

APPROVED MINUTES

CACHE COUNTY COUNCIL

March 15, 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: Vice Chair Paul R. Borup; Councilmembers: David L. Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles

MEMEBERS EXCUSED: Chair Barbara Tidwell

STAFF PRESENT: County Executive David Zook, Clerk/Auditor Jess Bradfield, County Attorney John Luthy, Executive Admin Janeen Allen, Amy Adams, Shawn Milne, Bart Nelson, Chris Harrild, Rod Hammer, Terryl Warner, Dirk Anderson, Lauren Ryan, Cameron Jensen

PUBLIC ATTENDENCE: **(Special Meeting):** Shane Carter, Cindy Maughan, Deb Phillips, Annette Macfarlane, Kendra Penry, Tina Brundage, Jimmy Birman, Jenny Schulze, Matt Whitaker, Jake Netzley, Sheryl Goodey, Danny Baus, Nicole Burnard, Jill Anderson, Tim Kendy, Jayme Walters, Kandace McCreary, Robert McCreary, Mindie Buttars, Josh Bingham, Josh Runhaar, Dirk Anderson, Cheryl Atwood **(Regular Meeting):** Ford Naegle, Steve Larson, Cole Naegle, Fred Christensen

Special Council Meeting

1. Call to Order 3:30p.m. – Vice Chair Paul R. Borup

2. Presentations from local non-profit organizations

- a. Josh Runhaar gave the Council information about the Northern Social Services Nonprofit Coalition (NSSNC)
- b. Jill Anderson, CEO of CAPSA, explained CAPSA budget operations and costs
- c. Matt Whitaker described the proposed expansion of the Food Pantry
- d. Jenny Schulze of the Boys and Girls Club presented the need and a request for after school centers to be built
- e. Cheryl Atwood informed the Council about Options for Independence and the organizations various needs for improvements
- f. Josh Runhaar spoke in favor of density and increased zoning allowances
- g. Cindy Maughan promoted hemp as an alternate source of material that farmers may be allowed or incentivized to grow

3. Adjourn

Regular Council Meeting

1. Call to Order 5:00p.m. – Vice Chair Paul R. Borup

2. Opening Remarks and Pledge of Allegiance – Councilmember Gordon Zilles [1:17](#)

3. Review and Approval of Agenda APPROVED [3:20](#)

Action: Motion made by Councilmember Worthen to amend the agenda by taking item 11A and moving it to a workshop to further study as a council; Seconded by Councilmember Erickson

Motion passes.

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

Nay: 0

Absent: Barbara Tidwell

Action: Motion made by Councilmember Erickson to approve the agenda as amended; Seconded by Councilmember Worthen

Motion passes.

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

Nay: 0

Absent: Barbara Tidwell

4. Review and Approval of Minutes APPROVED [4:55](#)

Action: Motion by Councilmember Worthen to approve the minutes with requested revision; Seconded by Councilmember Gunnell

Motion passes.

Aye: 5 Paul R. Borup, David Erickson, Nolan Gunnell, Gina A. Worthen, Gordon A. Zilles

Nay: 0

Abstain: Karl B. Ward
Absent: Barbara Tidwell

5. Report of the County Executive [5:48](#)

a. County Executive Zook gave his report regarding an appointment to the Cache Water District to present to the council for approval.

Action: Motion by Councilmember Ward to approve the appointment of Regan Wheeler to the Cache Water District Representative position; Seconded by Councilmember Erickson

Motion passes.

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

Nay: 0

Absent: Barbara Tidwell

b. A report was given regarding the RAPZ committee.

Action: Motion by Councilmember Ward to approve the RAPZ committee as presently constituted; Seconded by Councilmember Worthen

Motion passes.

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

Nay: 0

Absent: Barbara Tidwell

c. County Executive Zook introduced new Chief Deputy Executive Dr. Dirk Anderson. County Clerk/Auditor Jess Bradfield administered the Oath of Office. Chief Deputy Executive Anderson shared some words with the Council.

d. A report was given on the issue of solid waste collection and a meeting of various mayors within the county to discuss solid waste collection proposals and options. Councilmember Ward shared his personal perspective regarding the issue.

e. A report on housing prices task force being put together by County Executive Zook.

f. An announcement was made by County Executive Zook that the Bear River Health Department received national accreditation.

g. A report was given on the Woman of the Year award given by the Chamber of Commerce.

h. A report that the financial expense report is provided to the Council

6. Items of Special Interest [17:00](#)

a. No items of special interest.

7. Department or Committee Reports

a. Lauren Ryan gave a brief General Plan update. [17:41](#)

b. Steve Larson, President of the Board of Eccles Ice Arena, introduced Floyd Naegle, who gave the County Council information regarding the Eccles Ice Center. [32:29](#)

Discussion: County Council offers comments and questions.

