

**DAVID N. ZOOK**

COUNTY EXECUTIVE

199 NORTH MAIN STREET  
LOGAN, UT 84321  
435-755-1850  
[WWW.CACHECOUNTY.ORG](http://WWW.CACHECOUNTY.ORG)

**COUNTY COUNCIL**

GINA H. WORTHEN, *CHAIR*  
BARBARA Y. TIDWELL, *VICE CHAIR*  
PAUL R. BORUP  
DAVID L. ERICKSON  
NOLAN P. GUNNELL  
KARL B. WARD  
GORDON A. ZILLES

**PUBLIC NOTICE** is hereby given that the County Council of Cache County, Utah will hold a **WORKSHOP** at **3:00 p.m.** and a **COUNCIL MEETING** at **5:00 p.m.** in the **Cache County Historic Courthouse Council Chambers**, 199 North Main Street, Logan, Utah 84321, **TUESDAY, AUGUST 10, 2021.** Council meetings are live streamed on the Cache County YouTube channel at:  
<https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>

## AGENDA

### WORKSHOP

- 3:00 p.m. 1. **CALL TO ORDER**  
2. **2022 CACHE COUNTY BUDGET**  
3. **ADJOURN**

### COUNCIL MEETING

- 5:00 p.m. 1. **CALL TO ORDER**  
2. **OPENING** – Councilman Nolan Gunnell  
3. **REVIEW AND APPROVAL OF AGENDA**  
4. **REVIEW AND APPROVAL OF MINUTES** (July 27, 2021 and August 3, 2021)  
5. **REPORT OF COUNTY EXECUTIVE**  
a. **Appointments:**  
b. **Financial Reports:** July 2021 Expense Report (Warrant Register)  
c. **Other Items:**

6. **ITEMS OF SPECIAL INTEREST**  
a. Appointment of Cache County Attorney

7. **DEPARTMENT OR COMMITTEE REPORTS**  
a. General Plan Update – Development Services  
b. Update on Winery Ordinance – Chris Harrild

8. **BOARD OF EQUALIZATION MATTERS**

- 5:30 p.m. 9. **PUBLIC HEARINGS**  
a. **Public Hearing – Ordinance 2021-19 Cache View Estates Rezone**  
Request to rezone 8.82 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, located at 510 South 5650 West, near Mendon  
b. **Public Hearing – Resolution 2021-16**  
A proposal to declare two County-owned plots in the Logan City Cemetery to be surplus property and on the related Resolution 2021-16, which would approve disposal of those plots by trading them for two other privately owned plots in the Logan City Cemetery

10. **PENDING ACTION**

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

- a. ***Ordinance 2021-19***      **Cache View Estates Rezone**  
Request to rezone 8.82 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone, located at 510 South 5650 West, near Mendon
- b. ***Resolution 2021-16***      A proposal to declare two County-owned plots in the Logan City Cemetery to be surplus property and on the related Resolution 2021-16, which would approve disposal of those plots by trading them for two other privately owned plots in the Logan City Cemetery

**12. OTHER BUSINESS**

- a. Swearing-In Ceremony for  
Cache County Attorney      Wednesday, August 11, 2021 at 12:30 p.m.  
Cache County Council Chambers
- b. Cache County Fair & Rodeo      Wednesday – Saturday, August 11-14, 2021
- c. CVTD Bus Rodeo      Wednesday, August 18, 2021 – 10:30 am to 1:30 pm  
at the Logan-Cache Airport
- d. Wellsville Founders' Day Parade      Monday, September 6, 2021 at 10:00 a.m.  
*David Z., Karl, Nolan, Barbara(?)*
- e. Council Summer Social      Saturday, September 11, 2021 at 5:00 p.m. @ Jon White's
- f. USACCC Fall Conference      Tuesday -Thursday, September 14-16, 2021 in Midway  
*David Z., Gina, Karl, Paul*
- g. USU Homecoming Parade      Saturday, October 23, 2021 at 10:00 a.m.  
*David Z., Karl, Gina, Barbara*
- h. UAC Annual Convention      Tuesday-Friday, November 9-12, 2021 in St. George  
*David Z., Karl, Gina, Barbara, Paul, David E., Nolan?, Gordon?*

