

APPROVED MINUTES

CACHE COUNTY COUNCIL

October 12, 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 opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

MEMBERS PRESENT: Chair Gina H. Worthen; Vice Chair Barbara Tidwell; Councilmembers: Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Nolan Gunnell, David L. Erickson

STAFF PRESENT: County Executive David Zook, Clerk/Auditor Jess Bradfield, County Attorney John Luthy, Chief Deputy County Executive Bryce Mumford, HR Director Amy Adams, Fire Chief Rod Hammer, IT Director Bart Nelson, Executive Admin Janeen Allen, Development Services Director Chris Harrild, Tax Admin Supervisor Dianna Shaeffer, Elections Tech Specialist William Crist, Deputy Clerk Chelsea Booth and Deputy Clerk Bryson Behm

OTHER ATTENDANCE: Jeff Gilbert, Chilali Hugo, Jesse Mott, Jerry Woodland, Jordan Mathis, Whitney Hyer, John Drew, Chris Booth, Joanne Bennet, Chad Brown, Travis and Brittney Nielsen, Wayne Caldwell

Council Workshop (Cache County Budget)

1. **Call to Order 3:30p.m.** – Gina H. Worthen
2. **Cache County Budget** – Council discussed budget changes if departmental “miscellaneous” budget line items should all be equal by percentages. Council had concerns that the miscellaneous line item creates potential for inappropriate use of funds. Cameron Jenson County Finance Director addressed council’s concerns and provided reasoning for why there is variety between departmental uses for the miscellaneous budget line item. Jenson also reported on the upcoming changes to the budget and discussed the 2022 budget.
3. **Adjourn** – Approximately at 4:40pm

Council Meeting

1. **Call to Order 5:00p.m.** – Chair Gina Worthen
2. **Opening Remarks and Pledge of Allegiance** –Councilwoman Barbara Tidwell [1:02](#)
3. **Review and Approval of Agenda APPROVED [2:59](#)**

Action: Motion made by Councilmember Zilles to approve the agenda with amendments to move item 10a to the top of the agenda with items 8a and 11d moved between agenda items 5 and 6; Seconded by Councilmember Erickson

Motion passes.

Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson

Nay: 0
4. **Review and Approval of Minutes DELAYED [4:16](#)**

Action: Motion made by Councilmember Tidwell to delay approval the minutes from the September 14th meeting until next meeting; Seconded by Councilmember Zilles.

Motion passes.

Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson

Nay: 0
5. **Report of the County Executive [5:18](#)**
 - a. Reported the storm event that happened overnight between October 11 and October 12, expressed his gratitude for the county clean-up crews. He also reported on his meeting with Congressman Moore with other elected officials throughout the county. Executive Zook reported in the success of the Alex Boyé Suicide Awareness Concert at the fairgrounds.

Executive Zook presented a resolution promoting an individual’s right to privacy regarding personal vaccination status. The resolution is similar to a draft created by the State Republican Party. Zook asked council to consider the resolution as an action during a future meeting.

- b. Appointment of a new County Public Defender Mike McGinnis. [10:20](#)
Action: Motion made by member Ward to appoint Mike McGinnis as the County Public Defender; Seconded by Councilmember Tidwell
Motion passes.
Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay: 0

6. Items of Special Interest [1:23:09](#)

- a. **Introduction of New Deputy Civil Attorneys** [1:23:09](#)
Discussion: County Attorney John Luthy introduced to the council the county's two new Deputy Civil Attorneys Taylor Sorenson and Alisa Larsen
- b. **Approval of 2021 CCOG Project Recommendations** [1:27:19](#)
Discussion: Providence and CCOG Chair reported on the recommended projects and the good news that they have enough funding to fund all current projects.
Action: Motion made by Councilmember Ward to approve funding for all 9 projects at \$5.4 Million; Seconded by Councilmember Tidwell.
Motion passes.
Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay:

7. Department or Committee Reports

- a. **General Plan Update** [1:35:10](#)
Discussion: Lauren Ryan County Planner reported on the general plan and the upcoming draft later this year.
- b. **2022 Citizens Budget** [1:40:27](#)
Discussion: County Deputy Executive reported on the Citizens Budget and asked council to report the full Citizens Budget at a later date with the new updates.