8. Board of Equalization Matters

9. Public Hearings [24:14](#)

a. **Set Public Hearing for March 29, 2022 – Ordinance 2022-13 – Cub River Estates I Rezone**

Request to rezone 44.46 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at approximately 535 East Cannibal Road, Cove

b. **Set Public Hearing for March 29, 2022 at 6:00 p.m. – Resolution 2022-06 – Opening the 2022 Budget**

c. **Set Public Hearing for March 29, 2022 – Resolution 2022-07**

Declaring County interest in real property located on Wolf Pack Way, described as parcel number 04-058-0048 as surplus property

d. **Set Public Hearing for March 29, 2022 – Resolution 2022-08**

Authorizing conveyance of real property located on Wolf Pack Way, described as parcel number 04-058-0048

Action: Motion by Councilmember Erickson to set public hearings for Ordinance 2022-13, Resolution 2022-06, Resolution 2022-07, and Resolution 2022-08 for March 29, 2022; Seconded by Councilmember Zilles [24:31](#)

Motion passes.

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

Nay: 0

Absent: Barbara Tidwell

e. **Public Hearing – Ordinance 2022-12 – Cutler Valley Rezone** [25:21](#)

A request to rezone 65.7 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located approximately 6600 North Highway 23 near Newton.

Discussion: Tim Watkins provided information to the County Council about the Cutler Valley Rezone.

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

Motion passes.

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

Nay: 0

Absent: Barbara Tidwell

f. **Public Hearing – Resolution 2022-03** [30:03](#) - **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

Discussion: County Attorney John Luthy informed that due to a recording error, the county does not own this property and a public hearing is not necessary.

10. Pending Action [52:25](#) **ATTACHMENT 1**

a. **Resolution 2022-05 - A resolution amending the Cache County Corporation Personnel Policy and Procedure Manual regarding Travelling on County**

Business

Discussion: Fire Chief Rod Hammer gave information to the County Council regarding proposed changes in County policies.

Action: Motion by Councilmember Worthen to approve Resolution 2022-05; Seconded by Councilmember Ward

Motion passes.

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

Nay: 0

Absent: Barbara Tidwell

11. Initial Proposals for Consideration of Action [54:09](#)

a. **Ordinance 2022-11**

Discussion moved to future meeting

b. **Ordinance 2022-12 Cutler Valley Rezone** [54:12](#) - **An ordinance amending the County Zoning Map by rezoning 65.7 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.** **ATTACHMENT 2**

Discussion: Tim Watkins responded to question, comments, and concerns from the County Council regarding the Cutler Valley Rezone.

Action: Motion by Councilmember Ward to support the recommendation of the Planning Commission and approve Ordinance 2022-12 Cutler Valley Rezone; Seconded by Councilmember Zilles [1:03:34](#)

Motion passes.

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

Nay: 0

Absent: Barbara Tidwell

c. **Resolution 2022-06** [1:04:27](#) - **A resolution amending the 2022 Cache County Budget**

Discussion: Finance Director Cameron Jenson stood to present. Council discusses the proper procedure of this item, given that the public hearing is scheduled for a future meeting. The Council decided to proceed with the agenda and Cameron Jenson presented information regarding the county budget to the Council.

Discussion: Public Defender Michael McGinnis stood to inform the Council regarding requests for increased budget. The Council asked questions, gave commentary, and offered concerns.

12. Other Business [1:27:21](#)

a. UAC Building Utah Conference, March 23-25, 2022

- b. UAC Management Conference, April 26-28, 2022
- c. Smithfield Health Days Parade, May 14, 2022

13. Councilmember Reports

Barbara Tidwell – Absent

David Erickson – Commented that some departments don't have Council representation and he would like to ensure they have a council liaison. Concerned with Logan City solid waste plan.

Gina Worthen – Recommended that the Solid Waste Advisory Board review Senate Bill 203 from 2022 General Session.

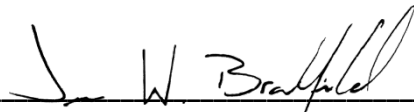
Gordon Zilles – Asked if the council has received new information about dumping fees. It is being examined.

Karl Ward – Commented on Logan City's upcoming plan to suspend garbage pickup for the county, expressed benefits.

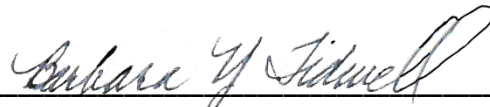
Nolan Gunnell – Suggested the Council consider upcoming challenges that may arise about water and water rights.

