10) Zone.

22

23 **Additional review materials included as part of Exhibit A**

24 Staff Report to Planning Commission - revised

Staff Report: Paradise Cliffs Rezone

1 August 2024

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: Charles von Bose

Parcel ID#: 16-077-0003

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

2800 E. Paradise Dry Rd.
Avon

Acres: 161.08

Surrounding Uses:

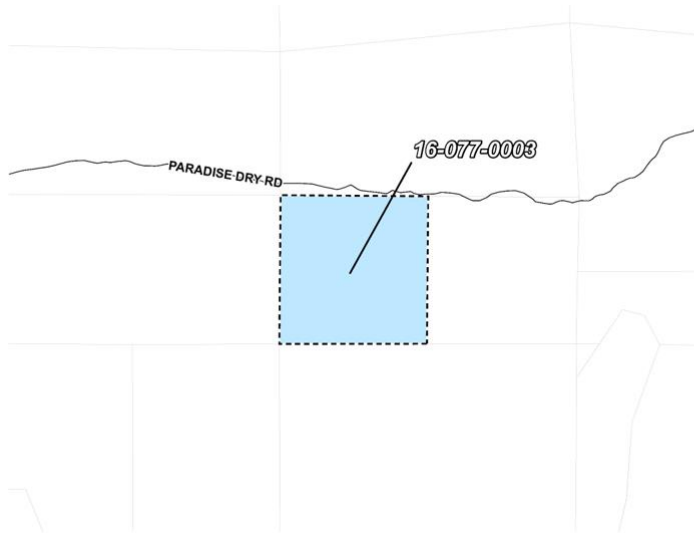
North – Recreation
South – Recreation
East – Recreation
West – Recreation

Current Zoning:

Forest Recreation (FR40)

Proposed Zoning:

Agricultural (A10)



Findings of Fact

A. Request description

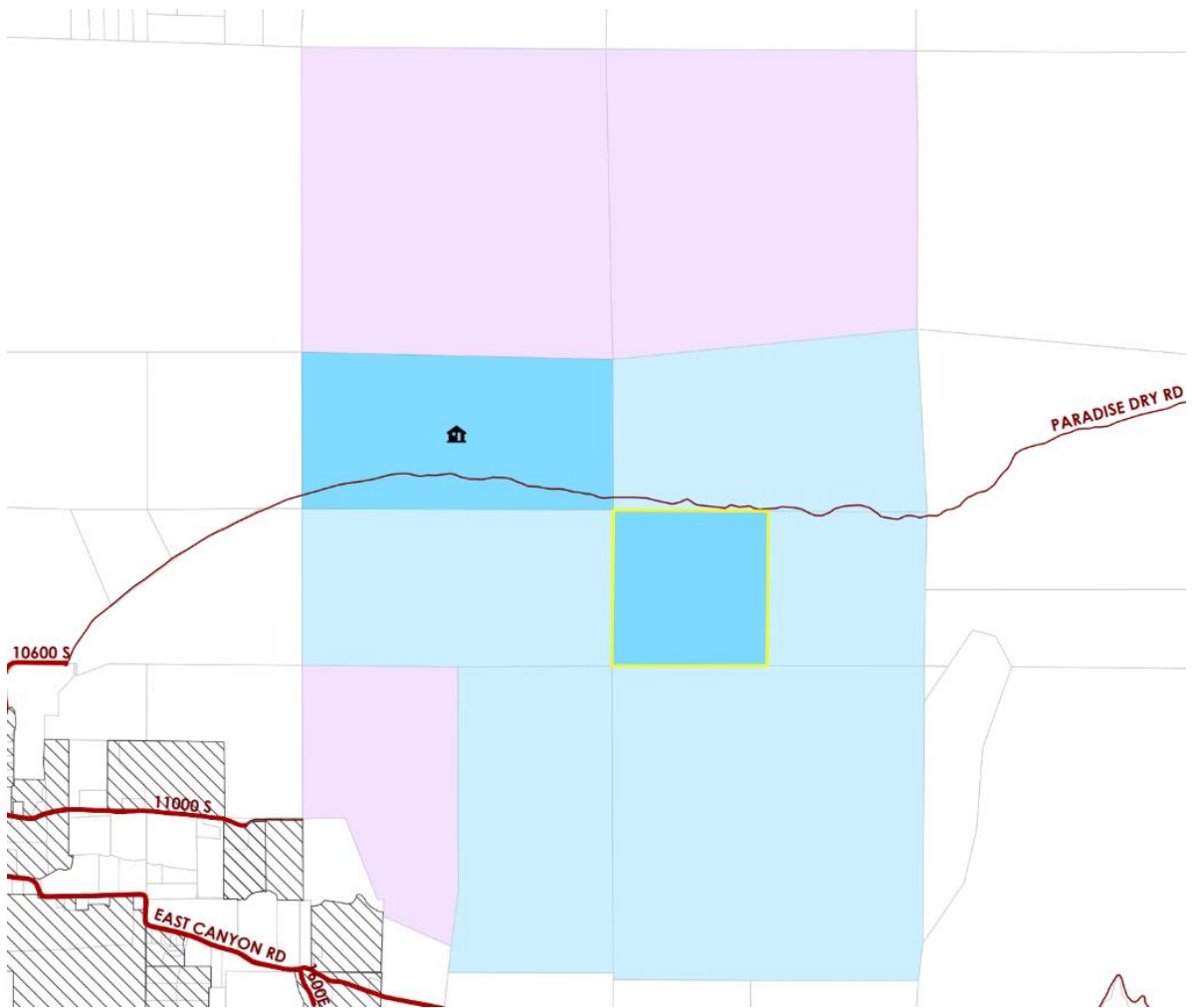
1. A request to rezone 161.08 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.
2. Should this rezone request be approved, the maximum number of potential lots will be sixteen.
 - a. As this is a request to convert the property from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone, the property would be exempt from a density calculation. *(See D-19)*
3. This rezone may allow the parcel to establish uses permitted in the Agricultural (A10) 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 Agricultural (A10) Zone will be addressed as part of each respective approval process required prior to site development activities.

