

**MINUTES  
CACHE COUNTY COUNCIL**

**April 27, 2021 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 opinion 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 Gina H. Worthen; Council Members Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**MEMBERS EXCUSED:** Vice Chair Barbara Tidwell

**STAFF PRESENT:** County Executive David Zook, Deputy Attorney John Luthy, County Clerk Jess Bradfield, Deputy Clerk Bryson Behm, Economic Development Director Shawn Milne, HR Director Amy Adams, Bart Nelson IT Director, Bart Esplin, Fire Chief Rod Hammer, Betty Weeks, Dianna Schaeffer, Assessor Kathleen Howell and Development Director Chris Harrild

**OTHER ATTENDANCE:** Dallin Riggs, Bryan Hansen, Andy Rasmussen, Dave Anthon, Ron Flessner, Ladd Kennington, Mikayla Hansen, Lamont Paulsen, Forrest Olsen and Gary Pence

**1. Call to Order – Gina H. Worthen (Vice-Chair Barbara Tidwell Absent )**

**2. Opening Remarks and Pledge of Allegiance – Paul R. Borup**

**3. Review and Approval of Agenda**

- 4. Action:** Motion made by David L. Erikson.to approve the agenda with ammendments with 9 moved between 6 and 7 . Seconded by Nolan Gunnell.

**Motion passes.**

**Aye:** 6 Gina H. Worthen Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

**5. Review and Approval of Minutes (4:01)**

**Action:** Motion made by Gordon Zilles to approve the minutes of April 13. Seconded by David L. Erikson.

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

**6. Minutes Follow-up**

**7. Report of the County Executive: David Zook (4:35)**

- a. Appointments: Planning Commission Melinda Lee (**ATTACHMENT 1**)

**Discussion:** Exec Zook would like the planning commission to better represent the districts and wants more women on the commission.

**Action:** Motion made by Gordon Zilles to approve the appointments to the Planning Commission. Seconded by Karl Ward.

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

- b. Financial Reports: Update on Internal Auditors and how the Executives Office will be the office to be the first. 4.4 Million dollar Cache County Council of Governments for eligible projects. 150,000 grant to Cache County for a county wide transportation master plan and look at the transportation plans throughout the county. State Legislature authorized the largest transportation spending. Nothing in Cache County were on the project list, Logan Main Street Project being one of the main projects on the county. Testified to the State Transportation Commission and made the list with the possibly of 100 million received with these efforts. Councilman Zilles mentions the projects at 3200 S and Valley View Highway. Councilman Borup mentions his hesitance about one-way cuplet.

**According the approved Agenda the council has put item 9 in front of item 7**

**7. Items of Special Interest - (37.07)**

- a. Proclamation for the National Day Prayer (**ATTACHMENT 2**)

**Discussion:** Pastor Ron Flessner reported on the National Day of Prayer. Prayer is the most powerful thing we have. "We need to Pray". Proclamation was signed by Exec. David Zook

**Action:** Motion made by Karl Ward to adopt the National Day of Prayer Seconded by Gordan A. Zilles.

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles.

- b. Providence City request for changes in RAPZ funding project location. (**ATTACHMENT 3**)

**Discussion** Ryan Snow and Shaylor Gunnell . RAPZ funding for pickleball courts. Use funding that has been approved for pickleball courts location. Chairwoman Worthen addressed concern about the sound of pickleball courts.

**Action:** Motion made by Karl Ward to approve the request Seconded by David Erickson.

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles.

**Nay:** 0

## **8. Department or Committee Reports**

### **9. Board of Equalization Matters (20:33)**

**Action:** Motion made by Karl B. Ward to enter the Board of Equalization Matters. Seconded by David L. Erickson.

**Motion passes.**

**Aye:** 6 Gina H. Worthen,, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

**Discussion:** Clerk Jess Bradfield, Recognizes Chief Deputy Auditor Dianna Schaeffer as some who should be recognized for her hard work. Shaeffer asked to table the Episcopal Church, Grow and Multiply request and table. Attorney Jon Luthi suggests approval for the Episcopal Church.

**Action:** Motion made by David L. Erickson postpone both the Episcopal and Grow and Multiply Church to the next meeting. Seconded by Karl B. Ward.

**Motion passes.**

**Aye:** 6 Gina H. Worthen,, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

**Action:** Motion made by David L. Erickson postpone approve Cache Valley /Bear Lake Health, Sunshine Terrace and IHC. Seconded by Karl B. Ward.

**Motion passes.**

**Aye:** 6 Gina H. Worthen,, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

**Discussion:** Space Dynamics is a quazi government corporation Shaefer in good conscious can recommend non-taxable corporation. Borup is against the motion. Attorney's office said the Lab is a government organization and non-taxable according to litigation.

**Action:** Motion made by Karl B. Ward postpone approve Utah State Space Dynamics Lab. Seconded by Gordon A. Zilles.

**Motion passes.**

**Aye:** 4, Karl B. Ward, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** Paul R. Borup

**Abstain:** Gina Worthen

**Action:** Motion made by Gordon A. Zilles to leave the Board of Equalization Seconded by David L. Erickson

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

### **10. Public Hearings (49:34)**

#### **a. Resolution 2021-07 Authorizing conveyance of property in North Logan**

**Action:** Motion made by David Erickson to close the hearing Seconded by Gordon Zilles.

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

#### **b. Resolution 2021-05 Cache County Drainage District #6 Board of Trustees**

**Discussion:**

**Action:** Motion made by David Erickson to close the hearing Seconded by Nolan Gunnell.

**Motion passes.**

**Aye:** 4, Karl B. Ward, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** Paul R. Borup

#### **c. Resolution 2021-08 Ratifying appointments to Cache County drainage districts 3, 4 and 5**

**Discussion:** Adam Johnson for District 4: Lives in District 4 and the main water artery goes right through his land that his family has owned for years and has been part of the board for 10 years. Robert Barlow mentions his experience on the board previous

**Action:** Motion made by Karl Ward to close the public hearing for the Cache County Drainage District. Seconded by Gordon Zilles

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

**Adjourn for a Short Recess until 8:20**

**Call to Order:** 8:26 by Chair Gina Worthen

#### **d. Ordinance 2021-11 Riggs Rezone**

**Discussion:** Chris Harrild Development Services Director went over the technicalities and the concerns from Clarkston town about access to water and other public services of the rezone from AG10 and RU5. Planning Commission in favor of approval.

Questions concerning road maintenance and water were brought up from the council. Dallin Riggs the home owner addressed concerns.

**Action:** Motion made by Gordon Zilles to close the public hearing. Seconded by Erickson

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

a. Bryan Hansen Rezone

**Discussion:** recommendation for approval from the Planning Commission , Bryan Hansen addressed how he will use the rezone as a dog kennel

**Action:** Motion made by Paul Borup to wave the rules and approve Bryan Hansen Rezone. Seconded by Nolan Gunnell

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

e. Ordinance 2021-13 Creekside Estates Rezone

**Discussion:** Chris Harrild Development Services Director went over the technicalities. Creekside is an existing subdivision and concerns of about the rezone and the proximity to incorporated Smithfield City. Planning Commission recommended for approval. Lamont Paulson talked about the Smithfield annexations. Andy Rasmussen owner and realtor for the area, went to Smithfield and Smithfield was not interested and brought to council for that reason.

**Action:** Motion made by Gordon Zilles to the close the public hearing. Seconded by Nolan Gunnell

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

f. Ordinance 2021-14 Small Scale Slaughter Facility

**Discussion:** Chris Harrild Development Services Director went over the technicalities and the creation of a new designation. Concerns of slaughtering procedures and cleanliness 1500 animals per year were addressed. Forrest Olsen the owner of the proposed facility addressed concerned about animals, slaughter and cleanliness

**Action:** Motion made by Gordon Zilles to the close the public hearing. Seconded by David Erickson

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

**11. Pending Action (1:41:13)**

Logan City has withdrawn from the request about the Cache Valley Compost Facility.

**Discussion:** Letter from Issa Hamud contained in the minutes and mentioned costs may go up for solid waste fees.

**12. Initial Proposals for Consideration (1:46:33)**

a. Riggs Rezone Ordinance 2021-11 (**ATTACHMENT 4**)

**Discussion:** Zilles: Only concern is water but it seems like the owner has mitigated the issue. Gunnell snow removal and road costs were addressed

**Action:** Motion made by Karl Ward to waive the rules and approve the Riggs Rezone Seconded by Nolan Gunnell

Motion passes.

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

b. Bryan Hansen Rezone (**ATTACHMENT 5**)

**Discussion:** Nolan and Borup in favor of recommendation for approval from the Planning Commission .

**Action:** Motion made by Paul Borup to wave the rules and approve Bryan Hansen Rezone. Seconded by Nolan Gunnell

**Motion passes.**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:** 0

c. Ordinance 2021-13 Creekside Estates Rezone (**ATTACHMENT 6**)

**Discussion:** Karl Ward stated that all concerns were addressed

**Action:** Motion made by Karl Ward to waive the rules and approve the Creekside Estates Rezone Seconded by Paul Borup

**Motion passes**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:**

d. Small Scale Slaughter Facility (**ATTACHMENT 7**)

**Discussion:** Borup spoke in favor of the facility

**Action:** Motion made by Gordon Zilles waive the rules and approve the Small Scale Slaughter Facility Seconded by Paul Borup

**Motion passes**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:**

e. Resolution 2021-05 Appointments to Cache Drainage District #6

**Discussion:** Exec: Zook waiting for additional information about the candidates

**Action:** No action made; Will be discussed at the next meeting

f. Resolution 2021-08 Appointments to Cache Drainage District 3,4 and 5 (**ATTACHMENT 8**)

**Discussion:** Erickson in favor on voting and approving the appointments

**Action:** Motion made by David Erickson to waive the rules and approve appointments of Adam Johnson, Anthony Hall and Robert Barlow for #4 Kade Tarbett, Brad Wiser and Jeff Hall #5 and Mark Pitcher, Terry Early and Gibbons. Seconded by Karl Ward

**Motion passes**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:**

g. Conveyance of real property in Logan (**ATTACHMENT 9**)

**Discussion:**

**Action:** Motion made by Karl Ward to waive the rules and approve Resolution 2021-07 Seconded by Gordon Zilles

**Motion passes**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:**

h. Resolution 2021-09 Amending the Personell Policy and Procedures Manual (**ATTACHMENT 10**)

**Discussion:** Cache County Fire Chief address time off and paid time off regarding the working schedules of the full-time fire fighters.

**Action:** Motion made by Gordon Zilles to waive the rules and approve Resolution 2021-09 Seconded by David Erickson

**Motion passes**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:**

i. RAPZ 2021 Funding Recommendations (**ATTACHMENT 11**)

**Discussion:** Exec Zook summary what the RAPZ is and the recommendations from the RAPZ Committee to whom they should fun. There is enough money available to fun fund all applications. Karl Ward mentioned to fund the Utah Festival Opera more in support of the tourism it brings. Gordon Zilles would like to see the balance sheet the opera. Gina Worthen mentions the growing chatter for a children's museum. Erickson mentioned his concern about the amount of normal applications as in the past like small town parks. Julie Holist Terill provided her insight from her info about the opera. Zilles we need more information. David Erickson there is local talent that can provide for the opera.

**Action:** No action was made and tabled for next meeting

j. Land use ordinance that address the Alcohol Ordinance

**Discussion:** Chris Harrild offered how a land ordinance proposal would look like with the suggestions from the council. Timeline of the vetting of the use which would start in the Planning Commission in May and July would be a public hearing. Gunnell addressed concerns regarding parking and Farm Stay. Zilles we need make sure people can make a living out of it.

**Action:** Motion made by Gordon Zilles to waive the rules and approve Resolution 2021-09 Seconded by David Erickson

**Motion passes**

**Aye:** 6 Gina H. Worthen, Karl B. Ward, Paul R. Borup, David L. Erickson, Nolan Gunnell, Gordon A. Zilles

**Nay:**

**13. Other Business (3:31:06)**

- a. UAC Management Conference May 12-13
- b. Richmond Black and White Days Parade May 15
- c. Smithfield Health Days Parade June 5

**14. Council Member Reports (3:33:30)**

**David Erickson** – no report.

**Gordon Zilles** – Parcel overview

**Karl Ward** – no report

**Barbara Tidwell** – no report

**Paul Borup** – no report

**Nolan Gunnell** – Road manual review

**Gina Worthen** – Council members attend general plan meetings, pickball sound overview

**15. Adjourn – approximately at 8:45 p.m.**

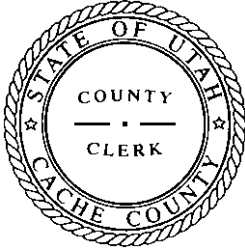


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**ATTEST: Jess W. Bradfield**  
**County Clerk/Auditor**

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**APPROVAL: Gina. H. Worthen**  
**Chair**



**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

# **ATTACHMENT 1**

# APPOINTMENTS

04/27/2021

## CACHE COUNTY PLANNING COMMISSION

### COMMISSION MEMBER

*FIRST APPOINTMENT*

### MELINDA LEE

PO Box 597

Hyde Park, UT 84318

435-890-2675

[leefamlee8@gmail.com](mailto:leefamlee8@gmail.com)

**Appointed to a Three-year Term**

**Beginning:** 01/01/2021

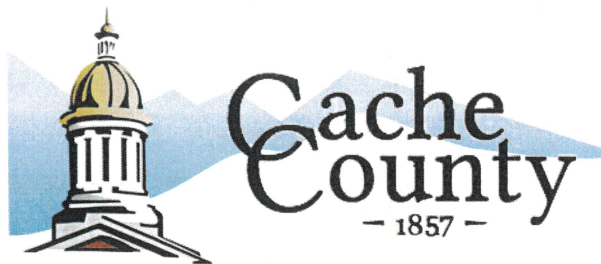
**Expiring:** 12/31/2023

**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

**ATTACHMENT 2**

**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

**PROCLAMATION**  
**NATIONAL DAY OF PRAYER**  
**MAY 6, 2021**

- WHEREAS:** The 70th observance of the National Day of Prayer will be held on Thursday, May 6, 2021, with the theme "Lord, we pray: Pour out Your Love, Life and Liberty" based on 2 Corinthians 3:17, "Now the Lord is the Spirit, and where the Spirit of the Lord is, there is liberty."; and
- WHEREAS:** A National Day of Prayer has been part of our national heritage since it was declared by the First Continental Congress in 1775 and the United States Congress in 1952 approved as a Joint Resolution, "That the President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation in churches, in groups and as individuals" and
- WHEREAS:** The United States Congress, in 1988 by Public Law 100-307, as amended, establishes, "An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated," and
- WHEREAS:** Leaders and citizens of our communities, cities, states and nation are afforded the privilege of prayer with the joy of seeking divine guidance, strength, protection and comfort from Almighty God; and
- WHEREAS:** Recognizing the love of God, we citizens of Cache County, Utah, treasure the freedom to gather in prayer, exercising reliance on God's power in the face of present challenges and threats, asking for His blessing on every individual of our county; and
- NOW, THEREFORE:** I, David Zook, Cache County Executive, do hereby proclaim, Thursday, **May 6th, 2021**, as a

**DAY OF PRAYER**

throughout the County of Cache, and I commend this observance to all of our citizens.

**IN WITNESS WHEREOF,** I have hereunto set my hand  
on this 27th day of April, 2021.

  
\_\_\_\_\_  
David Zook, Cache County Executive

**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

**ATTACHMENT 3**

Dear members of the Cache County RAPZ and Restaurant Tax Program,

First off, we would like to thank you for your approval of our past pickle ball court requests, totaling in 2019 \$70,000 and in 2020 \$50,000. It has come to our attention, through our Parks, Trails and Recreation Master Plan that was adopted January 2021 that our citizens would like pickle ball courts placed throughout our city parks. What we are asking, is to be able to place courts at the following locations in place of our original request of Alma Leonhardt Park

- 1 multi-use court located at Cattle Corral Park, 100 East 200 South
- 1 multi-use court located at Meadow Ridge Park, 251 South 325 West

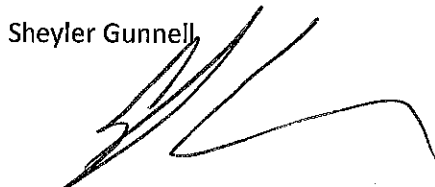
(multi-use meaning pickle ball, tennis, and basketball)

- 1 pickle ball court located at Hillcrest Park, 450 East 800 South
- 2 pickle ball courts located at Braegger Park, 300 South 300 East

We hope with this move to accomplish more interaction throughout our community, as well as highlighting more of our city parks for other communities.

Thank you for your consideration.