Paul Borup – No report

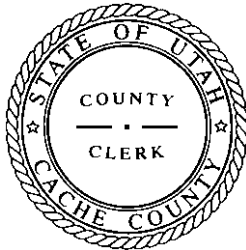
Adjourn: 7:30 PM



ATTEST: Jess W. Bradfield
County Clerk/Auditor



APPROVAL: Barbara Tidwell
Chair



CACHE COUNTY COUNCIL MEETING
MARCH 15, 2022

ATTACHMENT 1

**CACHE COUNTY
RESOLUTION 2022 - 05**

**A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION PERSONNEL POLICY
AND PROCEDURE MANUAL REGARDING TRAVELLING ON COUNTY BUSINESS**

WHEREAS, the Cache County Council on 22nd day of February 2022, in a regular meeting of which lawful notice had been given, considered amending the Cache County Corporation Personnel Policy and Procedure Manual, Section VIII (U) regarding traveling on County business; and

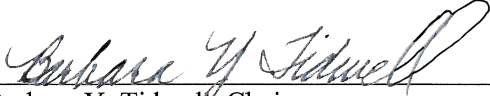
WHEREAS, the Cache County Council finds that it is necessary, appropriate, and in the best interest of the County and its personnel that the Cache County Corporation Personnel Policy and Procedure Manual be amended;

NOW THEREFORE, BE IT RESOLVED that the County Council adopts the following resolution:

- 1 **Amendments:** The Cache County Corporation Personnel Policy and Procedure Manual is hereby amended to read as set forth in the attached Exhibit A.
- 2 **Application:** The amendment to the Cache County Corporation Personnel Policy and Procedure Manual shall apply to all current and future county employees.
- 3 **Prior Resolution and Policies:** This Resolution and the amendments specified in Exhibit A to the Cache County Corporation Personnel Policy and Procedure Manual supersede all previously adopted resolutions and policies to the extent that they are in conflict with the specified provisions of this Resolution and the attached Exhibit A.
- 4 **Effective Date:** This Resolution shall be effective immediately upon its adoption.

Resolved this 15th day of March 2022.

CACHE COUNTY COUNCIL:



Barbara Y. Tidwell, Chair

ATTEST:



Jess W. Bradfield, Cache County Clerk

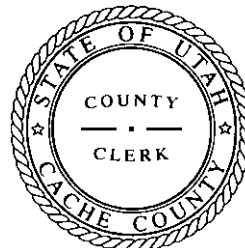


EXHIBIT A

PROPOSED AMENDEMENTS

Personnel Policy and Procedures Section VIII

U. Travel for County Business

An employee or officer of the County who incurs travel expenses for an authorized trip is eligible for payment or reimbursement of travel expenses. An employee or officer is eligible for an allowance or reimbursement when:

- Performing official travel away from their official workstation; and
- Transportation, mileage, meals, or lodging are not provided or reimbursed by another organization or agency.

An employee's Department Head must review and approve all travel expense requests. Out-of-state travel must be approved by the Department Head and the County Executive. The U.S. General Services Administration (GSA) per diem rates will serve as the basis by which Cache County will pay for expenses related to travel.

Transportation Expense: The most economical form of transportation should be used when traveling. All factors, including time lost from work, should be considered.

a. **Vehicle:** It is preferred that a County vehicle be used for travel within the State of Utah. An employee may desire to drive a personal vehicle but must obtain approval from their Department Head before doing so. Mileage is reimbursed at the rate allowed by the IRS when a personal vehicle is driven for County business. When driving a personal vehicle, the driver's insurance has primary responsibility for any incidents. County insurance is considered secondary insurance and will be available only if the driver's insurance limits are exceeded.

b. **Air:** The State of Utah Travel Office is available to assist an employee in finding the most economical airfare.

Meal Expense: Meal allowances will be paid at the rate established by the GSA if a meal is not provided by another organization or agency. The Department Head may approve actual cost reimbursement should the cost of meals exceed the rate established by the GSA.

Lodging Expense: The County pays lodging expenses for employees or officials traveling on approved County business. The County recommends the use of government hotel rates wherever offered. If government or conference rates are not available, the employee may find comparable lodging and must obtain approval from the Department Head before booking the room(s). Lodging expenses do not include extra services, including, but not limited to, room service, spa services, or paid entertainment.

Payment or Reimbursement: Employees must submit to the Department Head for approval all requests for payment or reimbursement with supporting documentation within 30 days of the date the expense was incurred. Meal allowances may be paid in advance upon approval of the

Department Head at the rate established by the GSA. The Department Head will submit the approved expenses to the Finance Department for payment or reimbursement.

CACHE COUNTY COUNCIL MEETING
MARCH 15, 2022

ATTACHMENT 2

Ordinance No. 2022-12
Cache County, Utah
Cutler Valley Rezone

An ordinance request to amend the County Zoning Map by rezoning 65.72 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 February 22, 2022, 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 March 15, 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:

- Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
- Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.
- 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.

