

## 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.

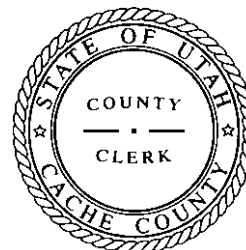
**Adjourn: approximately 7:20 PM**

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**APPROVAL: David Erickson, Chair**  
**Cache County Council**

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**ATTEST: David Benson, Clerk**  
**Cache County**



## 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](http://www.cachecounty.org)

### Plan For The Process Of Outside Entities Applying For ARPA Funds

- **Buffer Amount** – hold \$435,334 back as a buffer for any cost overages for already approved projects
- **During the first quarter of 2024**, an administrative process of determining the use of those funds should begin to give ample time to obligate those funds by December 31, 2024
- **Open another round to County departments and component units –**
  - Open application on July 26, 2023
  - Deadline – August 11, 2023
  - Finance department staff review the applications beginning on August 14, 2023
  - Qualifying applications are presented to the Budget Committee for their review on August 28, 2023
  - September 12, 2023, present application to Council for review and potential approval
  - Cap total ARPA awards to County department and component units from this round of applications at \$750,000.
- **Open ARPA funds to non-profit organizations for revenue lost during the COVID-19 pandemic**
  - Open application on August 2, 2023
  - Deadline – August 18, 2023
  - Finance department staff review the applications beginning on August 21, 2023
  - Qualifying applications are presented to the Budget Committee for their review on August 28, 2023
  - September 12, 2023, present applications to Council for review and potential approval
  - Cap total ARPA awards to non-profits from this round of applications at \$515,000
  - All ARPA awards to non-profits shall be on the basis of at least one of the following:
    - Decreased revenue (e.g., from donations and fees)
    - Financial insecurity
    - Increased costs (e.g., uncompensated increases in service need)
    - Capacity to weather financial hardship
    - Challenges covering payroll, rent or mortgage, and other operating costs
- **Additional Requirements:**
  - While finance department staff shall review all applications, a copy of all applications (both County departments and non-profits) shall be delivered to all members of the Budget Committee and members of the County Council

**VOTED ON and APPROVED by the COUNTY COUNCIL on Tuesday, July 25, 2023**

# Ordinance No. 2023-22

## Cache County, Utah

### 8479 Rezone

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An ordinance amending the County Zoning Map by rezoning 8.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone

**Whereas**, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 et seq., as amended (the “Act”), provides that each county may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**Whereas**, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the county’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county; and

**Whereas**, the Planning Commission caused notice of a public hearing for the rezone to be posted at least ten (10) days before the date of the public hearing; and

**Whereas**, on June 1, 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 July 11, 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 2 (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
- i.** To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - ii.** Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.
  - iii.** The property is appropriately served by a suitable public road, 8500 North, with access to Highway 91, 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

**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				
<b>Total:</b>				
<b>Final action:</b>	_____ <b>Adopt</b> _____ <b>Reject</b>			

Cache County Council:

Attest:

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David Erickson, Chair

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David Benson, Clerk  
Cache County

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## **Action of the County Executive**

Regarding Ordinance 2023-22, the 8479 Rezone

\_\_\_\_\_ Approve

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

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David Zook, Executive  
Cache County