4. 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.

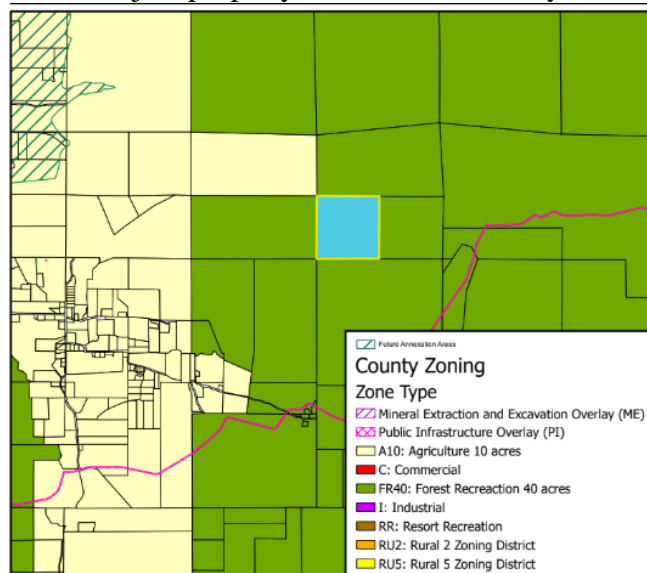
- a. Land Use Context:

- i. Parcel status: The subject property is legal as it is in the same size and configuration since August 8, 2006.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Seasonal Cabin: 320.2 Acres (1 Parcel)
	Without a Home/ Seasonal Cabin: 320.8 Acres (6 Parcels)
1/4 Mile Buffer	With a Seasonal Cabin: 320.2 Acres (1 Parcel)
	Without a Home/Seasonal Cabin: 320.8 Acres (6 Parcels)
1/2 Mile Buffer	With a Seasonal Cabin: 320.2 Acres (1 Parcel)
	Without a Home/Seasonal Cabin: 376.4 Acres (9 Parcels)

- i. Schedule of Zoning Uses: The Agricultural (A10) 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 Forest Recreation (FR40) Zone:
- Single Family Dwelling
 - Foster Home
 - Accessory Apartment
 - Home Based Business
 - Residential Living Facilities
 - Agricultural Manufacturing
 - Home Based Kennel
 - Cemetery
 - Crematorium
 - Religious Meeting House
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Farm Stand
 - Winery
 - Boarding Facility
 - Topsoil Extraction
- ii. Adjacent Uses: The properties adjacent to the subject parcel to the north, east, and south are primarily used for recreation purposes while the properties to the west are used for a mix of recreation and agricultural purposes. The nearest parcel, in the county, in the Agricultural (A10) Zone is located directly adjacent to the subject property.
- The adjacent parcel, 16-031-0001 does have the ability to build a Single Family Dwelling (SFD) and has a seasonal cabin on the property. However, the property owner has not filed a zoning clearance to either build a SFD or convert the seasonal cabin into a SFD.
 - The adjacent parcel, 16-031-0001 was rezoned to the Agricultural (A10) Zone due to the fact that the applicant provided evidence of agricultural use.
- iii. Annexation Areas: The subject property is not located in any future annexation areas.



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

5. 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.
6. The current County Land Use Ordinance does not specify appropriate locations for the Agricultural (A10) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Agricultural (A10) Zone and includes the following:
 - a. “To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.
 - b. “To implement the policies of Cache countywide comprehensive plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.”
7. Chapter 4: Future Land Use Plan of the Cache County General Plan states:
 - a. “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.”
 - b. “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.”
8. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Mountain Rural and Conservation” *Cache County General Plan, Chapter 4, Page 25*. This section states:
 - a. Location: The majority of privately-owned mountain and foothill areas.
 - b. Example Areas: FR-40 zone that is not public land
 - c. Purpose and Character: Forestry, recreation, and multiple resource uses on private lands. Forestry and recreation land uses are expected to continue. Maintaining the environmental quality of steep slopes, canyons, and forests with minimal residential development conserves watershed resources and improves resiliency from wildfire, geological, and flood hazards.
 - d. Preferred Land Uses: Forestry, agriculture, conservation easements (CEs) and conserved public lands, watershed protection, hazard mitigation (i.e. floodplain management, steep slopes, and high wildfire hazard), outdoor recreation and tourism
 - e. Secondary Land Uses: Seasonal residential housing at one unit per 40 acres, clustered subdivision developments, resorts, recreation business, and public institutions.
 - f. Discouraged Uses: Residential development at a density greater than one unit per 40 acres, industrial, commercial office, commercial retail, heavy industrial.

