

DAVID N. ZOOK

COUNTY EXECUTIVE

199 NORTH MAIN STREET
 LOGAN, UT 84321
 435-755-1850
WWW.CACHECOUNTY.ORG

**COUNTY COUNCIL**

DAVID L. ERICKSON, *CHAIR*
 BARBARA Y. TIDWELL, *VICE CHAIR*
 KATHRYN A BEUS
 SANDI GOODLANDER
 NOLAN P. GUNNELL
 MARK R. HURD
 KARL B. WARD

PUBLIC NOTICE is hereby given that the County Council of Cache County, Utah will hold a **WORKSHOP** at **3:30 p.m.** and a **REGULAR COUNCIL MEETING** at **5:00 p.m.** in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah 84321, **TUESDAY, FEBRUARY 28, 2023**

Council meetings are live streamed on the Cache County YouTube channel at:

<https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>

AMENDED AGENDA

WORKSHOP

- 3:30 p.m.**
1. **CALL TO ORDER**
 2. **ETHICS TRAINING – AMY ADAMS, HR DIRECTOR**
 3. **ADJOURN**

COUNCIL MEETING

- 5:00 p.m.**
1. **CALL TO ORDER**
 2. **OPENING – Councilmember Barbara Tidwell**
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES (February 14, 2023)**
 5. **REPORT OF COUNTY EXECUTIVE**
 - a. **Appointments:**
 - b. **Financial Reports:**
 - c. **Other Items:**
 6. **ITEMS OF SPECIAL INTEREST**
 - a. Presentation of an Award – Rod Hammer, Fire Chief
 7. **DEPARTMENT OR COMMITTEE REPORTS**
 - a. Cache Valley Transit District – Shaun Bushman
 8. **TAX RELIEF**
 - a. Religious
 - b. Charitable
 9. **BOARD OF EQUALIZATION MATTERS**
 - a. Tax Relief Report
- 5:30 p.m. (Estimated)**
10. **PUBLIC HEARINGS**
 - a. **Set Public Hearing for March 28, 2023 – Ordinance 2023-08**
 An ordinance to vacate all that portion of a currently platted right-of-way between Block 13 & Block 14, Plat “B”, LOGAN ISLAND SURVEY, extending from the northerly right-of-way line of 1100 South to the southerly line of Plat “A”, LOGAN FARM SURVEY, located in the NW ¼ of Section 8, Township 11 North, Range 1 East, Salt Lake Base & Meridian.
 - b. **Set Public Hearing for March 14, 2023 – Ordinance 2023-09 – Geneva Rock Rezone**
 An ordinance approving the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres located northwest of SR 23 & 4800 West, near Newton

- c. **Set Public Hearing for March 14, 2023 – Ordinance 2023-10 – Allen Property Rezone**
An ordinance amending the County Zoning Map by rezoning 5.12 acres at 11595 North Highway 91, near Richmond, from the Commercial (C) Zone to the Industrial (I) Zone
- d. **Set Public Hearing for March 14, 2023 – Ordinance 2023-04 – Opening the 2023 Budget**

11. **PENDING ACTION**

- a. **Ordinance 2023-05** An Ordinance updating Cache County's General Plan as a comprehensive General Plan amendment as required by the adoption of Ordinance 2023-05

12. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**

- a. **Review of Stokes Nature Center Annexation to Nibley City**

13. **OTHER BUSINESS**

- a. **UAC Building Utah Conference** *April 4-5, 2023 – Dixie Convention Center, St. George*
Barbara, Sandi, Kathryn, Mark
- b. **UAC Management Conference** *April 27-28, 2023 – Salt Palace Convention Center, SLC*
Barbara, Sandi, Kathryn, Karl, Dave
- c. **NACo WIR Conference** *May 17-19, 2023 – Washington County, St. George*
Dave, Sandi, Karl, Barbara, Mark

14. **COUNCIL MEMBER REPORTS**

15. **EXECUTIVE SESSION**

16. **ADJOURN**



David L. Erickson, Chair

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen at 435-755-1850 at least three working days prior to the meeting.

CACHE COUNTY COUNCIL

February 14, 2023 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 David Erickson, Councilmember Barbara Tidwell, Councilmember Kathryn Beus, Councilmember Sandi Goodlander, Councilmember Mark Hurd, Councilmember Karl Ward, Councilmember Nolan Gunnell

MEMEBERS EXCUSED:

STAFF PRESENT: Bartt Nelson, Janeen Allen, Bart Esplin, Chad Jensen, Terryl Warner, Rod Hammer, Nathan Argyle

OTHER ATTENDENCE: Joe Hawkes, Lindsey Hawkes, Marvin Herr, Nate Dauss, Jeanell Sealy

Council Meeting

1. Call to Order 5:00p.m. – Chair David Erickson

2. Opening Remarks and Pledge of Allegiance – Councilmember Nolan Gunnell [0:25](#)

3. Review and Approval of Agenda APPROVED [2:35](#)

Action: Motion made by Councilmember Nolan Gunnell to approve the agenda; seconded by Councilmember Sandi Goodlander

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

4. Review and Approval of Minutes APPROVED [3:03](#)

Action: Motion made by Councilmember Karl Ward to approve the minutes; seconded by Councilmember Sandi Goodlander

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Abstain: 1 Nolan Gunnell

5. Report of the County Executive

No report.

6. Items of Special Interest [3:46](#)

a. Backup Generator for Fairgrounds – Bart Esplin, Fairgrounds Manager [3:55](#)

b. Capital Expenses for Jail (AC system, hot water boilers, security system) – Chad Jensen, Sheriff [21:56](#)

c. Sale of pole cameras to Davis County Sheriff's Department – Chad Jensen, Sheriff [26:55](#)

7. Department or Committee Reports

No reports.

8. Board of Equalization Matters

No Board of Equalization.

9. Public Hearings [32:55](#)

a. **Set Public Hearing for March 28, 2023 – Ordinance 2023-07** [9:12](#)

An ordinance to vacate the county road right-of-way or portion of county road right-of-way along 8200 South Street (Sardine Road or Old Sardine Road) lying east of the existing fence line and within the boundaries of Parcel 10-059-0001

Action: Motion made by Councilmember Sandi Goodlander to set the public hearing for Ordinance 2023-07 for March 28, 2023; seconded by Councilmember Nolan Gunnell [9:29](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

b. **Public Hearing – Ordinance 2023-04 – Hot Iron Storage Rezone** [32:57](#)

An ordinance amending the County Zoning Map by rezoning 8.77 acres from the Agricultural (A10) Zone to the Industrial (I) Zone located at 501 West 4600 North, near Smithfield

Action: Motion made by Councilmember Nolan Gunnell to open the public hearing; seconded by Councilmember Kathryn Beus [33:02](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Discussion: Time Watkins spoke [33:30](#). Marvin F. spoke [35:59](#).

Action: Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Nolan Gunnell [36:25](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

c. **Public Hearing – Ordinance 2023-05 - Comprehensive General Plan Amendment** [36:41](#)

Discussion: Tim Watkins spoke [37:01](#). Janelle Seely spoke [44:32](#). Councilmember questions and discussions [46:33](#).

Action: Motion made by Councilmember Nolan Gunnell to close the public hearing; seconded by Councilmember Sandi Goodlander [46:13](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

10. Pending Action [10:05](#)

a. **Ordinance 2023-02 - Amendments to Title 17, General Definitions ‘Density’ and ‘Developable Acreage’** [10:28](#)

An Ordinance amending the County Land Use Code as required by the adoption of Ordinance 2023-02 amending the definition and requirements applicable to General Definitions of ‘Density’ and ‘Developable Acreage’

Discussion: Tim Watkins spoke to the ordinance [10:53](#). Councilmember discussion followed.

Action: Motion made by Councilmember Karl Ward to approve the ordinance as presented; seconded by Sandi Goodlander [1:36:38](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Karl Ward

Nay: 1 Mark Hurd

b. **Ordinance 2023-06** [1:01:14](#)

An Ordinance of the Cache County Council of Cache County, Utah, enacting Title 2, Chapter 76 of the Cache County Code, Cache County Council Open Space Advisory Committee

Discussion: Taylor Sorensen spoke to the ordinance [1:01:26](#).

Action: Motion made by Councilmember Sandi Goodlander to approve the ordinance as amended; seconded by Councilmember Kathryn Beus [1:06:23](#)

Motion passes.

