

## APPROVED

## CACHE COUNTY COUNCIL

**June 14, 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, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles, Karl B. Ward

**MEMEBERS EXCUSED:**

**STAFF PRESENT:** Executive David Zook, Attorney John Luthy, Amy Adams, Chris Harrild, Tim Watkins, Chase Petersen

**OTHER ATTENDENCE:**

### Workshop

1. **Call to Order 3:00 p.m.** [0:07](#)
2. **Opioid Settlement** Attorney John Luthy spoke ([0:35](#)). Bear River Health Department data ([12:43](#)). Councilmember questions ([1:02:37](#)).
3. **Executive Session** – Utah Code 52-4-205(1)(c) – Discussion of pending or reasonably imminent litigation  
**Action:** Motion made by Councilmember Paul Borup to move into Executive session; seconded by Councilmember David Erickson [1:10:35](#)
4. **Adjourn** - Approximately 4:45

### Council Meeting

1. **Call to Order 5:00p.m.** – Chair Barbara Tidwell [0:48](#)
2. **Opening Remarks and Pledge of Allegiance** – Councilmember Gina Worthen [1:07](#)
3. **Review and Approval of Agenda APPROVED** [6:01](#)  
**Action:** Motion made by Councilmember Gina Worthen to approve the agenda; seconded by Councilmember Karl Ward  
**Motion passes.**  
**Aye:** 7 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles, Karl B. Ward  
**Nay:** 0
4. **Review and Approval of Minutes** [6:22](#)  
**Action:** Motion made by Councilmember David Erickson to approve the minutes with amendment; seconded by Councilmember Gina Worthen  
**Motion passes.**  
**Aye:** 7 Barbara Tidwell, Paul R. Borup, David Erickson, Nolan Gunnell, Gina H. Worthen, Gordon A. Zilles, Karl B. Ward  
**Nay:** 0
5. **Report of the County Executive** [8:14](#)  
Report from County Executive David Zook.
6. **Items of Special Interest** [13:31](#)
  - a. Open Space Survey Report – Jack Draxler
7. **Department or Committee Reports** [44:15](#)
  - a. General Plan Update – Lauren Ryan [44:26](#)
  - b. Logan-Cache Airport – Lee Ivie, Airport Manager [46:19](#)
8. **Board of Equalization Matters**
9. **Public Hearings** [30:19](#)
  - a. **Set Public Hearing for June 28, 2022 at 6:00 p.m. – Resolution 2022-17**  
A resolution amending the 2022 Cache County Budget

**Discussion:** Questions from Councilmember Paul Borup directed toward County Attorney John Luthy ([30:55](#)). Councilmember Gina Worthen spoke ([35:36](#)).

**Action:** Motion made by Councilmember Karl Ward to set the public hearing for June 28, 2022 at 6:00 p.m.; seconded by Councilmember Paul Borup [36:18](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul R. Borup, Nolan Gunnell, Gordon A. Zilles, Karl B. Ward

**Nay:** 2 David Erickson, Gina H. Worthen

**b. Public Hearing – Ordinance 2022-17 – Woodbrey Rezone [37:18](#)**

A request to rezone 10.0 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 721 North Highway 23, near Mendon

**Discussion:** Tim Watkins spoke to the Woodbrey Rezone ([38:11](#)). County Attorney John Luthy spoke ([42:10](#)).

**Action:** Motion made by Councilmember David Erickson to close the public hearing; seconded by Councilmember Gordon Zilles [41:51](#)

**Motion passes.**

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

**Nay:** 0

**10. Pending Action**

**11. Initial Proposals for Consideration of Action [1:08:8](#)**

**a. Ordinance 2022-17 Woodbrey Rezone [1:08:19](#) ATTACHMENT 1**

An ordinance amending the County Zoning Map by rezoning 10.0 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone

**Discussion:** Councilmember David Erickson spoke ([1:08:42](#)). Councilmember Gina Worthen spoke ([1:09:13](#)). Tim Watkins spoke ([1:09:29](#)).

**Action:** Motion made by Councilmember David Erickson to waive the rules and support denial of the rezone; seconded by Councilmember Gordon Zilles [1:09:08](#)

**Motion passes.**

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

**Nay:** 0

**b. Resolution 2022-16 [1:09:59](#) ATTACHMENT 2**

A resolution authorizing the Cache County Council to place on the November 8, 2022 General Election ballot a County Option Sales and Use Tax referendum before the voters of Cache County to fund recreational facilities, arts organizations, parks, and zoological organizations (RAPZ); and to establish the time and language of the opinion question

**Discussion:** Councilmembers discussed. [1:10:36](#)

**Action:** Motion made by Councilmember Karl Ward to waive the rules and approve Resolution 2022-16; seconded by Councilmember Gordon Zilles [1:12:55](#)

**Motion passes.**

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

**Nay:** 0

**c. Resolution 2022-18 [1:14:10](#) ATTACHMENT 3**

A resolution declaring the County's intent to pick up Tier II Public Safety employee's contributions to the Utah State Retirement System

**Discussion:** HR Director Amy Adams spoke ([1:14:25](#)).

**Action:** Motion made by Councilmember Karl Ward to waive the rules and approve Resolution 2022-18; seconded by Councilmember Gina Worthen [1:16:30](#)

**Motion passes.**

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

**Nay:** 0

**d. Resolution 2022-19 [1:16:49](#) ATTACHMENT 4**

A resolution amending the Cache County Corporation Personnel Policy and Procedure Manual regarding Funeral and Bereavement Leave