8. Board of Equalization Matters [1:14:29](#)

- a. Approval of Recommendations of Hearing Officers for Board of Equalization and Greenbelt Appeals
Action: Motion made by Councilmember Ward to enter Board of Equalization; Seconded by Councilmember Tidwell.
Motion passes.
Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay:
Discussion: County Tax Administration Supervisor Dianna Schaeffer reported on the appeals and stated all appeals are accurate for council approval and the Clerk/Auditor's signature.
Action: Motion made by Councilmember Erickson to approve the recommendations; Seconded by Councilmember Tidwell. [1:16:43](#)
Motion passes.
Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay:
Action: Motion made by Councilmember Erickson to adjourn from Board of Equalization; Seconded by Councilmember Borup.
Motion passes.
Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay:

9. Public Hearings [50:31](#)

- a/b **Set Public Hearing for Resolution 2021-21 and Resolution 2021-22** [1:13:35](#)
Action: Motion made by Councilmember Erickson to set a public hearing for Resolution 2021-21 and Resolution 2021-22 Seconded by Councilmember Tidwell.
Motion passes.
Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson

Nay:

c. Public Hearing for Ordinance 2021-20 – T&B Nielsen Rezone [51:17](#)

Discussion: Chris Harrild Development Services Director presented on the details of rezone and the parameters of it since it is in a water protection zone. Wayne Caldwell representing Travis and Brittney Nielsen applicants of rezone spoke in favor of the rezone and addressed the concerns that Chris Harrild presented on.

Action: Motion made by Councilmember Zilles to close the public hearing; Seconded by Councilmember Erickson.

Motion passes.

Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson

Nay:

10. Pending Action

a. Consideration of the Bear River Health Department Test-to-Stay Order of Constraint APPROVED [15:29](#)

Discussion: Jordan Mathis Bear River Health Department Director reported in the order and answered concerns from council about possible future Test-to Stay orders.

Action: Motion made by Councilmember Ward to let the order expire after the 30 days set by law (Oct 20); Seconded by Councilmember Borup. [44:48](#)

Motion passes.

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

Nay: 1 Gina H. Worthen

11. Initial Proposals for Consideration of Action

a. Ordinance 2021-20 T&B Nielsen Rezone DENIED [1:42:39](#) ATTACHMENT 1

Discussion: Chris Harrild gave an overview of the rezone and addressed the comments from the representative of Travis Brittney Nielsen, applicants of the rezone as well as the planning commission recommendation of denial. Council discussed property rights and how they don't want to hold property owners "hostage" on how they can use their land.

Action: Motion made by Councilmember Zilles to waive the rules and deny the rezone; Seconded Councilmember Borup

Motion passes.

Aye: 6 Gina H. Worthen, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson

Nay: 1 Karl B Ward

b. Ordinance 2021-22 Adopting the Cache County Consolidated Fee Schedule TABLED FOR NEXT MEETING [1:59:14](#)

Discussion: Deputy Executive reported in the new consolidated Fee Schedule

Action: Council will wait until next meeting to approve the schedule so the requested amendments from the Clerk's Office will be in the ordinance.

c. Ordinance 2021-23 Ordinance changing the salaries of the Cache County Elected Officer and County Council APPROVED [2:04:05](#) ATTACHMENT 2

Discussion: HR Director reported on the increase of the salaries which correlates with the same 3% COLA increase given to county public employees earlier this September.

Action: Motion made by Councilmember Zilles to waive the rules and approve Ordinance 2021-22; Seconded by Councilmember Tidwell

Motion passes.

Aye: 6 Gina H. Worthen, Karl B. Ward, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson

Nay: 0

Abstain: 1 Paul R. Borup

d. Property Tax Relief Requests APPROVED & TABLED [1:17:29](#)

Discussion: County Tax Administration Supervisor Dianna Schaeffer reported on the property relief requests. Schaeffer recommended one for approval due to disability (0021) with the second one up to council for approval, denial or table for more information due to unexplained income.

Action: Motion made by Councilmember Ward approve the relief for the first request (0021) at 38%; Seconded by Councilmember Erickson [1:20:31](#)

Motion passes.

Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay: 0

Action: Motion made by Councilmember Ward table the relief for the second request (0051) for more information on household income; Seconded by Councilmember Tidwell [1:22:46](#)

Motion passes.

Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay: 0

e. **Consideration the Separation of the Clerk/Auditor Office TABLED UNTIL THE COMPLETION OF A COST ANALYSIS** [2:07:44](#)

Discussion: Council discussed of the separation of the Clerk/Auditors Office. Councilmembers Ward and Zilles were vocally against the measure while Chairwoman Worthen believes the office should be separate and Councilmember Erickson would like cost analysis of the separation. Council agreed to a cost analysis with Executive Zook, the Audit Committee and the Attorney's Office taking charge of the analysis with Clerk/Auditor Jess Bradfield being involved.

Action: Motion made by Councilmember Erickson table and wait for more information and a cost analysis is complete from the Executive, Audit Committee and Attorney's Office with Clerk/Auditor involved; Seconded by Councilmember Borup [2:37:52](#)

Motion passes.

Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay: 0

12. Other Business [2:38:58](#)

- a. USU Homecoming Parade
- b. UAC Annual Conference

13. Councilmember Reports [2:39:26](#)

David Erickson – Question on selling a parcel in southwest Lewiston near the river for an irrigation/pump project [2:40:08](#)

Gordon Zilles – Followed up on the possibility of the Cache County Event Center hosting indoor pickleball. [2:39:33](#)

Karl Ward – No Report

Barbara Tidwell – No Report

Paul Borup – No Report

Nolan Gunnell – No Report

Gina Worthen – No Report

14. Executive Session Utah Code 52-4-205(1)(e) – Discussion of the sale of Real Property [2:43:17](#)

Action: Motion made by Councilmember Zilles to enter Executive Session; Seconded by Councilmember Tidwell

Motion passes.

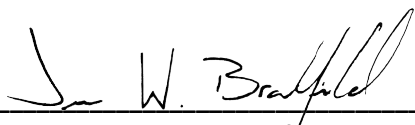
Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay: 0

Action: Motion made by Councilmember Borup to exit Executive Session; Seconded Councilmember Tidwell.

Motion passes.

Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay: 0

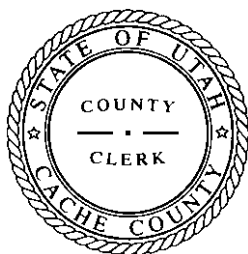
15. Adjourn Approximately 8:00PM



ATTEST: Jess W. Bradfield
County Clerk/Auditor



APPROVAL: Gina. H. Worthen
Chair



**CACHE COUNTY COUNCIL MEETING
OCTOBER 12, 2021**

ATTACHMENT 1

Ordinance No. 2021-20

Cache County, Utah

T & B Nielsen Rezone

An ordinance request to amend the County Zoning Map by rezoning 11.53 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 August 5, 2021, the Planning Commission held a public hearing, accepted all comments, and recommended the denial of the proposed amendments to the County Council for final action; and

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

Whereas, following proper notice, the County Council held a public hearing on October 12, 2021, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

Now, therefore, the County Legislative Body of Cache County ordains as follows regarding the T & B Nielsen Rezone request:

1. Statutory Authority

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

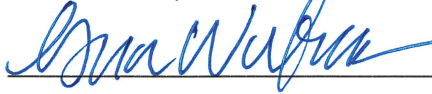
2. Exhibits

A. Exhibit A: Rezone summary and information.

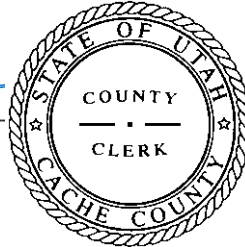
Action taken on Oct 12, 2021.

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

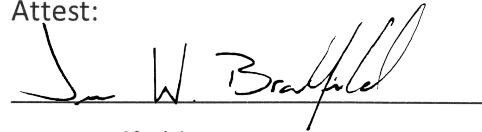
Cache County Council:



Gina Worthen, Chair
Cache County Council



Attest:



Jess Bradfield
Cache County Clerk

Publication Date: October 27, 2021



Hold a Public Hearing

Ordinance 2021-20 T & B Nielsen Rezone

Agenda request submitted by: Chris Harrild, Director – Forwarded from the County Planning Commission
Assisting Department: Development Services
Requested Council meeting date: October 12, 2021

Agenda Item Language: Hold a hearing for October 12, 2021 for Ordinance 2021-20 T & B Nielsen Rezone – A request to rezone 11.53 acres at 1939 Canyon Road, near Smithfield, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

Recommendation: Planning Commission – Denial (7-yea; 0-nay).

Background: A request to rezone 11.53 acres at 1939 Canyon Road, near Smithfield, from the Agricultural (A10) Zone to the Rural 5 (RU5) 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 August 5, 2021.

