

## CACHE COUNTY COUNCIL

**February 14, 2023 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.**

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Council meeting and the substance "in brief" of their comments. Such statements may include opinions or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**MEMBERS PRESENT:** Chair David Erickson, Councilmember Barbara Tidwell, Councilmember Kathryn Beus, Councilmember Sandi Goodlander, Councilmember Mark Hurd, Councilmember Karl Ward, Councilmember Nolan Gunnell

**MEMEBERS EXCUSED:**

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

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

### Council Meeting

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

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

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

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

**Motion passes.**

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

**Nay:** 0

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

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

**Motion passes.**

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

**Nay:** 0

**Abstain:** 1 Nolan Gunnell

**5. Report of the County Executive**

No report.

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

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

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

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

**7. Department or Committee Reports**

No reports.

**8. Board of Equalization Matters**

No Board of Equalization.

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

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

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

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

**Motion passes.**

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

**Nay:** 0

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

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

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

**Motion passes.**

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

**Nay:** 0

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

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

**Motion passes.**

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

**Nay:** 0

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

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

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

**Motion passes.**

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

**Nay:** 0

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

a. **Ordinance 2023-02 - Amendments to Title 17, General Definitions ‘Density’ and ‘Developable Acreage’** [10:28](#) **ATTACHMENT 1**

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

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

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

**Motion passes.**

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

**Nay:** 1 Mark Hurd

b. **Ordinance 2023-06** [1:01:14](#) **ATTACHMENT 2**

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

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

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

**Motion passes.**

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

**Nay:** 3 David Erickson, Barbara Tidwell, Nolan Gunnell

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

a. **Ordinance 2023-04 - Hot Iron Storage Rezone** [1:09:00](#) **ATTACHMENT 3**

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

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

**Motion passes.**

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

**Nay:** 0

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

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

c. **Resolution 2023-03** [1:09:54](#) **ATTACHMENT 4**

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

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

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

**Motion passes.**

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

**Nay:** 1 Nolan Gunnell

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

a. January 2023 Building Permits

b. UDOT Region One 2023 STIP Workshop

c. UAC Building Utah Conference

d. UAC Management Conference

e. NACo WIR Conference

February 22, 2023 – 166 West Southwell Street, Ogden

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

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

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

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

**David Erickson** – Reported on tour of the animal shelter.

**Kathryn Beus** – Commented on tour of the jail facility.

**Karl Ward** – Reported on a meeting with the Clerk.

**Barbara Tidwell** – No report.

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

**Nolan Gunnell** – Commented on Solid Waste Consortium.

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

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

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

Discussion of the sale of real property

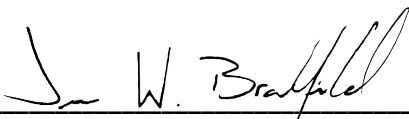
**Action:** Motion made by Councilmember Barbara Tidwell to move into Executive Session; seconded by Councilmember Nolan Gunnell

**Motion passes.**

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

**Nay:** 0

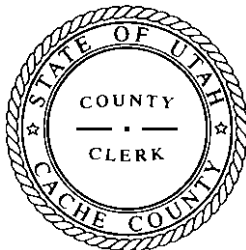
**Adjourn:** approximately 6:45 PM



ATTEST: Jess W. Bradfield  
County Clerk/Auditor



APPROVAL: David Erickson  
Chair



**CACHE COUNTY COUNCIL MEETING**  
**FEBRUARY 14, 2023**

**ATTACHMENT 1**



**Ordinance No. 2023-02**  
**Cache County, Utah**  
**Amendments to Title 17, General Definitions**  
**‘Density’ and ‘Developable Acreage’**

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

**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 December 1, 2022, the Planning Commission held a public hearing, accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

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

**Whereas**, following proper notice, the County Council held a public hearing on January 24, 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 General Definitions of ‘Density’ and ‘Developable Acreage’ in Section 17.07.040: General Definitions, are to read as follows:

### 17.07.040: General Definitions

DENSITY: The number of net acres required per dwelling unit as specified in section 17.10.040, table 17.10.040 of this title. Net acreage shall be calculated by taking the total gross acreage and subtracting non-developable sensitive areas (wetlands, open water, steep slopes) and the area in rights-of-way for roads. In A10 zones, the area in rights of way for roads shall not be subtracted.

DEVELOPABLE ACREAGE: The land area within a subdivision excluding: areas defined as undevelopable under chapter 17.18, "Sensitive Areas", of this title, and areas dedicated to the public, such as parks and public rights-of-way. In A10 zones, areas dedicated to the public, such as parks and public rights of way, shall not be excluded.

### 3. Amends and Supersedes

This ordinance amends and supersedes 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 14 day of February, 2023.