Date





**Staff Report: 8479 Rezone**

1 June 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:** Nanette T. King

**Parcel ID#:** 08-016-0011

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Location**

*Reviewed by Angie Zetterquist*

**Project Address:**

8479 North Highway 91  
near Richmond

**Acres:** 8.37

**Surrounding Uses:**

North – Agricultural

South – Agricultural

East – Agricultural/Residential

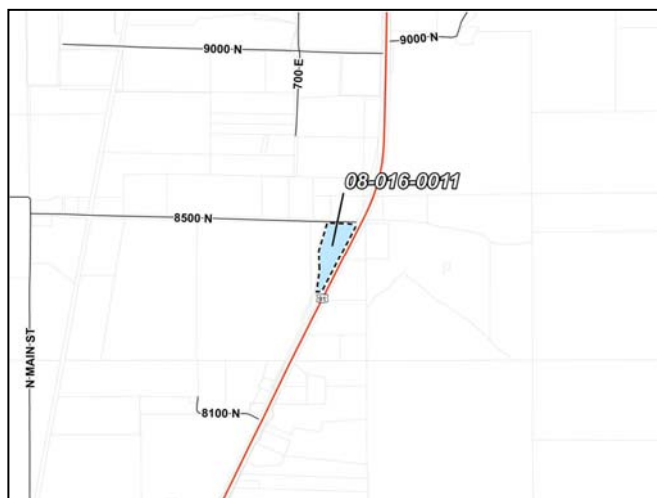
West – Agricultural

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Rural 2 (RU2)