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

See attached for additional information.

County Staff Presenter: Chris Harrild

Presentation Time: No additional staff presentation time is anticipated.

County Staff Point of Contact: Angie Zetterquist, County Planner

Legal Review: N/A

Ord 2021-20
T & B Nielsen Rezone
Amending the Cache County Zoning Map by rezoning
11.53 acres of property from the Agricultural (A10) Zone
to the Rural 5 (RU5) Zone.

County Council action

Public hearing to be held on October 12, 2021.

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

Planning Commission action

Denial (7-yea; 0-nay).

Public hearing held on August 5, 2021.

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

1. The subject property is located within Zone 2 of a Source Water Protection Zone, which does not allow for new septic systems as part of a future development. Further, according to Bear River Health Department, the county expert for septic systems, it would be extremely difficult to accommodate an alternative septic system due to the property's location within the protection area and proximity to a nearby pond.
2. The subject property is not appropriately served by suitable public roads. Smithfield Canyon Road does not meet the minimum standards of a Minor Local Road and is therefore substandard and not suitable for higher density development.
3. The subject property does not have the minimum required frontage along a public road required for the RU5. It is not possible for the existing private access driveway to meet the minimum standards for a Private Road as it is substandard and does not meet the access management spacing requirements for public/private roads per the Road Manual.

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 11.53 acres of property from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

Additional review materials included as part of Exhibit A

Staff Report to Planning Commission

Staff Report: T & B Nielsen Rezone

5 August 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: Wayne Caldwell

Parcel ID#: 08-046-0015

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:

1939 Canyon Road
near Smithfield

Acres: 11.53

Surrounding Uses:

North – Agricultural

South – Agricultural/Residential

East – Agricultural/Residential

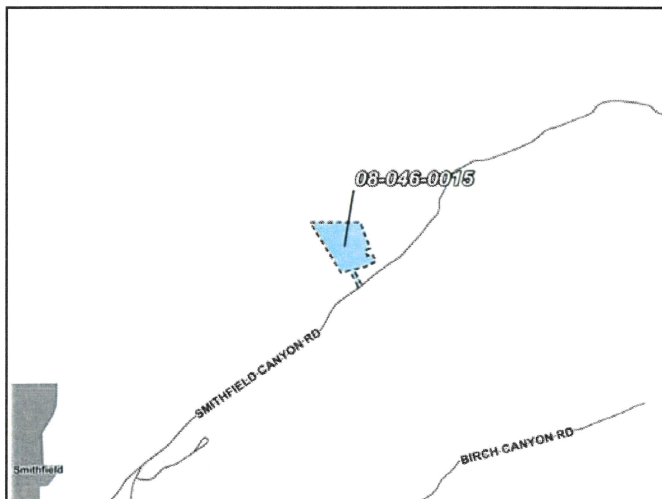
West – Agricultural/Residential

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 5 (RU5)



Findings of Fact

A. Request description

1. A request to rezone 11.53 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 it 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 exists in the same size and configuration since August 8, 2006, with the exception of a small portion of the property which was removed to create a parcel for a Smithfield City well. Under the current density requirements of the Agricultural (A10) Zone the subject property cannot be further divided into buildable lots given the approximate parcel size of 11.53 acres.
 - ii. 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. A rezone to RU5 may allow up to 2 buildable lots.
-
- i. Average Lot Size: There are 13 parcels immediately adjacent to the subject property; 7 are vacant with an average lot size of 58.3 acres and 6 parcels with a home and an average lot size of 21.6 acres.
Within a ¼ mile buffer of the proposed rezone, there are 9 parcels with a home and an average lot size of 16.6 acres and 12 parcels without a home with an average size of 39.3 acres.
When the buffer is expanded to ½ mile of the proposed rezone: there are 12 parcels with a home and an average lot size of 17.6 acres. There are 21 parcels without a home in the County and an average lot size of 45.8 acres. (Attachment A)
 - ii. 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
 - iii. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture and residential. The subject property is also located on Canyon Road, a scenic road that leads to forest recreation areas.
 - iv. Annexation Areas: The subject property is not located within a future annexation area.
 - v. 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 Smithfield, which is approximately 1.25 miles away using Canyon Road.
There is a property located approximately ½ mile northeast of the subject property along Canyon Road that is zoned RU5. The Smithfield Canyon Estates Rezone, approved as Ordinance 2013-07, rezoned 40 acres from A10 to RU5 finding the subject property was compatible with the RU5 Zone and adjoining land uses, had

adequate access to services, and could be developed without the need for variances or special exceptions.