Aye: 4 Kathryn Beus, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 3 David Erickson, Barbara Tidwell, Nolan Gunnell

11. Initial Proposals for Consideration of Action [1:08:55](#)

a. **Ordinance 2023-04 - Hot Iron Storage Rezone** [1:09:00](#)

An Ordinance amending the County Zoning Map by rezoning 8.77 acres from the Agricultural (A10) Zone to the Industrial (I) Zone

Action: Motion made by Councilmember Karl Ward to approve the ordinance; seconded by Councilmember Nolan Gunnell [1:09:15](#)

Motion passes.

Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

b. **Ordinance 2023-05** [1:09:42](#)

An Ordinance updating Cache County’s General Plan as a comprehensive General Plan amendment as required by the adoption of Ordinance 2023-05

c. **Resolution 2023-03** [1:09:54](#)

A Resolution updating Cache County's 2022 Moderate Income Housing Plan

Discussion: Tim Watkins spoke [1:10:45](#). Councilmember discussion.

Action: Motion made by Councilmember Kathryn Beus to waive the rules and approve the resolution; seconded by Councilmember Sandi Goodlander [1:31:50](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Kathryn Beus, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 1 Nolan Gunnell

12. Other Business [1:32:52](#)

a. January 2023 Building Permits

b. UDOT Region One 2023 STIP Workshop

c. UAC Building Utah Conference

d. UAC Management Conference

e. NACo WIR Conference

February 22, 2023 – 166 West Southwell Street, Ogden

April 4-5, 2023 – Dixie Convention Center, St. George

April 27-28, 2023 – Salt Palace Convention Center, SLC

May 17-19, 2023 – Washington County, St. George

13. Councilmember Reports [1:41:43](#)

David Erickson – Reported on tour of the animal shelter.

Kathryn Beus – Commented on tour of the jail facility.

Karl Ward – Reported on a meeting with the Clerk.

Barbara Tidwell – No report.

Sandi Goodlander – Reported on a tour of the jail facility.

Nolan Gunnell – Commented on Solid Waste Consortium.

Mark Hurd – Commented on meetings with the Sheriff's Department and complimented Cache County first responders.

14. EXECUTIVE SESSION -- Utah Code 52-4-205(1)(c) [1:46:42](#)

Discussion of pending or reasonably imminent litigation Utah Code 52-4-206(1)(e)

Discussion of the sale of real property

Action: Motion made by Councilmember Barbara Tidwell to move into Executive Session; seconded by Councilmember Nolan Gunnell

Motion passes.

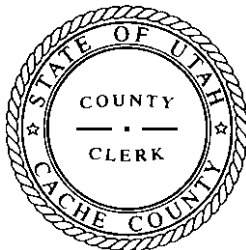
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Adjourn: approximately 6:45 PM

ATTEST: Jess W. Bradfield
County Clerk/Auditor

APPROVAL: David Erickson
Chair





CACHE COUNTY ORDINANCE No. 2023-08

AN ORDINANCE TO VACATE ALL THAT PORTION OF A CURRENTLY PLATTED RIGHT-OF-WAY BETWEEN BLOCK 13 & BLOCK 14, PLAT “B”, LOGAN ISLAND SURVEY, EXTENDING FROM THE NORTHERLY RIGHT-OF-WAY LINE OF 1100 SOUTH TO THE SOUTHERLY LINE OF PLAT “A”, LOGAN FARM SURVEY, LOCATED IN THE NW1/4 OF SECTION 8, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN.

A.WHEREAS, under Utah Code section 72-3-108(1), a county may, by ordinance, vacate a county road without petition; and

B.WHEREAS, the Cache County Council finds that good cause exists for vacation of the right-of-way described below and that neither the public interest nor any person will be materially injured by the vacation; and

C.WHEREAS, the Cache County Council has held a public hearing and given notice as required by law;

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

SECTION 1: VACATION OF RIGHT-OF-WAY

All that portion of a currently platted right-of-way between Block 13 & Block 14, Plat “B”, LOGAN ISLAND SURVEY, extending from the northerly right-of-way line of 1100 South to the southerly line of Plat “A”, LOGAN FARM SURVEY, located in the NW1/4 of Section 8, Township 11 North, Range 1 East, Salt Lake Base & Meridian, as attached and made part hereof in Exhibit “A”, is hereby vacated.

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 ____ DAY OF _____ 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander				
David Erickson				
Nolan Gunnell				
Barbara Tidwell				
Karl Ward				
Mark Hurd				
Kathryn Beus				
Total				

CACHE COUNTY:

By: _____
David Erickson, Chair

By: _____
David Zook, County Executive

ATTEST:

By: _____
Jess Bradfield, County Clerk / Auditor

Set a Public Hearing**Ordinance 2023-09 Geneva Rock Rezone**

Agenda request submitted by: Dirk Anderson, Interim Director – Forwarded from the
County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: February 28, 2023

Agenda Item Language: Set a public hearing on February 28, 2023 to be held on March 14, 2023, for Ordinance 2023-09 Geneva Rock Rezone – A request to approve the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres located northwest of SR 23 & 4800 West, near Newton.

Action: Planning Commission – Recommendation of Approval (6-yea; 0-nay)

Background: A request to approve the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres located northwest of SR 23 & 4800 West, near Newton. This rezone may allow the parcel to establish uses permitted in the ME Overlay Zone.

Fiscal Impact: N/A

Public Hearing Required: Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on 2 February 2023.

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

See attached for additional information.

County Staff Presenter: Tim Watkins, Planning Manager

Presentation Time: No additional staff presentation time is anticipated.

County Staff Point of Contact: Angie Zetterquist, County Planner

Legal Review: N/A

Ord 2023-09
Geneva Rock Rezone
Amending the Cache County Zoning Map by applying the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres of property in the Agricultural (A10) Zone.

County Council action

Set a public hearing on February 28, 2023, to be held on March 14, 2023.

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

Planning Commission action

Approval (6-yea; 0-nay).

Public hearing held on February 2, 2023.

Conclusion: Based on the findings of fact noted herein, the Geneva Rock 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 Mineral Extraction and Excavation (ME) Overlay Zone as identified under §17.08.050[A] of the Cache County Code as it:
 - a. Is located on property that has been identified as likely to contain areas of high resource potential of delta & shoreline deposits as identified on the County Sand and Gravel Resource Potential Map;
 - b. Allows for development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties; and,
 - c. The proposed overlay zone does not impact and is compatible with the adjoining existing gravel pit to the north.

Staff Report review by Development Services Planning Manager

Tim Watkins

Staff Report by County Planner

Angie Zetterquist

General Description

This ordinance amends the County Zoning Map by applying the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres in the Agricultural (A10) Zone.

Additional review materials included as part of Exhibit A

Staff Report to Planning Commission

Staff Report: Geneva Rock Rezone

2 February 2023

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: Geneva Rock

Parcel ID#: 13-017-0001, 13-018-0002

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:

Acres: 157.18

~SR 23 & 4800 West

Near Newton

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Mineral Extraction
and Excavation (ME)
Overlay

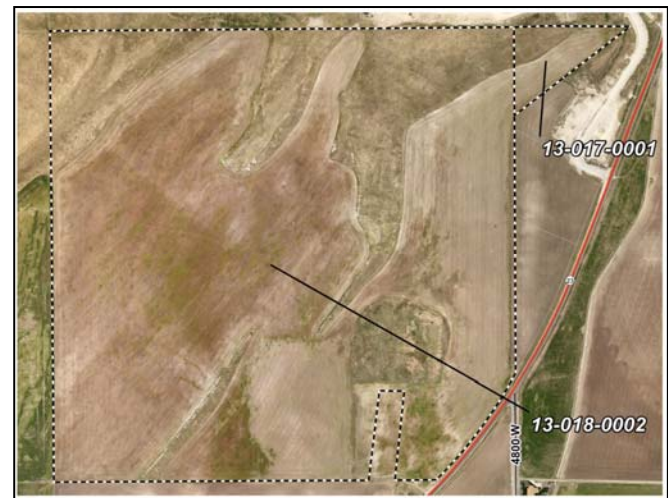
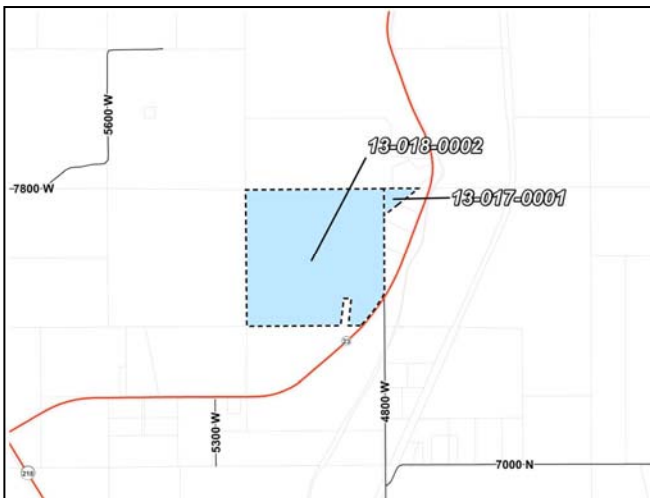
Surrounding Uses:

North – Gravel Pit (Parsons)

South – Agricultural

East – West Bend Subdivision/Agricultural

West – Agricultural



Findings of Fact

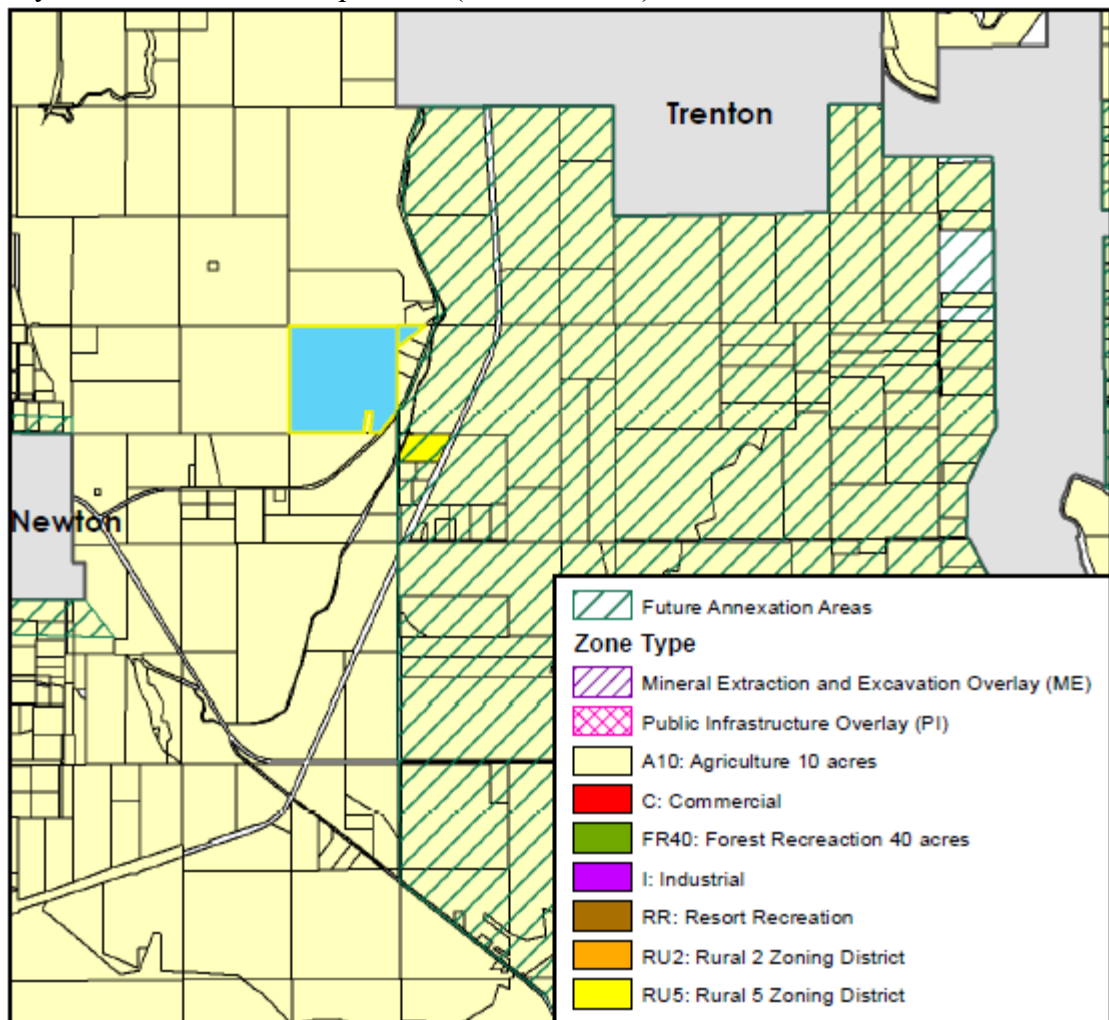
A. Request description

1. A request to approve the Mineral Extraction and Excavation (ME) Overlay zone to 157.18 acres in the Agricultural (A10) Zone.
2. This rezone may allow the parcel to establish uses permitted in the ME Overlay Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the ME Overlay Zone will be addressed as part of each respective approval process required prior to site development activities.

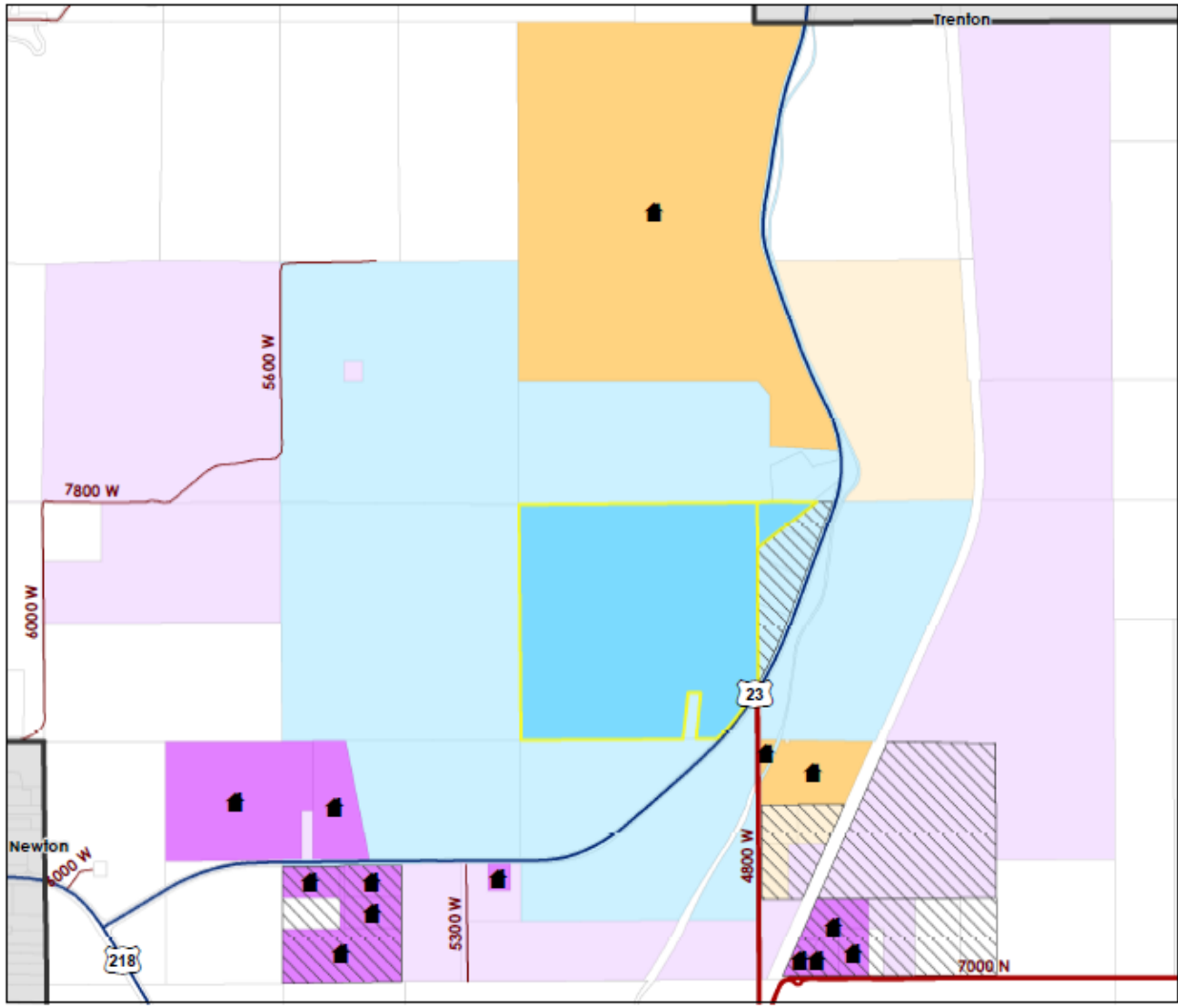
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