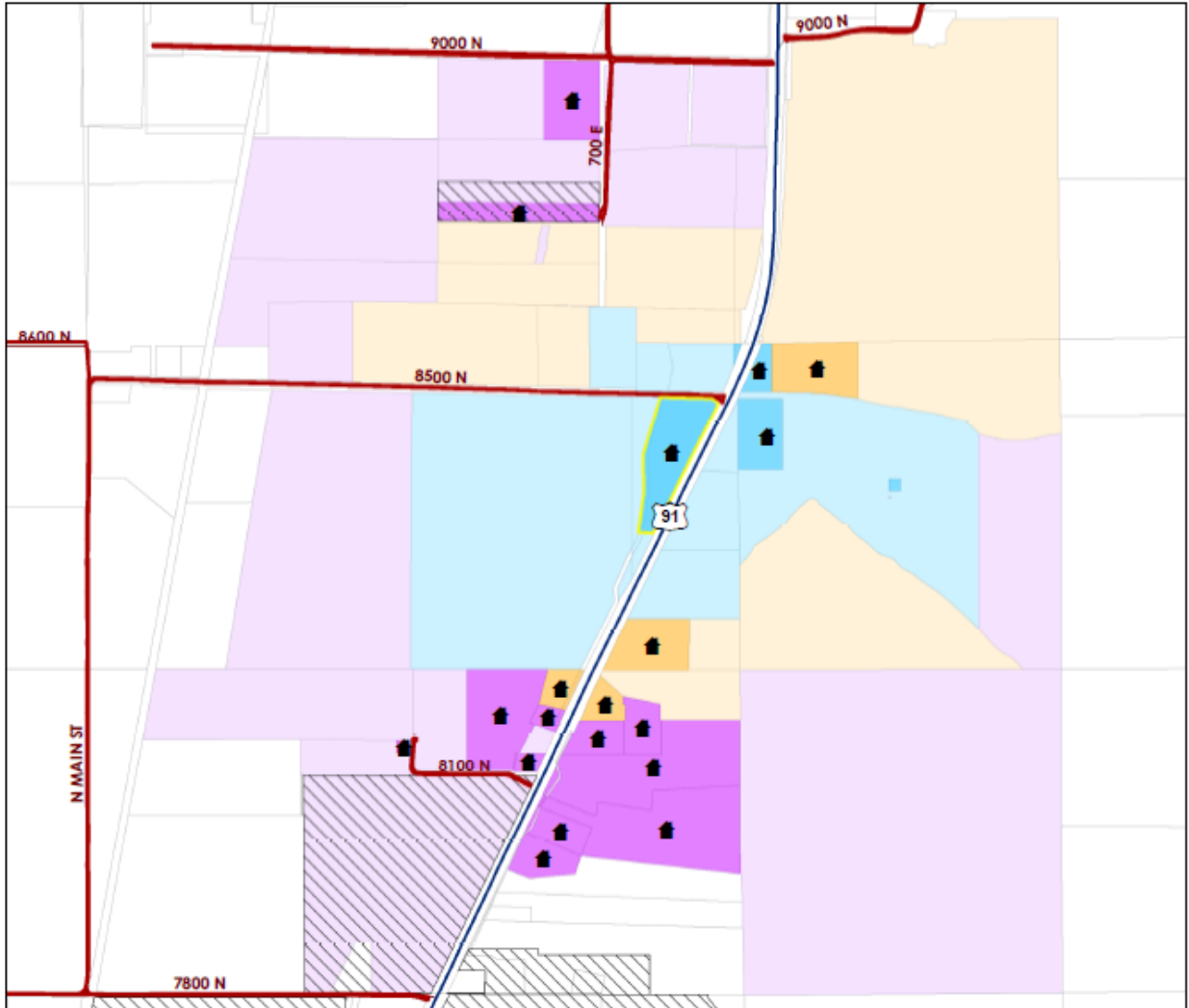
**Findings of Fact**

**A. Request description**

1. A request to rezone 8.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum potential of 4 separate lots as part of a subdivision process. The current A10 Zone allows for a maximum of 1 buildable lot.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

**a. Land Use Context:**

- i. Parcel status: The subject property is not in the same size and configuration as it was on August 6, 2008, however, it is a legal parcel as the change occurred as part of a dedication for the highway.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 16 Acres (3 Parcels)
	Without a Home: 18.2 Acres (9 Parcels)
1/4 Mile Buffer	With a Home: 4.8 Acres (7 Parcels)
	Without a Home: 20 Acres (22 Parcels)
1/2 Mile Buffer	With a Home: 5.3 Acres (19 Parcels)
	Without a Home: 19.4 Acres (42 Parcels)

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 8.37 acres of property, the subject property cannot be further divided under the current A10 Zone standards. A rezone to RU2 may allow up to a maximum potential of 4 buildable lots, including one lot with the existing single-family dwelling.

- iii. **Schedule of Zoning Uses:** Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- iv. **Adjacent uses:** The properties adjacent to the subject rezone are primarily used for agriculture with a few single family dwellings on the east side of the highway. The closest Richmond City boundary is located approximately 1.1 miles north of the subject property.
- v. **Annexation Areas:** The subject property is not located within a future annexation area.
- vi. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The nearest RU2 zone is located approximately 3.0 miles south of the subject property on the north west Smithfield City municipal boundary. This RU2 Zone was approved as the Brooks Hansen Smithfield West Rezone on 14.37 acres in 2022 per Ordinance 2022-03. The West View Estates Subdivision was approved with conditions as a 5-lot subdivision in May 2023.

**B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [C]**

- 4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU2 Zone and includes the following:
  - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.

- b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
  - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. 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.”

### AGRICULTURE AND RANCHING

Location:	Private agriculture landscapes in the Cache Valley outside of municipalities.
Example Areas:	<ul style="list-style-type: none"> <li>• (Most of the valley)</li> </ul>
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"> <li>• Agriculture</li> <li>• Ranching</li> <li>• Rural residential uses at densities of less than one unit per 10 acres</li> <li>• Conservation Easements (CEs) and conserved public lands</li> <li>• Agritourism</li> </ul>
Secondary Land Uses:	<ul style="list-style-type: none"> <li>• Industrial and Commercial uses directly supportive of agriculture (Processing, Packaging, Distribution)</li> <li>• Clustered subdivision developments</li> <li>• Outdoor Recreation</li> <li>• Farm Worker Housing</li> </ul>
Discouraged Uses:	<ul style="list-style-type: none"> <li>• Residential developments at densities of greater than one unit per 10 acres if not in a clustered subdivision development</li> <li>• Commercial Office</li> <li>• Commercial Retail</li> <li>• Flex Office/ Industrial</li> <li>• Heavy Industrial</li> </ul>

Cache County General Plan, Chapter 4, pg. 24

## CHAPTER 4: FUTURE LAND USE PLAN

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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 RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

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 RU2 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 Hwy 91 and 8500 North, a County road.
14. Hwy 91:
  - a. Is a UDOT road classified as an “Other Principal Arterial”.
  - b. Other Principal Arterials provide a high degree of mobility through rural areas and can serve abutting land uses directly.
  - c. This portion of Hwy 91 is also classified as an Access Category 4, which has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet.
  - d. Access to any new future development on the subject property from Hwy 91 would need approval by UDOT.
15. 8500 North:
  - a. Is an existing county facility that provides to residential dwellings and agricultural lands.
  - b. Is classified as a Minor 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 gravel shoulder width and clear zone.



