

## APPROVED

## CACHE COUNTY COUNCIL

**July 12, 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 Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**MEMEBERS EXCUSED:** Karl Ward

**STAFF PRESENT:** Shawn Milne, Bartt Nelson, Terryl Warner, Lauren Ryan, Chelsea Booth

**OTHER ATTENDENCE:** Justin Maughn, Larry Jacobsen, Trina McCulloch, Mike McCulloch, Kendall Crockett, Alan Lower, Emmalee Thacker, Steve Daniels, Lee Lower, Wayne Sanderson, Jeremy Hyde, Gretchen Neal-Cardall, Mark Cardall, Vern Fielding, Bryan Lundahl, Sharik L. Peck, Cheryl B. Peck, Andrew Snarr, Shayla Snarr, Dave Snarr

### Workshop

1. **Call to Order 3:00 p.m.**
2. **CRA Presentations:** (15 minutes each) [0:19](#)
  - a. Malouf [25:01](#)
  - b. North Logan City [1:15](#)
3. **Elected Officials Salary Adjustment** – Amy Adams, HR Director [46:11](#)
4. **Premium Pay for Employees from ARPA Funds** – Amy Adams, HR Director [58:00](#)
5. **Adjourn**

### Council Meeting

1. **Call to Order 5:00p.m.** – Chair Barbara Tidwell
2. **Opening Remarks and Pledge of Allegiance** – Councilmember Nolan Gunnell [0:17](#)
3. **Review and Approval of Agenda APPROVED [2:17](#)**

**Action:** Motion made by Councilmember Gina Worthen to amend the agenda; seconded by Councilmember Paul Borup  
**Motion passes.**  
**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen  
**Nay:** 0  
**Absent:** 1 Karl Ward

**Action:** Motion made by Councilmember Gina Worthen to approve the agenda; seconded by Councilmember David Erickson  
**Motion passes.**  
**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen  
**Nay:** 0  
**Absent:** 1 Karl Ward
4. **Review and Approval of Minutes** (June 14 and June 28, 2022) [3:20](#)

**Action:** Motion made by Councilmember Gina Worthen to approve the minutes from June 14 and June 28, 2022; seconded by Councilmember David Erickson  
**Motion passes.**  
**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell  
**Nay:** 0  
**Abstain:** 1 Gina Worthen  
**Absent:** 1 Karl Ward
5. **Report of the County Executive [4:07](#)**

A report from County Executive David Zook.
6. **Items of Special Interest [5:33](#)**
  - a. Open Space Ballot Discussion – Council Discussion

## **7. Department or Committee Reports [12:54](#)**

- a. Children's Justice Center / Victim Services – Terry Warner [13:10](#)
- b. Sardine Fire Update – Chief Hammer [29:39](#)

## **8. Board of Equalization Matters**

No Board of Equalization matters.

## **9. Public Hearings [33:34](#)**

### **a. Public Hearing – Ordinance 2022-20 – Veibell Rezone [33:57](#)**

A request to rezone 4.36 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 1845 North 8000 West, Petersboro

**Discussion:** Tim Watkins spoke to the ordinance ([34:30](#)). Councilmembers asked questions. Craig Veibell spoke to the ordinance ([41:27](#)). Councilmembers asked questions.

**Action:** Motion made by Councilmember Paul Borup to close the public hearing; seconded by Councilmember David Erickson [45:00](#)

**Motion passes.**

**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**Nay:** 0

**Absent:** 1 Karl Ward

### **b. Public Hearing – Ordinance 2022-21 – Jershon Ranch Rezone [45:17](#)**

A request to rezone 33.3 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at approximately 200 East 9800 North, near Richmond

**Discussion:** Tim Watkins spoke to the ordinance ([45:27](#)). Gretchen Neal-Cardall spoke to the ordinance ([50:41](#)). Councilmembers asked questions. Kendall Crocket spoke ([1:02:00](#)). Alan Lower spoke ([1:04:02](#)). Steve Taylor spoke ([1:06:05](#)). Andrew Snarr spoke ([1:07:45](#)). Cassidy Jones spoke ([1:09:53](#)). William Mackel spoke ([1:12:22](#)). Seneca Holt spoke ([1:14:47](#)). Bryan Lundahl spoke ([1:20:24](#)). Scott Richins spoke ([1:21:46](#)). Mark Cardall spoke ([1:24:20](#)).

**Action:** Motion made by Councilmember Gina Worthen to close the public hearing; seconded by Councilmember Paul Borup [1:26:37](#)

**Motion passes.**

**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**Nay:** 0

**Absent:** 1 Karl Ward

### **c. Public Hearing – Ordinance 2022-22 [1:26:57](#)**

An Ordinance increasing the salaries of the Cache County Executive, Clerk/Auditor, Recorder, and Treasurer

**Discussion:**

**Action:** Motion made by Councilmember Gordon Zilles to close the public hearing; seconded by Councilmember Nolan Gunnell [1:28:28](#)

**Motion passes.**

**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**Nay:** 0

**Absent:** 1 Karl Ward

## **10. Pending Action [1:29:23](#)**

### **a. Ordinance 2022-18 ATTACHMENT 1**

An Ordinance amending Section 8.04 of the Cache County Code regarding Food Service to update the referenced Utah Code Section

**Discussion:** Attorney John Luthy spoke to the ordinance ([1:29:42](#)). Questions from councilmembers.

**Action:** Motion made by Councilmember Gordon Zilles to approve Ordinance 2022-18 with amendment; seconded by Councilmember David Erickson [1:31:35](#)

**Motion passes.**

**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**Nay:** 0

**Absent:** 1 Karl Ward

**b. Ordinance 2022-19 [1:32:30](#) ATTACHMENT 2**

An Ordinance amending Section 2.12.230 of the Cache County Code regarding Closed Meetings to update the referenced Utah Code Section

**Discussion:** Attorney John Luthy spoke ([1:32:44](#)).

**Action:** Motion made by Councilmember Gina Worthen to approve Ordinance 2022-19 and to strike item e from the ordinance; seconded by Councilmember David Erickson [1:33:11](#)

**Motion passes.**

**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**Nay:** 0

**Absent:** 1 Karl Ward

**c. Resolution 2022-17 [1:35:27](#)**

A resolution amending the 2022 Cache County Budget

**Discussion:** Council discussion ([1:36:07](#)). Cameron Jenson spoke ([1:37:35](#)). Council discussion ([1:40:50](#)). Council discussion ([1:44:45](#)).

**Action:** Motion made by Councilmember David Erickson to remove \$100,000 for a space needs analysis from the budget; seconded by Councilmembers Paul Borup and Gina Worthen [1:40:05](#)

**Motion passes.**

**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**Nay:** 0

**Absent:** 1 Karl Ward

**Action:** Motion made by Councilmember Gordon Zilles to postpone action on Resolution 2022-17; seconded by Councilmember Gina Worthen [1:43:00](#)

**Motion passes.**

**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**Nay:** 0

**Absent:** 1 Karl Ward

**11. Initial Proposals for Consideration of Action [1:48:20](#)**

**a. Ordinance 2022-20 Veibell Rezone [1:48:24](#) ATTACHMENT 3**

An Ordinance amending the County Zoning Map by rezoning 4.36 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone

**Discussion:** Tim Watkins spoke ([1:48:44](#)).

**Action:** Motion made by Councilmember Gordon Zilles to waive the rules and approve Ordinance 2022-20; seconded by Councilmember Nolan Gunnell [1:48:48](#)

**Motion passes.**

**Aye:** 6 Barbara Tidwell, Paul Borup, David Erickson, Gordon Zilles, Nolan Gunnell, Gina Worthen

**Nay:** 0

**Absent:** 1 Karl Ward

**b. Ordinance 2022-21 Jershon Ranch Rezone [1:49:13](#) ATTACHMENT 4**

An Ordinance amending the County Zoning Map by rezoning 33.3 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone

**Discussion:** Council discussion ([1:49:35](#)). Tim Watkins spoke ([1:54:00](#)).

**Action:** Motion made by Councilmember David Erickson to waive the rules and deny the rezone; seconded by Councilmember Gina Worthen [2:03:23](#)