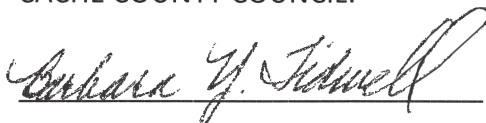
6. Effective date

This ordinance takes effect on MARCH 30, 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.

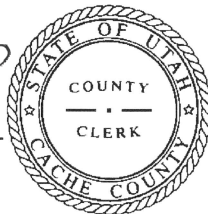
Approved and adopted MARCH 15, 2022.

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

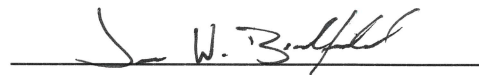
CACHE COUNTY COUNCIL:



Barbara Tidwell, Chair
Cache County Council



ATTEST:



Jess Bradfield
Cache County Clerk

ACTION OF COUNTY EXECUTIVE:

- ☒ Approve
☐ Disapprove (written statement of objection attached)

Publication Date: 3/30, 2022


David Zook, County Executive

3/28/22
Date

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7

Public hearing to be held on March 15, 2022.
If approved, the rezone will take effect 15 days from the date of approval.

Approval (7-yea; 0-nay).
Public hearing held on February 3, 2022.
Conclusion: Based on the findings of fact noted [in the staff report], the Cutler Valley 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.

Chris Harrild

Angie Zetterquist

This ordinance amends the County Zoning Map by rezoning 65.72 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

Staff Report to Planning Commission

Staff Report: Cutler Valley Rezone

3 February 2022

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: Sue Griffin

Parcel ID#: 13-029-0002

Staff Recommendation: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:

~6600 North Highway 23
near Newton

Acres: 65.72

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 5 (RU5)

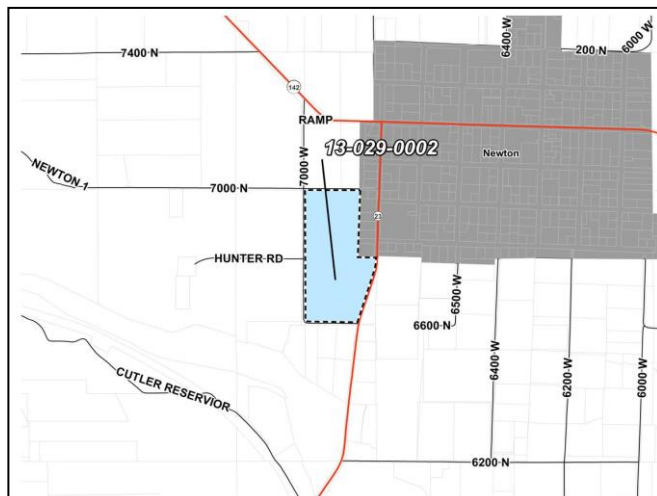
Surrounding Uses:

North – Agricultural

South – Residential

East – Residential/Newton

West – Agricultural/Residential



Findings of Fact

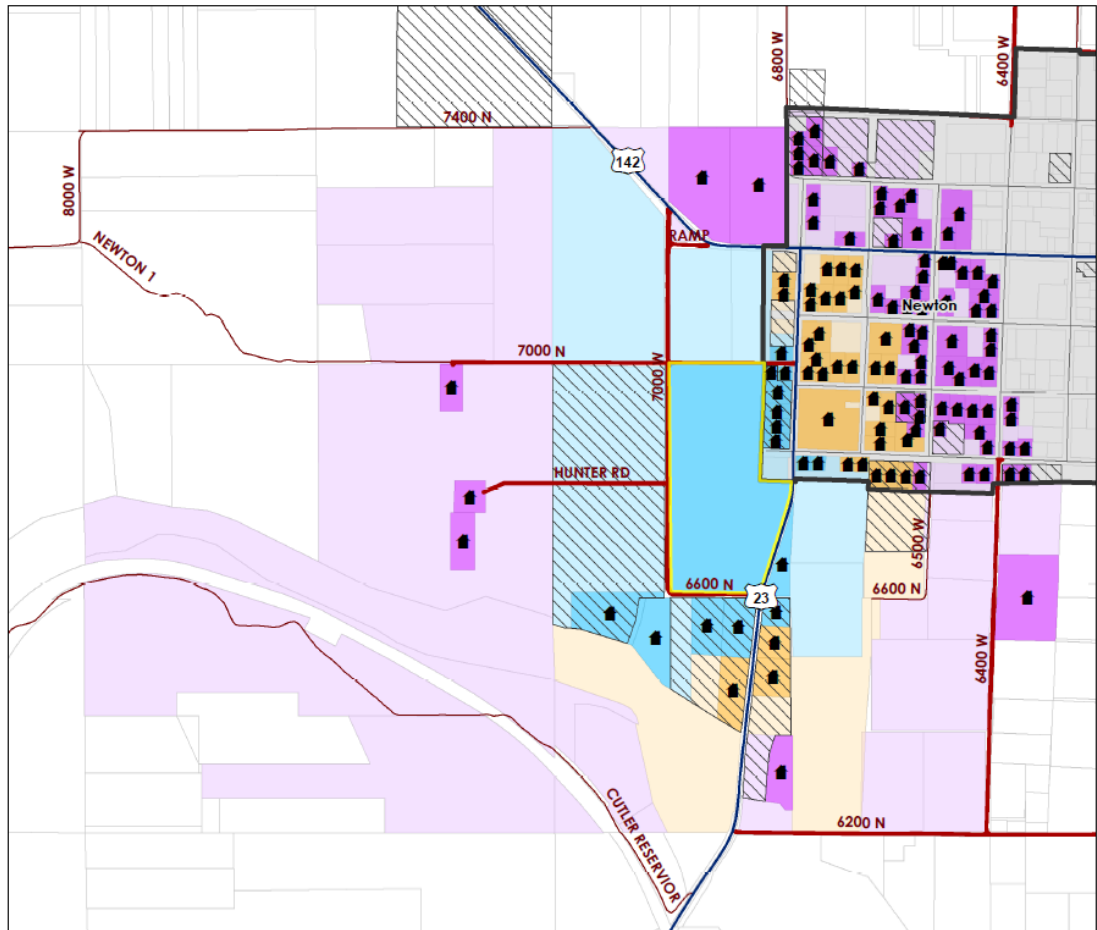
A. Request description

1. A request to rezone 65.72 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 13 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:

Exhibit A

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



Average Parcel Size	
Adjacent Parcels	With a Home: 5.2 Acres (6 Parcels)
	With a Home in Newton City: 1 Acres (9 Parcels)
	Without a Home: 35.6 Acres (8 Parcels)
	Without a Home in Newton City: 1.5 Acres (6 Parcel)
1/4 Mile Buffer	With a Home: 4.8 Acres (9 Parcels)
	With a Home in Newton City: 1.4 Acres (40 Parcels)
	Without a Home: 26.8 Acres (15 Parcels)
	Without a Home in Newton City: 1.5 Acres (15 Parcels)
1/2 Mile Buffer	With a Home: 7 Acres (16 Parcels)
	With a Home in Newton City: 1.1 Acres (107 Parcels)
	Without a Home: 27.6 Acres (40 Parcels)
	Without a Home in Newton City: 1.5 Acres (41 Parcels)

Exhibit A

- 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, single family dwellings, and the boundary of Newton is immediately adjacent on the east boundary. The parcels located in Newton immediately adjacent to the subject property are zoned Single Family Residential Zone (R-1). Based on Newton's Land Use Ordinance, the R1 Zone requires a minimum lot size of a ½ acre, a minimum lot frontage of 148 feet, and a maximum density of 2 units/acre. Comparably, the County's RU5 Zone requires a minimum lot size of ½-acre and a minimum frontage of 90 feet with a maximum density of 1 lot for every 5 acres.
- v. Annexation Areas: The Newton future annexation area covers a portion of the subject property on the north and east sides, but approximately 35 acres on the south and west areas of the property is not located within the 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 north of the subject property approximately 6.2 miles away as the crow flies. This RU5 zone, the Riggs Rezone, included a total of 12.55 acres and was approved in 2021 (Ordinance 2021-11), which will allow a maximum of 2 buildable lots. At this time, a subdivision application has not been submitted for this RU5 property. Staff recommends the use of a cluster-type development that considers existing agricultural use.

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.

Exhibit A

- 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. The subject property has frontage and direct access from 6600 North, 7000 North, and 7000 West, all County roads.
 - a. 6600 North, 7000 North, and 7000 West:
 - i. All are existing county facilities that provide access to a few single family home, but mostly provide access to agricultural land.
 - ii. Are classified as Minor Local roads.
 - iii. The roads consist of an average of 18-19-foot-wide paved surface
 - iv. All roads are substandard as to paved width and gravel shoulders.
 - v. 7000 North and 7000 West are also substandard as to the required 66-feet of dedicated right-of-way.
 - vi. Though the roads are considered substandard, the County Engineer believes the improvements required will be minimal.
 - vii. All three roads are 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

