

APPROVED MINUTES

CACHE COUNTY COUNCIL

January 25, 2022 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 Barbara Tidwell; Vice Chair Paul R. Borup; Councilmembers: Karl B. Ward, Gina H. Worthen, Gordon A. Zilles, Nolan Gunnell, David L. Erickson
- STAFF PRESENT:** County Executive David Zook, Clerk/Auditor Jess Bradfield, County Attorney John Luthy, County Sheriff Chad Jensen, HR Director Amy Adams, Fire Chief Rod Hammer, Economic Development Director Shawn Milne, IT Director Bart Nelson, Executive Admin Janeen Allen, Development Services Director Chris Harrild, Bryson Behm, Tennille Johnson, Cameron Jensen, JayDee Gunnell
- OTHER ATTENDANCE:** Emili Culp, Jeannie Brunson, Brooks Hansen, Fred Christensen, Craig Rasmussen, Laura Nielsen, Chad Brown, Vern Fielding, Kathleen Alder, Deborah Van Noy

Council Workshop

1. **Call to Order 3:45p.m.** – Chair Barbara Tidwell
2. **Recorder's Office** – County Attorney John Luthy gave council training on the Open and Public Meetings Act which is required annually.
3. **Adjourn** – Approximately at 4:30pm

Council Meeting

1. **Call to Order 5:00p.m.** – Chair Barbara Tidwell [0:02](#)
2. **Opening Remarks and Pledge of Allegiance** –Councilmember Gina Worthen [0:37](#)
3. **Review and Approval of Agenda APPROVED [3:11](#)**
Action: Motion made by Councilmember Erickson to approve the agenda; 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
4. **Review and Approval of Minutes APPROVED [3:24](#)**
Action: Motion made by Councilmember Borup to approve the minutes from Jan 12 with the requested changes; Seconded by Councilmember Worthen.
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 [5:46](#)**
Action: Motion made by Councilmember Worthen to change the agenda and move 5a (Appointments) to 12f (Other Business); Seconded by Councilmember Ward
Motion passes.
Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay: 0
 - a. Moved to 12f
 - b. Executive Zook gave the financial states to the council and reported on his previous goals for 2021 and his future goals for 2022.
6. **Items of Special Interest**
7. **Department or Committee Reports [25:28](#)**
 - a. JayDee Gunnell of USU Extension gave a report of his staff and their areas of expertise as well as upcoming events the Extension Office will be putting on throughout the year.

8. Board of Equalization Matters

9. Public Hearings [33:40](#)

- a. **Set Public Hearing for February 8, 2022 – Resolution 2022-03 A resolution declaring the County’s interest in the Real Property located in Lewiston, Utah, described as the portion of tax identification parcel number 14-029-0018 that is north of 2000 South Street in Lewiston as surplus Property and approving the disposition thereof [33:49](#)**
Action: Motion made by Councilmember Worthen to set a public hearing for Ordinance 2022-01 for Feb 8th; 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
- b. **Public Hearing for Ordinance 2022-01 An ordinance changing the salaries of the Cache County Elected Officers and Members of the Cache County Council [34:48](#)**
Discussion: County HR Director Amy Adams gave a presentation on the recommended salaries from the county compensation committee. Deborah Van Noy of the public spoke against the pay raise and mentioned that she believes an independent commission should vote on the raises of the elected official salaries not the council. County Clerk/Auditor Bradfield got up to express his gratitude for the opportunity to serve. Mikelshan Bartschi then got up to speak in favor of the raise and proposed that council investigate the Social Security’s cost of living percent raise and use that to determine raises going forward.
Action: Motion made by Councilmember Ward to close the public hearing; Seconded by Councilmember Worthen.
Motion passes.
Aye: 7 Gina H. Worthen, Karl B. Ward, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, Nolan Gunnell, David Erickson
Nay: 0
- c. **Public Hearing – Ordinance 2022-02 – Lewis Rezone [57:21](#)**
Discussion: County planner Tim Watkins presented on the details regarding the possibility of the rezone if approved. Laura Nielsen of the public spoke against the rezone while Emily Cole speaking on behalf of the property owner spoke in favor of the rezone and gave the background of the reason on trying to rezone or annex into Hyrum City. Craig Rasmussen of Hyrum City then spoke to the situation regarding this parcel about the possibility to annex into Hyrum City.
Action: Motion made by Councilmember Borup to close the public hearing; 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
- d. **Public Hearing – Ordinance 2022-03 – Brooks Hansen Smithfield West Rezone [1:14:56](#)**
Discussion: County planner Tim Watkins spoke on the details of the rezone and gives recommendation for approval.
Action: Motion made by Councilmember Worth to close the public hearing; 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
- e. **Public Hearing – Ordinance 2022-04 – Cub River Estates II Rezone [1:18:13](#)**
Discussion: County planner Tim Watkins spoke on the details of the rezone with staff’s recommendation for approval. Vern Fielding spoke in favor of the rezone.
Action: Motion made by Councilmember Erickson to close the public hearing; 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: 0

10. Pending Action

11. Initial Proposals for Consideration of Action [1:25:49](#)

- a. **Ordinance 2022-01 An ordinance changing the salaries of the Cache County Elected Officers and Members of the Cache**

County Council APPROVED [1:21:30](#) ATTACHMENT 1

Discussion: Council discussed their support and/or concerns regarding the salaries of the elected officials. Councilmember Zilles, Tidwell, and Ward expressing support from the compensation committee's recommendation while councilmembers Erickson, Worthen and Borup expressed that those elected officials with certain certifications receive the recommended 7% raise while other elected officials do not. Councilmember Gunnell discussed step change salary increases.

Action: Motion made by Councilmember Worthen to split the question

Motion dies without a second.

Action: Motion made by Councilmember Zille to waive the rules and approve Ordinance 2022-01; Seconded Councilmember Tidwell

Motion Fails.

Aye: 3 Karl B Ward, Gordon A. Zilles, Barbara Tidwell,

Nay: 4 Gina H. Worthen, Paul R. Borup, Nolan Gunnell, David Erickson

Action: Motion made by Councilmember Erickson to approve the 2022 recommended salaries of the county Sheriff, Attorney and Assessor, while Clerk/Auditor, Executive, Recorder and Treasure remain at 2021 levels; Seconded by Councilmember Worthen.

Motion passes.

Aye: 5 Gina H. Worthen, Paul R. Borup, Gordon A. Zilles, Barbara Tidwell, David Erickson

Nay: 2 Karl B. Ward, Nolan Gunnell

b. **Ordinance 2022-02 – Lewis Rezone DENIED [2:09:49](#) ATTACHMENT 2**

Discussion: Council discussed their concerns regarding the rezone and expressed that there needs to be more clarity within zoning designations.

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

Motion passes.

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

Nay: 0

Abstain: 1 Nolan Gunnell

c. **Ordinance 2022-03 – Brooks Hansen Smithfield West Rezone APPROVED [2:26:06](#) ATTACHMENT 3**

Discussion: Council discussed their concerns about the rezone and the details surrounding it.

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

Motion passes.

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

Nay: 0

Abstain: 1 David Erickson

d. **Ordinance 2022-04 – Cub River Estates II Rezone APPROVED [2:33:52](#) ATTACHMENT 4**

Discussion: Council briefly discussed the rezone and the location and supported approval.

Action: Motion made by Councilmember Ward to waive the rules and approve the rezone; Seconded by Worthen

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. **Resolution 2022-02 A resolution updating the Cache County Board of Education Districts APPROVED [2:35:27](#) ATTACHMENT 5**

Discussion: Deputy Clerk Bryson Behm presented on the resolution and the reasoning why council needed to approve.

Action: Motion made by Councilmember Ward to waive the rules and approve the resolution; Seconded by Worthen

Motion passes.

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

Nay: 0

f. **Discussion about Council Meeting Time [2:41:37](#)**

Discussion: Council discussed the possible change of the start time to meetings for members of the public that get off work at 5PM for public hearings. Council ended discussion by not moving the start time of council meetings by moving to public hearing period from 5:30pm to 6:00pm.

12. Other Business [2:48:17](#)

- a. County Day on the Hill 02/23/2022.
- b. UAC Building Utah Conference 03/23 - 03/25/2022
- c. UAC Management Conference 04/26 - 04/28/2022
- d/e. Review of 2021 Council Goals/2022 Council Members Goals [2:48:48](#)

Discussion: Council reviewed their 2021 goals and looked back at the year of the items they have accomplished and set their own goals for 2022.

- f. 2022 Executive and Council Member Boards and Committees Assignments POSTPONED UNTIL NEXT MEETING 02/08

13. Councilmember Reports [3:16:24](#)

David Erickson – Question about if there is a councilmember in interviews with the chief deputy executive.

Gordon Zilles – No Report.

Karl Ward – No Report.

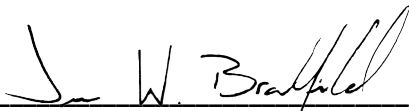
Barbara Tidwell – No Report.

Paul Borup – No Report

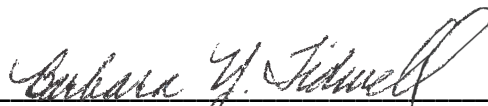
Nolan Gunnell – No Report.