C. Access—16.04.040 [A], 16.04.080 [E], Road Manual

9. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

10. §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.
11. Table §17.10.040 Site Development Standards – Minimum lot frontage required in the Agricultural (A10) Zone is 90 feet.
12. §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
13. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
14. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
15. A basic review of the access to the subject property identifies the following:
 - a. The parcel currently does not have frontage along a County Road. The nearest road is Paradise Dry Road.
16. Paradise Dry Road:
 - a. This section of Paradise Dry Road is gated which prevented a full road review from being completed.

D. Service Provisions:

17. §16.04.080 [C] Fire Control – The County Fire District had no comments regarding this application.
18. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.
19. §17.18.040 – Sensitive areas are present on the property.
 - a. The majority of this parcel is covered in steep slopes.
 - b. Per §17.18.040, steep slopes are non-developable.
 - c. As these parcels are being converted to the Agricultural (A10) Zone, it will be exempt from a density calculation. Therefore, despite the majority of the parcel being covered in non-developable acreage, sixteen lots can still be created.

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

20. Public notice was posted online to the Utah Public Notice Website on 19 July 2024.
21. Notices were posted in three public places on 22 July 2024.
22. Notices were mailed to all property owners within 300 feet and Wellsville City on 19 July 2024.
23. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conclusion

The Paradise Cliffs rezone, a request to rezone 161.08 acres from the Forest Recreation (FR40) Zone to 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.

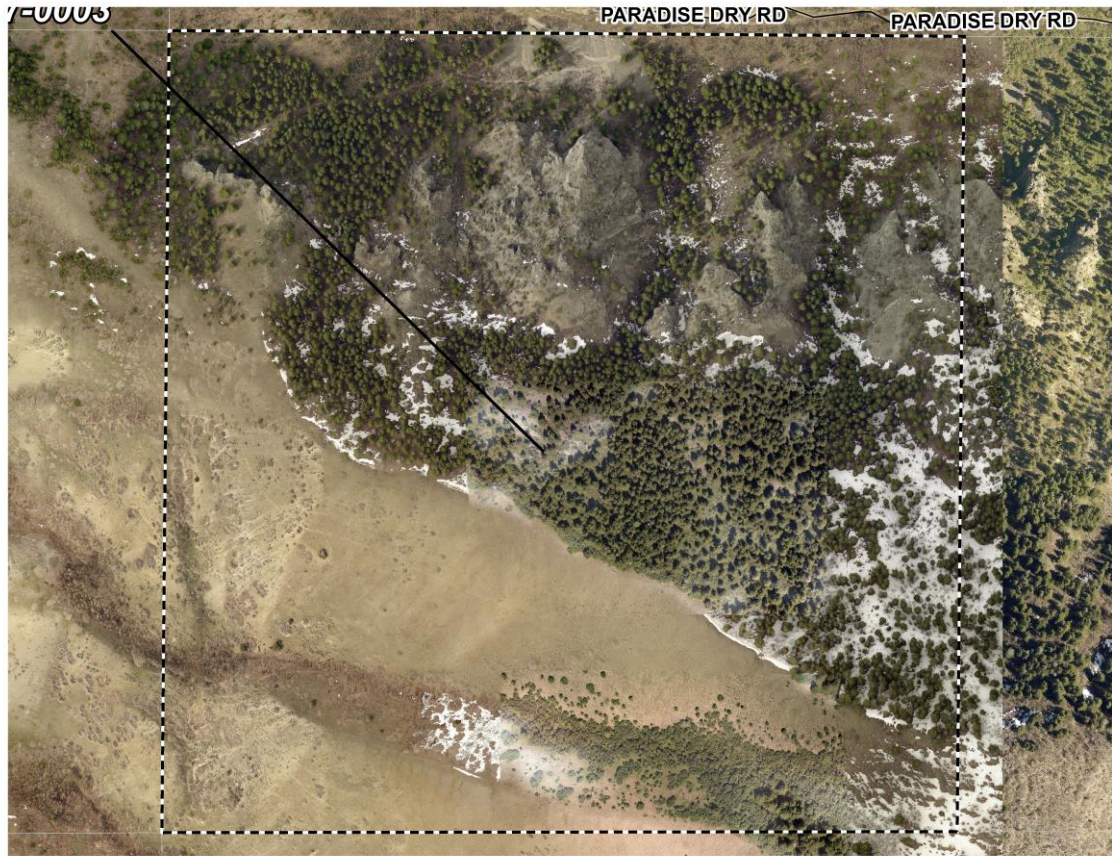
Based on the findings and facts noted herein, the Paradise Cliffs Rezone is hereby recommended for denial to the County Council as follows:

1. The parcel does not have a history of agricultural production or agricultural related use.

2. The subject property currently has no road access.
 - a. The road leading to the proposed parcel has a series of gates. This would make access to the property difficult.
3. The location of the subject property to be rezoned is not compatible with the purpose of the Agricultural (A10) Zone:
 - a. “To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.”
 - b. “To implement the policies of Cache countywide comprehensive plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.”
4. The subject property would be exempt from sensitive lands concerns, thereby potentially allowing for the creation and development of sixteen new lots.
 - a. Currently, the parcel is almost entirely covered by moderate slopes, steep slopes, and wildfire hazard areas.
 - i. Per Cache County Code 17.18.040 and 17.18.050, steep slopes are non-developable.
 - ii. Per Cache County Code 17.18.040 and 17.18.050, moderate slopes and wildfire hazard areas are potentially developable following further studies and submission of plans.
5. The proposed rezone is not congruent with the Cache County General Plan:
 - a. The General Plan states that this area is supposed to be Mountain Rural and Conservation.
 - i. Preferred uses of this zone includes forestry, agriculture, conservation easements, watershed protection, hazard mitigation, and outdoor recreation and tourism.
 - ii. Secondary uses of this zone includes seasonal residential housing at one unit per forty acres, clustered subdivision developments, resorts, recreation businesses, and public institutions.
 - iii. Discouraged uses include residential development at a density greater than one unit per forty acres.
 - b. The General Plan does not include this area in the Urban Expansion Overlay.

Planning Commission Conclusion

Planning Commission agrees with the recommendation made by Development Services’ staff and hereby recommends to County Council that the Paradise Cliffs Rezone be denied.



The following legal description reflects the noted properties above to be rezoned from Forest Recreation (FR40) to Agricultural (A10):

LOTS 6 & 7 & THE E/2 OF SW/4 SEC 6 T 9N R 2E 161.08 AC A240

**MEMORANDUM OF UNDERSTANDING
BETWEEN BOX ELDER COUNTY, CACHE COUNTY, RICH COUNTY, BEAR RIVER
HEALTH DEPARTMENT AND BEAR RIVER MENTAL HEALTH SERVICES, INC.**

This MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into by and between BOX ELDER, RICH AND CACHE COUNTIES (hereinafter “Counties”), BEAR RIVER HEALTH DEPARTMENT (hereinafter “Health Department”), and BEAR RIVER MENTAL HEALTH SERVICES, INC. (“BRMH”). The purpose of this MOU is to memorialize the plan, joint participation and roles of the parties in the restructuring and creation of a multicounty united local health department pursuant to Utah Code Annotated § 26A-1-105.5.

R E C I T A L S

WHEREAS, the Parties participate and assist in providing health, mental health and substance abuse treatment services and assistance to the residents of the Counties; and

WHEREAS, the health and wellbeing of the residents and the availability of core services is a priority of all Parties; and

WHEREAS, the existing structure of the multicounty local health department and separate District 1 Mental Health Authority do not adequately meet the requirements of the current State of Utah Local Health Department Act (§ 26A-1); and

WHEREAS, the Counties desire to comply with all of the requirements of the Utah Local Health Department Act, and improve efficiencies in the oversight and operation of the local health department, substance abuse authority, and mental health authority; and

WHEREAS, the Parties desire to continue the existing partnerships in providing these core services to County residents in an effort to maintain service levels, and minimize disruption during the restructuring period and into the foreseeable future; and

WHEREAS, in order to meet the requirements of the Utah Local Health Department Act, and to maintain current service levels and availability of assistance to county residents, the Parties have agreed that they should work cooperatively together and jointly to restructure the existing Bear River Health Department, and District 1 Mental Health Authority to create a multicounty united local health department that will act as the Counties health department, mental health authority and substance abuse authority; and

WHEREAS, the Parties do each acknowledge and agree that by cooperating with each other and participating in the restructuring and creation of a multicounty united health department, they will each obtain significant benefits which they otherwise would not be able to obtain; and

NOW THEREFORE, based upon the above recitals the Parties do hereby agree as follows:

1. Scope. Parties acknowledge the plan to achieve compliance with Utah State Code by restructuring the agreements between the Counties, the Health Department, and BRMH, to create a multicounty united health department that will ensure the delivery of services to the residents of all three counties related to health, substance abuse and mental health. This will eliminate the District 1 Mental Health Authority and will place the mental health and substance abuse authority with the Health Department under the oversight of the Counties (See Attachment A). BRMH will be part of the restructuring process to maintain the current service provider relationship and ensure no lapse in services to the residents.
2. Roles and Responsibilities: Each of the Parties will assist in the process of creating the multicounty united health department
 - a. Counties. Accountable under Utah State Code, the Counties will oversee the main process of the restructuring, including the drafting of necessary interlocal and other agreements and in communicating status updates. Counties will also handle the dissolution of the District 1 Mental Health Authority as the new multicounty united health department is created.
 - b. Health Department. Will assist in creation of internal policies including a purchasing policy, establishing necessary agreements with the State, and the internal operations organization structure for the new multicounty united health department.
 - c. BRMH. Will consult with the Counties and Health Department throughout the process to properly establish the organizational structure, and processes necessary to create the new multicounty united health department and to help ensure continuity in services for residents, including the handling of Medicaid capitation.
3. Anticipated Date of Completion & Duration. Each of the Parties has agreed and established July 2025 as the target deadline of completing the full restructuring of the Health Department to create the multicounty united health department. This MOU shall remain in place and active until the restructuring is complete.

