

CACHE 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



199 NORTH MAIN STREET
LOGAN, UT 84321

435-755-1840
www.cachecounty.org

PUBLIC NOTICE is hereby given that the County Council of Cache County, Utah will hold 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, AUGUST 8, 2023**

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

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

AGENDA

COUNCIL MEETING

5:00 p.m.

1. **CALL TO ORDER**
2. **OPENING** – Councilmember Kathryn Beus
3. **REVIEW AND APPROVAL OF AGENDA**
4. **REVIEW AND APPROVAL OF MINUTES** (July 25, 2023; August 1, 2023)
5. **REPORT OF COUNTY EXECUTIVE**
 - a. **Appointments:**
 - b. **Financial Reports:**
 - c. **Other Items:**
6. **ITEMS OF SPECIAL INTEREST**
7. **DEPARTMENT OR COMMITTEE REPORTS**

5:30 p.m.

(Estimated)

8. **PUBLIC HEARINGS**
 - a. **Set Public Hearing for August 22, 2023 – 2023 COG Project – 10600 N near Richmond**
A public hearing for COG application for 2023 COG funds for the reconstruction of 10600 N near Richmond.
 - b. **Set Public Hearing for August 22, 2023 – 2023 COG Project – 1000 S near Mendon**
A public hearing for COG application for 2023 COG funds for the reconstruction of 1000 S near Mendon
 - c. **Set Public Hearing for August 22, 2023 – Ordinance 2023-30 – Amending Title 16 and Title 17 Regarding Developable Acreage and Sensitive Areas Definitions, Standards and Applicable Subdivision Requirements**
 - d. **Set Public Hearing for August 22, 2023 – Resolution 2023-11 – Opening the 2023 Budget**
 - e. **Public Hearing – Ordinance 2023-27 – Esperanza Estates Rezone**
A request to rezone 42 acres located at 3210-3300 West 6800 South, near Wellsville, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. Planning Commission recommended denial.
 - f. **Public Hearing – Ordinance 2023-28 – Graham Addition Rezone**
A request to rezone ~125 acres located at 11432 North 2300 East, near Richmond, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone. Planning Commission recommended denial.

9. **PENDING ACTION**

- a. ***Ordinance 2023-25*** **Amending the Definition and Standards Associated with Accessory Apartments to Comply with Recent Changes in State Code**

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

- a. ***Ordinance 2023-27*** **Esperanza Estates Rezone**
A request to rezone 42 acres located at 3210-3300 West 6800 South, near Wellsville, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. Planning Commission recommended denial
- b. ***Ordinance 2023-28*** **Graham Addition Rezone**
A request to rezone ~125 acres located at 11432 North 2300 East, near Richmond, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone. Planning Commission recommended denial.
- c. ***Resolution 2023-12*** **A Resolution Consenting to the 1400 North Main Community Reinvestment Project Area Budget**
- d. ***Resolution 2023-09*** **A Resolution Amending the Organic Act for the Government of Cache County**
- e. ***Ordinance 2023-29*** **Financial Administration Amendments**
- f. ***Resolution 2023-10*** **A Resolution Authorizing a Reduction in Force for Cache County**

11. **OTHER BUSINESS**

- a. **Providence Sauerkraut Days Parade** *August 17, 2023 at 5:00 pm*
Kathryn, David Z.
- b. **Wellsville Founders Day Parade** *Sept. 4, 2023*
- c. **USACCC Fall Conference** *Sept. 7-8, 2023 at Ruby's Inn*
Sandi, Dave E., Barbara, Karl, Mark, Kathryn

12. **COUNCIL MEMBER REPORTS**

13. **EXECUTIVE SESSION – Utah Code 52-4-205(1)(d) – Strategy Session to Discuss the Purchase, Exchange or Lease of Real Property**

14. **ADJOURN**



David L. Erickson, Chair

CACHE COUNTY COUNCIL

July 25, 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 Sandi Goodlander, Councilmember Mark Hurd, Councilmember Karl Ward, Councilmember Nolan Gunnell

MEMEBERS EXCUSED: Councilmember Kathryn Beus

STAFF PRESENT: County Executive David Zook, Chief Deputy Executive Dirk Anderson, Attorney Dane Murray, Clerk/Auditor David Benson, Sheriff Chad Jensen, Bartt Nelson, Alma Burgess, Nathan Argyle, Micah Safsten, Amy Adams, Tim Watkins, Rod Hammer

OTHER ATTENDANCE: Chris M. Kuester, JoAnn Bennet, Ed Kovarik, Dean Walkup, Danny Mijo, Brad Allen

Council Meeting

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

2. Opening Remarks and Pledge of Allegiance – Councilmember Karl Ward [0:14](#)

3. Review and Approval of Agenda APPROVED [1:43](#)

Action: Motion made by Councilmember Nolan Gunnell to approve the agenda; seconded by Councilmember Barbara Tidwell
Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Absent: 1 Kathryn Beus

4. Review and Approval of Minutes APPROVED [1:53](#)

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

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Absent: 1 Kathryn Beus

5. Report of the County Executive [2:14](#)

A report from County Executive David Zook.

6. Items of Special Interest [6:35](#)

a. Request for new position of Special Investigator in the Attorney's Office – Dane Murray [6:46](#)

b. Approval of Budget Committee Plan for outside entities to receive ARPA Funds – Alma Burgess [11:07](#) ([2:00:28](#))

Action: Motion made by Councilmember Sandi Goodlander to amend the nonprofits section of the plan; seconded by Councilmember Mark Hurd

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Absent: 1 Kathryn Beus

Action: Motion made by Councilmember Sandi Goodlander to pass section 6b-1 as amended; seconded by Councilmember Karl Ward

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Absent: 1 Kathryn Beus

Action: Motion made by Councilmember Mark Hurd to approve the position for a Special Investigator; seconded by Councilmember Barbara Tidwell

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Absent: 1 Kathryn Beus

7. Department or Committee Reports

8. Public Hearings [31:36](#)

a. Set Public Hearing for August 8, 2023 – Ordinance 2023-27 – Esperance Estates Rezone [31:42](#)

A request to rezone 42 acres located at 3210-3300 West 6800 South, near Wellsville, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. Planning Commission recommended denial.

Action: See action for item 8b.

b. Set Public Hearing for August 8, 2023 – Ordinance 2023-28 – Graham Addition Rezone

A request to rezone ~125 acres located at 11432 North 2300 East, near Richmond, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone. Planning Commission recommended denial.

Action: Motion made by Councilmember Nolan Gunnell to set the public hearings for Ordinance 2023-27 and Ordinance 2023-28 for August 8, 2023; seconded by Councilmember Barbara Tidwell [31:49](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Absent: 1 Kathryn Beus

c. Public Hearing – Ordinance 2023-25 [32:29](#)

Amending the Definition and Standards Associated with Accessory Apartments to Comply with Recent Changes in State Code

Discussion: Stephen Nelson spoke to the ordinance and responded to councilmember questions [32:56](#). Chris Kuester spoke [1:09:14](#). Rod Hammer spoke [1:15:21](#). Councilmember discussion [1:21:23](#).

Action: Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Nolan Gunnell [1:15:08](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Absent: 1 Kathryn Beus

d. Public Hearing – Ordinance 2023-26 [1:32:52](#)

Amending 17.10 Development Standards Specific to Industrial (I) Zone Development for Agricultural Processing Facilities Specific to Food Production

Discussion: Stephen Nelson spoke to the ordinance [1:33:11](#). Ed Kovarik spoke [1:44:04](#). Councilmember discussion [1:46:41](#).

Action: Motion made by Councilmember Karl Ward to close the public hearing; seconded by Councilmember Nolan Gunnell [1:46:28](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Absent: 1 Kathryn Beus

9. Pending Action [1:49:39](#)

a. Ordinance 2023-22 8479 Rezone [1:49:44](#)

A request to rezone 8.37 acres located at 8479 N Hwy 91, between Richmond and Smithfield, from the Agricultural (A10) Zone to the Rural (RU2) Zone

Discussion:

Action: Motion made by Councilmember Karl Ward to approve the ordinance; no second [1:49:51](#)

Motion fails.

Action: Motion made by Councilmember Nolan Gunnell to deny the rezone request; seconded by Councilmember Sandi Goodlander [1:50:07](#)

Motion passes.

Aye: 5 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd

Nay: 1 Karl Ward

Absent: 1 Kathryn Beus

10. Initial Proposals for Consideration of Action [1:51:04](#)

a. Hardman Annexation Plan [1:54:20](#)

Review a potential annexation petition to the City of Mendon for the annexation of ~14.29 acres of property, and then act to agree or disagree with the annexation request

Discussion: Stephen Nelson spoke to the annexation plan [1:54:48](#).

b. Ordinance 2023-25

Amending the Definition and Standards Associated with Accessory Apartments to Comply with Recent Changes in State Code

c. Ordinance 2023-26 [1:51:10](#)

Amending 17.10 Development Standards Specific to Industrial (I) Zone Development for Agricultural Processing Facilities Specific to Food Production

Discussion: Chair David Erickson spoke to the ordinance [1:52:33](#).

Action: Motion made by Councilmember Nolan Gunnell to waive the rules and approve the ordinance; seconded by Councilmember Barbara Tidwell [1:51:54](#)

Motion passes.

Aye: 6 David Erickson, Barbara Tidwell, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Absent: 1 Kathryn Beus

11. Other Business [2:10:24](#)

a. Providence Sauerkraut Days Parade

August 17, 2023 at 5:00 pm

b. USACCC Fall Conference

Sept. 7-8, 2023 at Ruby's Inn

c. Treasurer's June Reconciliation Report

12. Councilmember Reports [2:11:32](#)

David Erickson – Spoke about drainage district appointments and new finance software.

Sandi Goodlander – Spoke about the commissioner of the Great Salt Lake.

Karl Ward – No report.

Barbara Tidwell – Recognized and thanked the County Sheriff's and Attorney's offices.

Mark Hurd – Reported on a Library Board meeting.

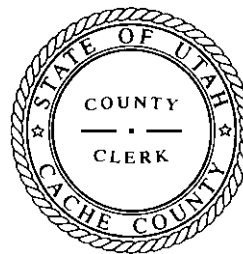
Nolan Gunnell – Spoke about and thanked the Development Services department.

Kathryn Beus – Excused.

Adjourn: approximately 7:20 PM

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: David Benson, Clerk
Cache County



CACHE COUNTY COUNCIL

August 1, 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 Karl Ward, Councilmember Sandi Goodlander, Councilmember Kathryn Beus, Councilmember Nolan Gunnell, Councilmember Mark Hurd

MEMEBERS EXCUSED:

STAFF PRESENT: County Executive David Zook, Chief Deputy Executive Dirk Anderson, Clerk David Benson, Attorney Dane Murray, Human Resources Director Amy Adams, Scott Bodily, Micah Safsten

OTHER ATTENDENCE:

Council Meeting

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

2. Executive Session – Utah Code 52-4-205(1)(a)

Discussion of the character, professional competence, or physical or mental health of an individual

Action: Motion made by Councilmember Karl Ward to move into Executive Session; seconded by Councilmember Barbara Tidwell

Motion passes.

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

Nay: 0

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

Motion passes.

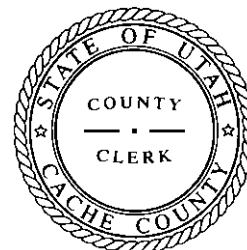
Aye: 7 David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward

Nay: 0

Adjourn: 9:35 PM

APPROVAL: David Erickson, Chair
Cache County Council

ATTEST: David Benson, Clerk
Cache County





Cache
County
1857

County Council Meeting Memorandum

Submitter:

Matt Phillips

Department:

Public Works

Requested Meeting Date:

August 8, 2023 and August 22, 2023

Agenda Item Language (August 8 meeting):

PUBLIC HEARINGS

Set Public Hearing for August 22, 2023 – 2023 COG Project – 10600 N near Richmond:

A public hearing for COG application for 2023 COG funds for the reconstruction of 10600 N near Richmond.

Agenda Item Language (August 22 meeting):

PUBLIC HEARINGS

Public Hearing – 2023 COG Project – 106000 N near Richmond:

A public hearing for COG application for 2023 COG funds for the reconstruction of 10600 N near Richmond.

Recommendation: At the August 8, 2023 council meeting set the public hearing for August 22, 2023. At the August 22, 2023 meeting hold the public hearing. No action is required from the County Council.

Background: In April 2023, the Council of Governments (COG) amended their Transportation Fund Program Manual to require Public Hearings for all Jurisdiction's involved in Multi-Jurisdictional projects. Multi-jurisdictional projects are projects that involve right-of-ways that are under different jurisdictions. This requirement applies to all jurisdictions even if they have no financial responsibility. The intent behind this policy change was to allow citizens to voice support or objection to their local governing body instead of the sponsoring jurisdictions governing body.

Fiscal Impact: None

Public Hearing Required: Yes, a public hearing is required by the COG.

Presenter Name: Matt Phillips, Public Works Director

Presentation Time: Less than 5 minutes prior to the Public Hearing being held.

Point of Contact: Matt Phillips

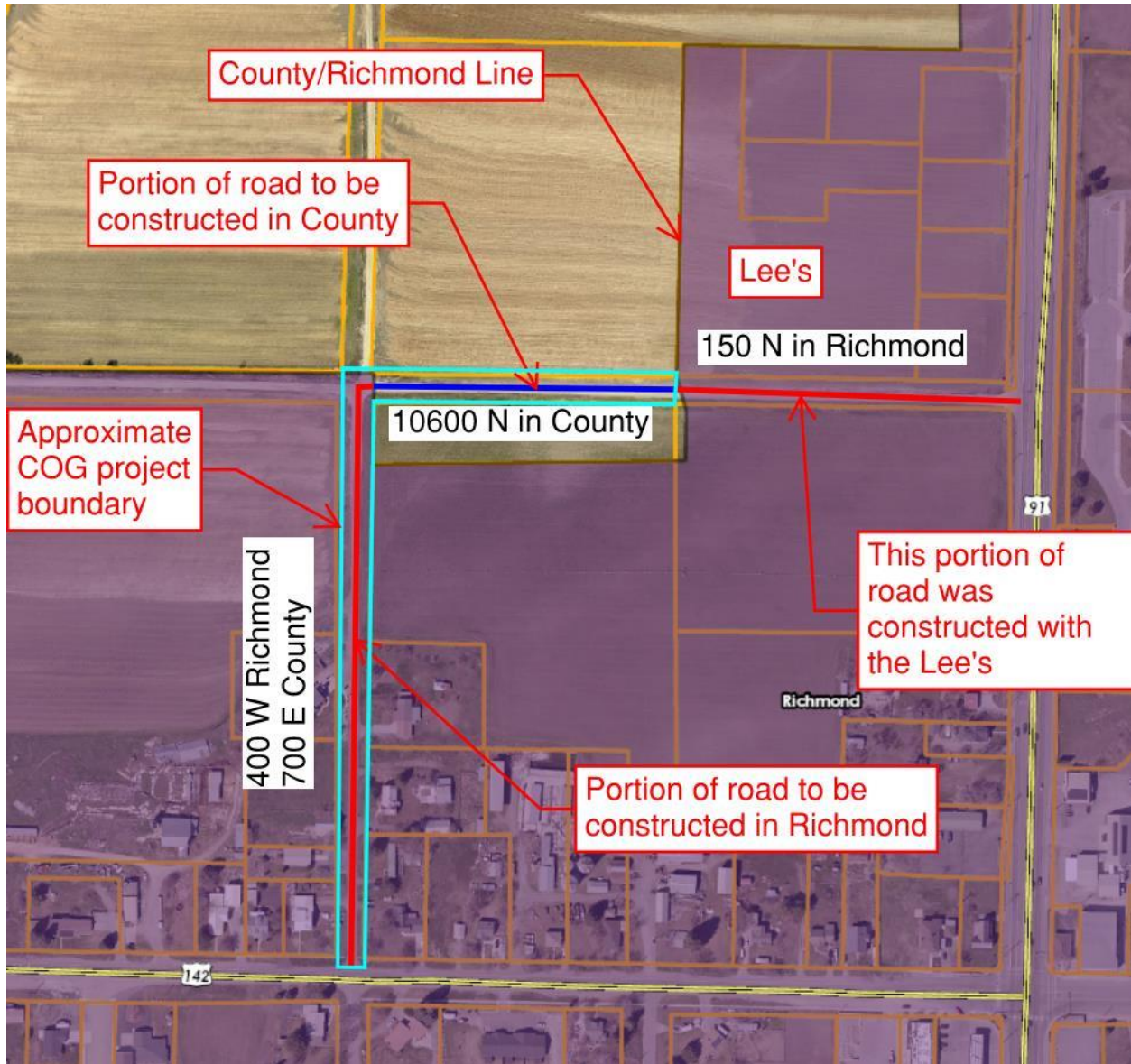


Cache
County
1857

County Council Meeting Memorandum

Legal Review: N/A

Location and Project Map For 2023 COG Project -10600 N Near Richmond





Cache
County
1857

County Council Meeting Memorandum

Submitter:

Matt Phillips

Department:

Public Works

Requested Meeting Date:

August 8, 2023 and August 22, 2023

Agenda Item Language (August 8 meeting):

PUBLIC HEARINGS

Set Public Hearing for August 22, 2023 – 2023 COG Project – 1000 S near Mendon:

A public hearing for COG application for 2023 COG funds for the reconstruction of 1000 S near Mendon.

Agenda Item Language (August 22 meeting):

PUBLIC HEARINGS

Public Hearing – 2023 COG Project – 1000 S near Mendon:

A public hearing for COG application for 2023 COG funds for the reconstruction of 1000 S near Mendon.

Recommendation: At the August 8, 2023 council meeting set the public hearing for August 22, 2023. At the August 22, 2023 meeting hold the public hearing. No action is required from the County Council.

Background: In April 2023, the Council of Governments (COG) amended their Transportation Fund Program Manual to require Public Hearings for all Jurisdiction's involved in Multi-Jurisdictional projects. Multi-jurisdictional projects are projects that involve right-of-ways that are under different jurisdictions. This requirement applies to all jurisdictions even if they have no financial responsibility. The intent behind this policy change was to allow citizens to voice support or objection to their local governing body instead of the sponsoring jurisdictions governing body.

Fiscal Impact: None

Public Hearing Required: Yes, a public hearing is required by the COG.

Presenter Name: Matt Phillips, Public Works Director

Presentation Time: Less than 5 minutes prior to the Public Hearing being held.

Point of Contact: Matt Phillips

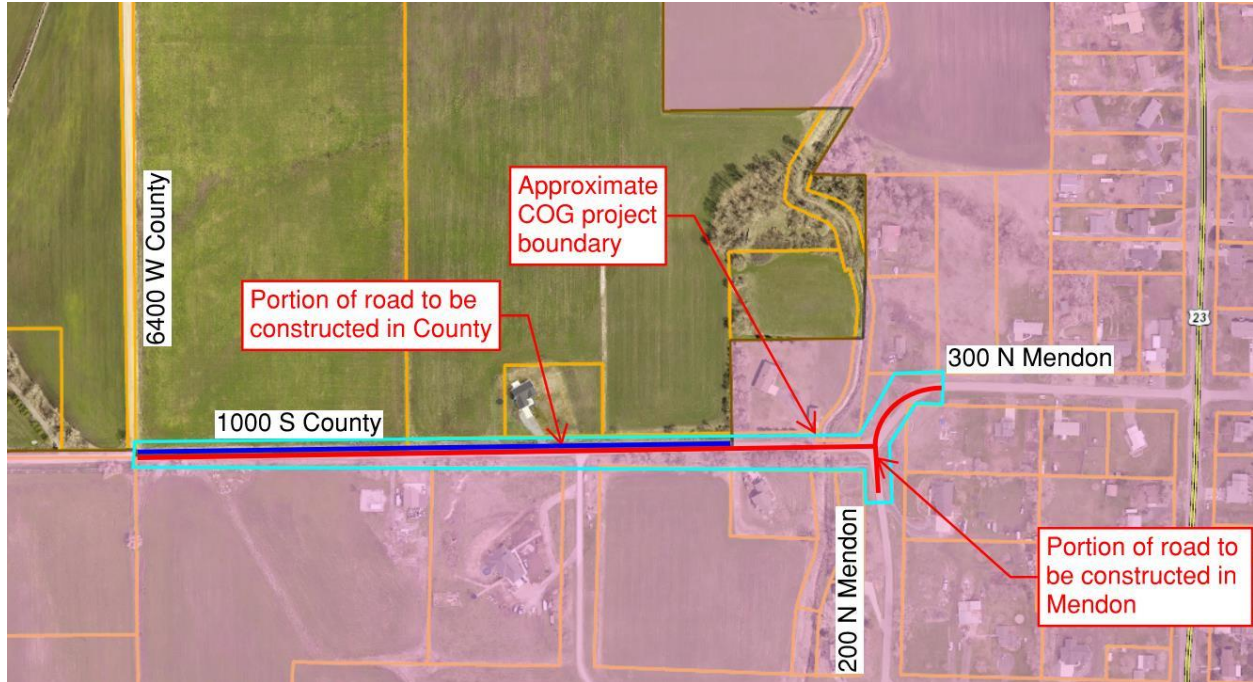


Cache
County
1857

County Council Meeting Memorandum

Legal Review: N/A

Location and Project Map For 2023 COG Project – 1000 S Near Mendon





Hold a Public Hearing

Ordinance 2023-30 Amending Title 16 and Title 17 re: Developable Acreage & Sensitive Areas Definitions, Standards and Applicable Subdivision Requirements

Agenda request submitted by: Stephen Nelson, Director - Forwarded from the County Planning Commission
Assisting Department: Development Services
Requested Council meeting date: August 22, 2023

Agenda Item Language: Public Hearing for August 22, 2023, at 5:30 PM for Ordinance 2023-30 Amendments to Title 16 and Title 17 to update definitions and requirements related to general definitions of “Developable Acreage” and “Sensitive Areas - Nondevelopable” for determining subdivision density, and to define standards for private roads, utilities and exceptions for structures in geologically sensitive areas.

Planning Commission Recommendation: Approval: 7-yea; 0-nay, August 8, 2023.

Background: Amendments proposed to §17.07.040 General Definitions - Developable Acreage & Sensitive Areas Non-Developable; §17.18 - Sensitive Areas; §16.02.060 Cluster Subdivision Option, and other potentially applicable sections of County Code: A staff request to amend the definition for “Developable Acreage” to allow sensitive areas currently listed as “nondevelopable” to be included as developable acreage for the purposes of determining density for a subdivision development, and to potentially amend the definition for “Sensitive Areas – Non-Developable” to allow development of private roads in steep slope sensitive areas on slopes between 30% and 50%, and to allow limited exceptions for structures in steep slope and geologic hazard areas based on building type and design criteria.

Fiscal Impact: N/A

Public Hearing Required: Land Use Ordinance amendments require a public hearing before the County Planning Commission (PC). This hearing was held on August 8, 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.

County Staff Presenter: Stephen Nelson



Council Meeting Memorandum

Presentation Time: 10 minutes.

County Staff Point of Contact: Stephen Nelson, Director, Tim Watkins, Planning Manager

Legal Review: Taylor Sorensen, Chief Civil Deputy County Attorney

Ordinance No. 2023-27

Cache County, Utah

Esperanza Estates Rezone

An ordinance amending the County Zoning Map by rezoning 42 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 July 6, 2023, the Planning Commission held a public hearing, accepted all comments, and recommended denial of the proposed amendments to the County Council for final action; and

Whereas, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance and zoning map for the county; and

Whereas, following proper notice, the County Council held a public hearing on August 8, 2023, 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.** To allow for residential estate 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.
 - ii.** To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
 - iii.** The property is appropriately served by a suitable public road, 6800 South, with access to necessary water and utilities, and 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 & Planning Commission recommendation
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

6. Effective date

This ordinance takes effect on _____, 2023. 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>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus				
Dave Erickson				
Sandi Goodlander				
Nolan Gunnell				
Mark Hurd				
Barbara Tidwell				
Karl Ward				
Total:				
Final action:	_____ Adopt _____ Reject			

Cache County Council:

Attest:

David Erickson, Chair

David Benson, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2023-27, the Esperanza Estates Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date



Hold a Public Hearing

Ordinance 2023-27 – Esperanza Estates Rezone

Agenda request submitted by: Stephen Nelson, Director of Development Services –
Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: August 8, 2023

Agenda Item Language: Hold a public hearing on August 8, 2023, for Ordinance 2023-27 Esperanza Estates Rezone – A request to rezone 42 acres located at 3210-3300 West 6800 South, near Wellsville, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

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

Background: A request to rezone 42 acres located at 3210-3300 West 6800 South, near Wellsville, from the Agricultural (A10) Zone to the Rural 5 (RU5) 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 6 July 2023 and their recommendation to deny the rezone was made on 6 July 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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Hold a public hearing on August 8, 2023.
If approved, the rezone will take effect 15 days from the date of approval.

Denial (6-yea; 0-nay).
Public hearing held on July 6, 2023.
Conclusion: Based on the findings of fact noted [in the staff report], the Esperanza Estates Rezone is hereby recommended for denial to the County Council as follows:

1. The location of the proposed rezone is not in close proximity to an adjacent municipality where a higher density development is more appropriate.
2. The recently adopted Cache County General Plan identifies the future land use of this area as “Agriculture and Ranching” which specifies the preferred land uses as: agricultural, ranching, rural residential uses at densities of less than one unit per 10 acres, conservation easements and conserved public lands, and agritourism.

Stephen Nelson

Angie Zetterquist

This ordinance amends the County Zoning Map by rezoning 42 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

Staff Report to Planning Commission

July 5, 2023

Cache County Planning Commission:

I am writing concerning the request to rezone 42 acres from Agricultural A10 to Rural RU5 zone-Project Name Esperanza Estates Rezone-Location 3210-3300 West 6800 South Cache County, Utah.

As I have studied the zoning situation in Cache County, I feel that this **rezone is warranted.**

Cache County has allowed many acres of prime farm ground to be used over the past 10 years for business and residential development. While at the same time disallowing the dry farming area that is much less valuable for agricultural purposes to be severely restricted.

I feel that the zoning in the less profitable farming areas (dry farming) should be allowed to be even more densely developed. This would allow for more housing units and more affordable housing units to be developed. The County should be working with the cities in the outlying areas to extend water and sewer infrastructure so that more housing units can be developed.

