

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.GOV

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, NOVEMBER 12, 2024.**

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 Dave Erickson
 3. **REVIEW AND APPROVAL OF AGENDA**
 4. **REVIEW AND APPROVAL OF MINUTES** (October 22, 2024)
 5. **REPORT OF COUNTY EXECUTIVE**
 - a. **Appointments:**
 - b. **Other Items:**
 6. **ITEMS OF SPECIAL INTEREST**
- 5:30 p.m.**
(Estimated)
7. **PUBLIC HEARINGS**
 - a. **Set Public Hearing for November 26, 2024 at 5:30 p.m. – Ordinance 2024-22 – An Ordinance Making Adjustments to the Salaries of Certain Cache County Elected Officers**
 - b. **Public Hearing – Ordinance 2024-20 – Vernon Investments Rezone**
Amending the County Zoning Map by rezoning 5.06 acres from the Agricultural (A10) Zone to the Industrial (I) Zone
 - c. **Public Hearing – Ordinance 2024-21 – Chambers Rezone**
Amending the County Zoning Map by rezoning 8.47 acres from the Agricultural (A10) Zone to the Commercial (C) Zone
 8. **PENDING ACTION**
 - a. **Resolution 2024-25** A Resolution Approving the Harris Farm Round Two Open Space Application
 - b. **Resolution 2024-23** Adopting the 2025 Annual Budget
 9. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
 - a. **Ordinance 2024-20** **Vernon Investments Rezone**
Amending the County Zoning Map by rezoning 5.06 acres from the Agricultural (A10) Zone to the Industrial (I) Zone
 - b. **Ordinance 2024-21** **Chambers Rezone**
Amending the County Zoning Map by rezoning 8.47 acres from the Agricultural (A10) Zone to the Commercial (C) Zone
 - c. Discussion and consideration of providing consent to Nibley City to approve the Nielsen, Albretsen and Ropelato Annexation – Parcels: 03-049-0010, 03-049-0011 and 03-049-0013

10. **OTHER BUSINESS**

- a. Presentation and approval of ARPA award recommendations
- b. **USACCC Fall Conference**

November 14-15 in Bryce Canyon
Karl, Mark, Dave, Sandi, Barbara

11. **COUNCIL MEMBER REPORTS**

12. **ADJOURN**



David L. Erickson, Chair

November 5, 2024

Dear County Council:

I am writing this letter to express my opposition to the proposed rezoning of the property owned by Chris C. Chambers with Parcel ID 08-039-0020 at the corner of 6600 N 800 W west of Smithfield. The rezoning was recommended for approval at the Cache County Planning Council meeting held on 3 October 2024. I do not think the proposed rezoning meets the requirements of the county code regarding commercial zoning. The text of the code is repeated below:

“To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the county’s tax base.

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.”

I review some of the requirements listed in the first paragraph of the quoted code below.

“to enhance employments opportunities”

A self-storage unit is proposed for this property. Most modern self-storage facilities are nearly completely automated and it is reasonable to estimate that the whole operation could be run by one to three people, part time. This employment level is not significant and is no different than if were farmed.

The land that the proposed rezone covers is prime agricultural land. I often speak with local farmers and they talk about how agricultural ground is being gobbled up to build houses. I don’t think that efficient use of land points at all to a self-storage facility that is soon to be surrounded by residences.

The individual requesting this rezone is adamant that this facility must be constructed on this land. He seems uninterested in alternatives such as selling the ground, buying property in an area that actually meets the requirements of the ordinance, and building his facility there.

“to enhance property values”

My backdoor is fifty feet from this property. I have a three acre lot that will be adjacent to a self-storage unit. My neighbors’ properties also abut this lot. We doubt that having a self-storage unit next door will enhance our property values or bring high value properties into the immediate vicinity.

“to strengthen the county’s tax base”

Self-storage units contribute very little to a municipal tax base as the assessed value of such structures tends to be low especially when compared to housing.

The above requirements are joined in the code by the word ‘and’. In formal logic, and in law, joining phrases together with an ‘and’ means that all the items in the list must be met. One item cannot outweigh other items no matter how dominant that item may be. Never mind that in this case it would be difficult to find any requirement of the code that this rezoning meets.