	In Favor	Against	Abstained	Absent
Beus	✓			
Erickson	✓			
Goodlander	✓			
Gunnell	✓			
Hurd		✓		
Tidwell	✓			
Ward	✓			
Total	6	1	—	—

**CACHE COUNTY COUNCIL:**



David Erickson, Chair

**ATTEST:**

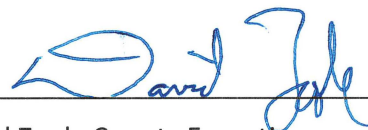


Jess Bradfield, County Clerk/Auditor

**ACTION OF COUNTY EXECUTIVE:**

☒ **APPROVE**

☐ **VETO** (Written statement of Objection Attached)

By: 

David Zook, County Executive

Date: 2/16/23

Publication Date: MARCH 1, 2023

**CACHE COUNTY COUNCIL MEETING**  
**FEBRUARY 14, 2023**

**ATTACHMENT 2**



**CACHE COUNTY  
ORDINANCE NO. 2023 - 06**

**AN ORDINANCE OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH,  
ENACTING TITLE 2, CHAPTER 76 TO THE CACHE COUNTY CODE,  
CACHE COUNTY OPEN SPACE ADVISORY COMMITTEE**

- (A) WHEREAS, on November 8, 2022, the residents of Cache County supported and passed Proposition 1, a General Obligation Bond (the “Bond”) in a principal amount not to exceed Twenty Million Dollars for the purpose of paying all or a portion of the costs of purchasing land, conservation easements, and other interests in land from willing landowners in order to protect scenic vistas, preserve open lands near valley gateways, add trails and trail connectivity, and maintain agriculture, waterways, and wildlife habitat; and
- (B) WHEREAS, the County Council and County Executive desire the advice of the county residents as to the expenditure of these Bond funds for the purpose of acquisition of real property or real property interests; and
- (C) WHEREAS, the Cache Open Space Advisory Committee ("COSAC") is therefore created for the purpose of advising and providing recommendations to the County Council regarding the acquisition of land and conservation easements; and,
- (D) WHEREAS, the COSAC shall be composed of a 7 member committee, whose members shall reside within the geographical boundaries of Cache County; and,
- (E) WHEREAS, COSAC shall have the power and duty to advise the County Council as to the appropriate uses and expenditures of the Bond funds and shall prioritize and refer funding proposals to the County Council for decision;

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

**SECTION 1:**

**Enactment.** Cache County Code, Title 2 Chapter 76, Cache Open Space Advisory Committee, which is published as a code in book form, is enacted and adopted in accordance with Attachment “A” herein, copies of which have been filed for use and examination in the Office of the County Clerk (the “Cache Open Space Advisory Committee Ordinance”).

**SECTION 2:**

Savings Clause. In the event one or more of the provisions of this Open Space Advisory Committee Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other



provision; and in such event, this Open Space Advisory Committee Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

**SECTION 3:**

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 14 DAY OF February 2023.

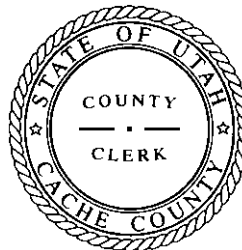
	In Favor	Against	Abstained	Absent
Sandi Goodlander	✓			
David Erickson		✓		
Nolan Gunnell		✓		
Barbara Tidwell		✓		
Karl Ward	✓			
Mark Hurd	✓			
Kathryn Beus	✓			
Total	4	3		

**CACHE COUNTY:**

By: [Signature]  
David Erickson, Chair

**ATTEST:**

By: [Signature]  
Jess Bradfield, County Clerk / Auditor



**ACTION OF COUNTY EXECUTIVE:**

2 APPROVE

\_\_\_\_ VETO (Written statement of Objection Attached)

By: [Signature]  
David Zook, County Executive

Date: 2/16/23



## **Attachment A**

### **Chapter 76**

#### **The Cache Open Space Advisory Committee**

##### **2-76-1: Definitions**

##### **2-76-2: Name and Purpose**

##### **2-76-3: Authority**

##### **2-76-4: Organization**

##### **2-76-5: Powers and Duties**

##### **2-76-1: Definitions:**

**Bond:** The 2022 Cache County voter-approved General Obligation Bond authorizing a principal amount not to exceed Twenty Million Dollars for the purpose of paying all or a portion of the costs of purchasing land, conservation easements, and other interests in land from willing landowners in order to protect scenic vistas, preserve open lands near valley gateways, add trails and trail connectivity, and maintain agriculture, waterways, and wildlife habitat.

**County:** Cache County, Utah.

**County Council:** The Cache County Council, which exercises legislative authority in the County.

**County Executive:** The chief executive officer of the County.

**Evaluation Standards:** The respective evaluation standards adopted by the COSAC used to prioritize and recommend proposals to the County Council.

**Member:** Respectively members of COSAC.

**COSAC:** The Cache Open Space Advisory Committee, which is comprised of 7 Members.



Property Interests: Any real property interest acquired, or proposed to be acquired, using Bond proceeds or a combination of Bond proceeds and other funding sources.

Public Interest: The responsibility of each Member to represent the common good, the general welfare, and the security and well-being of the respective communities represented by COSAC as to matters concerning the evaluation and recommendations of the use of Bond proceeds for the purpose of acquiring or considering the acquisition of Property Interests.

### **2-76-2 Name and Purpose:**

The Cache Open Space Advisory Committee (“COSAC”) is created for the purpose of serving the Public Interest by creating, adopting, and implementing Evaluation Standards, advising and providing recommendations to the County Council regarding the identification, evaluation (including the evaluation of proposals), and possible acquisition of Property Interests based on the approved Evaluation Standards.