The Parties do agree that they shall each act in good faith and use their best efforts to work through situations, and challenges that may arise whether foreseen or unforeseen to accomplish the intent and expectations of this MOU.

4. Joint Cooperation & Good Faith Efforts. It is not the intent of this MOU to create a new entity or agency, but rather to demonstrate the cooperation of the Parties in establishing the multicounty united health department. Interlocal and other agreements will be proposed and enacted as the process moves forward.

5. Status Reports. Representatives from each of the parties shall communicate and meet periodically as needed throughout the restructuring process to provide and receive status updates, and to make any decisions necessary to achieve the successful creation of the multicounty united health department.

6. Indemnification. Some of the Parties are governmental entities as defined by the Utah Governmental Immunity Act found in Title 63G, Chapter 7 of the Utah Code. Nothing in this Agreement shall be construed as a waiver by any of the Parties of any rights, limits, protections or defenses provided by that act. Nor shall this Agreement be construed, with respect to third parties, as a waiver of governmental immunity to which any of the Parties is otherwise entitled. Subject to the act, each of the Parties will be responsible for its own actions and will defend any lawsuit brought against it and pay any damages awarded against it.

7. Amendments to MOU. Any change or amendment to this Agreement shall be approved in writing and by each of the Parties prior to the change or amendment becoming effective. This Agreement shall constitute the entire agreement among the Parties as to the subject matter of this MOU.

8. Effective Date. This Agreement shall become effective immediately upon approval and execution by the governing body or authorized individual of each of the Parties.

IN WITNESS WHEREOF, each of the Participating Entities does execute this Memorandum of Understanding.

BOX ELDER COUNTY

APPROVED AS TO FORM

BY: _____
County Commission Chair

BY: _____
Box Elder County Attorney

DATE: _____

DATE: _____

ATTEST:

BY: _____
County Clerk

DATE: _____

CACHE COUNTY

APPROVED AS TO FORM

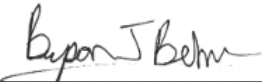
BY: 
County Council Chair

BY: _____
Cache County Attorney

DATE: 8/27/2024

DATE: _____

ATTEST:

BY: 
County Clerk

DATE: 8/27/2024

RICH COUNTY

APPROVED AS TO FORM

BY: _____
County Commission Chair

BY: _____
Rich County Attorney

DATE: _____

DATE: _____

ATTEST:

BY: _____
County Clerk

DATE: _____

BEAR RIVER HEALTH DEPARTMENT

APPROVED AS TO FORM

BY: _____
By:

BY: _____
Attorney

DATE: _____

DATE: _____

ATTEST:

BY: _____
Board Secretary

DATE: _____

BEAR RIVER MENTAL HEALTH SERVICES, INC.

APPROVED AS TO FORM

BY: _____
By:

BY: _____
Attorney

DATE: _____

DATE: _____

NOTARY:

State of Utah)
§
County of _____)

On this _____ day of _____, in the year 20_____, personally appeared before me _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the _____ of _____ and that said document was signed by him/her in behalf of said Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said _____ acknowledged to me that said Corporation executed the same.