**Discussion:** Amy Adams spoke ([1:17:04](#)). Councilmembers asked questions ([1:18:44](#)).

**Action:** Motion made by Councilmember Paul Borup to waive the rules and approve Resolution 2022-19; seconded by Councilmember David Erickson [1:20:11](#)

**Motion passes.**

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

**Nay:** 0

**12. Other Business** [1:20:41](#)

a. Nibley Heritage Days Parade *Saturday, June 18, 2022 at 10:00 a.m.*

**13. Councilmember Reports** [1:21:06](#)

**Karl Ward** – No report.

**Gina Worthen** – Spoke to Hyde Park and North Logan city's concerns with tax increases due to market rates.

**Nolan Gunnell** – Spoke compliments to the work Chris Harrild has done.

**Gordon Zilles** – Spoke compliments to Chris Harrild.

**David Erickson** – Spoke to ARPA funds going to Lewiston city. Spoke to concerns about growing county government.

**Barbara Tidwell** – Spoke compliments to Chris Harrild. Spoke to her appreciation for the councilmembers.

**Paul Borup** – No report.

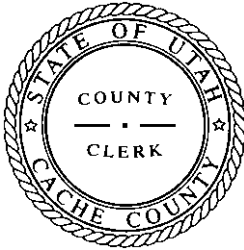
**Adjourn: 6:30 PM**

*Jess W. Bradfield*

ATTEST: Jess W. Bradfield  
County Clerk/Auditor

*Barbara Y. Tidwell*

APPROVAL: Barbara Tidwell  
Chair





**CACHE COUNTY COUNCIL MEETING**  
**JUNE 14, 2022**

**ATTACHMENT 1**

# Ordinance No. 2022-17

## Cache County, Utah

### Woodbrey Rezone

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An ordinance amending the County Zoning Map by rezoning 10.0 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 May 5, 2022, 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 June 14, 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 Woodbrey 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).

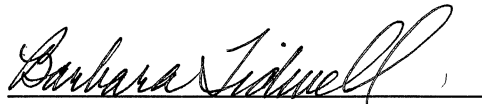
**2. Exhibits**

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

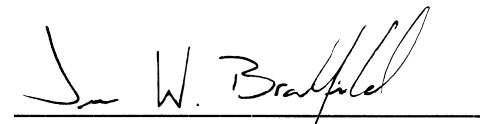
### 3. Council Vote and Final Action

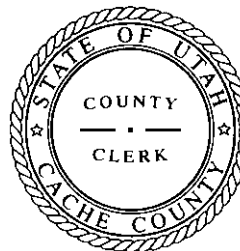
Date: <u>6/14/2022</u>	<u>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Paul Borup		✓		
Dave Erickson		✓		
Nolan Gunnell		✓		
Barbara Tidwell		✓		
Karl Ward		✓		
Gina Worthen		✓		
Gordon Zilles		✓		
<b>Total:</b>		7		
<b>Final action:</b>	<u>      </u> Adopt <u>      </u> ✓ Reject			

Cache County Council:

  
Barbara Tidwell, Chair

Attest:

  
Jess Bradfield, Clerk  
Cache County



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## **Action of the County Executive**

Regarding Ordinance 2022-17, the Woodbrey Rezone

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove (A Statement of Objection is attached)

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David Zook, Executive  
Cache County

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Hold a public hearing on June 14, 2022.  
If approved, the rezone will take effect 15 days from the date of approval.

Denial (7-yea; 0-nay).  
Public hearing held on May 5, 2022.  
Conclusion: Based on the findings of fact noted [in the staff report], the Woodbrey Rezone is hereby recommended for denial to the County Council as follows:

1. The location of the subject property is not compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] and the Road Manual of the Cache County Code as it:
  - a. It is not in close proximity to the Mendon City boundary.
  - b. Does not allow for adequate access along SR-23, a UDOT facility, that meets the requirements of spacing for a UDOT Minor Arterial/Access Category 4 nor the requirements of the County Land Use Code and Road Manual.

Chris Harrild

# Angie Zetterquist

This ordinance amends the County Zoning Map by rezoning 10.0 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

## Staff Report to Planning Commission

**Staff Report: Woodbrey Rezone**

5 May 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:** Kristi Lee Woodbrey Nielsen

**Parcel ID#:** 12-033-0020

**Staff Recommendation:** Denial

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

**Project Address:**

721 N Highway 23

Mendon

**Acres:** 10.0

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Rural 2 (RU2)

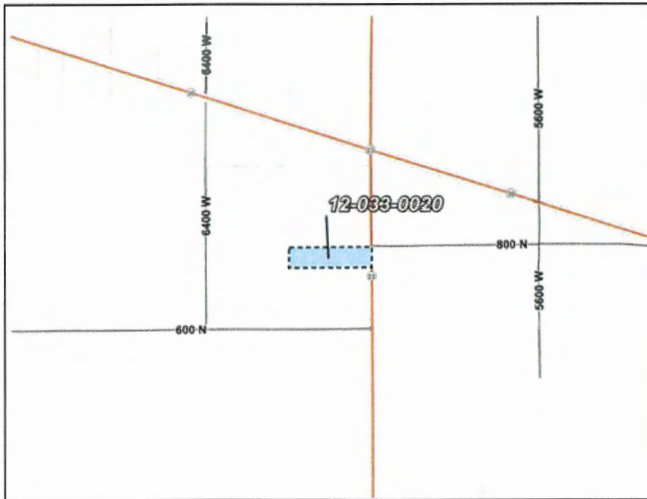
**Surrounding Uses:**

North – Residential/Agricultural

South – Residential/Agricultural

East – Agricultural

West – Agricultural/Residential



**Findings of Fact**

**A. Request description**

1. A request to rezone 10.0 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 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:



## Exhibit I

### a. Land Use Context:

- i. Parcel status: The subject property is legal although it is not in the same size and configuration as August 8, 2006. In 2006, there were three separate parcels (#-0020, -0026, & -0028), but they were combined in September 2016 to the existing one parcel configuration. Under the current density requirements of the Agricultural (A10) Zone, the subject property cannot be further divided.
- ii. Average Lot Size: (See Attachment A):



Average Parcel Size	
Adjacent Parcels	With a Home: 8 Acres (5 Parcels)
	Without a Home: 27.2 Acres (4 Parcels)
1/4 Mile Buffer	With a Home: 5.6 Acres (16 Parcels)
	Without a Home: 24.4 Acres (15 Parcels)
1/2 Mile Buffer	With a Home: 7.4 Acres (20 Parcels)
	Without a Home: 22.5 Acres (39 Parcels)

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 10.0 acres of property, the subject property cannot be further divided under the current A10 Zone standards. A rezone to RU2 may allow up to a maximum of 5 buildable lots.

- 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.
- v. Annexation Areas: The subject property is located within the Mendon City future annexation area, but it is located 1.09 miles north of the nearest Mendon City boundary.
- 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 nearest Mendon City boundary is approximately 1.09 miles south of the subject property along Highway 23.

The nearest RU2 zone is High Country Estates in Petersboro west of the subject property approved in July 2011. The next closest RU2 Zones are located south of the Mendon City boundary. These RU2 Zones include the Christy Rezone approved in June 2021, but a subdivision application has not been submitted; the Mountain View Meadow Rezone approved in November 2018 (this rezone was for a 6.29 acre parcel located on 2000 South, a maintained County road that required minimal improvements when the 3-lot subdivision was approved in February 2019); and the Christy Farm Rezone which is pending before County Council, but was recommended for approval by the Planning Commission in April 2022.

**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. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
- 8. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the RU2 Zone is 90 feet.
- 9. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
- 10. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
- 11. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 12. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
  - a. The layout of proposed roads;
  - b. An analysis of existing roadway compliance with the Road Manual requirements;
  - c. Existing maintenance;
  - d. And any additional impacts to the proposed development access roads.
- 13. A basic review of the access to the subject property identifies the following:
  - a. Primary access to the subject properties is from State Road 23, a UDOT facility.
- 14. SR-23:
  - a. Is an existing UDOT county facility classified as a Minor Arterial.
  - b. Minor Arterials in rural areas are typically designed to provide relatively high overall travel speeds with minimum interference to through movement.
  - c. Does provide access to multiple dwellings and agricultural uses, but is primarily the main connection between Mendon and Wellsville to access SR-30 and Hwy 89/91.
  - d. This section of SR-23 is classified per UDOT as an Access Category 4, which has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet.
  - e. Access to any proposed development must be approved by UDOT.
  - f. Additionally, frontage for buildable lots in the County requires a minimum of 90 feet on a public or private road. Based on an initial review of the existing County road grid and existing driveways along SR-23, it does not appear access that meets the requirements of the County Road Manual is possible in combination with UDOT requirements. A private road built along the south property line of the subject property to meet the private road frontage requirement of the County does not meet spacing requirements from the intersection of 800 North. Frontage on a public road might be possible if the County road, 800 North, was extended west to create a connection to 6400 West, but the probable location of the road connection is located on the adjacent properties not owned by the applicant.

**D. Service Provisions:**

15. §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.
16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection in this area, but had no comments on the rezone request.

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

17. Public notice was posted online to the Utah Public Notice Website on 22 April 2022.
18. Notices were posted in three public places on 22 April 2022.
19. Notices were mailed to all property owners within 300 feet on 22 April 2022.
20. At the time this staff report was drafted, no written public comment regarding this proposal has been received by the Development Services Office. However, four written public comments were received prior to the May 5, 2022, Planning Commission public hearing. (Attachment B)