I would also like to express dissatisfaction with the way the Planning Commission meeting was conducted. I made a comment, quoting the code, and pointed out why I did not think that the proposed rezoning met the code requirements for a commercial zoning. A neighbor also spoke regarding property values. After the public comment portion of the meeting was closed, no effort was made to address the points that we had raised. The text of the quoted ordinance was not mentioned or discussed. The decision was seemingly based on emotion.

I am sure you agree that the county code exists to ensure that commercial entities do not adversely affect those in close proximity. If the code exists it should be followed. Given that the pertinent code was not mentioned or acknowledged by the Planning Commissioners, I do not see how it could have possibly been followed.

I appreciate your time in reading this letter and in considering this issue.

Sincerely,

Don Cripps



Hold a Public Hearing

Ordinance 2024-20 – Vernon Investments 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: November 12th, 2024

Agenda Item Language: Hold a public hearing for Ordinance 2024-20 Vernon Investments Rezone – A request to rezone 5.06 acres located at 390 N. 900 E., Wellsville, from the Agricultural (A10) Zone to the Industrial (I) Zone.

Action: Planning Commission – Recommendation of Approval (5-yea; 0-nay)

Background: A request to rezone 5.06 acres located at 390 N. 900 E., Wellsville, from the Agricultural (A10) Zone to the Industrial (I) Zone.

Fiscal Impact: N/A

Public Hearing Required: Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on October 3rd, 2024 and their recommendation to approve the rezone was made October 3rd, 2024.

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: Stephen Nelson, Director of Development Services

Presentation Time: 10 minutes.

County Staff Point of Contact: Conner Smith, Assistant Planner

Legal Review: N/A



Hold a Public Hearing Ordinance 2024-21 – Chambers 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: November 12th, 2024

Agenda Item Language: Hold a public hearing for Ordinance 2024-21 Chambers Rezone – A request to rezone 8.47 acres located at approx. 6600 N. 800 W., Smithfield, from the Agricultural (A10) Zone to the Commercial (C) Zone.

Action: Planning Commission – Recommendation of Approval (5-yea; 0-nay)

Background: A request to rezone 8.47 acres located at approx. 6600 N. 800 W., Smithfield, from the Agricultural (A10) Zone to the Commercial (C) 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 October 3rd, 2024 and their recommendation to approve the rezone was made October 3rd, 2024.

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.

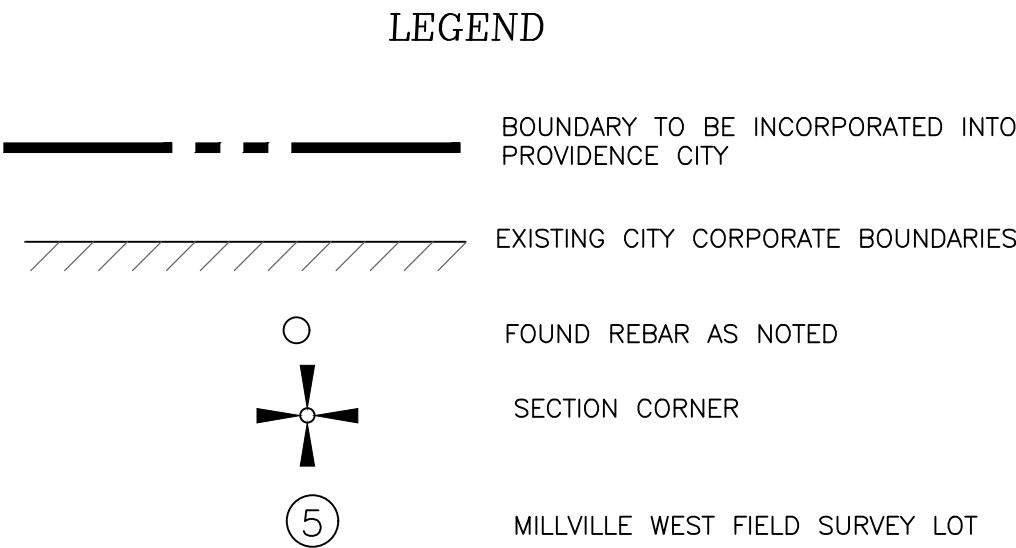
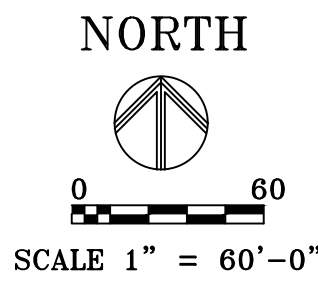
See attached for additional information.