- i. Parcel status: The subject properties are legal as they are in the same size and configuration since August 8, 2006.
- ii. The Mineral Extraction and Excavation (ME) Overlay Zone allows mineral extraction (Use Type 6400) and topsoil extraction (Use Type 6410) with approval of a Conditional Use Permit. These use types are not permitted in any of the other base zoning districts.
- iii. The *Sand and Gravel Resource Potential Map* indicates the general area may contain delta & shoreline deposits (Attachment A).
- iv. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agricultural purposes, but a pre-1970 gravel pit (Jack B Parson Companies) is located immediately north of the subject properties, and the West Bend Subdivision, a 4-lot subdivision, is located immediately east of the subject properties. The subdivision was approved in 2005, even though the property was likely an old Newton landfill site, but has never been developed with residential structures and all 4 lots are owned by Staker & Parson Companies. (Attachment B).



v. Average Lot Size:



Average Parcel Size	
Adjacent Parcels	Without a Home: 43.9 Acres (20 Parcels)
1/4 Mile Buffer	With a Home: 96.9 Acres (3 Parcels)
	Without a Home: 39.7 Acres (25 Parcels)
1/2 Mile Buffer	With a Home: 28.8 Acres (14 Parcels)
	Without a Home: 42.1 Acres (41 Parcels)

- vi. Annexation Areas: The subject property is not located in a municipal future annexation area; the Trenton Town future annexation area is located on the east side of Highway 23.

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. County Land Use Code §17.08.050 [A] identifies the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:
 - a. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.
 - b. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.
6. Any impacts related to permitted and conditional uses allowed within the Mineral Extraction and Excavation (ME) Overlay 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. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
8. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
9. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
10. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
11. A basic review of the access to the subject property identifies the following:
 - a. Primary access to the subject property is from State Road 23, a UDOT facility.
12. SR-23:
 - a. Is an existing UDOT facility that is a main connection for Trenton to Newton to access SR-218 as well as providing access to some single family homes.
 - b. Is classified by UDOT as a Major Collector. Major Collectors in rural areas are typically designed to provide relatively high overall travel speeds, within minimum interference to through movement.
 - c. This section of SR-23 is also classified as an Access Category 4 and has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet. The frontage along SR-23 on the south-east section of the property from the intersection of 4800 West is approximately 672 feet based on GIS information.
 - d. Access to any future development will need approval from UDOT.

D. Service Provisions:

13. §16.04.080 [C] Fire Control – The County Fire District did not have any comments regarding the rezone request. Any potential future development will be reviewed and may require improvements depending on location and size. Plans must be submitted to the Fire Department for review and approval prior to construction.

14. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

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

15. Public notice was posted online to the Utah Public Notice Website on 20 January 2023.
16. Notices were posted in three public places on 20 January 2023.
17. Notices were mailed to all property owners within 300 feet on 20 January 2023.
18. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Staff Conclusion

The Geneva Rock Rezone, a request to approve the Mineral Extraction and Excavation (ME) Overlay Zone to 157.18 acres in the Agricultural (A10) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

Planning Commission Conclusion

Based on the findings of fact noted herein, the Geneva Rock 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 Mineral Extraction and Excavation (ME) Overlay Zone as identified under §17.08.050[A] of the Cache County Code as it:
 - a. Is located on property that has been identified as likely to contain areas of high resource potential of delta & shoreline deposits as identified on the County Sand and Gravel Resource Potential Map;
 - b. Allows for development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties; and,
 - c. The proposed overlay zone does not impact and is compatible with the adjoining existing gravel pit to the north



Set a Public Hearing

Ordinance 2023-10 Allen Property Rezone

Agenda request submitted by: Dirk Anderson, Interim Director – Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: February 28, 2023

Agenda Item Language: Set a public hearing on February 28, 2023 to be held on March 14, 2023, for Ordinance 2023-10 Allen Property Rezone – A request to rezone 5.12 acres at 11595 North Highway 91, near Richmond, from the Commercial (C) Zone to the Industrial (I) Zone.

Action: Planning Commission – Recommendation of Approval (6-yea; 0-nay)

Background: A request to rezone 5.12 acres at 11595 North Highway 91, near Richmond, from the Commercial (C) Zone to the Industrial (I) Zone. This rezone may allow the parcel to establish uses permitted in the Industrial (I) Zone.

Fiscal Impact: N/A

Public Hearing Required: Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on 2 February 2023.

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

See attached for additional information.

County Staff Presenter: Tim Watkins, Planning Manager

Presentation Time: No additional staff presentation time is anticipated.

County Staff Point of Contact: Angie Zetterquist, County Planner

Legal Review: N/A

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Set a public hearing on February 28, 2023, to be held on March 14, 2023.
If approved, the rezone will take effect 15 days from the date of approval.

Approval (6-yea; 0-nay).
Public hearing held on February 2, 2023.

1. The location of the subject property is compatible with the purpose of the Industrial (I) Zone as identified under §17.08.030[F] of the Cache County Code as it:
 - a. Allows for industrial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties;
 - b. Is consistent with the industrial zone to the south of the parcel; and
 - c. Has direct access to transportation facilities (i.e., Hwy 91, 11600 North, and the railroad) to support an industrial use.

Tim Watkins

Angie Zetterquist

This ordinance amends the County Zoning Map by rezoning 5.12 acres from the Commercial (C) Zone to the Industrial (I) Zone.

Staff Report to Planning Commission

Staff Report: Allen Property Rezone

2 February 2023

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: Kyle L. McMullin

Parcel ID#: 09-042-0010

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:

11595 North Highway 91
 Near Richmond

Acres: 5.12

Current Zoning:

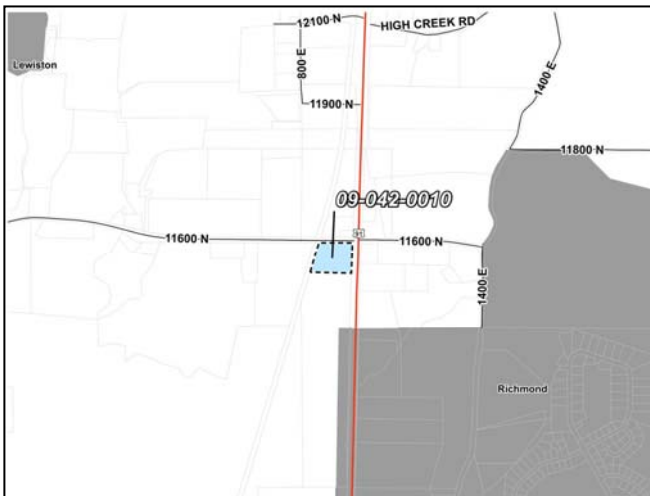
Commercial (C)

Proposed Zoning:

Industrial (I)

Surrounding Uses:

North – Residential/Agricultural
 South – Industrial/Richmond City
 East – Residential/Agricultural
 West – Agricultural/Railroad