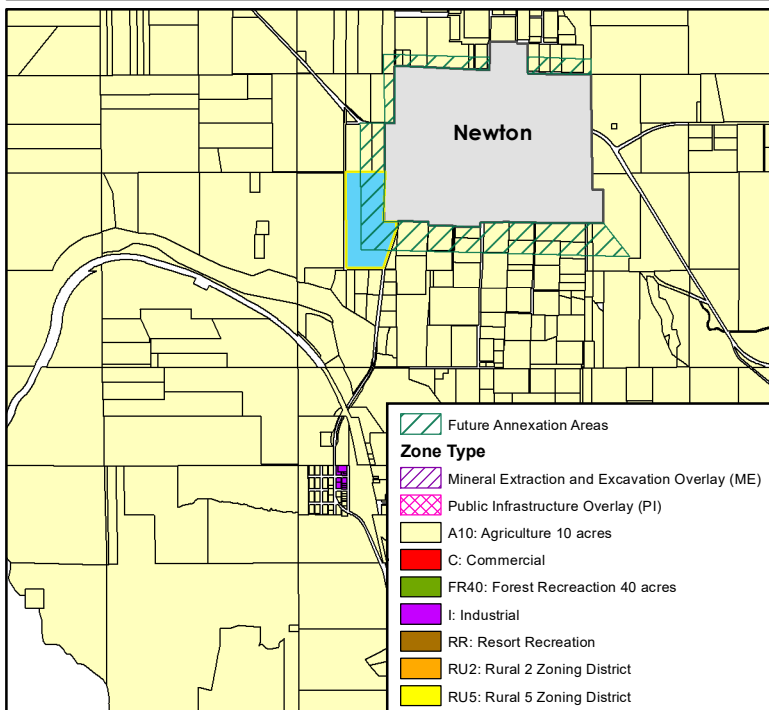
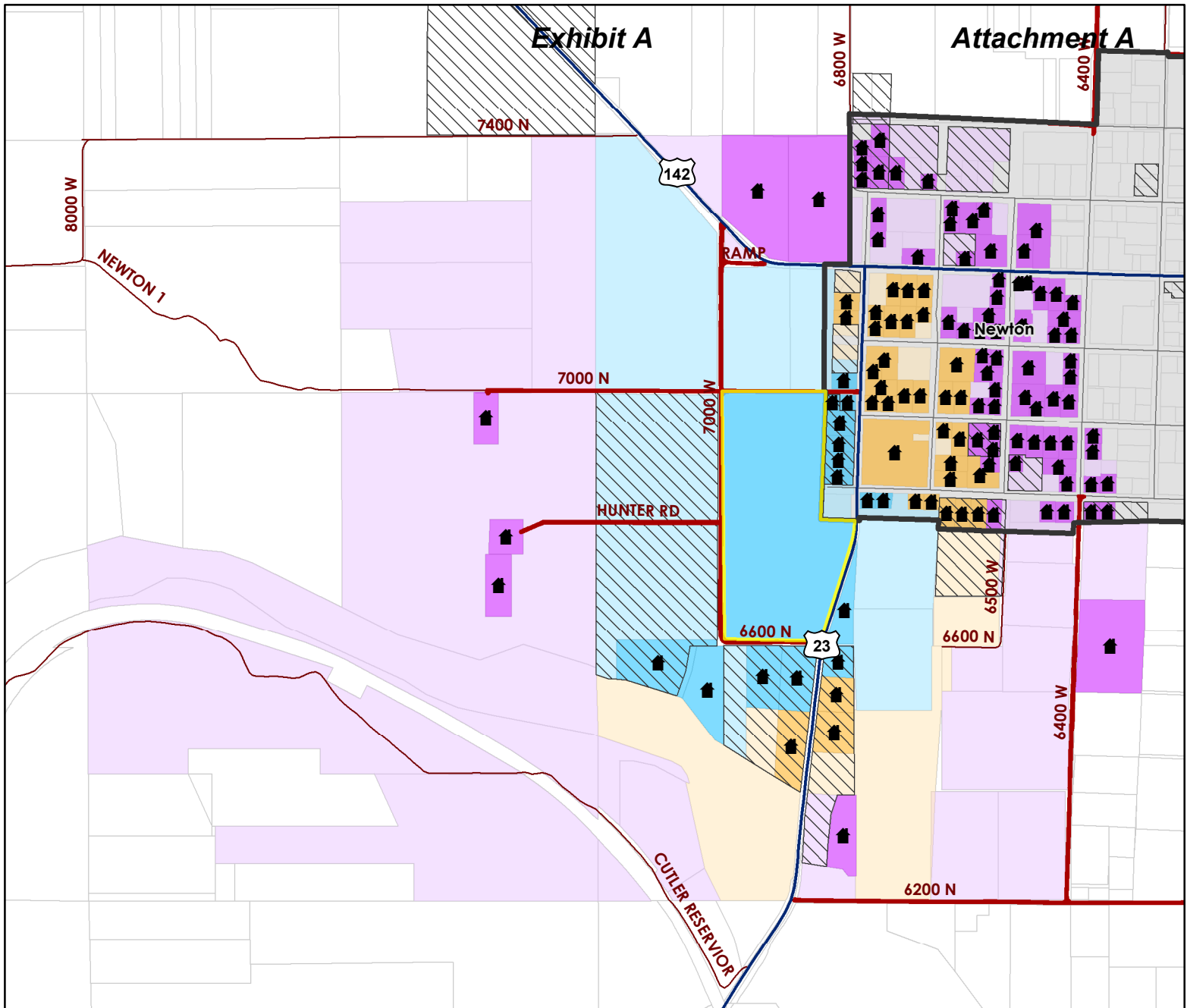
- 14. Public notice was posted online to the Utah Public Notice Website on 21 January 2022.
- 15. Notices were posted in three public places on 21 January 2022.
- 16. Notices were mailed to all property owners within 300 feet and Newton on 20 January 2022.
- 17. At the time of the application submittal, the applicant provided a letter from Newton Town (Attachment B). In the letter, it states the Newton Planning Commission did not oppose the development and the Town Council was split between concern and support, but former Mayor Rhodes listed a number of personal objections to the proposal. No other written public comment regarding this proposal has been received by the Development Services Office.