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. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the RU5 Zone is 90 feet.
8. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
9. 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.
 - 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).
10. Table 5.1 – Cache County Access Management Standards – Requires a minimum of 300 feet spacing between public/private roads along a Minor Local road
11. A basic review of the access to the subject property identifies the following:
12. Primary access to the subject property is from Smithfield Canyon Road, a county road, and a private road access.
13. Smithfield Canyon Road:
 - a. Is an existing County facility.

- b. Is classified as a Minor Local road.
- c. Is a unique road within Cache Valley as it is a scenic road that provides access to residential properties and forest recreation areas as well as regularly utilized as a recreational route for outdoor enthusiasts.
- d. Consists of an average paved width of 20 feet, but is considered substandard as to overall paved width, right-of-way dedication, paved and gravel shoulders, and clear zone.
- e. The subject property has approximately 50 feet of frontage along Canyon Road, less than the 90 feet required.

14. Private driveway access:

- a. Currently provides access to two other parcels.
- b. Is classified as a Private Road.
- c. Current spacing to the nearest Private Road is approximately 125 feet, which does not meet the current spacing requirement of 300 feet.
- d. As the subject property does not have the minimum frontage along the public road, the private access must meet the standards of a Private Road per the Road Manual to accommodate future development.
- e. The County does not provide maintenance on private roads.

D. Service Provisions:

- 15. §16.04.080 [C] Fire Control – The County Fire District visited the site and did not have any comments on the proposed rezone. 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.
- 16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection in this area, but containers must be brought to the County road as collection service is not provided on private roads.

E. Sensitive Areas

17. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area

- a. The vast majority of the subject property is located within Zone 2 of a Source Water Protection Zone and is immediately adjacent to a Smithfield City well/spring. Per §17.10.050(3)(b), no proposed septic system shall be permitted within a zone 1 or zone 2 as defined by the current drinking water source protection plan for any public culinary water system.
§17.10.050(3)(a) further states that all proposed uses and or/buildings needing the use of water and sewage facilities shall comply with the requirements of the Bear River Health Department (BRHD) and this agency is considered the county expert in evaluating the proposed sewage system.
After receiving notice of the proposed rezone, Richard Worley of BRHD contacted staff regarding the location of the subject property within a source water protection area. Though not impossible, BRHD believes it would be extremely difficult to locate a septic system in this area due to the protection area and a pond located nearby that will require additional setbacks. Although they were able to accommodate another septic system on an adjacent property, before any approval could be given for the subject property, they would have to look at it very closely and do a feasibility study if the applicant applied for a subdivision in the future to determine if it is possible.
- b. According to the GIS Parcel Summary, the subject property has areas of steep and moderate slopes. Areas of steep slopes cannot be developed and are removed from the net developable acreage; development may be allowed in areas of moderate slopes upon

review and approval of a geotechnical report prepared by an engineer licensed in the State of Utah.

- c. Portions of the private access driveway is located within the FEMA Floodplain and County Floodplain buffer. Any development or improvements in this area may require additional review and approvals.