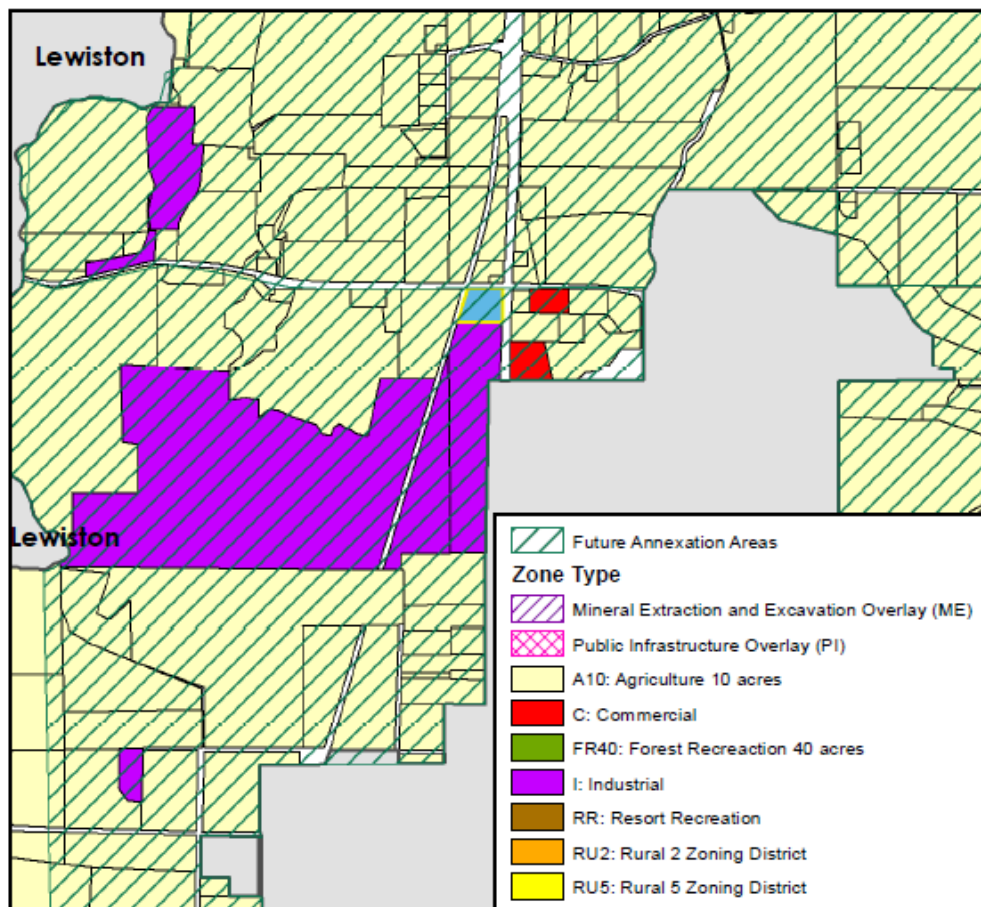
Findings of Fact

A. Request description

1. A request to rezone 5.12 acres from the Commercial (C) Zone to the Industrial (I) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Industrial (I) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the Industrial Zone will be addressed as part of each respective approval process required prior to site development activities.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

- i. **Parcel status:** The subject property is legal as it is in the same size and configuration since August 8, 2006. In 2007, the County Council approved a rezone (Ordinance #2007-18) on the subject property from the Agricultural (A10) Zone to the Commercial (C) Zone. At the time of the 2007 rezone request, the applicant stated their intention was to construct a storage facility for Pepperidge Farm, located immediately south of the subject parcel. Since the rezone was approved, no commercial development has been pursued on the property and no improvements have been made to the previously existing single-family dwelling and agricultural buildings.
- ii. **The Industrial (I) Zone** allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses, that are not permitted in the current Commercial (C) Zone:
 - General Manufacturing
 - Storage and Warehousing
 - Transport Services
 - Sexually-oriented Businesses
 - Crematorium
- iii. **Adjacent uses:** The properties adjacent to the subject rezone are primarily used for agricultural purposes with the exception of the industrial use (i.e., Campbell Snacks, Inc.) located immediately south of the subject property and the UDOT facility to the east. The Casper's ice cream facility is to the west, ~0.8 miles. (Attachment A).



- a. “To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well being of the citizens and to broaden the tax base.
 - b. 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. Any impacts related to permitted and conditional uses allowed within the Industrial (I) 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. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
8. §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.
9. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the Industrial Zone is 150 feet.
10. §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
11. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
12. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
13. A basic review of the access to the subject property identifies the following:
 - a. Primary access to the subject property is from Hwy 91, a UDOT facility, and 11600 North, a County road.
14. Hwy 91:
 - a. Is a UDOT road classified as a Major Collector.
 - b. Major Collectors in rural areas are typically designed to provide relatively high overall travel speeds, with minimum interference to through movement.
 - c. This portion of Hwy 91 is further classified by UDOT as an Access Category 4 with a minimum driveway spacing of 500 Feet and a minimum street spacing of 660 feet.
 - d. The frontage of the subject property along the highway is approximately 457 feet with the intersection of 11600 North on the north side.
 - e. Access for any future development off of Hwy 91 will require approval from UDOT.
15. 11600 North:
 - a. Is an existing county facility that provides through access from Hwy 91 into Lewiston, as well as providing access to multiple single-family homes, agricultural lands, and commercial/industrial properties.
 - b. Is classified as a Minor Collector.
 - c. Is paved and is approximately 24 feet wide.
 - d. Is maintained year-round.
 - e. Is considered substandard as follows:

Roadway Element	Existing Width (ft)	Minor Collector Standard Width (ft)	Comments or Findings
Right-of-Way	80	66	OK
Travel Lanes	20	22	Substandard
Paved Shoulder	2	4	Substandard
Gravel Shoulder	0	2	Substandard
Clear Zone (4:1)	0	12	Substandard
Material	Paved	Paved	OK
Structural	Visually OK		Visually OK

D. Service Provisions:

16. §16.04.080 [C] Fire Control – The County Fire District will require an adequate water supply and fire department access for future development in the Industrial (I) Zone.
17. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

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

18. Public notice was posted online to the Utah Public Notice Website on 20 January 2023.
19. Notices were posted in three public places on 20 January 2023.
20. Notices were mailed to all property owners within 300 feet and Richmond City on 20 January 2023.
21. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

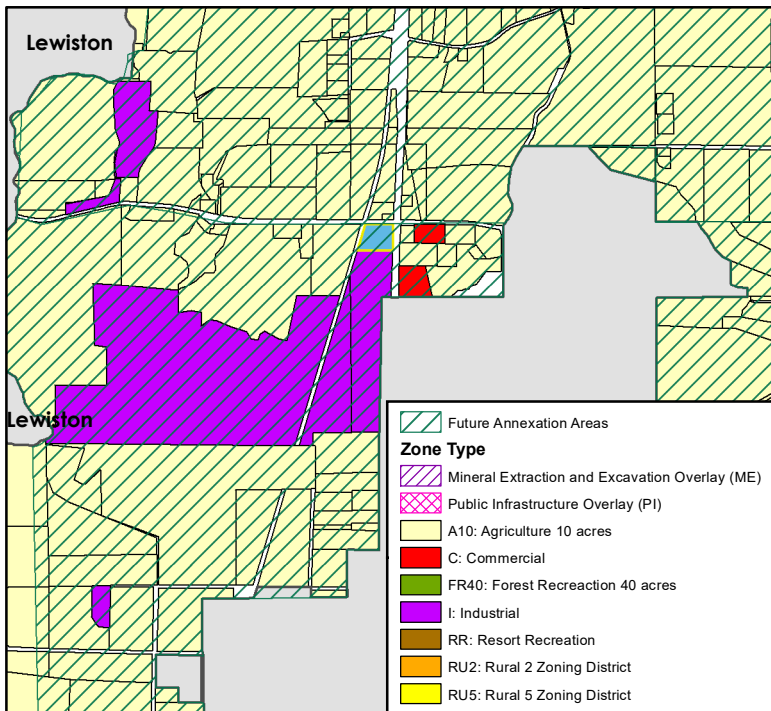
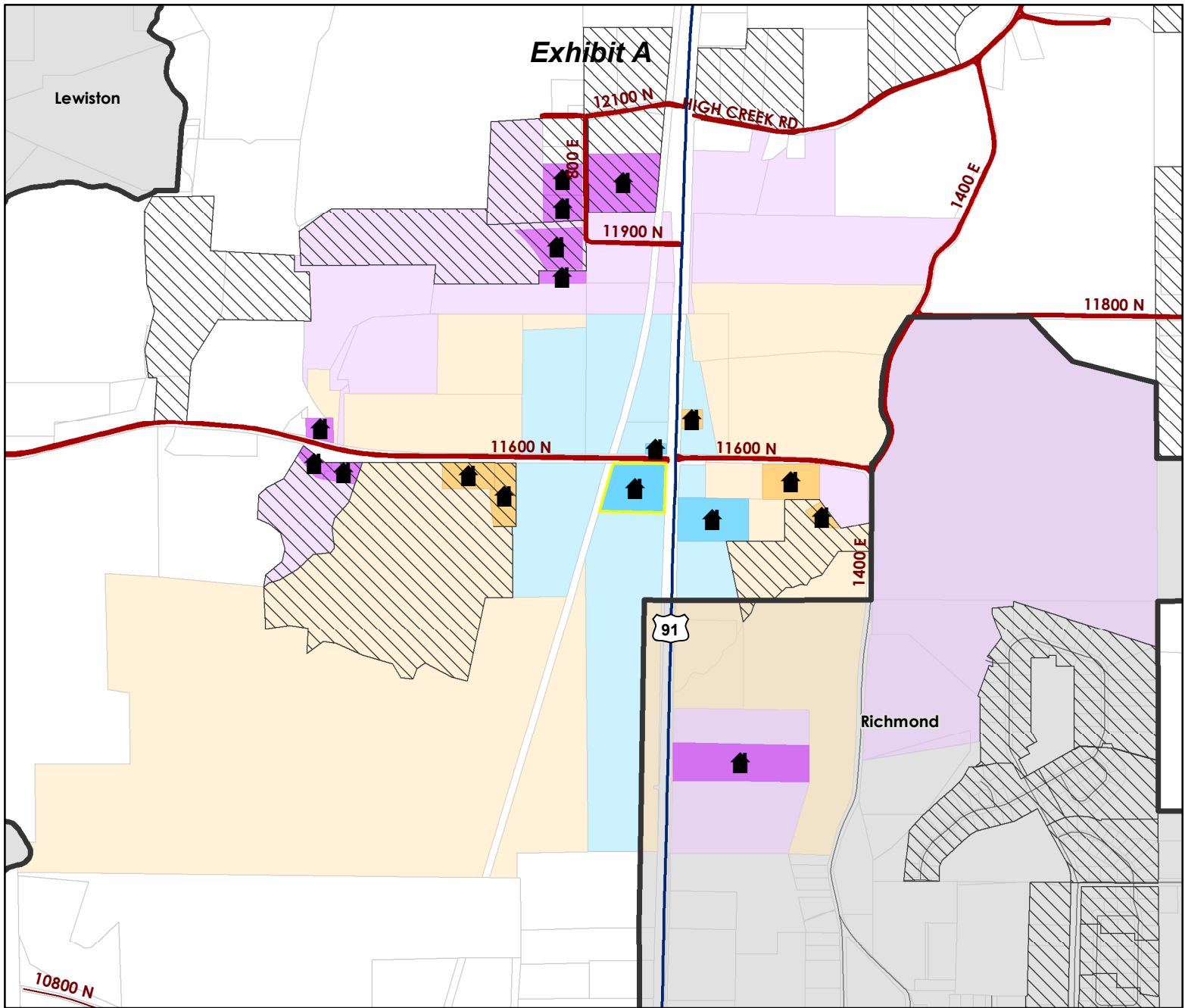
Staff Conclusion