**Motion passes.**

**Aye:** 5 Barbara Tidwell, Paul Borup, David Erickson, Nolan Gunnell, Gina Worthen

**Nay:** 0 Gordon Zilles

**Abstain:** 1 Paul Borup

**Absent:** 1 Karl Ward

c. **Ordinance 2022-22** [2:05:06](#) **ATTACHMENT 5**

An Ordinance increasing the salaries of the Cache County Executive, Clerk/Auditor, Recorder and Treasurer

**Discussion:** Council discussion ([2:07:32](#)). Council discussion ([2:18:14](#)).

**Action:** Motion made by Councilmember Paul Borup to waive the rules and consider a salary increase for the Treasurer separately from the other offices, and approve the salary increase for the Treasurer; seconded by Councilmember David Erickson [2:14:48](#)

**Motion fails.**

**Aye:** 2 Paul Borup, David Erickson

**Nay:** 4 Nolan Gunnell, Barbara Tidwell, Gina Worthen, Gordon Zilles

**Absent:** 1 Karl Ward

**Action:** Motion made by Councilmember Gordon Zilles to approve the recommendation of the compensation committee and approve the salary increase for the Executive, Clerk/Auditor, Recorder, and Treasurer; seconded by Councilmember Nolan Gunnell [2:16:22](#)

**Motion fails.**

**Aye:** 3 Barbara Tidwell, Gordon Zilles, Nolan Gunnell

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

**Abstain:** 1 Paul Borup

**Absent:** 1 Karl Ward

**12. Other Business** [2:30:24](#)

a. **Hyde Park Hometown Days Velvet Highway Parade** *Saturday, July 16, 2022 at 10:00 a.m.*

b. **Joint Meeting with Logan City** *Thursday, July 21, 2022 at 5:30 p.m. at Logan Environmental Center*

c. **Logan City Pioneer Day Parade** *Saturday, July 23, 2022 at 12:00 noon*

d. **North Logan Pioneer Day Parade** *Monday, July 25, 2022 at 10:00 a.m.*

e. **Council Summer Social** *6:00 p.m. Thursday, August 25, 2022*

**13. Councilmember Reports** [2:38:04](#)

**Gina Worthen** – No report.

**David Erickson** – No report.

**Gordon Zilles** – Spoke appreciation for the council.

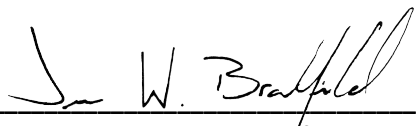
**Nolan Gunnell** – Spoke about the Planning and Zoning committee and some form of recognition for volunteer fire fighters.

**Karl Ward** – Absent.

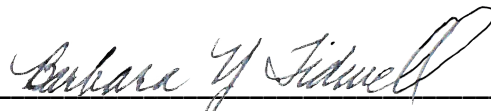
**Paul Borup** – No report.

**Barbara Tidwell** – Spoke about a letter from Lewiston city.

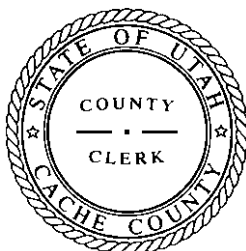
**Adjourn: 7:30 PM**



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



**APPROVAL: Barbara Tidwell**  
Chair





**CACHE COUNTY COUNCIL MEETING**  
**JULY 12, 2022**

**ATTACHMENT 1**



**CACHE COUNTY  
ORDINANCE NO. 2022 - 18**

**AN ORDINANCE AMENDING SECTION 8.04 OF THE CACHE COUNTY CODE  
REGARDING FOOD SERVICE TO UPDATE THE REFERENCED UTAH CODE SECTION**

- (A) WHEREAS, the Cache County Code references and incorporates various provisions the Utah Code; and
- (B) WHEREAS, Chapter 4 of Title 8 of the Cache County Code as currently constituted, references outdated, omitted, and renumbered provisions of the Utah Code; and
- (C) WHEREAS, the Cache County Council has an interest in maintaining the accuracy and applicability of the references to the Utah Code found in the Cache County Code;

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

**SECTION 1:**

Section 8.04 of the Cache County Code is amended to read in full as follows:

**8.04.010: FOOD SERVICE:**

- A. Food Service establishments within County limits shall be regulated according to Title R392 of the Utah Administrative Code, The Utah Food Service Sanitation Rule, as amended, and Utah Code section 26-15-5.
- B. Requirements and Rules will be enforced by the Bear River Health Department. Any person, firm or corporation accepting a permit issued by a health officer, is deemed to have given consent to the health officer, or his duly appointed agent or representative, to enter upon and inspect the premises of the permit holder, at any reasonable time. Failure to permit such inspection by a health officer or his representative may be grounds for revocation of the permit by the health officer, upon his giving ten (10) days' written notice to the permit holder, during which time the permit holder may permit such inspection. If the premises pass the inspection, the permit shall not be cancelled.



SECTION 2:

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

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS 12<sup>th</sup> DAY OF July 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup	✓			
David Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward	<del>✓</del>			✓
Gina Worthen	✓			
Gordon Zilles	✓			
Total	6			1

**CACHE COUNTY:**

By: Barbara Tidwell  
Barbara Tidwell, Chair

**ATTEST:**

By: Jess W. Bradfield  
Jess Bradfield, County Clerk / Auditor

By: David Zook  
David Zook, County Executive



Redline version of Chapter 8.04 to show proposed change:

### Redlined Version

#### 8.04.010: FOOD SERVICE:

- ~~A. The definitions; the inspection of food service establishments; the issuance, suspension and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of this section shall be regulated in accordance with the unabridged form of the 1962 edition of the United States public health service food service sanitation ordinance and code, three (3) certified copies of which shall be on file in the office of the county clerk; provided, that the words "municipality" in such unabridged form shall be understood to refer to Cache County of the state of Utah; provided, further, that in said ordinance all parenthetical phrases referring to grading and subsection (H)(2)(e) shall be understood to be deleted; and provided, further, that subsections (H)(7) and (8) shall be understood to be deleted.~~
- A. Food Service establishments within County limits shall be regulated according to Title R392 of the Utah Administrative Code, The Utah Food Service Sanitation Rule, as amended, and Utah Code section 5-15-5.
- B. Requirements and Rules will be enforced by the Bear River Health Department. Any person, firm or corporation accepting a permit issued by a health officer, is deemed to have given consent to the health officer, or his duly appointed agent or representative, to enter upon and inspect the premises of the permit holder, at any reasonable time. Failure to permit such inspection by a health officer or his representative may be grounds for revocation of the permit by the health officer, upon his giving ten (10) days' written notice to the permit holder, during which time the permit holder may permit such inspection. If the premises pass the inspection, the permit shall not be cancelled.
- ~~C. A fee of ten dollars (\$10.00) shall be charged by a health authority upon issuance of any permit under subsection (H)(1)(a) of said ordinance.~~

#### 8.04.020: MILK PRODUCTS:

~~An ordinance known as the Bear River district milk and milk products ordinance has been published by authority of the county council in book form, three (3) copies of which ordinance are on file in the county clerk's office for inspection, examination and use by the public during business hours. The ordinance is adopted in its entirety as contained in the book form.~~

**CACHE COUNTY COUNCIL MEETING**  
**JULY 12, 2022**

**ATTACHMENT 2**



**CACHE COUNTY  
ORDINANCE 2022 - 19**

**AN ORDINANCE AMENDING SECTION 2.12.230 OF THE CACHE COUNTY CODE  
REGARDING CLOSED MEETINGS TO UPDATE THE REFERENCED UTAH CODE SECTION**

- (A) WHEREAS, the Cache County Code references and incorporates various sections of the Utah Code; and
- (B) WHEREAS, Cache County Code section 2.12.230 as currently constituted references an outdated and renumbered provision of the Utah Code; and
- (C) WHEREAS, the Cache County Council has an interest in maintaining the accuracy and applicability of the references to the Utah Code found in the Cache County Code; and
- (D) WHEREAS, Utah Code section 52-4-206 specifies recording requirements for closed meetings that are not reflected in the Cache County Code;

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

**SECTION 1:**

Section 2.12.230 of the Cache County Code is amended to read in full as follows:

**2.12.230: CLOSED MEETINGS:**

- A. A closed meeting of the council may be held upon the affirmative vote of two-thirds (2/3) of the members present at an open meeting for which notice has been given; provided, however, that a quorum is present.
- B. No closed meeting is allowed except as to matters exempted from open meetings under Utah Code section 52-4-205, as it currently exists or as it may hereinafter be modified.
- C. No official action may be taken at a closed meeting.
- D. The reason or reasons for holding a closed meeting and the vote thereon shall be entered in the minutes of the meeting.