Gina Worthen – Budget Committee is discussing ARPA funds and the county has \$10 Million in unrestricted funds and gave a legislative update from the state legislative session. Asked John Luthy on clarification on the rules of the roll call vote.

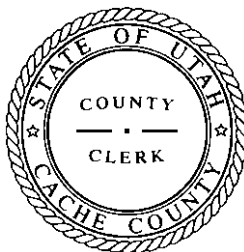
Adjourn: 8:30 PM



ATTEST: Jess W. Bradfield
County Clerk/Auditor



APPROVAL: Barbara Tidwell
Chair



CACHE COUNTY COUNCIL MEETING
JANUARY 25, 2022

ATTACHMENT 1

CACHE COUNTY
ORDINANCE 2022-01

AN ORDINANCE CHANGING THE SALARIES OF THE 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 January 25, 2022, a public hearing on proposed salary increases for 2022 for Cache County officers and members of the Cache County Council; 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;

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

SECTION 1:

Section 2.28.010 of the Cache County Code is amended to read in full as follows:

2.28.010: County Council

The salaries for members of the Cache County Council for the period from January 1, 2022, through December 31, 2022, shall be as follows:

Council Member	\$16,000.00
Council Chair	\$20,000.00 (calculated by multiplying the salary for a regular council member by 1.25) together with a \$100.00/month vehicle stipend

SECTION 2:

Section 2.28.030 of the Cache County Code is amended to read in full as follows:

2.28.030: County Officers

A. The salaries for County officers for the period from January 1, 2022, through December 31, 2022, shall be as follows:

County Executive/Surveyor	\$120,578.00
County Assessor	\$107,476.00
County Attorney	\$146,467.00
County Clerk/Auditor	\$ 97,968.00
County Recorder	\$ 93,039.00
County Sheriff	\$113,640.00
County Treasurer	\$ 93,060.00

B. The County Council, consistent with subsection 2.12.120C of this title, may adjust the foregoing County officer salaries from full time salaries to part time salaries, or from part time salaries to full time salaries as the Council in its discretion may deem appropriate. This includes adjustments to existing salaries made at any time during the current or subsequent pay periods within the current term of office, consistent with subsection 2.12.120C2 of this title; and it applies to adjustments to future salaries for pay periods during a term of office after the current term of office, consistent with subsection 2.12.120C3 of this title.

C. A County officer will be paid a part time salary if the County officer gives notice that he or she chooses to work, or the County Council finds that the County Officer in fact works, less than thirty (30) hours per week, in which case the part time salary will be an hourly wage based upon the prorated amount of the full time salary and the County officer may not receive other compensatory benefits unless approved by the County Council.

SECTION 3: REPEALER

The salary provisions of all prior ordinances or resolutions, or any parts thereof, in conflict with the above Cache County Code amendments are hereby repealed and superseded to the extent of such conflict. Otherwise such resolutions and ordinances 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 25TH DAY OF JANUARY 2022.

	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:	5	2		

CACHE COUNTY COUNCIL:

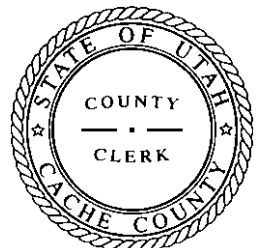

Barbara Y. Tidwell, Chair

ATTEST:


Jess W. Bradfield, Cache County Clerk

ACTION OF COUNTY EXECUTIVE:

____ Approved
____ Disapproved (Written statement of objection attached)



David N. Zook, Cache County Executive

Date

CACHE COUNTY COUNCIL MEETING
JANUARY 25, 2022

ATTACHMENT 2

Ordinance No. 2022-02

Cache County, Utah

Lewis Rezone

An ordinance request to amend the County Zoning Map by rezoning 30.0 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 posted at least ten (10) days before the date of the public hearing; and

Whereas, on December 2, 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 January 25, 2022, 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 Lewis 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.



Development Services Department

Building | GIS | Planning & Zoning

Staff Report: Lewis Rezone

2 December 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: Emili Culp

Parcel ID#: 01-070-0001, -0002

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:

Acres: 30.0

~6200 South 600 West

Hyrum

Surrounding Uses:

North – Hyrum City

South – Agricultural

East – Agricultural

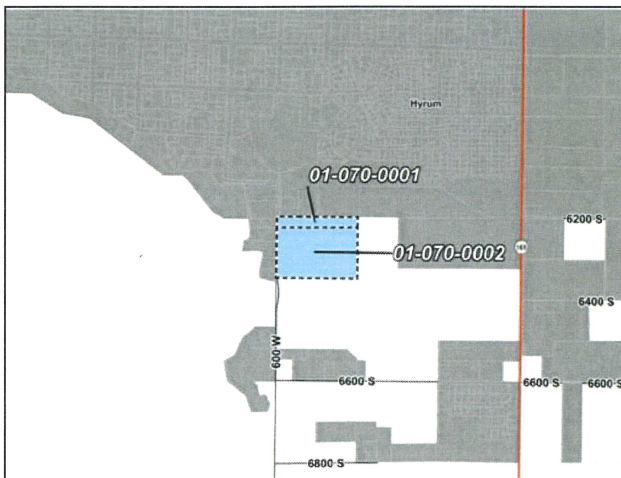
West – Hyrum City

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 2 (RU2)



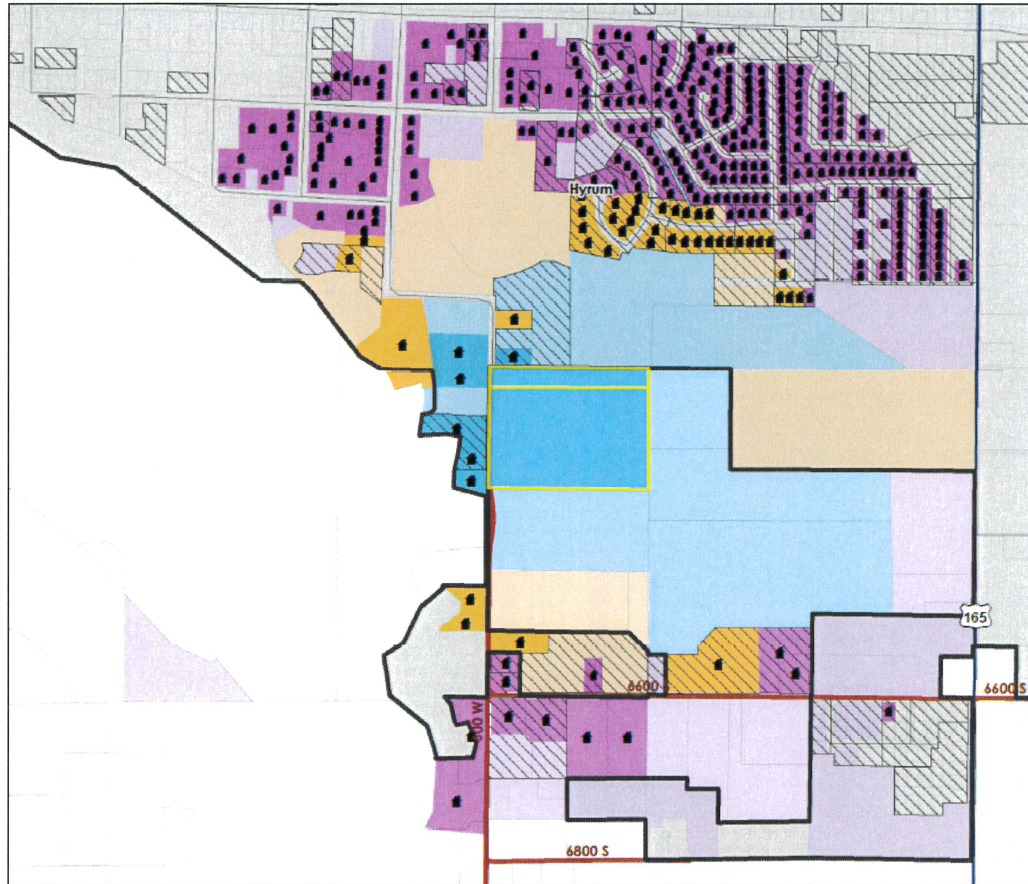
Findings of Fact

A. Request description

1. A request to rezone 30.0 acres on two parcels 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 are in the same configuration as it was on August 8, 2006.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home in Hyrum City: 1.7 Acres (6 Parcels)
	Without a Home: 20.2 Acres (6 Parcels)
	Without a Home in Hyrum City: 7.7 Acres (7 Parcels)
1/4 Mile Buffer	With a Home: 7.5 Acres (1 Parcel)
	With a Home in Hyrum City: 0.8 Acres (45 Parcels)
	Without a Home: 17.2 Acres (8 Parcels)
1/2 Mile Buffer	Without a Home in Hyrum City: 5.3 Acres (28 Parcels)
	With a Home: 3.3 Acres (11 Parcels)
	With a Home in Hyrum City: 0.4 Acres (352 Parcels)
	Without a Home: 10 Acres (20 Parcels)
	Without a Home in Hyrum City: 2.6 Acres (94 Parcels)

- 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 boundaries of Hyrum City are immediately north and west of the proposed rezone.
- v. Annexation Areas: The subject property is located within the Hyrum City future annexation area. Recently, the applicant did go through the annexation process with Hyrum City, but did not finalize it as required infrastructure improvements were cost-prohibitive to the property owners. Hyrum City did not want to comment directly on the rezone request at the time of the application submittal, but the applicant did provide a copy of an email between her and the City where the City states the City Council is not interested in supporting increased density through a county rezone and feels future development in the area is best serviced as part of a City development. (Attachment B)
- 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.
- The nearest RU2 zone is south of Paradise approximately 4.25 miles away from the subject property as the crow flies. This RU2 zone, the Baldwin Rezone, includes a total of 4.15 acres and was approved in 2017 (Ordinance 2017-04). Since the rezone approval, a two-lot subdivision (i.e., Baldwin Subdivision) was approved with conditions in May 2021, but the plat has not been recorded.