Sheyler Gunnell

A handwritten signature in black ink, appearing to read 'Sheyler Gunnell', with a stylized, sweeping flourish extending to the right.

Athletic Field and Recreation Coordinator

**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

**ATTACHMENT 4**



# Ordinance No. 2021-11

## Cache County, Utah

### Riggs Rezone

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An ordinance request to amend the County Zoning Map by rezoning 12.55 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) 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 April 1, 2021, the Planning Commission held a public hearing, accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

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

**Whereas**, following proper notice, the County Council held a public hearing on April 27, 2021, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

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

**Now, therefore**, the County Legislative Body of Cache County ordains as follows:

**1. Statutory Authority**

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

**2. Adoption of amended Zoning Map**

The County Council hereby amends the County’s Zoning Map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended Zoning Map with

the amendment identified as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

**3. Conclusions**

- A. The location of the subject property is compatible with the purpose of the Rural 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:
- a. Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
  - b. Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.
  - c. The property is appropriately served by adequate provision of public services.

**4. Prior ordinances, resolutions, policies, and actions superseded**

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

**5. Exhibits**

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

**6. Effective date**

This ordinance takes effect on May 12, 2021. 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.

**Approved and adopted** April 27, 2021.

	In Favor	Against	Abstained	Absent
Borup	X			
Erickson	X			
Gunnell	X			
Tidwell				X
Ward	X			
Worthen	X			
Zilles	X			
Total	6	0	0	1

Cache County Council:



Gina Worthen, Chair  
Cache County Council

Attest:



Jess Bradfield  
Cache County Clerk

Publication Date: May 11, 2021

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**Staff Report: Riggs Rezone**

1 April 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:** Dallin & Jelisa Riggs

**Parcel ID#:** 15-023-0014

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

**Project Address:**

~11300 North 8800 West  
near Clarkston

**Acres:** 12.55

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Rural 5 (RU5)

**Surrounding Uses:**

North – Agricultural

South – Agricultural/Residential

East – Agricultural

West – Agricultural



**FINDINGS OF FACT (18)**

**A. Request description**

1. A request to rezone 12.55 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of 2 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:

**a. Land Use Context:**

- i. **Parcel status:** The subject property is legal as it existed as a 14.16 acre parcel as August 8, 2006, but a survey done in November 2008 adjusted the boundary to its current configuration of 12.55 acres. Under the current density requirements of the Agricultural (A10) Zone, the subject property cannot be further divided into buildable lots.
- ii. **Average Lot Size:** There are 13 parcels immediately adjacent to the subject property; 11 are vacant with an average lot size of 14.6 acres and 2 parcels with a home and an average lot size of 2.8 acres.

Within a ¼ mile buffer of the proposed rezone, there are still just two parcels with a home and 20 parcels without a home with an average size of 17.6 acres.

When the buffer is expanded to ½ mile of the proposed rezone: there remain just 2 parcels with a home in the County and 10 parcels in Clarkston with an average lot size of 2.8 acres. There are 51 parcels without a home in the County within ½ mile of the proposed rezone averaging 17 acres and 2 parcels in Clarkston without a home with an average size of 5.4 acres. (Attachment A)

The proposed RU5 zone allows a maximum density of 1 lot for every 5 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 12.55 acres of property, the subject property cannot be further divided into buildable lots under the current A10 Zone standards. A rezone to RU5 may allow up to 2 buildable lots.
- iii. **Schedule of Zoning Uses:** Under the current County Land Use Ordinance, the RU5 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 RU5 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 RU5 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- iv. **Adjacent uses:** The properties adjacent to the subject rezone are primarily used for agriculture with two single family dwellings just south and east of the subject parcel.
- v. **Annexation Areas:** The subject property is not located within any future annexation area.
- vi. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The nearest municipality that borders the proposed rezone area is Clarkston, which is approximately 0.5 miles away.

There are no other RU5 zones near the subject property. The nearest base zones that are not A10 are located near the Smithfield City boundary, which is 12.6 miles away as the crow flies.

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

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 5 (RU5) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU5 Zone and includes the following:
  - a. “To allow for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
  - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Consideration of impacts related to uses allowed within the RU5 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

7. The Road Manual specifies the following:
  - a. §2.1 Roadway Functional Classification – Unimproved (U) – Unimproved roads are roadways that are within a County right-of-way but which are not improved for some or all passenger vehicles. Access to unimproved may be limited to OHV's, horses, and/or hiking or bicycling, and access to these routes may be restricted.
  - a. §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. 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.
  - b. 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).
  - c. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for local roads requires 14” depth of granular borrow, 6” depth of road base, and 3” depth of asphalt).
8. A basic review of the access to the subject property identifies the following:
9. Primary access to the subject properties is from 8600 West, a county road.
10. 8600 West:
  - a. Is an existing County facility.
  - b. Is classified as an Unimproved road.
  - c. Is a gravel road that has only summer maintenance along the frontage; winter maintenance ends at the south property line.
  - d. Along the frontage there are steep drop-offs, limited site distance due to grades and geometrics, and poor drainage.

- e. Is an unimproved gravel road that does not provide an adequate level of service for development. If development were permitted on the road, it would be required to meet a minimum Minor Local standard and would need to be fully improved.

**D. Service Provisions:**

- 11. §16.04.080 [C] Fire Control – The County Fire District visited the site and found the access road to be substandard and that it must be improved as part of any future development. Future access will be reevaluated and may require additional improvements based on the location of any proposed structure on lots created through a subdivision process.
- 12. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection in this area, but noted that refuse containers for any future development on the subject property will have to be brought to the intersection of 11000 North and 8600 West for pick up, which is approximately a ¼ mile from the subject property.

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

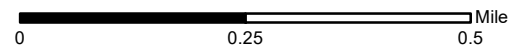
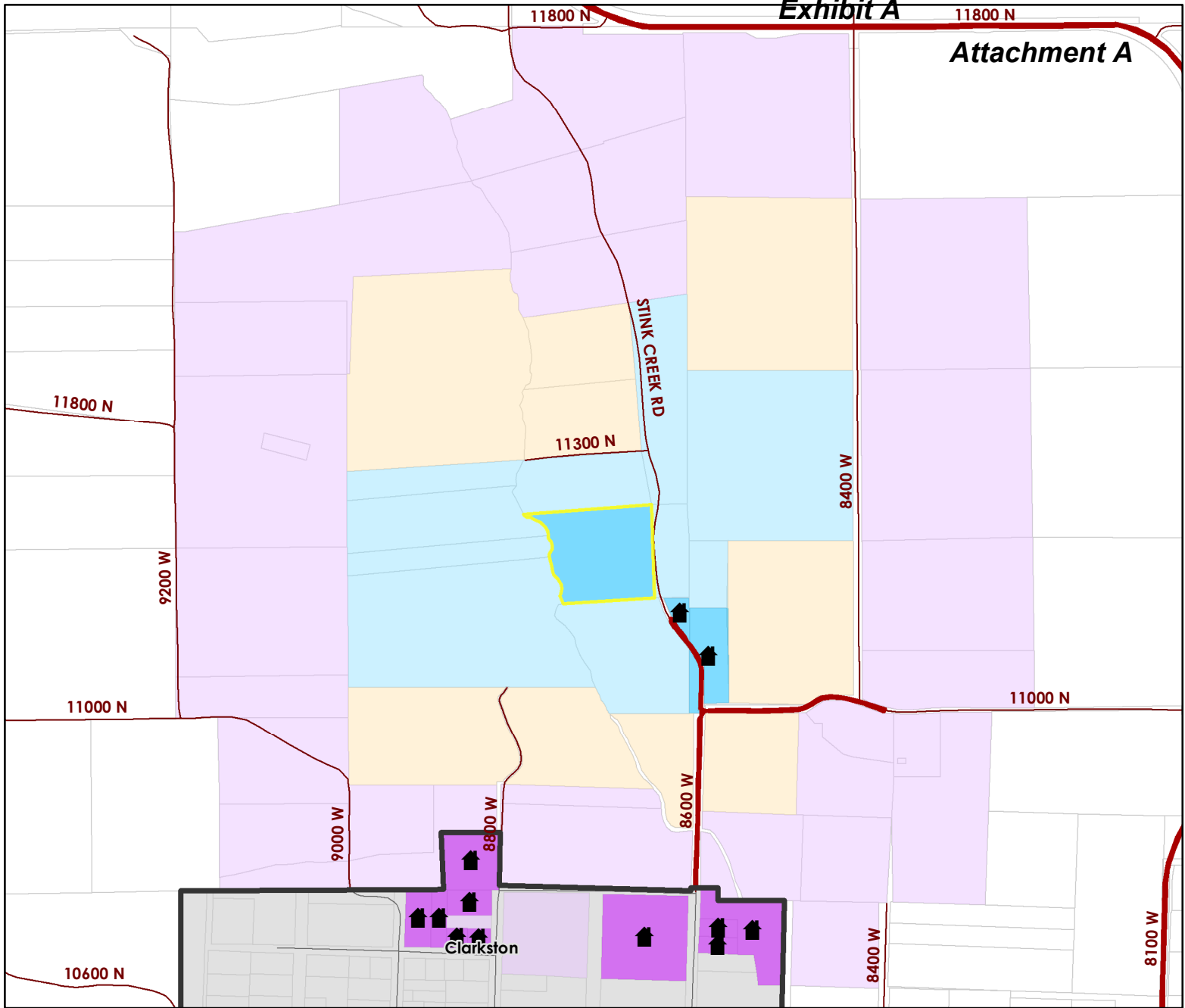
- 13. Public notice was posted online to the Utah Public Notice Website on 19 March 2021.
- 14. Notice was published in the Herald Journal on 20 March 2021.
- 15. Notices were posted in three public places on 19 March 2021.
- 16. Notices were mailed to all property owners within 300 feet and Clarkston on 20 March 2021.
- 17. The Development Services Office received two public comments from Clarkston Town opposing the rezone (Attachment B).

**Planning Commission Conclusion**

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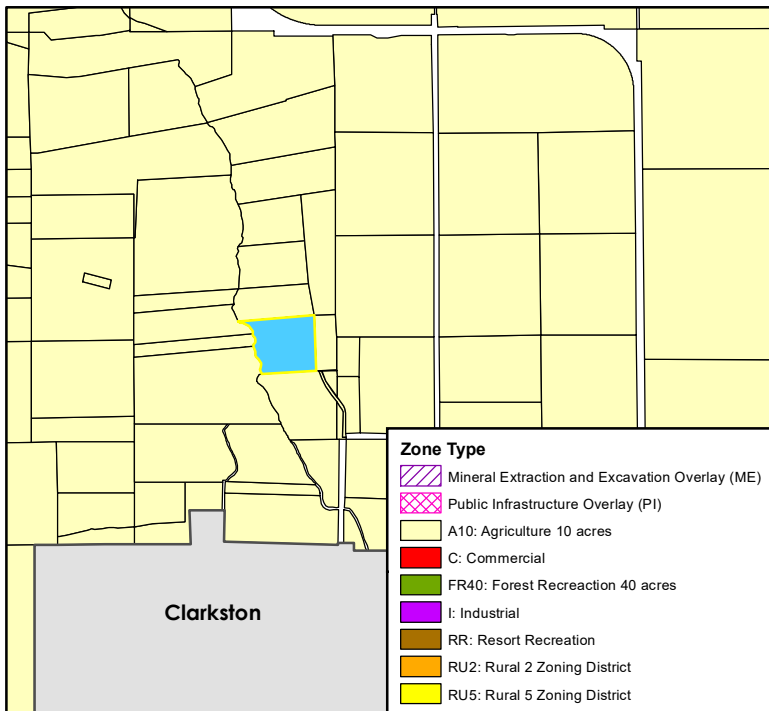
Based on the findings of fact noted herein, the Riggs Rezone Rezone is hereby recommended for approval to the County Council as follows:

- 1. The location of the subject property is compatible with the purpose of the Rural 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - a. Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
  - b. Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.
  - c. The property is appropriately served by adequate provision of public services.



### Legend

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



- 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

### Average Parcel Size

<b>Adjacent Parcels</b>	With a Home: 2.8 Acres (2 Parcels)
	Without a Home: 14.6 Acres (11 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 2.8 Acres (2 Parcels)
	Without a Home: 17.6 Acres (20 Parcels)
<b>1/2 Mile Buffer</b>	With a Home: 2.8 Acres (2 Parcels)
	With a Home in Clarkston City: 2.8 Acres (10 Parcels)
	Without a Home: 17 Acres (51 Parcels)
	Without a Home in Clarkston City: 5.4 Acres (2 Parcels)





**Riggs Rezone 11300 N 8800 W A10 to RU5**

Thank you for contacting us regarding the above rezone request. Clarkston Town has a few concerns on the proposed change to an RU5 zone. Please refer to your municipal code 17.08.020 B. Rural 5 Zone (RU5):

B. Rural 5 Zone (RU5):

1. To allow for residential estate development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. 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.

2. To implement the policies of Cache countywide comprehensive plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.

3. 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.

Clarkston Town would like to have addressed the road to the property (8600 W). It is designated as "Undeveloped". Clarkston Town currently provides snow removal to the 2 existing homes on 8600 W located in the county. As the traffic and density on this road increase, it would cause an increase in resources from Clarkston Town. We would request that if this rezone is approved that the County will now provide snow removal for the entire road outside Clarkston Town limits.

Furthermore, we do not believe this property has adequate access to other public services such as emergency and fire. Again, this would be an increased burden on our resources from Clarkston Town to provide these types of services.

As your Staff Report points out, there are many other A10 properties surrounding this. If this rezone is approved, we would expect the County is ready to provide services to a much larger area surrounding Clarkston as these A10 properties also rezone.

Currently Clarkston is in the process of developing an Annexation Policy Plan. Once this plan is approved any land Annexed into Clarkston Town will be zoned A10. This rezone would conflict with the development standards of our municipality. We realize this is not currently in place but are trying to be forward thinking to not overwhelm our municipality.

Please contact me if you need any additional information.

Nichole Sparks

435-563-9090 clarkstonpz@comcast.net

Clarkston Town Councilmember/LUDM Chair

----- Forwarded message -----

From: <[hidalgo05@comcast.net](mailto:hidalgo05@comcast.net)>

Date: Wed, Mar 31, 2021, 9:49 AM

Subject: FW: Riggs Rezone Concerns

To: <[david.zook@cachecounty.org](mailto:david.zook@cachecounty.org)>

Cc: Nichole Sparks <[nichole201@msn.com](mailto:nichole201@msn.com)>

Hi Dave,

There is a Planning Commission public meeting scheduled April 1 at 5:30 concerning a "Riggs Rezone". Clarkston's Councilmember Sparks, who also chairs our Land Use Development Administration, has address some concerns and sent them to the commission; see attached. I would also like to add that in the "Findings of Fact" it noted on page 3 section B 5c that "zone must be appropriately served by...and have access to necessary water..." It is important to understand that both homes in the vicinity of the property being considered have struggled to maintain adequate water for basic needs. Both have approached Clarkston to allow them to hook to our water system but, as with others around the vicinity of Clarkston, have been denied. The one home has re-drilled their well three times and still only obtains water to barely meet their needs. In nearly every case County land owners around Clarkston request that Clarkston provide water to them because well production is not what was expected or costs are too expensive. I realize that property owners have their rights but unfortunately some of them are only look for a sell and are not disclosing risks. I believe it would be advantageous if the County included this assessment in their "Findings of Fact" to help folks understand what they may be up against.

I would like to be their in person but have a conflict. I trust that you will take what has been provided into consideration and if you won't be in attendance please distribute as you see fit.

Regards,

*N. Craig Hidalgo*

Clarkston Town Mayor

Email: [hidalgo05@comcast.net](mailto:hidalgo05@comcast.net)

Cell: 435-770-1229

## Exhibit B: Ordinance 2021-11

Zoning Map of Cache County – Affected Portion  
Riggs Rezone



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

**15-023-0014**

BEG ON W LINE CO ROAD 14.08 CHS N & 272 FT W OF SE COR SW/4 OF SW/4 SEC 23 T 14N R 2W N 10.92 CHS S 87°20' W 15.50 CHS TO CLARKSTON CREEK S'LY ALG CREEK TO PT S 88°15' W 10.70 CHS TO BEG N 88°15' E 10.70 CHS TO BEG CONT 12.55 AC BY SURVEY 2007-170

**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

**ATTACHMENT 5**

## Ordinance No. 2021-12

### Cache County, Utah

#### Bryan Hansen Rezone

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An ordinance request to amend the County Zoning Map by rezoning 2.17 acres from the Agricultural (A10) Zone to the Commercial (C) 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 April 1, 2021, the Planning Commission held a public hearing, accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

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

**Whereas**, following proper notice, the County Council held a public hearing on April 27, 2021, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

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

**Now, therefore**, the County Legislative Body of Cache County ordains as follows:

**1. Statutory Authority**

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

**2. Adoption of amended Zoning Map**

The County Council hereby amends the County’s Zoning Map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended Zoning Map with

the amendment identified as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

**3. Conclusions**

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

- a. Allows for commercial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties.