SECTION 2:

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

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS 12<sup>th</sup> DAY OF July 2022.

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

**CACHE COUNTY:**

By: Barbara Tidwell  
Barbara Tidwell, Chair

By: David Zook  
David Zook, County Executive

**ATTEST:**

By: Jess W. Bradfield  
Jess Bradfield, County Clerk / Auditor



Redline version of Chapter 2.12.230 to show proposed change:

### Redlined Version

#### 2.12.230: CLOSED MEETINGS:

- A. A closed meeting of the council may be held upon the affirmative vote of two-thirds (2/3) of the members present at an open meeting for which notice has been given; provided, however, that a quorum is present.
- B. No closed meeting is allowed except as to matters exempted from open meetings under Utah Code ~~Annotated~~ section ~~52-4-205~~ ~~52-4-5~~, as it currently exists or as it may hereinafter be modified.
- C. No official action may be taken at a closed meeting.
- D. The reason or reasons for holding a closed meeting and the vote thereon shall be entered in the minutes of the meeting.
- E. Except for those meetings closed exclusively for the purposes described under section 52-4-205(1)(a), (1)(f), or (2), the County Council shall make a recording of the closed meeting pursuant to Utah Code section 52-4-206 as amended, which shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting. This record shall include the date, time, and place of the meeting, the names of members present and absent, and the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.



**CACHE COUNTY COUNCIL MEETING**  
**JULY 12, 2022**

**ATTACHMENT 3**

# Ordinance No. 2022-20

## Cache County, Utah

### Veibell Rezone

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An ordinance amending the County Zoning Map by rezoning 4.36 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 June 2, 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 July 12, 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 restricted status of the property can be resolved through a subdivision amendment process.
- B. The existing legal, non-conforming use can continue to operate as approved in the RU2 Zone.
- C. 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:
  - i. Is in close proximity to other RU2 Zone boundaries (i.e., High Country Estates Subdivision).
  - ii. Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.

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

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

### **5. Exhibits**

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

### **6. Effective date**

This ordinance takes effect on July 27, 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.

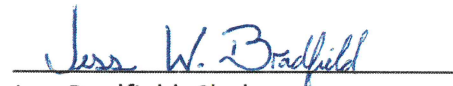
# 7. Council Vote and Final Action

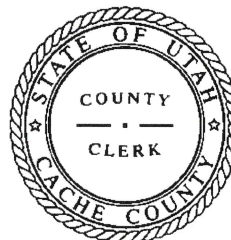
Date: <u>7/12/22</u>	<u>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Paul Borup	✓			
Dave Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Gina Worthen	✓			
Gordon Zilles	✓			
<b>Total:</b>	6			1
<b>Final action:</b>	<input checked="" type="checkbox"/> <b>Adopt</b> <input type="checkbox"/> <b>Reject</b>			

Cache County Council:

  
 Barbara Tidwell, Chair

Attest:

  
 Jess Bradfield, Clerk  
 Cache County



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## **Action of the County Executive**

Regarding Ordinance 2022-20, the Veibell Rezone

\_\_\_\_\_ Approve

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

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David Zook, Executive  
Cache County

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

Public hearing held on June 2, 2022.

**1. The restricted status of the property can be resolved through a subdivision amendment process.**

- Chris Harrild

Angie Zetterquist

This ordinance amends the County Zoning Map by rezoning 4.36 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

## Staff Report to Planning Commission

## Staff Report: Veibell Rezone

2 June 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:** Craig Veibell

**Parcel ID#:** 12-046-0009

**Staff Recommendation:** Denial

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

### Location

*Reviewed by Angie Zetterquist*

**Project Address:**

1845 North 8000 West

Petersboro

**Acres:** 4.36

**Surrounding Uses:**

North – Residential

South – Residential

East – Residential/Agricultural

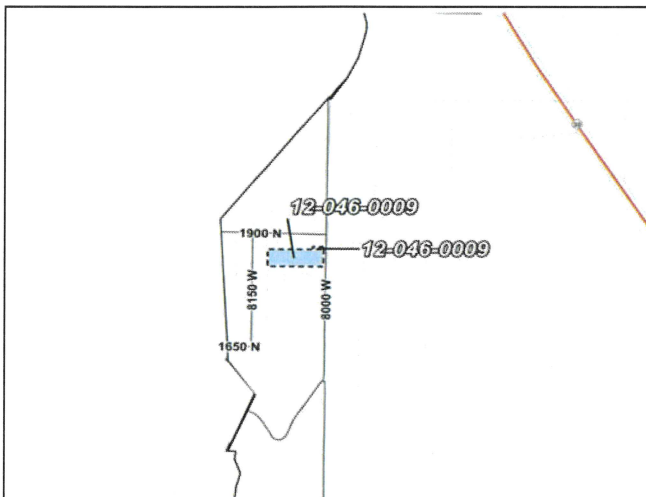
West – Residential

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Rural 2 (RU2)



## Findings of Fact

### A. Request description

1. A request to rezone 4.36 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 2 separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:



**a. Land Use Context:**

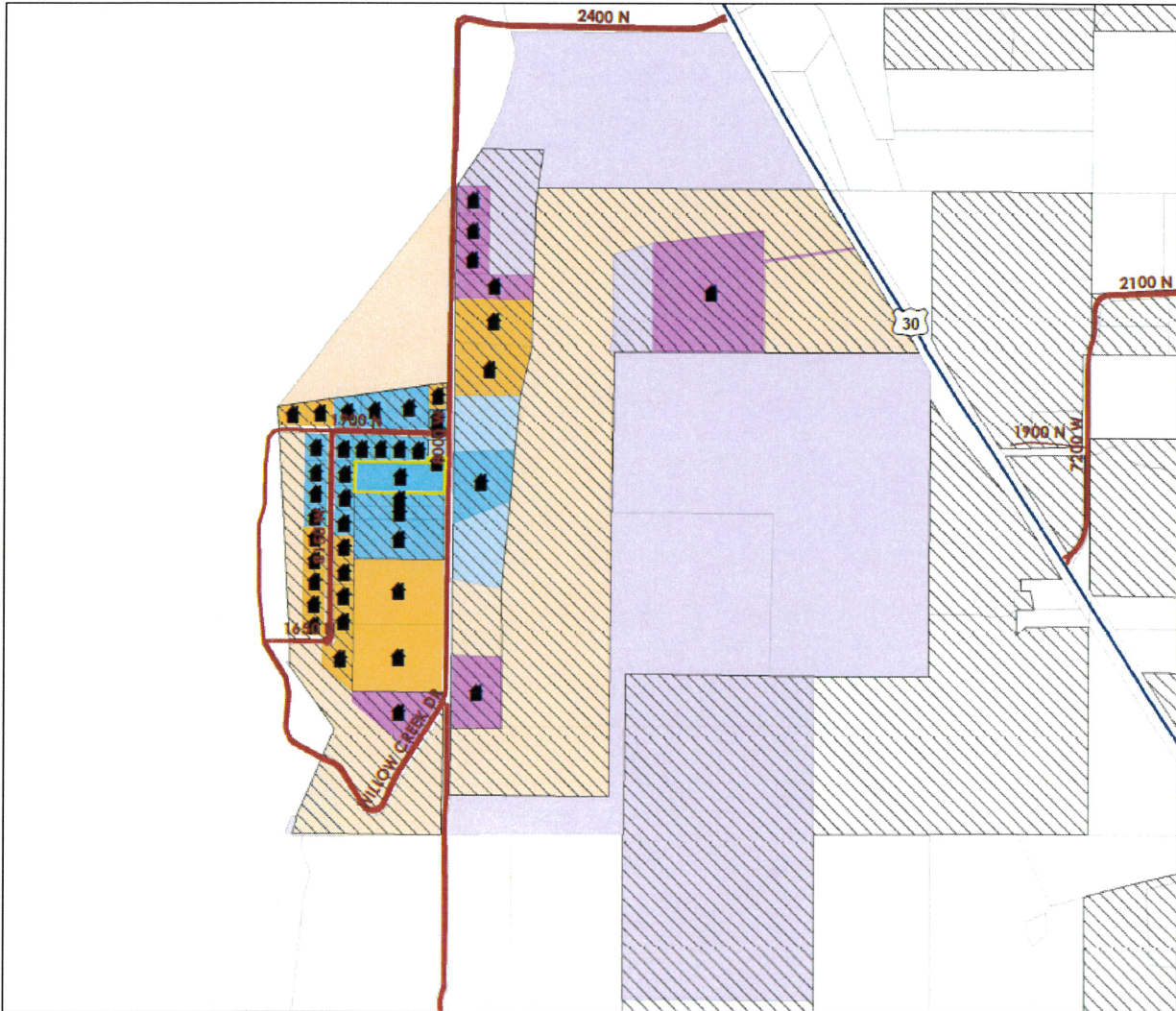
- i. Parcel status: In August 2006, the subject property was 3.6 acres and parcel number 12-046-0010 existed as a 0.71 acre property directly to the south of the subject property. The two parcels were combined in December 2008.
- On May 13, 1999, two CUPs were issued for parcel #'s 12-046-0009 & -0010. The first CUP provided for restricted-lot relief for 3.7 acre parcel with an existing single family dwelling located at 14015 North 400 West, Beaver Dam (Box Elder County address) and for a 0.71 acre parcel with an existing shop located at 14005 North 400 West, Beaver Dam (Box Elder County address), which were previously divided without approvals.
- On the same day in May 1999, a CUP was issued to allow a commercial business call Com-Tech Manufacturing Service, Inc. to be housed in the existing shop on parcel 12-046-0010 (0.71 acres), property owned by Willow Creek Water Company, LC. The CUP was amended in 2000, to allow the expansion of an existing commercial business called Com-Tech Manufacturing Services Inc., allowing the addition of up to two full-time employees in addition to the applicant and immediate family members. No additional amendments have been processed for the commercial business, but the applicant has maintained an active business license for the use from the date of approval until the present day. However, the use is considered legal, non-conforming as commercial uses are no longer allowed in the Agricultural (A10) Zone. The current use is also not permitted in the Rural 2 (RU2) Zone. Legal, non-conforming uses can continue to operate as approved, but cannot be expanded.
- In October 2018, the subject property was combined with an adjacent parcel immediately north, #12-053-0040, which is located within the boundaries of the High Country Estates Subdivision. Then in March 2019, the subject property added a portion of parcel #12-053-0042, which is also split with portions of that property within the High Country Estates Subdivision, but the majority outside the subdivision boundary. The part combined with the subject property is not located in the subdivision boundary.





Although the parcel is may be considered technically legal as no new lots have been created since August 6, 2008, it is restricted as a portion is located in the High Country Subdivision, but that subdivision has not been amended. Additionally, the existing non-conforming commercial business will be further out-of-compliance if the property is rezoned to RU2, as it is not on the same parcel as the original CUP approval and adding additional residential uses adjacent to it will have negative impacts.

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



Average Parcel Size	
Adjacent Parcels	With a Home: 1.7 Acres (23 Parcels)
	Without a Home: 3.1 Acres (4 Parcels)
1/4 Mile Buffer	With a Home: 2 Acres (40 Parcels)
	Without a Home: 26.4 Acres (8 Parcels)
1/2 Mile Buffer	With a Home: 2.6 Acres (47 Parcels)
	Without a Home: 37.3 Acres (15 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 single family dwellings with some agricultural uses to the east.
- v. Annexation Areas: The subject property is located within the Mendon Town future annexation area. However, as the current Mendon Town municipal boundary is more than 3.5 miles away from the subject property, the applicant was not required to provide a letter from the City.
- vi. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The nearest municipal boundary is Mendon Town located approximately 3.5 miles southeast of the subject property as the crow flies.
- The properties immediately adjacent to the subject property on the north, south, and west sides are all zoned RU2. The properties to the north and west include the High Country Estates development and the properties to the south are in the Moake Subdivision. The rezone for High Country Estates was approved in 2011 per Ordinance 2011-11 and the Moake rezone was approved in 2013 per Ordinance 2014-02.

**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 8000 West, a County road.
  - a. 8000 West:
    - i. Is an existing county facility that provides through access from SR-23 to 600 North, as well as access to multiple single-family residences, agricultural lands, and Autonomous Solutions (ASI).
    - ii. Is classified as a Major Local road.
    - iii. The road consists of a 22-foot-wide paved surface and the structural condition is visibly okay.
    - iv. 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 specific 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 23 May 2022.
15. Notices were posted in three public places on 23 May 2022.
16. Notices were mailed to all property owners within 300 feet on 23 May 2022.
17. Staff has received written public comment regarding this proposal (Attachment B).

## **Staff Recommendation and Conclusion**

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

1. The property is restricted due to the combination of adjacent parcels, one of which is located within an existing subdivision boundary. The existing legal, non-conforming commercial use is not in compliance with the original CUP approval and rezoning to a higher density will increase the non-conforming use and have negative impacts on future development.

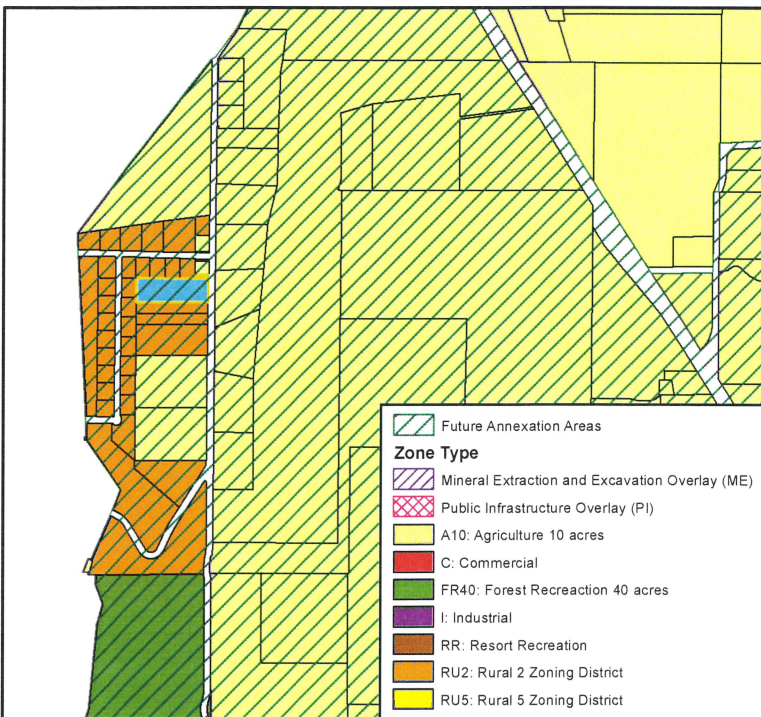
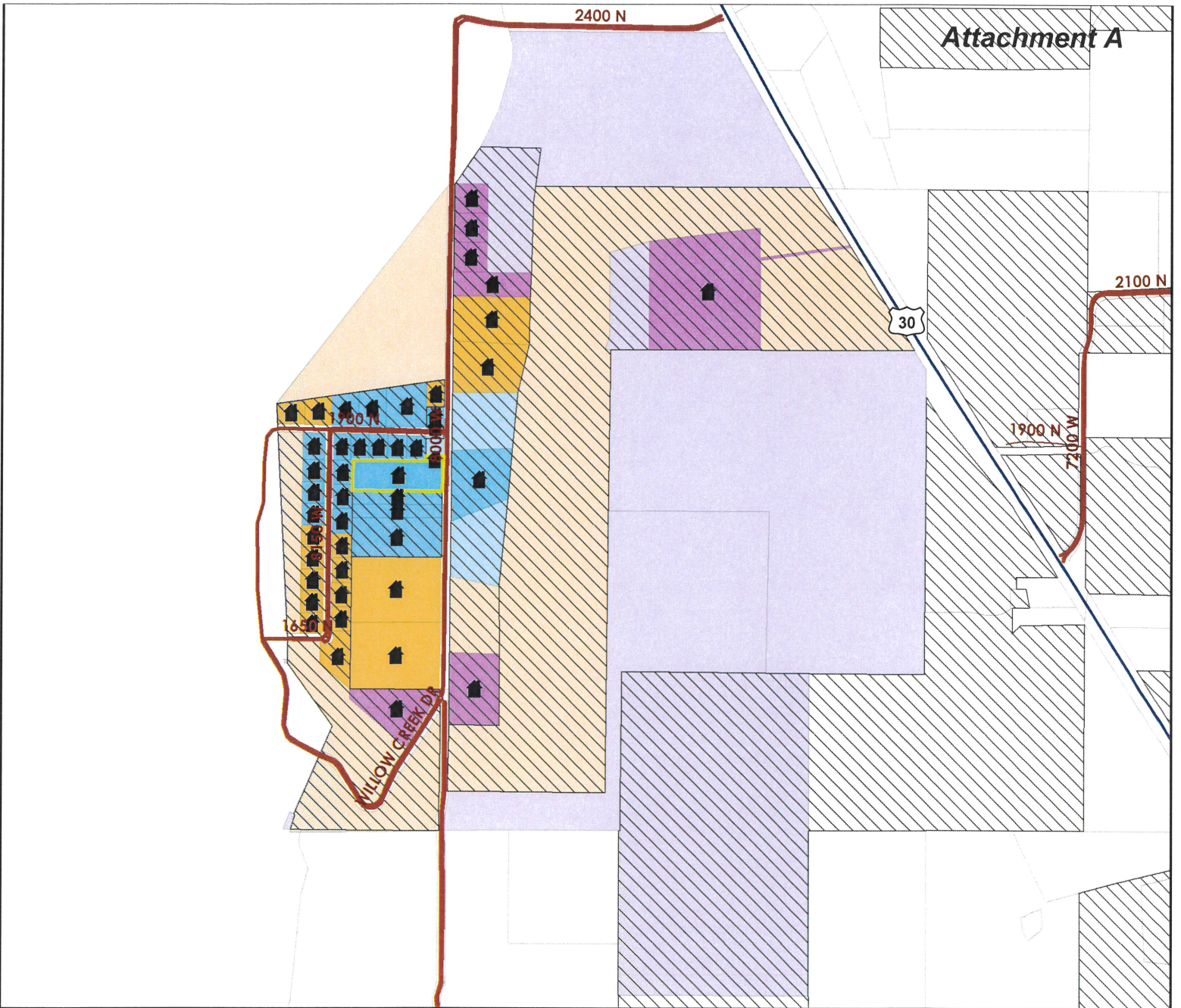
## **Planning Commission Conclusion**