## Analysis of Existing Roadway – Along the Frontage

Roadway Element	Existing Width (ft)	Minor Local	Comments or Findings
		Standard Width (ft)	
Right-of-Way	66	66	OK
Travel Lanes	20	20	OK
Paved Shoulder	0	0	OK
Gravel Shoulder	2	4	Substandard
Clear Zone (4:1)	0	18	Substandard
Material	Paved	Paved	OK
Structural	Visually OK		Visually OK

**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 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**

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

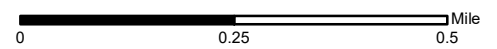
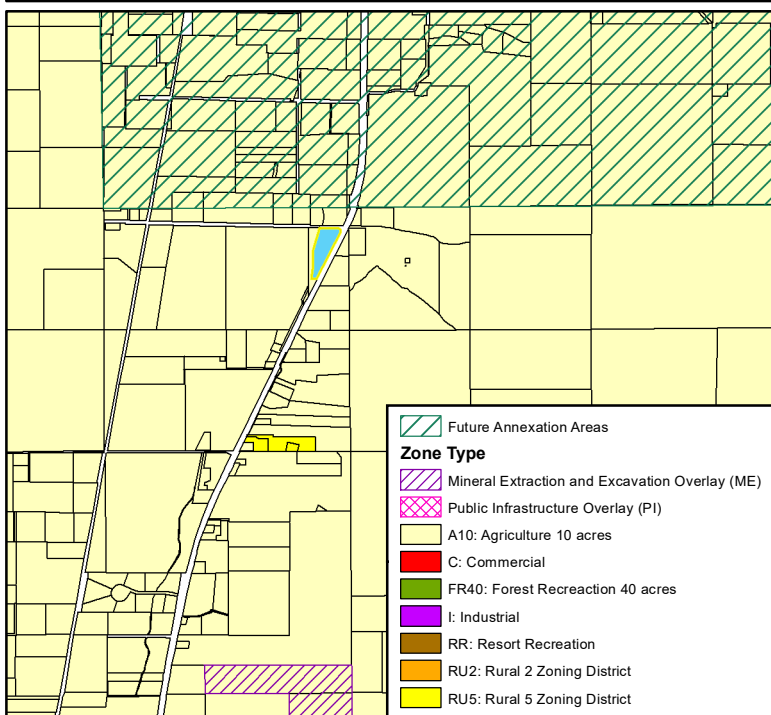
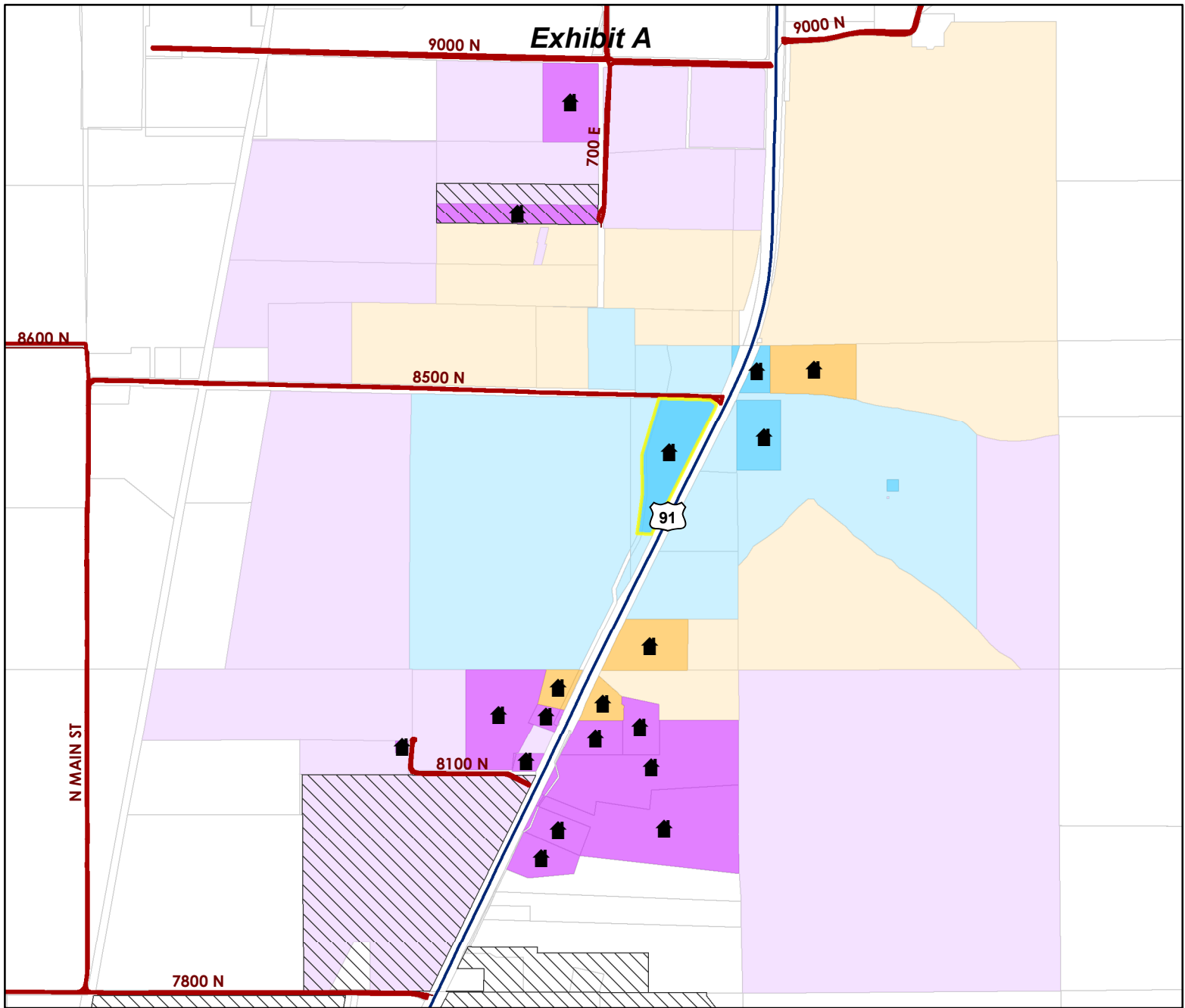
**Conclusion**