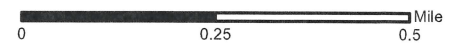
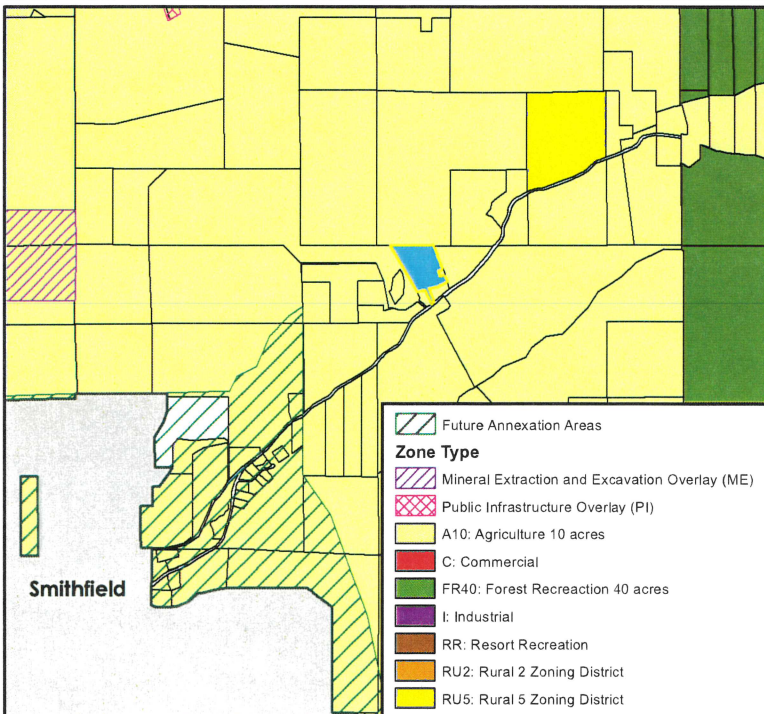
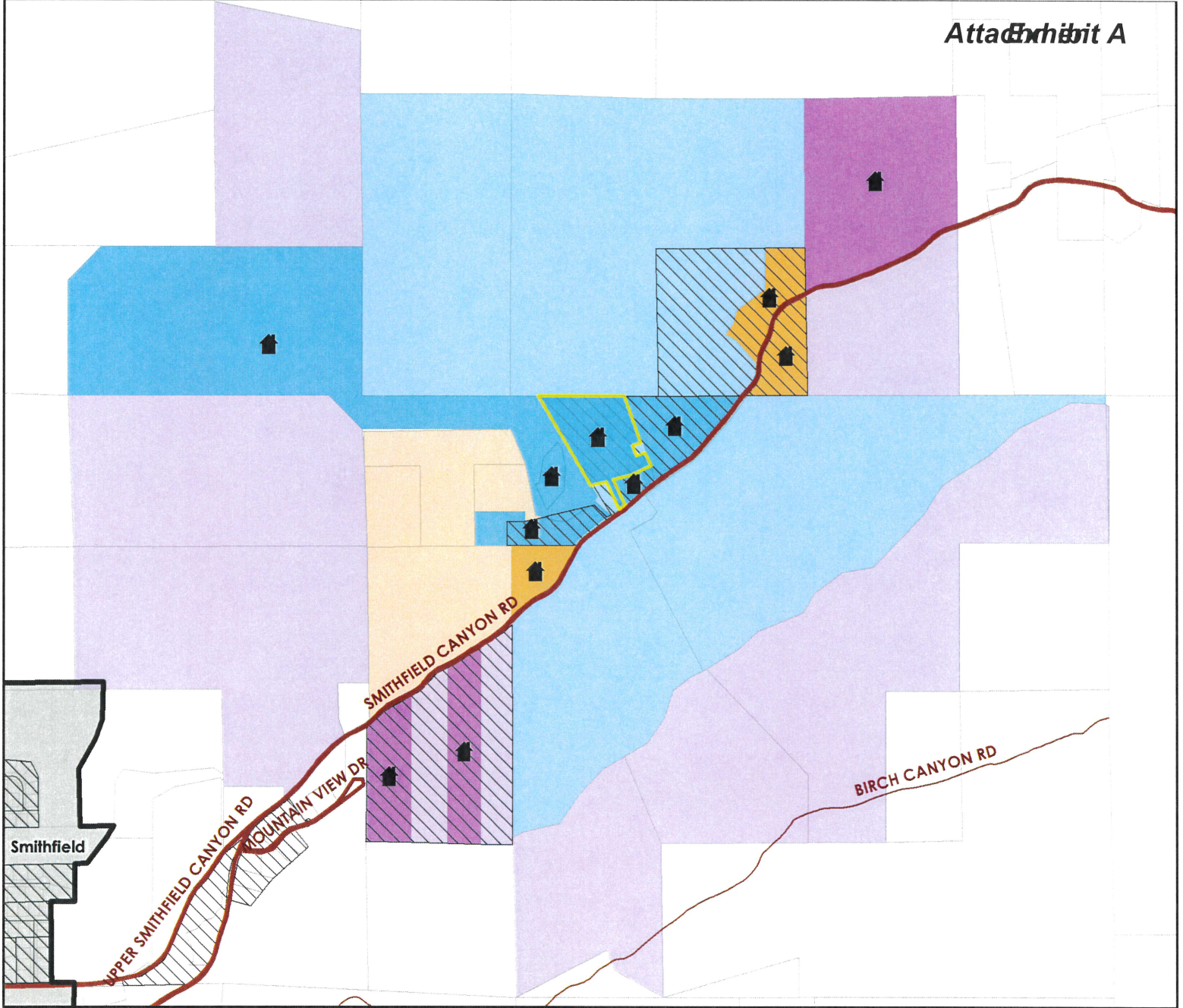
F. Public Notice and Comment—§17.02.040 Notice of Meetings