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

1. The restricted status of the property can be resolved through a subdivision amendment process.
2. The existing legal, non-conforming use can continue to operate as approved in the RU2 Zone.
3. 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 other RU2 Zone boundaries (i.e., High Country Estates Subdivision).
  - b. Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.





### Legend

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

### Average Parcel Size

<b>Adjacent Parcels</b>	With a Home: 1.7 Acres (23 Parcels)
	Without a Home: 3.1 Acres (4 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 2 Acres (40 Parcels)
	Without a Home: 26.4 Acres (8 Parcels)
<b>1/2 Mile Buffer</b>	With a Home: 2.6 Acres (47 Parcels)
	Without a Home: 37.3 Acres (15 Parcels)







Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Fwd: Veibell Rezone c/o developmental Service office**

1 message

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**Susanne Hansen** <suhanzen15@gmail.com>  
To: DevServices@cachecounty.org

Wed, Jun 1, 2022 at 11:45 PM

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

From: **Susanne Hansen** <suhanzen15@gmail.com>  
Date: Wed, Jun 1, 2022 at 11:42 PM  
Subject: Veibell Rezone c/o developmental Service office  
To: <deservices@cachecounty.org>

Susanne Hnansen  
Resident  
1822 North 8150 West  
Petersboro, Utah

**AGAINST**

As a resident, doing due diligence, prior to purchasing and building my home, I asked questions about lot sizes around me. I was told that the lots directly behind me were zoned for 1 house lots and that I would not have to worry about more homes. Since that time the lot directly behind me was rezoned to add another house and now another is trying.

Roads are not wide enough to safely maneuver, adding more traffic would increase the danger. Water is sparse with the well barely maintaining what it is zoned for. Quality of life decreases with each new home that goes in. Noise level goes up, open space decreases, and property values go down. Emergency services are not near, including no water to our fire hydrants. More people results in reduced safety.

The property in question has 1 historic home {being rented}, 1 large barn and 2 sheds along with a lot of broken down farm equipment scattered about. Instead of adding more to the chaos, this property should be cleaned up and restored. As it is now, the only way another home could be placed on the property is if it encroaches upon several other homes that were built with the understanding that the lot was zoned for 1.

Upon finding this property, I had a dream of living in a small quiet community with a beautiful view. By allowing more homes to go in where the zoning originally stated they would not, it is ruining that dream not just for me but for the community.

Thank you for your time

Susanne Hansen

## Exhibit B: Ordinance 2022-20

Zoning Map of Cache County – Affected Portion

Veibell Rezone



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

**12-046-0009**

BEG IN W LN OF 8000 W ST BEING S0°32'16"W 2226.63 FT & N89°27'44"W 49.50 FT FROM NE COR SEC 23 T 12 N R 2W & TH S0°32'16"W 291.37 FT ALG ST TH N89°27'44"W 750.50 FT TO E LN OF HIGH COUNTRY ESTATES SUBD TH N0°32'16"E 250.0 FT TH S89°27'44"E 602.90 FT TH N0°32'16"E 41.37 FT TH S89°27'44"E 147.60 FT TO BEG CONT 4.45 AC M/B  
SUBJ TO TO 15 FT ROAD R/W & UTIL ESMNT (SEE DEED)  
WITH ROAD R/W & UTIL ESMNT (SEE DEED)

**CACHE COUNTY COUNCIL MEETING**  
**JULY 12, 2022**

**ATTACHMENT 4**



**DENIED**

**Ordinance No. 2022-21**

**Cache County, Utah**

**Jershon Ranch Rezone**

**DENIED**

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An ordinance amending the County Zoning Map by rezoning 33.3 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 June 2, 2022, the Planning Commission held a public hearing, accepted all comments, and forwarded the request to the County Council for final action without a recommendation after a motion to recommend approval failed on a vote (2-yay, 2-nay, 1 abstained); 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 July 12, 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:

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

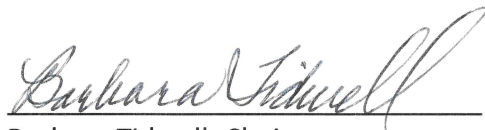
**6. Effective date**

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.

**7. Council Vote and Final Action**

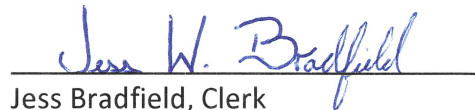
Date: <u>7/12/22</u>	<u>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Paul Borup			✓	
Dave Erickson	✓			
Nolan Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				
Gina Worthen	✓			
Gordon Zilles		✓		
<b>Total:</b>	4	1	1	
<b>Final action:</b>	<u>      </u> Adopt <u>✓      </u> Reject			

Cache County Council:



Barbara Tidwell, Chair

Attest:

Jess Bradfield, Clerk  
Cache County

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## **Action of the County Executive**

Regarding Ordinance 2022-21, the Jershon Ranch Rezone

\_\_\_\_\_ Approve

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

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David Zook, Executive  
Cache County

Date

**Ord 2022-21**  
**Jershon Ranch Rezone**  
**Amending the Cache County Zoning Map by rezoning**  
**33.3 acres of property from the Agricultural (A10) Zone**  
**to the Rural 5 (RU5) Zone.**

## County Council action

Hold a public hearing on July 12, 2022.

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

## Planning Commission action

Approval (2-yea; 2-nay; 1-abstained). No recommendation forwarded to County Council.

Public hearing held on June 2, 2022.