### **2-76-3: Authority:**

COSAC is created as an advisory committee to the County Council for the purposes set forth in Section 2-76-2. There shall be no actual or apparent authority vested in COSAC except the authority granted in this chapter. Neither COSAC, nor any Member thereof, is empowered to bind the County as to the purchase of any Property Interest.

### **2-76-4: Organization:**

#### **A. COSAC Organization.**

1. COSAC shall be composed of 7 voting members and 2 non-voting ex-officio members. 4 of the voting members will be appointed by the County Executive with advice and consent of the County Council, with a preference for those applicants with expertise in agriculture, trails, wildlife, waterways, or outdoor recreation. Three voting members will be selected from the general public, appointed by the County Executive with advice and consent of the County Council. The two ex officio members will be a member of the County Council and an expert in agriculture appointed by the County Executive with advice and consent of the County Council.





In its first meeting, and annually thereafter, COSAC shall select from among the Members a chair, vice chair, and secretary, and shall provide the County Council with written notice of such selections.

2. Appointed COSAC Members serve 1-year terms and may serve unlimited terms.
3. The County Council may remove any Member at any time with or without cause.
4. Upon removal or withdrawal of any Member of COSAC, the County Executive shall appoint a replacement Member with advice and consent of the County Council. The replacement Member shall complete the remainder of the term of the vacant seat.
5. COSAC may enlist non-voting consultants to participate as needed or advise the COSAC chair in their recommendations to the County Council and their preparations of proposed acquisitions, including County staff, members of the Planning Commission, or other such persons as selected by COSAC. Such consultants shall not be considered Members.

B. All Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid or reimbursed by the County at the discretion of the County Council.

C. The County Attorney or his/her designee shall be legal counsel to the COSAC.

## **2-76-5: Powers and Duties**

- A. COSAC's powers are limited to:
  1. Creating, prioritizing, adopting, and applying the Evaluation Standards;
  2. Advising, providing recommendations to, and consulting with, the County Council regarding the identification, evaluation (including the evaluations of proposals), and possible acquisition of Property Interests based on the approved Evaluation Standards. Such advice may include recommendations concerning funding strategies, types of Property Interests to be acquired, and recommendations concerning consultation and collaboration with accredited land trusts.
  3. Creation of bylaws to govern meetings.
- B. COSAC Duties:



1. Upon the request of the County Council, and at least annually, COSAC shall make presentation to the County Council concerning the Evaluation Standards. At such presentations, COSAC will report on goals, progress, and actions, with the goal of refining and improving evaluation standards and practices.

**2-76-6: Meetings:**

- A. Meetings of the COSAC shall be scheduled on an as-needed basis, but no fewer than semi-annually.
- B. Meetings, special meetings, work sessions, and field trips, for any purpose, may be held at the call of the chair or the County Council. Work sessions and field trip meetings shall be for discussion and informational purposes only; no action shall be taken on any item.
- C. COSAC shall conduct its business according to its bylaws.

**2-76-7: County Council Authority**

- A. COSAC serves in the capacity of advisory group and is created for the purpose of providing the County Council with valuable insight and analysis concerning the potential uses of Bond proceeds in the County.
- B. The COSAC does not have authority to take any action that is binding on the County Executive, County Council, or the County and shall not take any action that purports to do so.
- C. The County Council retains final approval authority on Evaluation standards and their application by the COSAC in the selection process.
- D. The County Council retains final authority regarding any real property transactions and may take direct action on any acquisition of Property Interests, with or without the involvement of COSAC subject to and consistent with Utah and Cache County Code.

**CACHE COUNTY COUNCIL MEETING**  
**FEBRUARY 14, 2023**

**ATTACHMENT 3**

## **Ordinance No. 2023-04**

### **Cache County, Utah**

#### **Hot Iron Storage Rezone**

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An ordinance amending the County Zoning Map by rezoning 8.77 acres from the Agricultural (A10) Zone to the Industrial (I) 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 January 5, 2023, the Planning Commission held a public hearing, accepted all comments, and accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

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

**Whereas**, following proper notice, the County Council held a public hearing on February 14, 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 Industrial (I) Zone as identified under §17.08.030[F] of the Cache County Code as it:
- i. Allows for industrial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties; and,
  - ii. Is consistent with the future land use map for Smithfield City.

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

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

**5. Exhibits**

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

**6. Effective date**

This ordinance takes effect on MARCH 1, 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.

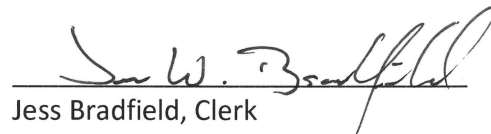
7. Council Vote and Final Action

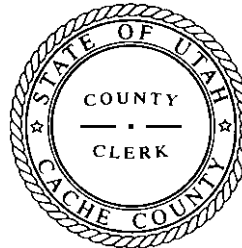
Date: <u>2 / 14 / 2023</u>	<u>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus	✓			
Dave Erickson	✓			
Sandi Goodlander	✓			
Nolan Gunnell	✓			
Mark Hurd	✓			
Barbara Tidwell	✓			
Karl Ward	✓			
<b>Total:</b>	7	—	—	—
<b>Final action:</b>	<u>✓</u> Adopt <u>      </u> Reject			