The Allen Properties Storage Rezone, a request to rezone 5.12 acres from the Commercial (C) Zone to the Industrial (I) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

Planning Commission Conclusion

Based on the findings of fact noted herein, the Allen Property 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 Industrial (I) Zone as identified under §17.08.030[F] of the Cache County Code as it:
 - a. Allows for industrial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties;
 - b. Is consistent with the industrial zone to the south of the parcel; and
 - c. Has direct access to transportation facilities (i.e., Hwy 91, 11600 North, and the railroad) to support an industrial use



Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home: 3.9 Acres (3 Parcels)
	Without a Home: 13.6 Acres (8 Parcels)
1/4 Mile Buffer	With a Home: 2.9 Acres (8 Parcels)
	Without a Home: 28.1 Acres (20 Parcels)
1/2 Mile Buffer	Without a Home in Richmond City: 11.1 Acres (6 Parcels)
	With a Home: 2.8 Acres (16 Parcels)
	Without a Home: 20.1 Acres (36 Parcels)
	Without a Home in Richmond City: 25.3 Acres (11 Parcels)



1/11/2023

Ordinance No. 2023-05
Cache County, Utah
Comprehensive General Plan Amendment

An ordinance updating Cache County's General Plan as a comprehensive General Plan amendment as required by the adoption of Ord. 2023-05.

Whereas, the General Plan is to provide a vision of orderly growth to guide future development in the county unincorporated area while maintaining a regional perspective; and

Whereas, the General Plan is intended to recommend predictable future patterns of land use to help determine the need for future roadways, public facilities, and services needed to support anticipated growth, based on the capacity of the County and communities to provide services; and

Whereas, the General Plan is an advisory policy document to support the management of future growth and development of Cache County, and support decision-making by which all requests and proposals before the Planning Commission and County Council are measured; and

Whereas, companion documents to the General Plan include the Urban and Rural Area Assessment, the Cost of Services Plan, and the Regional Collaboration Plan, all of which have been developed simultaneously with the General Plan and are hereby adopted; and

Whereas, the General Plan will function alongside existing and future County policy plans including the Transportation Master Plan, Moderate Income Housing Plan, Resource Management Plan, Trails and Active Transportation Master Plan, South Corridor Development Plan, Airport Master Plan, and municipal plans; and

Whereas, the General Plan is based on public feedback gathered during the 'Imagine Cache' community engagement process and represents the expression of the community's public interest while protecting private interests; and

Whereas, the Planning Commission caused notice of a public hearing for the rezone to be advertised at least ten (10) days before the date of the public hearing on the Utah Public Notice Website and on the Cache County website as required under County Code Section 17.02.070: Notice for Public Meetings; and

Whereas, the Planning Commission held public hearings on August 4, 2022, September 1, 2022 (continued to November 3, 2022) and October 6, 2022, accepted all comments, and recommended the approval of the proposed amendments for a comprehensive General Plan update 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 General Plan and companion documents; and

Whereas, following proper notice, the County Council held public hearings on September 1, 2022, December 13, 2022, and February 14, 2023 to consider any comments regarding the proposed amendments. The County Council accepted all comments; and

Now, therefore, the County Legislative Body of Cache County ordains as follows:

1. Statutory Authority

The statutory authority for acting on this ordinance is Utah Code Annotated Sections 17-27a Part 4, Part 1 and Part 3, and 17-53 part 2 (1953, as amended to date).

2. Comprehensive Amendment to the General Plan

Amendments including but not limited to the attached Cache County General Plan (and Future Land Use Map), Regional Collaboration Plan, Urban and Rural Area Assessment and Cost of Services Plans.

3. Amends and Supersedes

This ordinance amends and supersedes the Cache County 'Countywide Comprehensive Plan' as adopted January 27, 1998, and supersedes all other prior ordinances, resolutions, policies, and actions of the County Legislative Body of Cache County 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.

4. Effect

The ordinance amendments will take effect no sooner than 15 days from the date of approval. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

Approved and Adopted this _____ day of _____, 2023.

	In Favor	Against	Abstained	Absent
Beus				
Erickson				
Goodlander				
Gunnell				
Hurd				
Tidwell				
Ward				
Total				

Cache County Council:

Attest:

Barbara Tidwell, Chair
Cache County Council

Jess Bradfield
Cache County Clerk

Publication Date: _____, 2023

This staff report is an analysis of the request 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 request. Additional information may be provided that supplements or amends this staff report.

Staff Report

February 28, 2023

Stokes Nature Center Annexation to Nibley City

Purpose

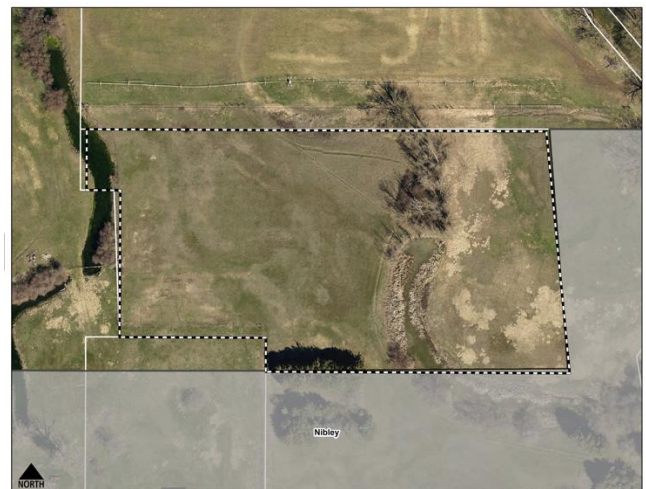
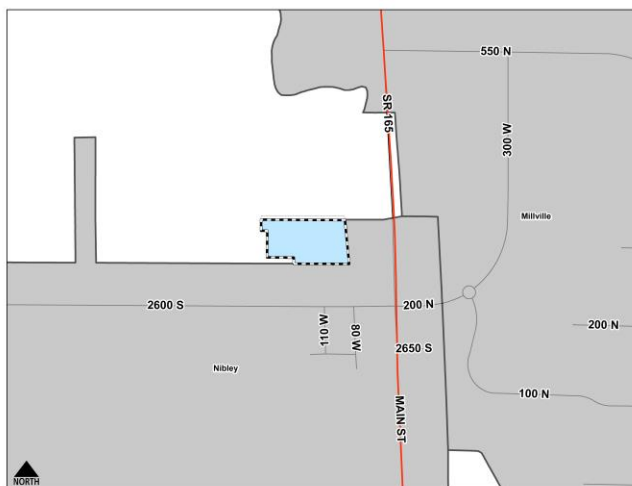
To review a petition (Attachment 1) submitted to the City of Nibley for the annexation of property from unincorporated Cache County to the City of Nibley, and then act to agree or disagree with the annexation request. If approved by the City, the proposed annexation will create an unincorporated peninsula. The remaining unincorporated peninsula requires that the County agree to the request for the annexation petition to move forward.