**13. COUNCIL MEMBER REPORTS**

**14. ADJOURN**

  
Gina H. Worthen, Chair

## Ordinance No. 2021-19

### Cache County, Utah

#### Cache View Estates Rezone

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An ordinance request to amend the County Zoning Map by rezoning 8.82 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone

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

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

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

**Whereas**, on July 8, 2021, the Planning Commission held a public hearing, 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**, following proper notice, the County Council held a public hearing on August 10, 2021, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

**Now, therefore**, the County Legislative Body of Cache County ordains as follows regarding the Cache View Estates Rezone request:

**1. Statutory Authority**

The statutory authority for acting on 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. Exhibits**

**A.** Exhibit A: Rezone summary and information.

**Action taken on \_\_\_\_\_, 2021.**

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

Cache County Council:

Attest:

\_\_\_\_\_  
Gina Worthen, Chair  
Cache County Council

\_\_\_\_\_  
Jess Bradfield  
Cache County Clerk

Publication Date: \_\_\_\_\_, 2021



## Hold a Public Hearing

### Ordinance 2021-19 Cache View Estates Rezone

**Agenda request submitted by:** Chris Harrild, Director – Forwarded from the County Planning Commission

**Assisting Department:** Development Services

**Requested Council meeting date:** August 10, 2021

**Agenda Item Language:** Hold a hearing for Ordinance 2021-19 Cache View Estates Rezone – A request to rezone 8.82 acres at 510 South 5650 West, near Mendon, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

**Recommendation:** Planning Commission – Denial (5-yea; 0-nay).

**Background:** A request to rezone 8.82 acres at 510 South 5650 West, near Mendon, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

**Fiscal Impact:** N/A

**Public Hearing Required:** Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on July 8, 2021.

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

See attached for additional information.

**County Staff Presenter:** Chris Harrild

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

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

**Legal Review:** N/A

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Public hearing to be held on August 10, 2021.  
If approved, the rezone will take effect 15 days from the date of approval.

Denial (5-yea; 0-nay).  
Public hearing held on July 8, 2021.  
Conclusion: Based on the findings of fact noted [in the staff report], the Cache View Estates Rezone is hereby recommended for denial to the County Council as follows:

1. An accurate description of the subject property has not been provided.
2. The subject property is not appropriately served by suitable public roads. County Road 400 South does not meet the minimum standards of a Minor Local Road and is therefore substandard and not suitable.

## Chris Harrild

Angie Zetterquist

This ordinance amends the County Zoning Map by rezoning 8.82 acres of property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

Staff Report to Planning Commission  
Minutes from 8 July 2021 Planning Commission meeting (draft)

## Staff Report: Cache View Estates Rezone

8 July 2021

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:** Matt Brown

**Parcel ID#:** 11-011-0013

**Staff Recommendation:** Denial

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

### Location

*Reviewed by Angie Zetterquist*

**Project Address:**  
510 South 5650 West  
near Mendon

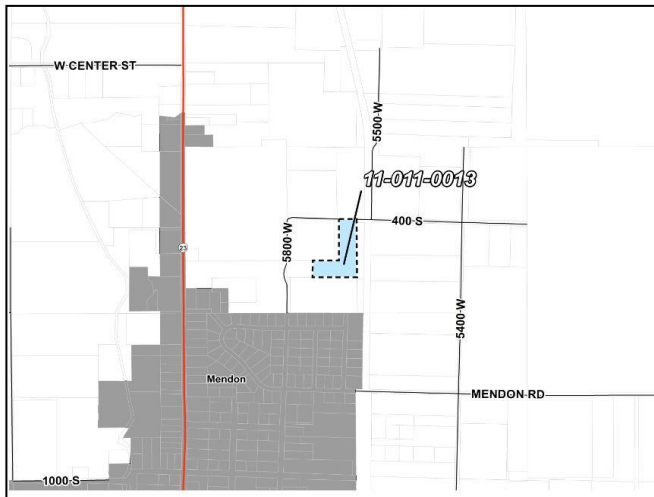
**Acres:** 8.82

### Surrounding Uses:

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

**Current Zoning:**  
Agricultural (A10)

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



## Findings of Fact

### A. Request description

1. A request to rezone 8.82 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of 4 separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