Cache County Council:

  
Dave Erickson, Chair

Attest:

  
Jess Bradfield, Clerk  
Cache County



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## Action of the County Executive

Regarding Ordinance 2023-04, the Hot Iron Storage Rezone

☒ Approve

☐ Disapprove (A Statement of Objection is attached)



David Zook, Executive  
Cache County

2/15/23

Date





**Staff Report: Hot Iron Storage Rezone**

5 January 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:** Marvin Neff

**Parcel ID#:** 08-108-0017

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

**Project Address:**

**Acres:** 8.77

501 West 4600 North

Smithfield

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Industrial (I)

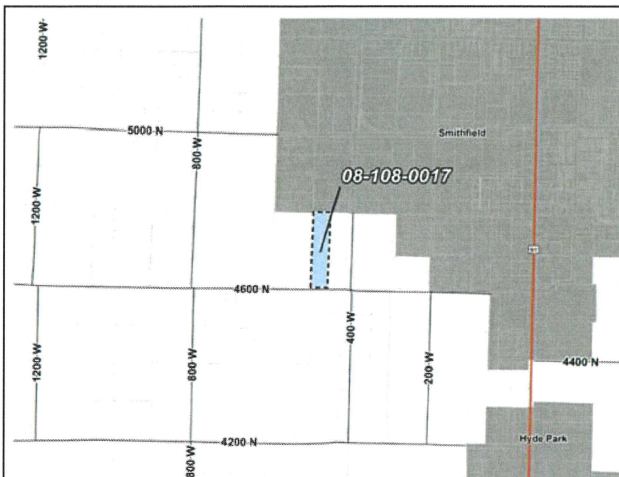
**Surrounding Uses:**

North – Agricultural/Smithfield City

South – Agricultural/Logan Airport

East – Agricultural

West – Agricultural



**Findings of Fact (18)**

**A. Request description**

1. A request to rezone 8.77 acres from the Agricultural (A10) Zone to the Industrial (I) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Industrial (I) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the Industrial Zone will be addressed as part of each respective approval process required prior to site development activities.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

## Exhibit A

*Revised: Pg. 5 – Planning Commission recommendation*

**a. Land Use Context:**

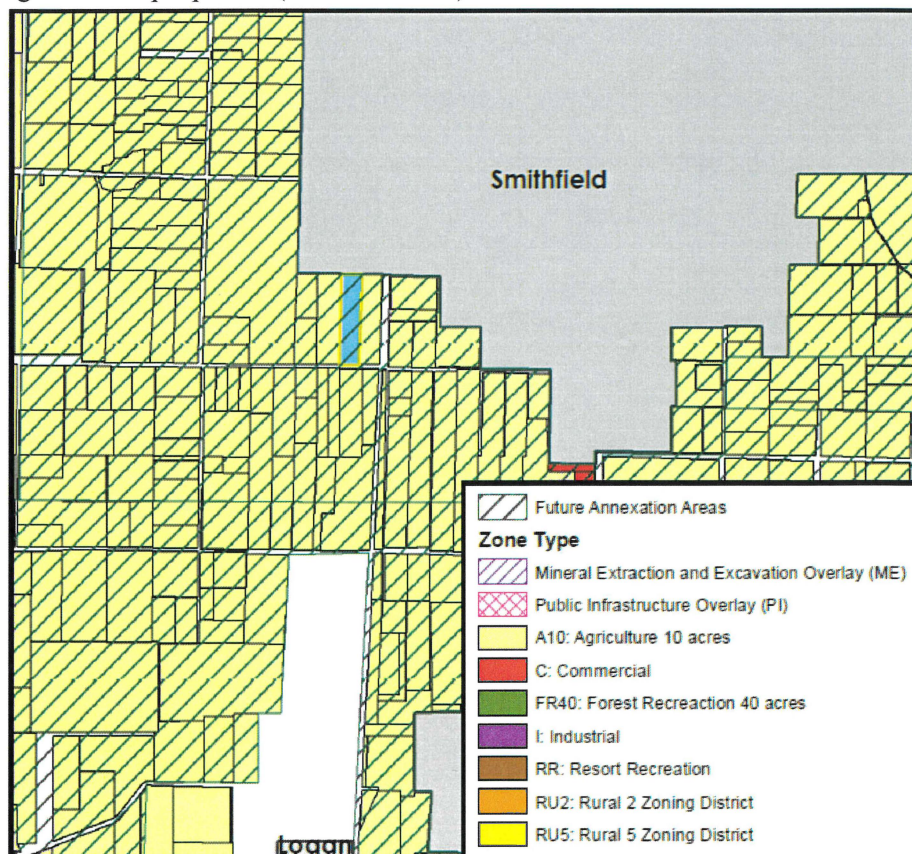
- i. Parcel status: The subject property is legal as it is in the same size and configuration since August 8, 2006. In 2011, a Conditional Use Permit (CUP) was approved on the property for self-storage units, which, at the time, was allowed with a CUP in the Agricultural (A-10) Zone. The initial proposal included 3 phases and 6 buildings of self-service storage units. However, the proposal was scaled back to and approved as a 2 building development.