County Staff Presenter: Stephen Nelson, Director of Development Services

Presentation Time: 10 minutes.

County Staff Point of Contact: Conner Smith, Assistant Planner

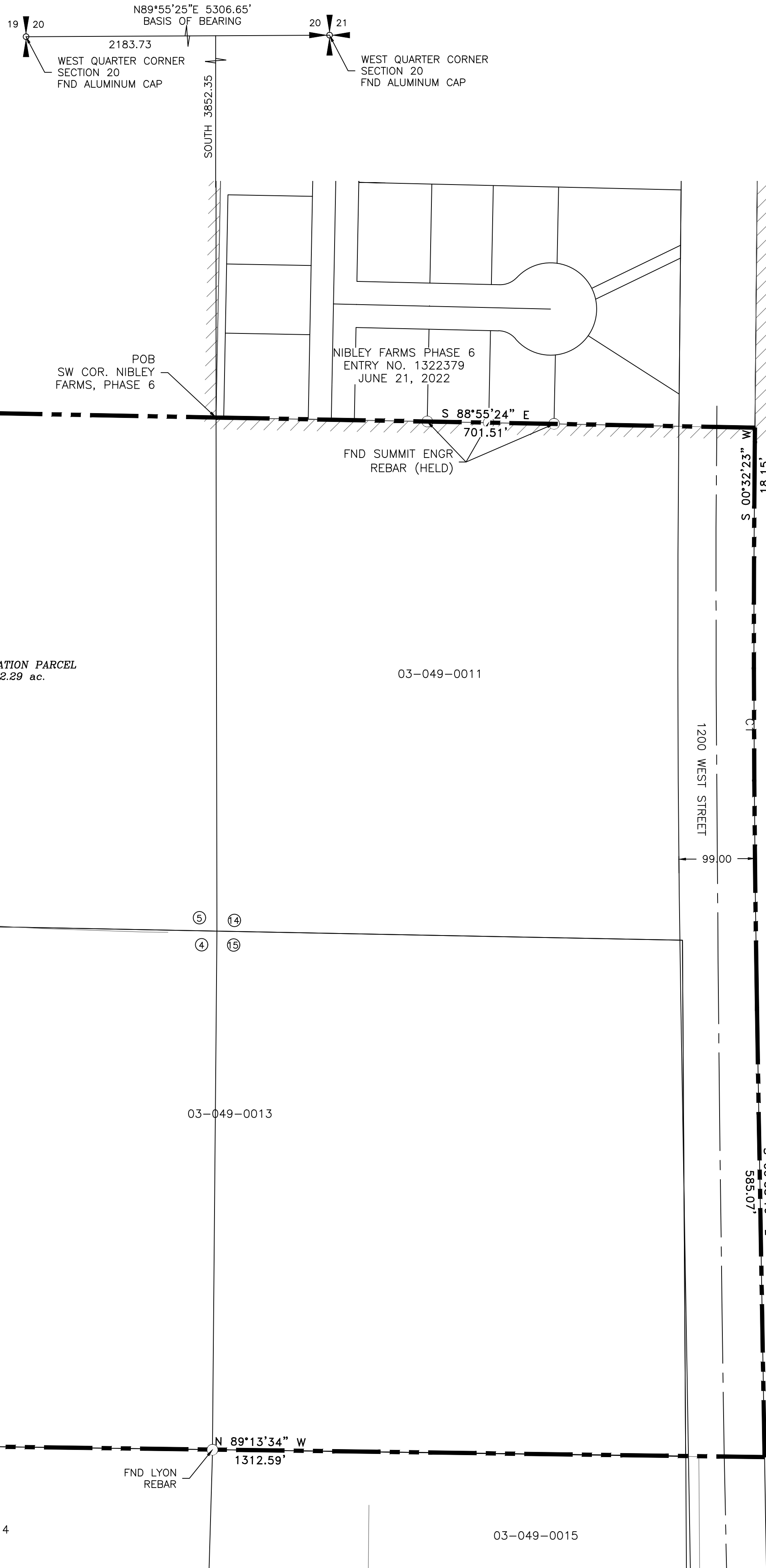
Legal Review: N/A



**NIELSEN, ALBRETSSEN, ROPELATO
ANNEXATION**

**TO THE
NIBLEY CITY**

PART OF LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY
LOCATED IN
PART OF THE NORTHWEST QUARTER OF SECTION 29
TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE BASELINE AND MERIDIAN



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
G1	27950.50'	736.21'	736.19'	S 00°12'53" E	1°30'33"

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE NIBLEY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO NIBLEY CITY, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HERWITH ALL IN ACCORDANCE WITH THE UTAH CODE SECTION 10-2-403, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____.