Property Information

Parcels for Annexation: A portion of parcel 03-004-0011

Total Acreage: ~5.1 acres

Contact Sponsor: Todd Holzman



Staff Recommendation

Staff recommends the Council agree to allow the unincorporated peninsula area resulting from the Stokes Nature Center to the City of Nibley.

Findings of Fact

A. Applicable Ordinance

1. Annexation of unincorporated property into a municipality is governed by State Code section 10-2, part 4 Annexation.
2. If approved the ~5.1 acre area proposed for annexation will result in an unincorporated peninsula area.
3. Utah Code sections 10-2-418-1-b and 10-2-402-1-b-iii-B require that unincorporated islands and peninsulas are not permitted unless agreed to by the county.
4. No formal action has been taken by the county to prohibit or agree to allow an unincorporated peninsula at this location.

B. Impacts to County Facilities

1. This annexation request would bring the remaining 5.1 acre portion of the 9.77 acre parcel (# 03-004-0011) into Nibley City. The southern 4.67 acre portion of this parcel is currently within the incorporated area of Nibley City with frontage onto 2600 West.
2. 2600 West is a minor arterial street within Nibley City limits.

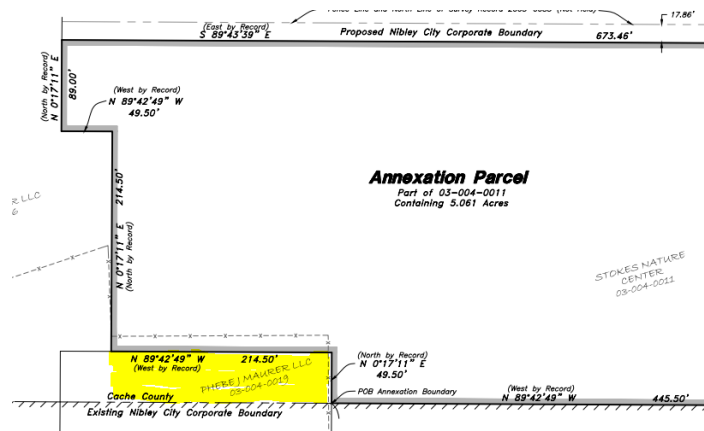
C. Possible Actions

1. Agree – Agree to allow the annexation to create an unincorporated peninsula area.
2. Disagree – Disagree with the annexation and resultant unincorporated peninsula area and formally protest the annexation request.

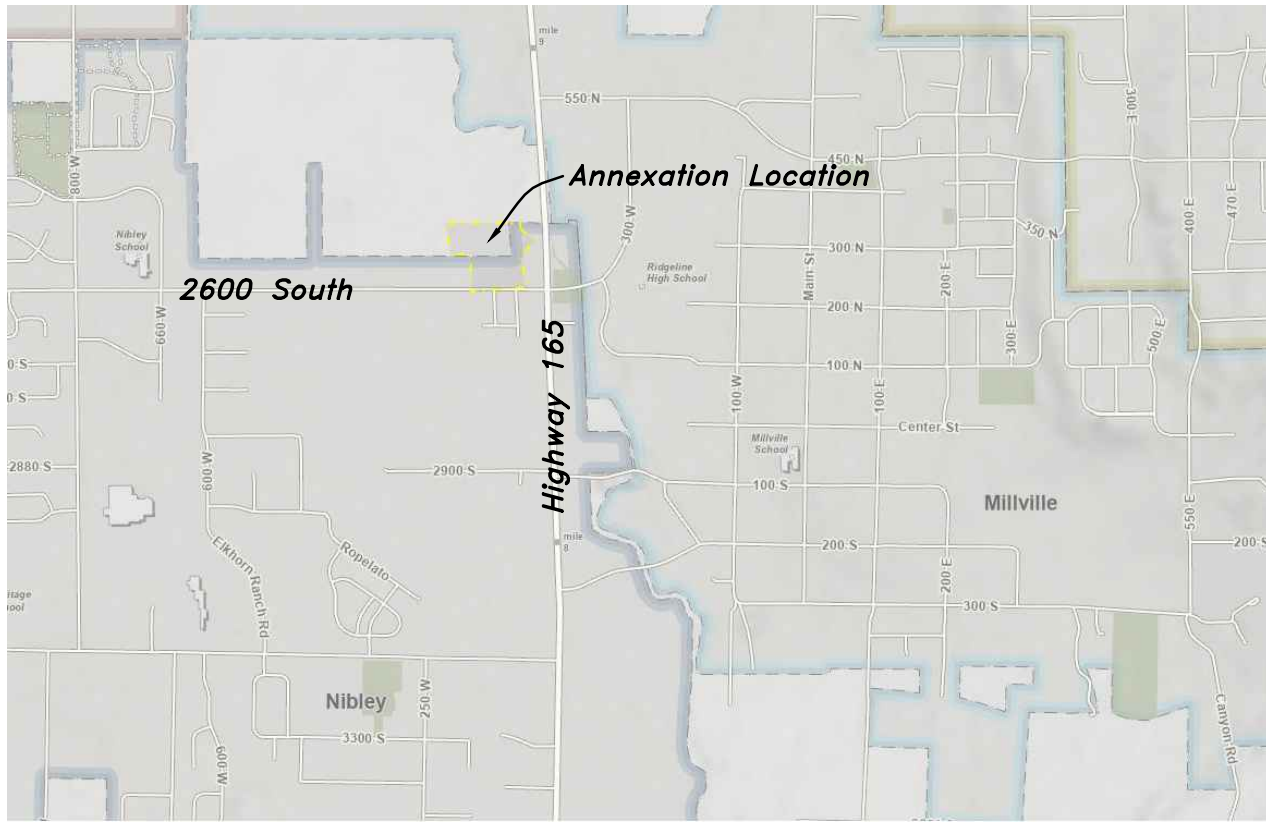
Conclusions

Based on the findings of fact noted herein, staff recommends that the County Council agree to allow an unincorporated peninsula area resulting from the Baker annexation to the City of Hyde Park as:

1. The County Council is the county legislative body of Cache County.
2. There are no increased impacts to County facilities.
3. The owner of this property could petition to annex into Nibley City for future development to remove the peninsula.



(Left) The remaining peninsula resulting from the annexation of the northern portion of parcel 03-004-0011 is highlighted. This peninsula is not believed to create increased impacts to County facilities.