Exhibit A

Recommendation and Conclusion

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

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



Legend

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

Average Parcel Size

Adjacent Parcels	With a Home: 5.2 Acres (6 Parcels)
	With a Home in Newton City: 1 Acres (9 Parcels)
	Without a Home: 35.6 Acres (8 Parcels)
1/4 Mile Buffer	Without a Home in Newton City: 1.5 Acres (6 Parcel)
	With a Home: 4.8 Acres (9 Parcels)
	With a Home in Newton City: 1.4 Acres (40 Parcels)
1/2 Mile Buffer	Without a Home: 26.8 Acres (15 Parcels)
	Without a Home in Newton City: 1.5 Acres (15 Parcels)
	With a Home: 7 Acres (16 Parcels)
	With a Home in Newton City: 1.1 Acres (107 Parcels)
	Without a Home: 27.6 Acres (40 Parcels)
	Without a Home in Newton City: 1.5 Acres (41 Parcels)



1/10/2022

~~Exhibit A~~
NEWTON TOWN CORPORATION

Attachment B

Mayor
Kevin Rhodes

51 South Center
P.O. Box 146
Newton, UT 84327
(435)563-9283

Council Members:
Gordon O. Anderson
Kent R. Fabricius
Kathryn Rigby
Jed Woodward

November 9, 2021

Dear Cache County Planning Commission,

Terry and Sue Griffin have come to multiple Newton Planning Commission meetings and one Town Council meeting and presented 3 different plans to rezone and subdivide Cache County parcel 13-029-0002. We appreciate their openness and patience as we ask questions and voice our concerns. Since this property is contiguous to the Southwest corner of Newton, we are grateful that we have been made aware of their request and that we have been able to begin dialog on this subject with the Griffins.

The Newton Planning Commission did not come out in opposition to this development. They did have some concerns but didn't see anything they could do about it as it is outside our town boundaries. The town council was also split between concern and support.

My personal position as mayor is that I respectfully request that you deny this land use change and subdivision. On the question of whether this area is in our annexation plan, the answer is no, not where the proposed lots would be created. But the property is part of our master plan and annexation map and is of interest. Please consider this fact and the following as you make irreversible land-use changes just a stone's throw from our town.

- 1) The Griffin proposal does not align with our master plan which includes:
 - a. Managed growth from within the town boundaries. We have many buildable lots within town boundaries. We want to see a higher percentage of these with houses before we begin to annex.
 - b. Keep the planned community that began with the pioneers, living in a community and farming just outside the community. Greenbelt, open space, and farms are preferred to county sprawl - a break between communities instead of blurred lines.
 - c. Where water is a scarce resource on the west side of Cache Valley, we feel it is best to provide this resource from a few controlled, managed, and measured sources that we can all share. We keep this resource geographically close and within the town limits so that we can provide it for all citizens and grow it with the town. Streets, natural gas, power, internet, and other infrastructure are also best utilized and maintained in a planned community.
 - d. County folks, just outside of Newton, will tell you they are from Newton. We certainly accept them as such but they benefit from a nearby town without contributing monetarily. We will not receive impact fees or property taxes from

development in the county. Yet, they use our library and park and receive monetary benefits from proximity to law enforcement, EMS, and a fire station.

- e. Our lot sizes in Newton are typically large enough to accommodate what most folks put on 5-acre county ranchettes.

We realize that our plan relies on farmers living in town and having a stake in preserving the agrarian lifestyle. When a farmer or descendants decide to grow houses just outside of town instead of crops, we become most vulnerable and our master plan is compromised.