RECORDER

APPROVED: _____ MAYOR

DEPUTY COUNTY SURVEYOR APPROVAL

I certify that I have examined this plat and find it to be correct and in accordance with information on file in this office.

Date _____ Deputy County Surveyor

SURVEYOR'S CERTIFICATE

I, BRIAN G. LYON, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO NIBLEY CITY, CACHE COUNTY, UTAH.



BOUNDARY CERTIFICATE

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

Commencing at the West Quarter Corner of Section 20, Township 1 East of the Salt Lake Baseline and Meridian monumented with an Aluminum Cap (East Quarter Corner of said Section 20 monumented with a Brass Cap bears N 89°55'25" E 5306.65 feet) thence N 89°55'25" E 2183.73 feet along the Quarter Section line; thence South 3852.35 feet to the Southwest Corner of Nibley Farms, Phase 6 recorded in the Cache County Recorder's Office under Entry No. 1322379 on June 21, 2022 and the POINT OF BEGINNING and running

thence S 88°55'24" E 701.51 feet along the south line of Nibley Farms, Phase 6 and its projection thereof to the east right of way line of 1200 East Street; thence along said east right of way line the next three courses:

thence S 00°32'23" W 123.51 feet;
thence 525.49 feet along a curve to the left, with a central angle of 01°30'33", a radius of 19950.50 feet, and a chord that bears S 00°12'53" E 525.48 feet;
thence S 00°58'10" E 690.44 feet;
thence N 89°13'34" W 1312.59 feet along the south line of Parcel 03-049-0013 to a 5/8" rebar;
thence N 00°28'04" E 678.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey;
thence N 88°52'50" W 802.89 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its projection thereof;
thence N 00°31'03" E 667.78 feet (North 660 feet, By Record);
thence S 88°53'35" E 1390.02 feet to the point of beginning, containing 52.292 acres, more or less.

**NIELSEN, ALBRETSSEN, ROPELATO
ANNEXATION**

TO THE

NIBLEY CITY

PART OF LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY
LOCATED IN
PART OF THE NORTHWEST QUARTER OF SECTION 29
TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE BASELINE AND MERIDIAN



ALLIANCE CONSULTING
ENGINEERS

150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435) 755-5121

DATE AUG-2024

ANNEXATION PETITION

Contact Sponsor:

Dan Larsen

601 west 1700 South

Logan Ut, 84321

435-755-7080

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

Commencing at the West Quarter Corner of Section 20, Township 1 East of the Salt Lake Baseline and Meridian monumented with an Aluminum Cap (East Quarter Corner of said Section 20 monumented with a Brass Cap bears N 89°55'25" E 5306.65 feet) thence N 89°55'25" E 2183.73 feet along the Quarter Section line; thence South 3852.35 feet to the Southwest Corner of Nibley Farms, Phase 6 recorded in the Cache County Recorder's Office under Entry No. 1322379 on June 21, 2022 and the POINT OF BEGINNING and running thence S 88°55'24" E 701.51 feet along the south line of said Nibley Farms, Phase 6 and its projection thereof to the east right of way line of 1200 East Street; thence along said east right of way line the next three courses:
thence S 00°32'23" W 18.15 feet;
thence 736.21 feet along a curve to the left, with a central angle of 01°30'33", a radius of 27950.50 feet, and a chord that bears S 00°12'53" E 736.19 feet;
thence S 00°58'10" E 585.07 feet;
thence N 89°13'34" W 1312.59 feet along the south line of Parcel 03-049-0013 to a 5/8" rebar;
thence N 00°28'04" E 678.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey;
thence N 88°52'50" W 802.89 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its projection thereof;
thence N 00°31'03" E 667.78 feet (North 660 feet, By Record);
thence S 88°53'35" E 1390.02 feet to the point of beginning, containing 52.292 acres, more or less.