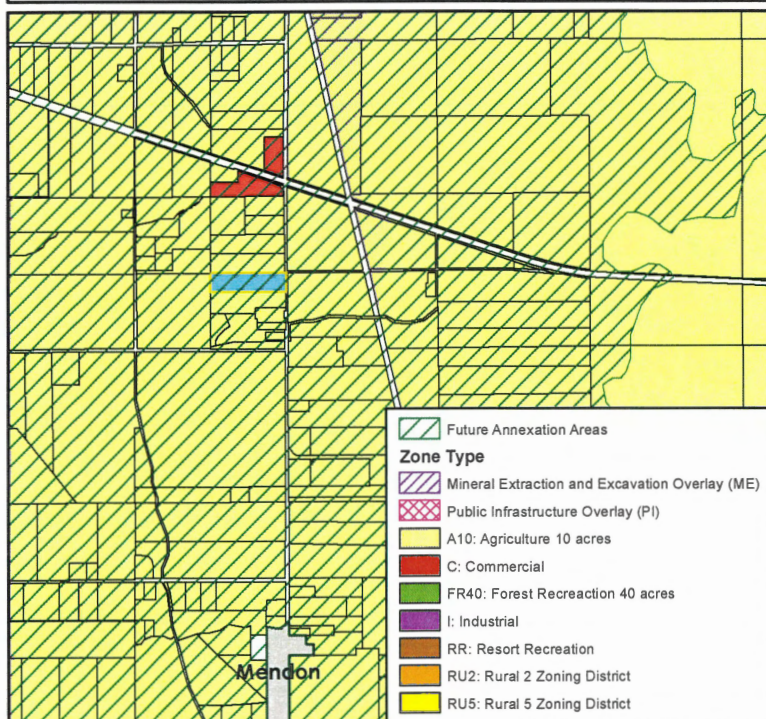
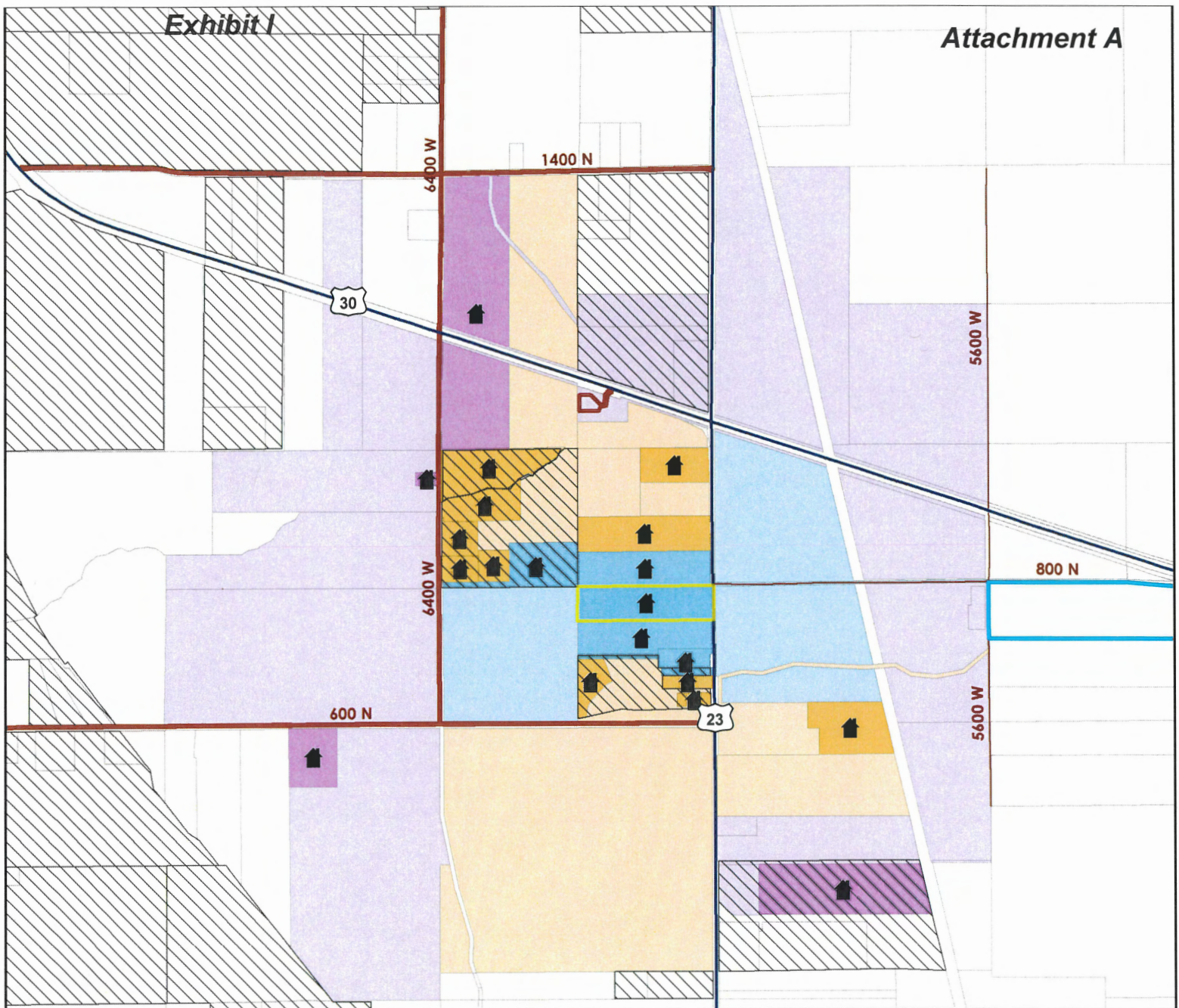
**Recommendation & Conclusion**

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

1. The location of the subject property is not compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] and the Road Manual of the Cache County Code as it:
  - a. It is not in close proximity to the Mendon City boundary.
  - b. Does not allow for adequate access along SR-23, a UDOT facility, that meets the requirements of spacing for a UDOT Minor Arterial/Access Category 4 nor the requirements of the County Land Use Code and Road Manual.





### Legend

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

### Average Parcel Size

<b>Adjacent Parcels</b>	With a Home: 8 Acres (5 Parcels)
	Without a Home: 27.2 Acres (4 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 5.6 Acres (16 Parcels)
	Without a Home: 24.4 Acres (15 Parcels)
<b>1/2 Mile Buffer</b>	With a Home: 7.4 Acres (20 Parcels)
	Without a Home: 22.5 Acres (39 Parcels)





May 2, 2022

Regarding Woodbrey/Nielsen Rezone Request

Dear Cache County Planning Commission,

I am writing to ask you to deny the rezone request for Woodbrey/Nielsen, Parcel # 12-033-0020. My name is Valerie Harris and I live directly north of the lot requesting rezone at 805 N 6000 W in Petersboro. This lot and acres around us are agricultural use lands.