Sincerely,

Mark Mitton
Property owner
Parcel #10-146-0015

Staff Report: Esperanza Estates Rezone

6 July 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: Justin Cooper

Parcel ID#: 10-047-0021, -0017

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address: Acres: 42

3210-3300 West 6800 South
near Wellsville

Surrounding Uses:

North – Agricultural/Residential

South – Agricultural

East – Agricultural/Residential

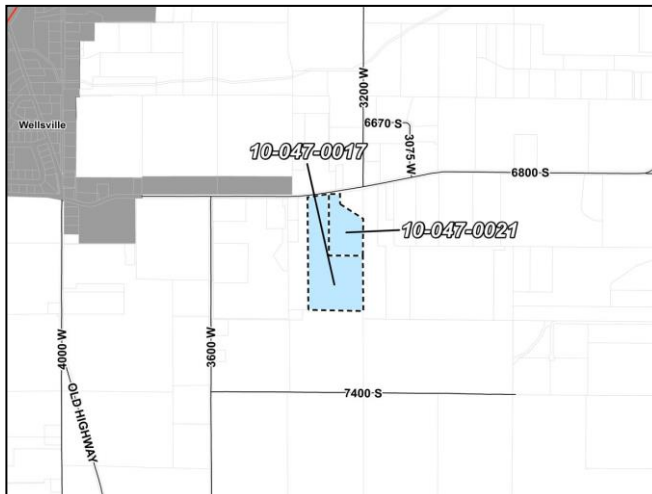
West – Agricultural

Current Zoning:

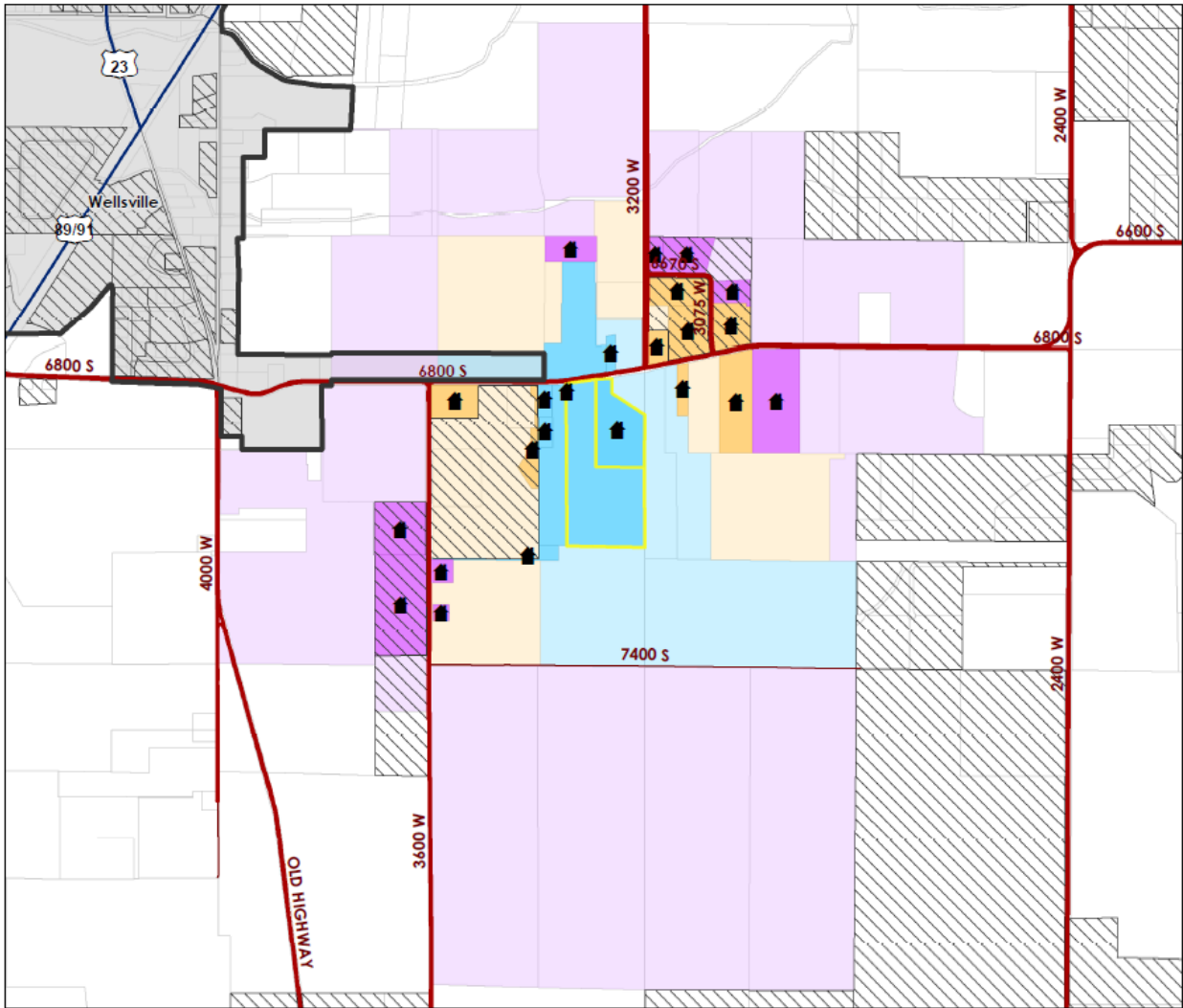
Agricultural (A10)

Proposed Zoning:

Rural 5 (RU5)

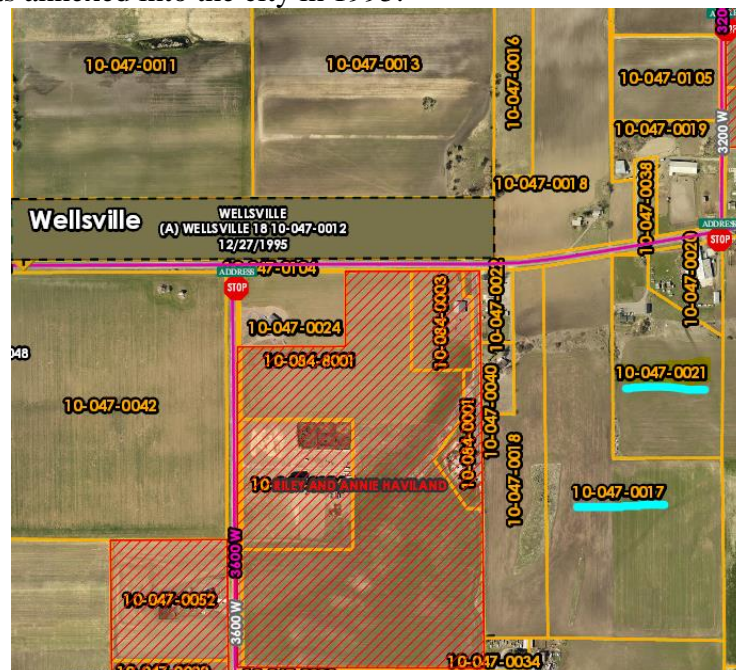


- a. Land Use Context:
- i. Parcel status: The subject properties are not in the same size and configuration as it was on August 6, 2008, however, they are legal parcels as the changes occurred as part of boundary line adjustments in 2016 & 2018 that did not result in the creation of any new parcels.
 - ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 7.8 Acres (6 Parcels)
	Without a Home: 28.8 Acres (7 Parcels)
	Without a Home in Wellsville City: 10 Acres (1 Parcel)
1/4 Mile Buffer	With a Home: 6.6 Acres (14 Parcels)
	Without a Home: 23.8 Acres (18 Parcels)
	Without a Home in Wellsville City: 10 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 6.8 Acres (23 Parcels)
	Without a Home: 34.9 Acres (41 Parcels)
	Without a Home in Wellsville City: 10 Acres (2 Parcels)

- iii. The proposed RU5 zone allows a maximum density of 1 lot for every 5 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 42.0 acres of property, the subject property could be divided into a maximum potential of 4 buildable lots under the current A10 Zone standards, including the parcel with an existing single-family dwelling. A rezone to RU5 may allow up to a maximum potential of 8 buildable lots, including one lot with the existing single-family dwelling.
- iv. 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
- v. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture with a few single family dwellings. The Wellsville City boundary is located less than 300 feet west of the subject properties on the north side of 6800 South.
- vi. Annexation Areas: The subject property is located within the Wellsville City future annexation area. The closest Wellsville City boundary is located less than 300 feet west of the subject properties on the north side of 6800 South. This portion of Wellsville was annexed into the city in 1995.



- vii. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The nearest RU5 zone is located approximately 2.50 miles northeast of the subject properties north of the Nautica Subdivision near Hyrum Dam. This RU5 Zone was approved by the County Council as the Cache Valley View Estates Rezone on 16.58 acres in June 2011; a previous request to rezone to the RU2 Zone was denied. Since the rezone was approved, the property has remained undeveloped and no subdivision application has been submitted.

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] identifies the purpose of the RU5 Zone and includes the following:
 - a. “To allow for residential estate 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 agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality 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. The future land use map (Attachment B) adopted as part of the recently approved Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, pg. 24*

AGRICULTURE AND RANCHING

Location:	Private agriculture landscapes in the Cache Valley outside of municipalities.
Example Areas:	<ul style="list-style-type: none"> • (Most of the valley)
Purpose and Character:	Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Valley. Separation from dense residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities and protects suitable soils.
Preferred Land Uses:	<ul style="list-style-type: none"> • Agriculture • Ranching • Rural residential uses at densities of less than one unit per 10 acres • Conservation Easements (CEs) and conserved public lands • Agritourism
Secondary Land Uses:	<ul style="list-style-type: none"> • Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution) • Clustered subdivision developments • Outdoor Recreation • Farm Worker Housing
Discouraged Uses:	<ul style="list-style-type: none"> • Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development • Commercial Office • Commercial Retail • Flex Office/ Industrial • Heavy Industrial

CHAPTER 4: FUTURE LAND USE PLAN

The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines—in large measure—the future of Cache County. The Future Land Use Map represents the County's collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.

The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.

7. 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**
 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 RU5 Zone is 90 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 6800 South, a County road.
 14. 6800 South:
 - a. Is an existing county facility is the main through road from US 89/91 to Hyrum and serves other lower classified County Roads, single family dwellings, and agricultural parcels.
 - b. Is classified as a Major Collector Road.
 - c. Major Collector roads serve larger towns and other traffic generators of equivalent inter-county importance, such as schools, shipping points, and county parks, which are not directly served by Minor Arterial Roads. Ideally, these roads have higher travel speeds and minimal interferences to the through movement of traffic.
 - d. Is paved and is approximately 20 feet wide.
 - e. Is maintained year round by the County.
 - f. Is considered substandard as to gravel shoulder width and clear zone.
 - g. Any new access points must meet the minimum standards for a Major Collector.

Analysis of Existing Roadway – 6800 South

Roadway Element	Existing Width (ft)	Major Collector Width (ft) Requirements	Major Local Width (ft) Requirements	Comments or Findings
Travel Lanes	20	24	20	OK
Right-of-Way	66	80	66	OK
Paved Shoulder	3	4	2	OK
Gravel Shoulder	2	4	4	Substandard
Clear Zone (4:1)	10	20	20	Substandard
Material	Paved	Paved	Paved	OK
Structural				Visually OK

*Road is classified as a Major Collector but would only be required to meet a Major Local Road standard for Single Family Homes.

Access Management – 6800 South

Classification	Min. Spacing Standard (Feet)		
	Road Access	Commercial	Residential/Farm Access
Major Collector	350	200	200

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line

D. Service Provisions:

15. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides refuse collection in this area. The specific collection location and further requirements will be reevaluated based on any future development.

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

17. Public notice was posted online to the Utah Public Notice Website on 23 June 2023.
18. Notices were posted in three public places on 23 June 2023.
19. Notices were mailed to all property owners within 300 feet on 23 June 2023.
20. Staff has reached out to Wellsville City regarding their position on the rezone request, but has not received any comments to date.
21. At this time, no written public comments regarding this proposal have been received by the Development Services Office.

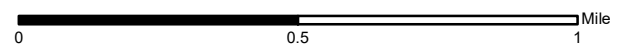
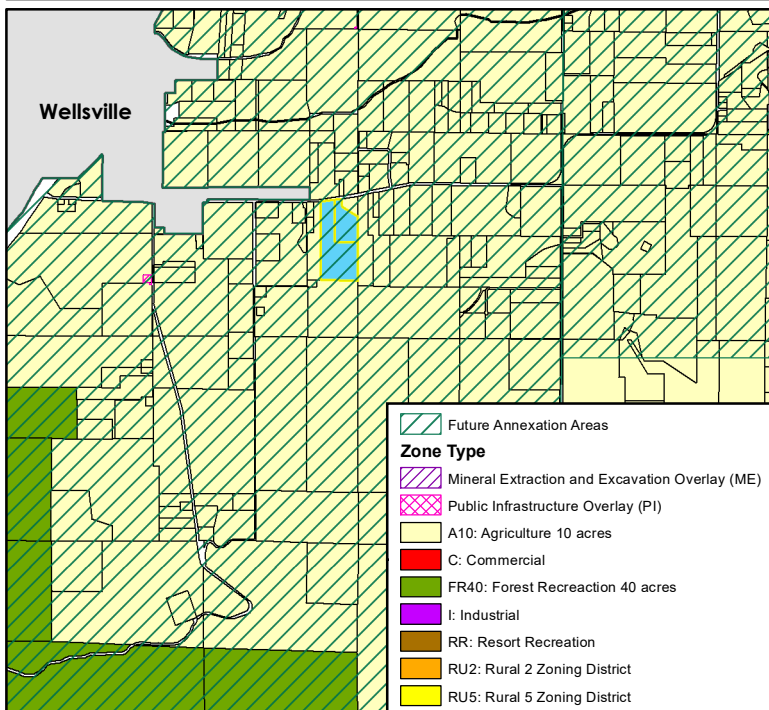
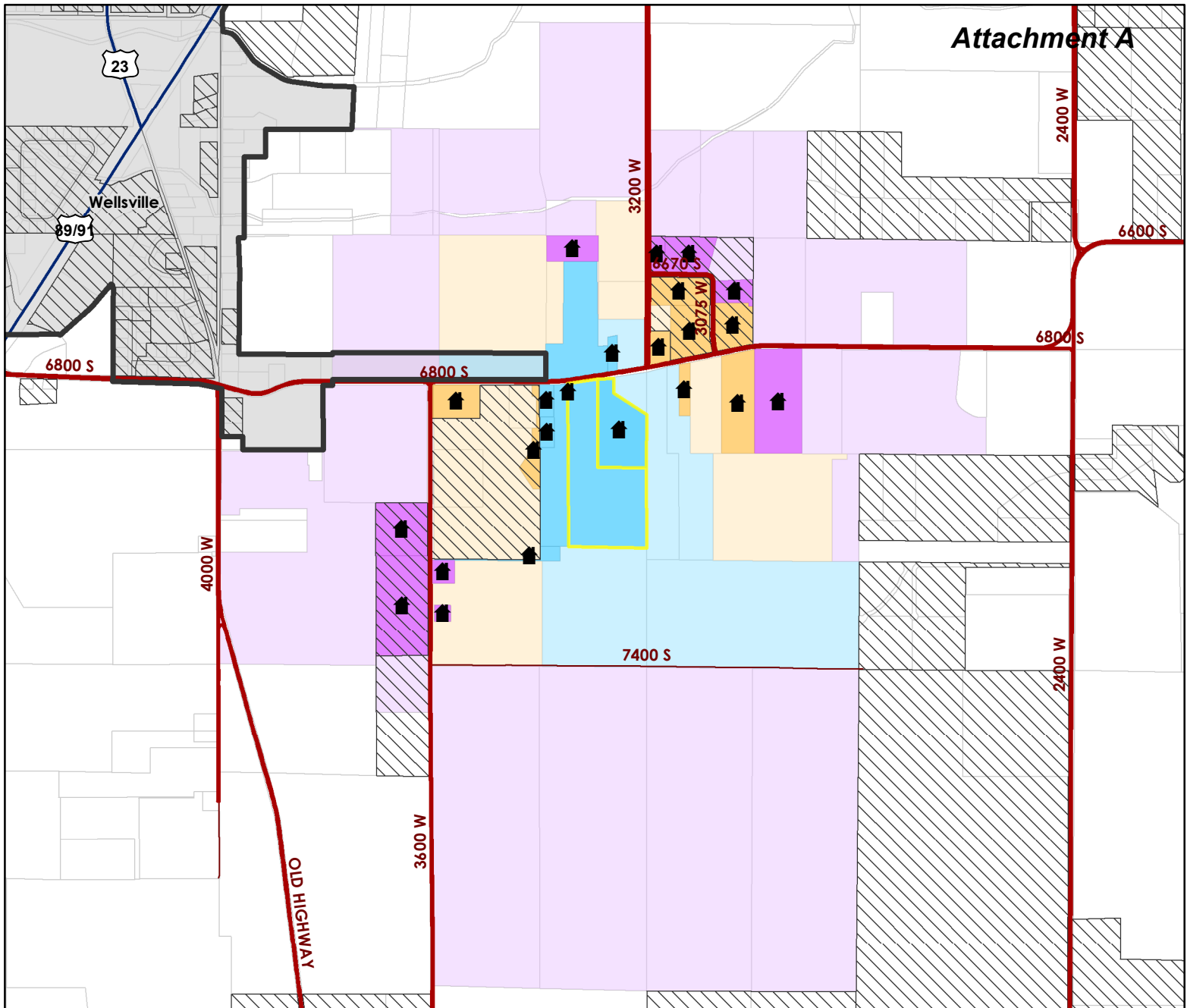
Conclusion

The Esperanza Estates Rezone, a request to rezone 42.0 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) 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 Esperanza Estates Rezone is hereby recommended for denial to the County Council as follows:

1. The location of the proposed rezone is not in close proximity to an adjacent municipality where a higher density development is more appropriate.
2. The recently adopted Cache County General Plan identifies the future land use of this area as “Agriculture and Ranching” which specifies the preferred land uses as: agricultural, ranching, rural residential uses at densities of less than one unit per 10 acres, conservation easements and conserved public lands, and agritourism.



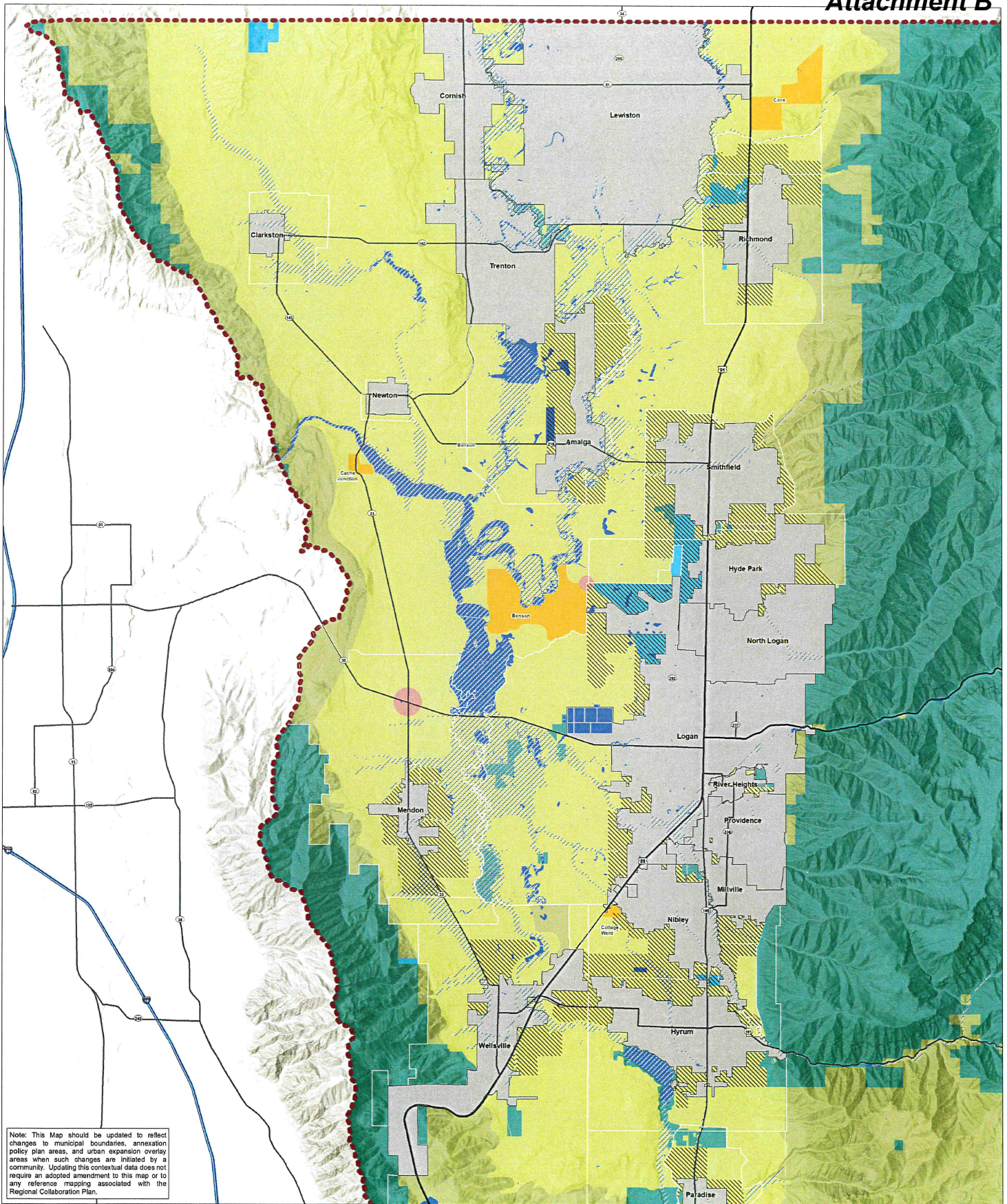
Legend












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

Average Parcel Size	
Adjacent Parcels	With a Home: 7.8 Acres (6 Parcels)
	Without a Home: 28.8 Acres (7 Parcels)
	Without a Home in Wellsville City: 10 Acres (1 Parcel)
1/4 Mile Buffer	With a Home: 6.6 Acres (14 Parcels)
	Without a Home: 23.8 Acres (18 Parcels)
	Without a Home in Wellsville City: 10 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 6.8 Acres (23 Parcels)
	Without a Home: 34.9 Acres (41 Parcels)
	Without a Home in Wellsville City: 10 Acres (2 Parcels)



6/6/2023



 Water Bodies	 Urban Expansion Overlay	 Agriculture and Ranching
 100 Year Floodplain	 Retail Commercial	 Mountain Rural and Conservation
 Municipalities	 Rural Community	 Forest and Natural Resource
 Annexation Policy Plan Areas	 Industrial and Mineral Extraction	

**Cache County
Future Land Use Map**

Disclaimer: This map is illustrative and for advisory purposes only. This is not a regulatory or zoning document, and locations are generalized to illustrate concepts.

Date: February 28, 2023

July 5, 2023

Cache County Planning Commission:

I am writing concerning the request to rezone 42 acres from Agricultural A10 to Rural RU5 zone-Project Name Esperanza Estates Rezone-Location 3210-3300 West 6800 South Cache County, Utah.

As I have studied the zoning situation in Cache County, I feel that this **rezone is warranted.**

Cache County has allowed many acres of prime farm ground to be used over the past 10 years for business and residential development. While at the same time disallowing the dry farming area that is much less valuable for agricultural purposes to be severely restricted.

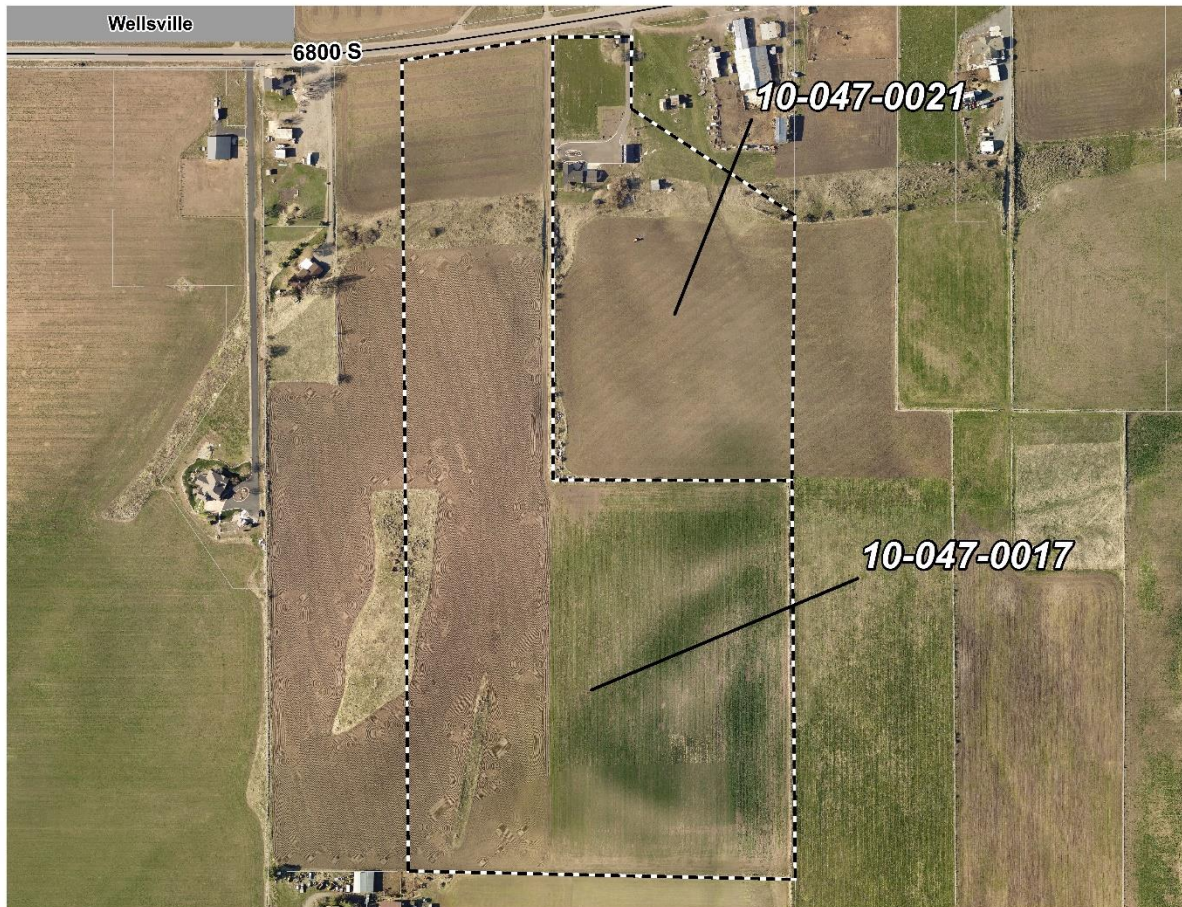
I feel that the zoning in the less profitable farming areas (dry farming) should be allowed to be even more densely developed. This would allow for more housing units and more affordable housing units to be developed. The County should be working with the cities in the outlying areas to extend water and sewer infrastructure so that more housing units can be developed.

Sincerely,

Mark Mitton
Property owner
Parcel #10-146-0015

Exhibit B: Ordinance 2023-27

Zoning Map of Cache County – Affected Portion
Esperanza Estates Rezone



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

10-047-0017

BEG N 0°40'28" W 1494.42 FT OF SE COR SEC 14 T 10N R 1W & TH N 89°44'23" W 962.94 FT TH N 0°49'56" W 2039.10 FT TO S LN OF MT STERLING ROAD TH N 81°09'45" E ALG ROAD 384.55 FT TO PT BR W 9 CHS OF E LN OF SEC 14 TH S 0°21'17" E 1111.10 FT TO FENCE COR TH N 89°53'11" E 594.0 FT TO E LN OF SEC 14 TH S 0°40'28" E 992.48 FT TO BEG CONT 31.24 AC M/B

10-047-0021

BEG 529 FT S OF PT 25.42 CHS S OF NE COR SEC 14 T 10N R 1W & TH S 663 FT TH N 89°48' W 9 CHS TH N 0°9' W 9.74 CHS TH E 12 RDS TH N 289 FT M/L TO PT 260 FT S OF S LN OF CO ROAD TH S 55°44' E 481 FT M/L TO BEG CONT 8.73 AC

ALSO: BEG S 80°58' W 9.39 CHS OF PT 25.42 CHS S OF NE COR SEC 14 T 10N R 1W, S 0°9' W 7.11 CHS N 89°48' E 12 RDS N 0°9' E 7.11 CHS W 12 RDS TO BEG CONT 2.13 AC CONT 10.86 AC IN ALL

Ordinance No. 2023-28

Cache County, Utah

Graham Addition Rezone

An ordinance amending the County Zoning Map by rezoning ~125 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) 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 July 6, 2023, the Planning Commission held a public hearing, accepted all comments, and recommended denial of the proposed amendments to the County Council for final action; and

Whereas, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance and zoning map for the county; and

Whereas, following proper notice, the County Council held a public hearing on August 8, 2023, 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 Agricultural (A10) Zone as identified under §17.08.030[A] of the Cache County Code as it:
- i.** The location of the subject properties is compatible with the purpose of the proposed A10 Zone.
 - ii.** The proposed A10 Zone is consistent with the zoning of the approved subdivision in which they are located and will eliminate the split zoning of the subject properties.
 - iii.** The historic and current use of the properties is agricultural and is suitable for development within the A10 Zone without increasing the need for variances or special exceptions within this zone.