- 18. Public notice was posted online to the Utah Public Notice Website on 22 July 2021.
- 19. Notices were posted in three public places on 22 July 2021.
- 20. Notices were mailed to all property owners within 300 feet and Smithfield City on 22 July 2021.
- 21. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Recommendation and Conclusions

Based on the findings of fact noted herein, the T&B Nielsen Rezone is hereby recommended for denial to the County Council as follows:

- 1. The subject property is located within Zone 2 of a Source Water Protection Zone, which does not allow for new septic systems as part of a future development. Further, according to Bear River Health Department, the county expert for septic systems, it would be extremely difficult to accommodate an alternative septic system due to the property's location within the protection area and proximity to a nearby pond.
- 2. The subject property is not appropriately served by suitable public roads. Smithfield Canyon Road does not meet the minimum standards of a Minor Local Road and is therefore substandard and not suitable for higher density development.
- 3. The subject property does not have the minimum required frontage along a public road required for the RU5. It is not possible for the existing private access driveway to meet the minimum standards for a Private Road as it is substandard and does not meet the access management spacing requirements for public/private roads per the Road Manual.



Legend

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

Average Parcel Size

Adjacent Parcels	With a Home: 21.6 Acres (6 Parcels)
	Without a Home: 58.3 Acres (7 Parcels)
1/4 Mile Buffer	With a Home: 16.6 Acres (9 Parcels)
	Without a Home: 39.3 Acres (12 Parcels)
1/2 Mile Buffer	With a Home: 17.6 Acres (12 Parcels)
	Without a Home: 45.8 Acres (21 Parcels)



**CACHE COUNTY COUNCIL MEETING
OCTOBER 12, 2021**

ATTACHMENT 2



CACHE COUNTY ORDINANCE 2021-23

AN ORDINANCE CHANGING THE SALARIES OF CACHE COUNTY ELECTED OFFICERS AND MEMBERS OF THE CACHE COUNTY COUNCIL

WHEREAS, the Cache County Council, upon lawful notice and in accordance with Utah Code section 17-16-14, held on September 14, 2021, a public hearing on a proposed county budget amendment for the 2021 budget that included a cost of living salary adjustment for Cache County Officers and members of the Cache County Council; and

WHEREAS, that budget amendment was approved and adopted on September 28, 2021, by the Cache County Council in accordance with applicable law; and

WHEREAS, the Organic Act for the Government of Cache County, Utah, as approved on November 6, 1984, and amended from time to time thereafter, authorizes the modification of salaries for all elected county officers by ordinance; and

WHEREAS, an ordinance providing for salary changes for Cache County Officers and members of the Cache County Council is appropriate for implementing the approved changes;

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

SECTION 1: Officers' Salaries

The annual salaries for county officers effective for the period July 4, 2021, through December 31, 2021, is as follows:

County Executive / Surveyor	\$ 120,578
County Assessor	\$ 100,444
County Attorney	\$ 136,885
County Clerk / Auditor	\$ 97,968
County Recorder	\$ 93,039
County Sheriff	\$ 106,205
County Treasurer	\$ 93,060

SECTION 2: County Council Salaries

The annual salaries for members of the Cache County Council effective for the period July 4, 2021, through December 31, 2021, is as follows:

Council Member	\$ 13,333
Council Chair	\$ 15,164



SECTION 3: Repealer

The salary provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with this ordinance, are hereby repealed and superseded to the extent of such conflict. Otherwise such resolutions and ordinances shall remain in full force and effect.

SECTION 4: Effective Date

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

APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH, THIS 12th DAY OF OCTOBER 2021.

	In Favor	Against	Abstained	Absent
Paul R. Borup			X	
David Erickson	X			
Nolan P. Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Gina Worthen	X			
Gordon Zilles	X			
Total	6		1	

CACHE COUNTY COUNCIL

By:

Gina Worthen, Chair

ATTEST:

By:
Jess W. Bradfield, County Clerk