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 600 West, a County road at the location of the subject property.
 - a. 600 West:
 - i. Is an existing county facility that provides access to the many residential lots, a few agricultural lots, and serves as a main through street from Hyrum to Paradise.
 - ii. Is classified as a Minor Collector road.
 - iii. Maintenance is shared with Hyrum City as the property on the west side of 600 West and the property north of the subject properties are located in Hyrum City.
 - iv. The road is substandard as to width of travel lanes, right-of-way, paved and gravel shoulders, and clear zones.

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 for the subject property, but did not have any comments on the rezone request.

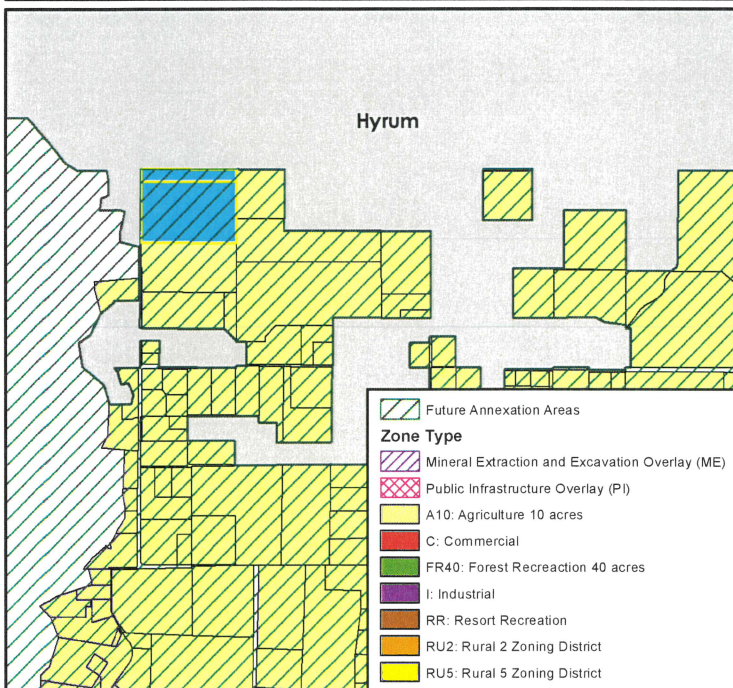
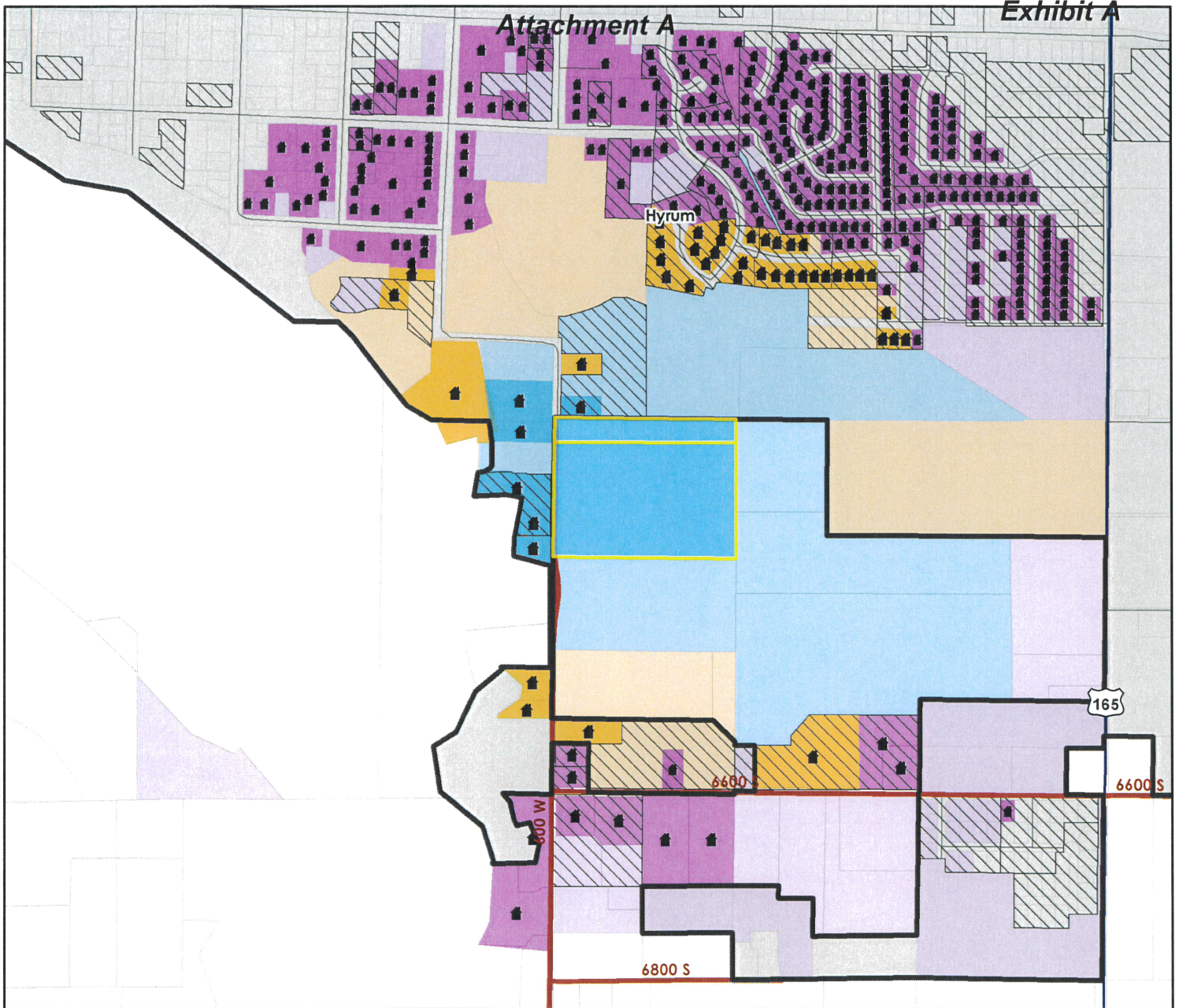
E. Public Notice and Comment—§17.02.040 Notice of Meetings

14. Public notice was posted online to the Utah Public Notice Website on 19 November 2021.
15. Notices were posted in three public places on 19 November 2021.
16. Notices were mailed to all property owners within 300 feet and Hyrum City on 19 November 2021.
17. Public comments regarding the proposed rezone are attached, including a letter from Hyrum City (Attachment C).

Recommendation and Conclusion

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

1. Access to the subject property is from a substandard public road that will require substantial improvements to meet the minimum county standard.
2. The proximity of the subject properties to the boundaries of Hyrum City with access to utilities, emergency services, and infrastructure would be better served as part of a Hyrum City development through an annexation process.



Legend

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

Average Parcel Size

Adjacent Parcels	With a Home in Hyrum City: 1.7 Acres (6 Parcels)
	Without a Home: 20.2 Acres (6 Parcels)
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11/15/2021

Subject: RE: Letter Request for Rezone Application

From: <rsalvesen@hyrumcity.com>

Date: 10/28/2021, 4:35 PM

To: "'Emili Culp'" <moapa.emili@gmail.com>

Emily,

Hyrum City maintains 600 East and has all utilities near this property. This area is also served by Hyrum City Emergency Management & Fire Departments. This is part of our annexation area and any development affects road & utility plans for the future needs of this area. The City Council is not interested in supporting increased density thru a county rezone in this location. Hyrum feels like if this area is to be developed further than what is currently allowed then it would best be serviced by being in the city.

Ron

From: Emili Culp <moapa.emili@gmail.com>

Sent: Thursday, October 28, 2021 1:38 PM

To: rsalvesen@hyrumcity.com

Subject: Re: Letter Request for Rezone Application

Can you please identify the specific concerns regarding the roads and utilities that the City Council would like to address?

Thanks,
Emili

On Wed, Oct 27, 2021 at 4:12 PM <rsalvesen@hyrumcity.com> wrote:

Emili,

The City Council has instructed City Staff to not send an open letter to the County as you have requested. With concerns for roads and utilities in this area they are not willing to support any rezone without further agreements and understandings.

Ron

-----Original Message-----

From: Emili Culp <moapa.emili@gmail.com>

Sent: Tuesday, October 26, 2021 1:04 AM

To: rsalvesen@hyrumcity.com

Cc: J Brunson <loujeanne13@gmail.com>

Subject: Letter Request for Rezone Application

Hello Ron,

I hope you are doing well. I'm just following up with you on a request I sent to Stephanie that she forwarded on to you.