**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 May 12, 2021. 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.

**Approved and adopted** April 27, 2021.

	In Favor	Against	Abstained	Absent
Borup	X			
Erickson	X			
Gunnell	X			
Tidwell				X
Ward	X			
Worthen	X			
Zilles	X			
Total	6	0	0	1

Cache County Council:



Gina Worthen, Chair  
Cache County Council

Attest:



Jess Bradfield  
Cache County Clerk

Publication Date: May 11, 2021



## Public Hearing

### Ordinance 2021-12 Bryan Hansen Rezone

**Agenda request submitted by:** Chris Harrild, Director – Forwarded from the County Planning Commission  
**Assisting Department:** Development Services  
**Requested Council meeting date:** April 27, 2021

**Agenda Item Language:** Ordinance 2021-12 Bryan Hansen Rezone – A request to rezone 2.17 acres located at 1015 East 12600 North, Cove, from the Agricultural (A10) Zone to the Commercial (C) Zone.

**Recommendation:** Planning Commission – Approval (4-yea; 0-nay).

**Background:** A request to rezone 2.17 acres located at 1015 East 12600 North, Cove, from the Agricultural (A10) Zone to the Commercial (C) 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 April 1, 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. Staff recommends this practice be a formally adopted process.

See attached for additional information.

**County Staff Presenter:** Chris Harrild

**Presentation and Hearing Time:** 10-15 minutes.

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

**Legal Review:** N/A

**Ord 2021-12**  
**Bryan Hansen Rezone**  
**Amending the Cache County Zoning Map by rezoning 2.17 acres of**  
**property from the Agricultural (A10) Zone to the Commercial (C) Zone.**

## County Council action

Public hearing to be held on April 27, 2021.

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

## Planning Commission action

Approval (4-yea; 0-nay).

Public hearing held on April 1, 2021.

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

1. The location of the subject property is compatible with the purpose of the Commercial (C) Zone as identified under §17.08.030[E] of the Cache County Code as it:
  - a. Allows for commercial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties.

### Staff Report review by Development Services Director

Chris Harrild

## Staff Report by County Planner

Angie Zetterquist

## General Description

This ordinance amends the County Zoning Map by rezoning 2.17 acres of property from the Agricultural (A10) Zone to the Commercial (C) Zone.

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

Staff Report, revised, with Planning Commission recommendation



**Staff Report: Bryan Hansen Rezone**

1 April 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:** Bryan Hansen

**Parcel ID#:** 09-026-0068

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

**Project Address:**

1015 East 12600 North  
Cove

**Acres:** 2.17

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Commercial (C)

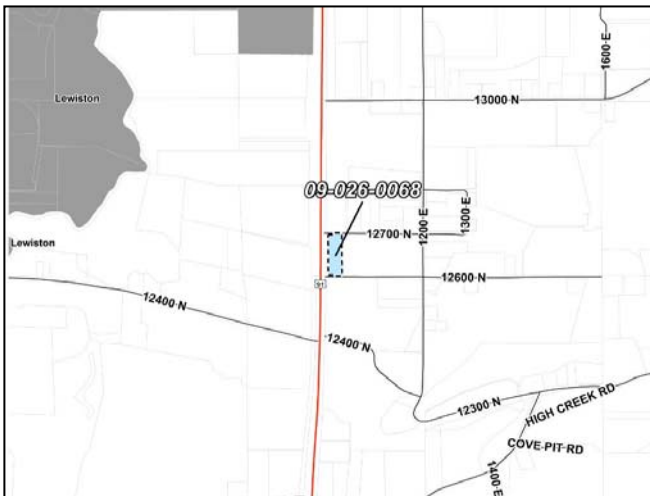
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/US Hwy 91



**Findings of Fact (17)**

**A. Request description**

1. A request to rezone 2.17 acres from the Agricultural (A10) Zone to the Commercial (C) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Commercial (C) 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 Commercial Zone will be addressed as part of each respective approval process required prior to site development activities.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachment A) and in the following text:

**a. Land Use Context:**

- i. Parcel status: The subject property as it existed as of August 8, 2006 and has changed configuration due to road improvements and dedications.
- ii. The site currently has a business located on it, Cove Sand and Gravel, Inc, operated by Kurt Allen. According to a March 1, 2001, Business License Review, the history of the subject property and current use is as follows: *Mr. Allen received Planning Commission approval for this site to be used as an office for his commercial business on 5 April 1989 under the 1970 Ordinance. At that meeting he was allowed to have a temporary mobile office at the site to be used for regular office duties and for the counting and weighing of gravel trucks with the following stipulations: 1) The temporary office was allowed for one year only. 2) The mobile office must be placed on skids. On 6 June 1990, Mr. Allen received a conditional use permit from the Planning Commission to allow the temporary office structure to be considered permanent. On 2 November 1993, a conditional use permit was approved for the expansion of this to include the construction of a 50' x 100' shop and the addition of fuel storage tanks enclosed in a concrete containment structure to be located at 1600 E 12600 North with the stipulation that the fuel-storage tank concrete containment structure was to be built to EPA regulations. On 6 September 1994, the 1993 conditional use permit was revised to allow the expansion of the business to include the construction of an 80'x100' shop to include a parts outlet in conjunction with E.A. Miller, Inc, and the additional fuel storage tanks enclosed in a concrete containment with the stipulation that the fuel-storage concrete containment structure would be to or exceed EPA regulations. Any further expansion of this business in construction of additional buildings, additions to approved buildings, etc., shall require Planning Commission review and approval prior to that expansion.* The CUP approvals were originally issued for parcel #09-026-0035, but the subject parcel was divided from that parcel in August 2002. The only other document is a violation file from June 2009 that was not fully processed or closed out.

During the 1 April 2021 Planning Commission meeting, the current property owner stated that the approved use per the CUP described above has not been operational for years, but did acknowledge that the property is taxed as a commercial property and that the parking of large vehicles occurs on the property in conjunction with a gravel pit operation and the use of the on-site scales continues for commercial businesses and local farmers. These uses do require a CUP to operate under the County Code, but there are no approvals for the uses. The current use is operating without County approval.

- iii. The Commercial (C) 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 Agricultural (A10) Zone:

- Agricultural Manufacturing
- Commercial Business
- Commercial Kennel/Animal Shelter
- Self Service Storage Facility
- General Vehicle Repair
- Medical Services/Facilities
- Human Care Services
- Transient Lodging

- Restaurant
  - Sexually Oriented Businesses
  - Educational Facility
- iv. Sensitive Areas: The subject property contain sensitive areas that may impact future development.
- An irrigation canal runs along the south boundary of the subject property.
  - Properties to the north, east, and west are located in an Agricultural Protection Area and this property is located within the buffer area.
  - Additional review and analysis may be required for any proposed development in these areas.
- v. Adjacent uses: The properties adjacent to the subject rezone are primarily agriculture with a some residential to the north and east. (Attachment A). There are 9 parcels immediately adjacent to the subject property, 2 with homes and an average lot size of 2.5 acres and 7 without a home and an average lot size of 28.8 acres. Within ¼ mile buffer of the subject property, there are 13 parcels with a home and an average lot size of 2.5 acres and 19 parcels without a home (ave. lot size: 19.6). Within the ½ mile buffer, there are 44 parcels with a home, average lot size of 6.3 acres, and 45 parcels without a home and an average lot size of 16.5 acres.
- vi. Annexation Areas: The subject property is not located within a future annexation area.
- vii. The closest commercially zone property (09-029-0008) is approximately ½ mile south of the subject property located along US Hwy 91 that was approved in May 1979, but is currently two lots (#09-029-0033), one vacant and the other has a single-family dwelling. Parcel #09-029-009 is located about 0.6 miles west of the subject property and is located in the Agricultural (A10) Zone with the Mineral Extraction and Excavation Overlay (ME) zone and an operational gravel pit. There is a property in the industrial zone located about 0.75 miles east of the subject property on 12600 North. The industrial rezone was approved in 2004 (Ordinance 2004-17) for parcel 09-027-0014. A conditional use permit was approved in June 2006 for a commercial manufacturing and steel fabrication business.

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

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Commercial (C) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Commercial Zone and includes the following:
- a. “To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the county’s tax base.
  - b. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Any impacts related to permitted and conditional uses allowed within the Commercial (C) Zone will be addressed as part of each respective approval process required prior to site development activities.

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

7. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements. The Road Manual specifies the following:
  - a. §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. 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.  
Major Local Road (ML): Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion of traffic is trucks or other heavy vehicles, additional design considerations will be required.
  - b. 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).  
Major local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 6-foot wide shoulders (2 feet paved and 4 feet of gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt)
  - c. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major and minor local roads requires 14” depth of granular borrow, 6” depth of road base, and 3” depth of asphalt.
  - d. Table 5.1 Cache County Access Management Standards – Commercial access is not permitted on minor local roads.
8. A basic review of the access to the subject property identifies the following:
  - a. The subject property has direct access to Highway 91 and 12600 North, a county road.
9. Highway 91
  - a. Is classified as a Minor Arterial.
  - b. Is a State facility under the jurisdiction of UDOT.
  - c. Has year round maintenance.
10. 12600 North:
  - a. Is a County facility.
  - b. Is a small section of road, less than a mile long, that provides access to multiple agricultural fields, approximately 5 single-family dwellings, a metal fabrication shop, and two gravel pits.
  - c. Is classified as a Minor Local road.
  - d. The Road Manual does not allow commercial access to roads classified as Minor Local roads. Commercial access is allowed on a Local Major road.
  - e. Has an average paved width of 20 feet with a 1-foot wide paved shoulder and 5-foot gravel shoulders.
  - f. Right-of-way varies along the length of the road.
  - g. Has year round maintenance provided by the County.

- h.** Is considered substandard for right-of-way and shoulder width.

**D. Service Provisions:**

- 11.** §16.04.080 [C] Fire Control – The County Fire District reviewed the request and had no comments regarding the rezone. Future development will require that fire department access roads to be 20 feet wide to all structures in a Commercial Zone. Additionally, an on-site water supply for fire protection is required in all commercial zones.
- 12.** §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

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

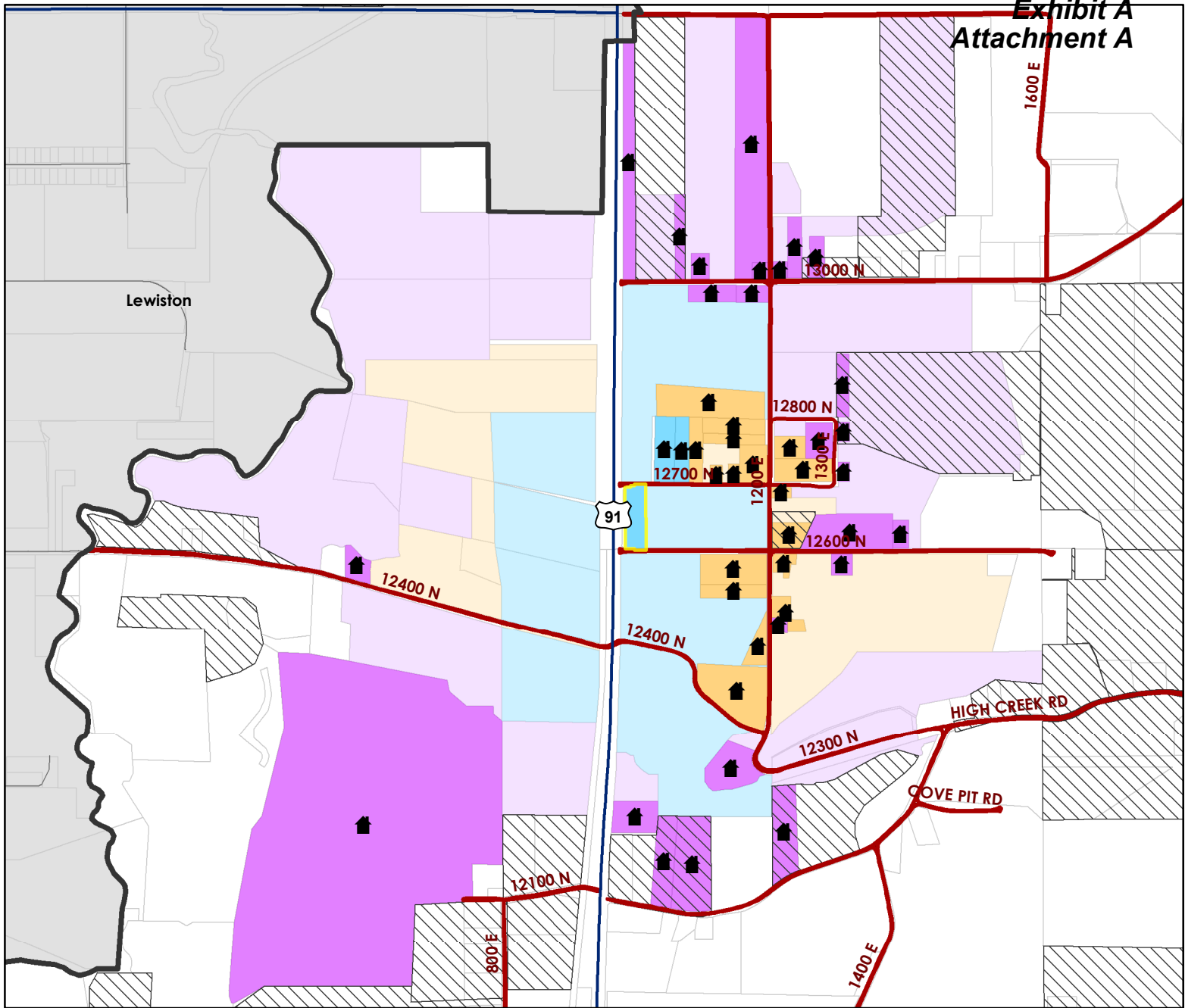
- 13.** Public notice was posted online to the Utah Public Notice Website on 19 March 2021.
- 14.** Notice was published in the Herald Journal on 20 March 2021.
- 15.** Notices were posted in three public places on 19 March 2021.
- 16.** Notices were mailed to all property owners within 300 feet on 19 March 2021.
- 17.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**Planning Commission Conclusion**

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

- 1.** The location of the subject property is compatible with the purpose of the Commercial (C) Zone as identified under §17.08.030[E] of the Cache County Code as it:
  - a.** Allows for commercial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties.

# Exhibit A Attachment A



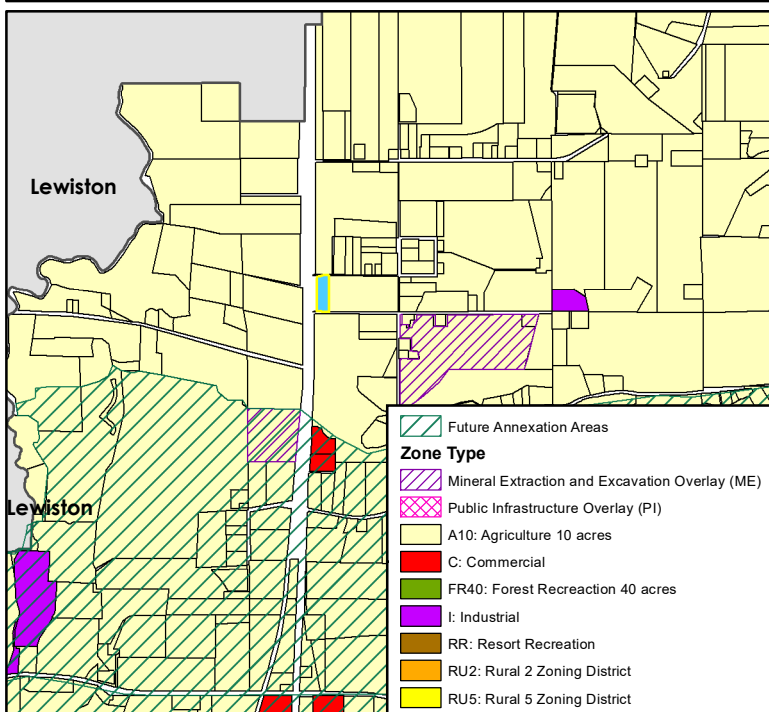
0 0.25 0.5 Mile

## Legend

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

## Average Parcel Size

<b>Adjacent Parcels</b>	With a Home: 2.5 Acres (2 Parcels)
	Without a Home: 28.8 Acres (7 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 2.5 Acres (13 Parcels)
	Without a Home: 19.6 Acres (19 Parcels)
<b>1/2 Mile Buffer</b>	With a Home: 6.3 Acres (44 Parcels)
	Without a Home: 16.5 (45 Parcels)



3/11/2021



## Exhibit B: Ordinance 2021-12

Zoning Map of Cache County – Affected Portion  
Bryan Hansen Rezone



The following legal description reflects the noted properties above to be rezoned from Agricultural (A10) to Commercial (C):

### 09-026-0068

BEG AT SE COR SW/4 SEC 11 T 14N R 1E & TH W 85.5 RDS TO TRUE POB TH N 39 RDS TH E  
205 FT TH S 39 RDS TH W 205 FT TO TRUE POB CONT 3.03 AC M/B  
LESS PARCEL TO UDOT FOR HWY 91 ENT 855249 CONT 0.69 AC NET 2.34 AC  
LESS TWO PARCELS TO CACHE COUNTY FOR 12600 N ST & 12700 N ST (ENT 1098858-859, 09-  
026-0085) CONT 0.17 AC NET 2.17 AC

**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

# **ATTACHMENT 6**



**Ordinance No. 2021-13**  
**Cache County, Utah**  
**Creekside Estates Rezone**

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An ordinance request to amend the County Zoning Map by rezoning 31.67 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 April 1, 2021, the Planning Commission held a public hearing, accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

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

**Whereas**, following proper notice, the County Council held a public hearing on April 27, 2021, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

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

**Now, therefore**, the County Legislative Body of Cache County ordains as follows:

**1. Statutory Authority**

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

**2. Adoption of amended Zoning Map**

The County Council hereby amends the County’s Zoning Map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended Zoning Map with

the amendment identified as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

**3. Conclusions**

- A. The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
- a. Is in close proximity to the Smithfield City boundary.
  - b. Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.