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 & Planning Commission recommendation
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

6. Effective date

This ordinance takes effect on _____, 2023. 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>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus				
Dave Erickson				
Sandi Goodlander				
Nolan Gunnell				
Mark Hurd				
Barbara Tidwell				
Karl Ward				
Total:				
Final action:	_____ Adopt _____ Reject			

Cache County Council:

Attest:

David Erickson, Chair

David Benson, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2023-28, the Graham Addition Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ord 2023-028
Graham Addition Rezone
Amending the Cache County Zoning Map by rezoning
~125 acres of property from the Forest Recreation (FR40) Zone
to the Agricultural (A10) Zone.

County Council action

Hold a public hearing on August 8, 2023.

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

Planning Commission action

Denial (5-yea; 0-nay; 1-abstention).

Public hearing held on July 6, 2023.

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

1. The area is not conducive to residential development due to the presence of sensitive areas including, but not limited to, steep slopes and moderate to extreme Wildfire Hazard Areas.
2. The majority of the subject properties located in the FR40 Zone has not historically been used for agricultural purposes and is not compatible with the purpose of the proposed A10 Zone.
3. It is not consistent with the recently adopted Cache County General Plan that identifies the future land use of this area as "Mountain Rural and Conservation" as well as "Forest and Natural Resources" which specifies the preferred land uses as: forestry, grazing, outdoor recreation, watershed protection, hazard mitigation (i.e., floodplain management, steep slopes, and high wildfire hazard) and conservation easements. Additionally, these future land use areas specifically discourage residential uses (Forest and Natural Resources) and residential development at a density greater than one unit per 40 acres (Mountain Rural and Conservation).

Staff Report review by Development Services Director

Stephen Nelson

Staff Report by County Planner

Angie Zetterquist

General Description

This ordinance amends the County Zoning Map by rezoning ~125 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.

Additional review materials included as part of Exhibit A

Staff Report to Planning Commission

Staff Report: Graham Addition Rezone

6 July 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: Michael Graham

Parcel ID#: 18-053-0010, -0011

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address: Acres: ~125.0

11432 North 2300 East
near Richmond

Surrounding Uses:

North – Agricultural/Residential/FR40

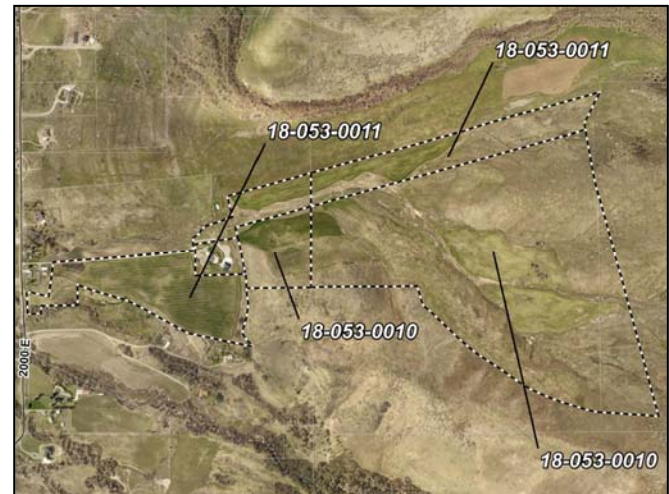
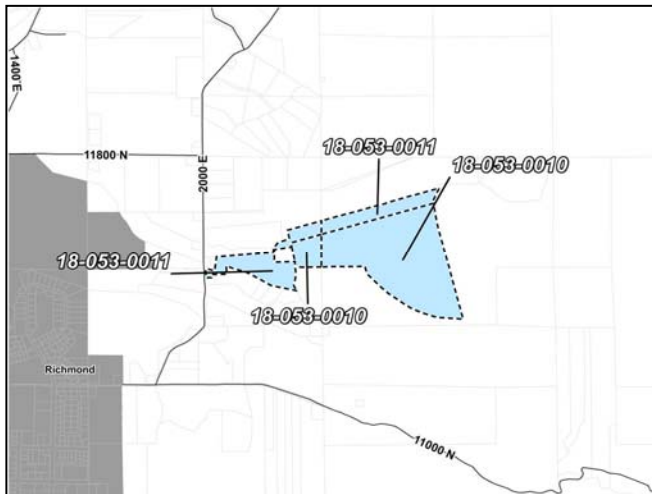
South – Agricultural/Residential/FR40

East – Agricultural/FR40

West – Agricultural/Residential

Current Zoning: Forest Recreation (FR40)

Proposed Zoning: Agricultural (A10)



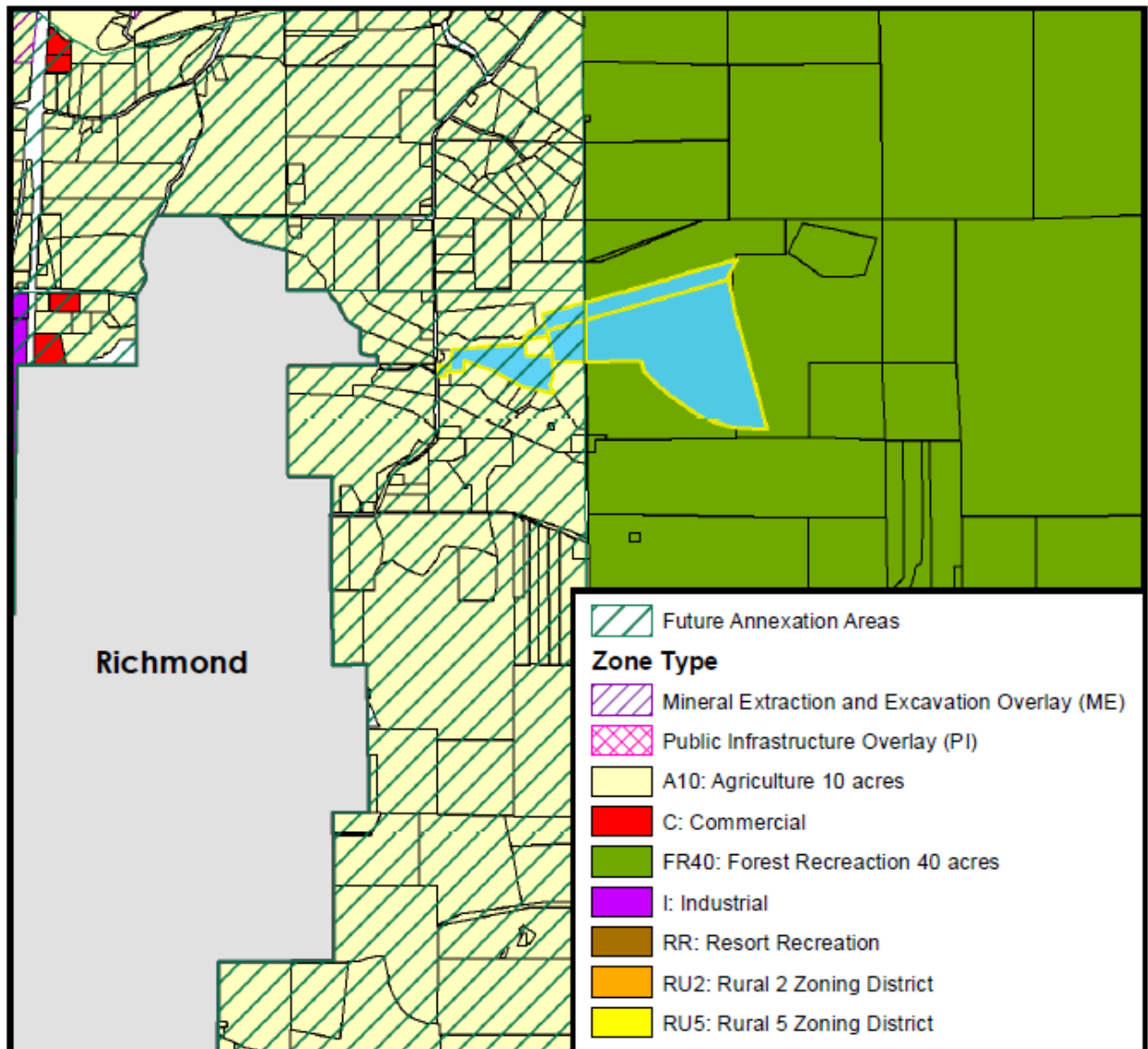
Findings of Fact

A. Request description

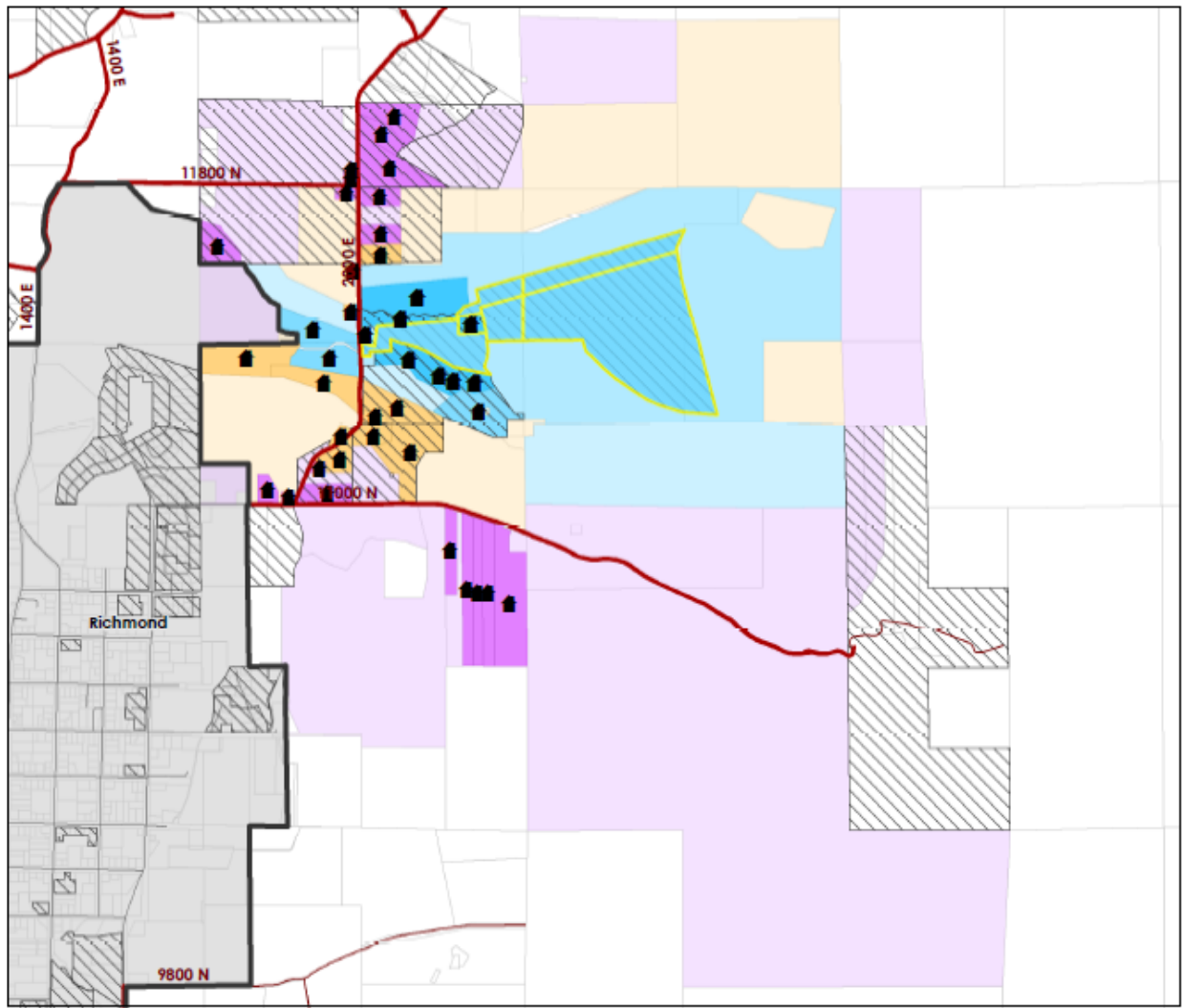
1. A request to rezone approximately 125.0 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Agricultural (A10) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the A10 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:** Both parcels are legal as they located within an approved subdivision, the Housely Minor Subdivision recorded in 2003, and are identified as agricultural remainders within that subdivision. At the time the subdivision was approved, and it is still currently the case, portions of these agricultural remainders had a split zone with part of the parcels being in the A10 Zone and the larger, eastern sections were located in the FR40 Zone. The split zoning makes it difficult to calculate the overall density of the subdivision, and, per the Code, the two subject properties can only be developed in accordance with the most restrictive zone (i.e., FR40).

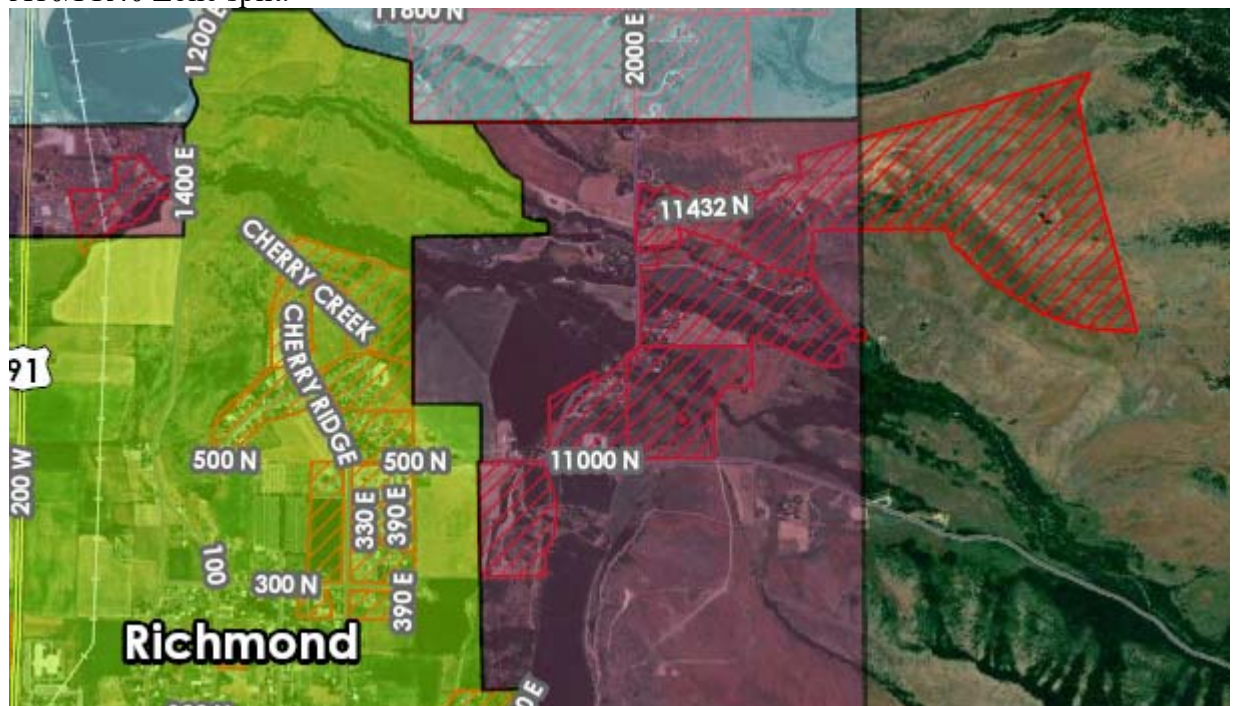


ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 5.5 Acres (8 Parcels)
	Without a Home: 60 Acres (11 Parcels)
1/4 Mile Buffer	With a Home: 7.2 Acres (22 Parcels)
	Without a Home: 46.2 Acres (30 Parcels)
	Without a Home in Richmond City: 1.1 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 7 Acres (40 Parcels)
	Without a Home: 52.1 Acres (59 Parcels)
	Without a Home in Richmond City: 14.7 Acres (3 Parcels)

- iii. The proposed A10 zone allows a maximum density of 1 lot for every 10 acres, whereas the current FR40 zone allows a maximum density of 1 lot for every 40 net developable acres. With approximately 42.0 acres of property, the subject property could be divided into a maximum potential of 4 buildable lots under the current A10 Zone standards, including the parcel with an existing single-family dwelling. A rezone to RU5 may allow up to a maximum potential of 8 buildable lots, including one lot with the existing single-family dwelling.
- iv. Schedule of Zoning Uses: The Agricultural (A10) 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 Forest Recreation (FR40) Zone:
- Single Family Dwelling
 - Accessory Apartment
 - Home Based Business
 - Residential Living Facilities
 - Agricultural Manufacturing
 - Cemetery/Crematorium
 - Religious Meeting House
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Boarding Facility
 - Topsoil Extraction
- v. Adjacent uses: The properties adjacent to the subject rezone are primarily forest recreation, agriculture, and residential uses. The nearest Richmond City boundary is located about 1,100 feet west, as the crow flies, of the subject properties, but about 0.68 miles via 2000 East.
- vi. Annexation Areas: The subject properties are not located within the Richmond City future annexation area. The future annexation boundary stops at the current A10/FR40 Zone split.



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 Agricultural (A10) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [C] identifies the purpose of the Agricultural Zone and includes the following:
 - a. To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.
 - b. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.”
6. The future land use map (Attachment B) adopted as part of the recently approved Cache County General Plan identifies the area where the subject property is located as “Mountain Rural and Conservation” as well as “Forest and Natural Resources.” *Cache County General Plan, Chapter 4, pg. 24 & 25*

FOREST AND NATURAL RESOURCES

Location:	Publicly owned and conserved private lands in the mountains and canyons.
Example Areas:	<ul style="list-style-type: none"> • U.S. Forest Service lands • State lands
Purpose and Character:	Resource conservation and uses/products (i.e. forestry, ranching) on federal, state, and local government-owned lands. Some public lands are open to public access and recreation. Private lands under conservation easements (no public access). If public land is sold for private development that is not compatible with the Natural Resource category, the property should default to the Mountain Rural and Conservation future land use category.
Preferred Land Uses:	<ul style="list-style-type: none"> • Multiple Resource Uses (i.e. forestry, grazing) • Outdoor recreation on publicly accessible lands • Watershed Protection • Hazard Mitigation (i.e. floodplain management, steep slopes, and high wildfire hazard) • Conservation Easements
Secondary Land Uses:	<ul style="list-style-type: none"> • Residential uses where permitted in a conservation easement • Research and public institutions
Discouraged Uses:	<ul style="list-style-type: none"> • Residential • Commercial • Industrial • Heavy industrial and mining

MOUNTAIN RURAL AND CONSERVATION

Location:	The majority of privately-owned mountain and foothill areas.
Example Areas:	<ul style="list-style-type: none"> FR-40 zone that is not public land
Purpose and Character:	<p>Forestry, recreation, and multiple resource uses on private lands. Forestry and recreation land uses are expected to continue. Maintaining the environmental quality of steep slopes, canyons, and forests with minimal residential development conserves watershed resources and improves resiliency from wildfire, geological, and flood hazards.</p>
Preferred Land Uses:	<ul style="list-style-type: none"> Forestry Agriculture Conservation Easements (CEs) and conserved public lands Watershed Protection Hazard Mitigation (i.e. floodplain management, steep slopes, and high wildfire hazard) Outdoor recreation and tourism
Secondary Land Uses:	<ul style="list-style-type: none"> Seasonal residential housing at one unit per 40 acres Clustered subdivision developments Resorts, recreation business, and public institutions
Discouraged Uses:	<ul style="list-style-type: none"> Residential development at a density greater than one unit per 40 acres Industrial Commercial Office Commercial Retail Heavy Industrial

CHAPTER 4: FUTURE LAND USE PLAN

The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines—in large measure—the future of Cache County. The Future Land Use Map represents the County’s collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.

The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.

7. Consideration of impacts related to uses allowed within the A10 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

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 A10 Zone is 90 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 properties identifies the following:
 - a. Primary access to the subject properties is from 2000 East (upper High Creek Road), a County road, via a private road, 11432 North.
14. 11432 North, Private Road:
 - a. Approved as part of the Housely Minor Subdivision in 2003.
 - b. Is paved and approximately 12-14 feet wide.
 - c. Is substandard as to the current Road Manual requirements for a Minor Private Road.

Table B-6 Typical Cross Section Minimum Standards

Roadway Classification	Right-of-way (ft)	Travel Lane Width (ft)	Total Shoulder Width (ft)	Paved Shoulder Width (ft)	Gravel Shoulder Width (ft)	Design Limits Based on ADT	Road Surface
Minor Arterial	100	12	10	8	2	-	(A)
Major Collector	80	12	8	4	4	-	(A)
Minor Collector	66	11	6	4	2	2000	(B)
Major Local	66	10	6	2	4	1500	(B)
Minor Local	66	10	4	0	4	400	(B)
Major Private	66	10	2	0	0	200	(B)
Minor Private	33	10	0	0	0	50	(B)
Seasonal/Recreation	33	10	0	0	0	-	(B)
Agricultural Access	33	10	0	0	0	-	(C)

15. 2000 East:

- a. Is an existing county facility serves other lower classified County Roads, single family dwellings, and agricultural parcels.
- b. Is classified as a Major Local Road.
- c. Is paved and is approximately 20 feet wide.
- d. Is maintained year round by the County.
- e. Is considered substandard as to right-of-way, paved and gravel shoulder width, and clear zone.

Analysis of Existing Roadway – 2000 East

Roadway Element	Existing Width (ft)	Major Local Width (ft) Requirements	Comments or Findings
Travel Lanes	20	20	OK
Right-of-Way	varies	66	Substandard
Paved Shoulder	0	2	Substandard
Gravel Shoulder	2-3	4	Substandard
Clear Zone (4:1)	varies	10	Substandard
Material	Paved	Paved	OK
Structural			Visually OK

Access Management – 2000 East

Min. Spacing Standard (Feet)			
Classification	Road Access	Commercial	Residential/Farm Access
Major Local	300	150	10

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line

D. Service Provisions:

- 16. §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.
- 17. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides refuse collection in this area. The refuse containers will need to be placed on the East side of 2000 East for collection. Sufficient shoulder space along the road for all refuse and recycling containers must be provided allowing the containers to be placed 3 to 4 feet apart and far enough off the road so they do not interfere with passing traffic. An encroachment permit is required for any work done in the public right-of-way.

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

- 18. Public notice was posted online to the Utah Public Notice Website on 23 June 2023.
- 19. Notices were posted in three public places on 23 June 2023.
- 20. Notices were mailed to all property owners within 300 feet on 23 June 2023.
- 21. At this time, no written public comments regarding this proposal have been received by the Development Services Office.

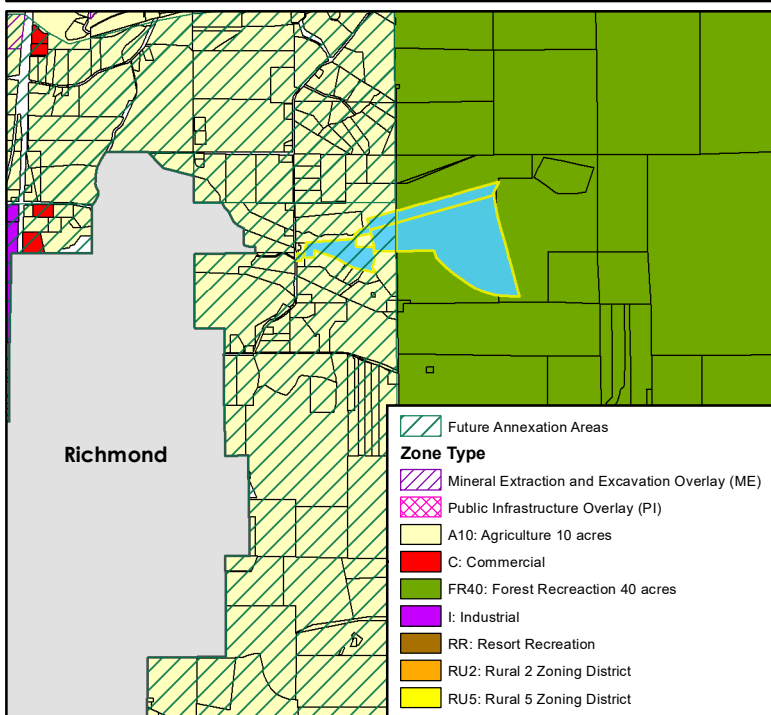
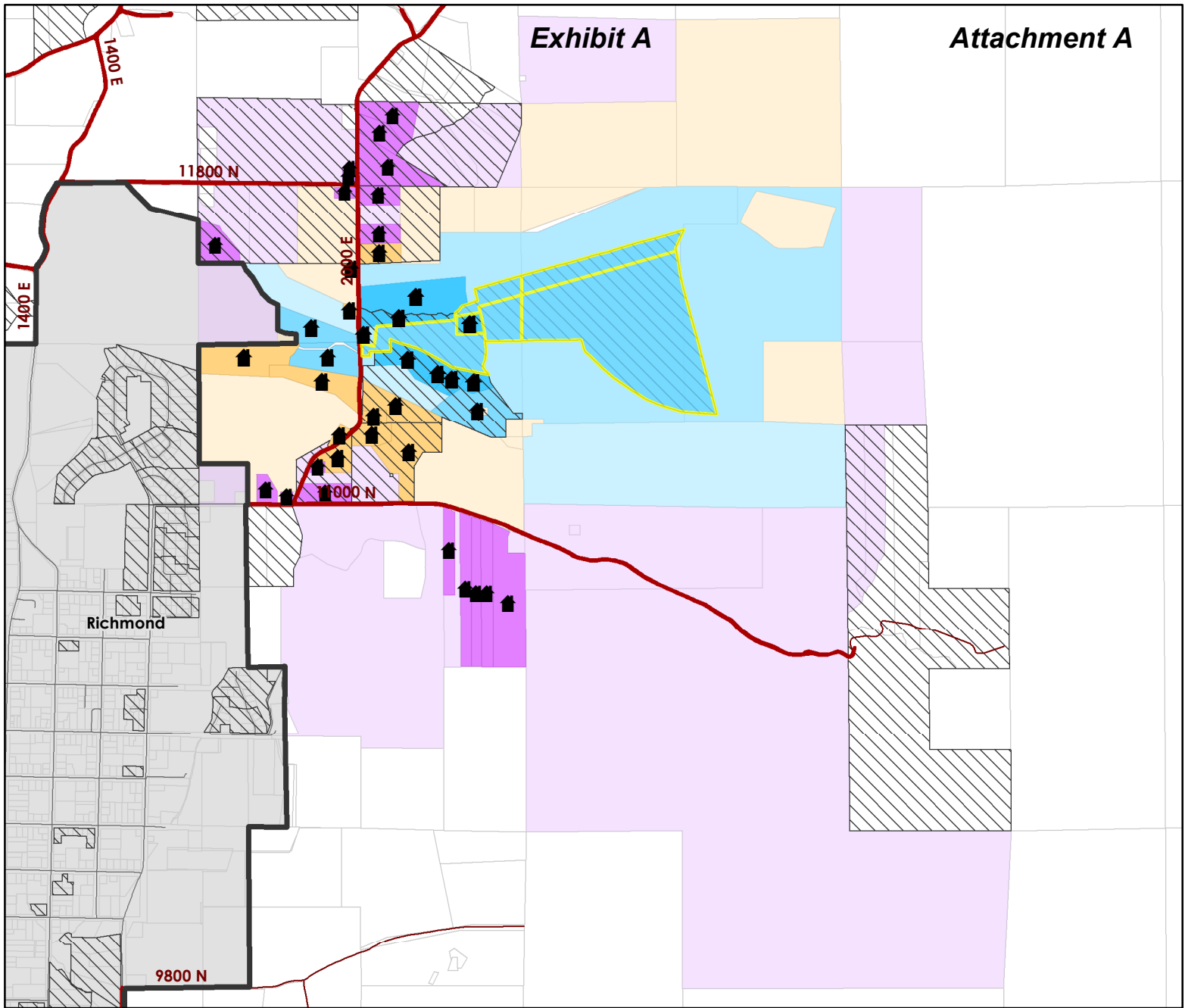
Conclusion