Self-service storage facilities (Use Type 3410) are currently prohibited in the A10 Zone; consequently, the existing facility is considered legal, non-conforming and cannot be expanded. This use type is allowed in the Commercial (C) and Industrial (I) Zones with approval of a CUP.

- ii. The Industrial (I) Zone allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses, that are not permitted in the current Agricultural (A10) Zone:

- General Manufacturing
- Storage and Warehousing
- Transport Services
- Sexually-oriented Businesses
- Crematorium
- Commercial Kennels/Animal Shelters

- iii. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agricultural purposes. (Attachment A).

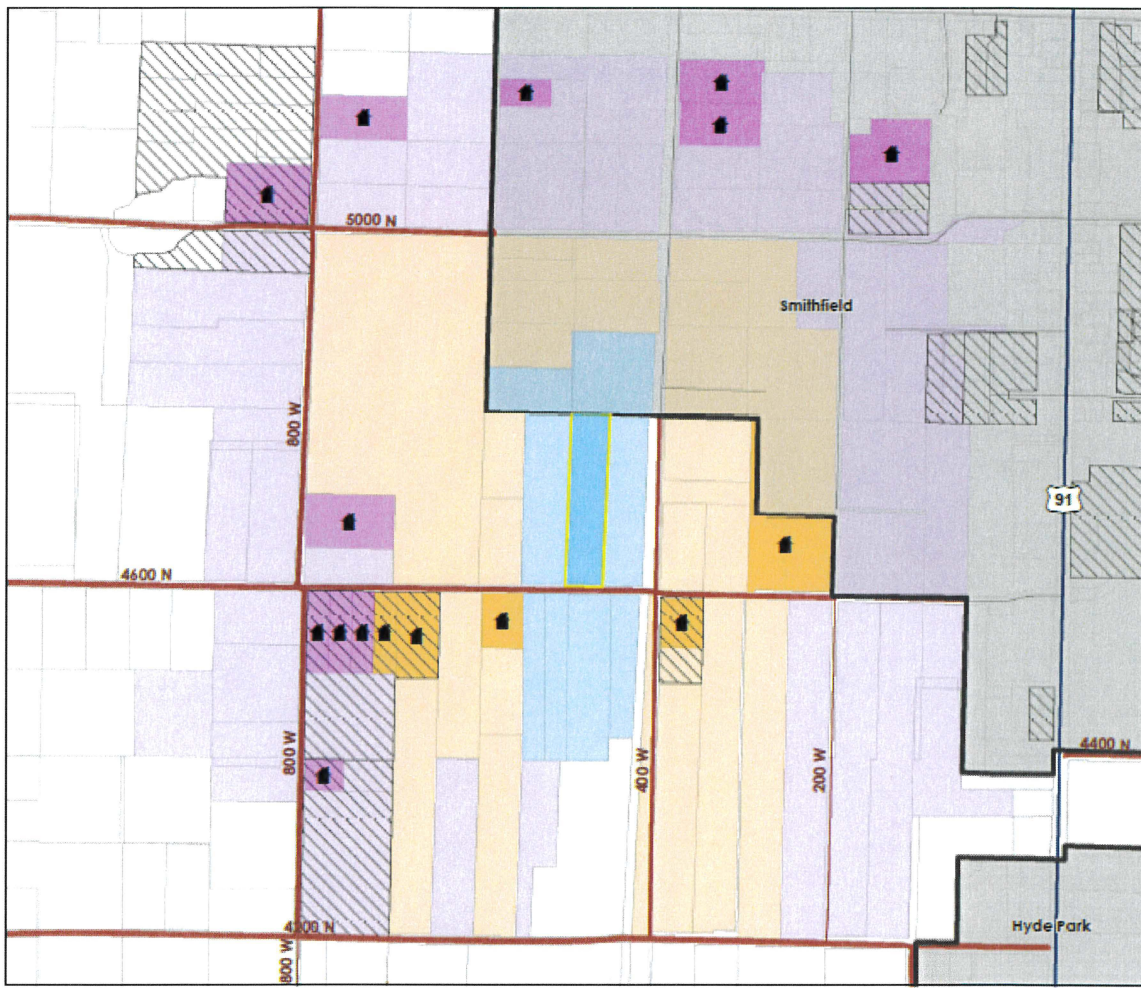




## Exhibit A

Revised: Pg. 5 – Planning Commission recommendation

iv. Average Lot Size:



Average Parcel Size	
Adjacent Parcels	Without a Home: 7.2 Acres (7 Parcels)
	Without a Home in Smithfield City: 7.25 Acres (2 Parcels)
1/4 Mile Buffer	With a Home: 4.5 Acres (5 Parcels)
	Without a Home: 11.1 Acres (23 Parcels)
	Without a Home in Smithfield City: 6.2 Acres (14 Parcel)
1/2 Mile Buffer	With a Home: 4.2 Acres (12 Parcels)
	With a Home in Smithfield City: 4.7 Acres (4 Parcels)
	Without a Home: 9.8 Acres (51 Parcels)
	Without a Home in Smithfield City: 4.6 Acres (48 Parcels)

- v. Annexation Areas: The subject property is located within the Smithfield City future annexation area. At the time the application was submitted, the applicant provided a copy of an email from the Smithfield City Recorder stating the city has no intent nor ability to force the annexation of the property into the City (Attachment B).