1) Although Cache Valley is growing, as is the Petersboro-Mendon area, it is beneficial for both infrastructure and in following the master plan to not rezone A10 parcels to RU2 away from an anchor town. This allowance would encourage further A10 rezone requests.

2) Before the Cache County updated plan, several subdivisions were approved in our area. Those spaces have yet to be developed. Until those subdivisions are completed and filled it would be irresponsible to take farmland out of its current zoned designation.

3) There are road problems to consider. Our residence and the Woodbrey/Nielsen residence are very near two state highways, SR30 and SR23. This intersection has multiple accidents a year. Adding 4 more houses with likely 8 more vehicles will increase slowdown for cars turning on and off of SR30. If another road is created for use it would likely parallel our road on our south property line, since this appears to be the only location wide enough. I am not interested in increased vehicle traffic in this A10 area.

4) Although the State of Utah handles water concerns, responsible consideration of water resources must be applied for zoning this part of Cache County. Most farmers dry farm this area. When we contacted Bear River Heath Department before building our home over 15 years ago, the representative explained the west side of Cache Valley had water problems both in quantity and quality. Living here for over 10 years I have watched this play out in our community. Several families have had to drill new wells because their existing wells dried up or weren't adequate. If more homes are allowed in an RU2 fashion, the new wells will continue to strain the aquifers here causing more cost and challenges to existing homeowners.

5) A nearby subdivisions has created a road hazard and is an example of problems. South of our residence, on the east of SR23 lies the Fox Hollow Subdivision. This subdivision currently has three houses with two more proposed. Their trash and recycle cans are placed on the west side of the highway as likely directed by the Environmental Department. Unfortunately, due to a deep ditch that runs along much of SR23, they stick out along the highway. As people travel at 55 mph, this has caused several swerves but thankfully no accidents with oncoming traffic. On windy days trash and recycle cans get blow onto the road all along SR23. The rolling cans as well as trash is dangerous on any road but especially this main throughfare to Mendon. This possible subdivision will increase waste cans up to 8 more, causing more hazard on SR23 and near SR30.

Please keep this area of unincorporated Cache Valley agricultural and zoned A10. Please stay in keeping with the county plan to keep agricultural land rural. I believe RU2 growth is better supported in and near a growing community. Keeping an A10 zone will avoid straining resource and adding highway demands in this area.

Thanks,  
Valerie Harris

I stand opposed to the rezone request on Cache County property # 12-033-0020 for the following reasons:

1. The property is 16 rods wide and 80 rods long. Additional homes will require a long access road from the existing highway access point. Although this access point has already been approved by UDOT, the adjoining access roads are less than 300' apart. This was historically a reason used by UDOT for initially denying additional accesses. Additional traffic from a subdivision will create congestion at a point less than 0.5mi from a major intersection of Hwys 23 and 30 which already has a high accident rate and will potentially add to the safety concerns at this intersection.
2. The property in question has already required an additional well drilled due to water shortage. Each new well drilled has affected all of the neighbor's water supplies. Numerous neighbors in a short radius have also needed new wells over the last few years. A rezone allowing 4 additional homes with wells and 1 acre water rights will certainly result in water conflicts, and additional wells by neighbors whose wells will fail as a result of the lowering water table being drilled in an already inflated and subcontractor-lean time. I consider it to be irresponsible to essentially plan for the failure of the already stressed water system. We have measured our own water levels lower over the last 10 years from a 20' static level to over 110' currently when spring time levels have typically replenished the ground water to at least 60' static level.
3. This area is agricultural. The appeal of Cache County to current residents, visitors and future residents is largely due to its agricultural feel and roots. Existing areas of concentration around existing towns might allow modest growth without creating new centers of concentration. I believe that rural areas of the county centered away from townships should retain their current zoning, while township-adjacent locations might gradually require rezoning to accommodate a measure growth that is balanced with anticipated growth in needed resources like water, power, fire suppression, garbage, road maintenance etc.

Sincerely,  
Paul Harris  
805 N 6000 W  
Petersboro, UT

Woodbrey rezone comment: Reusser 4 May 2022

To whom it may concern:

4 May 2022

I would like to protest the Woodbrey Rezone 10.0 acres from Agricultural (A10) zone to the Rural 2 (RU2) Zone, for the following reasons:

I have a few concerns about RU2 & 5 re-zoning in surrounding developed agricultural land.

As I have done my research on this beautiful Cache Valley, I have realized how important it is to Keep residential development in the cities and the agricultural land for the farmer who provide food for us.

There is a documentation in the Official Cache County website called Envision Cache Valley, "The Cache Valley Vision"

### The Cache Valley Vision

The Envision Cache Valley Vision is the culmination of an extensive public visioning process. Public preferences expressed at ten workshops were used to create alternative growth scenarios. Residents weighed on components of the scenarios at 13 town hall meetings and online. Components favored by the public were used to create a vision statement, vision principles, and vision scenario maps and projected consequences. These documents summarize how residents think Cache Valley should grow and represent the collective input of a broad sample of people living in the valley.