### 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 33.3 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: Jerushon Ranch Rezone**

2 June 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:** Jerushon Ranch LLC

**Parcel ID#:** 09-076-0002

**Staff Recommendation:** Approval

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

**Project Address:**

~ 200 East 9800 North  
 Near Richmond

**Acres:** 33.3

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Rural 5 (RU5)

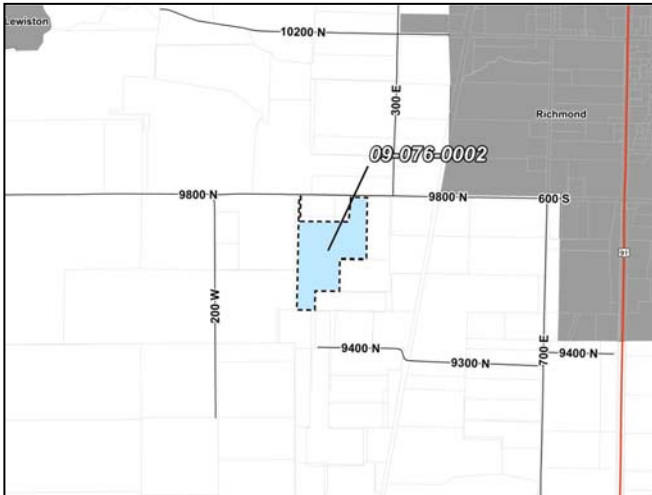
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural

East – Agricultural/Residential

West – Agricultural



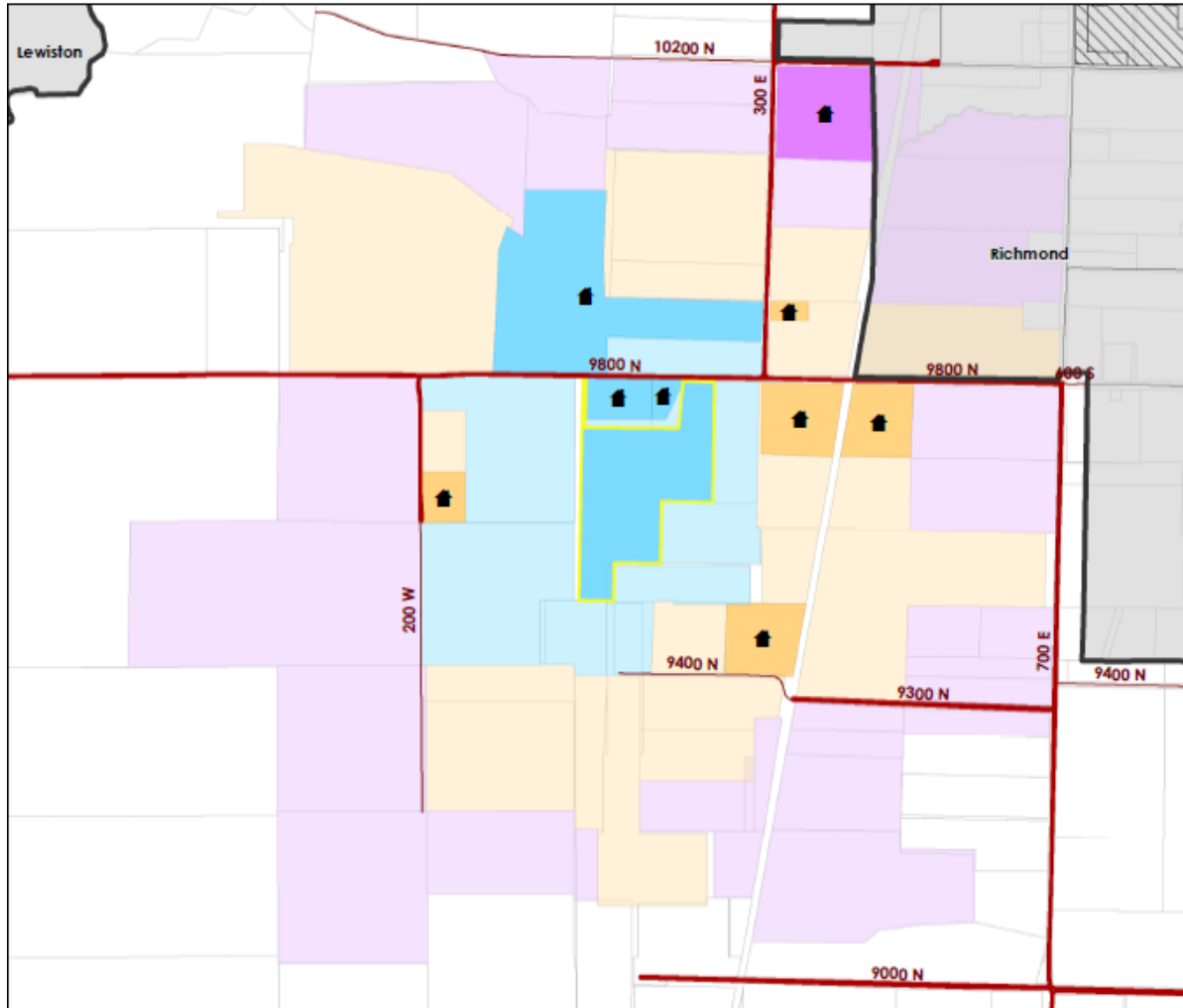
**Findings of Fact**

**A. Request description**

1. A request to rezone 33.3 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 6 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 not in the same size or configuration as it was on August 8, 2006 and is potentially restricted. According to the Recorder's Office information, there have been a number of boundary line adjustments since 2006 that has resulted in a change of size and configuration of the property, but it remains a legal parcel as no divisions of property have occurred.
- ii.** Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 18.2 Acres (3 Parcels)
	Without a Home: 15 Acres (11 Parcels)
1/4 Mile Buffer	With a Home: 11.2 Acres (8 Parcels)
	Without a Home: 16.7 Acres (30 Parcels)
	Without a Home in Richmond City: 25.7 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 11.6 Acres (9 Parcels)
	Without a Home: 17.5 Acres (57 Parcels)
	Without a Home in Richmond City: 17.6 Acres (5 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 located within Richmond City's future annexation area. However, as the subject property is not immediately contiguous to the city boundary, a letter from the City was not required as part of the application submittal. However, the City was notified of the rezone request as part of the noticing process. At the time this report was prepared, staff has not received any comments from the City regarding this request.
- 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 boundary of Richmond City is located approximately ¼ mile east on the north side of 9800 North where the railroad tracks cross the County Road. Directly across the street from the city boundary is a property in the Industrial (I) Zone, which was approved in 2016 and a CUP was subsequently approved for a pet crematorium with a caretaker's residence. The nearest RU5 zone is southeast of the subject property approximately 2.5 miles away as the crow flies off of Highway 91 at approximately 8000 North. This RU5 zone, the Jenkins Rezone, included a total of 11.5 acres and was approved in 2018 (Ordinance 2018-08). A two-lot subdivision (i.e., Ohana Mauna Subdivision) was approved and recorded in 2019. The other nearest RU5 Zone is located about 3.5 mile directly north of the subject property on the south side of 12400 North. This rezone, the Cub River Estates II Rezone was approved in 2022 as Ordinance 2022-04.

**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 9800 North, a County road.

a. 9800 North:

i. Is an existing county facility that connects to US Highway 91 and provides access to some residential lots but primarily serves agricultural uses.

ii. Is classified as a Minor Local road.

iii. The road consists of a 20-foot-wide paved surface and the structural condition is visibly okay, but is substandard as to gravel shoulders, clear zones, and right-of-way dedications.

iv. Is maintained year around.

**D. Service Provisions:**

12. §16.04.080 [C] Fire Control – The County Fire District requires that all access roads and private driveways to be 20-feet wide with an all-weather surface. 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 specific 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 23 May 2022.