The 8479 Rezone, a request to rezone 8.37 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) 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 8479 Rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property is compatible with the purpose of the Rural 2 (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - a. To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - b. Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.
  - c. The property is appropriately served by a suitable public road, 8500 North, with access to Highway 91, necessary water and utilities, and adequate provision of public services.



### Legend

- |  |                      |   |                    |
|--|----------------------|---|--------------------|
| <span style="display: inline-block; width: 20px; height: 10px; border: 1px solid black; background-color: yellow;"></span>   | Proposed Rezone      | <span style="display: inline-block; width: 20px; height: 2px; background-color: red;"></span>   | Winter Maintenance |
| <span style="display: inline-block; width: 20px; height: 10px; border: 2px solid black;"></span>   | Municipal Boundaries | <span style="display: inline-block; width: 20px; height: 2px; background-color: brown;"></span> | County Roads       |
| <span style="display: inline-block; width: 20px; height: 10px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, gray 2px, gray 4px);"></span> | Subdivisions         | <span style="display: inline-block; width: 20px; height: 2px; background-color: blue;"></span>  | Highways           |
| <span style="display: inline-block; width: 20px; height: 10px; border: 1px solid black;"></span>   | Parcels              |   |                    |

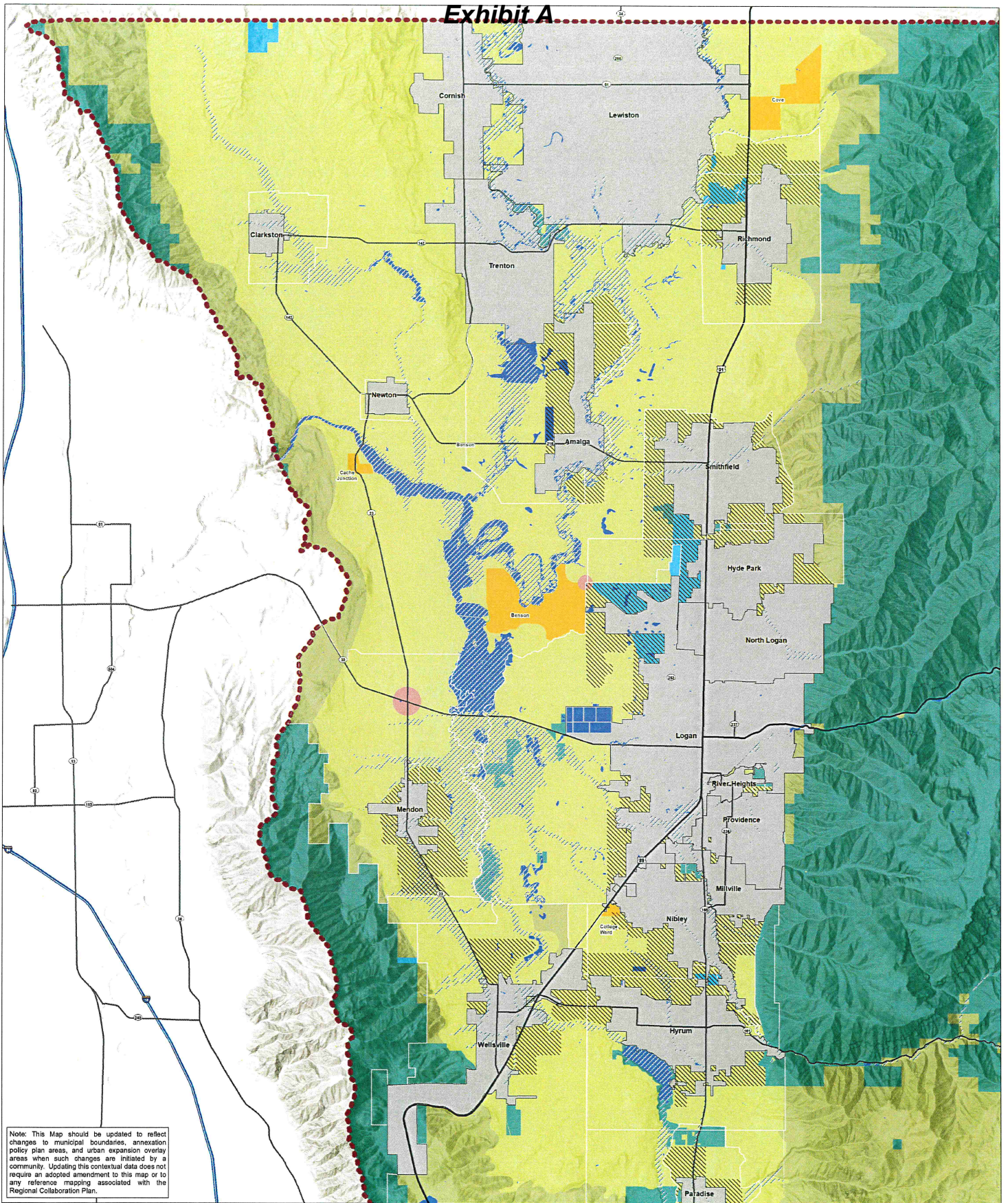
Average Parcel Size	
Adjacent Parcels	With a Home: 16 Acres (3 Parcels)
	Without a Home: 18.2 Acres (9 Parcels)
1/4 Mile Buffer	With a Home: 4.8 Acres (7 Parcels)
	Without a Home: 20 Acres (22 Parcels)
1/2 Mile Buffer	With a Home: 5.3 Acres (19 Parcels)
	Without a Home: 19.4 Acres (42 Parcels)