The Graham Addition Rezone, a request to rezone approximately 125 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone 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 Graham Addition Rezone is hereby recommended for denial to the County Council as follows:

1. The area is not conducive to residential development due to the presence of sensitive areas including, but not limited to, steep slopes and moderate to extreme Wildfire Hazard Areas.
2. The majority of the subject properties located in the FR40 Zone has not historically been used for agricultural purposes and is not compatible with the purpose of the proposed A10 Zone.
3. It is not consistent with the recently adopted Cache County General Plan that identifies the future land use of this area as “Mountain Rural and Conservation” as well as “Forest and Natural Resources” which specifies the preferred land uses as: forestry, grazing, outdoor recreation, watershed protection, hazard mitigation (i.e., floodplain management, steep slopes, and high wildfire hazard) and conservation easements. Additionally, these future land use areas specifically discourage residential uses (Forest and Natural Resources) and residential development at a density greater than one unit per 40 acres (Mountain Rural and Conservation

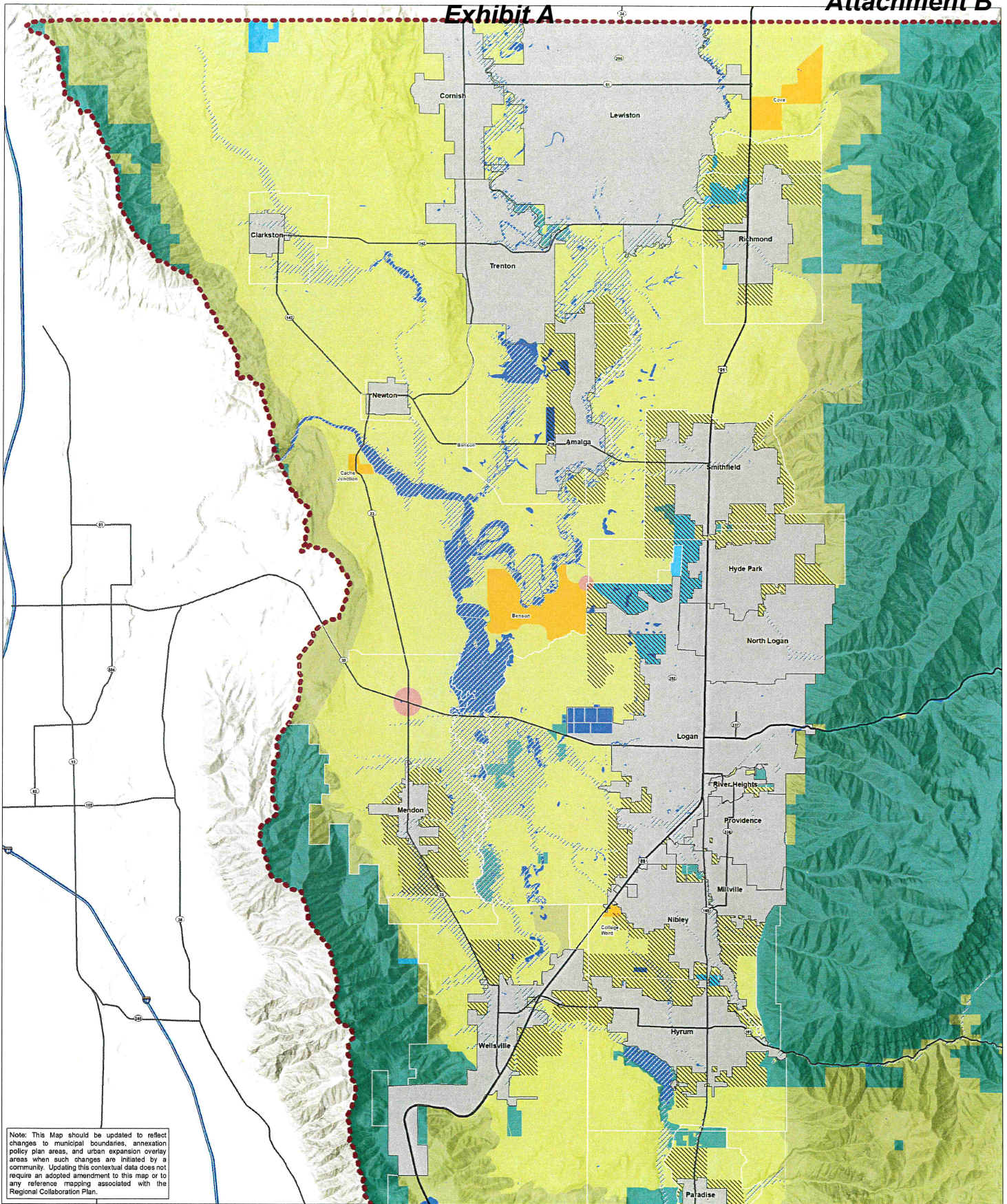













Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home: 5.5 Acres (8 Parcels)
	Without a Home: 60 Acres (11 Parcels)
1/4 Mile Buffer	With a Home: 7.2 Acres (22 Parcels)
	Without a Home: 46.2 Acres (30 Parcels)
	Without a Home in Richmond City: 1.1 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 7 Acres (40 Parcels)
	Without a Home: 52.1 Acres (59 Parcels)
	Without a Home in Richmond City: 14.7 Acres (3 Parcels)





 Water Bodies	 Urban Expansion Overlay	 Agriculture and Ranching
 100 Year Floodplain	 Retail Commercial	 Mountain Rural and Conservation
 Municipalities	 Rural Community	 Forest and Natural Resource
 Annexation Policy Plan Areas	 Industrial and Mineral Extraction	

Cache County Future Land Use Map

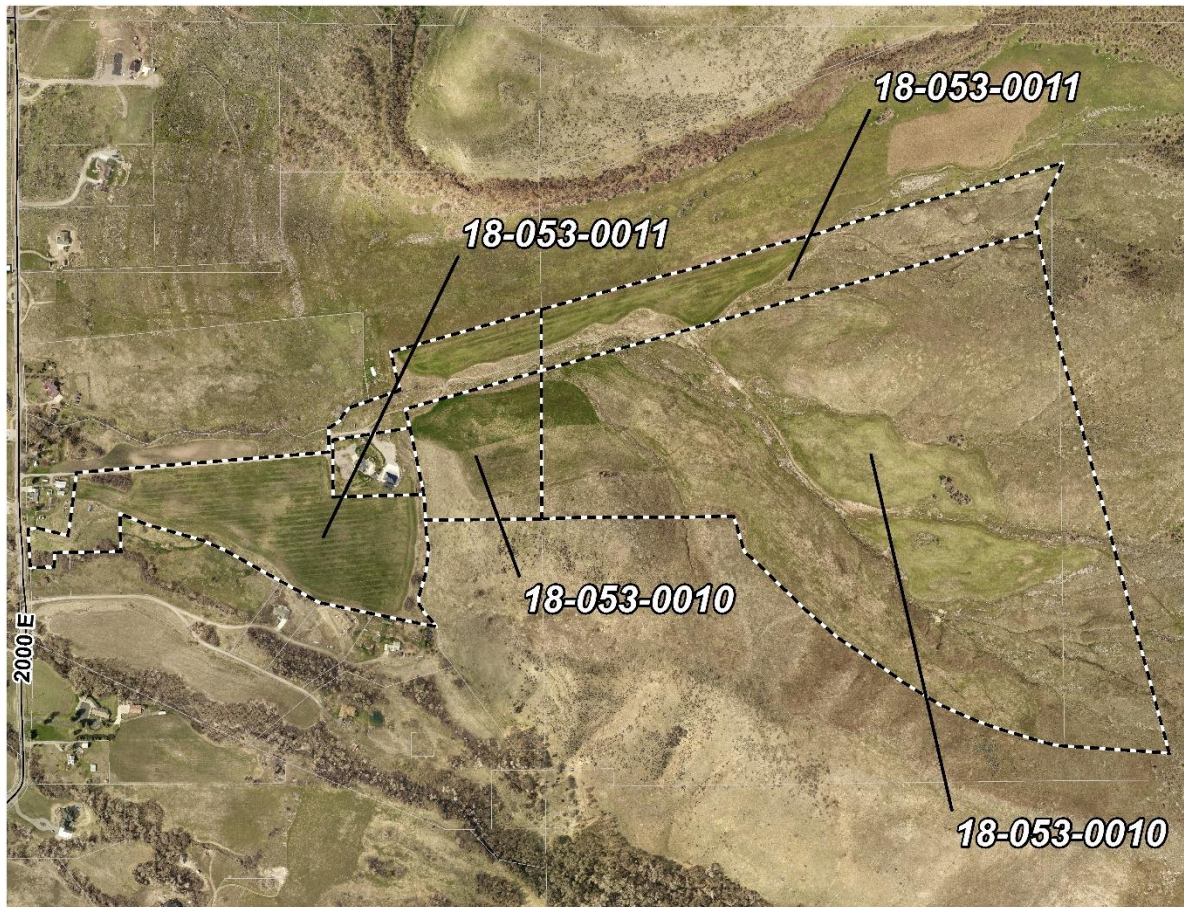
Disclaimer: This map is illustrative and for advisory purposes only. This is not a regulatory or zoning document, and locations are generalized to illustrate concepts.

Date: February 28, 2023

0 0.5 1 2 3 4 Miles

Exhibit B: Ordinance 2023-28

Zoning Map of Cache County – Affected Portion
Graham Addition Rezone



The portion of the following legal descriptions located within the Forest Recreation (FR40) Zone properties above are to be rezoned from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone:

18-053-0010

REMAINDER PARCEL 2 HOUSLEY MINOR SUBD CONT 118.0 AC

18-053-0011

REMAINDER PARCEL 1 HOUSLEY MINOR SUBD CONT 46.52 AC

ALSO: BEG AT NW COR LT 4 CHERRY CREEK RIDGE SUBD AMENDED & TH S 34°49'15" W 17.84 FT TH N 57°48'25" W 341.27 FT TH S 60°47'19" E 342.55 FT TO BEG CONT 0.07 AC CONT 46.59 AC IN ALL

Ordinance No. 2023-25

Cache County, Utah

Amendments to Title 17, Including Use Type 1120 - Accessory Apartment

An ordinance amending the County Land Use Code as required by the adoption of Ord. 2023-25 amending the definition and requirements applicable to Use Related Definition 1120 Accessory Apartment, and other potential sections of Title 17.

Whereas, the Cache County Moderate Income Housing Plan Update as amended in February, 2023, includes Implementation Strategy E to review amendments to the County Code to become fully compliant with State Code §17-27a-526 related to Internal Accessory Dwelling Units; and

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 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, or amendments thereto, that represent the Planning Commission’s recommendations; 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, on July 6, 2023, 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

Whereas, following proper notice, the County Council held a public hearing on July 25, 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 1 and Part 3, and 17-53 part 2(1953, as amended to date).

2. Amendment to Title 17 Land Use Regulations

Amendments including but not limited to Use Type 1120 - Accessory Apartment in Section 17.07.030: Use Related Definitions, are to read as follows:

17.07.030: Use Related Definitions

- A. Terms used within Title 17.09 to identify specific uses regulated within the Cache County Land Use Ordinance.

1120 ~~ACCESSORY APARTMENT DWELLING UNIT (ADU): Two more or fewer bedrooms with private bath, and kitchen facilities and other common areas comprise comprising an independent, A self-contained dwelling unit containing bedrooms, private bath and kitchen facilities that is within accessory and secondary to a single family dwelling as the primary use. An ADU accessory apartment must comply with the following requirements:~~

1. ~~Location and Use Limitations:~~

- a. Only one ~~accessory dwelling unit (ADU of any type apartment)~~ is allowed per legal lot or parcel in the A10, RU2 or RU5 zones.

~~b. Not for Short Term Rental. The accessory dwelling unit or primary dwelling unit must be rented for 30 consecutive days or longer by the same occupant.~~

c. Owner Occupied: The primary single family dwelling unit or the ADU must remain owner occupied, except when an owner has a bona fide temporary absence of three years or less for activities such as military service, temporary job assignments, sabbaticals or voluntary service.

~~d. Mobile homes, Recreational Vehicles and shipping containers shall are not be considerednot considered or used as an ADU.~~

e. Neither the primary dwelling unit nor the ADU may be sold or conveyed separately, and no additional parcel or lot may be created for an ADU. Prior to receiving a zoning clearance approval for an ADU, the owner must record against the deed to the subject property, a County ADU Acknowledgment form as a deed restriction running in favor of the county limiting occupancy of either the principal dwelling unit or the ADU to the owner of the property. **This recorded notice Each**

property that is issued a permit for an ADU shall have a notice recorded in the office of the Cache County Recorder that shall contain the following:

i. a description of the primary dwelling;

ii. a statement that the primary dwelling contains an ADU;

iii. a statement that the ADU may only be used in accordance with the provisions of this chapter and other County ordinances.

iv. The language and format of this notice shall be drafted by the County Attorney.

This notice shall be required to be recorded before issuing a certificate of occupancy for the ADU.

2. ADU Types:

~~ab. Internal ADU. Must be within the footprint of the primary dwelling (e.g., basement, attic) at the time the internal accessory dwelling unit is created. Primary dwelling shall include a garage if the garage is connected to the primary dwelling by a common wall. Must be within an existing single family dwelling through an internal connection conversion of to the existing dwelling unit (e.g., basement, attic) maintaining an internal connection between common living area(s). As allowed by State Code Section 10-9a-530, there is no maximum size or limit to the number of bedrooms for an internal ADU, however all other. Section The applicable design requirements that meets the size, design, and other requirements of this definition must apply., or~~

~~be. Attached ADU. An ADU appendage addition to an the existing or proposed single family dwelling that extends beyond the footprint of the primary dwelling living and garage/storage area. An attached ADU living area shall must contain two or fewer bedrooms, with a total area that is less than 50 percent of the total square footage of the primary residence, but not more than 1,200 square feet. The ADU shall must containing an internal connection between common living area(s) of the accessory apartment and the single family dwelling that meets the size, design, and other requirements of this definition., or~~

~~d. New construction of a single family dwelling with an attached accessory apartment that meets the size, design, and other requirements of this definition.~~

~~ce. Detached ADU. An ADU accessory dwelling unit apartment must not be that is detached from the primary dwelling unit on the legal lot subject property is only permitted in A10 Zones and if the unit complies with the following standards allowed. based on the following::~~

- i. Front, rear and side yard setbacks must be the same as a primary dwelling unit
 - ii. A detached ADU living area must contain no more than two bedrooms, with a total area that is less than fifty50 percent (50%) of the total square footage of the primary residence, but not more than 1,200 square feet. ~~An accessory apartment opening into a garage or storage area does not meet the intent of this definition and is not permitted.~~
 - iii. The maximum height of a detached ADU must be two (2) stories and 25 feet.
 - iv. The detached ADU shall have a minimum of 20', but no more than 50', separation from the primary dwelling.
 - v. The detached ADU shall share the same driveway as the primary dwelling.
 - vi. The detached ADU shall comply with ADU design standards in this section.
 - vii. The detached ADU shall have addressing information posted on the ADU's primary entrance and at the entrance to the property to indicate that the structure contains an ADU.
 - vii. The detached ADU shall include a fire suppression sprinkler system or have access to a pressurized fire hydrant as approved by the Cache County Fire Department.
2. ~~Size: An Accessory apartments cannot exceed 1,200 square feet and two bedrooms thirty percent (30%) of the square footage of the primary dwelling unit up to a maximum of one thousand (1,000) square feet.~~
3. Design:
- a. Required: Attached ADU's ~~Accessory apartments~~ must share a common wall and roof for a minimum of twenty (20) linear feet with the primary dwelling and include an internal connection into a common living area of the primary dwelling, or an administrative exception of less than 20 feet may be granted for the full width of a shared exterior wall elevation of the existing structure. ~~The internal connection~~ can be closed off by a door. A basement or attic accessory apartment meets this requirement with the common floor, but must maintain an internal connection to the primary dwelling.
 - b. External Appearance: The architectural style, building materials, rooflines and building colors of an ADU~~accessory apartment~~ must be compatible and consistent with the primary dwelling. ~~If an attached ADU is built as an addition to an existing single-family dwelling is built to create an accessory apartment, the addition must also tie into anythe first1st story adjacent existing roof line.~~

c. Entrance: An exterior entrance to an internal ADU or Attached ADU ~~accessory apartment~~ must be on the side or rear of the primary single family dwelling.

d. An ADU must include a primary entrance that is not accessed through a garage or storage area. A secondary access into a garage or storage area is permitted.

e. Attached ~~and Detached~~ ADU's are limited in height to a maximum of 2 stories.

f. For the purposes of this definition, building area in square feet must be measured as the gross building area, inclusive of internal rooms/spaces and exterior walls.

g. ADU's must be built on a permanent foundation.

4. Permits And Approvals:

a. Must apply for and obtain approval of a zoning clearance prior to applying for a building permit. Application materials must include floor plans and elevations to confirm size, design, and other requirements of this definition.

b. Must be permitted and approved by the Bear River Health Department, Utah Division of Water Rights, ~~and County Development Services, Public Works and Fire Building~~ Departments with respect to sanitation, water, drainage, and all applicable Health Codes and requirements and must also comply with all applicable Land Use, Building, and Safety Codes, ~~including the obtaining of a building permit.~~

~~5. Owner Occupied: The primary single family dwelling unit or the accessory apartment must remain owner occupied, except when the owner is absent due to a bona fide temporary absence of three years or less for a job assignment, sabbatical, or voluntary service; or the dwelling was the owner's primary residence immediately before leaving for the temporary job assignment, sabbatical, or voluntary service; and the owner intends to make either the primary or accessory dwelling their primary residence upon returning from the temporary job assignment, sabbatical, or voluntary service.~~

6. For the purposes of future expansion and flexibility of use, a homeowner may convert a smaller single family dwelling into an ADU and build a larger primary single family dwelling unit. An existing dwelling unit may be lived in while an additional unit is under construction provided that both units meet all requirements of this Chapter. Use (or occupancy) of a new accessory or primary dwelling unit will

commence no sooner than the County issuance of certificate of occupancy following the final construction and building permit inspection.

3. Amends and Supersedes

This ordinance amends and supersedes applicable portions of Chapter 7 of Title 17 of the Cache County Code, 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:

David Erickson, Chair
Cache County Council

David Benson
Cache County Clerk

Action of the County Executive

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ordinance No. 2023-27

Cache County, Utah

Esperanza Estates Rezone

An ordinance amending the County Zoning Map by rezoning 42 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 July 6, 2023, the Planning Commission held a public hearing, accepted all comments, and recommended denial of the proposed amendments to the County Council for final action; and

Whereas, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance and zoning map for the county; and

Whereas, following proper notice, the County Council held a public hearing on August 8, 2023, 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.** To allow for residential estate 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.
 - ii.** To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
 - iii.** The property is appropriately served by a suitable public road, 6800 South, with access to necessary water and utilities, and 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 & Planning Commission recommendation
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

6. Effective date

This ordinance takes effect on _____, 2023. 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>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus				
Dave Erickson				
Sandi Goodlander				
Nolan Gunnell				
Mark Hurd				
Barbara Tidwell				
Karl Ward				
Total:				
Final action:	_____ Adopt _____ Reject			

Cache County Council:

Attest:

David Erickson, Chair

David Benson, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2023-27, the Esperanza Estates Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date



Hold a Public Hearing

Ordinance 2023-27 – Esperanza Estates Rezone

Agenda request submitted by: Stephen Nelson, Director of Development Services –
Forwarded from the County Planning Commission

Assisting Department: Development Services

Requested Council meeting date: August 8, 2023

Agenda Item Language: Hold a public hearing on August 8, 2023, for Ordinance 2023-27 Esperanza Estates Rezone – A request to rezone 42 acres located at 3210-3300 West 6800 South, near Wellsville, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

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

Background: A request to rezone 42 acres located at 3210-3300 West 6800 South, near Wellsville, from the Agricultural (A10) Zone to the Rural 5 (RU5) 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 6 July 2023 and their recommendation to deny the rezone was made on 6 July 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

July 5, 2023

Cache County Planning Commission:

I am writing concerning the request to rezone 42 acres from Agricultural A10 to Rural RU5 zone-Project Name Esperanza Estates Rezone-Location 3210-3300 West 6800 South Cache County, Utah.

As I have studied the zoning situation in Cache County, I feel that this **rezone is warranted.**

Cache County has allowed many acres of prime farm ground to be used over the past 10 years for business and residential development. While at the same time disallowing the dry farming area that is much less valuable for agricultural purposes to be severely restricted.

I feel that the zoning in the less profitable farming areas (dry farming) should be allowed to be even more densely developed. This would allow for more housing units and more affordable housing units to be developed. The County should be working with the cities in the outlying areas to extend water and sewer infrastructure so that more housing units can be developed.

Sincerely,

Mark Mitton
Property owner
Parcel #10-146-0015

Staff Report: Esperanza Estates Rezone

6 July 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: Justin Cooper

Parcel ID#: 10-047-0021, -0017

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address: Acres: 42

3210-3300 West 6800 South
near Wellsville

Surrounding Uses:

North – Agricultural/Residential

South – Agricultural

East – Agricultural/Residential

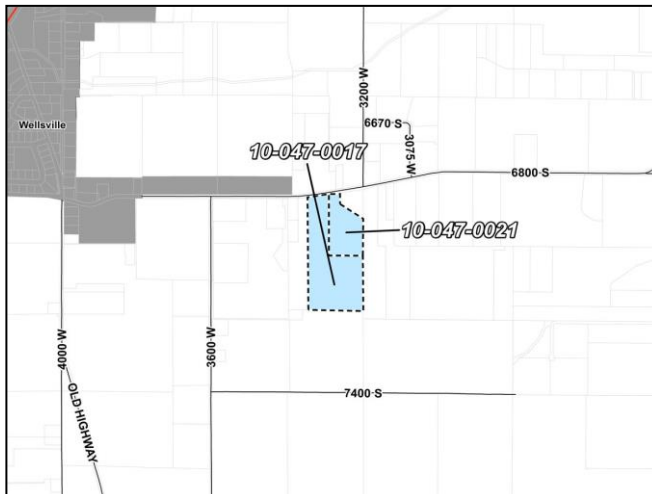
West – Agricultural

Current Zoning:

Agricultural (A10)

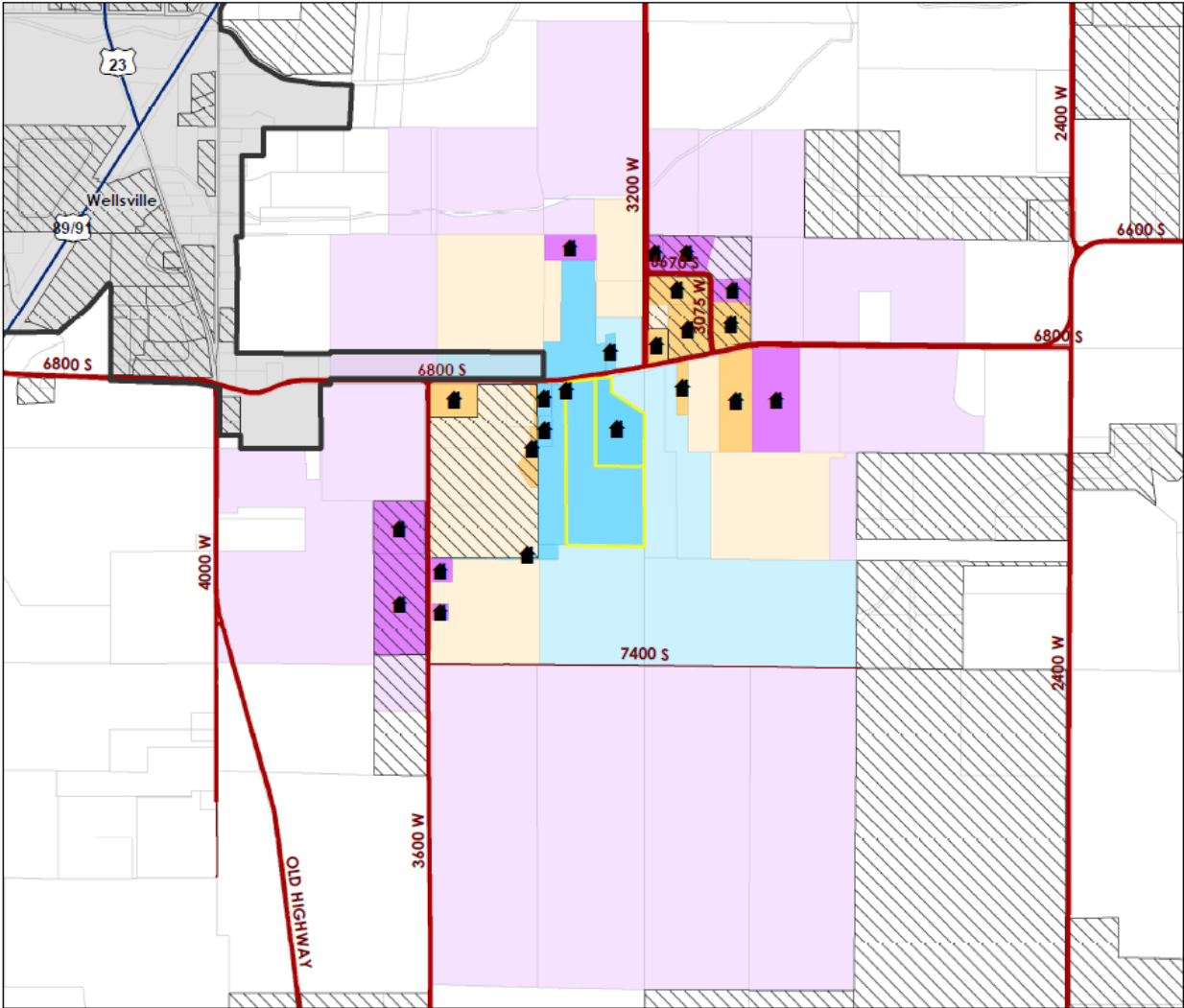
Proposed Zoning:

Rural 5 (RU5)



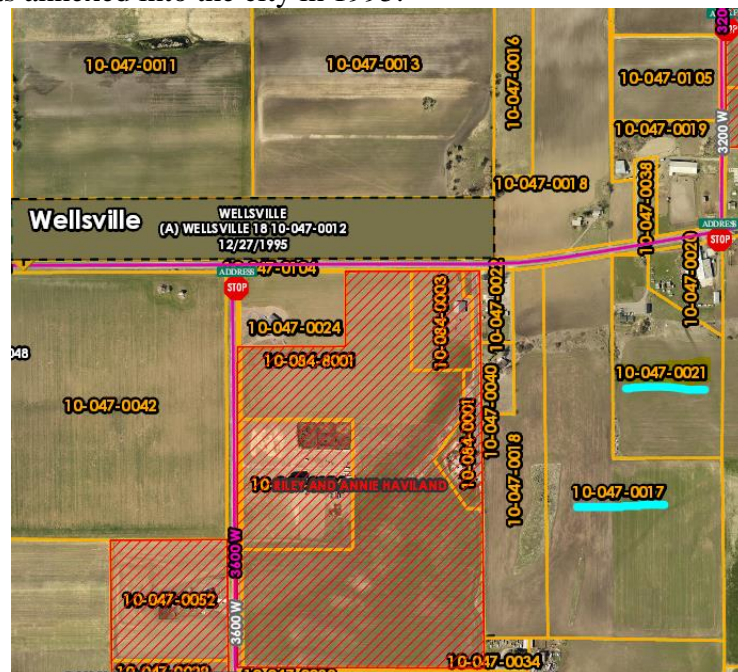
a. Land Use Context:

- i. Parcel status: The subject properties are not in the same size and configuration as it was on August 6, 2008, however, they are legal parcels as the changes occurred as part of boundary line adjustments in 2016 & 2018 that did not result in the creation of any new parcels.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 7.8 Acres (6 Parcels)
	Without a Home: 28.8 Acres (7 Parcels)
	Without a Home in Wellsville City: 10 Acres (1 Parcel)
1/4 Mile Buffer	With a Home: 6.6 Acres (14 Parcels)
	Without a Home: 23.8 Acres (18 Parcels)
	Without a Home in Wellsville City: 10 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 6.8 Acres (23 Parcels)
	Without a Home: 34.9 Acres (41 Parcels)
	Without a Home in Wellsville City: 10 Acres (2 Parcels)

- iii. The proposed RU5 zone allows a maximum density of 1 lot for every 5 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 42.0 acres of property, the subject property could be divided into a maximum potential of 4 buildable lots under the current A10 Zone standards, including the parcel with an existing single-family dwelling. A rezone to RU5 may allow up to a maximum potential of 8 buildable lots, including one lot with the existing single-family dwelling.
- iv. 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
- v. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture with a few single family dwellings. The Wellsville City boundary is located less than 300 feet west of the subject properties on the north side of 6800 South.
- vi. Annexation Areas: The subject property is located within the Wellsville City future annexation area. The closest Wellsville City boundary is located less than 300 feet west of the subject properties on the north side of 6800 South. This portion of Wellsville was annexed into the city in 1995.