15. Notices were posted in three public places on 23 May 2022.

16. Notices were mailed to all property owners within 300 feet and Richmond City on 23 May 2022.

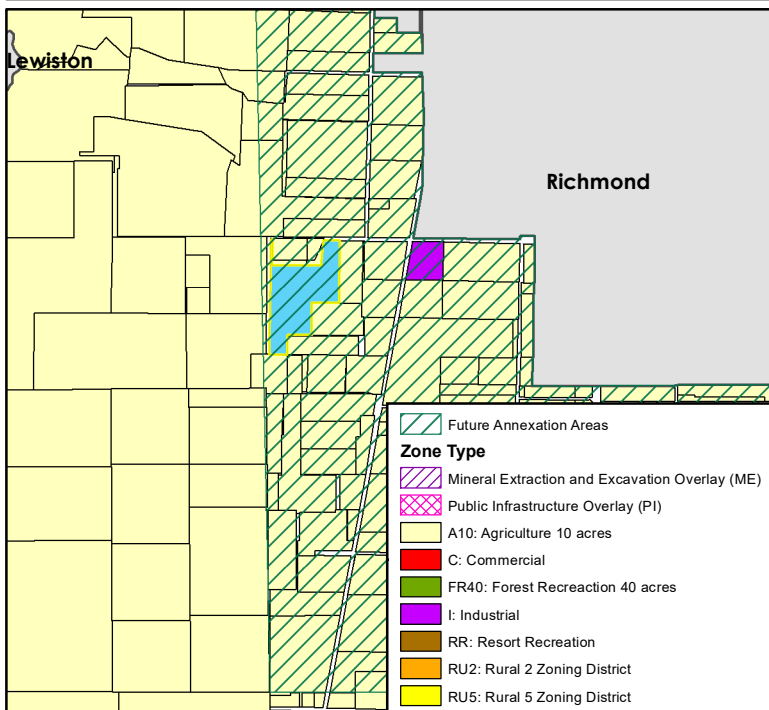
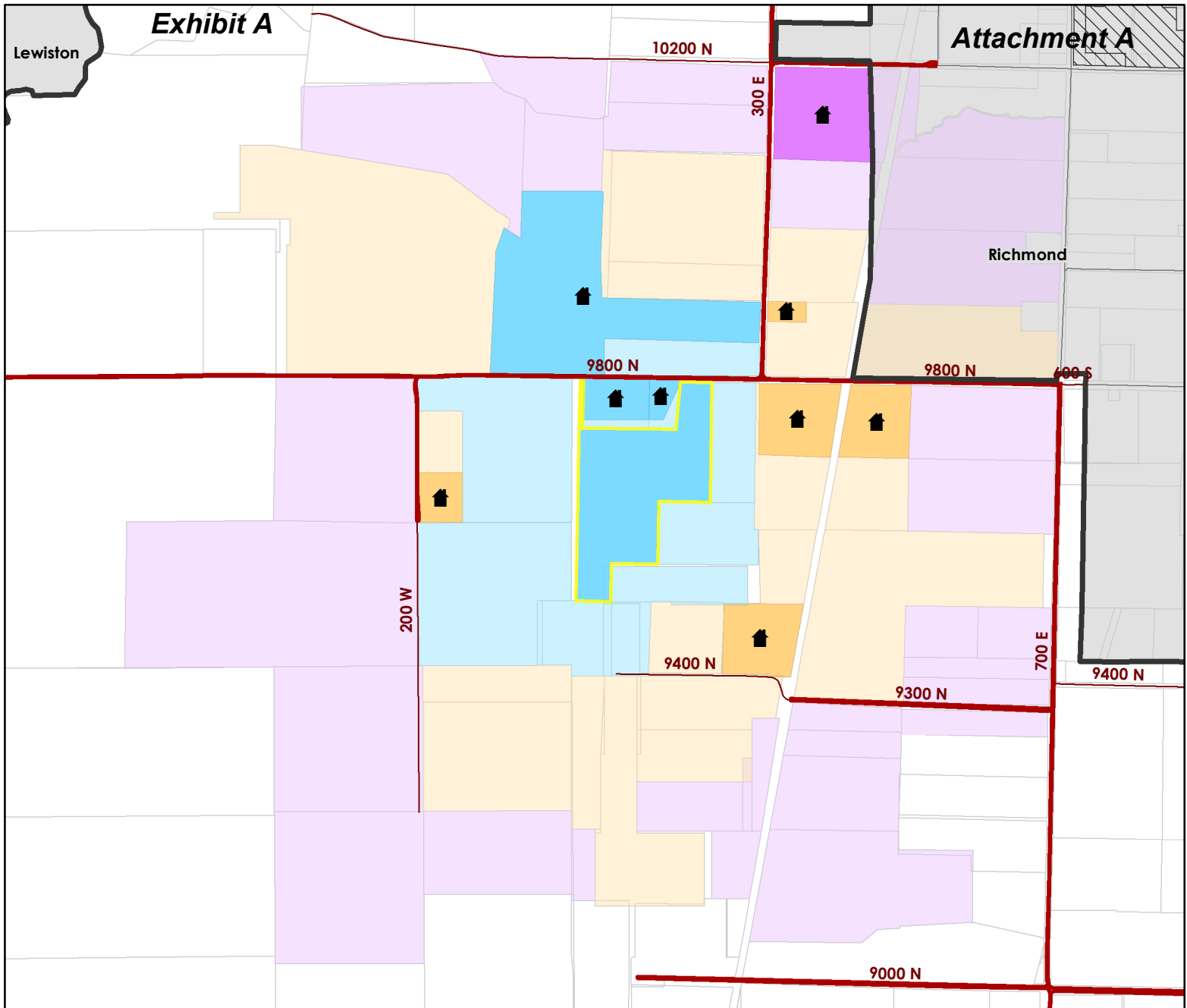
17. Staff has received a number of written public comments regarding this proposal (Attachment B).

**Staff Recommendation and Conclusion**

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Based on the findings of fact noted herein, the Jershon Ranch 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

<b>Adjacent Parcels</b>	With a Home: 18.2 Acres (3 Parcels)
	Without a Home: 15 Acres (11 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 11.2 Acres (8 Parcels)
	Without a Home: 16.7 Acres (30 Parcels)
	Without a Home in Richmond City: 25.7 Acres (1 Parcel)
<b>1/2 Mile Buffer</b>	With a Home: 11.6 Acres (9 Parcels)
	Without a Home: 17.5 Acres (57 Parcels)
	Without a Home in Richmond City: 17.6 Acres (5 Parcels)



5/11/2022



Angie Zetterquist <angie.zetterquist@cachecounty.org>

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## Opposition to ReZone

1 message

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**audreyhatch11@gmail.com** <audreyhatch11@gmail.com>  
To: "angie.zetterquist" <angie.zetterquist@cachecounty.org>

Wed, Jun 1, 2022 at 5:02 PM

I received a letter to rezone 33.3 acres from A10 to R5. The project name is Jershon Ranch, the project location is 9800 North 200 East near Richmond.

I have a petition of landowners and businesses who oppose the rezone and will be impacted by the expansion of more lots.

Some of the concerns include but are not limited to; new wells being dug which will affect the natural aquifers in the existing area, septic tanks and problems with sewage, no road access to parcels that have already been sold and traffic that will cause congestion to roads, also the environmental impact to livestock in the surrounding area.

There are no City amenities to help in any of the above stated concerns and no side walks or traffic signs near the property to show speed limits or to watch for children, livestock or pets.

9800 North has no outlet to the West and the road is used on a daily basis for farm equipment. All the surrounding land is agriculture and there have been multiple offers to buy the land as agricultural land but the offers have been turned down.

We, the land owners oppose the request to rezone 33.3 acres from A10 Zone to RUS Zone.

Project Name: Jershon Ranch

Project Location: 9800 North 200 East, Near Richmond

Print Name	Signature
Audrey Hatch	Audrey Hatch
Roy Hatch	Roy Hatch
James Hunsaker	James Hunsaker
Shareese Hunsaker	Shareese Hunsaker
Alan Lower	Alan Lower
Andrew Snarr	Andrew Snarr
Charlyla Grayr	Charlyla Grayr
Dave Snarr	Dave Snarr
Jeremy Hyde	Jeremy Hyde
Christine Hyde	Christine Hyde
Janice A Holt	Janice A Holt
Janet Wallace	Janet Wallace
Dallas Spackman	Dallas Spackman
Terry Spackman	Terry Spackman
Phillip Spackman	Phillip Spackman
Van Skidmore	Van Skidmore

We, the land owners oppose the request to rezone 33.3 acres from A10 Zone to RUS Zone.