2) Newton Town is taking part in Cache County growth

- a. Historic growth is happening. In one year, we will have issued more building permits than the prior decade. We are not saying no growth, but controlled growth according to our master plan.
- b. The petitioner has undeveloped property within the town and is planning to be part of this growth.

3) Cache County and Envision Cache Valley

- a. I encourage you to delay action until the Cache County master plan is updated according to the input from the Envision Cache Valley report. The proposed land use change and development is not in alignment with the "keep the city, city and the country, country" concept.
- b. We should have new conversations between Cache County and Newton Town to align our expectations to this new county master plan so we have a united plan. This may require Newton Town to adjust some of our expectations and master plan.

Thank you for allowing us to provide input to this process.

Sincerely,

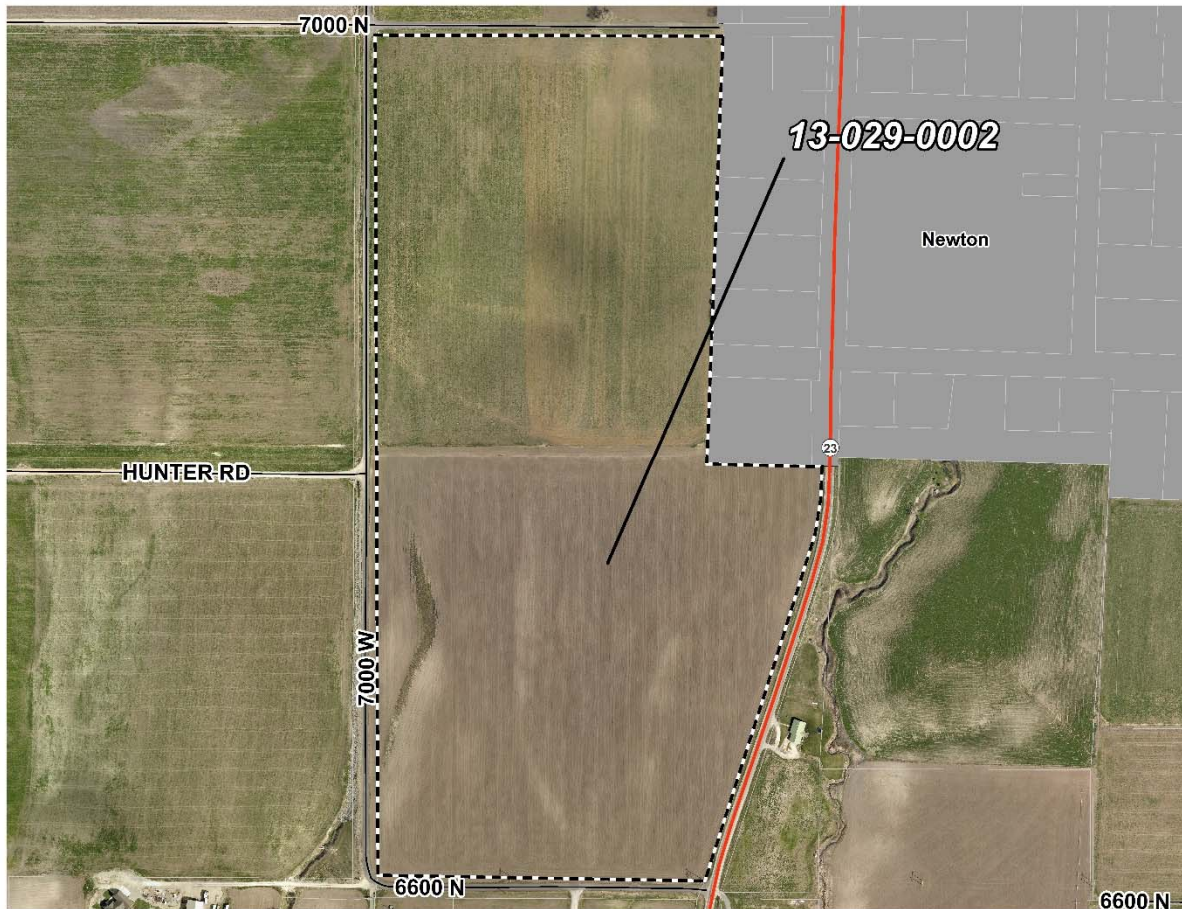


Kevin Rhodes

Mayor of Newton

Exhibit B: Ordinance 2022-12

Zoning Map of Cache County – Affected Portion
Cutler Valley Rezone



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

13-029-0002

THAT PT OF THE FOLLOWING OUTSIDE NEWTON CORP LIMITS:

THE E/2 OF NW/4 SEC 19 T 13N R 1W EXCEPT THE CO ROAD ALG S 4 RDS, THE ST HWY ACROSS THE SE COR, AND THE LAND LYING E OF SD ST HWY NET 65.72 AC