- vii. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The nearest RU5 zone is located approximately 2.50 miles northeast of the subject properties north of the Nautica Subdivision near Hyrum Dam. This RU5 Zone was approved by the County Council as the Cache Valley View Estates Rezone on 16.58 acres in June 2011; a previous request to rezone to the RU2 Zone was denied. Since the rezone was approved, the property has remained undeveloped and no subdivision application has been submitted.

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] identifies the purpose of the RU5 Zone and includes the following:
 - a. “To allow for residential estate 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 agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality 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. The future land use map (Attachment B) adopted as part of the recently approved Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, pg. 24*

AGRICULTURE AND RANCHING

Location:	Private agriculture landscapes in the Cache Valley outside of municipalities.
Example Areas:	<ul style="list-style-type: none"> • (Most of the valley)
Purpose and Character:	Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Valley. Separation from dense residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities and protects suitable soils.
Preferred Land Uses:	<ul style="list-style-type: none"> • Agriculture • Ranching • Rural residential uses at densities of less than one unit per 10 acres • Conservation Easements (CEs) and conserved public lands • Agritourism
Secondary Land Uses:	<ul style="list-style-type: none"> • Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution) • Clustered subdivision developments • Outdoor Recreation • Farm Worker Housing
Discouraged Uses:	<ul style="list-style-type: none"> • Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development • Commercial Office • Commercial Retail • Flex Office/ Industrial • Heavy Industrial

CHAPTER 4: FUTURE LAND USE PLAN

The use of land is one of the most important and fundamental values for landowners, residents, civic leaders, and elected officials. This determines—in large measure—the future of Cache County. The Future Land Use Map represents the County's collective vision of our desired future. It conveys the patterns and priorities of economic development and community character, the locations of neighborhoods and industries, and the preservation of natural, agricultural, and rural landscapes.

The Future Land Use Plan is advisory and does not change the existing zoning of any property or the ability of landowners to continue existing legal uses consistent with the existing zoning or nonconforming uses. It serves as a starting point for conversations about regional initiatives and development proposals by illustrating how sometimes separate and uncoordinated activities can help or harm our desired future. The timing of future development will depend on a number of factors including choices made by individual landowners, aspirations of the community, and future availability of facilities and services.

7. 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**
 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 RU5 Zone is 90 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 6800 South, a County road.
 14. 6800 South:
 - a. Is an existing county facility is the main through road from US 89/91 to Hyrum and serves other lower classified County Roads, single family dwellings, and agricultural parcels.
 - b. Is classified as a Major Collector Road.
 - c. Major Collector roads serve larger towns and other traffic generators of equivalent inter-county importance, such as schools, shipping points, and county parks, which are not directly served by Minor Arterial Roads. Ideally, these roads have higher travel speeds and minimal interferences to the through movement of traffic.
 - d. Is paved and is approximately 20 feet wide.
 - e. Is maintained year round by the County.
 - f. Is considered substandard as to gravel shoulder width and clear zone.
 - g. Any new access points must meet the minimum standards for a Major Collector.

Analysis of Existing Roadway – 6800 South

Roadway Element	Existing Width (ft)	Major Collector Width (ft) Requirements	Major Local Width (ft) Requirements	Comments or Findings
Travel Lanes	20	24	20	OK
Right-of-Way	66	80	66	OK
Paved Shoulder	3	4	2	OK
Gravel Shoulder	2	4	4	Substandard
Clear Zone (4:1)	10	20	20	Substandard
Material	Paved	Paved	Paved	OK
Structural				Visually OK

*Road is classified as a Major Collector but would only be required to meet a Major Local Road standard for Single Family Homes.

Access Management – 6800 South

Classification	Min. Spacing Standard (Feet)		
	Road Access	Commercial	Residential/Farm Access
Major Collector	350	200	200

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line

D. Service Provisions:

15. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides refuse collection in this area. The specific collection location and further requirements will be reevaluated based on any future development.

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

17. Public notice was posted online to the Utah Public Notice Website on 23 June 2023.
18. Notices were posted in three public places on 23 June 2023.
19. Notices were mailed to all property owners within 300 feet on 23 June 2023.
20. Staff has reached out to Wellsville City regarding their position on the rezone request, but has not received any comments to date.
21. At this time, no written public comments regarding this proposal have been received by the Development Services Office.

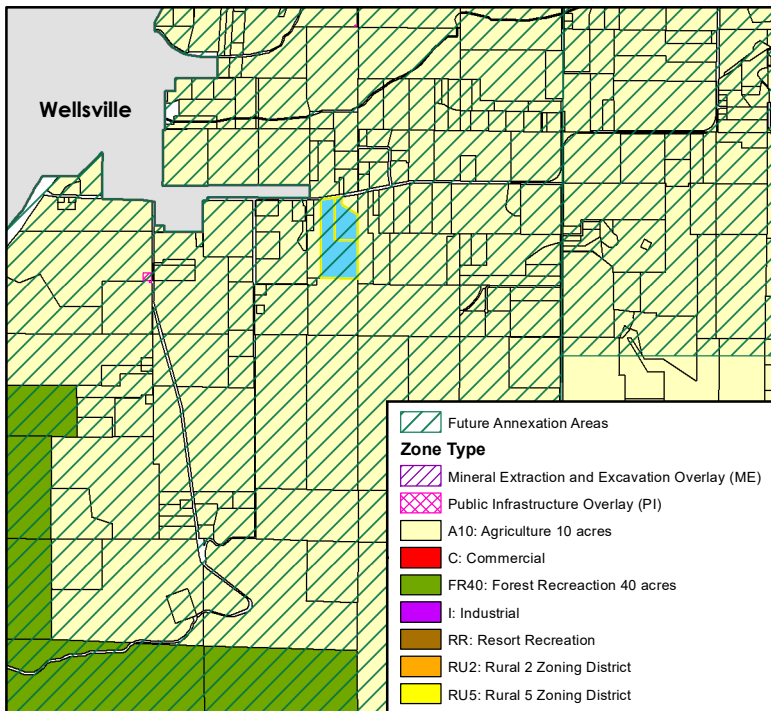
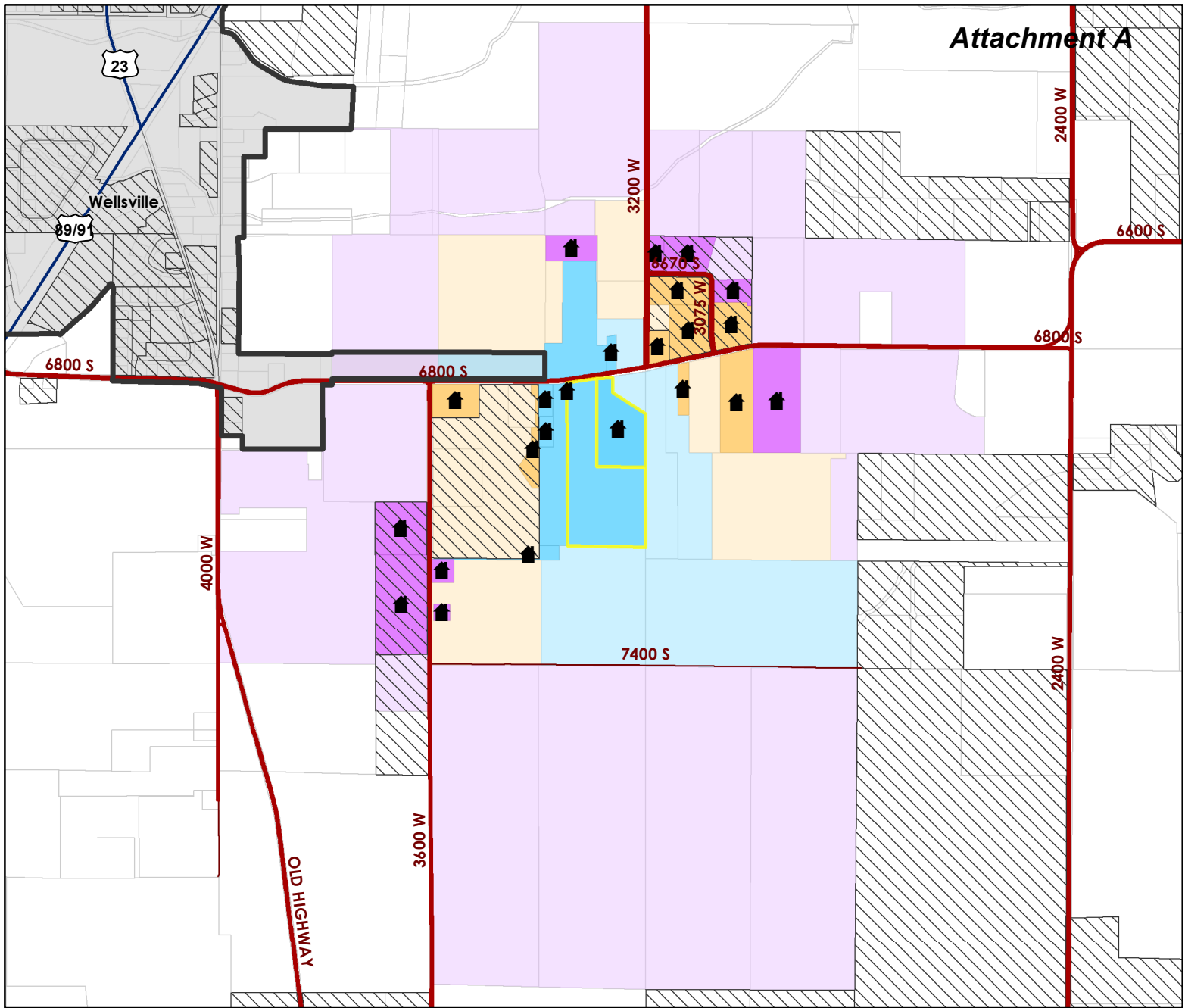
Conclusion

The Esperanza Estates Rezone, a request to rezone 42.0 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) 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 Esperanza Estates Rezone is hereby recommended for denial to the County Council as follows:

1. The location of the proposed rezone is not in close proximity to an adjacent municipality where a higher density development is more appropriate.
2. The recently adopted Cache County General Plan identifies the future land use of this area as “Agriculture and Ranching” which specifies the preferred land uses as: agricultural, ranching, rural residential uses at densities of less than one unit per 10 acres, conservation easements and conserved public lands, and agritourism.



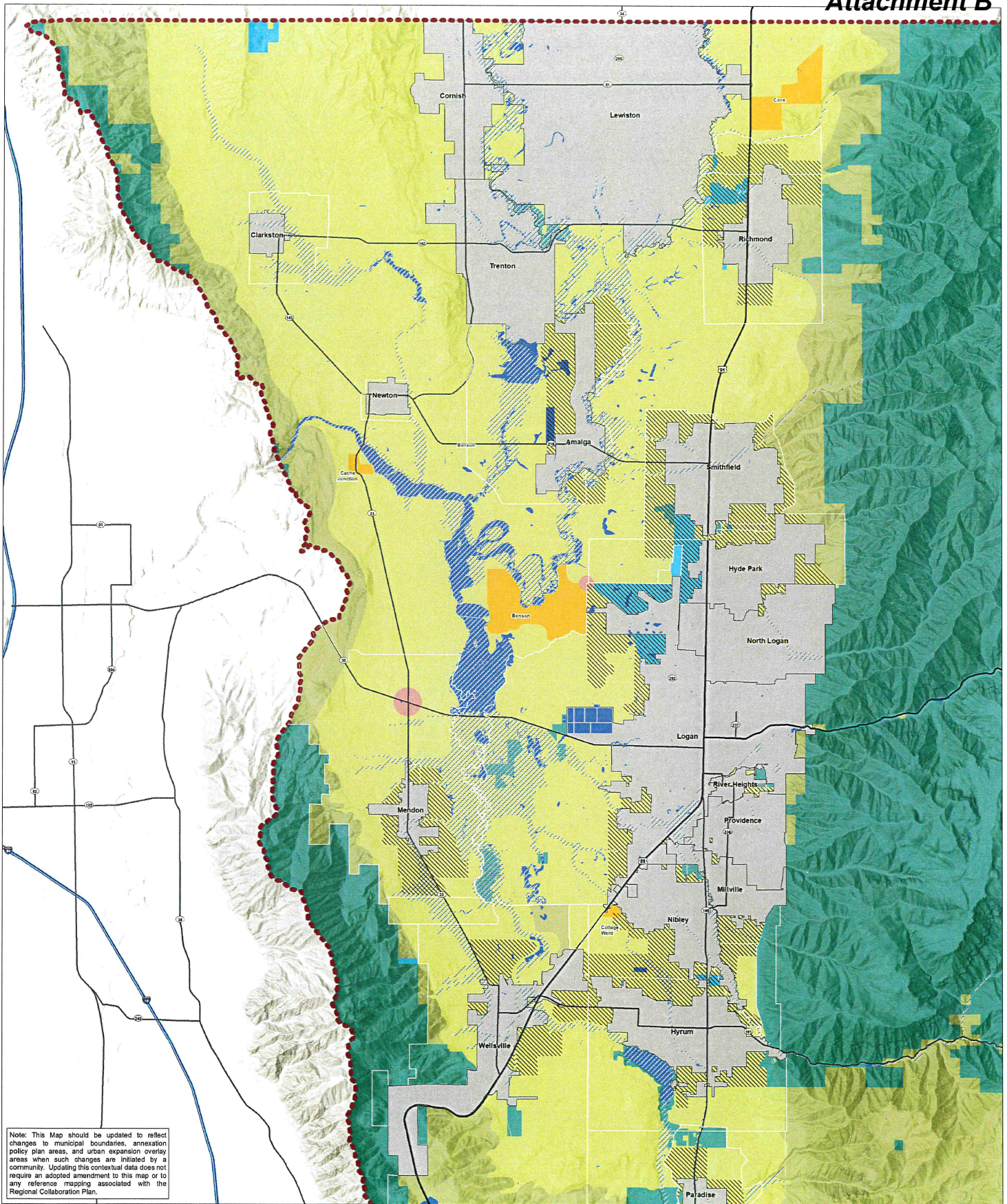
Legend












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

Average Parcel Size	
Adjacent Parcels	With a Home: 7.8 Acres (6 Parcels)
	Without a Home: 28.8 Acres (7 Parcels)
	Without a Home in Wellsville City: 10 Acres (1 Parcel)
1/4 Mile Buffer	With a Home: 6.6 Acres (14 Parcels)
	Without a Home: 23.8 Acres (18 Parcels)
	Without a Home in Wellsville City: 10 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 6.8 Acres (23 Parcels)
	Without a Home: 34.9 Acres (41 Parcels)
	Without a Home in Wellsville City: 10 Acres (2 Parcels)



6/6/2023



 Water Bodies	 Urban Expansion Overlay	 Agriculture and Ranching
 100 Year Floodplain	 Retail Commercial	 Mountain Rural and Conservation
 Municipalities	 Rural Community	 Forest and Natural Resource
 Annexation Policy Plan Areas	 Industrial and Mineral Extraction	

**Cache County
Future Land Use Map**

Disclaimer: This map is illustrative and for advisory purposes only. This is not a regulatory or zoning document, and locations are generalized to illustrate concepts.

Date: February 28, 2023

July 5, 2023

Cache County Planning Commission:

I am writing concerning the request to rezone 42 acres from Agricultural A10 to Rural RU5 zone-Project Name Esperanza Estates Rezone-Location 3210-3300 West 6800 South Cache County, Utah.

As I have studied the zoning situation in Cache County, I feel that this **rezone is warranted.**

Cache County has allowed many acres of prime farm ground to be used over the past 10 years for business and residential development. While at the same time disallowing the dry farming area that is much less valuable for agricultural purposes to be severely restricted.

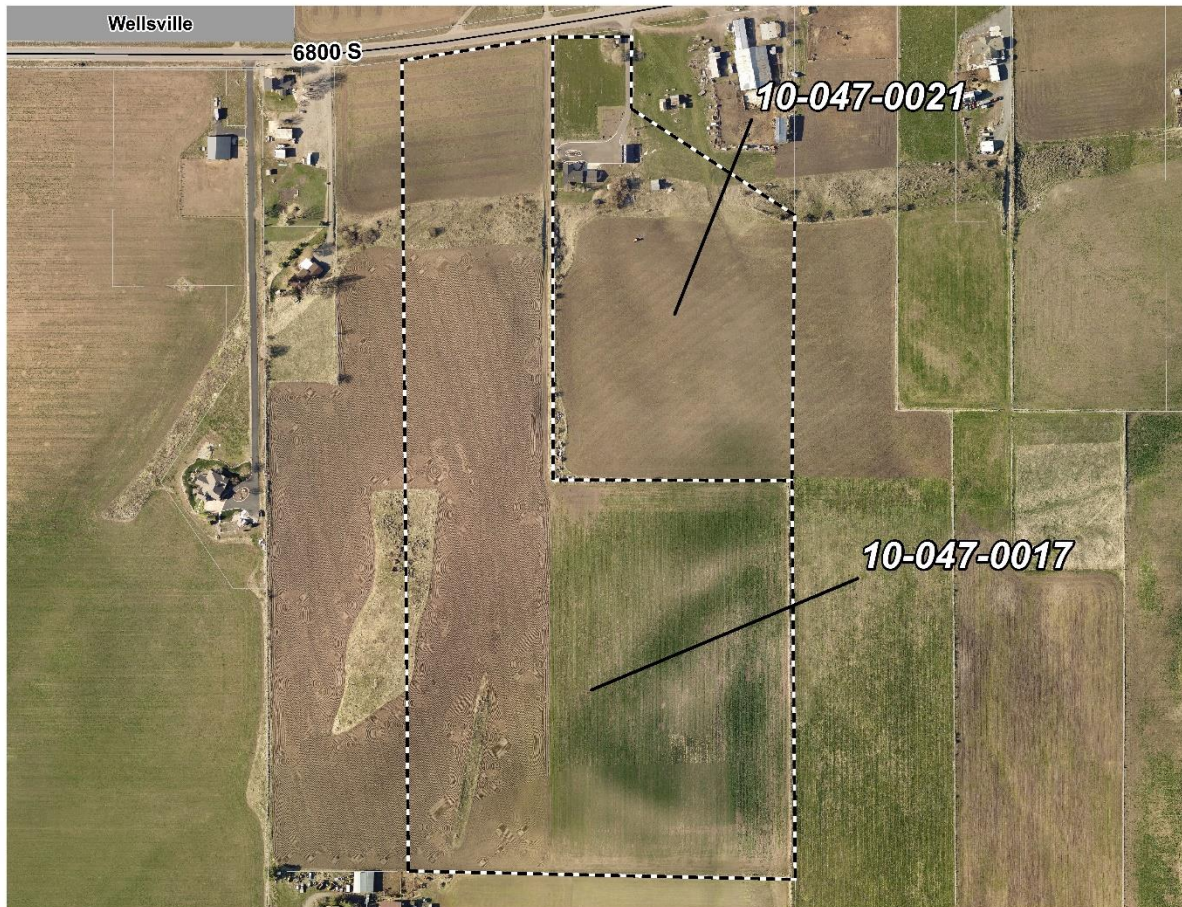
I feel that the zoning in the less profitable farming areas (dry farming) should be allowed to be even more densely developed. This would allow for more housing units and more affordable housing units to be developed. The County should be working with the cities in the outlying areas to extend water and sewer infrastructure so that more housing units can be developed.

Sincerely,

Mark Mitton
Property owner
Parcel #10-146-0015

Exhibit B: Ordinance 2023-27

Zoning Map of Cache County – Affected Portion
Esperanza Estates Rezone



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

10-047-0017

BEG N 0°40'28" W 1494.42 FT OF SE COR SEC 14 T 10N R 1W & TH N 89°44'23" W 962.94 FT TH N 0°49'56" W 2039.10 FT TO S LN OF MT STERLING ROAD TH N 81°09'45" E ALG ROAD 384.55 FT TO PT BR W 9 CHS OF E LN OF SEC 14 TH S 0°21'17" E 1111.10 FT TO FENCE COR TH N 89°53'11" E 594.0 FT TO E LN OF SEC 14 TH S 0°40'28" E 992.48 FT TO BEG CONT 31.24 AC M/B

10-047-0021

BEG 529 FT S OF PT 25.42 CHS S OF NE COR SEC 14 T 10N R 1W & TH S 663 FT TH N 89°48' W 9 CHS TH N 0°9' W 9.74 CHS TH E 12 RDS TH N 289 FT M/L TO PT 260 FT S OF S LN OF CO ROAD TH S 55°44' E 481 FT M/L TO BEG CONT 8.73 AC

ALSO: BEG S 80°58' W 9.39 CHS OF PT 25.42 CHS S OF NE COR SEC 14 T 10N R 1W, S 0°9' W 7.11 CHS N 89°48' E 12 RDS N 0°9' E 7.11 CHS W 12 RDS TO BEG CONT 2.13 AC CONT 10.86 AC IN ALL

Ordinance No. 2023-28

Cache County, Utah

Graham Addition Rezone

An ordinance amending the County Zoning Map by rezoning ~125 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) 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 July 6, 2023, the Planning Commission held a public hearing, accepted all comments, and recommended denial of the proposed amendments to the County Council for final action; and

Whereas, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance and zoning map for the county; and

Whereas, following proper notice, the County Council held a public hearing on August 8, 2023, 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 Agricultural (A10) Zone as identified under §17.08.030[A] of the Cache County Code as it:
- i.** The location of the subject properties is compatible with the purpose of the proposed A10 Zone.
 - ii.** The proposed A10 Zone is consistent with the zoning of the approved subdivision in which they are located and will eliminate the split zoning of the subject properties.
 - iii.** The historic and current use of the properties is agricultural and is suitable for development within the A10 Zone without increasing the need for variances or special exceptions within this zone.

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 & Planning Commission recommendation
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

6. Effective date

This ordinance takes effect on _____, 2023. 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>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus				
Dave Erickson				
Sandi Goodlander				
Nolan Gunnell				
Mark Hurd				
Barbara Tidwell				
Karl Ward				
Total:				
Final action:	_____ Adopt _____ Reject			

Cache County Council:

Attest:

David Erickson, Chair

David Benson, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2023-28, the Graham Addition Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ord 2023-028
Graham Addition Rezone
Amending the Cache County Zoning Map by rezoning
~125 acres of property from the Forest Recreation (FR40) Zone
to the Agricultural (A10) Zone.

County Council action

Hold a public hearing on August 8, 2023.

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

Planning Commission action

Denial (5-yea; 0-nay; 1-abstention).

Public hearing held on July 6, 2023.

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

1. The area is not conducive to residential development due to the presence of sensitive areas including, but not limited to, steep slopes and moderate to extreme Wildfire Hazard Areas.
2. The majority of the subject properties located in the FR40 Zone has not historically been used for agricultural purposes and is not compatible with the purpose of the proposed A10 Zone.
3. It is not consistent with the recently adopted Cache County General Plan that identifies the future land use of this area as "Mountain Rural and Conservation" as well as "Forest and Natural Resources" which specifies the preferred land uses as: forestry, grazing, outdoor recreation, watershed protection, hazard mitigation (i.e., floodplain management, steep slopes, and high wildfire hazard) and conservation easements. Additionally, these future land use areas specifically discourage residential uses (Forest and Natural Resources) and residential development at a density greater than one unit per 40 acres (Mountain Rural and Conservation).

Staff Report review by Development Services Director

Stephen Nelson

Staff Report by County Planner

Angie Zetterquist

General Description

This ordinance amends the County Zoning Map by rezoning ~125 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.