## **Exhibit A**

*Revised: Pg. 5 – Planning Commission recommendation*

### **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 Industrial (I) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [F] identifies the purpose of the Industrial Zone and includes the following:
  - a. “To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well being of the citizens and to broaden the tax base.
  - b. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Any impacts related to permitted and conditional uses allowed within the Industrial (I) Zone will be addressed as part of each respective approval process required prior to site development activities.

### **C. Access—16.04.040 [A], 16.04.080 [E], Road Manual**

7. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
8. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
9. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the Industrial Zone is 150 feet.
10. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
11. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
12. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
13. A basic review of the access to the subject property identifies the following:
  - a. Primary access to the subject property is from 4600 North, a County road.
14. 4600 North:
  - a. Is an existing county facility that provides through access from Hwy 91 to 2400 West, as well as to multiple single-family homes and agricultural lands.
  - b. Is classified as a Minor Collector, but new development is only required to meet a Major Local Road standard.
  - c. Is paved and is approximately 20 feet wide.
  - d. Is maintained year-round.
  - e. Is considered substandard as to paved and gravel shoulder widths requirements for a Major Local Road. See table below:

## Exhibit A

Revised: Pg. 5 – Planning Commission recommendation

Roadway Element	Existing Width (ft)	Major Local Standards Width (ft) <sup>1</sup>	Minor Collector Standards Width (ft)	Comments or Findings
Travel Lanes	20	20	22	OK
Right-of-Way	33	33	33	OK
Paved Shoulder	≈1	2	4	Substandard
Gravel Shoulder	2	4	2	Substandard
Clear Zone (4:1)	18	14-18	14-18	OK
Material	Paved	Paved	Paved	OK
Structural				Visually OK

1 - Road is classified as a Minor Collector but is only required to meet a Major Local Road standard.

### D. Service Provisions:

15. §16.04.080 [C] Fire Control – The County Fire District did not have any comments regarding the rezone request. Any potential future development will be reviewed and may require improvements depending on location and size. Plans must be submitted to the Fire Department for review and approval prior to construction.
16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

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

17. Public notice was posted online to the Utah Public Notice Website on 21 December 2022.
18. Notices were posted in three public places on 21 December 2022.
19. Notices were mailed to all property owners within 300 feet and Smithfield City on 21 December 2023.
20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

## Staff Conclusion

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The Hot Iron Storage Rezone, a request to rezone 8.77 acres from the Agricultural (A10) Zone to the Industrial (I) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