5/15/2023



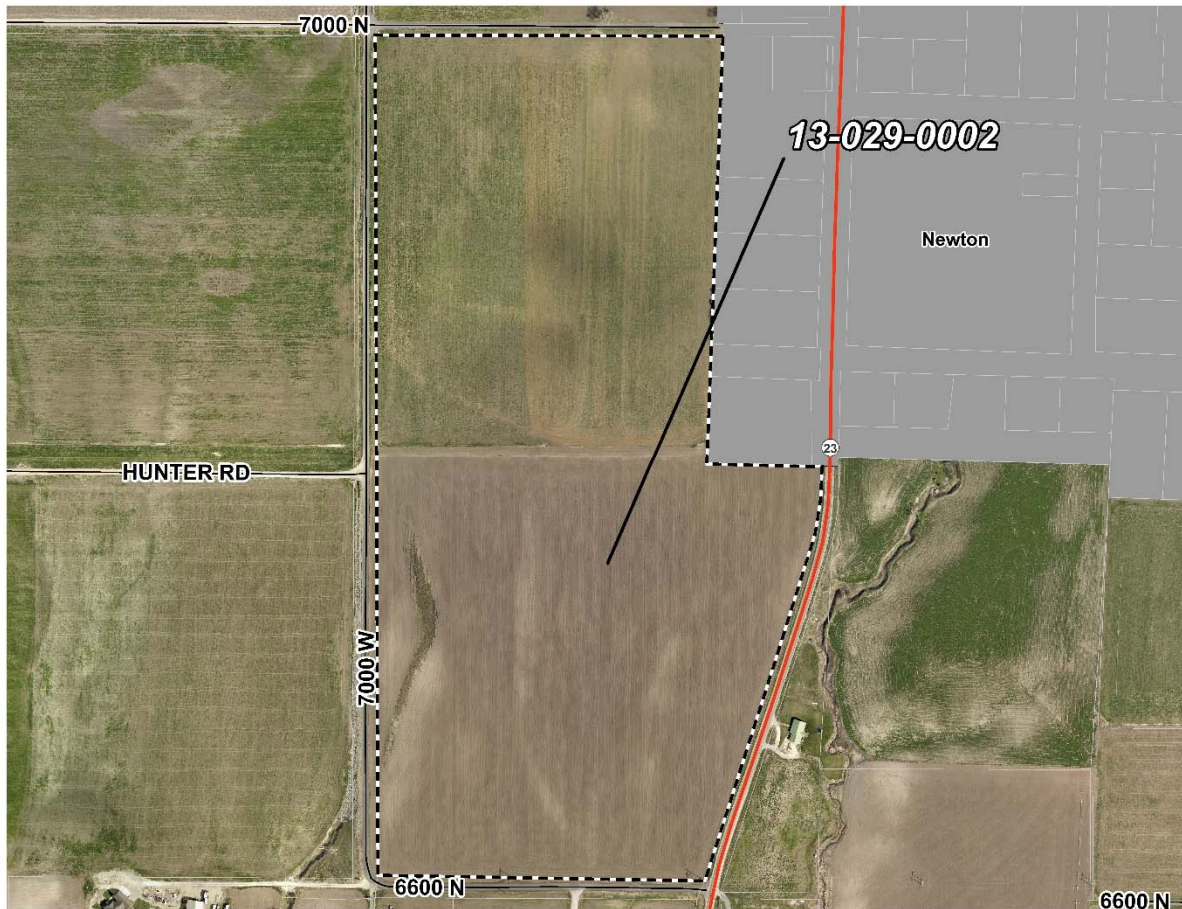
# Exhibit A





## Exhibit B: Ordinance 2022-12

Zoning Map of Cache County – Affected Portion  
Cutler Valley Rezone



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

**13-029-0002**

THAT PT OF THE FOLLOWING OUTSIDE NEWTON CORP LIMITS:

THE E/2 OF NW/4 SEC 19 T 13N R 1W EXCEPT THE CO ROAD ALG S 4 RDS, THE ST HWY ACROSS THE SE COR, AND THE LAND LYING E OF SD ST HWY NET 65.72 AC

## **Ordinance No. 2023-26**

### **Cache County, Utah**

#### **Amendments to Title 17 Applicable to Industrial Site Development Standards for Agricultural Processing Facilities / Industrial Uses**

---

An ordinance amending the County Land Use Code as required by the adoption of Ord. 2023-26 to include a new General Definition of Agricultural Processing Facilities, and updating requirements applicable to Industrial Site Development Standards in Title 17.