Additional review materials included as part of Exhibit A

Staff Report to Planning Commission

Staff Report: Graham Addition Rezone

6 July 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: Michael Graham

Parcel ID#: 18-053-0010, -0011

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address: Acres: ~125.0

11432 North 2300 East
near Richmond

Surrounding Uses:

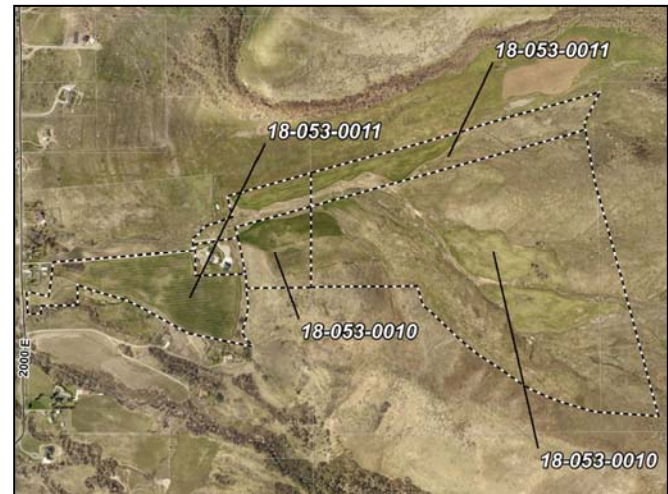
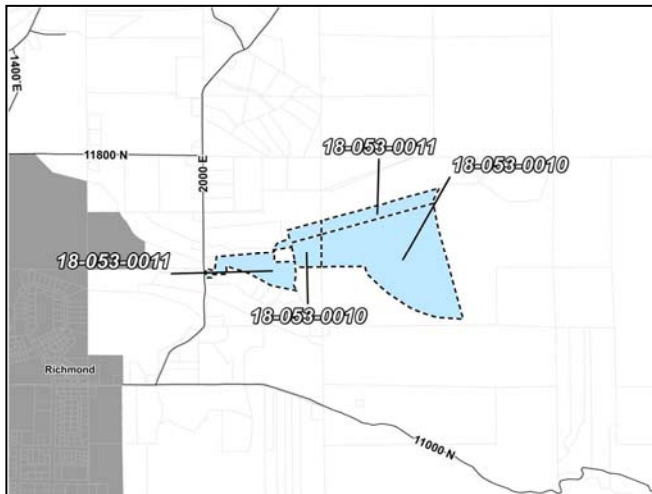
North – Agricultural/Residential/FR40

South – Agricultural/Residential/FR40

East – Agricultural/FR40

West – Agricultural/Residential

Current Zoning: Forest Recreation (FR40)
Proposed Zoning: Agricultural (A10)



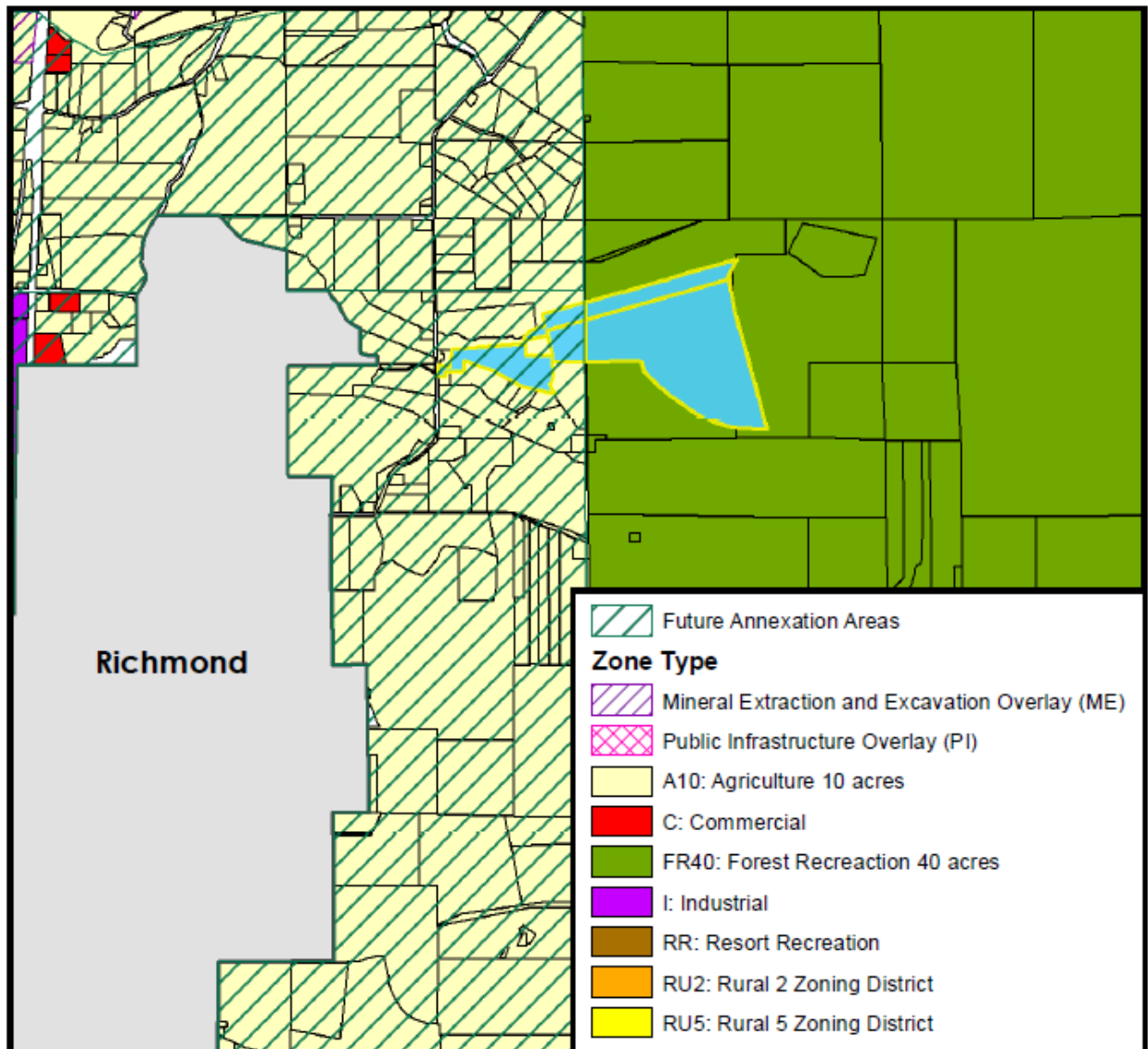
Findings of Fact

A. Request description

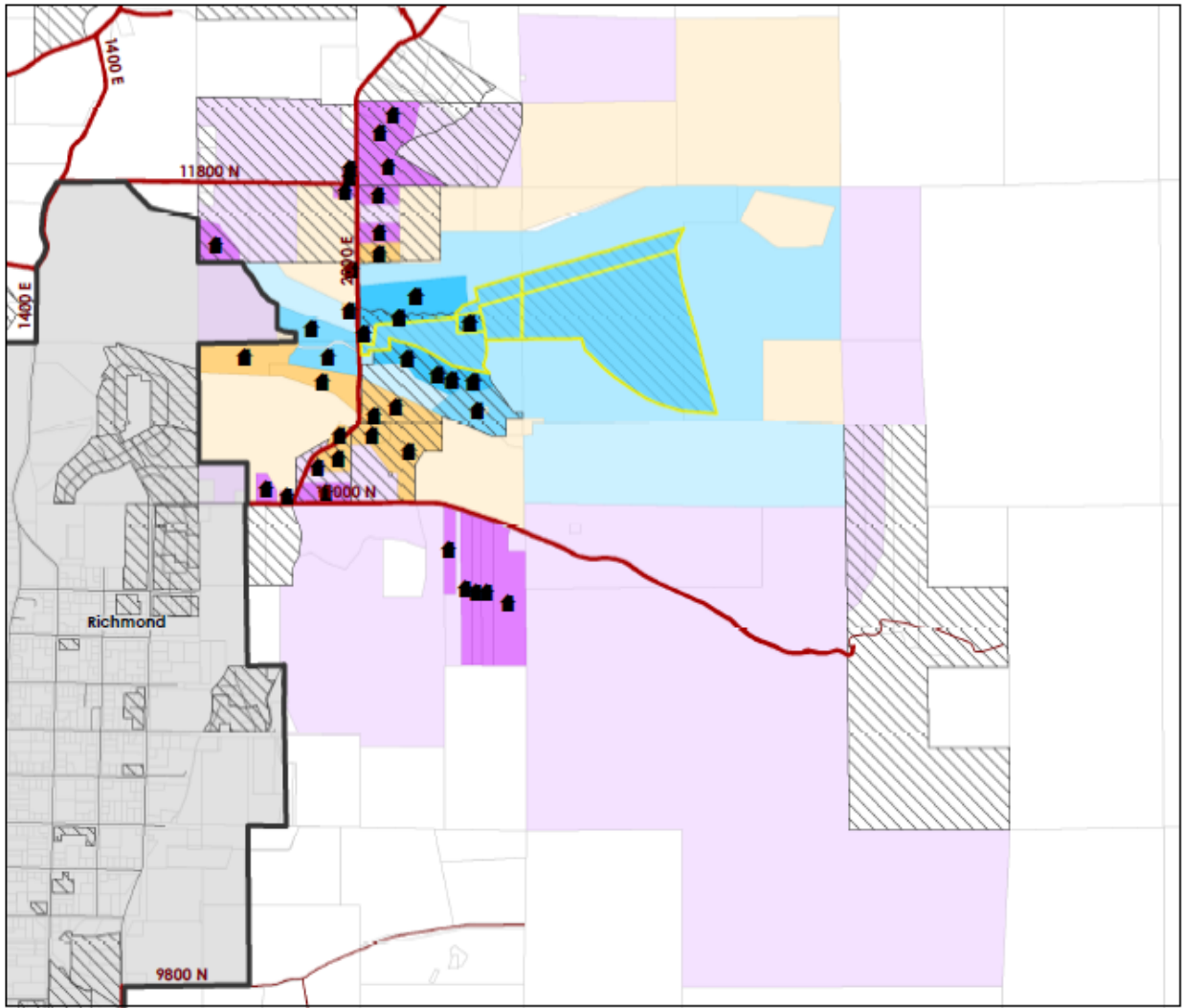
1. A request to rezone approximately 125.0 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Agricultural (A10) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the A10 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:** Both parcels are legal as they located within an approved subdivision, the Housely Minor Subdivision recorded in 2003, and are identified as agricultural remainders within that subdivision. At the time the subdivision was approved, and it is still currently the case, portions of these agricultural remainders had a split zone with part of the parcels being in the A10 Zone and the larger, eastern sections were located in the FR40 Zone. The split zoning makes it difficult to calculate the overall density of the subdivision, and, per the Code, the two subject properties can only be developed in accordance with the most restrictive zone (i.e., FR40).

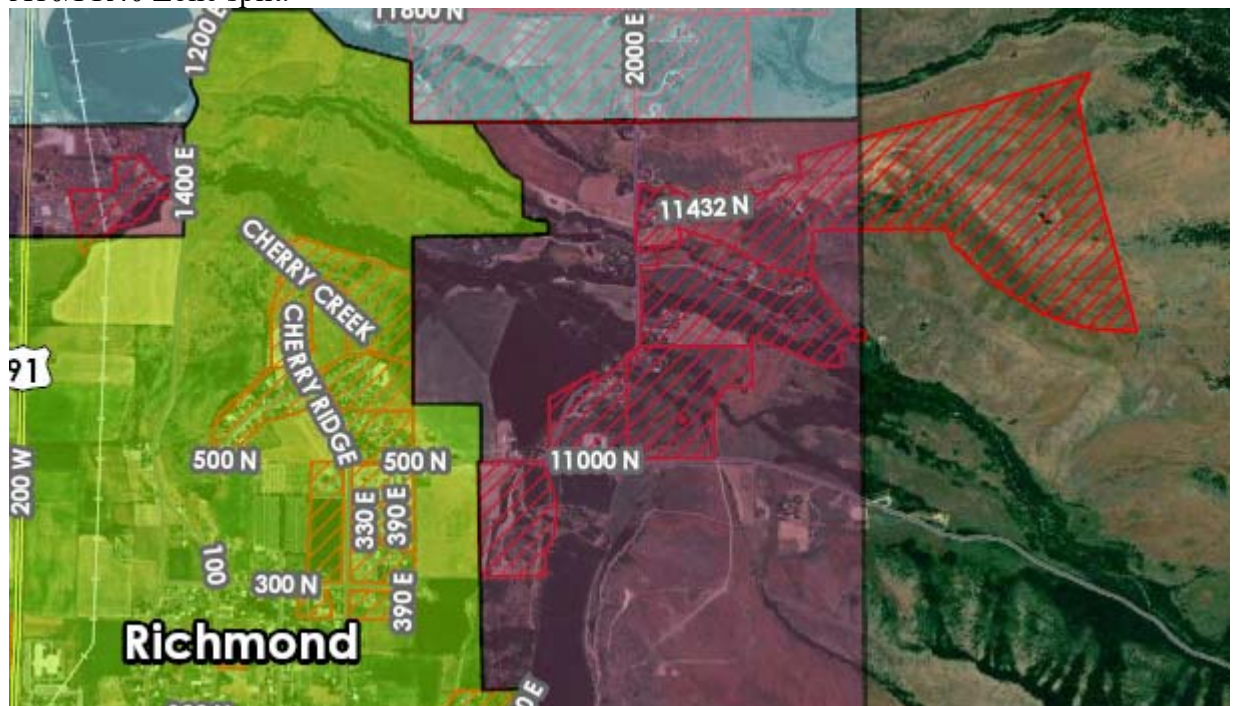


ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 5.5 Acres (8 Parcels)
	Without a Home: 60 Acres (11 Parcels)
1/4 Mile Buffer	With a Home: 7.2 Acres (22 Parcels)
	Without a Home: 46.2 Acres (30 Parcels)
	Without a Home in Richmond City: 1.1 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 7 Acres (40 Parcels)
	Without a Home: 52.1 Acres (59 Parcels)
	Without a Home in Richmond City: 14.7 Acres (3 Parcels)

- iii. The proposed A10 zone allows a maximum density of 1 lot for every 10 acres, whereas the current FR40 zone allows a maximum density of 1 lot for every 40 net developable acres. With approximately 42.0 acres of property, the subject property could be divided into a maximum potential of 4 buildable lots under the current A10 Zone standards, including the parcel with an existing single-family dwelling. A rezone to RU5 may allow up to a maximum potential of 8 buildable lots, including one lot with the existing single-family dwelling.
- iv. Schedule of Zoning Uses: The Agricultural (A10) 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 Forest Recreation (FR40) Zone:
- Single Family Dwelling
 - Accessory Apartment
 - Home Based Business
 - Residential Living Facilities
 - Agricultural Manufacturing
 - Cemetery/Crematorium
 - Religious Meeting House
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Boarding Facility
 - Topsoil Extraction
- v. Adjacent uses: The properties adjacent to the subject rezone are primarily forest recreation, agriculture, and residential uses. The nearest Richmond City boundary is located about 1,100 feet west, as the crow flies, of the subject properties, but about 0.68 miles via 2000 East.
- vi. Annexation Areas: The subject properties are not located within the Richmond City future annexation area. The future annexation boundary stops at the current A10/FR40 Zone split.



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 Agricultural (A10) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [C] identifies the purpose of the Agricultural Zone and includes the following:
 - a. To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.
 - b. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.”
6. The future land use map (Attachment B) adopted as part of the recently approved Cache County General Plan identifies the area where the subject property is located as “Mountain Rural and Conservation” as well as “Forest and Natural Resources.” *Cache County General Plan, Chapter 4, pg. 24 & 25*

FOREST AND NATURAL RESOURCES

Location:	Publicly owned and conserved private lands in the mountains and canyons.
Example Areas:	<ul style="list-style-type: none"> • U.S. Forest Service lands • State lands
Purpose and Character:	Resource conservation and uses/products (i.e. forestry, ranching) on federal, state, and local government-owned lands. Some public lands are open to public access and recreation. Private lands under conservation easements (no public access). If public land is sold for private development that is not compatible with the Natural Resource category, the property should default to the Mountain Rural and Conservation future land use category.
Preferred Land Uses:	<ul style="list-style-type: none"> • Multiple Resource Uses (i.e. forestry, grazing) • Outdoor recreation on publicly accessible lands • Watershed Protection • Hazard Mitigation (i.e. floodplain management, steep slopes, and high wildfire hazard) • Conservation Easements
Secondary Land Uses:	<ul style="list-style-type: none"> • Residential uses where permitted in a conservation easement • Research and public institutions
Discouraged Uses:	<ul style="list-style-type: none"> • Residential • Commercial • Industrial • Heavy industrial and mining

MOUNTAIN RURAL AND CONSERVATION

Location:	The majority of privately-owned mountain and foothill areas.
Example Areas:	<ul style="list-style-type: none"> FR-40 zone that is not public land
Purpose and Character:	<p>Forestry, recreation, and multiple resource uses on private lands. Forestry and recreation land uses are expected to continue. Maintaining the environmental quality of steep slopes, canyons, and forests with minimal residential development conserves watershed resources and improves resiliency from wildfire, geological, and flood hazards.</p>
Preferred Land Uses:	<ul style="list-style-type: none"> Forestry Agriculture Conservation Easements (CEs) and conserved public lands Watershed Protection Hazard Mitigation (i.e. floodplain management, steep slopes, and high wildfire hazard) Outdoor recreation and tourism
Secondary Land Uses:	<ul style="list-style-type: none"> Seasonal residential housing at one unit per 40 acres Clustered subdivision developments Resorts, recreation business, and public institutions
Discouraged Uses:	<ul style="list-style-type: none"> Residential development at a density greater than one unit per 40 acres Industrial Commercial Office Commercial Retail Heavy Industrial

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9. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 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 properties identifies the following:
 - a. Primary access to the subject properties is from 2000 East (upper High Creek Road), a County road, via a private road, 11432 North.
14. 11432 North, Private Road:
 - a. Approved as part of the Housely Minor Subdivision in 2003.
 - b. Is paved and approximately 12-14 feet wide.
 - c. Is substandard as to the current Road Manual requirements for a Minor Private Road.

Table B-6 Typical Cross Section Minimum Standards

Roadway Classification	Right-of-way (ft)	Travel Lane Width (ft)	Total Shoulder Width (ft)	Paved Shoulder Width (ft)	Gravel Shoulder Width (ft)	Design Limits Based on ADT	Road Surface
Minor Arterial	100	12	10	8	2	-	(A)
Major Collector	80	12	8	4	4	-	(A)
Minor Collector	66	11	6	4	2	2000	(B)
Major Local	66	10	6	2	4	1500	(B)
Minor Local	66	10	4	0	4	400	(B)
Major Private	66	10	2	0	0	200	(B)
Minor Private	33	10	0	0	0	50	(B)
Seasonal/Recreation	33	10	0	0	0	-	(B)
Agricultural Access	33	10	0	0	0	-	(C)

15. 2000 East:

- a. Is an existing county facility serves other lower classified County Roads, single family dwellings, and agricultural parcels.
- b. Is classified as a Major Local Road.
- c. Is paved and is approximately 20 feet wide.
- d. Is maintained year round by the County.
- e. Is considered substandard as to right-of-way, paved and gravel shoulder width, and clear zone.

Analysis of Existing Roadway – 2000 East

Roadway Element	Existing Width (ft)	Major Local Width (ft) Requirements	Comments or Findings
Travel Lanes	20	20	OK
Right-of-Way	varies	66	Substandard
Paved Shoulder	0	2	Substandard
Gravel Shoulder	2-3	4	Substandard
Clear Zone (4:1)	varies	10	Substandard
Material	Paved	Paved	OK
Structural			Visually OK

Access Management – 2000 East

Classification	Min. Spacing Standard (Feet)		
	Road Access	Commercial	Residential/Farm Access
Major Local	300	150	10

Driveways for all uses except single family homes shall not be closer than eight (8) feet to an adjacent interior property line. Single family homes may be granted with two (2) feet of the property line

D. Service Provisions:

- 16. §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.
- 17. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides refuse collection in this area. The refuse containers will need to be placed on the East side of 2000 East for collection. Sufficient shoulder space along the road for all refuse and recycling containers must be provided allowing the containers to be placed 3 to 4 feet apart and far enough off the road so they do not interfere with passing traffic. An encroachment permit is required for any work done in the public right-of-way.

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

- 18. Public notice was posted online to the Utah Public Notice Website on 23 June 2023.
- 19. Notices were posted in three public places on 23 June 2023.
- 20. Notices were mailed to all property owners within 300 feet on 23 June 2023.
- 21. At this time, no written public comments regarding this proposal have been received by the Development Services Office.

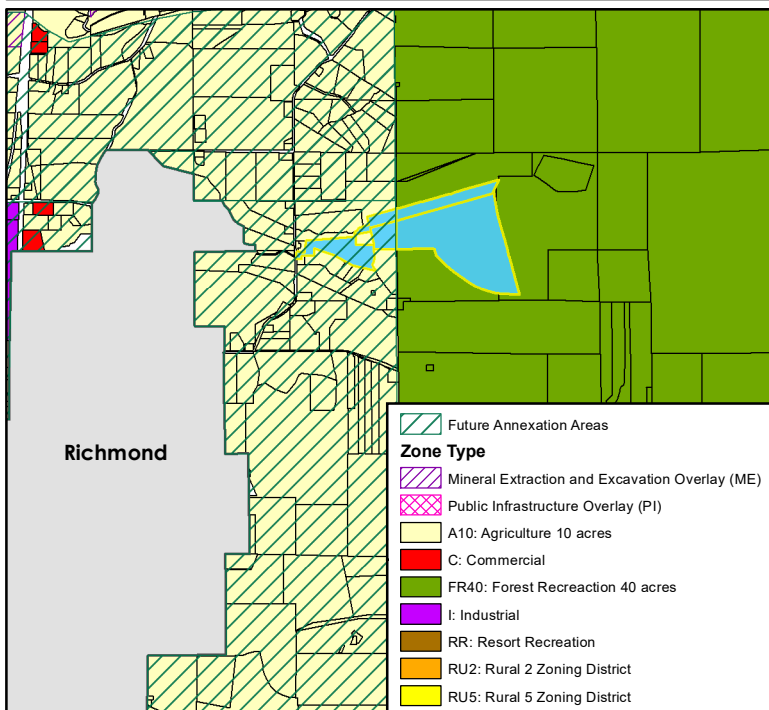
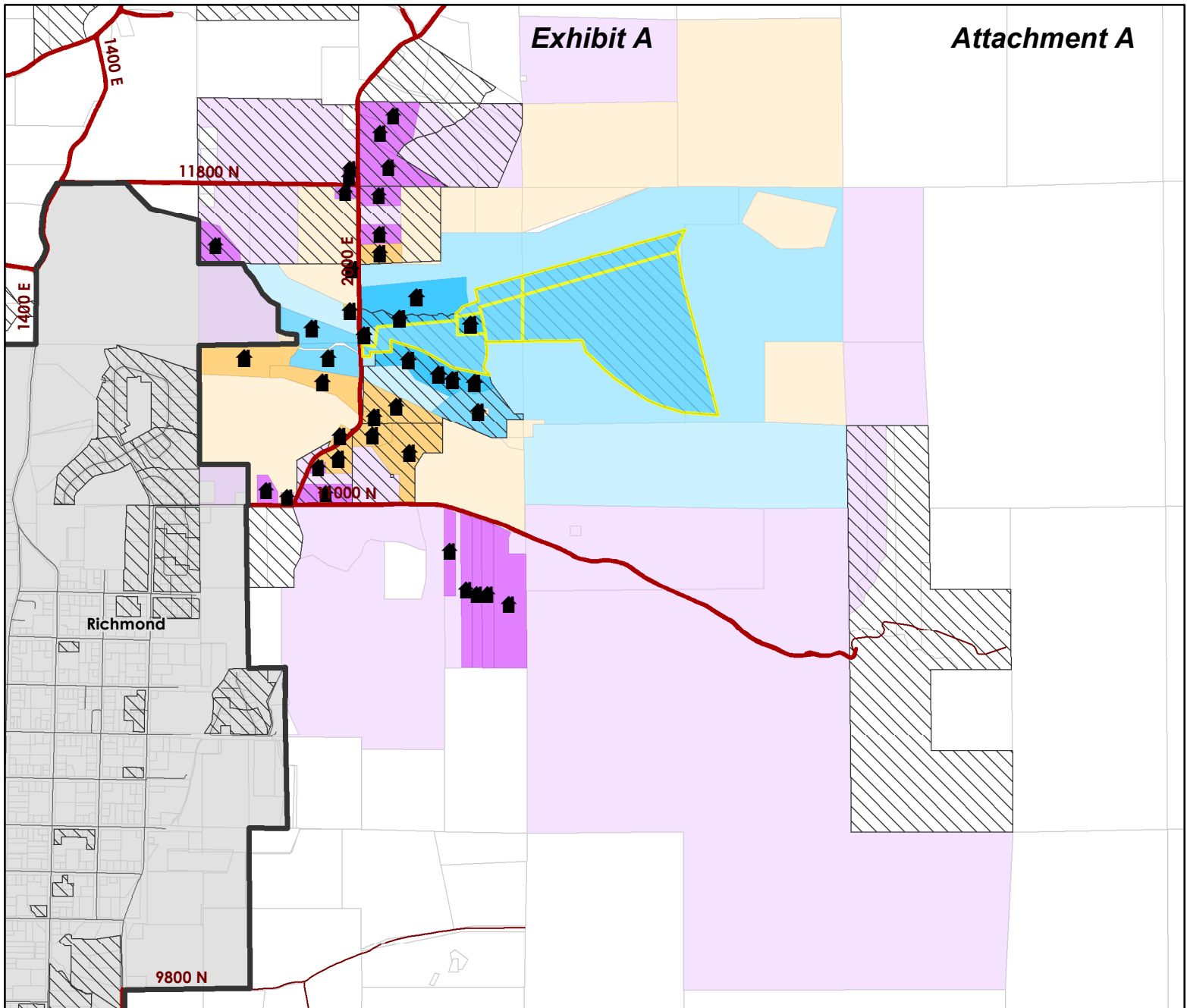
Conclusion

The Graham Addition Rezone, a request to rezone approximately 125 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone 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 Graham Addition Rezone is hereby recommended for denial to the County Council as follows:

1. The area is not conducive to residential development due to the presence of sensitive areas including, but not limited to, steep slopes and moderate to extreme Wildfire Hazard Areas.
2. The majority of the subject properties located in the FR40 Zone has not historically been used for agricultural purposes and is not compatible with the purpose of the proposed A10 Zone.
3. It is not consistent with the recently adopted Cache County General Plan that identifies the future land use of this area as “Mountain Rural and Conservation” as well as “Forest and Natural Resources” which specifies the preferred land uses as: forestry, grazing, outdoor recreation, watershed protection, hazard mitigation (i.e., floodplain management, steep slopes, and high wildfire hazard) and conservation easements. Additionally, these future land use areas specifically discourage residential uses (Forest and Natural Resources) and residential development at a density greater than one unit per 40 acres (Mountain Rural and Conservation



Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home: 5.5 Acres (8 Parcels)
	Without a Home: 60 Acres (11 Parcels)
1/4 Mile Buffer	With a Home: 7.2 Acres (22 Parcels)
	Without a Home: 46.2 Acres (30 Parcels)
	Without a Home in Richmond City: 1.1 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 7 Acres (40 Parcels)
	Without a Home: 52.1 Acres (59 Parcels)
	Without a Home in Richmond City: 14.7 Acres (3 Parcels)