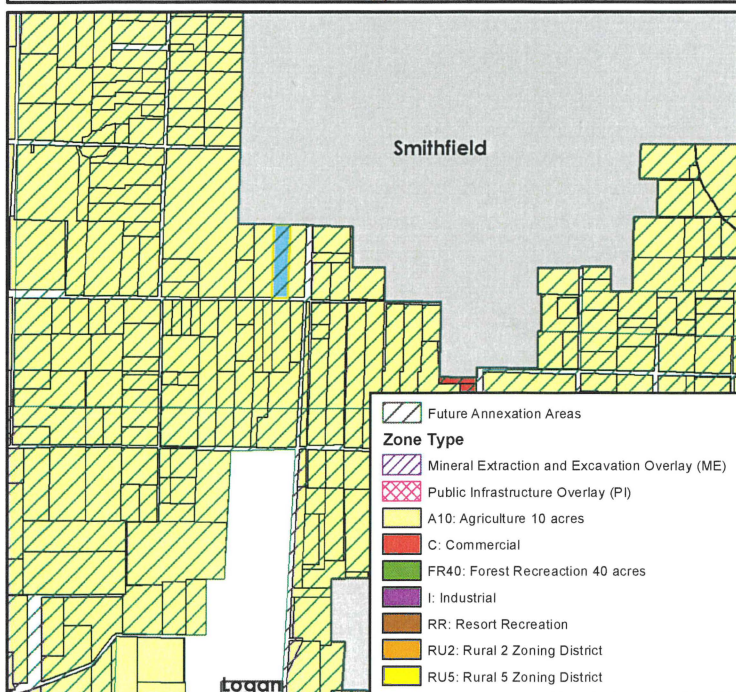
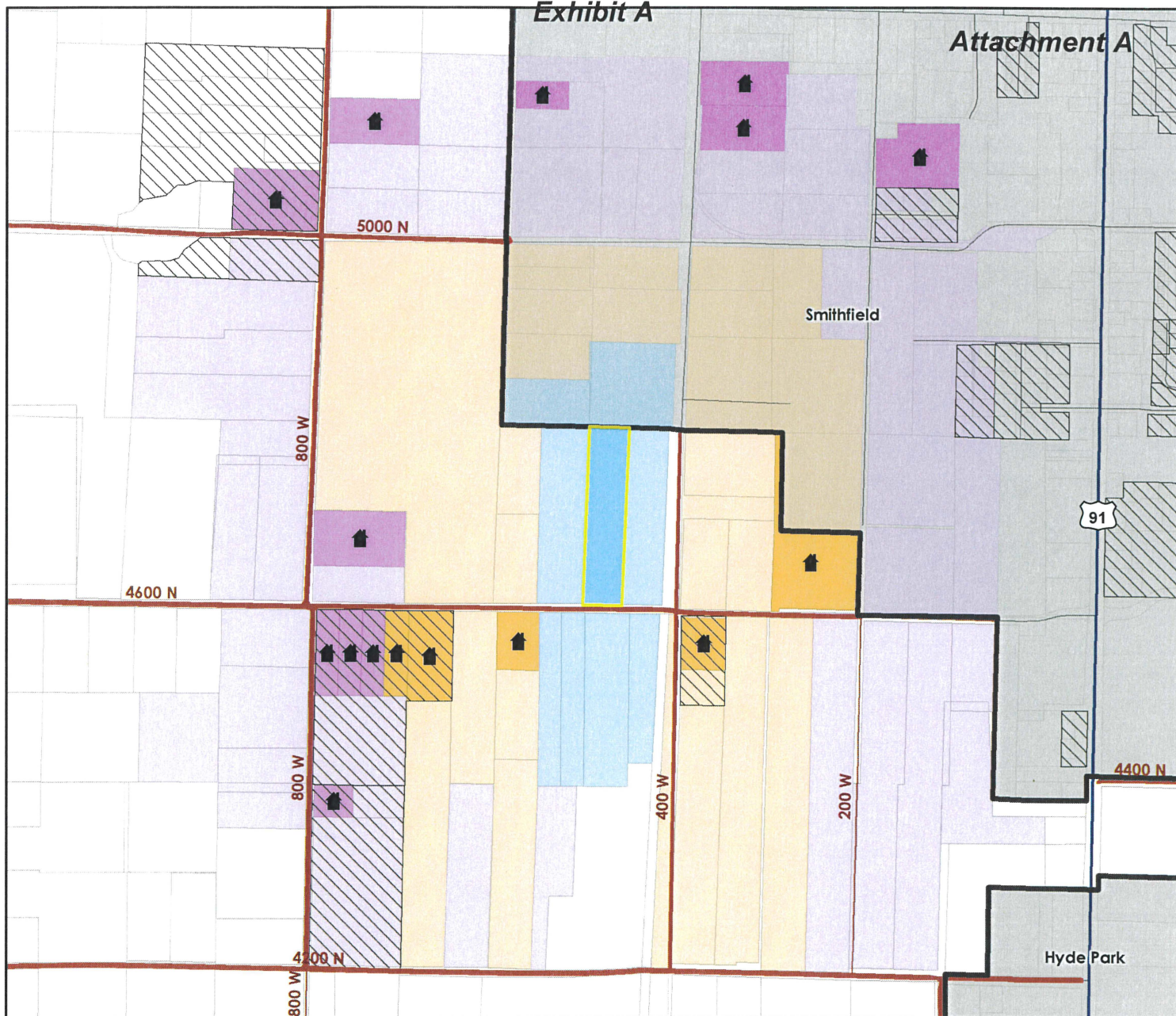
## Planning Commission Conclusion

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

1. The location of the subject property is compatible with the purpose of the Industrial (I) Zone as identified under §17.08.030[F] of the Cache County Code as it:
  - a. Allows for industrial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties; and,
  - b. Is consistent with the future land use map for Smithfield City





### Legend

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

### Average Parcel Size

<b>Adjacent Parcels</b>	Without a Home: 7.2 Acres (7 Parcels)
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12/7/2022



**From:** Justin Lewis  
**Sent:** Monday, November 7, 2022 2:11 PM  
**To:** marvneff@gmail.com  
**Cc:** Craig Giles; Brian Boudrero  
**Subject:** 08-108-0017

Marv:

Good afternoon.

It was good to speak with you today regarding Cache County Parcel Number 08-108-0017 (Hot Iron Storage LLC).

Annexation code does not allow for an island or a peninsula to be created.

The city cannot force anyone to annex their parcel into the city limits.

Parcels east of you owned by Donald Dente, Dennis J. Thornley and possible Jay Pitcher would have to be annexed at the same time in order to not create a peninsula.

Let me know if you have additional questions.

Thanks,

*Justin B. Lewis*  
**City Recorder**

Smithfield City Corporation  
96 South Main  
Smithfield, UT 84335  
P (435) 792-7990

## Exhibit B: Ordinance 2023-04

Zoning Map of Cache County – Affected Portion  
Hot Iron Storage Rezone



The following legal description reflects the noted properties above to be rezoned from Agricultural (A10) to Industrial (I):

### 08-108-0017

BEG AT S/4 COR SEC 33 T 13N R 1E & TH S89°35'34"W 526.74 FT TH S2°18'04"W 92.81 FT TO TRUE POB BEING BR 12 CHS W & 80 LKS N OF SE COR OF SW/4 OF SEC 33 & TH N89°29'11"W 286.94 FT (W 290.4 FT BR) TH N1°53'35"E 1315.15 FT (N 1320 FT BR) TH S89°04'09"E 296.12 FT TH S2°18'04"W 1306.09 FT TO BEG CONT 8.77 AC M/B

SUBJ TO QC ROAD DEDICATION TO CACHE COUNTY FOR THAT PT OF THE ABOVE THAT LIES WITHIN 33 FT OF CL OF BOTH SIDES OF EXISTING CO ROAD (ENT 1048493)