Just to recap: I am reaching out because we are submitting a rezone application to the County for parcels 01-070-0001 and 01-070-0002. Because they are contiguous to Hyrum City, we are required to submit a letter from Hyrum City in regards to annexation of the property and provision of utilities. According to Angie Zetterquist, Planner at Cache County Development Services, the letter from Hyrum City just needs to state 1) Whether there are any current plans to annex and 2) Whether or not Hyrum City will be providing services such as water, power, and sewer. Our answers to those questions are that 1) We do not have any current plans to annex and 2) We are not requesting services such as water, power, and sewer from Hyrum City.

Would it be possible for you to send the letter to me by this Thursday, October 28th? (We're trying to meet a submission deadline.)

Thank you,

Emili Culp
702-379-9340



Exhibit A
Mayor, Stephanie Miller
Council Members
Steve Adams
Jared L. Clawson
Paul C. James
Vicky McCombs
Craig Rasmussen
City Administrator
Ron W. Salvesen
Recorder
Stephanie B. Fricke
Treasurer
Todd Perkins

November 23, 2021

To: Cache County Council & Planning Commission

Re: Lewis Rezone- 30 acres at ~6200 South 600 West

The Hyrum City Council has instructed City Staff to respond to this rezone application. Hyrum City is opposed to the rezone of these properties to allow higher density outside of the city. This property is part of Hyrum City's annexation declaration area and abuts current Hyrum City limits on both the west and north borders. This property is accessed by 600 West. The 600 West Road is maintained by Hyrum City in this area with the city also providing fire and first responder services. The city has culinary water and power lines along the west side of this property. In addition, culinary water, pressurized irrigation, sewer, power, and a city road are stubbed to the north boundary of the five-acre parcel.

The property owners made application to Hyrum City to annex these parcels. Many discussions and several public meetings were held to review this annexation proposal. The city worked out what would need to be constructed with roads and utility extensions to serve this property. The property owners withdrew their application instead of moving ahead with the annexation. If this property is to be developed at a higher density, then is currently allowed, then we believe this property should be annexed in to Hyrum City so that it would have access to city utilities and services.

Thank you for your consideration of our concerns.



Ron Salvesen
Hyrum City Administrator



Cache County DevServices <devservices@cachecounty.org>

Lewis Rezone

1 message

Steve Miller <sjmiller182@gmail.com>
To: devservices@cachecounty.org

Tue, Nov 30, 2021 at 7:24 PM

Cache County Planning Commission,

Regarding the Lewis Rezone, item #3 on your Agenda, I would like to express an opinion. The County Planning Commission expressed no issue with the Lewis family moving forward with a request of annexation into Hyrum City earlier this year, of which their request was made. It appeared that Hyrum City and several citizens who live in close proximity to the Lewis property worked hard to find a solution that met with the long range planning of the city and accommodate the Lewis family so that annexation could take place, which never happened.

The plan which was presented to the Lewis family was a fair and very workable plan that protected the R-5 zoning that many of the Lewis neighbors found so appealing when moving into this part of Hyrum. It is the only section of town where one can find an R-5 zone. I would hope that this area would continue to allow larger lots, 1 acre or larger to be sold and developed to those who enjoy animal rights and space to enjoy privacy. There is no other land in Hyrum that meets this qualification.

I would hope that your vote to move forward with a request to rezone 30 acres is a no vote. As a neighbor directly across the street from the Lewis property I have no issues with the Lewis family and hope that this issue could be resolved where all interests are dealt with fairly, not leaving it up to a land developer to determine the size and density of a given area. Please encourage and invite the Lewis family to come back to the negotiating table with Hyrum City.

Respectfully,

Steve J Miller



Cache County DevServices <devservices@cachecounty.org>

Lewis Rezone

1 message

Stephen Morrey <stephenmorrey@gmail.com>

Mon, Nov 29, 2021 at 6:32 PM

To: DevServices@cachecounty.org

I would like to comment on the proposed Lewis Rezone. My understanding is that the proposal is that 30 acres would be subdivided to accommodate 15 homes. To me this implies that there would be 15 2 acre lots. If this is the case I think that would provide good continuity for our neighborhood. I live at 6313 S 600 W Hyrum UT. On the other hand the plan would allow lots smaller than 1.5 acres then I would like to strongly oppose the proposal. If I am correct, the lots being developed to the west of the new development north east of my home are being developed for the very purpose of maintaining continuity. Anything short of 1.5 acres would destroy property values up and down my street and violate reasonable continuity. Again if lots will be no less than 1.5 acres I believe continuity can be maintained and if this is the case then I support the proposal.

I am unaware of any intent to widen the road in front of my house but nonetheless I would like to comment on the road and traffic in front of my home. This road is used for a lot of rural uses, foot traffic, and other similar purposes so I believe increased traffic patterns could be dangerous for local residents and once again create a continuity problem. I have 15 grandchildren that visit often. If increased traffic volume can be avoided down this street I would be supportive of the proposal.

My wife and I thank you for your consideration on this important matter.

Sincerely,
Stephen and Karen Morrey
cell: 248 9619400



Cache County DevServices <devservices@cachecounty.org>

Attention: Angie Zetterquist

1 message

laura.f.nielsen@gmail.com <laura.f.nielsen@gmail.com>
To: devservices@cachecounty.org

Mon, Nov 29, 2021 at 10:49 PM

To Angie Zetterquist,

I live at [6521 S 600 W](#) in Hyrum, Utah. It is the southernmost property on 600 W that is annexed into Hyrum.

Over the past couple of years, I and my neighbors conferred extensively with the Hyrum City Council on the subject of the annexation request for the Lewis property that is currently a hayfield adjoining Michael Nelson's property and south of the new Rolling Hills development.

I and my neighbors have been very concerned about maintaining the rural feel on the south side of Hyrum as expressed in the Hyrum City Plan. We argued for one acre lots facing 600 W to match the lots currently on the street. We have been concerned about the ability of the existing roads to handle the traffic resulting from a large number of houses built in the area. And we have been particularly concerned about the location of these roads which, in certain spots, could impact the quality of life and the property values of existing homes.

A new housing development will require one or two major streets for access. Lots facing this street will naturally be worth at least a little less than lots on side streets. The Lewis's are hoping to minimize this decrease of property value by running the main access road at the edge of their property, thus putting half of the decrease in value on the neighboring property. As it happens, their desired road would run along the long side of Michael Nelson's property, quite close to his house. This will put the greatest burden of loss of value on the Nelsons.

This road would also exit the new neighborhood at a funny bend where 600 W curves to become 200 s, and where three driveways exit onto 600 W. Having a huge number of cars turning there would make access awkward for the three homeowners whose driveways would be impacted, as well as causing difficulty for mail delivery and trash pick-up. There are also concerns about car lights shining directly into the bedroom windows of existing houses.

After much discussion, Steve Miller suggested that the road join 600 W opposite his barn. This would alleviate all of the above-mentioned problems, but it would run the major access road through the middle of the Lewis property, which they dislike.

Now, I understand that the Lewis's are trying to avoid all of these reasonable restrictions to make their development follow the Hyrum City Plan and the wishes of the neighbors by applying to the county for rezoning. Apparently, they want a zoning change that would allow minimum lot sizes of ½ acre, and no more than 15 houses on the 30 acres. However, there is nothing to prevent them from developing 14 ½ acre lots, putting one

house on 23 acres, and then applying for rezoning or annexation again later when they want to develop the other 23 acres more densely. This seems unreasonable, unneighborly, and unfair.

I will also note that they applied for rezoning right before Thanksgiving, possibly in hopes that the information sent out by the county would be overlooked in the rush of holiday visiting and travel.

Under the circumstances. I respectfully request that the county deny this request for rezoning. It is not in the best interests of the county, the City of Hyrum, or the general neighborhood.

Thank you.

Laura Nielsen

6521 S 600 W

Hyrum, UT 84319

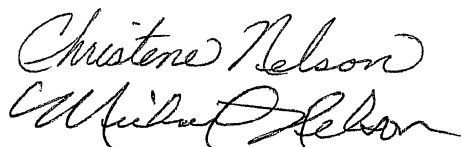
November 30, 2021

Dear Cache County Development Service Department,

We are in receipt of the important notice regarding the Lewis Rezone from Agricultural (A10) to Rural 2 (RU2) on 6200 South 600 West. Previously, we as neighbors who live in this area, met for over a year with the Lewis's and Hyrum City to discuss a plan for the future development of our neighborhood that would be conducive with Hyrum's Master Plan and congruent with the existing neighborhood properties. All of the existing lots that surround the Lewis property are 1 acre lots and larger with the majority of the lots being over 2 acres. We want to maintain these larger lot sizes for the new development to be compatible with the surrounding neighborhood. And for this reason, we oppose the rezone because with the RU2 proposal, the developer can build homes on lots as small as ½ acre. As we have discussed in previous meetings, neighbors do not favor this small of lot sizes as it has the potential to devalue neighboring lots and lose congruency with what has already been built and maintained in this area.