**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 May 12, 2021. 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.

**Approved and adopted** April 27, 2021.

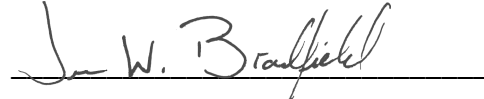
	In Favor	Against	Abstained	Absent
Borup	X			
Erickson		X		
Gunnell	X			
Tidwell				X
Ward	X			
Worthen	X			
Zilles	X			
Total	5	1	0	1

Cache County Council:



Gina Worthen, Chair  
Cache County Council

Attest:



Jess Bradfield  
Cache County Clerk

Publication Date: May 11, 2021

## County Council action

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

## Planning Commission action

Public hearing held on April 1, 2021.

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

- 1.** The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - a.** Is in close proximity to the Smithfield City boundary.
  - b.** Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.

## Staff Report review by Development Services Director

Chris Harrild

## Staff Report by County Planner

## Angie Zetterquist

## General Description

This ordinance amends the County Zoning Map by rezoning 31.67 acres of property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

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

Staff Report, revised, with Planning Commission recommendation

## Staff Report: Creekside Estates Rezone

1 April 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:** Andy Rasmussen

**Parcel ID#:** 08-215-0001, -0002, -0003, -0004,  
-0005, -0006, -0007

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

### Location

*Reviewed by Angie Zetterquist*

**Project Address:**

5625 North 800 West  
Smithfield

**Acres:** 31.67

**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural

East – Smithfield City/Residential

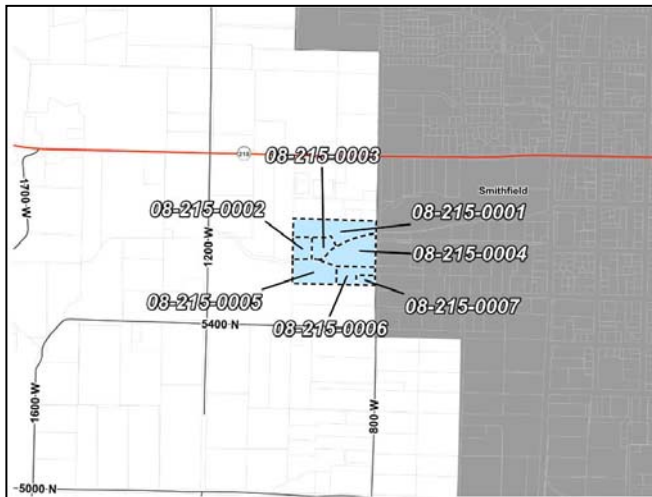
West – Agricultural

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Rural 2 (RU2)



## FINDINGS OF FACT (18)

### A. Request description

1. A request to rezone 31.67 acres in an existing 7-lot subdivision 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 15 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:

**a. Land Use Context:**

- i. Parcel status: The subject properties are legal as they were approved as the Creekside Estates Subdivision in September 2018 by the Planning Commission with the plat recorded in September 2019.

At the time of the subdivision approval, 7-lots were allowed on the 31.67 acres as it was two parcels that qualified as 1970 parcels allowing the first 3 lots per 1970 parcel to be developed at a 1 lot for every 2 acres and subsequent lots at the base Agricultural (A10) Zone density of 1 lot for every 10 acres.

Under the current density requirements of the Agricultural (A10) Zone, the subject subdivision could only be divided into a maximum of 3 lots. As it a legal, non-confirming subdivision with 7 lots, it cannot be further divided.

The Rural 2 (RU2) Zone would allow for a maximum potential of 15 lots at a density of 1 lot for every 2 acres.

The applicant applied for a subdivision amendment that was reviewed and approved by the Planning Commission on November 5, 2020. The amended plat has not been recorded.

- ii. Average Lot Size: There are 24 parcels immediately adjacent to the subject properties; 4 with a home in unincorporated County and an average lot size of 2.5 acres and 11 without a home with an average lot size of 9.3 acres. There are 9 parcels immediately adjacent to the subject properties in Smithfield City, 3 with a home and an average lot size of 1.5 acres and 6 without a home (avg. lot size 8.7 acres).

Within a ¼ mile buffer of the proposed rezone, there are 13 parcels with homes in unincorporated County with an average lot size of 5.1 acres. In the ¼ mile buffer area, there are 22 parcels in Smithfield City with a home and an average size of 0.6 acres, but this includes 3 parcels with a total of 51 trailer homes and 11 apartments. Parcels without a home in the ¼ buffer are in Smithfield have an average size of 6 acres (12 parcels).

When the buffer is expanded to ½ mile of the proposed rezone: parcels with a home in the County average 7.7 acres (29 parcels) and 0.7 acres in Smithfield (134 parcels), which includes the 3 parcels with multi-family housing as noted above. There are 52 parcels without a home in the County within ½ mile of the proposed rezone averaging 8.6 acres and 31 parcels in Smithfield without a home with an average size of 4.5 acres. (Attachment A)

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 31.67 acres of property, the subject properties could not be divided further as there are 7 existing lots, where the A10 Zone would only allow a maximum of 3. A rezone to RU2 may allow up to 15 buildable lots; eight more than are currently existing.

- iii. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:

- Agricultural Manufacturing
- Recreational Facility
- Cemetery

- Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- iv. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture and single family dwellings and the boundary of Smithfield City lies along the western boundary of the proposed rezone.
- v. Annexation Areas: The subject property is located within the Smithfield City future annexation area. Smithfield City has not commented directly on the rezone request, but did provide a statement that city services would not be provided to any future development at this location and it is not currently being considered for annexation into the city.
- vi. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The Smithfield City boundary, at its closest point, is immediately adjacent to the subject rezone boundary on the east.
- There are 3 subdivisions located immediately north of the subject properties that are zoned RU2 zone: Tom Pitcher Lot Split Subdivision; Jeff West Subdivision, and the Birch Hollow Subdivision. The Tom Pitcher Lot Split Subdivision is a 4-lot subdivision located on a total of 10.12 acres; the rezone to RU2 was approved in 2018 (Ordinance 2018-07). The Jeff West Subdivision is an existing 2-lot subdivision with an agricultural remainder on 10.21 acres located on the southwest corner of 800 west and SR 218; the RU2 rezone was approved in 2018 (Ordinance 2018-03) and the subdivision recorded in June 2020. This RU2 zone approved for the Birch Hollow Subdivision was done in 2017 (Ordinance 2017-06) on 9.8 acres and the subsequent 4-lot subdivision was recorded in February 2018.

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

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU2 Zone and includes the following:
  - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
  - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

7. The Road Manual specifies the following:
8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
10. A basic review of the access to the subject property identifies the following:
11. Primary access to the subject properties is from 800 West, a Smithfield City road, and two private driveways.
  - a. 800 West:
    - i. Is a Smithfield City road that provides access to the general public and is under the jurisdiction of Smithfield City.
    - ii. Per §5.6(A) of the Road Manual, no development within the unincorporated County shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.
    - iii. At the time of the original subdivision approval, the applicant and Smithfield City came to an agreement regarding access from 800 West so long as the applicant made required road improvements. Those improvements were completed prior to the recordation of the original subdivision plat.
  - b. Private roads:
    - i. There are two private roads that provide access to 6 lots of the 7 lots of the subdivision.
    - ii. The north private road provides access to the subject properties;
    - iii. The south private road provides access to Lots 4, 5, & 7; and
    - iv. Lot 6 takes access directly from 800 West.

**D. Service Provisions:**

12. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection directly from 800 West for the existing subdivision as the private driveways do not meet the same standards as a public road and the large collection trucks can quickly degrade the private roads.

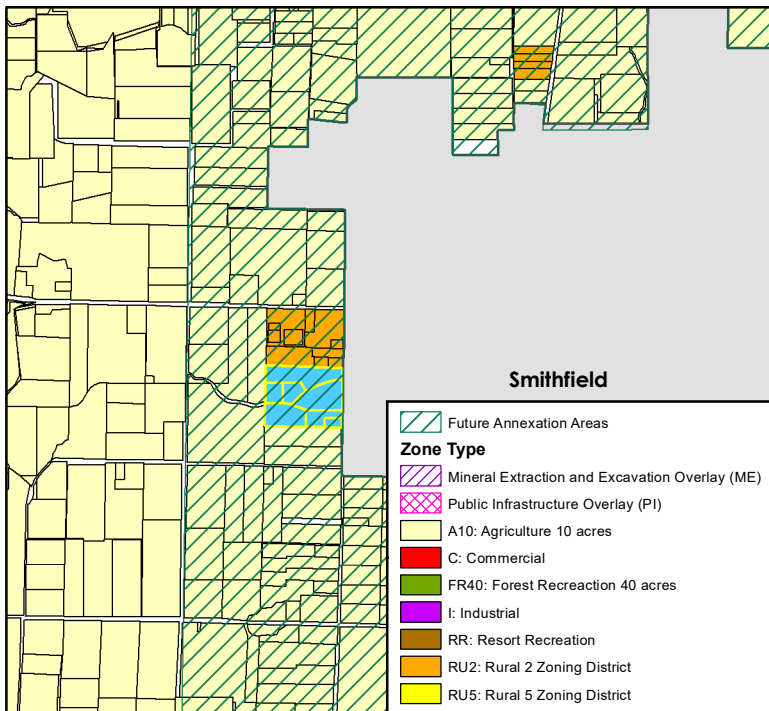
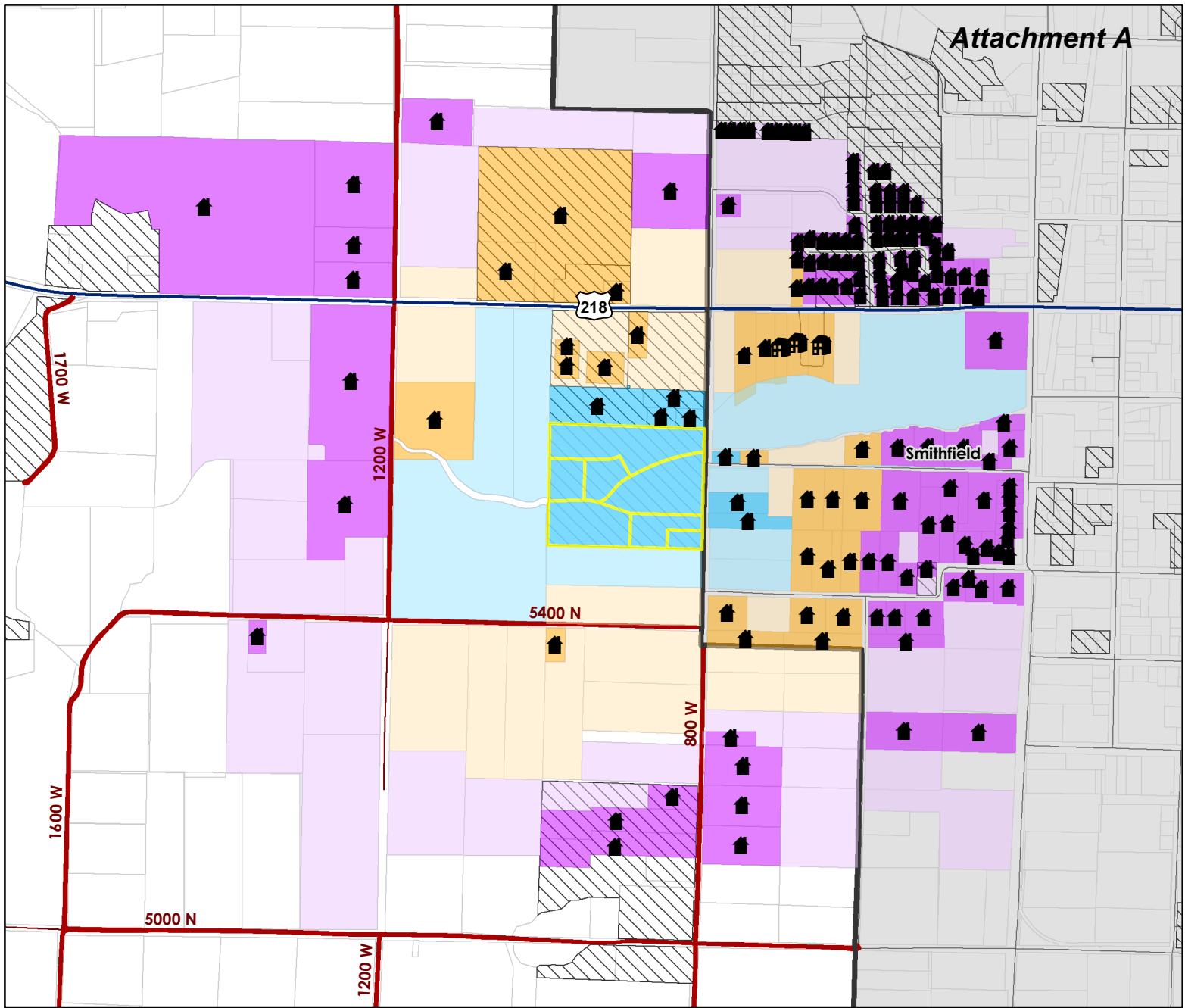
**E. Public Notice and Comment—§17.02.040 Notice of Meetings**

14. Public notice was posted online to the Utah Public Notice Website on 19 March 2021.
15. Notice was published in the Herald Journal on 20 March 2021.
16. Notices were posted in three public places on 19 March 2021.
17. Notices were mailed to all property owners within 300 feet and Smithfield City on 19 March 2021.
18. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**Planning Commission Conclusion**

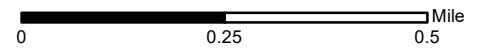
Based on the findings of fact noted herein, the Creekside Estates Rezone is hereby recommended for approval to the County Council as follows

1. The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - a. Is in close proximity to the Smithfield City boundary.
  - b. Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.