**B. Land Use Context:**

4. **Parcel status:** The subject property is legal as it is in the same size and configuration as August 8, 2006. Under the current density requirements of the Agricultural (A10) Zone, the subject property cannot be further divided. An accurate survey of the property is required. A boundary line adjustment was recorded between the subject property and two adjacent properties in February of 2021, however, it appears that it has not yet been reviewed by the County Recorder, and a record of survey has not been submitted to the County. Staff review of an accurate survey is required to verify the location of the property boundary.
5. **Average Lot Size:** There are 10 parcels immediately adjacent to the subject property in unincorporated County; two with a home and an average lot size of 5.6 acres and 8 without a home and an average lot size of 14.8 acres.
6. **Within a ¼ mile buffer of the proposed rezone,** there are no additional parcels in unincorporated County with a home. In the ¼ mile buffer area, there are 37 parcels in Mendon City with a home and an average size of 0.7 acres. Parcels without a home in the ¼ buffer area have an average size of 16.5 acres (19 parcels) in unincorporated County and 1.7 acres in Mendon (2 parcels).
7. **When the buffer is expanded to ½ mile of the proposed rezone:** parcels with a home in the County average 3.4 acres (10 parcels) and 0.9 acres in Mendon (116 parcels). There are 50 parcels without a home in the County within ½ mile of the proposed rezone averaging 17.2 acres and 24 parcels in Mendon without a home with an average size of 2.2 acres. (Attachment A)
8. **The proposed RU2 zone** allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 8.82 acres of property, the subject property cannot be further divided under the current A10 Zone standards. A rezone to RU2 may allow up to 4 buildable lots.
9. **Schedule of Zoning Uses:** Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
10. **Adjacent uses:** The properties adjacent to the subject rezone are primarily used for agriculture and single family dwellings and the boundary of Mendon City is west of the subject property divided by a 13.5-acre parcel. Properties located immediately to the north and south of the property are located in Agricultural Protection Areas.
11. **Annexation Areas:** The subject property is located within the Mendon City future annexation area. Mendon City was notified of the rezone request, but has not commented on the request at this time.
12. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The Mendon City boundary is immediately north of the subject property and separated by a single parcel to the west.



13. The nearest RU2 zone is approximately 1-mile south of the subject property by the most direct road route. This nearest RU2 zone was approved as the Mountain View Rezone in March 2021 (Ordinance 2021-08). The rezone was for a 6.69-acre parcel located on 5400 West, a maintained County road that required minimal improvements when the 3-lot subdivision was approved in June 2021.

**C. Ordinance—§17.02.060; §17.08.030 [C]**

14. 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.
15. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU2 Zone and includes the following:
- a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
  - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
16. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.

**D. Access—12.02.010; Road Manual**

17. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
18. The Road Manual specifies the following:
- a. Local Roads – As relates to this proposal, Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a Local road, through traffic service is not the primary purpose of Local roads. For purposes of design and construction standards, Local roads are subdivided into Major Local (ML) and Minor Local (L) roads.
  - b. §2.1 Roadway Functional Classification – Minor Local Road (L): 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. A Minor Local Road is typically of a short length. Because the sole function of Local roads is to provide local access, such roads are used predominantly by drivers who are familiar with them.
  - c. Table B-6 Typical Cross Section Minimum Standards: Minor Local Roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 4-foot wide gravel shoulders: 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
19. Primary access to the subject properties is from 400 South, a Minor Local County road. The nearest paved road is approximately a ½ mile away and located within the Mendon City limits.

**20.** A basic review of the use and condition of 400 South identifies that 400 South:

- a.** Is an existing county facility that provides access to agricultural lands, a commercial business, and two homes.
- b.** Is a dead end road with no through access.
- c.** Is a gravel surface with an average width of 18 feet.
- d.** Has summer and winter County maintenance.
- e.** Is substandard as to travel lane width, right-of-way, gravel shoulder width, and material.

**E. Service Provisions:**

**21.** Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.

**22.** Solid Waste Disposal – Logan City Environmental provides refuse collection in this area, but had no comments on the rezone request.