VICINITY MAP - NO SCALE

NATURE CENTER BOUNDARY POST ANNEXATION DESCRIPTION

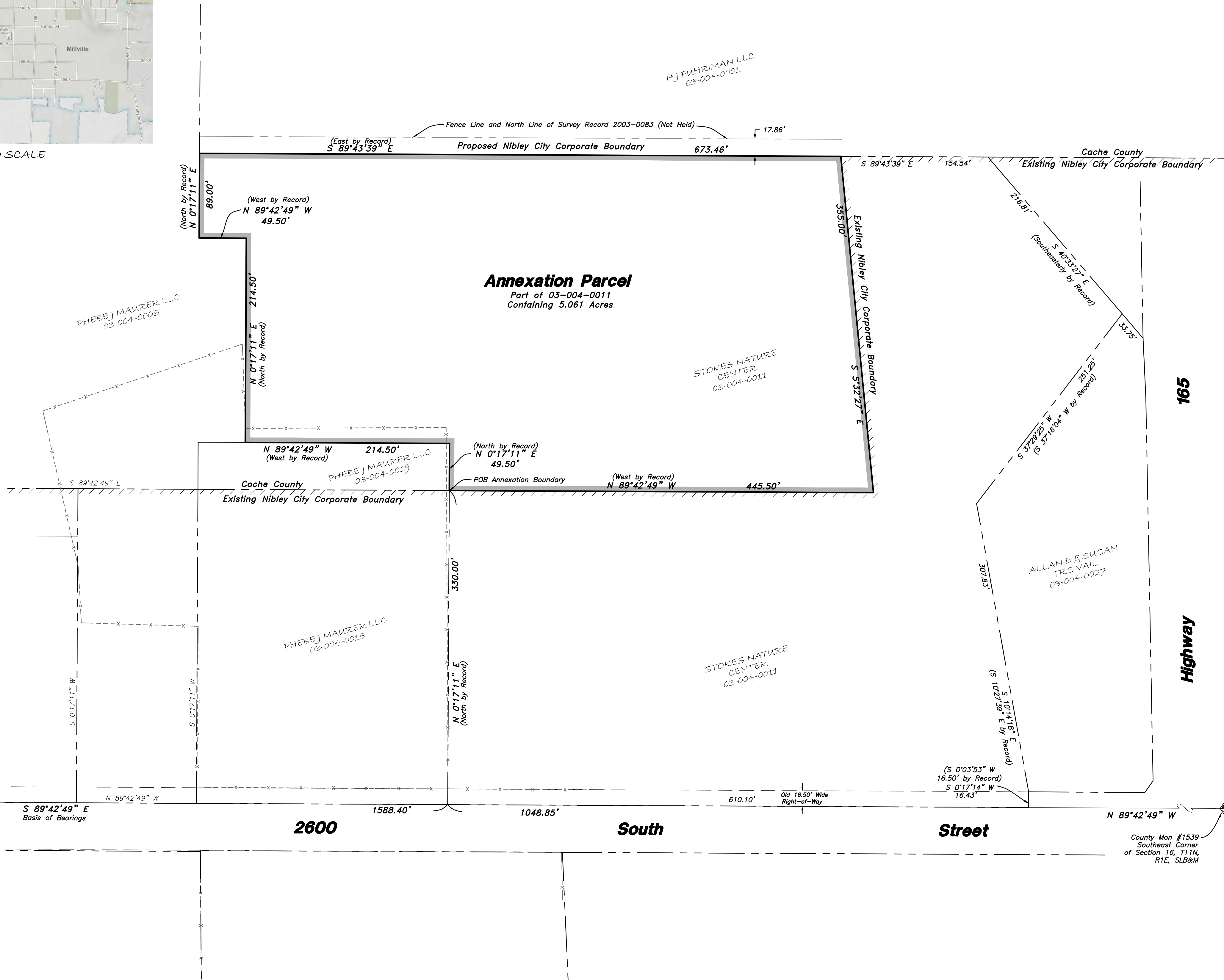
A Part of the Southeast Quarter of Section 16, Township 11 North, Range 1 East of the Salt Lake Base and Meridian. The Basis of Bearings is the Utah Coordinate System 1983 North Zone.

Beginning on the South Line of said Southeast Quarter at a Point Located 1588.40 Feet South 89°42'49" East (East by Record) Along said South Line of said Southeast Quarter from the the Southwest Corner of said Southeast Quarter and RUNNING THENCE North 00°17'11" East (North by Record) 379.50 Feet; Thence; Thence North 89°42'49" West (West by Record) 214.50 Feet; Thence North 00°17'11" East (North by Record) 214.50 Feet; Thence North 89°42'49" West (West by Record) 49.50 Feet; Thence North 00°17'11" East (North by Record) 89.00 Feet; Thence South 89°43'39" East (East by Record) 828.00 Feet; Thence South 40°33'27" East (Southeasterly by Record) 216.81 Feet; Thence South 37°29'25" West (South 37°29'25" West by Record) 251.25 Feet; Thence South 10°14'18" East (South 10°14'18" East by Record) 307.83 Feet; Thence South 00°17'14" West (South 00°17'14" West by Record) 16.43 Feet (South 00°03'53" West 16.50 Feet by Record) to said South Quarter Section Line; Thence North 89°42'49" West (West by Record) 610.10 Feet Along said South Line to the Point of Beginning. Containing 11.153 Acres.

County Mon #1538
South Quarter Corner
of Section 16, T11N,
R1E, SLB&M



Scale: 1" = 60'
0 60' 120'
Scale in Feet



STOKES NATURE CENTER ADDITION TO

Nibley City
CACHE COUNTY, UTAH
NOVEMBER 28TH, 2022

ANNEXATION BOUNDARY DESCRIPTION

A Part of the Southeast Quarter of Section 16, Township 11 North, Range 1 East of the Salt Lake Base and Meridian. The Basis of Bearings is the Utah Coordinate System 1983 North Zone.

Beginning on the Existing Nibley City Corporate Boundary Line at a Point Located 1588.40 Feet South 89°42'49" East (East by Record) Along the South Line of said Southeast Quarter and 330.00 Feet North 00°17'11" East (North by Record) from the the Southwest Corner of said Southeast Quarter and RUNNING THENCE North 00°17'11" East (North by Record) 49.50 Feet; Thence North 89°42'49" West (West by Record) 214.50 Feet; Thence North 00°17'11" East (North by Record) 214.50 Feet; Thence North 89°42'49" West (West by Record) 49.50 Feet; Thence North 00°17'11" East (North by Record) 89.00 Feet; Thence South 89°43'39" East (East by Record) 673.46 Feet to the Intersection with said Nibley City Corporate Boundary Line; Thence Along said Corporate Boundary Line the Following Two (2) Courses: (1) South 05°32'27" East 355.00 Feet; (2) North 89°42'49" West (West by Record) 445.50 Feet to the Point of Beginning. Containing 5.061 Acres.

ACCEPTANCE BY LEGISLATIVE BODY

This is to certify that we, the City Council of Nibley City, Cache County, Utah have received a petition signed by a majority of the owners and the owners of at least one third in value of real property shown, requesting that said areas be annexed to the City of Nibley, Cache County, Utah and that a copy of the ordinance or resolution has been prepared for filing herewith in accordance with the provisions of Utah Code and that we have examined and do hereby approve and accept the annexation of the areas as shown as a part of Nibley City, Utah.

Witness my hand and official seal this _____ day of _____, 20____.

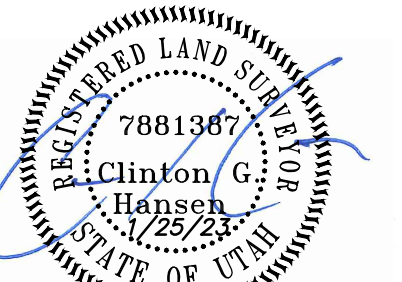
Approved: _____ Mayor _____ City Recorder

SURVEYOR'S CERTIFICATE

I, Clinton G. Hansen, do Hereby Certify that I am a Registered Professional Land Surveyor in the State of Utah in Accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Act; and I Have Completed a Survey of the Property Described on this Plat, created November 28th, 2022, in Accordance with Section 17-23-17 and have Verified all Measurements, and have Placed Monuments as Represented on this Plat, and that this is a true and accurate map of the tract of land to be annexed to Nibley City, Cache County, Utah.

Signed this 25th day of January, 2023.

Clinton G. Hansen P.L.S.
Utah Land Surveyor Licence No. 7881387



COUNTY SURVEYOR'S APPROVAL

This plat has been reviewed by the county surveyor and is hereby approved as a final local entity plat, pursuant to Utah code annotated 17-23-20.

Deputy County Surveyor

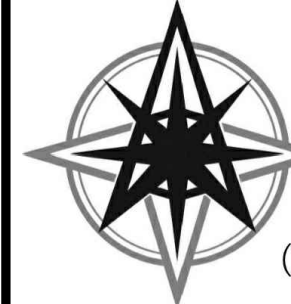
Date

LEGEND

Existing Corporate Boundary
Proposed Corporate Boundary
Property Line
Fence Line
Section Corner
Found Survey Point

NARRATIVE

The purpose of this survey was to annex the boundary described into Nibley City. The survey was ordered by Kendra Penry of Stokes Nature Center. The control used to establish the annexation boundary was survey record 2021-0199 and 2003-0083. The survey is located in the Southeast Quarter of Section 16, Township 11 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearings is the South line of said Southeast Quarter, which bears South 89°42'49" East, Utah Coordinate System 1983 North Zone.



ADVANCED
LAND SURVEYING INC
1770 Research Park Way #111
Logan Utah 84341
(p) 435-770-1585 (f) 435-514-5883
www.advancedlsi.com

COUNTY RECORDER'S NUMBER

State of Utah, County of Cache, Recorded and Filed at the Request of _____

Date _____ Time _____ Fee _____

Abstracted _____

Index _____
Filed in: File of Plats

County Recorder