## Legend

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



Average Parcel Size	
Adjacent Parcels	With a Home: 2.5 Acres (4 Parcels)
	With a Home in Smithfield City: 1.5 Acres (3 Parcels)
	Without a Home: 9.3 Acres (11 Parcels)
1/4 Mile Buffer	Without a Home in Smithfield City: 8.7 Acres (6 Parcels)
	With a Home: 5.1 Acres (13 Parcels)
	With a Home in Smithfield City: 0.6 Acres (22 Parcels*)
1/2 Mile Buffer	Without a Home: 29 Acres (8 Parcels)
	Without a Home in Smithfield City: 6 Acres (12 Parcels)
	With a Home: 7.7 Acres (29 Parcels)
	With a Home in Smithfield City: 0.7 Acres (134 Parcels*)
	Without a Home: 8.6 Acres (52 Parcels)
	Without a Home in Smithfield City: 4.5 Acres (31 Parcels)

\*includes 51 trailer homes and 11 apartments on 3 parcels



3/11/2021



## Exhibit B: Ordinance 2021-13

Zoning Map of Cache County – Affected Portion  
Creekside Estates Rezone



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

**08-215-0001**

LOT 1 CREEKSIDE ESTATES SUBDIVISION CONT 8.99 AC

**08-215-0002**

LOT 2 CREEKSIDE ESTATES SUBDIVISION CONT 2.5 AC

**08-215-0003**

LOT 3 CREEKSIDE ESTATES SUBDIVISION CONT 2.5 AC

**08-215-0004**

LOT 4 CREEKSIDE ESTATES SUBDIVISION CONT 7.52 AC

**08-215-0005**

LOT 5 CREEKSIDE ESTATES SUBDIVISION CONT 5.99 AC

**08-215-0006**

LOT 6 CREEKSIDE ESTATES SUBDIVISION CONT 3.06 AC

**08-215-0007**

LOT 7 CREEKSIDE ESTATES SUBDIVISION CONT 1.1 AC

**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

**ATTACHMENT 7**

# Ordinance No. 2021-14

Cache County, Utah

## Amendments to Title 17

---

An Ordinance Amending Chapters 7 and 9 of Title 17 of the Cache County Land Use Ordinance Regarding Small-Scale Slaughter Facility Use Type

**Whereas**, the State of Utah has authorized Cache County to adopt Land Use Ordinances, and;

**Whereas**, the purpose of this ordinance is to comply with State Code to allow these types of facilities in the unincorporated County, and

**Whereas**, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners, and;

**Whereas**, the purpose of this ordinance is to provide clarity and ease of use of the County's Land Use Ordinance for all citizens, and;

**Whereas**, on December 3, 2020, the Planning Commission held a public hearing for the amendments to Title 17, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed ordinance amendment, and;

**Whereas**, on April 1, 2021, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

**Whereas**, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Ordinance 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 April 27, 2021, the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Land Use Ordinance. 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,** Be It Ordained by the County Legislative Body of Cache County that Chapters 7 and 9 of Title 17 of the Cache County Land Use Ordinance are hereby amended and superseded as follows:

**1. Statutory Authority**

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

**2. Purpose of Provisions**

The purpose of this ordinance is to amend and supersede Chapters 7 and 9 of Title 17 of the Cache County Ordinance regarding small-scale slaughter facilities, and to insure compliance with State Code requirements, compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

**3. Conclusions**

- A. The amendments to Title 17 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Ordinance be approved.

**4. Exhibits**

- A. Title 17, Chapter 7 and 9 of the Cache County Ordinance is amended as follows: See Exhibit A.

**5. Prior Ordinances, Resolutions, Policies and Actions Superseded.**

This ordinance amends and supersedes Chapters 7 and 9 of Title 17 of the Cache County Ordinance, 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.

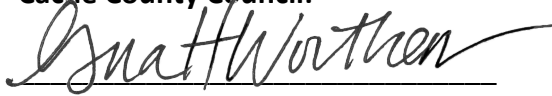
**6. Effective Date.**

This ordinance takes effect on May 12, 2021. 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.

Approved and Adopted this 27<sup>th</sup> day of April, 2021.

	In Favor	Against	Abstained	Absent
Borup	X			
Erickson	X			
Gunnell	X			
Tidwell				X
Ward	X			
Worthen	X			
Zilles	X			
Total	6	0	0	1

**Cache County Council:**



Gina Worthen, Chair  
Cache County Council

**Attest:**



Jess Bradfield  
Cache County Clerk

Publication Date: May 11, 2021

**Ord 2021-14**  
**Amendments to the Land Use Code**  
**Amending Title 17 to allow a new use related**  
**definition – Small-Scale Slaughter Facility.**

## County Council action

Public hearing to be held on April 27, 2021.

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

## Planning Commission action

Approval (4-yea; 0-nay).

Public hearing held on December 3, 2020.

**Conclusion: Adopt the proposed ordinance amendments.**

## Draft ordinance review by Planning Commission

Chris Harrild

### Draft ordinance by Director

Chris Harrild

## General Description

This ordinance amends the County Land Use Code Titles 17.07.030 Use Related Definitions, and 17.09.030 Schedule of Uses by Zoning District.

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

Draft ordinance, supporting materials, Planning Commission minutes.

## Ordinance 2021-14

### Small-Scale Slaughter Facility

#### An amendment to the Land Use Code Titles:

17.07.030 Use Related Definitions

17.09.030 Schedule of Uses by Zoning District

#### Title 17.07.030 Use Related Definitions

##### 6150 Small-Scale Slaughter Facility

The slaughtering, skinning, and preparing of livestock and poultry by humane means for the purpose of human consumption which is done at a place other than a licensed slaughtering house by a person who is not the owner of the animal. The following requirements also apply:

1. This use must qualify and be licensed as Farm Custom Slaughtering as defined by the state, and must meet any of the related state requirements that apply prior to operation; and
2. This use must be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, Utah Code Annotated 59-2-5; and
3. This use must be located on a legal parcel, 2 acres or larger in size; or on a parcel less than 2 acres in size that is contiguous to a legal parcel or parcels under the same ownership as the parcel where the facility is located, that when combined with the initial parcel attains a total of 2 acres or larger in size; and
4. All processing activities and processing structures associated with this use must be setback a minimum 50 feet from all property lines; and
5. This use allows a maximum of 1,500 animal units to be slaughtered or processed on an annual basis.
6. Any offal must be removed from the site and properly disposed of within 24 hours of the slaughter of an animal. Offal must be confined to a refrigerated area until the time it is removed from the premises.

#### 17.09.030 Schedule of Uses by Zoning District

		RU2	RU5	A10	FR40	RR	C	I	ME	PI
6150	Small-Scale Slaughter Facility	N	N	C	C	N	N	N	-	-

## **Farm Custom Slaughtering**

### **Handling waste from slaughtering**

The State sets a credible standard for Farm Custom Slaughter operations for the proper disposal of offal and associated waste, and the storage of meat (R58-11-4). The proposed county definition requires that a Small-Scale Slaughter Facility be licensed by the state as Farm Custom Slaughter. The State's standards appear to be sufficient and likely exceed what the County may have required in this area.

A Farm Custom Slaughter operation:

- Requires a Farm Custom Slaughtering License from the State (UCA 4-32-107; R58-11-3)
- Requires that licenses be renewed each year – cost is \$100 to re-apply (R58-11-3)
- Requires the applicant to demonstrate their ability to slaughter (R58-11-3)
- Sets requirements (R58-11-4, 5, 6) for:
  - Equipment
  - Sanitation
  - Proper handling and storage of all portions of the animal
  - The slaughter area
  - Slaughtering procedures
  - Livestock identification and record keeping
  - Enforcement procedures (R58-11-9)
- Requires an inspector to inspect a facility and to be present when animals are killed

### **Examples of how similar uses are treated in other jurisdictions**

The Utah Department of Agriculture and Food identifies 34 Farm Custom Slaughter licenses have been obtained state-wide. Staff has reviewed the code requirements for those counties most proximate to Cache County, specifically, Box Elder, Weber, and Summit counties. That information has also been attached.

### **Other Helpful information**

State map showing "Utah Meat Establishments"

<https://www.arcgis.com/home/webmap/viewer.html?webmap=93c15fa878ff4bd68229b2e208aa945e&extent=-112.8006,40.4309,-110.7695,41.263>

From R58-11-2. Definitions <https://ag.utah.gov/documents/r058-011.pdf>

"Farm Custom Slaughter" means the slaughtering, skinning, and preparing of livestock and poultry by humane means for the purpose of human consumption which is done at a place other than a licensed slaughtering house by a person who is not the owner of the animal.



**R58. Agriculture and Food, Animal Industry.**

**R58-11. Slaughter of Livestock and Poultry.**

**R58-11-1. Authority.**

Promulgated under authority of Section 4-32-8.

**R58-11-2. Definitions.**

- (1) "Adulterated" means as defined in Section 4-32-3(1).
- (2) "Bill of Sale for Hides" means a hide release or some other formal means of transferring the title of hides.
- (3) "Business" means an individual or organization receiving remuneration for services.
- (4) "Commissioner" means the Commissioner of Agriculture or his representative.
- (5) "Custom Slaughter-Release Permit" means a permit that will serve as a brand inspection certificate and will allow animal owners to have their animals farm custom slaughtered.
- (6) "Department" means the Utah Department of Agriculture and Food.
- (7) "Detain or Embargo" means the holding of a food or food product for legal verification of adulteration, misbranding or proof of ownership.
- (8) "Emergency Slaughter" means for the purpose of this chapter that Emergency Slaughter is no longer allowed for non-ambulatory injured cattle. Non-ambulatory disabled cattle that cannot rise from a recumbent position or cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column or metabolic conditions, are not allowed to be slaughtered for food.
- (9) "Farm Custom Slaughtering" means the slaughtering, skinning and preparing of livestock and poultry by humane means for the purpose of human consumption which is done at a place other than a licensed slaughtering house by a person who is not the owner of the animal.
- (10) "Food" means a product intended for human consumption.
- (11) "Immediate Family" means persons living together in a single dwelling unit and/or their sons and daughters.
- (12) "License" means a license issued by the Utah Department of Agriculture and Food to allow farm custom slaughtering.
- (13) "Licensee" means a person who possesses a valid farm custom slaughtering license.
- (14) "Misbranded" means as defined in Section 4-32-3(27).
- (15) "Owner" means a person holding legal title to the animal.

**R58-11-3. Registration and License Issuance.**

- (1) Farm Custom Slaughtering License.
  - (a) Any person or person desiring to do farm custom slaughtering shall apply to the Department. Such application for a license will be made on a department form for a Farm Custom Slaughter License. The form shall show the name, address and telephone number of the owner, the name, address and telephone number of the operator if it is different than the owner, a brief description of the vehicle and the license number. Licenses will be valid for the calendar year (January 1 to December 31). Each licensee will be required to re-apply for a license every calendar year. Change of ownership or change of vehicle license will require a new application to be filed with the Department.
  - (b) Registration will not be recognized as complete until the applicant has demonstrated his ability to slaughter and has completed and signed the registration form.

- (c) A fee must be paid prior to license issuance.

**R58-11-4. Equipment and Sanitation Requirements.**

- (1) Unit of vehicle and equipment used for farm custom slaughtering:
  - (a) The unit or vehicle used for farm custom slaughtering shall be so constructed as to permit maintenance in a clean, sanitary manner.
  - (b) A tripod or rail capable of lifting a carcass to a height which enables the carcass to clear the ground for bleeding and evisceration must be incorporated into the unit or vehicle. Hooks, gambles, or racks used to hoist and eviscerate animals shall be of easily cleanable metal construction.
  - (c) Knives, scabbards, saws, etc. shall be of rust resistant metal or other impervious easily cleanable material.
  - (i) A clean dust proof container shall be used to transport and store all instruments and utensils used in slaughtering animals.
  - (d) A water tank shall be an integral part of the unit or vehicle. It shall be of approved construction with a minimum capacity of 40 gallons. Water systems must be maintained in a sanitary manner and only potable water shall be used.
  - (e) A tank (for sanitizing) large enough to allow complete emersion of tools used for slaughtering must be filled during slaughter operations with potable water and maintained at a temperature of at least 180 degrees Fahrenheit. In lieu of 180 degrees Fahrenheit water, chemical sterilization may be used with an approved chemical agent after equipment has been thoroughly cleaned. Chloramine, hypochloride, and quaternary ammonium compounds or other approved chemical compounds may be used for this purpose and a concentration must be maintained at sufficient levels to disinfect utensils. Hot water, cleaning agents, and disinfectant shall be available at all times if chemicals are used in lieu of 180 degrees Fahrenheit water.
  - (f) Cleaning agents and paper towels shall be available so hands and equipment may be cleaned as needed.
  - (g) Aprons, frocks and other outer clothing worn by persons who handle meat must be clean and of material that is easily cleanable.
  - (h) All inedible products and offal will be denatured with either an approved denaturing agent or by use of pounce material as a natural denaturing agent.
  - (i) When a licensee transports uninspected meat to an establishment for processing, he shall:
    - (i) do so in a manner whereby product will not be adulterated or misbranded, and/or mislabeled; and
    - (ii) transport the meat in such a way that it is properly protected; and
    - (iii) deliver carcasses in such a way that they shall be placed under refrigeration within one hour of time of slaughter (40 degrees F).
  - (j) Sanitation.
  - (i) Unit or Vehicle.
    - (A) The unit or vehicle must be thoroughly cleaned after each daily use.
    - (B) All food-contact and non-food contact surfaces of utensils and equipment must be cleaned and sanitized as necessary to prevent the creation of insanitary conditions and the adulteration of carcasses and parts.
    - (C) Carcasses must be protected from adulteration during processing, handling, storage, loading, unloading and during transportation to processing establishments.

(ii) Equipment.

(A) All knives, scabbards, saws and all other food contact surfaces shall be cleaned and sanitized prior to slaughter and as needed to prevent adulteration.

(B) Equipment must be cleaned and sanitized after each slaughter and immediately before each slaughter.

(iii) Inedibles.

(A) Inedibles shall be placed in designated containers and be properly denatured, and the inedible containers must be clearly marked (Inedible Not For Human Consumption in letters not less than 4 inches in height).

(B) Containers for inedibles shall be kept clean and properly separated from edible carcasses to prevent adulteration.

(iv) Personal Cleanliness.

(A) Adequate care shall be taken to prevent contamination of the carcasses from fecal material, ingesta, milk, perspiration, hair, cosmetics, medications and similar substances.

(B) Outer clothing worn by permittee shall, while handling exposed carcasses, be clean.

(C) No licensee with a communicable disease or who is a disease carrier or is infected with boils, infected wounds, sores or an acute respiratory infection shall participate in livestock slaughtering.

(D) Hand wash facilities shall be used as needed to maintain good personal hygiene.

**R58-11-5. Slaughtering Procedures of Livestock.**

(1) Slaughter Area

(a) Slaughtering shall not take place under adverse conditions (such as blowing dirt, dust or in mud).

(b) If a slaughter area is used for repeated kills, the area should be maintained to prevent blood from collecting, running off on to adjacent property, or contaminating water sources.

(c) Hides, viscera, blood, pounce material, and all tissues must be removed and disposed at a rendering facility, landfill, composting or by burial as allowed by law.

(2) Humane Slaughter - Animals shall be rendered insensible to pain by a single blow, or gun shot or electrical shock or other means that is instantaneous and effective before being shackled, hoisted, thrown, cast or cut.

(3) Hoisting and Bleeding - Animals shall be hoisted and bled as soon after stunning as possible to utilize post-stunning heart action and to obtain complete bleeding. Carcasses shall be moved away from the bleeding area for skinning and butchering.

(4) Skinning - Carcass and head skin must be handled without neck tissue contamination. This may be done by leaving the ears on the hide and tying the head skin. Feet must be removed before carcass is otherwise cut. Except for skinning and starting skinning procedures, skin should be cut from inside outward to prevent carcass contamination with cut hair. Hair side of hide should be carefully rolled or reflected away from carcass during skinning.

When carcass is moved from skinning bed, caution should be taken to prevent exposed parts from coming in contact with adulterating surfaces.

(5) Evisceration - Before evisceration, rectum shall be tied to include bladder neck and to prevent urine and fecal leakage. Care should also be taken while opening abdominal cavities to prevent carcass and/or viscera contamination.

(6) Carcass washing - Hair, dirt and other accidental contamination should be trimmed

prior to washing. Washing should proceed from the carcass top downward to move away any possible contaminants from clean areas.

**R58-11-6. Identification and Records.**

(1) Livestock Identification - Pursuant to requirements of Section 4-24-13, it shall be unlawful for any license holder to slaughter livestock which do not have a Brand Inspection Certificate or Farm Custom Slaughter Tag filled out at time of slaughter.

(a) Animal owners must have a Brand Inspection Certificate for livestock intended to be farm custom slaughtered, issued by a Department Brand Inspector prior to slaughter, paying the legal brand inspection fee and beef promotion fee. This will be accomplished by the animal owner contacting a Department Brand Inspector and obtaining a Brand Inspection Certificate (Custom Slaughter-Release Permit).

(b) Animal owners must also obtain farm custom slaughter identification tags from a Department Brand Inspector for a fee of \$1 each. These tags will be required on beef, pork, and sheep.

(2) Records.

(a) The Custom Slaughter-Release Permit or Farm Custom Slaughter Tag will record the following information:

(i) An affidavit with a statement that shall read "I hereby certify ownership of this animal to be slaughtered by (name). I fully understand that having my animal farm custom slaughtered means my animal will not receive meat inspection and is for my use, the use of my immediate family, non-paying guests, or full-time employees. The carcass will be stamped "NOT FOR SALE" and will not be sold." This statement must be signed by the owner or designee.

(ii) In addition to this affidavit, the following information will be recorded:

- (A) date;
- (B) owner's name, address and telephone number;
- (C) animal description including brands and marks;
- (D) Farm Custom Slaughter tag number.