Furthermore, over the course of the year and a half of Hyrum City meetings pertaining to Lewis's property, there have been major concerns and discussions about road placement. The Lewis's proposed that their inlet road of their development be placed at the north side of their property boundary which runs along the full length of our property thus, maximizing the Lewis's property value while turning our lot into a corner lot that devalues our privacy and property significantly due to minimal side yard setbacks. Moreover, the proposed placement of this road would come out between three existing driveways which would be a major safety concern for the neighbors as well as the mail and garbage collection. Since 600 West is a minor collector road, we strongly recommend only one inlet coming in from the 600 West. The neighborhood met earlier this year with two Hyrum City Councilmen, Hyrum City Manager, and the Hyrum City Engineer. After discussion, a proposal was made that the inlet road be placed across from Steve Millers barn. Those present at the meeting agreed that this would be the safest and most non-intrusive option for access into the Lewis development. At one point of time, this was one of the options Lewis's submitted prior for the inlet/outlet road. However, since then, they are now seeking a different entity. The hard work and effort already put forth by the city and the neighboring citizens to address and solve these issues stopped short by this new plan for a rezone. Because of the unknowns and uncertainty with lot sizes and road placement hindering our own property and our neighborhood, we oppose the Lewis rezone.

Sincerely,



Christene and Michael Nelson

CACHE COUNTY COUNCIL MEETING
JANUARY 25, 2022

ATTACHMENT 3

Ordinance No. 2022-03

Cache County, Utah

Brooks Hansen Smithfield West Rezone

An ordinance request to amend the County Zoning Map by rezoning 14.37 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 posted at least ten (10) days before the date of the public hearing; and

Whereas, on December 2, 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 January 25, 2022, 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:

- Is in close proximity to the Smithfield City boundary.
- 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

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

6. Effective date

This ordinance takes effect on _____, 2022. 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 Jan. 25, 2022.

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

CACHE COUNTY COUNCIL:

ATTEST:

Barbara Y. Tidwell

Barbara Tidwell, Chair
Cache County Council

Jess W. Bradfield

Jess Bradfield
Cache County Clerk

Publication Date: _____, 2022

ACTION OF COUNTY EXECUTIVE:

X Approved
____ Disapproved (Written statement of objection attached)

David Zook
David Zook, Cache County Executive

2/7/22
Date



Ord 2022-03
Brooks Hansen Smithfield West Rezone
Amending the Cache County Zoning Map by rezoning
14.37 acres of property from the Agricultural (A10) Zone
to the Rural 2 (RU2) Zone.

County Council action

Public hearing to be held on January 25, 2022.

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

Planning Commission action

Approval (7-yea; 0-nay).

Public hearing held on December 2, 2021.

Conclusion: Based on the findings of fact noted [in the staff report], the Brooks Hansen Smithfield West 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 14.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

Additional review materials included as part of Exhibit A

Staff Report to Planning Commission

Staff Report: Brooks Hansen Smithfield West Rezone

2 December 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: Brooks Hansen

Parcel ID#: 08-043-0001

Staff Recommendation: Approve

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:
6550 North 400 West
Smithfield

Acres: 14.37

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 2 (RU2)

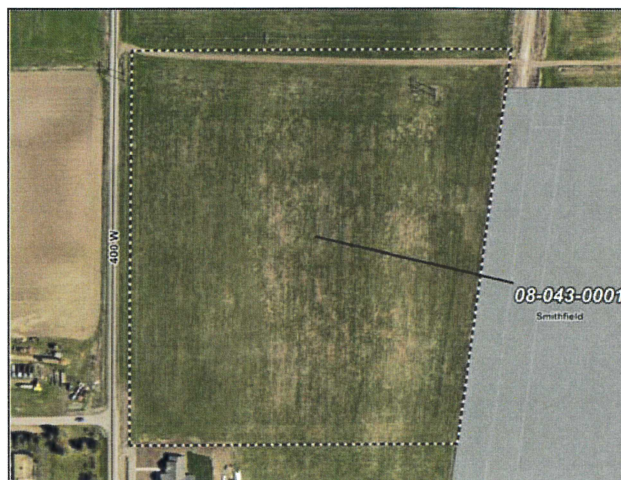
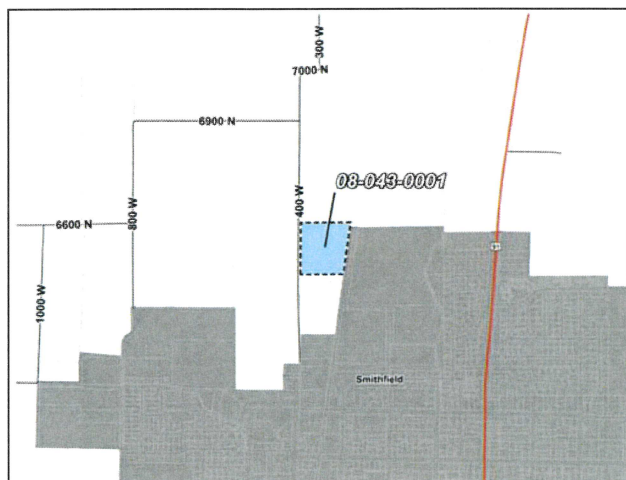
Surrounding Uses:

North – Agricultural/Residential

South – Residential

East – Smithfield City

West – Agricultural/Residential



Findings of Fact

A. Request description

1. A request to rezone 14.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of 7 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:

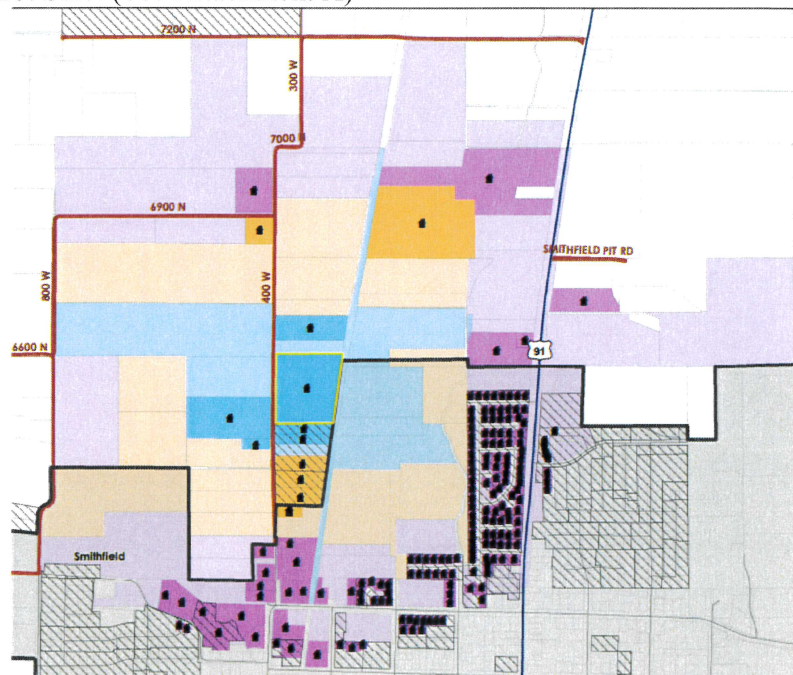
a. Land Use Context:

- i. Parcel status: The subject property is legal as it is in the same configuration as it was on August 8, 2006.

The applicant previously applied for rezone to the Rural 2 Zone in July 2019. At that time, the Planning Commission recommended denial and the County Council moved to deny the rezone request due to access from a substandard county road, the location would set a precedent for increased density, and issues with infrastructure would be better addressed as part of a Smithfield City development through an annexation process. At that time, the Smithfield City boundary was located approximately ¼ mile away from the subject property.

Since the initial rezone request in 2019, the portion of the County road along the frontage of the subject property has been improved to allow for the development of a single-family dwelling. Additionally, Smithfield City approved the Gyllenskog & Hansen Annexation in March 2021 that added nearly 80 acres to the City and brought the municipal boundary immediately east of the subject property, separated by a railroad right-of-way.

- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 6.2 Acres (6 Parcels)
	Without a Home: 14.7 Acres (5 Parcels)
	Without a Home in Smithfield City: Acres (Parcels)
1/4 Mile Buffer	With a Home: 6.6 Acres (11 Parcels)
	With a Home in Smithfield City: 1 Acre (1 Parcel)
	Without a Home: 10.5 Acres (20 Parcels)
1/2 Mile Buffer	Without a Home in Smithfield City: 8.8 Acres (13 Parcels)
	With a Home: 7.1 Acres (16 Parcels)
	With a Home in Smithfield City: 0.4 Acres (173 Parcels)
	Without a Home: 13.3 Acres (38 Parcels)
	Without a Home in Smithfield City: 3.8 Acres (58 Parcels)

- 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 eastern 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 prior to this finalizing the staff report.
- 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.

The nearest RU2 zone is immediately south of the subject property. This RU2 zone, the Hansen Rezone, includes a total of 8.76 acres and was approved in 2016. Since the rezone approval, a four-lot subdivision (i.e., Hansen 400 West Subdivision) has been approved and homes have been constructed.

The next closest RU2 zoned properties, approximately 1.4 miles away via the most direct road route, are on the west side of Smithfield City on the corner of 800 West and SR 218: the Birch Hollow Rezone, Jeff West Rezone/West Acres Subdivision, Birch Hollow South Rezone/Tom Pitcher Lot Split Subdivision, and the Creekside Estates Rezone were approved in 2017, 2018, and 2021 (Ordinance #'s: 2017-06, 2018-03, 2018-07, and 2021-13).