**Whereas**, the Cache County Development Services Department Received a Zoning Code Amendment application proposal to update Industrial Zoning Code requirements to allow for Agricultural Processing Facilities and associated development standards applicable to property zoned as Industrial (I); 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:

**17.07.040: General Definitions**

...

AGRICULTURAL PROCESSING FACILITIES: A building, facility, area, open or enclosed, or any location for the refinement, treatment, or conversion of agricultural products where a physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to fruit dehydrators, grain silos, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form, including all uses customarily incidental thereto. "Agricultural processing" shall not include wineries or manufacturing of secondary products using agricultural products, such as commercial kitchens, bakeries, breweries, woodworking, and wood processing plants.

...

LOT/PARCEL COVERAGE: The percentage of the area of a lot/parcel which is occupied by all buildings, other impervious surfaces, or other covered structures.

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.

...

**Table 17.10.040: Site Development Standards**

Use Type: <b>Primary</b>	<b>Accessory</b>		Both									
Base Zoning Districts:	RU2		RU5		A10		FR40		C		I	
Use setback distances:												
Front yard	30'		30'		30'		50'		30'		30'	
Multi-street frontage	30'		30'		30'		50'		30'		30'	
Side yard <sup>5,6</sup>	12'	5'	12'	5'	12'	5'	20'	5'	30' <sup>1</sup>		30' <sup>1</sup>	
Rear yard <sup>5,6</sup>	30'	5'	30'	5'	30'	5'	30'	5'	30' <sup>1</sup>		30' <sup>1</sup>	
Structures on same lot	10'		10'		10'		10'		10'		10'	
From the top of a recognized irrigation canal bank to any structure or fence	16.5'		16.5'		16.5'		16.5'		16.5'		16.5'	
Other standards:												
Maximum structure height <sup>2,4</sup>	35'		35'		35'		35'		40'	35'	40'	35'
Minimum lot size	1/2 acre		1/2 acre		1/2 acre		1 acre		1/2 acre		1 acre	
Maximum density <sup>3</sup>	1U/2A		1U/5A		1U/10A		1U/40A		2U/A		n/a	

Maximum lot coverage	60%	60%	60%	25%	50%	<del>50%</del> 80%
Minimum lot frontage	90'	90'	90'	150'	150'	150'

Notes:

1. Setback may be reduced to 15 feet with a conditional use permit if the adjoining parcel is zoned commercial or industrial.

2. Maximum height for agricultural structures is 45 feet. Also see definition of "building height, maximum", at section [17.07.040](#), "General Definitions", of this title.

3. The Land Use Authority shall have the authority to determine the total number of acres eligible for residential density (developable acreage).

4. Maximum height for agricultural processing facilities, specific to the production of food, in Industrial (I) Zoning Districts to be 150 feet. Structures may be greater in height from the established setback lines with an increase of 1.5 feet of setback for every ten feet (10') of additional building height. This standard shall apply to reduced setbacks with a CUP. Example: an agricultural processing facility that is 100 ft tall will need to be setback 39 ft from the front property line.

5. The side or rear setback for Industrial (I) or Commercial (C) is 0 ft when adjacent to an active railway.

6. Above ground conveyance of manufactured products or goods (through piping or other means) is allowed between adjoining parcels zoned as commercial or industrial at a maximum height of 25 feet; cross-access agreements are required between parcels.

**1. 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.

**2. 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:

\_\_\_\_\_

David Erickson, Chair  
Cache County Council

Attest:

\_\_\_\_\_

David Benson  
Cache County Clerk

Publication Date: \_\_\_\_\_, 2023