**F. Public Notice and Comment—§17.02.040 Notice of Meetings**

**23.** Public notice was posted online to the Utah Public Notice Website on 28 June 2021.

**24.** Notice was published in the Herald Journal on 29 June 2021.

**25.** Notices were posted in three public places on 28 June 2021.

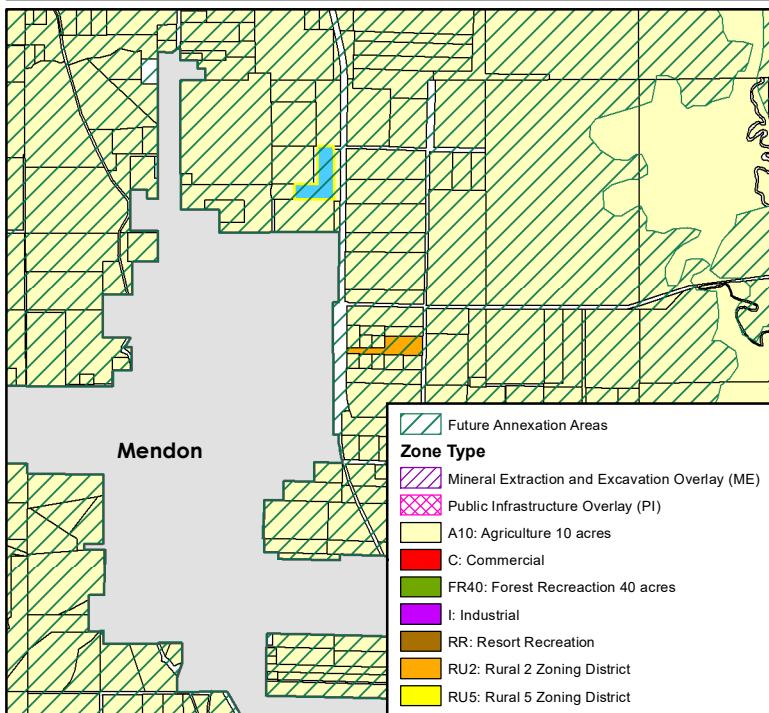
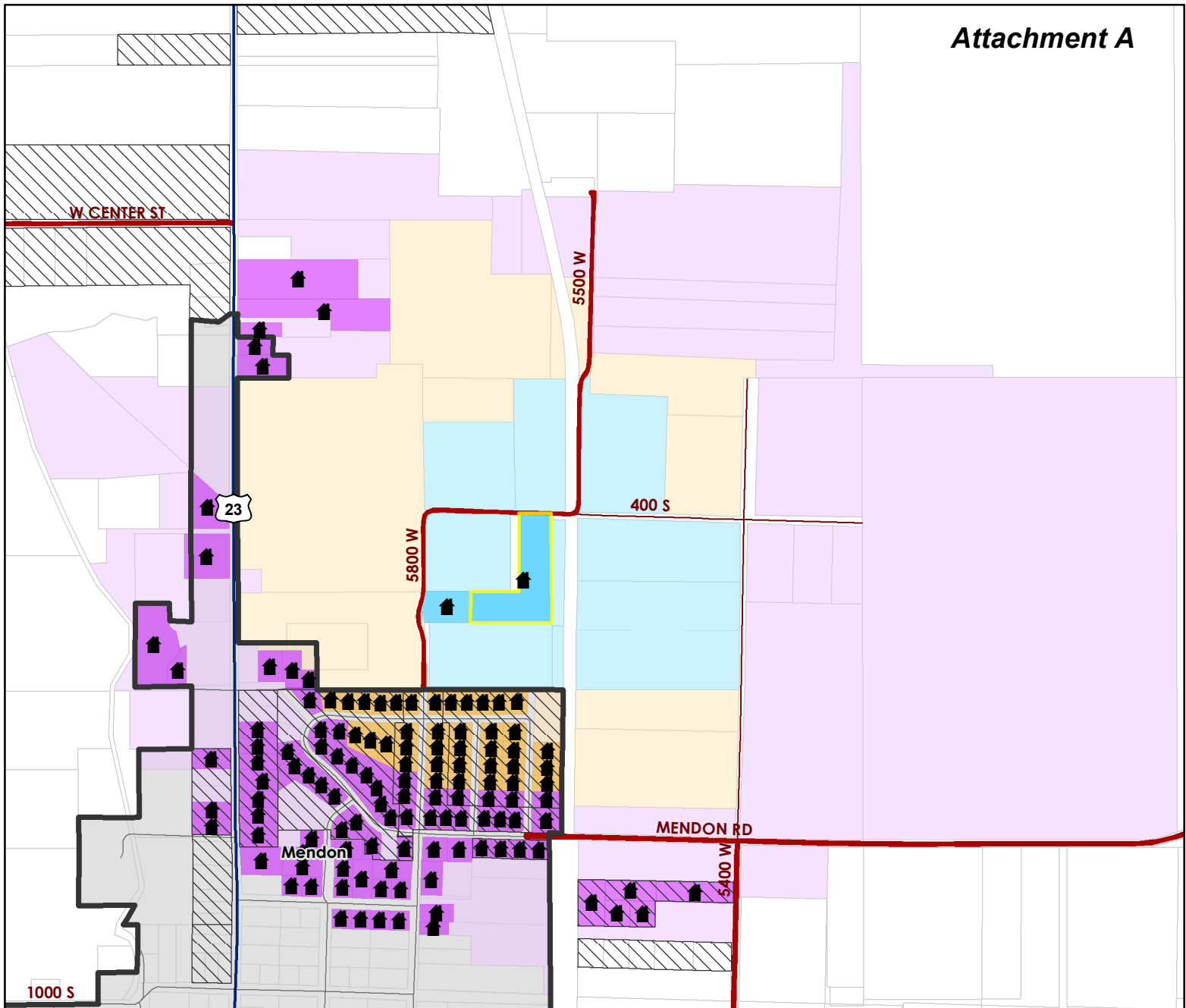
**26.** Notices were mailed to all property owners within 300 feet and Mendon City on 28 June 2021.