### Vision Statement

### ***Keep the City, City and the Country, Country.***

Cache Valley citizens envision a future that embraces the character and quality of life that residents currently appreciate. Our communities are a source of pride and identity. We want to invest in our towns which have served us well as centers for living, industry and culture. We encourage most growth to happen in these communities, maintaining and creating safe, vibrant and rich places for future generations. Our communities will be sensitive to the varied needs of a diverse population by providing viable housing and transportation options for everyone.

What happens outside our towns is equally important. We value our natural surroundings: water quality, scenic beauty, wildlife habitat, clean air, agriculture, and outdoor recreation. We will maintain and enhance those qualities we enjoy

today, while attending to those things that could compromise our quality of life and the health of those who come after us. By focusing much of our future growth in existing municipalities, we will reduce the pressure on many of the features that make Cache Valley great. Further, we will work together to maintain and enhance the agricultural and natural lands that sustain us.

One of the most important concerns is water or lack of water especially in this drought seasons that keep getting worse. There are wells in this area that have gone dry and had to be re-drilled. This demonstrates that the water here flows through the soil at a very slow rate of speed. The more you encourage development in this area by rezoning to smaller lots, the more likely the existing wells and springs that people depend on, who have lived here for a while or all their lives, will dry up. If we lose our water from over development, the value of our land drops tremendously

This area is very small, consisting of the Wellsville Mountains which are known to be very small area wise. The subsoil is such that the water moves very slow through it. These facts were taken from studies that the Division of water rights and Utah State University have done on Cache Valley. The city of Mendon has had in the past trouble with their water source and looked for more water. There is another neighbor about 1/2 mile east of the Woodbrey's who with his well which was dug in 1999 and was documented as having an artesian flow at 8 gallons per minute. It was documented again in 2005 at 8 gallons per minute and since 2014 his well stops flow for periods of time during the day. He thinks this is due to the large increase in the number of homes that have been built and wells drilled in the past few years. It seems that if more wells are permitted and approved, the existing wells and springs will be adversely affected. Who in the county planning and zoning do we contact for funds to drill for water when our wells go dry?

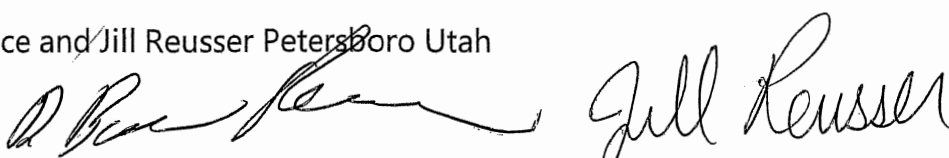
Another concern is Services to public utilities is not sufficient to support 5 additional lots. Not close enough to the city. Every rezone to smaller lots in the county gives developers that much more incentive to buy more cheap land to develop and leave the cost to service then to the county and taxpayers.

Sewer is another reason for not developing agriculture land. The sewer system is septic tanks in the agricultural land. The sewer septic leach lines distribute waste into the ground. So the more houses we have in the designated agricultural zones where are farmers provide food for us may be destroyed and then we have no more food or resources for the farmers because of the RU2 and 5 zoning happening in our designated agricultural land. We need to leave our RU2 and 5 zoning in the cities and the agricultural zoning left alone in the country, according to the "Envision Cache County"

The density is not consistent with the existing density of the surrounding area.

Please consider denying this change application or future applications on the west side of the Little bear River before more wells and springs go DRY and our agricultural land is over run by sewer leach lines and we don't have any water to drink.

Thanks, Bruce and Jill Reusser Petersburg Utah

The block contains two handwritten signatures in black ink. The signature on the left is for Bruce Reusser and the one on the right is for Jill Reusser. Both signatures are fluid and cursive.

Historic Courthouse  
199 North Main St.  
Logan, UT, 84321

May 3, 2022

Dear Council Members,

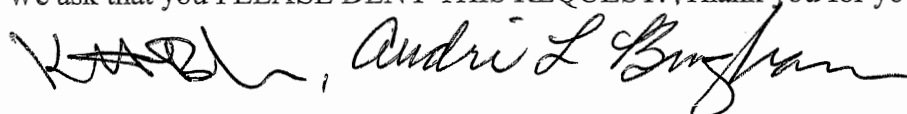
We would like to address the notice for the Woodbrey rezone application. It is our understanding that RU2 was meant to be a buffer between cities and rural county areas. As far as we understand, there are no current RU2 areas in the 3 miles between our home and Mendon. Precedence has been set by denying RU2 around and closer to Mendon. Examples: Willow Creek Rezone, Fox Hollow, Spring Ridge Estates, Petersboro Heights Rezone. We therefore believe that allowing this land to be rezoned is inappropriate

The problem with granting zoning changes is that if it is allowed once, in fairness, it must be allowed again and again. It does not take much to imagine West Valley City right here, every square foot developed. We have lived in our home for 34 years. The west side of the valley is some of the last open space available. A10 zoning is one reason for this and is totally appropriate. This area is dry farm acreage with questionable water availability. Like everyone around here our water comes from a pumped well. As the years have gone by, we have seen the water available in our well decrease as homes have been built north, south, east and west of our property. As this has occurred, we, a family of two, have cut our usage of water other than that necessary for consumption and hygiene to a minimum by removing almost all our lawn and xeriscaping. In addition we have lowered our pump over 20 feet to the lowest level we can without digging the well deeper.