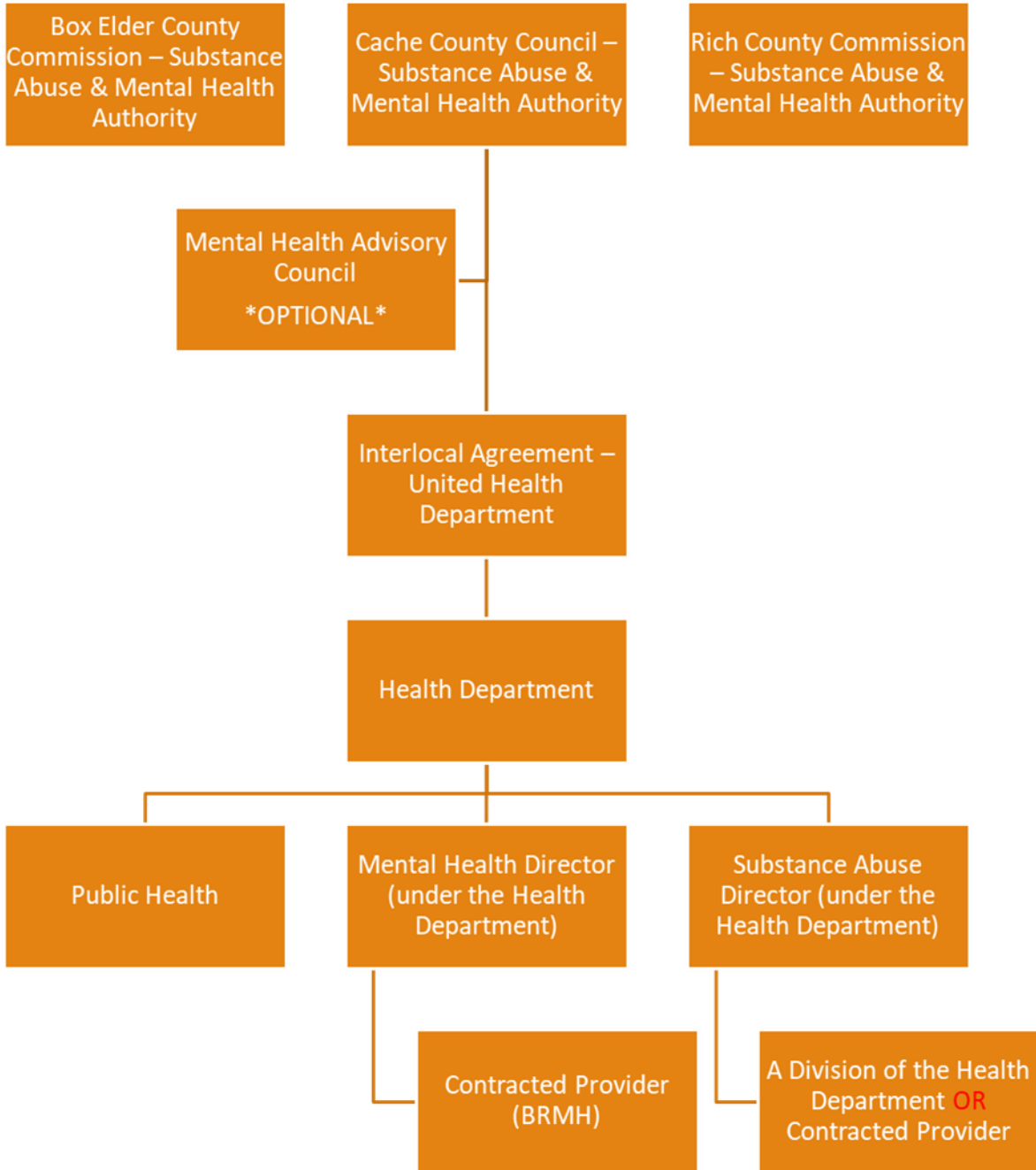
Witness my hand and official seal.

(notary signature)

(notary seal)

ATTACHMENT A

Potential Makeup of all Health Sectors under BRHD





**CACHE COUNTY
RESOLUTION NO. 2024 - 18**

ACCEPTING THE DEDICATION OF SECTIONS OF 1590 WEST

- (A) WHEREAS, the County Council may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging its powers and duties pursuant to Utah Code § 17-53-223(1); and
- (B) WHEREAS, Cache County Resolution 2002-32 prohibits the adoption of private roads as a county road; and
- (C) WHEREAS, the Cache County Council has the legislative authority to review past resolutions and authorize changes to policy as current needs arise; and
- (D) WHEREAS, the private roadway 1590 W runs adjacent and parallel to the County roadway 1600 W; and
- (E) WHEREAS, the property owners of Parcel 01-081-0017 wish to subdivide and develop their parcel of land, which is adjacent to 1600 W; and
- (F) WHEREAS, the County desires to consolidate the two parallel roadways, 1590 W and 1600 W, to enhance public health and safety for those using those roadways; and
- (G) WHEREAS, 1590 W has been built to the County's public roadway standard, and the proposed alignment shown in the Nautica Subdivision 1st Amendment has been reviewed and accepted by Cache County's Public Works and Development Services Departments; and
- (H) WHEREAS, the County is not abandoning the existing public right-of-way, but the private roadway is being dedicated and added to the adjacent right-of-way; and
- (I) WHEREAS, the County Council finds that accepting the dedication of 1590 W and adding it to 1600 W is in the public's interest and enhances the public health, safety, and transportation network.

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

Section 1:

1. Accept the dedication of the section of 1590 W as shown in the Nautica Subdivision 1st Amendment Construction Drawings, conditioned upon full review by the Cache County's Public Works and Development Services staff to ensure the roadway, dedication, and improvements meet Cache County's development standards, review and approval of the



CACHE COUNTY

RESOLUTION NO. 2024 - 18

Nautica Subdivision 1st Amendment by the Planning Commission, and upon the recording of the Nautica Subdivision 1st Amendment.

- 2. The acceptance of this dedication is unique due to the circumstances of the roadway system within the area.
- 3. Accepting this dedication does not vacate Resolution 2002-32 but is an exception granted by the Cache County Council.

Section 2: This resolution shall go into effect immediately upon passage and approval of the full body of the Cache County Council.

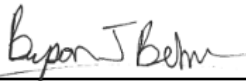
PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH
THIS 27 DAY OF August 2024.