Signatures of property owners in the Annexation boundary

Notice:

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.
- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Nibley City. If you choose to withdraw your signature, you shall do so no later than 30 days Nibley City receives notice that the petition has been certified.

Parcel # 03-049-0010

K Holdings LLC

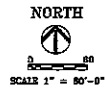


Parcel # 03-049-0011

Bruce W Albresten and Connie Albersten Revocable living Trust

Parcel # 03-049-0013

Bob Matthew & Melynda Ropeleto

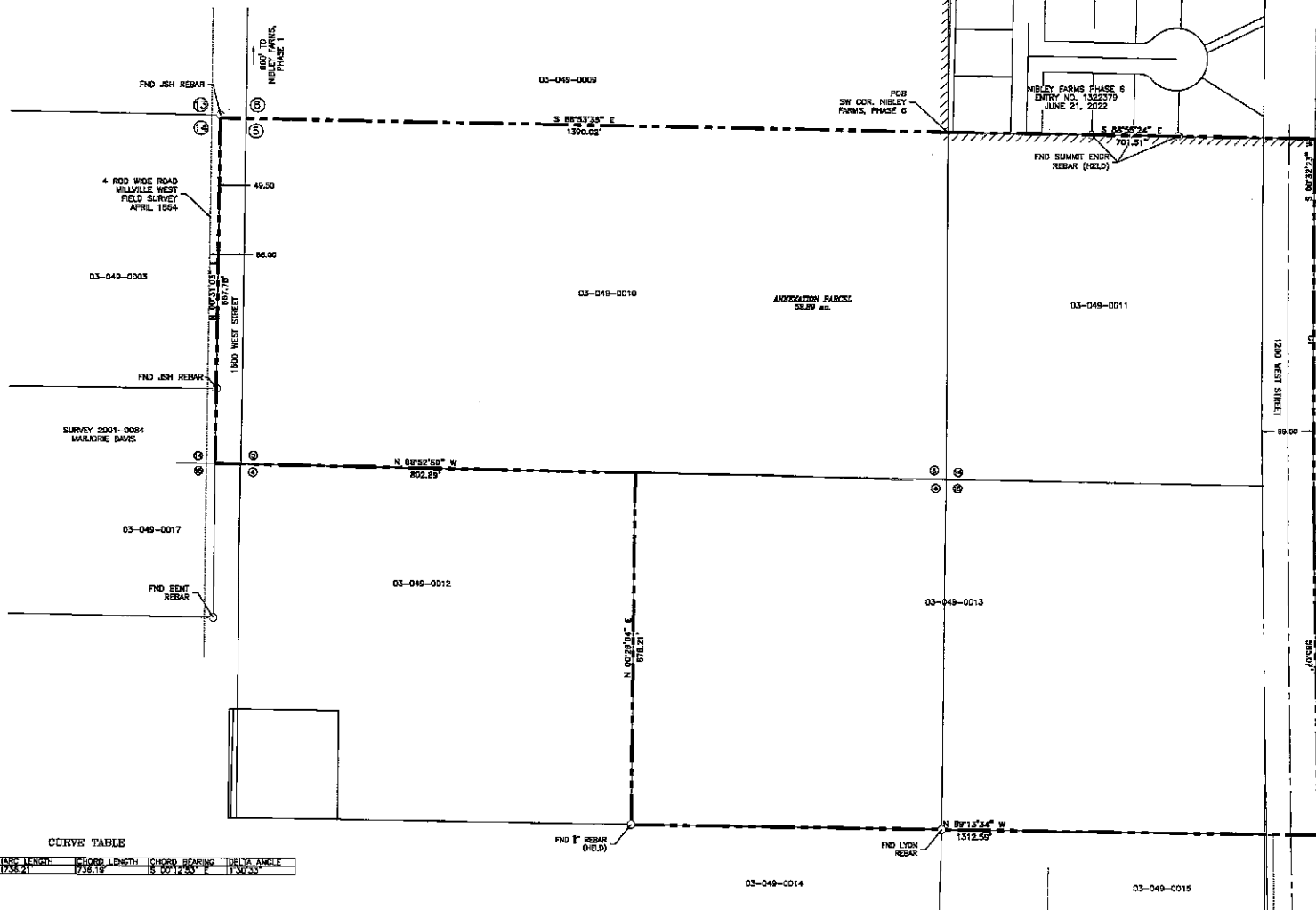


LEGEND

- BOUNDARY TO BE INCORPORATED INTO PROVIDENCE CITY
- EXISTING CITY CORPORATE BOUNDARIES
- FOUND REBAR AS NOTED
- SECTION CORNER
- MILLVILLE WEST FIELD SURVEY LOT