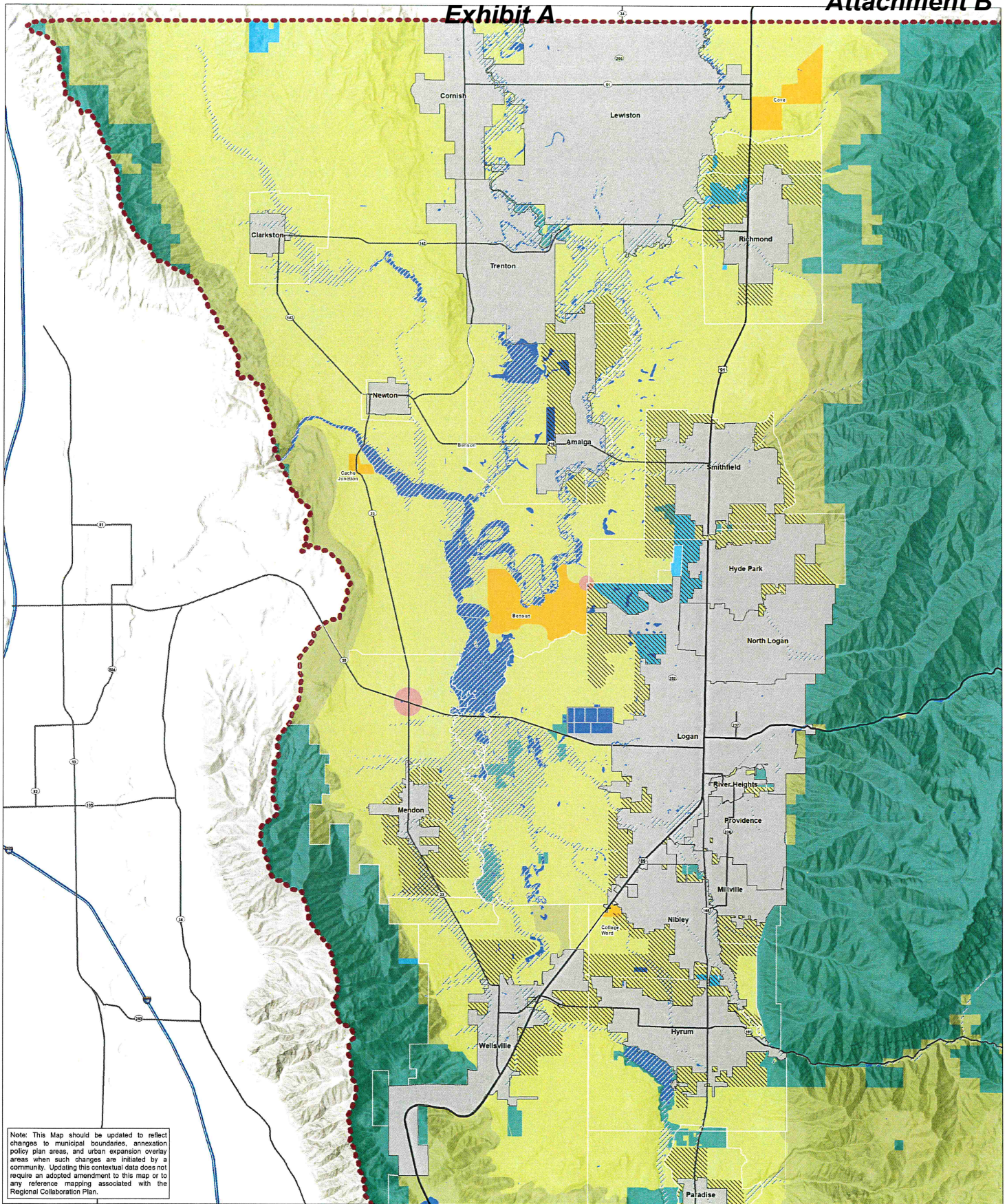
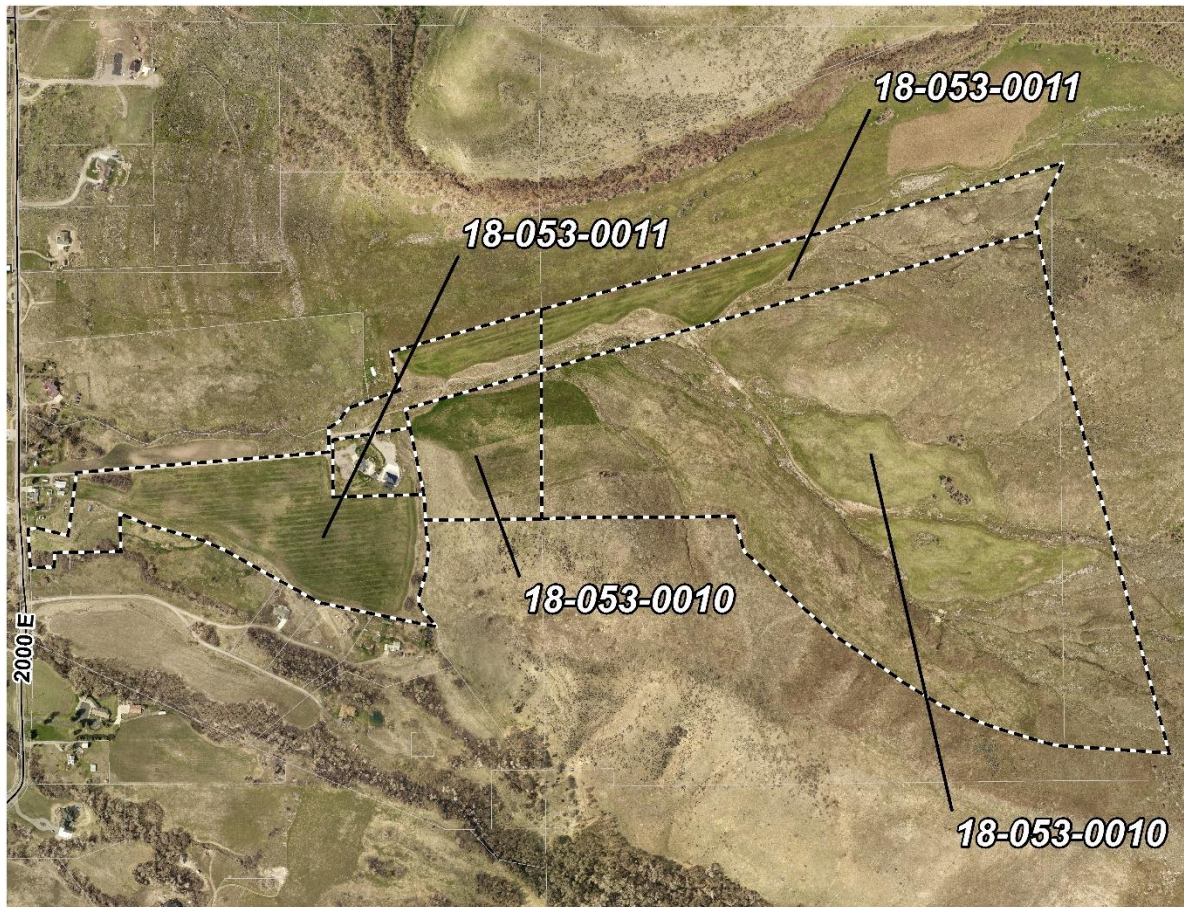


Exhibit B: Ordinance 2023-28

Zoning Map of Cache County – Affected Portion
Graham Addition Rezone



The portion of the following legal descriptions located within the Forest Recreation (FR40) Zone properties above are to be rezoned from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone:

18-053-0010

REMAINDER PARCEL 2 HOUSLEY MINOR SUBD CONT 118.0 AC

18-053-0011

REMAINDER PARCEL 1 HOUSLEY MINOR SUBD CONT 46.52 AC

ALSO: BEG AT NW COR LT 4 CHERRY CREEK RIDGE SUBD AMENDED & TH S 34°49'15" W 17.84 FT TH N 57°48'25" W 341.27 FT TH S 60°47'19" E 342.55 FT TO BEG CONT 0.07 AC CONT 46.59 AC IN ALL

CACHE COUNTY, STATE OF UTAH
RESOLUTION NO. _____

**A RESOLUTION CONSENTING TO THE 1400 NORTH MAIN COMMUNITY
REINVESTMENT PROJECT AREA BUDGET**

WHEREAS, the City of Logan (hereinafter “Logan City”) and the Redevelopment Agency of the City of Logan (hereinafter “Agency”) have complied with the process and requirements for creating the 1400 North Main Community Reinvestment Project Area (Project Area) pursuant to U.C.A. § 17C-5-101 et seq.; and

WHEREAS, pursuant to U.C.A. § 17C-5-204, the Agency and Cache County (hereinafter “County”) anticipate entering into a interlocal agreement for the sharing of tax increment generated in the Project Area; and

WHEREAS, the County is required to consent to the Project Area Budget before Project Area funds can be collected by the Agency.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF CACHE, STATE OF UTAH, AS FOLLOWS:

Pursuant to Utah Code Ann. §17C-5-304, the Cache County Council hereby consents to the 1400 North Main Community Reinvestment Project Area Budget as set forth in the attached Exhibit A.

ADOPTED BY THE CACHE COUNTY COUNCIL THIS _____ DAY OF _____ 2023, BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

_____, Chair

ATTEST:

_____, Recorder

1400 NORTH MAIN COMMUNITY REINVESTMENT PROJECT AREA REDEVELOPMENT AGENCY OF THE CITY OF LOGAN 20 YEAR - MULTI-YEAR BUDGET - PERCENTAGE BASED WITH A CAP OF \$13,000,000																									ESTIMATED TOTAL	PERCENTAGE OF TOTAL TAX INCREMENT TAKEN
	BASE YEAR 2023	2024	2025	INCREMENT TAX YEAR 1 2026	INCREMENT TAX YEAR 2 2027	INCREMENT TAX YEAR 3 2028	INCREMENT TAX YEAR 4 2029	INCREMENT TAX YEAR 5 2030	INCREMENT TAX YEAR 6 2031	INCREMENT TAX YEAR 7 2032	INCREMENT TAX YEAR 8 2033	INCREMENT TAX YEAR 9 2034	INCREMENT TAX YEAR 10 2035	INCREMENT TAX YEAR 11 2036	INCREMENT TAX YEAR 12 2037	INCREMENT TAX YEAR 13 2038	INCREMENT TAX YEAR 14 2039	INCREMENT TAX YEAR 15 2040	INCREMENT TAX YEAR 16 2041	INCREMENT TAX YEAR 17 2042	INCREMENT TAX YEAR 18 2043	INCREMENT TAX YEAR 19 2044	INCREMENT TAX YEAR 20 2045	TAX INCREMENT GENERATED PER DEVELOPMENT ASSUMPTIONS		
PROJECT REVENUES																										
Property Tax (Base Year Taxable Value)	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$416,533 \$47,899,345	\$9,580,252	
Projected Tax Increment																										
RDA COLLECTION PERIOD - 20 YEARS																										
Agency																										
Eligible Project Area Expenditures: Cache Valley Mall Redevelopment Project	\$0	\$0	\$0	\$444,678	\$450,204	\$455,786	\$461,423	\$467,116	\$472,866	\$478,674	\$484,541	\$490,465	\$496,449	\$502,492	\$508,597	\$514,761	\$520,988	\$527,278	\$533,629	\$540,045	\$546,524	\$553,068	\$560,416	\$10,010,000	77%	
Eligible Project Area Expenditures: Other Commercial/Residential Development	\$0	\$0	\$0					\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$65,046	\$64,307	\$1,040,001	8%	
Housing (10% of Agency Tax Increment)	\$0	\$0	\$0	\$52,315	\$52,965	\$53,622	\$54,285	\$62,608	\$63,284	\$63,968	\$64,658	\$65,355	\$66,059	\$66,770	\$67,488	\$68,214	\$68,946	\$69,686	\$70,433	\$71,188	\$71,950	\$72,720	\$73,493	\$1,300,000	10%	
RDA Administration (5% of Agency Tax Increment)	\$0	\$0	\$0	\$26,157	\$26,483	\$26,811	\$27,143	\$31,303	\$31,642	\$31,984	\$32,328	\$32,677	\$33,029	\$33,385	\$33,744	\$34,105	\$34,473	\$34,842	\$35,216	\$35,593	\$35,975	\$36,359	\$36,747	\$650,000	5%	
Total Tax Increment to the Redevelopment Agency	\$0	\$0	\$0	\$523,150	\$529,652	\$536,219	\$542,851	\$626,073	\$632,838	\$639,672	\$646,573	\$653,543	\$660,583	\$667,693	\$674,875	\$682,126	\$689,453	\$696,852	\$704,324	\$711,872	\$719,495	\$727,193	\$734,963	\$13,000,000	100%	
Projected Taxing Entity Flow-thru Paid to Other Taxing Entities	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%	
TOTAL PROJECT REVENUES (TOTAL TAX INCREMENT)	\$0	\$0	\$0	\$523,150	\$529,652	\$536,219	\$542,851	\$626,073	\$632,838	\$639,672	\$646,573	\$653,543	\$660,583	\$667,693	\$674,875	\$682,126	\$689,453	\$696,852	\$704,324	\$711,872	\$719,495	\$727,193	\$734,963	\$13,000,000	100%	
PROJECT EXPENDITURES																										
CAPITAL COSTS & RELATED EXPENSES																										
Land Acquisition	\$0	\$0	\$0	\$20,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,000,000		
Total Land Acquisition	\$0	\$0	\$0	\$20,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,000,000		
Public Improvements																										
Public Access Easement (costs included in Building/Site Improvements)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Transportation Infrastructure	\$0	\$0	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000		
Total Infrastructure Benefitting Project, In & Outside Project Area	\$0	\$0	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000		
Building, Infrastructure & Site Improvements																										
Cache Valley Marketplace Redevelopment Project	\$0	\$0	\$0	\$185,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$185,000,000		
Other Redevelopment Projects	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$35,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$35,000,000		
Capital Equipment (for simplicity, included in building improvements)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Total Building Improvements and Capital Equipment	\$0	\$0	\$0	\$185,000,000	\$0	\$0	\$0	\$35,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$220,000,000		
TOTAL CAPITAL COSTS & RELATED EXPENSES	\$0	\$0	\$0	\$205,500,000	\$0	\$0	\$0	\$35,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$240,500,000		
EXPENDITURES REIMBURSABLE FROM TAX INCREMENT																										
Redevelopment Agency Operating Expenses																										
Administration - 5%	\$0	\$0	\$0	\$26,157	\$26,483	\$26,811	\$27,143	\$31,303	\$31,642	\$31,984	\$32,328	\$32,677	\$33,029	\$33,385	\$33,744	\$34,105	\$34,473	\$34,842	\$35,216	\$35,593	\$35,975	\$36,359	\$36,747	\$650,000		
Housing - 10% (additional incentive reinvested into Redevelopment Projects)	\$0	\$0	\$0	\$52,315	\$52,965	\$53,622	\$54,285	\$62,608	\$63,284	\$63,968	\$64,658	\$65,355	\$66,059	\$66,770	\$67,488	\$68,214	\$68,946	\$69,686	\$70,433	\$71,188	\$71,950	\$72,720	\$73,493	\$1,300,000		
Land Acquisition	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Public Improvements	\$0	\$0	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000		
Private Developer Incentives	\$0	\$0	\$0	\$419,678	\$425,204	\$430,786	\$436,423	\$507,162	\$512,912	\$518,720	\$524,587	\$530,511	\$536,495	\$542,538	\$548,643	\$554,807	\$561,034	\$567,324	\$573,675	\$580,091	\$586,570	\$593,114	\$599,723	\$10,550,001		
TOTAL EXPENDITURES REIMBURSABLE FROM TAX INCREMENT	\$0	\$0	\$0	\$998,150	\$504,652	\$511,219	\$517,851	\$601,073	\$607,838	\$614,672	\$621,573	\$628,543	\$635,583	\$642,693	\$649,875	\$657,126	\$664,453	\$671,852	\$679,324	\$686,872	\$694,495	\$702,193	\$709,963	\$13,000,000		
Existing Redevelopment Agency Reserves Utilized for Incentives	\$0	\$0	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000		
Governmental Entity Property Taxes Paid to the Agency																										
Cache County	\$0	\$0	\$0	\$74,235	\$75,158	\$76,089	\$77,031	\$88,840	\$89,800	\$90,769	\$91,749	\$92,738	\$93,737	\$94,746	\$95,765	\$96,794	\$97,833	\$98,883	\$99,944	\$101,015	\$102,096	\$103,189	\$104,291	\$1,844,700		
Logan City	\$0	\$0	\$0	\$64,034	\$64,829	\$65,633	\$66,445	\$76,631	\$77,459	\$78,296	\$79,141	\$79,994	\$80,855	\$81,726	\$82,605	\$83,492	\$84,389	\$85,295	\$86,209	\$87,133	\$88,066	\$89,008	\$89,959	\$1,591,200		
Logan City School District	\$0	\$0	\$0	\$384,881	\$389,665	\$394,496	\$399,375	\$460,602	\$465,579	\$470,607	\$475,684	\$480,812	\$485,991	\$491,222	\$496,506	\$501,840	\$507,231	\$512,674	\$518,171	\$523,724	\$529,332	\$534,996	\$540,712	\$9,564,100		
AGENCY'S COMBINED INCREMENTAL VALUE	\$0	\$0	\$0	\$523,150	\$529,652	\$536,219	\$542,851	\$626,073	\$632,838	\$639,672	\$646,573	\$653,543	\$660,583	\$667,693	\$674,875	\$682,126	\$689,453	\$696,852	\$704,324	\$711,872	\$719,495	\$727,193	\$734,963	\$13,000,000	100%	



1400 N Main
CRPA



**CACHE COUNTY
RESOLUTION NO. 2023 - 09**

**A RESOLUTION AMENDING THE ORGANIC ACT FOR THE GOVERNMENT OF
CACHE COUNTY**

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that the Organic Act for the Government of Cache County should be amended.

Now, therefore, be it ordained by the Cache County Council hereby ordains, as follows:



A
NEW FORM OF
GOVERNMENT
FOR
CACHE COUNTY



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ARTICLE I

ESTABLISHMENT

Section 1.01 Establishment

Cache County shall have a structural form of county government of the "general county (modified)" form with a management arrangement of the "county executive-council" form as set forth in the Optional Forms of County Government Act and as further described herein.

Section 1.02 Effective Date

The establishment of this new form of government shall become effective at 12:00 noon on the first Monday of January; 1985. However, if the adopting election is held after July 1, 1984, then the Effective Date shall be the first Monday of January, 1987.

Section 1.03 Succession

Cache County shall remain vested with all power and duties vested by general law in counties, and there shall be no interruption in the continuity, powers, debts, obligations or jurisdiction of the government of Cache County by the establishment of this new form of government.

Section 1.04 Elected Officials

Upon the Effective Date of this new form of government, the terms of office of the Cache County Commissioners shall expire. The terms of office of all other officials holding or elected to elective office shall not be affected by this new form of government.

Officials holding appointive offices such as department heads or deputy or assistant department heads shall continue in office until otherwise directed by the County Executive. Personnel continued in office shall retain the same status, privileges and protections as they possessed previous to the adoption of this new form of government. However, they shall be subject to such changes in assignment or other adjustments as are directed by the County Executive and the County Council.

Members of all appointive boards and commissions shall continue in office for six (6) months following the Effective Date unless otherwise provided by the County Council. Prior to the expiration of said six (6) months, the functions and operations of all boards and commissions shall be thoroughly studied by the County Executive or his designees and a report containing recommendations shall be made to the County Council. The Council shall then determine the status of all boards and commissions. The Council may continue them unchanged, modify their organization, operation and functions, or abolish them and assign their functions and powers.



ARTICLE 2

GENERAL POWERS

Section 2.01 Powers

Cache County is a body corporate and politic, having perpetual succession, and may sue and be sued. It has all powers which the Constitution and laws of the State of Utah either now or hereafter expressly or impliedly grant or allow to any county.

Section 2.02 Differing Levels of Service Within the County

Cache County is hereby authorized to provide additional, extended or higher level services within its powers to any portion of Cache County. When such additional, extended or higher level services are provided on a non-contract basis to any portion of the county, and not on a county-wide basis, the additional services shall be financed and administered through the establishment of county service areas, special assessment procedures, contractual arrangements, or other fiscal means whereby the beneficiaries of such additional services pay for the additional costs thereof.

ARTICLE 3

COUNTY COUNCIL

Section 3.01 Governing Body

The governing body of Cache County shall be a County Council composed of seven (7) Councilmen, one of whom shall be elected as Chairman.

Section 3.02 Election and Qualification

(a) For the purpose of electing Councilmen, the County shall be divided into seven (7) geographical districts, known as Council Districts. The voters of each Council District shall elect one Councilman to the County Council.

(b) Councilmen shall be qualified voter residents of the Districts from which they are elected at the time of their election, and they shall reside in the District of their election throughout their terms of office.



Section 3.03 Term of Councilmen

The regular term of office of each Councilman shall be four (4) years. Said term shall commence at 12:00 noon on the first Monday of January following their election. The initial term of office of four (4) of the Councilmen shall be two (2) years. Thereafter these terms of office shall be four (4) years. By this procedure every two years, three or four of the council seats will be up for election. The Council Districts which shall initially elect councilmen for two years will be the North Council District, Logan Council District #1, South Council District, and Logan Council District #2.

Section 3.04 Election, Term and Duties of Council Chairman and Vice-Chairman

(a) The Chairman and Vice-Chairman of the County Council shall be elected by a majority of the full membership of the County Council from among members of the Council. Their term shall be one (1) year.

(b) The Chairman shall preside at all Council meetings when he is present. During his absence, the Vice-Chairman shall preside as acting Chairman.

(c) The Chairman shall have the full right to debate and vote in the Council. He shall sign all legislative acts of the County Council.

Section 3.05 Council Districts

(a) The Council Districts shall have substantially the same population, based on the latest federal population census. To the extent practical, Council Districts shall be compact and contiguous, allowing ease of contact between residents and Councilmen and the fair representation of all geographical areas of Cache County.

(b) The Council Districts may be changed, modified or amended from time to time by two thirds (2/3) majority vote of the full membership of the County Council, pursuant to the aforesaid standards.

(c) The Council Districts shall be based upon the voting districts as such districts existed as of January 5, 1987, and shall be as follows:

(1) Northeast Council District: This district shall include the following Voting Districts: Smithfield 1-4, Hyde Park, and North Logan 1-2.

(2) North Council District: This district shall include the following Voting Districts: Lewiston 1-2, Cove, Richmond 1-2, Cornish, Clarkston, Trenton, Amalga, Newton, and Benson.



(3) South Council District: This district shall include the following Voting Districts: Hyrum 1-3, Paradise, Wellsville 1-2, and Mendon.

(4) Southeast Council District: This district shall include the following Voting Districts: Providence 1-2, River Heights, Millville, Nibley, and College.-Young Ward.

(5) Logan Council District #1: This district shall include the following Voting Districts within Logan City: 1, 7, 8, 9, 10, 14, 15, 22, and 24.

(6) Logan Council District #2: This district shall include the following Voting Districts within Logan City: 2, 3, 4, 5, 6, 16, 17, and 25.

(7) Logan Council District #3: This district shall include .the following Voting Districts within Logan City: 11, 12, 13, 18, 19, 20, 21, 23, and 26.

Section 3.06 First Election

The first election of County Councilmen following approval of this new form of government by the voters shall be held at the regular November election immediately prior to the Effective Date.

Section 3.07 Vacancies in the County Council

If any Councilman shall die, resign or remove his residence from the County District he represents during his term of office, be incapacitated to the extent that he is unable to perform his duties for a period in excess of six (6) months, fail to perform his duties as Councilman and fail to meet with the Council for an unexcused period of two (2) months, or be removed from office pursuant to general law, the office which he occupies as Councilman shall be deemed vacant. Thereupon, the remaining members of the County Council shall proceed, by majority vote, to choose another qualified voter resident of that County District to serve the balance of his unexpired term.

Section 3.08 Nominations

Until otherwise provided by law, nominations for members of the County Council shall be made in the same manner as is prescribed by law for County Commissioners as modified for the regional Council Districts.

Section 3.09 Compensation of the County Council

The Chairman of the Council shall receive a salary of \$1500.00 per annum and each Councilman shall receive a salary of \$1200.00 per annum. Members of the County Council shall be reimbursed for actual expenses connected with their official duties. These salaries may be changed only by County ordinance.



Section 3.10 Voting on the County Council

Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the Council journal as a matter of public record. Except for matters on which a greater or lesser vote is expressly provided by law, no action of the Council shall be valid and binding unless it is approved by the affirmative vote of four (4) Councilmen.

Every ordinance or tax levy passed by the Council shall be presented to the County Executive for his approval or disapproval. If the County Executive approves the ordinance or tax levy, he shall sign it and it shall be recorded and thereafter shall be in force. If the ordinance is an appropriation ordinance, the County Executive may approve or disapprove all or any part of the appropriation. If the County Executive disapproves an ordinance, tax levy, or appropriation, he shall return it with a statement of his objections, to the Council within fifteen days and the Council shall, at its next meeting, reconsider the ordinance, tax levy or appropriation item. If after reconsideration it passes by the affirmative vote of five (5) Councilmen, it shall be recorded and thereafter be in force. If any ordinance, tax levy or appropriation item is not returned within fifteen days after presentation to the County Executive, it shall be recorded and thereafter shall be in force.

Section 3.11 Meetings of the County Council

All meetings except those types expressly excluded by law shall be advertised, open and public. The County Council shall meet in regular session not less than twice (2) per month at stated times to be provided by ordinance, and may in addition hold special meetings or executive sessions called in the manner provided by law.

Proceedings and meetings of the Council shall be as prescribed by applicable statutes and valid ordinances, and debate therein shall generally be subject to Roberts Rules of Order. All ordinances and resolutions shall be enacted in the manner provided by general law.

Section 3.12 Powers and Duties of the County Council

The County Council is the legislative body of Cache County, and is vested with all legislative and policy-determining powers of the County. Within the scope and subject to the limits of its lawful powers and duties, the County Council shall exercise all legislative powers authorized by law. Pursuant to this legislative power the County Council shall:

(a) Enact ordinances and adopt resolutions necessary and appropriate to establish official policy and to facilitate the discharge of any powers and responsibilities of Cache County.

(b) Consider, alter, modify and adopt the annual budget and such other periodic or long-range budgets and plans or programs as will, in the judgment of the Council, facilitate efficiency, economy, and orderly administration of the duties and responsibilities of Cache County. Budgeting procedure shall conform to the Uniform Fiscal Procedures for Counties Act.



(c) Establish by ordinance a compensation plan for all officers, assistants, deputies, clerks, and other employees.

(d) Establish and adopt, by ordinance, a comprehensive administrative code, which shall comprise the rules and regulations governing the procedures, duties and systems of office, departmental and agency management, control, accounts, records and reports for all offices, departments and agencies of the county.

(e) Adopt by ordinance rules of procedure, which may be included as part of the administrative code, governing the time, place, conduct and order of business of its meetings and hearings, and the matter of introduction, publication, consideration, and adoption of ordinances and resolutions.

(f) Request information from the County Executive, and conduct public hearings on matters of public concern to assist in the performance of its legislative responsibilities and for the purpose of investigating any matter pertaining to the County, its business or affairs, or an officer thereof. In connection with such public hearings, the Council may require the attendance of witnesses; documents and other evidence, administer oaths, and take testimony.

(g) Provide for an annual independent audit, and if it deems it necessary at any time for a special audit of accounts to be made by a certified public accountant or firm of such accountants.

(h) Establish and define the duties and functions of appointed boards and commissions deemed appropriate to expedite and facilitate the duties of the Council or any office, department or agency of the County.

(i) Employ on a temporary or permanent basis, professionally qualified experts and consultants to study, assist, advise or prepare reports concerning any aspect of County functions, responsibilities or administration.

Section 3.13 Prohibitions

(a) No Councilman shall occupy any other elective public office during his membership on the County Council.

(b) The members of the County Council are subject to all limitations applicable to the members of a board of county commissioners, together with any sanctions or penalties associated therewith, relating to prohibited interests and relationships.

(c) Members of the County Council shall not interfere in the administration of County affairs by the County Executive or other executive personnel.



ARTICLE 4

COUNTY EXECUTIVE

Section 4.01 Election and Term of the County Executive

The chief executive officer of Cache County shall be the County Executive. He shall be elected by the qualified voters for a term of four (4) years. The term of the County Executive shall commence at 12:00 noon on the first Monday of January, following his election and he shall be eligible to succeed himself.

The County Executive shall be a qualified voter of Cache County and shall continue to reside therein during the period of service as County Executive.

Section 4.02 Vacancy in the Office of County Executive

If the County Executive shall die, resign or remove his residence from Cache County during his term of office, be incapacitated to the extent that he is unable to perform his duties for a period in excess of three (3) months, or be removed from office, the office of County Executive shall be deemed vacant.

If a vacancy in the office of County Executive occurs, the office of County Executive shall be filled by appointment for the remainder of that term by a majority vote of the County Council.

Section 4.03 Compensation of the County Executive

The County Executive shall be reimbursed for all actual expenses incurred in the discharge of his duties, and shall receive as compensation a sum as fixed, from time to time, by the County Council. Until otherwise provided by ordinance, his salary shall be \$25,000.00 per year.