	In Favor	Against	Abstained	Absent
David Erickson	✓			
Sandi Goodlander	✓			
Nolan Gunnell	✓			
Barbara Tidwell				✓
Karl Ward	✓			
Mark Hurd	✓			
Kathryn Beus	✓			
Total	6	-	-	1

CACHE COUNTY:

By: 
David L. Erickson, Council Chair

ATTEST:

By: 
Bryson Behm, County Clerk



**CACHE COUNTY
RESOLUTION NO. 2024 -20**

**A RESOLUTION APPROVING THE HARRIS FARM ROUND ONE OPEN SPACE
APPLICATION**

- (A) WHEREAS, the 2022 Cache County voter-approved General Obligation Bond authorizing a principal amount not to exceed twenty million dollars (\$20,000,000) to protect scenic vistas, preserve open lands near valley gateways, add trails and trail connectivity, and maintain agriculture, waterways, and wildlife habitat within Cache County; and
- (B) WHEREAS, Cache County Council adopted Ordinance 2023-06, creating code section 2.76 and establishing the Cache Open Space Advisory Committee; and
- (C) WHEREAS, the Cache Open Space Advisory Committee has reviewed the Harris Farm Open Space Application, scored it according to the approved scoring criteria, and recommended the County Council approve the Harris Farm Open Space Application (Parcels 09-068-006, 09-018-0005, 09-068-0004, 09-068-0003, 09-068-0002, and 09-068-0001) to move to the second application phase noting that the public access, in the form of a trail along the Cub River, as per the Richmond City and Cache County Trail Master Plans, is important to the scoring of the project and the need for coordination with Richmond City regarding access; and
- (D) WHEREAS, Cache County Council has found that the application meets many of the goals established in the General Obligation Open Space Bond.

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

1. The County Council approves the Harris Farm Open Space Application (Exhibit A) containing parcels 09-068-006, 09-018-0005, 09-068-0004, 09-068-0003, 09-068-0002, and 09-068-0001; allowing the applicant to proceed to the second review round.




**CACHE COUNTY
RESOLUTION NO. 2024 -20**

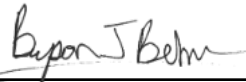
PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH,
THIS 27 DAY OF August 2024.

	In Favor	Against	Abstained	Absent
David Erickson	✓			
Sandi Goodlander	✓			
Nolan Gunnell	✓			
Barbara Tidwell				✓
Karl Ward	✓			
Mark Hurd	✓			
Kathryn Beus	✓			
Total	6	-	-	1

CACHE COUNTY:

By: 
David L. Erickson, Chair

ATTEST:

By: 
County Clerk



**CACHE COUNTY
RESOLUTION NO. 2024 -20**

**EXHIBIT A
Harris Farms Open Space Application**



Cache Open Space Advisory Committee (COSAC) -
Open Space Funding Application
For screening of projects requesting bond funding from Cache
County.

Section A: Required Criteria

Select one ▾ The property(s) is in Cache County. yes

Select one ▾ The landowner is willing. The property owner should be engaged in the conservation of the property and willing to enter into good faith negotiations with the County. Yes

Select one ▾ Property(s) has a clear title. The appropriate title and ownership are free of disputes or other conflicts. yes

If you answered no to any of these questions your application is ineligible.

Are you aware of any legal disputes or conflicts relating to the property or proposed project? If yes, please describe. Select one ▾ NO

Section B: Property Information

Project Name: Harris farms

Address or location: 496 W. Main Richmond UT 84333

Municipality or nearest city: Richmond

Parcel number(s): 09-068-0006, 09-068-0005, 09-068-0004, 09-068-0003, 09-068-0002

Total acres: Approx 200 09-068-0001

Acres proposed to be preserved by conservation easement: 200

Acres proposed to be preserved by ownership transfer (fee title): 0

If not the entire parcel(s), provide a map of the proposed project.

Section C: Applicant Information

Property Owner(s): C. Zan Harris - Debra Lorene Harris

Address: 496 W. Main City: Richmond State: UT Zip: 84333

Phone: 435-512-4441 Email: charris2250@gmail.com

Contact person/ Authorized Agent (if other than property owner): _____

Title / position: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

I authorize this agent as my legal contact person

Agent relationship to project, check all that apply:

Municipality

501c3

Land Trust

Other, describe



Cache Open Space Advisory Committee (COSAC) -
 Open Space Funding Application
 For screening of projects requesting bond funding from Cache
 County.

Additional contacts:

Name: Casey Harris Phone: 435-994-0619 Email: charris2250@gmail.com

Name: _____ Phone: _____ Email: _____

If you are working with a land trust, please list name here: _____

Section D: Additional Information - Please answer the following questions on a separate page.

1. Please describe past, present, and future uses of the property. farm - ~~wetlands~~ converted wetland
2. Are you aware of any toxic or hazardous materials on the property? Select one - If yes, please explain. no
3. Is the property subject to any DEQ or EPA restrictions? Select one - If yes, please explain. no
4. What benefits will the public receive as a result of the proposed transaction. Select all that apply:
 - Protects scenic vistas
 - Preserves open lands near valley gateways
 - Adds trails and trail connectivity
 - Maintains agriculture
 - Maintains waterways
 - Maintains wildlife habitat
 - Other: _____
5. Are you proposing to open any portion of the property to public access? Select one - Please explain. no
6. Are you working with other organizations or agencies that may provide professional assistance or potential funding sources (such as NRCS, Bear River Land Conservancy, Utah Open Lands, Fish and Wildlife, UDAF LeRay McAllister)? If yes, please provide details.
yes, NRCS



Cache Open Space Advisory Committee (COSAC) -
Open Space Funding Application
For screening of projects requesting bond funding from Cache
County.