NIELSEN, ALBRETSSEN, ROPELATO ANNEXATION

TO THE
NIBLEY CITY
PART OF LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY
LOCATED IN
PART OF THE NORTHWEST QUARTER OF SECTION 29
TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE BASELINE AND MERIDIAN



CURVE	BEARING	ARC LENGTH	CHORD LENGTH	CHORD BEARING	BEARING ANGLE
01	S 89°52'25" E	1738.21	1738.19	S 00°14'50" E	115°30'33"

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE NIBLEY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWING THE PETITIONER'S INTENT THAT THE TRACT BE ANNEXED TO NIBLEY CITY, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE SECTION 2-403, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____.

RECORDED
APPROVED: _____ MAYOR

DEPUTY COUNTY SURVEYOR APPROVAL

I certify that I have examined this plat and find it to be correct and in accordance with information on file in this office.

Date _____ Deputy County Surveyor

SURVEYOR'S CERTIFICATE

I, BRIAN C. LYON, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO NIBLEY CITY, CACHIE COUNTY, UTAH.



BOUNDARY CERTIFICATE

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Base and Meridian described as follows:

Commencing at the West Quarter Corner of Section 20, Township 1 East of the Salt Lake Base and Meridian monumented with an Aluminum Cap (East Quarter Corner of said Section 20 monumented with a Iron Cap bears N 08°52'25" E 5306.65 feet) thence N 89°52'25" E 2163.73 feet along the Quarter Section line; thence South 3852.35 feet to the Southwest Corner of Nibley Farms, Phase 6 recorded in the Cache County Recorder's Office under Entry No. 1322379 on June 21, 2022 and the POINT OF BEGINNING and running

thence S 89°52'25" E 701.51 feet along the south line of Nibley Farms, Phase 6 and its projection thereof to the west right of way line of 1200 East Street; thence along said east right of way line the next three courses

thence S 00°32'23" W 123.51 feet; thence S 228.40 feet along a curve to the left, with a central angle of 01°32'33", a radius of 19860.80 feet, and a chord that bears S 00°12'03" E 325.48 feet; thence S 07°58'10" E 890.64 feet; thence N 08°17'04" W 1312.58 feet along the south line of Parcel 03-049-0013 to a 5/8" rebar;

thence N 00°28'04" E 676.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey;

thence N 89°52'25" W 883.89 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its projection thence;

thence N 00°31'03" E 587.78 feet (North 680 feet, By Record);

thence S 89°52'25" E 1393.02 feet to the point of beginning, containing 52.286 acres, more or less.

NIELSEN, ALBRETSSEN, ROPELATO ANNEXATION

TO THE
NIBLEY CITY

PART OF LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY
LOCATED IN
PART OF THE NORTHWEST QUARTER OF SECTION 29
TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE BASELINE AND MERIDIAN

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435) 755-5121

DATE AUG-2024

ANNEXATION PETITION

Contact Sponsor:

Dan Larsen

601 west 1700 South

Logan Ut, 84321

435-755-7080

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Signatures of property owners in the Annexation boundary

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Parcel # 03-049-0010
K Holdings LLC

Parcel # 03-049-0011
Bruce W Albreten and Connie Albreten Revocable living Trust
Albreten Connie C Albreten

Judy Andraesen Successor Trustee for Trust (daughter)

Parcel # 03-049-0013
Bob Matthew & Melynda Ropeleto

ANNEXATION PETITION

Contact Sponsor:
Dan Larsen
601 west 1700 South
Logan Ut, 84321
435-755-7080

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Parcel # 03-049-0010
K Holdings LLC

Parcel # 03-049-0011
Bruce W Albresten and Connie Albersten Revocable living Trust