**CACHE COUNTY COUNCIL MEETING**  
**FEBRUARY 14, 2023**

**ATTACHMENT 4**

**Cache County  
Resolution 2023-03**

**2022 Moderate Income Housing Plan Update, Implementation Plan and Annual  
Update**

**A Resolution of Cache County, Utah, Amending the County's Annual Moderate  
Income Housing Plan with an Updated Implementation Plan for the 2022 Annual  
Report to**

**WHEREAS**, Utah Code Annotated §17-27a-408 requires the County to amend or update the Moderate Income Housing Plan with an Implementation Plan and provide a report to the State Housing and Community Development Division within the Department of Workforce Services; and

**WHEREAS**, the County has considered applicable strategies for moderate income housing as provided in State Code §17-27a-403 and now desires to adopt the same by this Resolution for adoption and implementation; and

**WHEREAS**, the County Report for the year 2022 is to be submitted by the allowed deadline extension of February 16, 2023, and

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of Cache County, Utah, that the Moderate Income Housing Plan implementation strategies attached in Exhibit “A” incorporated herein by this reference are hereby adopted as an amended update to the Cache County Moderate Income Housing Plan. The 2023 amendment is to be written on the cover of the plan.

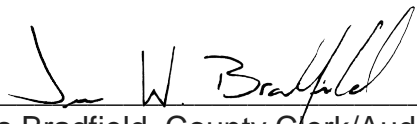
The Department of Development Services is hereby authorized to execute any documents related to the Report. This Resolution is effective immediately upon passage and approval.

PASSED AND ADOPTED by the County Council on this 14th day of February, 2023.

**CACHE COUNTY:**

By:   
David Erickson, Chair

**ATTEST:**

By:   
Jess Bradfield, County Clerk/Auditor

## EXHIBIT "A"

In conformance with Utah Code Annotated §17-27a-403, Cache County has made efforts to provide a realistic opportunity for the development of moderate income housing in 2022, and adopts the following recommended strategies to implement housing choices in 2023:

### **E - Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.**

Cache County Code §17.07.030: Use Related Definitions, Use Type 1120 Accessory Apartment allows for an internal or attached accessory dwelling unit (ADU) associated with a single family dwelling in the A10, RU5 and RU2 zones. The County Planning Commission has reviewed draft amendments to this ordinance in January and February 2023 to become fully compliant with State Code §17-27a-526. A joint Planning Commission and County Council work meeting will take place, followed by final drafting and public hearings to update the ordinance. The anticipated timeframe for updating the ordinance is June 2023.

Cache County will track the number of ADU zoning clearance permits and building permits on an annual basis to include in the annual moderate income housing report to the State.

### **G - Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors.**

Cache County Code §02.40.020 states that Cache County Planning and Zoning Division provides Countywide Planning services to "Coordinate with other local governments and county residents to ensure completion of the Regional Collaboration Plan, and maintain and oversee the Regional Collaboration Plan; and maintain a countywide perspective in planning efforts and provide essential services and resources necessary to help county residents fulfill their planning needs; and achieve compliance with all state and federal statutes and regulations through ongoing training and compliance efforts."

This partnership includes the coordination of land use, housing and transportation decisions with consideration of housing needed for economic development and job growth in municipalities where sewer and water services exist to support moderate income housing. **Regional Collaboration** includes the engagement of key stakeholders, including the Cache Valley Transit District to consider current and future transit investment corridors that could be supported by the trip demand from planned mixed-use development, including moderate income housing opportunities.

A comprehensive General Plan update process started in 2020, and is now being reviewed by the County Council with a recommendation of approval from the Planning Commission. This draft plan includes a Regional Collaboration Plan element to provide information and perspective for continued coordination between the County and Municipalities in 2023 and subsequent years.

The County Council will review the final draft of the Comprehensive General Plan and Regional Collaboration Plan, refine and amend as necessary, with an anticipated adoption timeframe of June 2023.

Cache Countywide Planning services include GIS Mapping support of the municipalities in the County with mapping of general plan future land uses and current land use zoning. Cache Countywide Planning and GIS will continue to provide these services, and conduct at a minimum an annual review to verify that future land use and zoning mapping is current with recently adopted general plan updates and zoning map amendments for each community. This will be conducted each year prior to the annual moderate income housing report to the State.

**F - zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers;**

In 2021, Cache Countywide Planning services supported Hyde Park City with a Town Center framework plan that was referenced in the 2022 General Plan update process. **Hyde Park** City's General Plan update was adopted in December 2022, and includes a recommended mixed-use development area along Wolf Pack Way to include commercial, office, and multi-family housing opportunities (pg. 30). Cache Countywide Planning services will continue to support Hyde Park City and other partner communities in 2023 with technical planning assistance such as concept planning, model ordinance language and other services to explore a variety of land use topics, including mixed-use development where desired.

Cache County will meet with partner municipalities at least once a year to identify priority land use planning areas and topics to study, including moderate income housing goals and strategies. This outreach process will drive the work program of the Cache Countywide Planning services, including individual community focus and/or studies that are applicable and beneficial to multiple communities.