(b) The Farm Custom Slaughter tag must record the following information:

- (i) date;
- (ii) owner's name, address and telephone number;
- (iii) location of slaughter;
- (iv) name of licensee;
- (v) licensee permit number; and
- (vi) carcass destination.

(c) Prior to slaughter the licensee shall:

(i) Prepare the Farm Custom Slaughter tag with complete and accurate information;

(A) One tag shall stay in the license holder's file for at least one year.

(B) One tag plus a copy of the Farm Custom Slaughter-Release Permit shall be sent into the Department by the 10th of each month for the preceding month's slaughter by the licensee.

(C) After slaughter, all carcasses must be stamped "NOT FOR SALE" on each quarter with letters at least 3/8" in height; further, a Farm Custom Slaughter "NOT FOR SALE" tag must be affixed to each quarter of beef and each half of pork and sheep.

(D) Hide Purchase - Licensee receiving hides for slaughtering services must obtain a copy of the Custom Slaughter-Release Permit to record transfer of ownership as required by Section 4-24-18.



# Utah Department of Agriculture and Food

[License/Permit Info](#) [My Licenses/Permits](#) [Renew Single License/Permit](#) [Company-Wide Licenses/Permits](#) [New License/Permit Application](#)  
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License/Permit Type: 1304 - As A Farm Custom Slaughterer	Total License/Permit Count: 34	<a href="#">Return to Main</a>	<a href="#">Search</a>
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Sort License/Permit List By: [Last Name or Business Name](#)

Last Name or Business Name	First Name	License/Permit No	Registry No	City State/Country	County	Status	Approved For	Click for Details
4-POINT MEAT PROCESSING		12462		MONTICELLO, UT	San Juan	Active		<a href="#">Details</a>
ABEL CARMONA	ABEL	20090		GARLAND, UT	Box Elder	Active		<a href="#">Details</a>
AYLWORTH	ADAM A	20072		ST GEORGE, UT	Washington	Active		<a href="#">Details</a>
BLOODS CUSTOM MEAT PROCESSING		20034		ANGLE, UT	Garfield	Active		<a href="#">Details</a>
BOYER MEAT		15241		COALVILLE, UT	Summit	Active		<a href="#">Details</a>
BROWN	SHANE	20078		HOOPER, UT	Weber	Active		<a href="#">Details</a>
CARSON MEATS		15508		AMERICAN FORK, UT	Utah	Active		<a href="#">Details</a>
CUSTOM MEAT SHOP		18720		CEDAR CITY, UT	Iron	Active		<a href="#">Details</a>
D9 CUSTOM CUTS LLC		20041		PARAGONAH, UT	Iron	Active		<a href="#">Details</a>
DAVIS	AARON	20095		GRANTSVILLE, UT	Tooele	Expired		<a href="#">Details</a>
DIEGO BANUELOS	DIEGO	20092		GARLAND, UT	Box Elder	Active		<a href="#">Details</a>
GARATE	GENE	20074		VIRGIN, UT	Washington	Expired		<a href="#">Details</a>
GIBBY	AARON	20076		WEST HAVEN, UT	Weber	Active		<a href="#">Details</a>
GLENDALE COUNTRY STORE		20064		GLENDALE, UT	Kane	Active		<a href="#">Details</a>
KAPP	GARY M	10120		WEST POINT, UT	Davis	Active		<a href="#">Details</a>
MAVERIK #245		20091		CEDAR CITY, UT	Iron	Expired		<a href="#">Details</a>
MAXFIELD MEATS INC		20045		GLENWOOD, UT	Sevier	Active		<a href="#">Details</a>
MIKE HUNSAKER MEATS		20030		TOOELE, UT	Tooele	Active		<a href="#">Details</a>
MORCK	IAN	20077		RIVERDALE, UT	Weber	Active		<a href="#">Details</a>
NAYS CUSTOM MEATS		20027		PANGUITCH, UT	Garfield	Active		<a href="#">Details</a>
NOLAN CARTER	NOLAN	20093		HOLBROOK, ID		Active		<a href="#">Details</a>
PEARSON MEATS INC		20028		TOQUERVILLE, UT	Washington	Active		<a href="#">Details</a>
REYNOLDS CUSTOM SLAUGHTERING		20073		VERNAL, UT	Uintah	Active		<a href="#">Details</a>
RUSSON	COLTON	20075		TREMONTON, UT	Box Elder	Active		<a href="#">Details</a>
SANPETE BUTCHERY LL	JEFF COLLINSWORTH	20096		FAIRVIEW, UT	Sanpete	Active		<a href="#">Details</a>
SOUTH SANPETE PACK		20060		CENTERFIELD, UT	Sanpete	Active		<a href="#">Details</a>
STEEDS CUSTOM SLAUGHTERING		20033		CORINNE, UT	Box Elder	Active		<a href="#">Details</a>
TALBOT	LAYNE	20054		MOUNT PLEASANT, UT	Sanpete	Active		<a href="#">Details</a>
TRIPLE S MEATS		20089		GARLAND, UT	Box Elder	Active		<a href="#">Details</a>
TRIPPS MOBILE BUTCHERING		20067		ARIMO, ID		Active		<a href="#">Details</a>
UNGERMAN CUSTOM MEATS		13677		HUNTINGTON, UT	Emery	Active		<a href="#">Details</a>
VERNON	KADEN	20080		HENEFER, UT	Summit	Active		<a href="#">Details</a>
WEST	DUSTIN	20057		OGDEN, UT	Weber	Expired		<a href="#">Details</a>
WHITES CUSTOM MEATS		20049		RICHFIELD, UT	Sevier	Active		<a href="#">Details</a>

License/Permit Type: 1304 - As A Farm Custom Slaughterer	Total License/Permit Count: 34	<a href="#">Return to Main</a>	<a href="#">Search</a>
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# Example Requirements for Farm Custom Slaughter Operations

31-Dec-20

County	Zone	Min. # of acres	Min. feet of frontage	Use name	Use type	Other Requirements	Existing Operations
Box Elder	MU40	40	1320	Agricultural Industry	C	-	
	MU80	80	1320				
	MU160	160	1320				
	A20	20	500				Steeds Custom Slaughtering (A20)
	RR10	10	330				
	RR5	5	250				
	RR2	2	175				
Summit	AG 5	1	100	Butcher with Slaughtering, Retail	C	-	Boyer Meat (AG 5)
	AG 10	1	100		C		
	AG 20	1	100		C		
	AG 40	1	100		C		
	AG 80	1	100		C		
	C	n/a	n/a		A		
	LI	n/a	n/a		A		
	I	n/a	n/a		A		
Weber	AV-3	5	300	Custom Exempt Meat Cutting	C	1. Fronting a collector or arterial road. 2. Located completely in a closed building and no outside storage. 3. Accessory to a dwelling. 4. Part of livestock operation or wild game.	-
							Location not found: Shane Brown - not on state map Ian Morck - not on state map Aaron Gibby - not on state map

**Present:** Chris Harrild, Angie Zetterquist, Nolan Gunnell, Lane Parker, Brandon Spackman, Jason Watterson, Brady Christensen, Phillip Olsen, Matt Phillips, John Luthy, Megan Izatt

**Start Time: 05:33:00**

**Gunnell** called the meeting to order and **Parker** gave the opening remarks.

**05:35:00**

### **Agenda**

Approved with no changes.

**05:35:00**

### **Minutes**

**Parker** motioned to approve the minutes from November 5, 2020; **Watterson** seconded; **Passed 6, 0.**

**05:36:00**

### **Regular Action Items**

#### **#1 Public Hearing (5:35 PM): Amendments to Title 17**

**Harrild** reviewed the information in the packet for amendments to Title 17 regarding a new use type for a small scale slaughter facility.

**Staff** and **Commissioners** discussed the proposed language requiring that garbage and offal be removed within 24 hours and how that would be handled if operations happen on a Saturday, Sunday, or holiday weekend. Staff will talk with the health department regarding what requirements for garbage and offal they would require. What would be considered a “small scale” operation was discussed.

**6:06:00**

**Watterson** motioned to open the public hearing; **Parker** seconded; **Passed 6, 0.**

**06:07:00**

**Watterson** motioned to close the public hearing; **Parker** seconded; **Passed 6, 0.**

**Staff** and **Commission** discussed animals coming in from out-of-state for slaughter, and small scale operations.

**06:19:00**

#### **#3 Discussion: Cannabis Production Amendments to Title 17 of the County Code**

**Zetterquist** reviewed the Cannabis Production Amendments to Title 17 of the County Code.

**Staff** and **Commission** discussed what percentage of the current County roads meet the road standards, what factors reduce road accidents in the County, and current maintenance costs for roads. How this change would affect private roads was discussed. Concerns regarding the pavement were raised.

***Watterson** motioned to recommend non-adoption for the proposed Ordinance to repeal Resolution 2015-20, amend the County Manual of Roadway Design & Construction Standards, and to amend Related provisions of the County Code; **Christensen** seconded; **Passed 4, 1 (Sands voted nay)***

**07:03:00**

**#2 Discussion: Amendments to Title 17 regarding a new use type for small-scale slaughter facility**

**Harrild** reviewed the information received from the State regarding requirements for a custom small-scale slaughter facility. State requirements are much stricter than anything Cache County would be able to require due to management of those requirements.

**Staff** and **Commission** discussed the number of people allowed to slaughter the animal, inspections, and how to keep the operation small scale.

**Harrild** reviewed other County's code and zoning requirements for custom small-scale slaughter facility.

**Staff** and **Commission** discussed if the selling of product could occur, the definition of slaughter, and how to maintain small scale.

**08:00**

***Christensen** motioned to extend the meeting to 8:15 pm; **Watterson** seconded; **Passed 5, 0.***

**Staff** and **Commission** discussed the applications that brought about the creation of this use type.

**08:10:00**

**Adjourned**



**Commissioners** discussed the concerns they have with the proposal.

***Olsen** motioned to recommend a denial to the County Council for the Cache Valley Compost Facility; **Watterson** seconded; **Passed 3, 1 (Sands voted nay).***

**08:19:00**

**Commissioners** took a 3 min break.

**08:22:00**

**Commissioners** discussed the reasons for denial such as lack of information regarding alternatives to this type of composting, no information regarding an alternative location, public clamor, that this is a gateway to a community, chance of failure due to air pollution and water, and lack of ability to control odor.

**Commissioners** felt that there was a lack of information regarding some of the issues raised to be able to approve the rezone and open the possibility for a conditional use permit.

**08:35:00**

**#5 Discussion: Amendments to Title 17 regarding a new use type for a small-scale slaughter facility**

**Harrild** reviewed the proposed amendments to Title 17 regarding small-scale slaughter facilities.

**Staff** and **Commissioners** discussed the need for the type of facility, how amending the ordinance changes requirements for this type of facility, and how this changes or doesn't change things for the proposal that started the discussion. Wording of some sections of the code were discussed and the need to be looked at again for clarity.

**08:55:00**

**#6 Discussion: Amendment to Title 17 regarding Cannabis Production Establishments**

**Harrild** will send out a link for a couple of different maps regarding where to locate the facilities.

**Staff** and **Commission** discussed how to connect the ordinance with the possible properties that can be rezoned. Questions regarding how to limit the type of uses that can happen around a cannabis production establishment were asked.

**09:00:00**

***Watterson** motioned to extend the meeting for 10 minutes; **Olsen** seconded; **Passed 4, 0.***

**Staff** and **Commissions** discussed how the designation for Cannabis Production affects property values. Criteria for how these parcels are picked will need to be discussed.

**09:08:00**

**Adjourned.**

**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

# **ATTACHMENT 8**

**CACHE COUNTY, UTAH**  
**RESOLUTION 2021 - 08**

**A RESOLUTION RATIFYING APPOINTMENTS TO THE CACHE COUNTY  
DRAINAGE DISTRICTS #3, #4 AND #5 BOARDS OF TRUSTEES**

WHEREAS, “the board of trustees of a drainage district shall be appointed by the legislative body of the county in which the district is located,” Utah Code Ann. § 17B-2a-206, and the County Council is the legislative body of Cache County; and

WHEREAS, there are currently three vacancies on the Board of Trustees for Cache County Drainage District #3, three vacancies on the Board of Trustees for Cache County Drainage District #4, and three vacancies on the Board of Trustees for Cache County Drainage District #5; and

WHEREAS, when appointing a member of a drainage district board of trustees, “[t]he appointing authority [must] . . . allow any interested persons to be heard; and . . . adopt a resolution appointing a person to the local district board”; and

WHEREAS, the County Council properly published notice of a public hearing held on this 27<sup>th</sup> day of April 2021, where it allowed any interested persons to be heard on the issue of appointments to the boards of trustees of Cache County Drainage Districts #3, #4, and #5; and

WHEREAS, at its meeting held on this 27<sup>th</sup> day of April 2021 the County Council considered the qualifications of, and recommendations regarding, persons who have expressed interest in being appointed to the Board of Trustees for Cache County Drainage District #3, #4, or #5;

NOW, THEREFORE, BE IT RESOLVED, that the persons identified on the attached Exhibit A are hereby appointed to the Board of Trustees for Cache County Drainage District #3 for the terms indicated on Exhibit A; the persons identified on the attached Exhibit B are hereby appointed to the Board of Trustees for Cache County Drainage District #4 for the terms indicated on Exhibit B; and the persons identified on the attached Exhibit C are hereby appointed to the Board of Trustees for Cache County Drainage District #5 for the terms identified on Exhibit C.

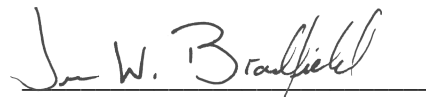
RESOLVED this 27<sup>th</sup> day of April 2021.

CACHE COUNTY COUNCIL

ATTEST



Gina Worthen, Chair  
Cache County Council



Jess W. Bradfield  
Cache County Clerk/Auditor

# APPOINTMENTS

04/27/2021

## CACHE COUNTY DRAINAGE DISTRICT #3 BOARD OF TRUSTEES

**BOARD MEMBER**

**CLEVE GIBBONS**

1205 South 1600 West

Lewiston, Utah 84320

435-881-2829

[clevegibbons@gmail.com](mailto:clevegibbons@gmail.com)

**Appointed to a Two or Four-year Term**

**Determined by the drawing of lots**

Beginning: 01/01/2021

Expiring: 12/31/2022 or

Expiring: 12/31/2024

**BOARD MEMBER**

**BURKE PITCHER**

1121 South 1600 West

Lewiston, Utah 84320

435-535-6969

[kbpitcher@plmw.com](mailto:kbpitcher@plmw.com)

**Appointed to a Two or Four-year Term**

**Determined by the drawing of lots**

Beginning: 01/01/2021

Expiring: 12/31/2022 or

Expiring: 12/31/2024

**BOARD MEMBER**

**PERRY EARLEY**

1215 South 800 West

Lewiston, Utah 84320

801-514-9319

[earley03@hotmail.com](mailto:earley03@hotmail.com)

**Appointed to a Two or Four-year Term**

**Determined by the drawing of lots**

Beginning: 01/01/2021

Expiring: 12/31/2022 or

Expiring: 12/31/2024

# APPOINTMENTS

04/27/2021

## CACHE COUNTY DRAINAGE DISTRICT #4 BOARD OF TRUSTEES

**BOARD MEMBER**

**ADAM JOHNSON**  
790 East 200 South  
Lewiston, Utah 84320  
435-770-9935  
[ajohnson@agrisourceinc.com](mailto:ajohnson@agrisourceinc.com)

**Appointed to a Two or Four-year Term  
Determined by the drawing of lots**  
Beginning: 01/01/2021  
Expiring: 12/31/2022 or  
Expiring: 12/31/2024

**BOARD MEMBER**

**ROBERT BARLOW**  
140 West Center  
Lewiston, Utah 84320  
435-258-5123  
[granbarlow@gmail.com](mailto:granbarlow@gmail.com)

**Appointed to a Two or Four-year Term  
Determined by the drawing of lots**  
Beginning: 01/01/2021  
Expiring: 12/31/2022 or  
Expiring: 12/31/2024

**BOARD MEMBER**

**ANTHONY HALL**  
89 North Main  
PO Box 90  
Lewiston, Utah 84320  
435-232-4169  
[ajcrhall@gmail.com](mailto:ajcrhall@gmail.com)

**Appointed to a Two or Four-year Term  
Determined by the drawing of lots**  
Beginning: 01/01/2021  
Expiring: 12/31/2022 or  
Expiring: 12/31/2024