We have always tried to use water like the precious resource it is. Unfortunately it has not worked. Today, if we open the hose for more than some minutes, the water level drops below the reach of the pump. This requires the power to the pump to be shut off to avoid damage and a lengthy wait for the well to refill. We have been told by the state that we have plenty of water but the water is slow to return. It would seem to be more complicated than this as the amount of water available has consistently been less and less as development has progressed. The availability of water and quality thereof will ultimately determine the number of people who can live anywhere as it is most definitely a finite resource. Allowing A10 to become RU2 will increase the number of homes by roughly a factor of five. It is hard to imagine the stress this would put on local water supplies. Everyone having to dig deeper to find water is not an answer, it is THE problem. The reasons for keeping A10 zoning in effect for all are real and important. Not only to the people here now, but to whomever this property and the other properties in this area get passed onto. We have an obligation to do all we can to protect the land and its resources from overuse.

We are also very curious as to how five homes can fit on a ten acre RU2 when a good section of the 10 acres are taken up by the current residence, its multiple outbuildings, a carousel and miniature golf course business as well as 33 feet of the width of the property stretching out into highway 23?

We ask that you PLEASE DENY THIS REQUEST. Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Kurt and Audri Bingham", written over a horizontal line.

Kurt and Audri Bingham



**CACHE COUNTY COUNCIL MEETING**  
**JUNE 14, 2022**

**ATTACHMENT 2**



## CACHE COUNTY RESOLUTION 2022 - 16

### **A RESOLUTION AUTHORIZING PLACEMENT ON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT OF A REFERENDUM FOR A COUNTY OPTION SALES AND USE TAX TO FUND RECREATIONAL FACILITIES, ARTS ORGANIZATIONS, PARKS, AND ZOOLOGICAL ORGANIZATIONS (“RAPZ TAX”) AND TO SET THE TIME AND LANGUAGE OF THE REFERENDUM**

WHEREAS, the Utah Legislature has found and declared that “[r]ecreational and zoological facilities and the botanical, cultural, and zoological organizations of the state of Utah enhance the quality of life of Utah’s citizens, as well as the continuing growth of Utah’s tourist, convention, and recreational industries,” Utah Code § 59-12-701(1); and

WHEREAS, the Utah Legislature has found and declared that “[t]he state’s support for its recreational and zoological facilities and botanical, cultural, and zoological organizations has not been sufficient to assure the continuing existence and growth of these facilities and organizations, and the Legislature believes that local government may wish to play a greater role in the support of these organizations,” Utah Code § 59-12-701(4); and

WHEREAS, the Utah Legislature has found and declared that “[w]ithout jeopardizing the state’s ongoing support of its recreational and zoological facilities and its botanical, cultural, and zoological organizations, the Legislature intends to permit the counties of the state of Utah to enhance public financial support of Utah’s publicly owned or operated recreational and zoological facilities, and botanical, cultural, and zoological organizations owned or operated by institutions or private nonprofit organizations, through the imposition of a county sales and use tax,” Utah Code § 59-12-701; and

WHEREAS, on November 5, 2002, and November 6, 2012, the citizens of Cache County previously approved the same referendum; and

WHEREAS, funding from the RAPZ Tax has been used to fund many recreational projects, arts organizations, park improvements, and the Zootah zoo in Cache County;

NOW, THEREFORE, BE IT RESOLVED that a public opinion question pursuant to Utah Code section 59-12-703 shall be presented during the same hours and at the same locations as for the November 8, 2022 General Election; and

BE IT FURTHER RESOLVED that the language of the public opinion question shall be as follows: “Shall the Cache County, Utah, be authorized to impose a 0.1% sales and use tax for the purpose of funding recreation, arts, parks and zoos in Cache County, Utah?”

This resolution shall become effective immediately upon adoption.

DATED this 14<sup>th</sup> day of June 2022.

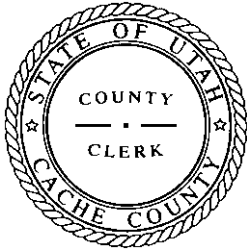


CACHE COUNTY COUNCIL

Barbara Y. Tidwell  
Barbara Y. Tidwell, Chair

ATTEST:

Jess W. Bradfield  
Jess W. Bradfield, County Clerk



**CACHE COUNTY COUNCIL MEETING**  
**JUNE 14, 2022**

**ATTACHMENT 3**

# RESOLUTION No. 2022-18

CACHE COUNTY, UTAH

## A RESOLUTION DECLARING THE COUNTY'S INTENT TO PICK UP TIER II PUBLIC SAFETY EMPLOYEE'S CONTRIBUTIONS TO THE UTAH STATE RETIREMENT SYSTEM

WHEREAS, the Utah State Legislature passed the New Public Safety and Firefighter Tier II Contributory Retirement Act, under Chapter 23 of Title 49, in 2020 to allow participating employers to elect to pay all or part of the required employee member contribution on behalf of the employee as an employer; and

WHEREAS, Utah Code Ann. § 49-23-401 was amended to require employers who make the election under this Section to also make additional non-elective contributions to the defined contribution plans of public safety employees who are covered under the Tier II Defined Contribution Plan, at the same percentage rate as the payments under this Section; and

WHEREAS, the Utah Retirement System ("URS") is given the authority to set the contribution rates; and

WHEREAS, the URS has increased the rate to 2.59% beginning on July 1, 2022; and

WHEREAS, the Cache County Council finds it appropriate and in the best interests of the County and its personnel to adopt the above stated contribution and rate increase; and