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 400 West, a County road at the location of the subject property, but changes to a Smithfield City road approximately ¼ mile south.
 - a. 400 West:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Is classified as a Major Local road.
 - iii. Provides access to agricultural and residential uses.
 - iv. The road along the frontage of the subject property was improved last year but is still substandard for shoulders, both paved and gravel.
 - v. The road to the north and south of the subject property is substandard for width, right-of-way, and clear-zone.
 - vi. Is maintained year round.
- 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 for the subject property, but did not have any comments on the rezone request.
- 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 November 2021.
 - 15. Notices were posted in three public places on 19 November 2021.
 - 16. Notices were mailed to all property owners within 300 feet and Smithfield City on 19 November 2021.
 - 17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

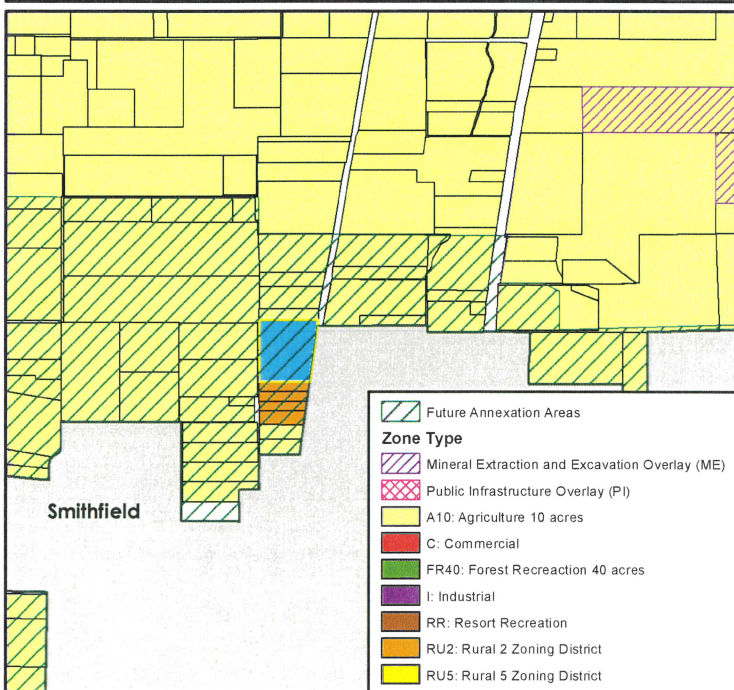
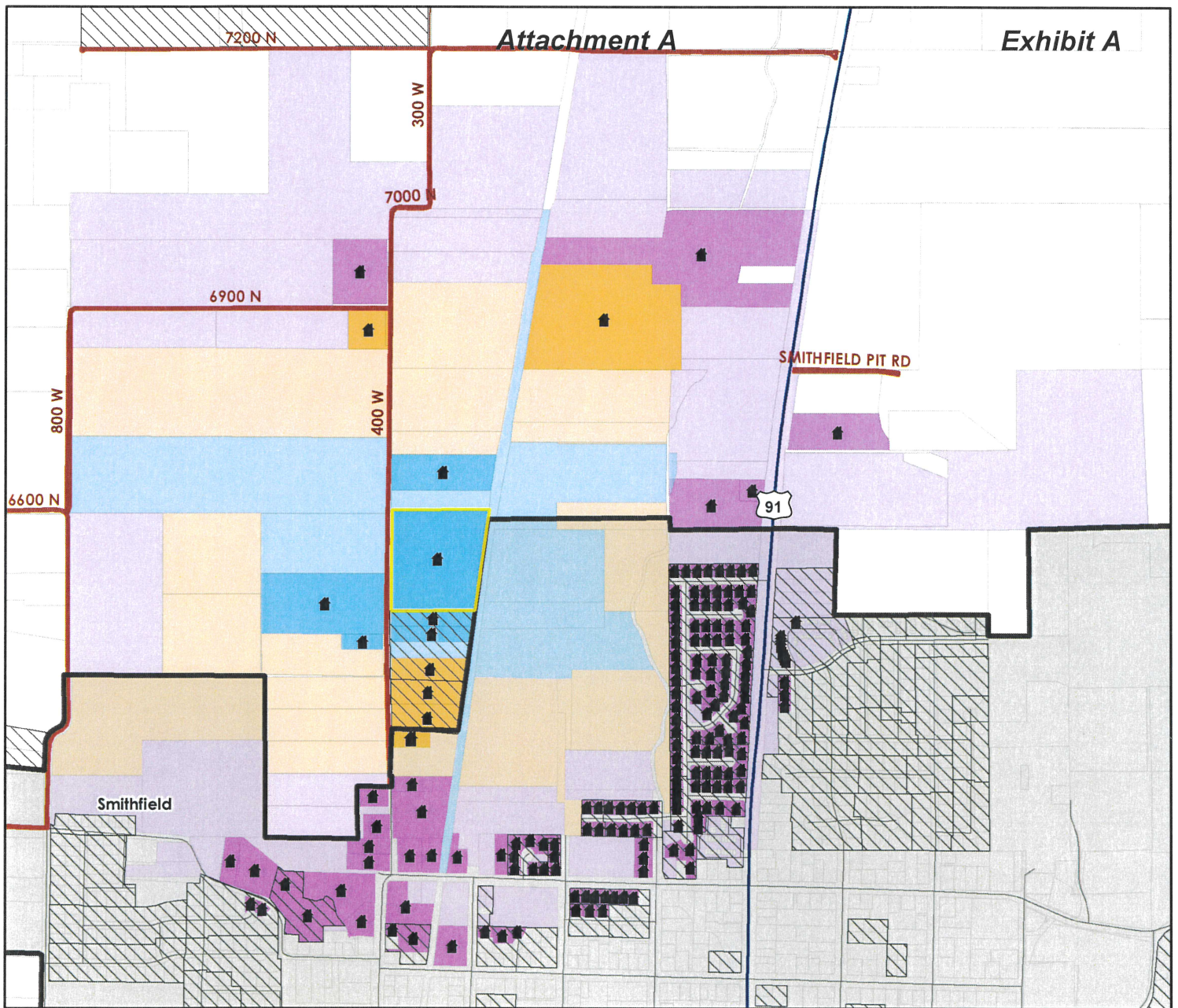
Staff Recommendation and Conclusions

Based on the findings of fact noted herein, the Brooks Hansen Smithfield West 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.

Attachment A

Exhibit A



Legend

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

0 0.25 0.5 Mile

Average Parcel Size	
Adjacent Parcels	With a Home: 6.2 Acres (6 Parcels)
	Without a Home: 14.7 Acres (5 Parcels)
	Without a Home in Smithfield City: Acres (Parcels)
1/4 Mile Buffer	With a Home: 6.6 Acres (11 Parcels)
	With a Home in Smithfield City: 1 Acre (1 Parcel)
	Without a Home: 10.5 Acres (20 Parcels)
1/2 Mile Buffer	Without a Home in Smithfield City: 8.8 Acres (13 Parcels)
	With a Home: 7.1 Acres (16 Parcels)
	With a Home in Smithfield City: 0.4 Acres (173 Parcels)
	Without a Home: 13.3 Acres (38 Parcels)
	Without a Home in Smithfield City: 3.8 Acres (58 Parcels)



11/15/2021

Exhibit B: Ordinance 2022-03

Zoning Map of Cache County – Affected Portion
Brooks Hansen Smithfield West Rezone



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

08-043-0001

BEGINNING ON THE EAST RIGHT-OF-WAY LINE OF 400 WEST STREET AT A POINT LOCATED SOUTH 77°30'39" EAST 2989.51 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 21, SAID POINT LOCATED BY RECORD AS 247.50 FEET EAST AND 883.08 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 0°14'27" EAST 366.66 FEET; (2) NORTH 0°39'14" EAST 467.00 FEET TO A POINT OF THE RECORD LOCATED 247.50 FEET EAST AND 231.00 FEET NORTH OF SAID NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89°43'25" EAST 816.71 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE OREGON

SHORT LINE RAILROAD; THENCE SOUTH 8°00'33" WEST 842.37 FEET ALONG SAID WEST RIGHT-OF-WAY; THENCE SOUTH 89°43'25" WEST 706.21 FEET TO THE POINT OF BEGINNING. CONT

14.58 AC M/B

LESS AND EXCEPTING:

Exhibit B: Ordinance 2022-03

Zoning Map of Cache County – Affected Portion
Brooks Hansen Smithfield West Rezone

BEGINNING ON THE GRANTOR'S WEST PROPERTY LINE A POINT LOCATED 2989.51 FEET SOUTH
77°30'39" EAST FROM THE WEST
QUARTER CORNER OF SAID SECTION 21, SAID POINT LOCATED BY RECORD AS 247.50 FEET EAST
AND 883.08 FEET SOUTH OF THE
NORTHWEST CORNER OF SAID SOUTHEAST QUARTER AND RUNNING THENCE ALONG SAID
WEST LINE THE FOLLOWING TWO (2)
COURSES: (1) NORTH 00°14'27" EAST 366.66 FEET; (2) NORTH 00°39'14" EAST 467.00 FEET TO A
POINT OF RECORD LOCATED
247.50 FEET EAST AND 231.00 FEET NORTH OF SAID NORTHWEST CORNER OF SAID SOUTHEAST
QUARTER; THENCE NORTH
89°43'25" EAST 10.85 FEET; THENCE SOUTH 00°36'07" WEST 511.46 FEET; THENCE SOUTH
00°14'27" WEST 322.20 FEET;
THENCE SOUTH 89°43'25" WEST 11.00 FEET TO THE POINT OF BEGINNING. CONT 0.21 AC M/B
NET 14.37 AC

CACHE COUNTY COUNCIL MEETING
JANUARY 25, 2022

ATTACHMENT 4

Ordinance No. 2022-04

Cache County, Utah

Cub River Estates II Rezone

An ordinance request to amend the County Zoning Map by rezoning 26.35 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 posted at least ten (10) days before the date of the public hearing; and

Whereas, on December 2, 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 January 25, 2022, 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 _____, 2022. 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 Jan. 25, 2022.