# APPOINTMENTS

04/27/2021

## CACHE COUNTY DRAINAGE DISTRICT #5 BOARD OF TRUSTEES

**BOARD MEMBER**

**KADE TARBET**

2303 West 800 North  
Lewiston, Utah 84320  
435-770-0945  
[tarbetk@hotmail.com](mailto:tarbetk@hotmail.com)

**Appointed to a Two or Four-year Term**

**Determined by the drawing of lots**

Beginning: 01/01/2021  
Expiring: 12/31/2022 or  
Expiring: 12/31/2024

**BOARD MEMBER**

**BRAD WISER**

110 South 800 West  
Lewiston, Utah 84320  
435-881-7714  
[bradwiser16@hotmail.com](mailto:bradwiser16@hotmail.com)

**Appointed to a Two or Four-year Term**

**Determined by the drawing of lots**

Beginning: 01/01/2021  
Expiring: 12/31/2022 or  
Expiring: 12/31/2024

**BOARD MEMBER**

**JEFF HALL**

241 South 1600 West  
Lewiston, Utah 84320  
435-757-3340  
[jwhall@yahoo.com](mailto:jwhall@yahoo.com)

**Appointed to a Two or Four-year Term**

**Determined by the drawing of lots**

Beginning: 01/01/2021  
Expiring: 12/31/2022 or  
Expiring: 12/31/2024

**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

# **ATTACHMENT 9**

**CACHE COUNTY  
RESOLUTION 2021-07**

**A RESOLUTION AUTHORIZING CONVEYANCE OF REAL PROPERTY**

WHEREAS, Cache County owns a 3.29 acre parcel of real property identified by tax ID number 04-058-0051 and Cache County does not have a future interest in this real property; and

WHEREAS, Cache County has previously declared by Resolution, the property as “Surplus Property” pursuant to Cache County Ordinances 3.40.010, 3.40.020, and 3.40.040, and

WHEREAS, an interested party has submitted an acceptable bid to purchase the property; and

WHEREAS, the County Executive intends to execute a warranty deed conveying all rights, title, and interest in the real property described in this resolution and attached as Exhibit A to the purchaser; and

WHEREAS, Utah Code Ann. Section 17-50-312 provides that the county legislative body shall provide by ordinance, resolution, rule or regulation for the manner in which property shall be acquired, managed, and disposed of and requires the County to provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment and allow an opportunity for public comment on the proposed disposition; and

WHEREAS the Cache County Council must hold a public hearing before the Surplus Property can be disposed of by conveyance to the purchaser, DEJ Holdings, LLC and/or assigns; now

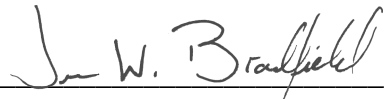
THEREFORE, the Cache County Council finds as follows:

1. That the parcel identified by tax ID number 04-058-0051 was declared “Surplus Property” by the County Council on February 23, 2020 at a public hearing by Resolution 2020-25, and
2. That pursuant to Cache County Ordinance 3.40.020, the property is being sold for not less than fair market value to DEJ Holdings, LLC and/or assigns, for \$660,000.00.

THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in “Exhibit A” has been declared surplus, and that such surplus property may be disposed of by the County Executive by executing an appropriate deed to DEJ Holdings, LLC and/or assigns. This resolution takes effect immediately upon adoption.


Dated this 27th day of April, 2021.

ATTESTED TO:



Jess W. Bradfield  
Cache County Clerk/Auditor

CACHE COUNTY COUNCIL



Gina H. Worthen  
Council Chair



# EXHIBIT A



LOT 11 CACHE RECREATION COMPLEX SUBDIVISION UNIT 2 AS SHOWN ON THE OFFICIAL PLAT THEREOF  
FILED IN THE OFFICE OF THE CACHE COUNTY RECORDERS OFFICE. 04-058-0051

**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

**ATTACHMENT 10**

## RESOLUTION 2021-09

CACHE COUNTY, UTAH

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### RESOLUTION AMENDING THE CACHE COUNTY PERSONNEL POLICY AND PROCEDURE MANUAL REGARDING PUBLIC SAFETY, PUBLIC WORKS, FIREFIGHTER WORK WEEK AND WORK PERIOD DEFINITIONS, AND SPECIAL LEAVE

WHEREAS, the Cache County Council on April 27, 2021, in a regular meeting of which lawful notice had been given, considered amending the Cache County Corporation Personnel Policy and Procedure Manual, Sections VI.E.3.a.; VII.K.; VII.L.6.; VII.P.; VIII.A.; VIII.B.; IX.A.3.; and IX.B.4; and

WHEREAS, the Cache County Council finds that it is appropriate and in the best interest of the County and its personnel that the Cache County Corporation Personnel Policy and Procedure Manual be amended;

NOW THEREFORE, BE IT RESOLVED that the Cache County Council approves the adoption of the following resolution:

1. **Amendments:** Sections VI.E.3.a.; VII.K.; VII.L.6.; VII.P.; VIII.A.; VIII.B.; IX.A.3.; and IX.B.4. of the Cache County Corporation Personnel Policy and Procedure Manual are hereby amended to read as set forth in the attached Exhibit A. All other portions of the Cache County Corporation Personnel Policy and Procedure Manual remain unchanged.
2. **Application:** The amendments to the Cache County Corporation Personnel Policy and Procedure Manual set forth in Exhibit A shall apply to all current and future county employees.
3. **Prior Resolution and Policies:** This Resolution and the amendments to the Cache County Corporation Personnel Policy and Procedure Manual specified in Exhibit A supersede all previously adopted resolutions and policies to the extent that they are in conflict with the specified provisions of this Resolution and the attached Exhibit A.
4. **Effective Date:** This Resolution shall be effective immediately upon its adoption.

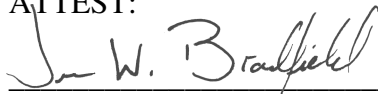
RESOLVED this 27th day of April, 2021.

CACHE COUNTY COUNCIL



Gina Worthen, Council Chairwoman

ATTEST:



Jess Bradfield, County Clerk/Auditor

## EXHIBIT A

### Section VI -- Employee Classifications/Status and Volunteers

#### E. General Administration:

##### 3. Merit Employee on Orientation

An employee who meets the criteria of a merit employee and is still within the first six (6) months of their hire date or twelve (12) months of their hire date if in a Public Safety position, are considered working within their Orientation Period as explained in Section V. An Orientation Period is required of all employees hired as merit employees. No employee may be hired as a merit employee and classified as a merit employee without successfully completing orientation as a merit employee.

- a. In the case that a Part-time/Non-merit employee is hired as a Full-time employee, the Orientation Period will begin on the full-time hire date. The employee will achieve merit status after a successful orientation period.
  - i. Public Safety Employees are required to serve a twelve (12) month Orientation Period and successfully achieve the required Law Enforcement Officer (LEO), Basic Correction Officer (BCO), or firefighter certification(s).
  - ii. Public Employees (all other merit employees) are required to serve a six (6) month Orientation Period and they must successfully achieve any licenses or certification(s) required to function within their job classification.

### Section VII – Personnel Management

#### K. Overtime

Employees covered by the overtime provisions of the FLSA shall be entitled to overtime compensation. Any time worked over forty (40) hours in any one work week will be considered overtime. Cache County may elect to pay Public Safety personnel overtime pay at one and one-half times their regular hourly rate for each hour of overtime worked in excess of a regular work period.

- 1. All overtime should be *approved in advance* and specifically assigned by an employee's Department Head or supervisor except in emergency situations when overtime is unavoidable and the Department Head or supervisor cannot be contacted for approval.

2. Only hours actually worked in any one week will be used in determining overtime. In accordance with the law, holidays or paid leave shall not be counted as time worked for purposes of overtime.
3. Complete, accurate records of all overtime worked must be kept by each department and submitted to the payroll specialist with a Cache County Time Sheet.
4. Overtime is compensated either by payment of wages at the rate of one and one-half (1½) times the regular rate of pay or by the accrual of compensatory hours at the rate of one and one-half (1½) times the number of hours worked. The Department Head, subject to budget limitations, has the option to either pay for overtime or allow for compensatory time.

#### **L. Compensatory Time**

6. Compensatory time may not be used to receive compensation above an employee's regular workweek or work period as defined below:
  - Public employees: a full-time employee may not use compensatory time to exceed 40 hours in a workweek.
  - Law Enforcement Public Safety employees: a full-time employee may not use compensatory time to exceed 80 hours in a bi-weekly shift.
  - Firefighter Public Safety employees: a full-time employee may not use compensatory time to exceed 212 hours in a 28-day work period.

#### **P. Payroll Schedule**

The payroll is administered on a bi-weekly schedule. Each pay period begins on Sunday morning at 12:01 a.m. for a two-week period and ends on the second Saturday night thereafter at midnight.

### **Section VIII Rules and Regulations**

#### **A. Work Day**

A full-time Public Employee generally works eight (8) hours per day, except when it is in the best interest of the public and the County to work shifts of extended hours. Work shall generally begin at 8:00 a.m. and end at 5:00 p.m. with one hour for lunch, Monday through Friday. Full-time Public Safety and Public Works employees may have different schedules, and the Department Head must collaborate with the Director of Human Resources to ensure compliance with employment laws.

## **B. Workweek and Work Period**

The workweek will comply with the Fair Labor Standard Act (FLSA). The work week starts on Sunday at 12:01 a.m. and ends on Saturday at midnight.

Work Periods are defined for Public Safety employees, Law Enforcement employees, and Firefighters as follows:

- Public Safety and Law Enforcement employees: 14-day work period
- Firefighters: 28-day work period

## **SECTION IX - EMPLOYEE BENEFITS**

### **A. Holidays**

3. Special Leave is paid in lieu of holiday pay to employees who may be required to work on holidays according to their regular work schedule. These employees include Public Safety employees, Animal Control Officers, Booking Clerks, and Public Works employees. Special leave will accrue at a rate of 4 hours per pay period.
  - a. Special Leave must be used in the year earned. No balance may be carried forward at the end of the calendar year.
  - b. An employee's balance of Special Leave may be negative; however, the employee must have a Personal Leave balance equal to the negative amount and may not carry a balance lower than a negative 48 hours. Negative balances remaining at the end of the year will be required to be balanced by using Personal Leave Time.
  - c. Special Leave may not be used to exceed the regular hours in a work period.

### **B. Leaves of Absence**

#### **4. Personal Leave Time**

The County provides Personal Leave Time for all merit employees.

- a. The County's Personal Leave policy empowers the employee with the option to use their time off for such things as a personal vacation, a personal illness or injury or that of a family member, or for times of bereavement. Personal Leave can also be used for medical or dental appointments or for a special occasion that requires you to be in attendance.

- b. A new merit employee accrues through the year, 18 days of Personal Leave. Personal leave accrues on a per pay period basis. A new employee may use his or her accrued leave during their orientation period with the approval of their department head.
- c. A part-time merit employee shall accrue personal leave, on a pro-rated basis per the average number of hours worked per day, according to the schedule.
- d. Personal leave may be accrued and accumulated up to a maximum of 520 hours. Any accrued personal leave over this limit must be used during the year in which it is earned. Accrued personal leave over the maximum of 520 hours that is not used by the benefit eligible date will be forfeited.
- e. An employee who leaves the County's employment shall be paid out at the employee's current rate of pay, for all personal leave time accrued to the date of separation, subject to the conditions on accumulation. Personal leave time will not be paid out for other reasons or circumstances.
- f. In order to accommodate best business practices for the county, an employee may only take up to 30 consecutive days of personal leave time in any continuous twelve (12) month period, unless the personal leave time is used for personal health or family health issues. Any exception to policy must be approved by the County Executive.
- g. Former employees who are rehired with reinstatement rights following military service or who are reinstated from a reduction in force status shall assume the same eligibility for personal leave time that they held prior to their separation.
- h. Personal leave time shall be scheduled, with the department head's approval, at least two weeks in advance when possible.
- i. An employee will accrue an additional day of personal leave time every other year of employment up to a maximum of 30 days per year. This, in part, recognizes and rewards years of service with the County. 79 October 2020
- j. New accrual rates begin at the start of the pay period that includes the employee's benefit eligible date.
- k. Regularly scheduled days off (i.e. Saturdays, Sundays, and legal holidays) occurring during a period in which personal leave has been granted shall not be charged against accrued personal leave.

- I. Employees must submit personal leave time hours used on their time sheet. Personal leave time accruals and balances are tracked and recorded by the Finance Department.
  - i. Holiday and Special leave time are not considered Personal Leave Time.
  - ii. Personal leave time may not be used to receive compensation above an employee's regular work schedule. For example:
    - Public Employees may not use personal leave time to exceed 40 hours in a workweek.
    - Law Enforcement Public Safety employees may not use personal leave time to exceed 80 hours in a 14-day work period.
    - Firefighters may not use personal leave time to exceed 212 hours in a 28-day work period.
    - Part-time merit employees must adjust these limits according to the number of hours normally worked in their schedule.
  - iii. An employee may bank up to one-third of their annual personal leave time allocation each year that begins with the benefit eligible hire date. This will be added to their personal leave time balance for future use.
  - iv. If an employee comes to work ill or injured, the department head or immediate supervisor may require the employee to return to their home to heal and that employee's personal leave will be used to cover the hours when the employee is absent. v. An employee who uses personal leave time due to an illness must notify the department head no later than one (1) hour after normal starting time on each day of absence unless circumstances surrounding the absence make such notification impossible. The department head should also be kept advised on the employee's progress and expected date of return to duty.
- m. Some merit employees and appointed department heads who were employed with the county prior to January 1, 2002, may have accrued hours in their Old Sick Leave account. Sick Leave was an accrued benefit provided to employees prior to the implementation of the Personal Leave Time benefit. The County Council approved for future use, the possession of any time an employee had accrued in their Sick Leave account. As such, if a merit employee or appointed department head is sick, injured or experiencing a health-related issue that keeps them away from their workstation for more than three (3) consecutive



work days, and the employee or department head has time in their Old Sick Leave account prior to January 1, 2002, those employees will be required to do the following:

- i. The first three (3) working days of leave will be drawn from one's Personal Leave Time (PLT);
  - ii. The next period of time away will be drawn from one's Old Sick Leave account until all hours are expended;
  - iii. If the employee has no hours in an Old Sick Leave account, time away from the office will continue to be drawn from one's Personal Leave Time until all hours are expended; 80 October 2020
  - iv. If the employee has expended all PLT and all Old Sick Leave time, they may be placed on Leave Without Pay status if they have complied with the Family Medical Leave Act (FMLA).
  - v. When an employee leaves the county's employment, they will not be compensated for any unused Old Sick Leave hours that may remain in their account.
- n. If an employee is off work for more than three (3) working days due to an illness, injury, or a health-related issue, the county may require an employee to present medical documentation from their doctor stating they are physically healthy and fit to continue or resume work. If a certification is a requirement associated with an employee's job duties, they may be required to provide proof of recertification before returning to their job duties. Such notice shall be provided to the department head and Human Resources within five (5) working days from the date the employee notifies the department head of illness or injury.
- o. If the employee is unable to resume work due to an illness, injury, or a health-related issue:
- i. An employee may be placed on Family and Medical Leave (FML) status;
  - ii. Personal Leave Time (PLT) shall not accrue if an employee is on FML status or Leave Without Pay status. Employees who are on FML or Leave Without Pay status and return to work part way through a month will accrue personal leave on a pro-rated basis for that month if the employee normally works more than eighty (80) hours during the month.
- p. Refer to the following table for Personal Leave Time (PLT) accrual rates.

## Section VI -- Employee Classifications/Status and Volunteers

### E. General Administration:

#### 3. Merit Employee on Orientation

An employee who meets the criteria of a merit employee and is still within the first six (6) months of their hire date or twelve (12) months of their hire date if in a Public Safety position, are considered working within their Orientation Period as explained in Section V. An Orientation Period is required of all employees hired as merit employees. No employee may be hired as a merit employee and classified as a merit employee without successfully completing orientation as a merit employee.

- a. ~~Service as a Part-time Non-merit or part-time employee will not be given credit towards the Orientation Period of a merit employee. If a~~ In the case that a Part-time/Non-merit employee is hired as a Full-time merit employee, the Orientation Period ~~for that employee will~~ begins on the full-time hire date ~~when the employee is rehired as a merit employee. The employee will achieve merit status after a successful orientation period.~~
- i. Public Safety Employees ~~(sworn Law Enforcement Officers (LEO), and Basic Correction Officers (BCO), and Firefighters)~~ are required to serve a twelve (12) month Orientation Period and ~~they must~~ successfully achieve the required Law Enforcement Officer (LEO), ~~or~~ Basic Correction Officer (BCO), or firefighter certification(s).
- iii. Public Employees (all other merit employees) are required to serve a six (6) month Orientation Period and they must successfully achieve any licenses or certification(s) required to function within their job classification.