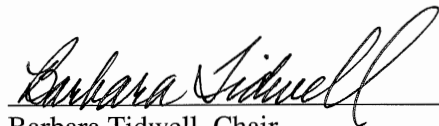
WHEREAS, Cache County intends to make the election and contributions specified above;

NOW THEREFORE, BE IT RESOLVED that the County Council adopts and resolves that according to Utah Code Ann. §§ 49-23-301 and 49-23-401, and in satisfaction of the requirements outlined in IRS Revenue Ruling 2006-43, Cache County Council hereby formally agrees to pay 100% of the 2.59% required employee member contributions for public safety employees covered by the Tier II Hybrid Retirement system and to make non-elective contributions to the defined contribution plans of public safety employees who are covered under the Tier II Defined Contribution Plan, at the same percentage rate as the payments for those in the Tier II Hybrid Retirement System. Although these contributions are designated as employee contributions, they will be paid by Cache County, as the employer, in lieu of employee contributions. Employees will not be allowed to opt-out of these employer payments, or to receive the payments directly, or to have cash or a deferred election right. The provision of this resolution will take effect July 1, 2022, and will remain in effect until superseded or revoked by the County Council or by change in the law.

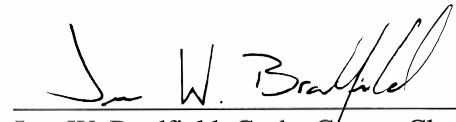
Resolved this 14th day of June 2022.

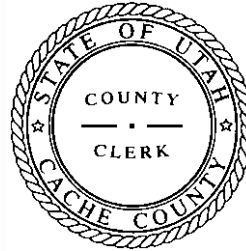
	In FAVOR	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
Gina Worthen	✓			
Gordon Zilles	✓			
<b>Total:</b>	7			

**CACHE COUNTY COUNCIL:**

  
\_\_\_\_\_  
Barbara Tidwell, Chair

**ATTEST:**

  
\_\_\_\_\_  
Jess W. Bradfield, Cache County Clerk



**CACHE COUNTY COUNCIL MEETING**  
**JUNE 14, 2022**

**ATTACHMENT 4**

# RESOLUTION No. 2022-19

CACHE COUNTY, UTAH

## A RESOLUTION AMENDING THE CACHE COUNTY CORPORATION PERSONNEL POLICY AND PROCEDURE MANUAL REGARDING FUNERAL AND BEREAVEMENT LEAVE

WHEREAS, the Cache County Council on 14th day of June 2022, in a regular meeting of which lawful notice had been given, considered amending the Cache County Corporation Personnel Policy and Procedure Manual, Section IX regarding funeral and bereavement leave; and

WHEREAS, Senate Bill 63, which was passed in February 2022, and amended Utah Code Ann. § 10-3-1103, provides that governing bodies for each municipality shall, by ordinance or resolution, provide at least three work days of paid bereavement leave for pregnancies that end in stillbirth or miscarriage, whether it is the employee's pregnancy, the employee's spouse's pregnancy, or the employee would have been the biological parent of the child; and

WHEREAS, the Cache County Council finds that it is necessary, appropriate, and in the best interest of the County and its personnel that funeral leave be provided, at the discretion of the Department Head, to employees who suffer the loss of an immediate or extended family member; 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.

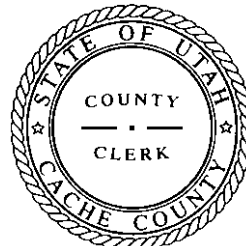
Resolved this 14th day of June 2022.

CACHE COUNTY COUNCIL:

  
Barbara Tidwell, Chair

ATTEST:

  
Jess W. Bradfield, Cache County Clerk





**EXHIBIT A**  
**PROPOSED AMENDMENTS**

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**5. Funeral and Bereavement Leave**

- a. Funeral leave with pay is available to all Benefits Eligible employees who suffer the loss of an immediate or extended family member.
- b. At the discretion of the Department Head, funeral leave may be granted to make funeral arrangements, settle family affairs, attend the funeral or memorial service, and for bereavement.
- c. With the exception of the bereavement leave described in paragraph e of this section, the amount of funeral leave granted is at the discretion of the department head based upon the employee's individual circumstances and the needs of the department. The maximum time off for funeral leave is as follows:
  - i. 40 hours for immediate family, which includes spouse, child, parent, parents-in-law, and grandparents, and up to 24 hours for other family relations.
  - ii. If additional time is needed, an employee may request to use PLT or leave without pay, in accordance with the requirements of the policies for PLT or leave without pay.
  - iii. In the event of a family member's death while an employee is on PLT the employee's time off may be extended by the amount of funeral leave permitted by this policy.
- d. Documentation of death, such as a published obituary, funeral program, or death certificate, may be required.
- e. In accordance with state law, any employee may take up to three workdays of paid bereavement leave in the following circumstances:
  - i. following the end of the employee's pregnancy by way of a miscarriage or stillbirth; or
  - ii. following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if:
    - a. the employee is the individual's spouse or partner; or
      - 1) the employee is the individual's former spouse or partner; and
      - 2) the employee would have been a biological parent of a child born as a result of the pregnancy; or
    - b. the employee provides documentation to show that the individual intended for the employee to be an adoptive parent of a child born as a result of the pregnancy; or

- 1) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement, of the Utah State Code the employee would have been a parent of a child born as a result of the pregnancy.
- iii. For Benefits Eligible employees, bereavement leave following a miscarriage or stillbirth runs concurrently with and is not separate from, the funeral leave described in this section.