Section E: Supporting Documents

If your application is accepted, you will be asked to complete a final application with additional information which may include, but is not limited to, the following documents. **Please do not send them at this time.**

- | | |
|-------------------------------|-----------------------------|
| Current real estate appraisal | Water rights |
| Mineral rights | Encumbrances |
| Easements or right of ways | Letters of support |
| Legal description | Relevant planning documents |

To the best of my knowledge I attest the information provided here is true and correct.

E. Ben Adams
Property Owner(s) Signature (Required)

7-3-24
Date

Authorized Agent Signature

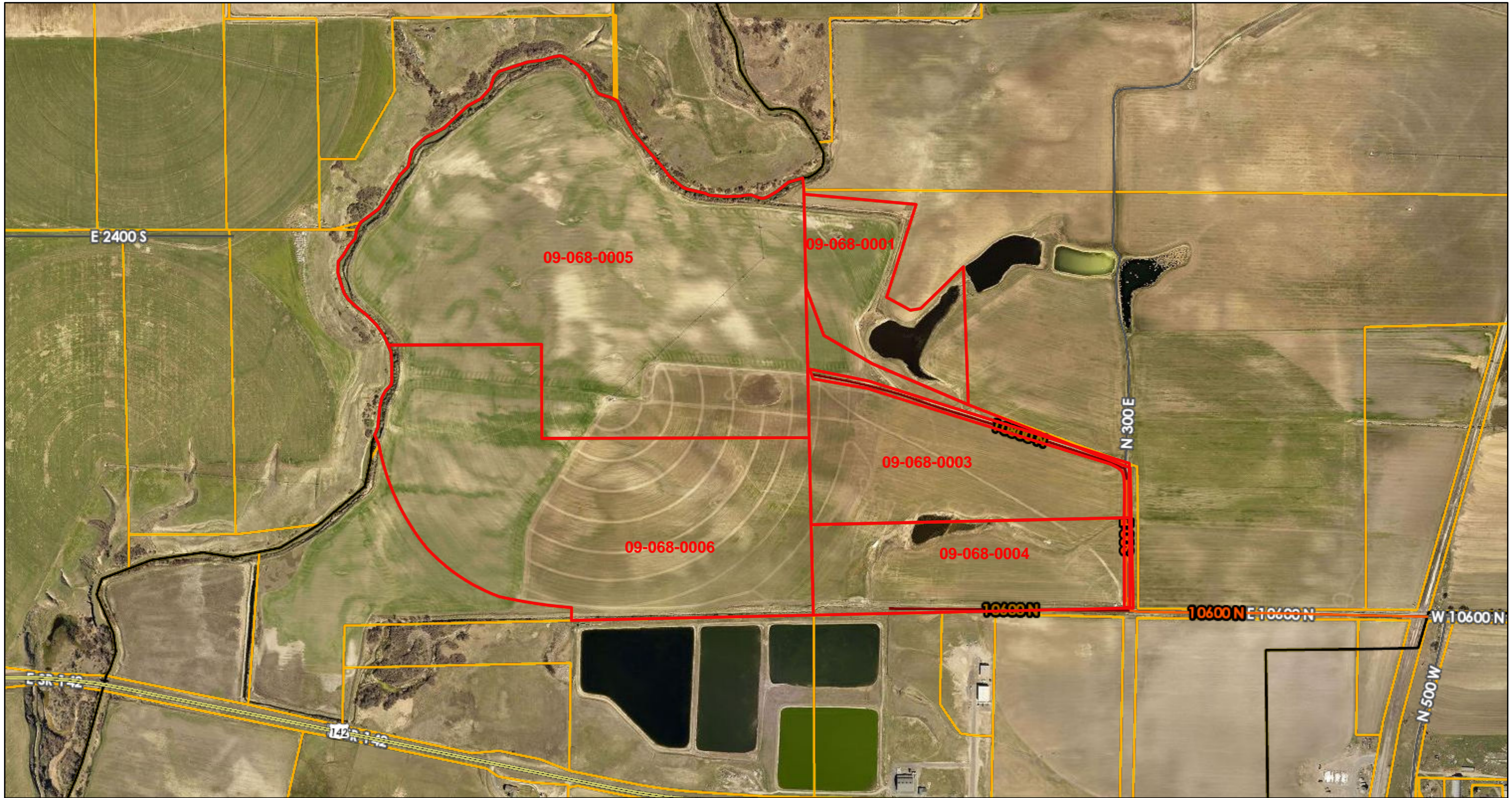
Date

To complete and send this form:

1. Save a copy on your computer as a PDF. Your draft can be attached to an email for editing and contribution by others.
2. Submit the final version via email to devservices@cachecounty.gov.

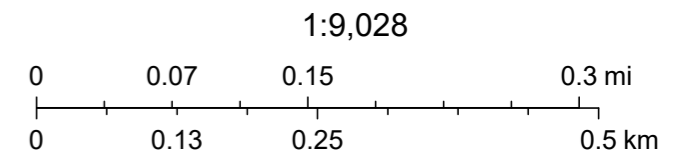
This form is subject to change as the Cache Open Space Advisory Committee sees fit.

Parcel Map



7/3/2024, 3:55:45 PM

- Override 1
- GRAVEL
- County Boundary
- DIRT
- Cache Parcels
- ASPHALT
- Municipal Boundaries



Maxar