Project Name: Jershon Ranch

Project Location: 9800 North 200 East, Near Richmond

Print Name	Signature
Angela Younker	Angela Younker
Gene Macias	Gene Macias
Gene Macias	Gene Macias
Sheryl Black	Sheryl Black
Tera Cullum	Tera Cullum
Nikki Neitsen	Nikki Neitsen
Tyson Cullum	Tyson Cullum
Ansen Hoyt	Ansen Hoyt
Daryl Black	Daryl Black



June 2, 2022

Dear Cache County Planning Commission,

Thank you for the opportunity to express my concerns. I understand you need to balance the desires of land owners with what is best for the county and hopefully our neighborhood. This letter is regarding the Jershon Ranch Rezone proposal.

The land being considered for rezoning is currently A10. As I understand it, that designation, A10 of the County Land Use Code was, in part, developed to protect the agricultural aspects of Cache County that were, and still are, being rapidly developed. Those of us who live near the this particular area of impact chose to move here because it was out in the county, and all appreciate the benefits of the open space, and that we are surrounded by land that is still being used for agricultural pursuits.

The proposed Rezone acreage is considered to be state important irrigated farmland according to the map titled Richmond City Prime Farmland A-6. Once subdivided to R5 that pretty much takes it out of any future production.

The is also the issue of water and the potential shortage problems associated with twice as many households. Along with that is the increased number of septic systems that would be needed since there is no connection to the Richmond City sewage system in the area.

Also, last but not least, it is the neighbors and their children who will bear the brunt of the increase in density, access, and traffic going past their homes.

Therefor I hope you will consider keeping the A10 zoning designation.

Respectfully,

Janet Wallace





Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Jershon Ranch Project**

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**Troy Hatch** <circlehorsemanship@gmail.com>  
To: angie.zetterquist@cachecounty.org

Thu, Jun 2, 2022 at 4:44 PM

I wanted to send a note to oppose the re-zone of Jershon ranch project from A10 to RU5. This would negatively impact the surrounding community. This land has been dry farm for quite a while as there is not city culinary or secondary water to it. They did at one point have some water they could turn in on the land for secondary water but it is no longer in operation. This change would have multiple properties drilling new wells or pulling from existing wells that would not be able to keep up with the demand of that many homes/ properties not being used for farming/agricultural growth. Multiple neighbors have had wells dry up on quite a few occasions and luckily they have not been the ones that service their homes and families. This change may be detrimental to many of the wells already in use. Changing this agricultural land to rural property would mean those who purchased it would need to plant lawns and bring in a lot of other water demanding needs. We also bought the property that we live on because we did not want to be surrounded with homes. We understand that froth is needed at times but there are many other places that have much better access to water and other resources that are needed to build rural homes. We are in need of more agricultural land, and creating these subdivisions destroy the property for the purpose we bought it for. In conclusion we see this as a very negative proposal and as we intend to live here the rest of our lives I would hate to see it subdivided and changes to smaller building lots with more homes going in. Let's preserve the agricultural land that we still have in the county and leave the rural housing inside city limits where there are amenities to service the needs that are needed. Thank you.

Troy Hatch  
180 East 9800 North  
Richmond, Utah 84333  
435-720-1393.

Sent from my iPhone

## Exhibit B: Ordinance 2022-21

Zoning Map of Cache County – Affected Portion  
Jershon Ranch Rezone



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

### **09-076-0002**

A PARCEL OF LAND LOCATED IN SECTION 34 TOWNSHIP 14 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, UTAH AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 34, FROM WHICH THE SOUTHWEST CORNER OF SECTION 34 BEARS SOUTH 00° 00' 21" WEST 2640.29 FEET;  
THENCE SOUTH 00° 00' 21" WEST 56.85 FEET ALONG THE WEST LINE OF SAID SECTION 34 TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 9800 NORTH STREET;  
THENCE SOUTH 89° 20' 53" EAST 69.00 FEET ALONG THE SAID SOUTH RIGHT OF WAY LINE TO A 5/8" REBAR WITH CAP LABELED, "AA. HUDSON, PLS 375041", THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 01° 00' 38" WEST 351.69 FEET TO A 5/8" REBAR WITH CAP;

## **Exhibit B: Ordinance 2022-21**

Zoning Map of Cache County – Affected Portion  
Jershon Ranch Rezone

THENCE ALONG FENCE LINES THE FOLLOWING 4 COURSES:

THENCE SOUTH 00° 55' 12" WEST 1645.96 FEET;

THENCE SOUTH 89° 08' 55" EAST 317.01 FEET;

THENCE NORTH 00° 28' 57" EAST 340.09 FEET;

THENCE SOUTH 89° 40' 47" EAST 423.78 FEET;

THENCE NORTH 00° 34' 44" EAST 567.19 FEET TO A 5/8" REBAR WITH CAP;

THENCE SOUTH 89° 20' 53" EAST 465.26 FEET TO A 5/8" REBAR WITH CAP;

THENCE NORTH 00° 34' 44" EAST 1089.00 FEET TO A 5/8" REBAR WITH CAP;

THENCE NORTH 89° 20' 53" WEST 285.28 FEET TO A 5/8" REBAR WITH CAP;

THENCE SOUTH 05° 16' 36" WEST 436.35 FEET TO A 5/8" REBAR WITH CAP;

THENCE NORTH 89° 43' 03" WEST 845.34 FEET TO A 5/8" REBAR WITH CAP;

THENCE NORTH 01° 00' 38" EAST 440.39 FEET TO A 5/8" REBAR WITH CAP SET ON THE SAID  
SOUTH RIGHT OF WAY

LINE OF 9800 NORTH STREET;

THENCE NORTH 89° 20' 53" WEST 30.00 FEET ALONG THE SAID SOUTH RIGHT OF WAY LINE TO  
THE TRUE POINT OF

BEGINNING.

CONT 33.3 AC)

**CACHE COUNTY COUNCIL MEETING**  
**JULY 12, 2022**

**ATTACHMENT 5**

**DENIED**

**CACHE COUNTY  
ORDINANCE 2022-22**

**DENIED**

**AN ORDINANCE INCREASING THE SALARIES OF THE CACHE COUNTY  
EXECUTIVE/SURVEYOR, CLERK/AUDITOR, RECORDER, AND TREASURER**

WHEREAS, the Cache County Council, upon lawful notice and in accordance with Utah Code section 17-16-14, held on July 12, 2022, a public hearing on proposed mid-year salary increases for the Cache County Executive/Surveyor, Clerk/Auditor, Recorder, and Treasurer; 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, and Cache County Code section 2.12.120C authorize the modification of salaries for all elected county officers by ordinance; and

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

**SECTION 1:**

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	\$129,014.00
County Assessor	\$107,476.00
County Attorney	\$146,467.00
County Clerk/Auditor	\$104,826.00
County Recorder	\$ 99,552.00
County Sheriff	\$113,640.00
County Treasurer	\$ 99,575.00

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.

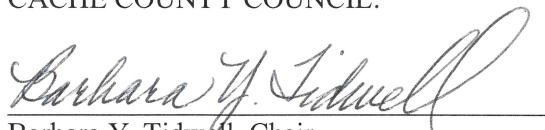
### SECTION 4: EFFECTIVE DATE

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

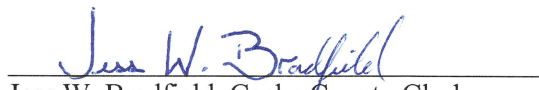
APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH, THIS 12TH DAY OF JULY 2022.

	In Favor	Against	Abstained	Absent
Paul R. Borup			✓	
David Erickson		✓		
Nolan P. Gunnell	✓			
Barbara Tidwell	✓			
Karl Ward				✓
Gina Worthen		✓		
Gordon Zilles	✓			
<b>TOTAL:</b>	3	2	1	1

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



**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	\$129,014.00 <del>120,578.00</del>
County Assessor	\$107,476.00
County Attorney	\$146,467.00
County Clerk/Auditor	\$104,826.00 <del>97,968.00</del>
County Recorder	\$ <del>99,552.00</del> <del>93,039.00</del>
County Sheriff	\$113,640.00
County Treasurer	\$ <del>99,575.00</del> <del>93,060.00</del>

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.