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

## **Recommendation and Conclusions**

Based on the findings of fact noted herein, the Cache View Estates Rezone is hereby recommended for denial to the County Council as follows:

- 1.** An accurate description of the subject property has not been provided.
- 2.** The subject property is not appropriately served by suitable public roads. County Road 400 South does not meet the minimum standards of a Minor Local Road and is therefore substandard and not suitable.



## Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home: 5.6 Acres (2 Parcels)
	Without a Home: 14.8 Acres (8 Parcels)
1/4 Mile Buffer	With a Home: 5.6 Acres (2 Parcels)
	With a Home in Mendon: 0.7 Acres (37 Parcels)
	Without a Home: 16.5 Acres (19 Parcels)
1/2 Mile Buffer	Without a Home in Mendon City: 1.7 Acres (2 Parcels)
	With a Home: 3.4 Acres (10 Parcels)
	With a Home in Mendon City: 0.9 Acres (116 Parcels)
	Without a Home: 17.2 Acres (50 Parcels)
Without a Home in Mendon City: 2.2 Acres (24 Parcels)	



6/10/2021

1 **Present:** Angie Zetterquist, Chris Harrild, Brandon Spackman, Lane Parker, Jason Watterson, Brady  
2 Christensen, Chris Sands, Nolan Gunnell, John Luthy, Megan Izatt

3 **Start Time: 05:32:00**

4 **Spackman** called the meeting to order and gave the opening remarks.

5 **05:34:00**

6 **Agenda**

7 Approved with no objection.

8 **05:35:00**

9 **Minutes**

10 *Watterson* motioned to approve the June 3, 2021 minutes; **Parker** seconded; **Passed 5, 0.**

11 **05:35:00**

12 **Regular action Items**

13 **#1 Public Hearing (5:35 PM): Cache View Estates Rezone**

14 **Zetterquist** reviewed the staff report for the Cache View Estates Rezone.

15 **Commissioners** and **Staff** discussed roads and the need for an updated survey.

16 **05:45:00**

17 *Christensen* motioned to open the public hearing for the Cache View Estates Rezone; **Sands** seconded;  
18 **Passed 5, 0.**

19 **05:46:00**

20 *Parker* motioned to close the public hearing for the Cache View Estates Rezone; **Sands** seconded;  
21 **Passed 5, 0.**

22 **Commissioners** and **Staff** discussed roads and access.

23 *Parker* motioned to recommend denial to the County Council for the Cache View Estates Rezone based  
24 on staff's conclusion and recommendation; **Christensen** seconded; **Passed 5, 0.**

25 **05:48:00**

26 **#2 Fritz Tower Conditional Use Permit**

27 **Zetterquist** reviewed the information that staff is waiting for to complete the conditional use permit  
28 (CUP).