	In Favor	Against	Abstained	Absent
Borup	X			
Erickson	X			
Gunnell	X			
Tidwell	X			
Ward	X			
Worthen	X			
Zilles	X			
Total	7			

CACHE COUNTY COUNCIL:

Barbara Tidwell

Barbara Tidwell, Chair

Cache County Council

ACTION OF COUNTY EXECUTIVE:

X Approved

____ Disapproved (Written statement of objection attached)

David Zook
David Zook, Cache County Executive

ATTEST:

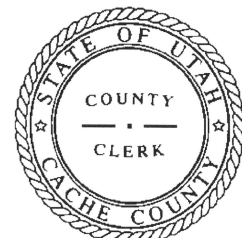
Jess W. Bradfield

Jess Bradfield

Cache County Clerk

Publication Date: _____, 2022

2/7/22
Date



Ord 2022-04
Cub River Estates II Rezone
Amending the Cache County Zoning Map by rezoning
26.35 acres of property from the Agricultural (A10) Zone
to the Rural 5 (RU5) Zone.

County Council action

Public hearing to be held on January 25, 2022.

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

Planning Commission action

Approval (7-yea; 0-nay).

Public hearing held on December 2, 2021.

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

- 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.

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 26.35 acres 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: Cub River Estates II Rezone

2 December 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: Vern Fielding

Parcel ID#: 09-030-0012

Staff Recommendation: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:

Acres: 26.35

Surrounding Uses:

800 East 12400 North

North – Agricultural/Residential

Cove

South – Agricultural

Current Zoning:

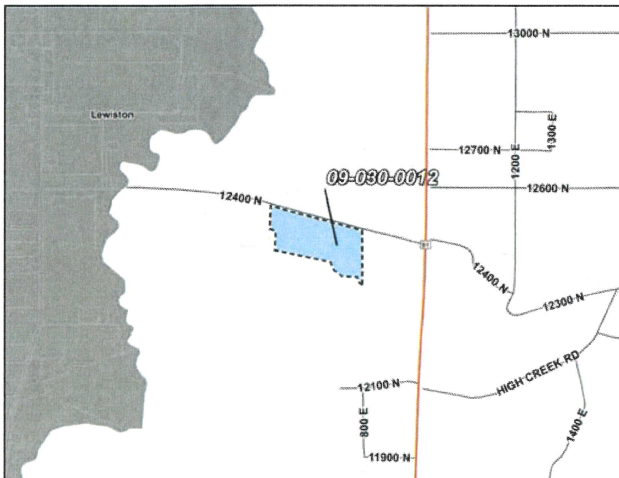
Proposed Zoning:

East – Agricultural

Agricultural (A10)

Rural 5 (RU5)

West – Agricultural/Residential



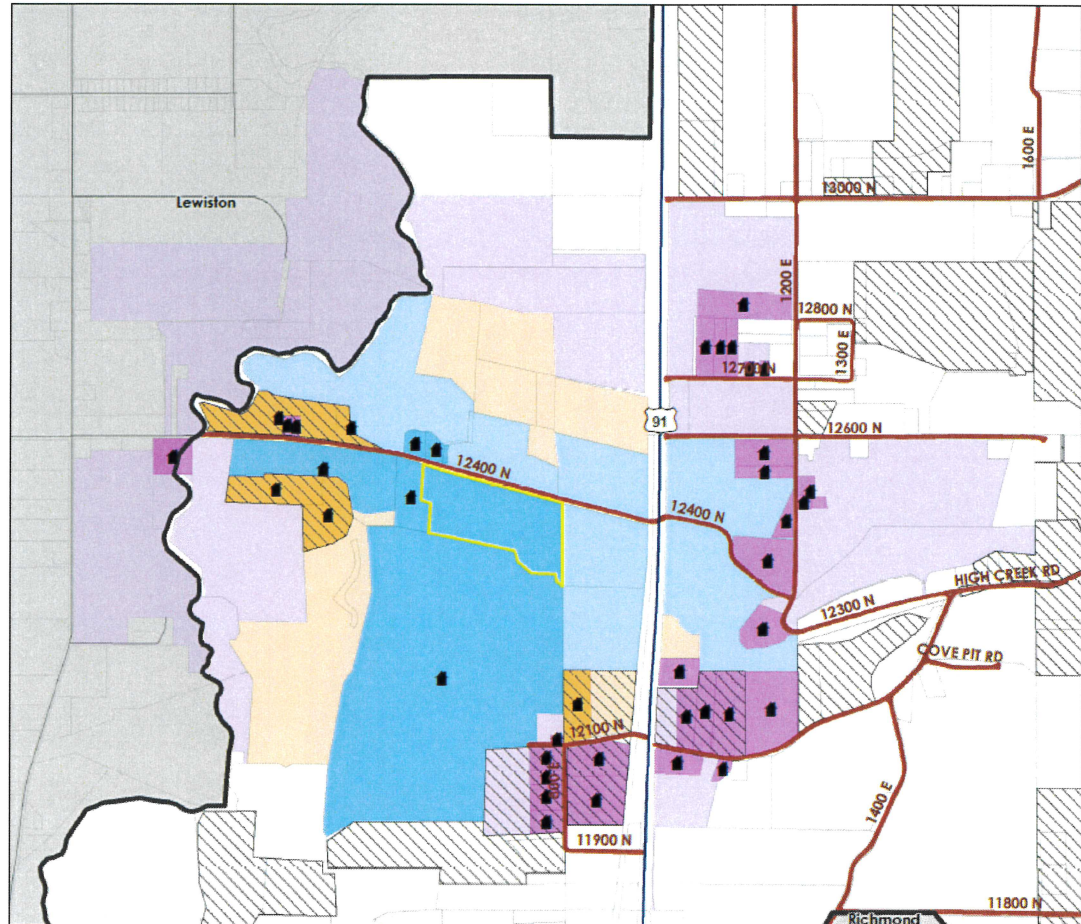
Findings of Fact

A. Request description

1. A request to rezone 26.35 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 potential of 5 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 is in the same configuration as it was on August 8, 2006. According to the GIS information, portions of the property contains areas in the FEMA floodplain and the County floodplain buffer. Future development may require additional analysis in these areas.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 37.6 Acres (5 Parcels)
	Without a Home: 44 Acres (5 Parcels)
1/4 Mile Buffer	With a Home: 21.8 Acres (10 Parcels)
	Without a Home: 20.1 Acres (16 Parcels)
1/2 Mile Buffer	With a Home: 7.8 Acres (39 Parcels)
	With a Home in Lewiston City: 4 Acres (1 Parcel)
	Without a Home: 18.3 Acres (34 Parcels)
	Without a Home in Lewiston City: 28.6 Acres (7 Parcels)

- 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 and some single family dwellings.
- v. **Annexation Areas:** The subject property is not located within a future annexation area, though the property immediately south of the subject property is located within the Richmond City 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 RU5 zone is east of the subject property approximately 2.5 miles away as the crow flies. This RU5 zone, the Michael Allen Rezone, included a total of 31.5 acres and was approved in 2012 (Ordinance 2012-04). A four-lot subdivision (i.e., Michael Allen Subdivision) was approved in 2013. The number of lots in the Michael Allen Subdivision was limited to a maximum of 4 lots after non-developable sensitive areas were removed from the gross acreage.

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:
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 12400 North/Cannibal Road, a County road.
 - a. 12400 North:
 - i. Is an existing county facility that provides access to agricultural and residential lots and has access to US Highway 91.
 - ii. Is classified as a Major Local road.
 - iii. The road consists of a 20-foot-wide paved surface, but is substandard as to paved and gravel shoulders at this location.
 - iv. Is maintained year around.

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 for the subject property, but did not have any comments on the rezone request.

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 November 2021.
15. Notices were posted in three public places on 19 November 2021.
16. Notices were mailed to all property owners within 300 feet and Lewiston City on 19 November 2021.
17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Staff Recommendation and Conclusion

Based on the findings of fact noted herein, the Cub River Estates II 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.