Parcel # 03-049-0013
Bob Matthew & Melynda Ropeleto

Melynda Ropeleto

10/17/2024, 04:19:10 PM MDT

 DASHED LINE SYMBOL FOR BOUNDARY OF CITY OF PROVIDENCE
 SOLID LINE SYMBOL FOR BOUNDARY OF CITY OF PROVIDENCE
 DASHED LINE SYMBOL FOR BOUNDARY OF CITY OF PROVIDENCE
 SOLID LINE SYMBOL FOR BOUNDARY OF CITY OF PROVIDENCE
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 DASHED LINE SYMBOL FOR BOUNDARY OF CITY OF PROVIDENCE
 SOLID LINE SYMBOL FOR BOUNDARY OF CITY OF PROVIDENCE

FOUND REBAR AS NOTED

SECTION CORNER

MILLVILLE WEST FIELD SURVEY LOT

4, 5, 14 and 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY
LOCATED IN
PART OF THE NORTHWEST QUARTER OF SECTION 29
TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE BASELINE AND MERIDIAN

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE NILEY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO NILEY CITY, AND THAT A COPY OF THE AFFIDAVIT HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE SECTIONS 10-2-401, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY.

APPROVED: _____
REQUISITOR _____

DEPUTY COUNTY SURVEYOR APPROVAL:

I certify that I have examined this post and find it to be correct and in accordance with information on file in this office.

Date _____ Deputy County Surveyor _____

SURVEYOR'S CERTIFICATE
I, ERIAN G. LYON, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO NIDLEY CITY, CINCINNATI COUNTY, UTAH.

BOUNDARY CERTIFICATE
Part of Lot 4, S. 14 and T2L Black 15, Millsville West Field

Survey located in the Northeast Quarter of Section 28, Township 11 North, Range 1 East of the 6th Lake Meade and Meridian described as follows:

monumented with an Aluminum Cap (East Quarter Corner of Township 1 East of the Salt Lake Baseline and Meridian and Section 20 monumented with a Brass Cap bears N 89°55'23" E 5306.65 feet) thence N 89°55'23" E 2183.73

first along the Quarter Section line; thence South 3852.35 feet to the Southwest Corner of Nibley Farms, Phase 3 recorded in the Coche County Recorder's Office under Entry No. 1302378 on June 21, 2022 and the POINT OF BEGINNING and running

thence S 89°52'4" E 701.51 feet along the south line of Nibley Farms, Phase 5 and its projection thereof to the east right of way line of 1200 East Street;

thence S 00°32'23" W 123.51 feet;
thence S25.49 feet along a curve to the left, with a central
angle of 01°30'33", a radius of 19950.50 feet, and a chord
that bears S 00°12'23" E 525.46 feet

thence S 00°58'10" E 890.44 feet
thence N 89°53'34" W 1312.26 feet along the south line of
Patent 03-048-0013 to a 5/8" rebar;
thence N 00°28'04" E 878.21 feet along the west line of

Partial D3-048-0013 to the south line of Lot 5, Block 15, McMillan West Field Survey;

thence N 00°31'03" E 557.78 feet (North 850 feet. By record);

**NIELSEN, ALBRETSSEN, ROPELATO
ANNEXATION**

TO THE
NIBLEY CITY

PART OF THE NORTHWEST QUARTER OF SECTION 29
 TOWNSHIP 11 NORTH, RANGE 1 EAST
 FIELD SURVEY
 LOCATED IN
 LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WED

**ALLIANCE CONSULTING
ENGINEERS**

150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435) 755-3121

DATE AUG-2024

TABLE 1

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
G7	2750.50'	736.21'	716.19'	S 00°12'53" E	1°30'33"

Ordinance No. 2024-20
Cache County, Utah
Vernon Investments Rezone

An ordinance amending the County Zoning Map by rezoning 5.06 acres of property 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 October 3rd, 2024, the Planning Commission held a public hearing, accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

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

Whereas, on November 12th, 2024, the County Council held a public hearing, 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 to be rezoned is compatible with future land use zoning:

- i.** The subject property falls within the future annexation area for Wellsville City
- ii.** The Wellsville City General Plan Map identifies the area will be zoned “Commercial Highway” and “Commercial General”.