Section 4.04 Powers and Duties of the County Executive

The County Executive, as chief executive of the County, shall have the power and it shall be his duty to:

- (a) Carry out programs and policies established by the County Council;
- (b) Direct and organize the management of the County in a manner consistent with the optional plan;
- (c) Faithfully enforce all applicable laws and county ordinances;



(d) Supervise the official conduct of all county officers and officers of all precincts, districts and other subdivisions of the county (except municipal corporations); see that they faithfully perform their duties, direct prosecution for delinquencies and when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection;

(e) Appoint persons to all offices which are to be filled by appointment with and upon the advice and consent of the County Council;

(f) ~~Serve as and perform the duties of the Budget Officer of the County, as provided in the Uniform Fiscal Procedures Act for Counties, which shall be applicable except as otherwise provided herein;~~ Prepare an annual, tentative budget, as provided in the Uniform Fiscal Procedures Act for Counties;

(g) Supervise and direct ~~centralized budgeting, accounting,~~ personnel management, ~~purchasing~~ and other ~~service~~ functions of the County delegated to the Executive by State statute or County ordinance;

(h) Conduct planning studies and make recommendations to the Council relating to financial, administrative, procedural and operational plans, programs and improvements in county government; and

(i) Exercise a power of veto over ordinances enacted by the County Council, including an item veto upon budget appropriations.

ARTICLE 5

ADMINISTRATIVE OFFICES, DEPARTMENTS AND AGENCIES

Section 5.01 General Provisions

(a) All activities of the Executive Department of Cache County under the direction and supervision of the County Executive shall be distributed among such statutory or appointive officers, departments and agencies as are established by this form of government or as may be established hereunder by ordinance of the County Council.

(b) Each office, department or agency shall be administered by an officer elected or appointed as provided by statute or ordinance or as provided herein. By ordinance of the County Council, the heads of statutory or appointive offices, departments and agencies may be appointed to serve as head of one or more such offices, departments and agencies, and the County Executive may serve also as a unit head.

Section 5.02 Office of County Executive

There shall be an Office of County Executive to properly exercise and perform the powers and duties prescribed for the County Executive by this form of government and such other powers and duties as may be assigned to him from time to time by the County Council. . The Office of County Executive may include such personnel and offices as are determined necessary to carry out its functions.

This Office shall perform the customary functions of a personnel office, subject to such civil service or merit system rules as may apply, including but not limited to preparation and recommendation of personnel rules, regulations and procedures; position classification and compensation studies; employee orientation and training; and management-employee relations. This Office shall also make continuing analysis and recommendations for improvements in county organization, procedures, operations, methods, performance, productivity and effectiveness; prepare the annual and long-range operating and capital budgets and oversee county expenditures. The County Executive may not suspend, discharge or remove any other elected official.

Section 5.03 Office of County Attorney

(a) There shall be an Office of County Attorney, which shall be headed and directed by the County Attorney.

(b) The County Attorney shall be elected by the qualified voters as provided by law. His duties shall be prescribed by the Legislature of the State of Utah and shall include all duties assigned to the County Attorneys. The Office of County Attorney shall have all the functions, responsibilities and powers provided by law and such other duties as shall be assigned by the County Council and Executive.

Section 5.04 Planning Department

There shall be a Planning Department. The powers, duties and responsibilities of the Planning Department shall include the following:

(a) To collect, organize and analyze data and other information needed for current and long-range research related to county economic, social, physical and environmental problems.

(b) To provide technical planning information and advice to the County Council, the County Executive and the various planning boards, councils and commissions.

(c) To fulfill other related tasks assigned by the County Council and Executive.

Section 5.05 Office of County Assessor

There shall be an Office of County Assessor, headed by an elected County Assessor. The office of County Assessor shall have all the functions, responsibilities and powers provided by law.

Section 5.06 Office of County Auditor

There shall be an Office of County Auditor, headed by an elected County Auditor. The County Auditor shall be the Finance Officer of the County, as defined in Utah Code 17-36-3(13)(a), except that the County Executive shall be the Finance Officer solely for the purpose of preparing the tentative budget of the County, in accordance with Utah Code 17-36-3(13)(b).

The Office of County Auditor shall have authority to audit all county departments, offices and entities, though the Office of County Auditor may not audit the Auditor's own office or accounts. The Office of County Auditor shall provide accounting services for the County and have all otherthe functions, responsibilities and powers provided by law, ~~except that the County Executive shall be Budget Officer of the County.~~ The office of County Auditor shall assist and support the County Executive in his role ~~as Budget Officer~~in preparing the annual tentative budget.

Section 5.07 Office of County Treasurer

There shall be an Office of County Treasurer, headed by an elected County Treasurer. The Office of County Treasurer shall receive all money belonging to the County and disburse County money by warrant, check or other payment mechanism, as well as keep a record of the receipts and expenditures of all such money; and have all otherthe functions, responsibilities and powers provided by law.

Section 5.08 Office of County Clerk

There shall be an Office of County Clerk headed by an elected County Clerk. The Office of County Clerk shall have all the functions, responsibilities and powers provided by law. The County Clerk or one of his deputies or assistants shall serve as Clerk.to the County Council.

Section. 5.09 Office of County Recorder

There shall be an Office of County Recorder, headed by an elected County Recorder. The Office of County Recorder shall have all the functions, responsibilities and powers provided by law.



Section 5.10 Office of County Sheriff

There shall be an Office of the County Sheriff, headed by an elected County Sheriff. The Office of County Sheriff shall have all the functions, responsibilities and powers provided by law.

Section 5.11 Fire Department

There shall be a County Fire Department. The County Fire Department shall perform those duties assigned to it by law and also such further duties as are assigned by the County Council and Executive.

Section 5.12 Public Works Department

There shall be a Public Works Department. The Public Works Department shall have the powers and responsibilities necessary to perform the following functions:

- (a) Plan, construct and maintain county streets and highways.
- (b) Develop and administer flood control facilities and programs.
- (c) Collect and dispose of refuse, garbage and trash.
- (d) Develop and maintain parks and cemeteries.
- (e) Provide engineering services.
- (f) Construct and maintain public facilities and equipment.
- (g) Perform such other duties as shall be assigned by the County Council and Executive.

Section 5.13 Office of County Surveyor

There shall be an Office of the County Surveyor. The Office of the County Surveyor shall have all of the functions, responsibilities and powers provided by law.

Section 5.14 Organization of Offices, Departments and Agencies

All governmental functions and activities of the organizational units shall be directed and determined by the County Executive. However, the County Council may provide by ordinance for the creation, modification or abolition of specific departments and other



organizational units and assign functions thereto, transfer functions therefrom, discontinue functions and activities as provided by law.

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Section 5.15 General Administration

Except where otherwise provided in this Article or by the County Council, the County Executive shall appoint all officers and heads of departments upon the advice and consent of the County Council, the same being approved by the affirmative vote of four Council members.

ARTICLE 6

PERSONNEL

Section 6.01 Exempt and Classified Positions

All positions in the County government shall be either exempt or classified. Exempt positions shall be those positions which are to be filled by election or appointment as provided herein, and such other positions which are responsible for the formulation or execution of policy where the nature of the policy formulated or the latitude for execution of policy clearly require a unity of purpose and philosophy with the County Executive and the heads of offices, departments, agencies, boards and commissions. All other positions shall be classified.

Section 6.02 Personnel Rules and Regulations

The Office of County Executive shall prepare for adoption by the County Council rules and regulations to effectively administer personnel. The rules shall classify all positions for pay setting purposes. The rules shall set forth policies regarding qualifications, selection, disciplinary action, removal, grievance procedures, vacation, sick leave, personnel records, etc.

Section 6.03 Political Activities

No classified County employee may hold any elective political office of the County during his or her employment.

ARTICLE 7

PARTICULAR POWERS

Section 7.01 Generally

The Utah Code grants specific powers, functions, duties and responsibilities to a Board of County Commissioners. Except as specifically modified herein, all of said powers, functions, duties and responsibilities are to be exercised by the County Council unless said Council shall provide otherwise by ordinance.



Section 7.02 Personnel

Cache County may adopt the County Personnel Management Act as described in Chapter 33, Title 17 of the Utah Code as and for its county merit system for all county employees. The County Executive shall exercise all of the powers and functions therein reserved to the "Governing Body" by definition.

Section 7.03 Zoning and Planning

The County Council shall exercise all powers granted to the County Commission pursuant to Chapter 27, Title 17 of the Utah Code except that the County Executive shall make all appointments thereunder with the advice and consent of the County Council, the same being approved by the affirmative vote of four (4) Council members.

ARTICLE 8

GENERAL PROVISIONS

Section 8.01 Adoption

This new form of government shall be adopted, subject to the provisions of Article 1, when approved by the affirmative vote of a majority of those voting on the question of its approval at an election to be held on a date determined by the Board of County Commissioners. Upon adoption of the Optional Plan, if necessary, the Board of County Commissioners is empowered, pursuant to Section 17-35a-6(2), (3), to enact temporary ordinances to provide special times and election procedures for filing, nomination and election of the initial candidates 12 to the County Council and County Executive positions.

Section 8.02 Amendments

Amendments of this Plan within this specified form of government may be made when approved by a two thirds (5 votes) vote of the full membership of the County Council, except that no amendment which is contrary to a specific requirement of the law authorizing this type of optional plan known as the "general county (modified)" form and "county executive-council" form shall be effective unless submitted and approved by a majority of the voters casting a vote on the question at a general or special election.

Section 8.03 Separability

If any provision of this Optional Plan is held invalid, or the application of any of its provisions to any person or circumstance is held invalid, the remaining provisions and the



application of the Optional Plan and its provisions to other persons or circumstances shall not be affected thereby.

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This resolution shall take effect immediately upon approval and publication, in the manner provided by law.

RESOLVED 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:

ATTEST:

By: _____
David L. Erickson, Chair

By: _____
David Benson, County Clerk / Auditor



CACHE COUNTY ORDINANCE No. 2023-29

FINANCIAL ADMINISTRATION AMENDMENTS

- A) WHEREAS, State Code 17-16-3 prohibits consolidation of the offices of County Auditor with the office of County Treasurer; and
- B) WHEREAS, the purpose of such prohibition is the prevention of the County from concentrating accounting services and expenditures in one office, as such concentration increases the risk of fraud, waste, and abuse; and
- C) WHEREAS, the County Council may take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by statute; and
- D) WHEREAS, State code 17-19a-205 provides the default arrangement that the county auditor shall provide accounting services for the county; and
- E) WHEREAS, a county operating under the county executive-council form of government may, by ordinance, delegate accounting services provided for or executed on behalf of the entire county to the County Executive or to an office or department; and
- F) WHEREAS, If a county council delegates the provision of accounting services, the County Council must make the delegation in accordance with good management practice to foster effectiveness, efficiency, and the adequate protection of county assets and assure appropriate checks and balances within county government; and
- G) WHEREAS, the County Council has heretofore delegated such accounting services to the Executive, and the Finance department; and



- H) WHEREAS, The County Council has not been satisfied that such delegated tasks of accounting and financial management have been performed with good management practice to foster effectiveness, efficiency, and the adequate protection of county assets; and
- I) WHEREAS, the County Council may by ordinance withdraw such delegation of accounting services to the Executive and Finance department, and return to the default arrangement of the County Auditor providing accounting services for the County; and
- J) WHEREAS, State Code 17-36-3(13) identifies that the “Financial Officer” of the County shall be the County Auditor, and the County Executive is the Financial officer for purposes of proposing a tentative budget; and
- K) WHEREAS, State Code 17-24-1 identifies that the County Treasurer’s duties are to receive all money belonging to the County and disburse County money by warrant, check or other payment mechanism, as well as keep a record of the receipts and expenditures of all such money; and
- L) WHEREAS, this duty of the Treasurer is not delegable under State Code; and
- M) WHEREAS, the County Council must ensure that County processes conform with State Code;
- N) WHEREAS, State Code 17-24-11 requires the County Treasurer to reconcile accounts and records with the County Auditor; and
- O) WHEREAS, the books, accounts, and vouchers of the treasurer are at all times subject to the inspection and examination of the county executive and county



legislative body, the county attorney, the district attorney, the county auditor, and the grand jury; and

- P) WHEREAS, the County officers and Staff will be provisioned with the necessary resources to conform with State Code 17-36, the Uniform Fiscal Procedures Act for Counties; and

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

SECTION 1: Section 15.08 of the Cache County Code is amended to read in full as follows, with a redline copy attached as Exhibit 1

2.08.030: POWERS AND DUTIES OF COUNTY EXECUTIVE

The county executive, as chief executive of the county, shall have the power and it shall be his duty to:

- A. Carry out programs and policies established by the county council;
- B. Direct and organize the management of the county in a manner consistent with the optional plan;
- C. Faithfully enforce all applicable laws and county ordinances;
- D. Supervise the official conduct of all county officers and officers of all precincts, districts and other subdivisions of the county (except municipal corporations); see that they faithfully perform their duties, confer with and make recommendations to the county council concerning whether county officers should be compensated on a full time or part time basis, direct prosecution for delinquencies and when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection;
- E. Appoint persons to all offices which are to be filled by appointment with and upon the advice and consent of the county council;
- F. Prepare an annual, tentative budget for the county that shall be presented to the County Council for approval;
- G. Supervise and direct personnel management, and other functions of the county delegated to the Executive by State statute;
- H. Conduct planning studies and make recommendations to the county council relating to financial, administrative, procedural and operational plans, programs and improvements in county government; and
- I. Exercise a power of veto over ordinances enacted by the county council, including an item veto upon budget appropriations.

2.20.020: COUNTY AUDITOR



There shall be an office of county auditor, headed by an elected county auditor. The office of county auditor shall have all the functions, responsibilities and powers provided by law including provision of accounting services for the county, except that the county executive shall be a finance officer of the county, for the purposes of preparing a tentative budget, per Section 17-36-3(13)(b) of the Utah Code as Amended. The office of county auditor shall assist and support the county executive in his role as finance officer, in the preparation of a tentative budget.

3.04.050: FINANCE OFFICER

1. The county auditor shall serve as the finance officer as defined in Utah Code 17-36-3(13)(a), in accordance with Section 17-19a-205, providing accounting services to the county. The County auditor shall assist the County Executive in the preparation of the tentative budget by providing accounting services.
2. The county executive shall only direct the preparation of a tentative budget, as provided in 17-36-3(13)(b) of Utah Code, as amended. No accounting services are delegated to the County Executive.

3.04.085: ELECTED OFFICIAL/DEPARTMENT HEAD RESPONSIBILITY

Each elected official and/or department head is designated to have accountability, authority, and responsibility for the fiscal management of their office or department. The elected official or department head shall work with the executive and auditor in making any tentative adjustment to the budget(s) assigned to them, subject to final approval by the County Council.

3.04.090: TRANSFERS

A. With the consent of the county council, the County Auditor may authorize and record an intradepartmental transfer over one thousand dollars (\$1,000.00) in any department, as to any unencumbered or unexpended appropriation balance or any part from one expenditure account to another within the department during the budget year, or may transfer an excess expenditure of one or more line items; provided, that the total of all excess expenditures or encumbrances does not exceed the total unused appropriation within the department at the close of the budget year. Transfers of one thousand dollars (\$1,000.00) or less may be authorized directly by the County Auditor.

B.

1. At the request of the County Executive, the County Auditor, or upon its own motion, the County Council may, by resolution, transfer any unencumbered or unexpended appropriation balance or part thereof from one department in a fund to another department in the same fund; or
2. Permit one department in a fund to pay for a line item on behalf of another department in the same fund.



Notwithstanding 1. or 2. no appropriation for debt retirement and interest, reduction of deficit, or other appropriations required by law may be reduced below the required minimum.

3.08.030: PURCHASING PROCEDURES

The following procedures shall be used with respect to all purchases unless otherwise exempt as set forth in section 3.08.040 of this chapter:

- A. Basic Purchase: For individual purchases in an amount equal to or less than two thousand dollars (\$2,000.00) for single items or five thousand dollars (\$5,000.00) of collective value for all items, departments may purchase the item(s) and submit the invoice for payment. Such purchases must be approved by the department head and not exceed their respective budget allotment unless approved by the county Treasurer.
- B. Purchase Orders: All services, contracts, supplies, materials, and equipment in excess of the basic purchase limits shall be purchased with the authority of a written purchase order. Written documentation of compliance with open market procedures must accompany all purchase orders unless specifically exempt in this title.
 - 1. The department head shall file with the County Treasurer a request for a purchase order including required agreements/contracts, quotes, bids, sole source justification, or other documentation to ensure compliance with this title. Any proposed agreements or contracts that accompany the purchase order request shall be executed in compliance with this title.
 - 2. The County Treasurer shall review the documents as submitted by the department head for compliance with this title.
 - a) If additional information is required, such information shall be provided by the department head requesting the purchase order.
 - b) If the request complies with the requirements of this title and the established budget allocation for the department, the purchase order shall be issued.
- C. Exemptions: The following are exempt from the requirements of open market procedures (a purchase order is still required):
 - 1. Sole Source Purchases: A purchase may be made without following open market procedures when the department head determines in writing that there is only one source for the required service or item. In that event, although quotes will not be necessary, all other procedures as set forth in this title are required.
 - 2. Approved Vendor: Approved vendors may be established for standard goods and services ordered periodically by one or more departments throughout a fiscal year. Regular and consistent purchases of such items as vehicle parts, pipe, fencing material, gravel, asphalt, etc., are applicable.
 - a) Approved vendors are established by:



1. The County Treasurer and an individual department head and are valid for purchases made during that fiscal year.
 2. Purchases from state of Utah approved vendors may also qualify as approved vendors without the need for further review.
 3. The Audit Committee shall create process for regularly reviewing and approving approved vendors.
- b) Items available for purchase from approved vendors shall allow for some discretion in individual smaller units, generalization of items, and minor variations in cost (market changes up to 5 percent per year).
 - c) Annual purchase orders for approved vendors may be obtained by departments for a fiscal year time period. Annual purchase orders are not for specific items or orders, but are rather eligible to be opened for set amounts of budget for recurring purchases.
3. Federal Or State Agencies: Purchases from Utah state central stores, federal or state agencies, or Utah state surplus.
 4. Specified Vendors: Purchases from vendors specified in the Utah state approved contract or vendor list.
 5. GSA Vendors: Purchases from GSA vendors (U.S. general services administration approved vendors).

3.08.060: TRAVEL EXPENSES

All requests for travel to conventions, seminars and/or conferences to locations that are both out of state and farther than two hundred fifty (250) miles from Cache County must be approved by the employee's department head and the county executive in advance. Payment for such approved travel expenses will be authorized by the County Auditor and disbursed by the County Treasurer.

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:

ATTEST:

By: _____
David Erickson, Chair

By: _____
David Benson, County Clerk / Auditor

ACTION OF THE COUNTY EXECUTIVE:

_____ Approve

_____ Disapprove (written statement of objection attached)

By: _____
David Zook, County Executive

EXHIBIT 1

2.08.030: POWERS AND DUTIES OF COUNTY EXECUTIVE

The county executive, as chief executive of the county, shall have the power and it shall be his duty to:

- A. Carry out programs and policies established by the county council;
- B. Direct and organize the management of the county in a manner consistent with the optional plan;
- C. Faithfully enforce all applicable laws and county ordinances;
- D. Supervise the official conduct of all county officers and officers of all precincts, districts and other subdivisions of the county (except municipal corporations); see that they faithfully perform their duties, confer with and make recommendations to the county council concerning whether county officers should be compensated on a full time or part time basis, direct prosecution for delinquencies and when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection;
- E. Appoint persons to all offices which are to be filled by appointment with and upon the advice and consent of the county council;
- F. ~~Serve as and perform the duties of the budget officer of the county, as provided in the uniform fiscal procedures act for counties, which shall be applicable except as otherwise provided herein~~ Prepare an annual, tentative budget for the county that shall be presented to the County Council for approval;
- G. Supervise and direct ~~centralized budgeting, accounting,~~ personnel management, ~~purchasing~~ and other ~~service~~ functions of the county delegated to the Executive by State statute;
- H. Conduct planning studies and make recommendations to the county council relating to financial, administrative, procedural and operational plans, programs and improvements in county government; and
- I. Exercise a power of veto over ordinances enacted by the county council, including an item veto upon budget appropriations.

2.20.020: COUNTY AUDITOR

There shall be an office of county auditor, headed by an elected county auditor. The office of county auditor shall have all the functions, responsibilities and powers provided by law including provision of accounting services for the county, except that the county executive shall be ~~budget-a finance~~ officer of the county, for the purposes of preparing a tentative budget, per Section 17-36-3(13)(b) of the Utah Code as Amended. The office of county



auditor shall assist and support the county executive in his role as budget-finance officer, in the preparation of a tentative budget.

(Organic Act 1984; amd. Ord. 2000-05)

3.04.050: BUDGET OFFICERFINANCE OFFICER

A. The county auditor shall serve as the finance officer as defined in Utah Code 17-36-3(13)(a), in accordance with Section 17-19a-205, providing accounting services to the county. The County auditor shall assist the County Executive in the preparation of the tentative budget by providing accounting services.

A.B. _____ The county executive, as chief executive officer of the county, shall only direct the preparation of a tentative budget, as provided in 17-36-3(13)(b) of Utah Code, as amended. No accounting services are delegated to the County Executive. process as the formal budget officer and supervise and direct the centralized budgeting and administrative participation of the various county departments, boards and agencies in the county budget process, subject to the provisions of chapters 3.04 through 3.56 of this title.

B. The county auditor shall serve as the assistant county budget officer, subject to the provisions of chapters 3.04 through 3.56 of this title, and perform the duties of that position as those duties are specified in the Utah fiscal procedures act for counties, being set forth in Utah Code Annotated title 17, chapter 36, as amended.

3.04.085: ELECTED OFFICIAL/DEPARTMENT HEAD RESPONSIBILITY

Each elected official and/or department head is designated to have accountability, authority, and responsibility for the fiscal management of their office or department. The elected official or department head shall work with the executive (~~budget officer~~) and auditor in making any tentative adjustment to the budget(s) assigned to them, subject to final approval by the County Council.

3.04.090: TRANSFERS

A. With the consent of the county council, the County Auditor may and upon written notice to the county auditor, the county executive may authorize and record an intradepartmental transfer over one thousand dollars (\$1,000.00) in any department, as to any unencumbered or unexpended appropriation balance or any part from one expenditure account to another within the department during the budget year, or may transfer an excess expenditure of one or more line items; provided, that the total of all excess expenditures or encumbrances does not exceed the total unused appropriation within the department at the close of the budget year. Transfers of one thousand dollars (\$1,000.00) or less may be authorized directly by the ~~county executive~~County Auditor.

B.

1. At the request of the County Executive, [the County Auditor](#), or upon its own motion, the County Council may, by resolution, transfer any unencumbered or unexpended appropriation balance or part thereof from one department in a fund to another department in the same fund; or
2. Permit one department in a fund to pay for a line item on behalf of another department in the same fund.

Notwithstanding 1. or 2. no appropriation for debt retirement and interest, reduction of deficit, or other appropriations required by law may be reduced below the required minimum.

3.08.030: PURCHASING PROCEDURES

The following procedures shall be used with respect to all purchases unless otherwise exempt as set forth in section 3.08.040 of this chapter:

- A. Basic Purchase: For individual purchases in an amount equal to or less than two thousand dollars (\$2,000.00) for single items or five thousand dollars (\$5,000.00) of collective value for all items, departments may purchase the item(s) and submit the invoice for payment. Such purchases must be approved by the department head and not exceed their respective budget allotment unless approved by the county ~~executive~~[Auditor, and reviewed and disbursed by the County Treasurer](#).
- B. Purchase Orders: All services, contracts, supplies, materials, and equipment in excess of the basic purchase limits shall be purchased with the authority of a written purchase order. Written documentation of compliance with open market procedures must accompany all purchase orders unless specifically exempt in this title.
 1. The department head shall file with the ~~finance department~~[County Auditor](#) a request for a purchase order including required agreements/contracts, quotes, bids, sole source justification, or other documentation to ensure compliance with this title. Any proposed agreements or contracts that accompany the purchase order request shall be executed in compliance with this title.
 2. The ~~finance department~~[County Auditor and County Treasurer](#) shall review the documents as submitted by the department head for compliance with this title.
 - a) If additional information is required, such information shall be provided by the department head requesting the purchase order.
 - b) If the request complies with the requirements of this title and the established budget allocation for the department, the purchase order shall be issued.
- C. Exemptions: The following are exempt from the requirements of open market procedures (a purchase order is still required):
 1. Sole Source Purchases: A purchase may be made without following open market procedures when the department head determines in writing that



there is only one source for the required service or item. In that event, although quotes will not be necessary, all other procedures as set forth in this title are required.

2. Approved Vendor: Approved vendors may be established for standard goods and services ordered periodically by one or more departments throughout a fiscal year. Regular and consistent purchases of such items as vehicle parts, pipe, fencing material, gravel, asphalt, etc., are applicable.

- a) Approved vendors are established by:

1. The ~~finance director~~ County Auditor, and an individual department head, ~~and county executive~~ and are valid for purchases made during that fiscal year.

2. Purchases from state of Utah approved vendors may also qualify as approved vendors without the need for further review.

- 2.3. The Audit Committee shall create process for regularly reviewing and approving approved vendors.

- b) Items available for purchase from approved vendors shall allow for some discretion in individual smaller units, generalization of items, and minor variations in cost (market changes up to 5 percent per year).

- c) Annual purchase orders for approved vendors may be obtained by departments for a fiscal year time period. Annual purchase orders are not for specific items or orders, but are rather eligible to be opened for set amounts of budget for recurring purchases.

3. Federal Or State Agencies: Purchases from Utah state central stores, federal or state agencies, or Utah state surplus.

4. Specified Vendors: Purchases from vendors specified in the Utah state approved contract or vendor list.

5. GSA Vendors: Purchases from GSA vendors (U.S. general services administration approved vendors).

3.08.060: TRAVEL EXPENSES

Consistent with the procedures set out in 3.08.030, aAll requests for travel to conventions, seminars and/or conferences ~~to locations that are both out of state and farther than two hundred fifty (250) miles from Cache County~~ must be approved by the employee's department head and the County Officer to whom that employee reports, the county executive in advance. Payment for such approved travel expenses will be authorized by the County Auditor and disbursed by the County Treasurer.



**CACHE COUNTY
RESOLUTION NO. 2023 - 10**

A RESOLUTION AUTHORIZING A REDUCTION IN FORCE FOR CACHE COUNTY

- A. WHEREAS, Utah Code Ann. § 17-53-2, gives the Cache County Council the authority to “pass all ordinances and rules and make all regulations, not repugnant to law;” and
- B. WHEREAS, Cache County Code § 2.12.120, vests “all legislative and policy determining powers” in the County Council and gives the Council the power to “adopt resolutions necessary and appropriate to establish official policy[;]” and
- C. WHEREAS, Resolution 2023-09 of the Cache County Council amends the Cache County Organic Act so as to move most duties of the Finance Director into the offices of the County Auditor and County Treasurer; and
- D. WHEREAS, Ordinance 2023-29 likewise moves most duties of the Finance Director into the offices of the County Auditor and County Treasurer; and
- E. WHEREAS, circumstances have arisen to bring concern over the expansive authority and access the position of Finance Director has had, thus prompting Resolution 2023-09 and Ordinance 2023-29; and
- F. WHEREAS, the County Council believes it is sound policy to eliminate redundant positions in the County;

Now, therefore, the Cache County Council hereby ordains, as follows:

Effective immediately, a Reduction in Force is hereby issued for the position of Cache County Finance Director, in the Finance Department. The position of Finance Director in Cache County shall, upon the passage and signing of this resolution, cease to exist. No individual shall be appointed to this position hereafter, and all funds appropriated for the salary and benefits of the Finance Director shall remain unspent in the Finance Budget until the Council makes a determination for how they are to be used in the future.

Upon passage and signing of this resolution, a copy shall be sent to the Cache County Finance Officer, as well as the Director of Human Resources.

RESOLVED 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:

ATTEST:

By: _____
David L. Erickson, Chair

By: _____
David Benson, County Clerk / Auditor