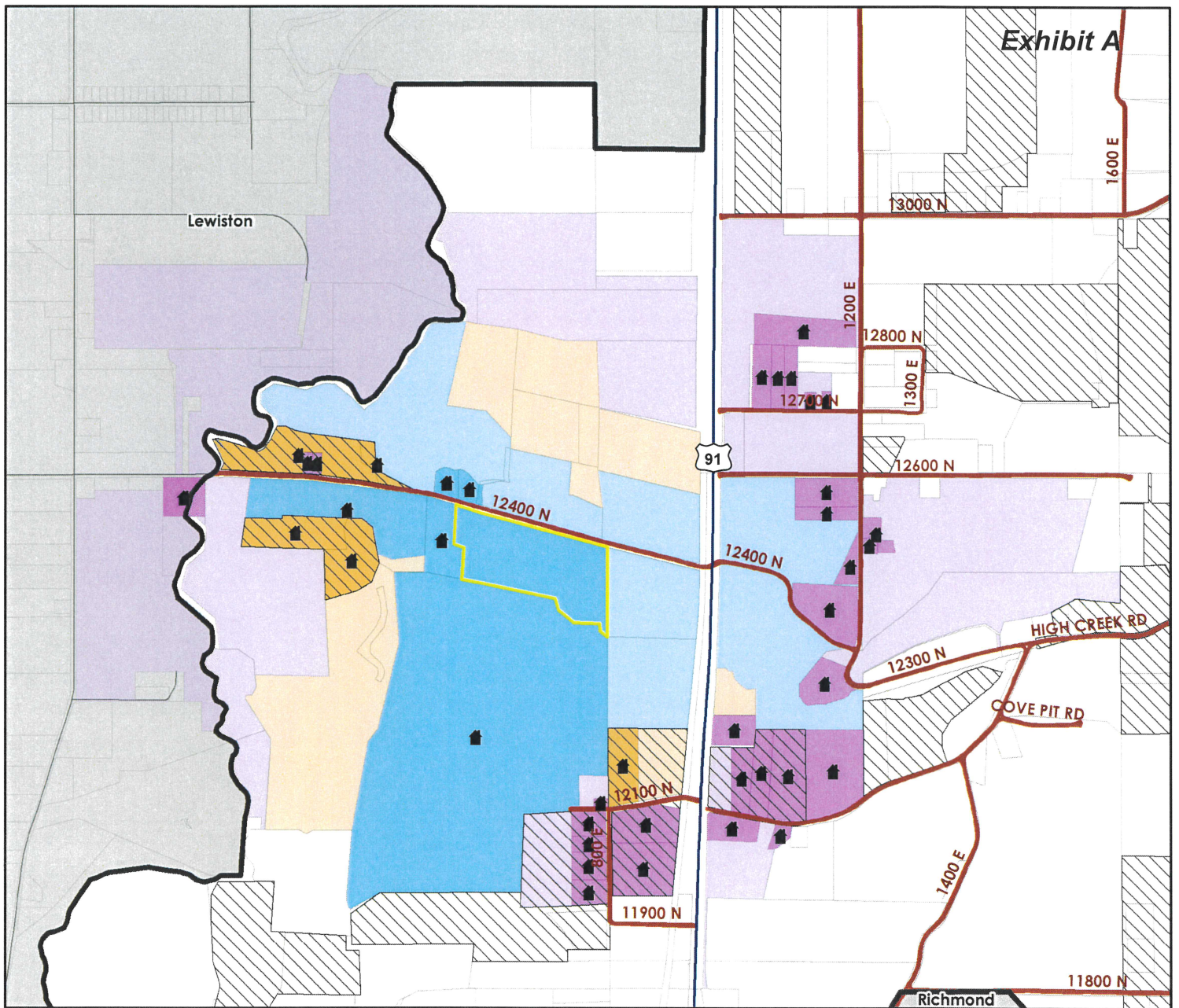
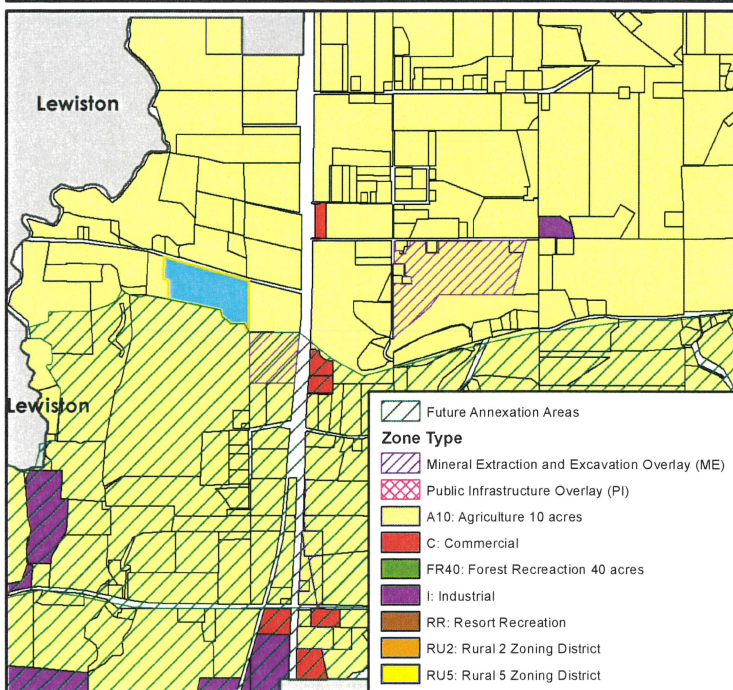


Exhibit A



Legend

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

Average Parcel Size

Adjacent Parcels	With a Home: 37.6 Acres (5 Parcels)
	Without a Home: 44 Acres (5 Parcels)
1/4 Mile Buffer	With a Home: 21.8 Acres (10 Parcels)
	Without a Home: 20.1 Acres (16 Parcels)
1/2 Mile Buffer	With a Home: 7.8 Acres (39 Parcels)
	With a Home in Lewiston City: 4 Acres (1 Parcel)
	Without a Home: 18.3 Acres (34 Parcels)
	Without a Home in Lewiston City: 28.6 Acres (7 Parcels)



11/17/2021

Exhibit B: Ordinance 2022-04
Zoning Map of Cache County – Affected Portion
Cub River Estates II Rezone



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

09-030-0012

BEG N 0°13'09" W 929.86 FT ALG SEC LN FROM E/4 COR SEC 15 T 14N R 1E & TH N 0°13'09" W 920.84 FT TO S LN OF CO ROAD TH N 75°10'26" W 1350.45 FT TH N 73°13'23" W 265.57 FT TH S 2°44'52" W 402.0 FT TH S 73°13'23" E 107.28 FT TH S 2°44'52" W 326.21 FT TH S 79°14'45" E 243.13 FT TH S 78°9'44" E 732.24 FT TH S 17°28'22" E 119.15 FT TH S 43°43'34" E 32.4 FT TH S 51°55'17" E 171.41 FT TH S 87°35'17" E 264.42 FT TH S 3°48'17" E 75.86 FT TH S 52°31' E 97.83 FT TO BEG CONT 26.35 AC M/B

CACHE COUNTY COUNCIL MEETING
JANUARY 25, 2022

ATTACHMENT 5

**CACHE COUNTY
RESOLUTION 2022 - 02**

**A RESOLUTION UPDATING THE CACHE COUNTY
BOARD OF EDUCATION DISTRICTS**

WHEREAS, under Utah Code section 20A-14-201(1), for local school districts whose boundaries encompass more than a single municipality, the county legislative body is required to divide the local school district into local school board districts that are substantially equal in population and are as contiguous and compact as practicable; and

WHEREAS, under Utah Code section 20A-14-201(2), the county legislative body is to redistrict such local school board districts to meet the foregoing population, compactness, and contiguity requirements at least once every 10 years; and

WHEREAS, the voting precincts within the Cache County School District boundaries have been recently changed;

NOW, THEREFORE, the County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, adopts the following resolution:

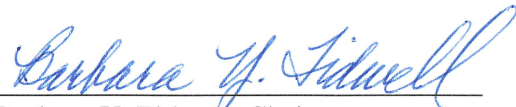
BE IT RESOLVED that effective as of January 1, 2022, the Board of Education Districts for the Cache County School District shall be based on the voting precincts as approved by the County Council on December 14, 2021, and shall be as follows:

1. District 1 shall include these voting precincts: Wellsville 1, Wellsville 2, Wellsville 3, Logan CSD 22, Logan CSD 24, Mendon 1, Mendon 2, College/Young, and Hyrum 3.
2. District 2 shall include these voting precincts: Hyrum 1, Hyrum 2, Hyrum 4, Hyrum 5, Paradise, Avon, Millville 1, and Millville 2.
3. District 3 shall include these voting precincts: Nibley 1, Nibley 2, Nibley 3, Nibley 4, Providence 2, Providence 3, and Providence 5.
4. District 4 shall include these voting precincts: North Logan 5, North Logan 6, River Heights 1, River Heights 2, Providence 1, Providence 4, and Providence 6.
5. District 5 shall include these voting precincts: Hyde Park 1, Hyde Park 2, Hyde Park 3, North Logan 1, North Logan 2, North Logan 3, and North Logan 4.
6. District 6 shall include these voting precincts: Smithfield 1, Smithfield 2, Smithfield 3, Smithfield 4, Smithfield 5, Smithfield 6, Smithfield 7, and Smithfield 8.

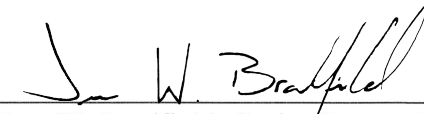
7. District 7 shall include these voting precincts: Amalga, Benson, Clarkston, Cornish, Cove, Lewiston, Newton, Richmond 1, Richmond 2, and Trenton.

Adopted by the County Council of Cache County, Utah, this 25th day of January 2022.

CACHE COUNTY COUNCIL:


Barbara Y. Tidwell, Chair

ATTEST:


Jess W. Bradfield, Cache County Clerk