## Section VII – Personnel Management

### K. Overtime

Employees covered by the overtime provisions of the FLSA shall be entitled to overtime compensation. Any ~~amount of~~ time worked ~~in excess of~~ over forty (40) hours in any one work week will be considered overtime ~~except for 207(k) exemption employees (Public Safety) with 28-day work periods as provided in the FLSA. In lieu of compensatory time off,~~ Cache County may elect to pay Public Safety personnel overtime pay at one and one-half times their regular hourly rate for each hour of overtime worked in excess of a regular ~~80 hours in a 14-day~~ work period.

1. All overtime should be *approved in advance* and specifically assigned by an employee's Department Head or supervisor except in emergency situations when overtime is unavoidable and the Department Head or supervisor cannot be contacted for approval.
2. Only hours actually worked in any one week will be used in determining overtime. In accordance with the law, holidays or paid leave shall not be counted as time worked for purposes of overtime.
3. Complete, accurate records of all overtime worked must be kept by each department and submitted to the payroll specialist with a Cache County Time Sheet.
4. Overtime is compensated either by payment of wages at the rate of one and one-half (1½) times the regular rate of pay or by the accrual of compensatory hours at the rate of one and one-half (1½) times the number of hours worked. The Department Head, subject to budget limitations, has the option to either pay for overtime or allow for compensatory time.

#### **L. Compensatory Time**

6. Compensatory time may not be used to receive compensation above an employee's ~~normal regular work schedule. workweek or work period as defined below: For public employees, a full-time employee may not use compensatory time to exceed 40 hours in a work week. For public safety employees, a full-time employee may not use compensatory time to exceed 80 hours in a bi-weekly shift. Part-time merit employees must adjust these limits according to the number of hours normally worked in their schedule.~~
  - Public employees: a full-time employee may not use compensatory time to exceed 40 hours in a workweek.
  - Law Enforcement Public Safety employees: a full-time employee may not use compensatory time to exceed 80 hours in a bi-weekly shift.
  - Firefighter Public Safety employees: a full-time employee may not use compensatory time to exceed 212 hours in a 28-day work period.

#### **P. Payroll Schedule**

The payroll is administered on a bi-weekly schedule. Each payroll period ~~commences~~ begins on Sunday morning at 12:01 a.m. for a two-week period and ends on the second Saturday night thereafter at ~~12:00 p.m.~~ midnight.

## Section VIII Rules and Regulations

### A. Work Day

~~The traditional work day for a~~ A full-time Public eEmployee ~~shall be generally works~~ eight (8) hours ~~per day and the normal work week shall be forty (40) hours~~, except when it is ~~considered to be~~ in the best interest of the public and the County to work shifts of extended hours. Work shall generally begin at 8:00 a.m. and end at 5:00 p.m. with one hour for lunch, Monday through Friday. Full-time Public Safety and Public Works employees may have different schedules, and the Department Head must collaborate with the Director of Human Resources to ensure compliance with employment laws.

### B. Workweek and Work Period

The ~~work week~~ ~~workweek~~ will ~~be in compliance~~ ~~comply~~ with the Fair Labor Standard Act (FLSA). ~~which states, "a workweek is a regularly recurring period of one hundred sixty-eight (168) hours in the form of seven (7) consecutive twenty-four (24) hour periods." For payroll purposes, t~~The work week starts on Sunday at 12:01 a.m. and ends on Saturday at ~~12:00 p.m.~~ midnight.

Work Periods are defined for Public Safety employees, Law Enforcement employees, and Firefighters as follows:

- Public Safety and Law Enforcement employees: 14-day work period
- Firefighters: 28-day work period

## SECTION IX - EMPLOYEE BENEFITS

### A. Holidays

3. ~~Full-time Public Safety employees and animal control officers and public employees who are working as Booking Clerks for the County Sheriff accrue 4 hours of Special Leave each pay period, instead of receiving a paid holiday, and they may be required to work on holidays according to their normal work schedule.~~ Special Leave is paid in lieu of holiday pay to employees who may be required to work on holidays according to their regular work schedule. These employees include Public Safety employees, Animal Control Officers, Booking Clerks, and Public Works employees. Special leave will accrue at a rate of 4 hours per pay period.
  - a. Special Leave ~~may be used the same as personal leave time, except that all hours must be used in the year earned.~~ ~~and No~~ balance may be carried forward at the end of the calendar year.

- b. An employee's balance of Special Leave may be ~~reduced to a~~ negative; ~~balance,~~ ~~but~~ ~~however~~, the employee must have a Personal Leave balance equal to the negative amount and may not carry a balance lower than a negative 48 hours. Negative balances remaining at the end of the year will be ~~offset to~~ ~~required to~~ ~~be balanced by using~~ ~~Personal~~ ~~Leave~~ ~~Time~~.
- c. Special Leave may not be used to exceed ~~80 hours in a bi-weekly shift~~ ~~the regular~~ ~~hours in a work period~~.

## **B. Leaves of Absence**

### **4. Personal Leave Time**

The County provides Personal Leave Time for all merit employees. ~~Non-merit employees, part-time or seasonal employees are not eligible for personal leave time.~~

- a. The County's Personal Leave policy empowers the employee with the option to use their time off for such things as a personal vacation, a personal illness or injury or that of a family member, or for times of bereavement. Personal Leave can also be used for medical or dental appointments or for a special occasion that requires you to be in attendance.
- b. A new merit employee accrues through the year, 18 days of Personal Leave. Personal leave accrues on a per pay period basis. A new employee may use his or her accrued leave during their orientation period with the approval of their department head.
- c. A part-time merit employee shall accrue personal leave, on a pro-rated basis per the average number of hours worked per day, according to the schedule.
- d. Personal leave may be accrued and accumulated up to a maximum of 520 hours. Any accrued personal leave over this limit must be used during the year in which it is earned. Accrued personal leave over the maximum of 520 hours that is not used by the benefit eligible date will be forfeited.
- e. An employee who leaves the County's employment shall be paid out at the employee's current rate of pay, for all personal leave time accrued to the date of separation, subject to the conditions on accumulation. Personal leave time will not be paid out for other reasons or circumstances.
- f. In order to accommodate best business practices for the county, an employee may only take up to 30 consecutive days of personal leave time in any continuous twelve (12) month period, unless the personal leave time is used for personal health or family health issues. Any exception to policy must be approved by the County Executive.

- g. Former employees who are rehired with reinstatement rights following military service or who are reinstated from a reduction in force status shall assume the same eligibility for personal leave time that they held prior to their separation.
- h. Personal leave time shall be scheduled, with the department head's approval, at least two weeks in advance when possible.
- i. An employee will accrue an additional day of personal leave time every other year of employment up to a maximum of 30 days per year. This, in part, recognizes and rewards years of service with the County. 79 October 2020
- j. New accrual rates begin at the start of the pay period that includes the employee's benefit eligible date.
- k. Regularly scheduled days off (i.e. Saturdays, Sundays, and legal holidays) occurring during a period in which personal leave has been granted shall not be charged against accrued personal leave.
- l. Employees must submit personal leave time hours used on their time sheet. Personal leave time ~~hours~~ ~~accrualed~~ and ~~personal leave time~~ balances are tracked and recorded by the Finance Department.
- i. Holiday and Special leave time are not considered ~~as p~~Personal ~~l~~Leave ~~t~~Time.
- ii. Personal leave time may not be used to receive compensation above an employee's ~~normal~~ ~~regular~~ work schedule. ~~For example: For public employees, a full-time employee may not use personal leave time to exceed 40 hours in a work week. For public safety employees, a full-time employee may not use personal leave time to exceed 80 hours in a bi-weekly shift. Parttime merit employees must adjust these limits according to the number of hours normally worked in their schedule.~~
- Public Employees may not use personal leave time to exceed 40 hours in a workweek.
  - Law Enforcement Public Safety employees may not use personal leave time to exceed 80 hours in a 14-day work period.
  - Firefighters may not use personal leave time to exceed 212 hours in a 28-day work period.

- Part-time merit employees must adjust these limits according to the number of hours normally worked in their schedule.

- iii. An employee may bank up to one-third of their annual personal leave time allocation each year that begins with the benefit eligible hire date. This will be added to their personal leave time balance for future use.
  - iv. If an employee comes to work ill or injured, the department head or immediate supervisor may require the employee to return to their home to heal and that employee's personal leave will be used to cover the hours when the employee is absent.
  - v. An employee who uses personal leave time due to an illness must notify the department head no later than one (1) hour after normal starting time on each day of absence unless circumstances surrounding the absence make such notification impossible. The department head should also be kept advised on the employee's progress and expected date of return to duty.
- m. Some merit employees and appointed department heads who were employed with the county prior to January 1, 2002, may have accrued hours in their Old Sick Leave account. Sick Leave was an accrued benefit provided to employees prior to the implementation of the Personal Leave Time benefit. The County Council approved for future use, the possession of any time an employee had accrued in their Sick Leave account. As such, if a merit employee or appointed department head is sick, injured or experiencing a health-related issue that keeps them away from their workstation for more than three (3) consecutive work days, and the employee or department head has time in their Old Sick Leave account prior to January 1, 2002, those employees will be required to do the following:
- i. The first three (3) working days of leave will be drawn from one's Personal Leave Time (PLT);
  - ii. The next period of time away will be drawn from one's Old Sick Leave account until all hours are expended;
  - iii. If the employee has no hours in an Old Sick Leave account, time away from the office will continue to be drawn from one's Personal Leave Time until all hours are expended; 80 October 2020
  - iv. If the employee has expended all PLT and all Old Sick Leave time, they may be placed on Leave Without Pay status if they have complied with the Family Medical Leave Act (FMLA).

- v. When an employee leaves the county's employment, they will not be compensated for any unused Old Sick Leave hours that may remain in their account.
- n. If an employee is off work for more than three (3) working days due to an illness, injury, or a health-related issue, the county may require an employee to present medical documentation from their doctor stating they are physically healthy and fit to continue or resume work. If a certification is a requirement associated with an employee's job duties, they may be required to provide proof of recertification before returning to their job duties. Such notice shall be provided to the department head and Human Resources within five (5) working days from the date the employee notifies the department head of illness or injury.
- o. If the employee is unable to resume work due to an illness, injury, or a health-related issue:
  - i. An employee may be placed on Family and Medical Leave (FML) status;
  - ii. Personal Leave Time (PLT) shall not accrue if an employee is on FML status or Leave Without Pay status. Employees who are on FML or Leave Without Pay status and return to work part way through a month will accrue personal leave on a pro-rated basis for that month if the employee normally works more than eighty (80) hours during the month.
- p. Refer to the following table for Personal Leave Time (PLT) accrual rates.



**CACHE COUNTY COUNCIL MEETING**  
**APRIL 27, 2021**

# **ATTACHMENT 11**



## RAPZ AND RESTAURANT PROGRAM

### 2021 RECOMMENDED FUNDING

No.	Entity	Title	Request	Award
1	Amalga Township	New Playground Equipment	12,500	10,000
2	American Festival Chorus and Orchestra	2021-2022 Season	30,000	30,000
3	American West Heritage Center	2021 Operational Support	93,500	93,000
4	American West Heritage Center	2021 Programming Capital/Maintenance Request	36,500	35,000
5	Cache Children's Choir	2021-2022 Season Support	12,000	10,000
6	Cache Community Band	Tuba, Equipment Trailer and Operating Expenses	10,000	10,000
7	Cache County Fairgrounds/Event Center	Cache Arena Overhead Fans	38,940	38,940
8	Cache County Fairgrounds/Event Center	Replace East and West Doors/Cache Arena	16,940	16,940
9	Cache County Fairgrounds/Event Center	WiFi and Communications build-out	10,385	10,385
10	Cache County Fairgrounds/Event Center	Pond fill	107,692	107,692
11	Cache County Fairgrounds/Event Center	Arena Surface Rehab	9,854	9,854
12	Cache County Fairgrounds/Event Center	Advertising & Promoting the Cache County Fair & Rodeo	8,620	8,620
13	Cache County - Development Services	Regional Trail Coordinator Position	35,000	35,000
14	Cache County - Development Services	Birch Canyon Survey & Recreation Assessment	40,000	40,000



## RAPZ AND RESTAURANT PROGRAM

### 2021 RECOMMENDED FUNDING

No.	Entity	Title	Request	Award
15	Cache County - Development Services	Hyde Park Canyon Loop Trail	7,042	7,042
16	Cache County - Development Services	1400 North Middle Canal Crossing	53,433	53,433
17	Cache County - Development Services	North Logan Bonneville Shoreline Trail	6,050	6,050
18	Cache Daughters of Utah Pioneers	Museum Operating Expenses	7,500	7,500
19	Cache Valley Center for the Arts	CacheARTS Facilities	100,000	90,000
20	Cache Valley Center for the Arts	Arts Education and Outreach Prgramming	40,000	40,000
21	Cache Valley Center for the Arts	Out-of Area Marketing CacheARTS Presents FY21	25,000	20,000
22	Cache Valley Civic Ballet	CVCB: Pereformance and Education Enhancement	31,000	20,000
23	Cache Valley Cowboy Rendezvous, Inc.	Cache Valley Cowboy Rendezvous	9,900	10,000
24	Cache Valley Cruising Association	Cache Valley Cruise-In 2021	49,500	30,000
25	Cache County - Cache Valley Visitors Bureau	Boosted CVVB Domestic & International Marketing Campaign	94,525	94,525
26	Logan City - Parks and Recreation	Logan City Center Block Plaza, Splash Pad & Ice Rink	197,000	197,000
27	Common Ground Outdoor Adventures	Tourism promotion of the Cache Valley Century Ride	3,500	2,500
28	Cornish Town	Cornish Town Hall Improvements - Phase 3	33,950	34,000
29	Four Seasons Theatre Company	Four Seasons Theatre Company 2021 Season	45,000	25,000



**RAPZ AND RESTAURANT PROGRAM**  
2021 RECOMMENDED FUNDING

No.	Entity	Title	Request	Award
31	Hyrum City	Blacksmith Fork Park - East	300,000	250,000
32	Logan City - Parks and Recreation	Trapper Park Restroom and Parking Lot Asphalt	160,000	160,000
33	Logan City - Parks and Recreation	Bridger Park Pickelball Court Lights	115,000	115,000
34	Friends of the Mendon Cottage Library	Shelving, collection development and programming needs	50,000	14,000
35	Jump the Moon Foundation	Continued and Expanding Art Services Funding	20,000	20,000
36	Logan Community Foundation dba Cache	Cache Theatre Company 2021-2022 Season	48,000	32,000
37	Logan Downtown Alliance	Logan City - Top of Utah Marathon	20,000	10,000
38	Lyric Repertory Company	Lyric Rep 2021-2022 Season	50,000	7,500
39	Millville City	South Park Pickleball Courts	111,000	111,000
40	Millville City	Park Walkway Phase 2	64,000	0
41	Music Theatre West	Fall Musical, Spring Musical, Teen Summer Workshop	38,000	28,000
42	Nora Eccles Harrison Museum of Art	NEHMA's 2021-22 exhibitions, K-12 Outreach, Public Programming	10,000	5,000
43	Nordic United	Smithfield Canyon Winter Trail	5,000	5,000
44	Nordic United	Promotion of Cache County Outdoor Winter Recreation and Maintenance	10,500	5,000
45	Providence City	Providence Pickelball Courts	120,000	0





**RAPZ AND RESTAURANT PROGRAM**  
2021 RECOMMENDED FUNDING

No.	Entity	Title	Request	Award
46	Richmond City	White Pine Park Playground Equipment	47,000	47,000
47	River Heights City	New River Height City Park Northeast	40,000	40,000
48	Smithfield City	Blue Sox Field Restroom Facility	122,474	122,474
49	Smithfield City Children's Theatre	Ali Baba and the Forth Thieves	3,750	3,750
50	Stokes Nature Center	School and Community Program Support	35,000	25,000
51	Unicorn Theatre	Unicorn Theatre	15,000	7,000
52	United Way of Cache Valley	United Way of Cache Valley 211 Utah Pickle-ball Tournament	43,000	0
53	Utah Festival Opera & Musical Theatre	Partnership to ensure financial support for UFOMT	452,890	400,000
54	Utah Festival Opera & Musical Theatre	UFOMT Marketing Campaign	150,000	50,000
55	Utah Festival Opera & Musical Theatre	Utah Theatre Operations	10,000	0
56	Utah Festival Opera & Musical Theatre	Utah Theatre Marketing	8,000	0
57	Utah State University	Swenson Park	37,100	0
58	Utah State University	Cache Valley Community Writing Center	18,870	0
59	Whispering Canyons Foundation Inc	Operations	24,900	0
60	Zootah at Willow Park (formerly Willow Park Zoo)	Zootah Operating Expenses	155,000	155,000
<b>GRAND TOTALS</b>			<b>3,449,815</b>	<b>2,705,205</b>