B. Immediately to the west, within Wellsville City boundaries, is an already existing business that is owned by the applicant that is congruent with the proposed 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

B. Exhibit B: Zoning Map of Cache County showing affected portion.

6. Effective date

This ordinance takes effect on _____, 2024. 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:

Dave Erickson, Chair

Bryson Behm, Clerk
Cache County

Action of the County Executive

Regarding Ordinance 2024-20, Vernon Investments Rezone

_____ Approve

_____ Disapprove (A Statement of Objection is attached)

David Zook, Executive
Cache County

Date

Ord 2024-20

Vernon Investments Rezone

Amending the Cache County Zoning Map by rezoning

5.06 acres of property from the Agricultural (A10) Zone

to the Industrial (I) Zone

County Council action

Set a public hearing on October 22nd, 2024 to be held on November 12th, 2024.

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

Planning Commission action

Approval (5-yea; 0-nay).

Public hearing held on October 3rd, 2024

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

1. The location of the subject property to be rezoned is compatible with future land use zoning:
 - a. The subject property falls within the future annexation area for Wellsville City
 - b. The Wellsville City General Plan Map identifies the area will be zoned “Commercial Highway” and “Commercial General”.
2. Immediately to the west, within Wellsville City boundaries, is an already existing business that is owned by the applicant that is congruent with the proposed zone.

Staff Report review by Development Services Director

Stephen Nelson

Staff Report by County Planner

Conner Smith

General Description

This ordinance amends the County Zoning Map by rezoning 5.06 acres from the Agricultural (A10) Zone to the Industrial (I) Zone.

Additional review materials included as part of Exhibit A

Staff Report to Planning Commission - revised

Staff Report: Vernon Investments Rezone

3 October 2024

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: Zan Sharp

Parcel ID#: 11-093-0008

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Conner Smith

Project Address:

Acres: 5.06

390 N. 900 E.

Wellsville

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Industrial (I)

Surrounding Uses:

North – Agricultural

South – Agricultural/Residential

East – Agricultural

West – Wellsville City



Findings of Fact

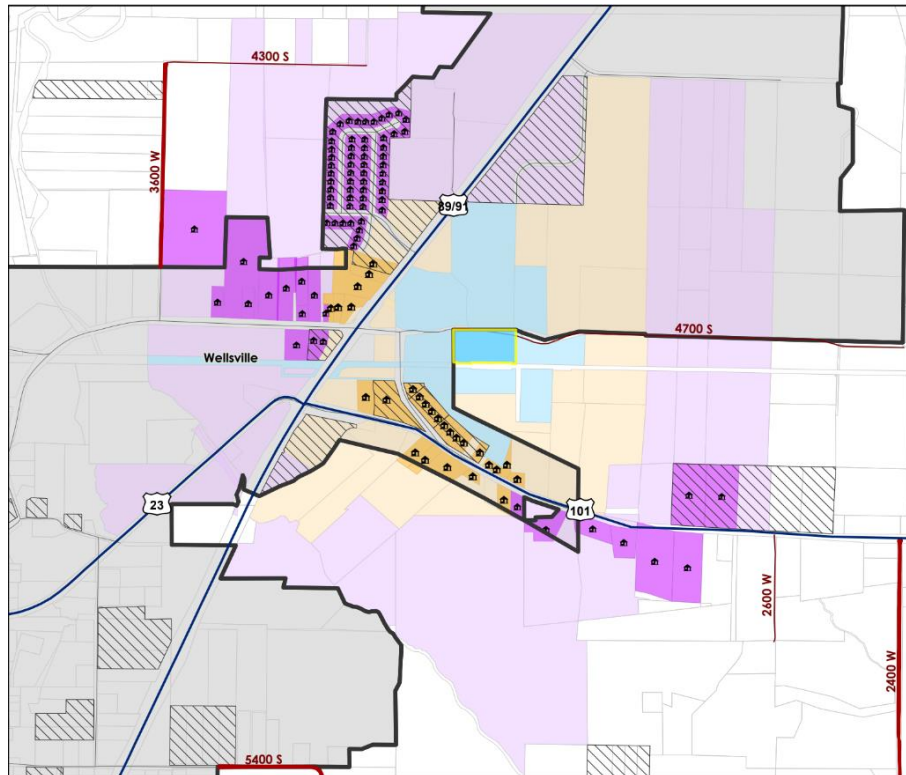
A. Request description

1. A request to rezone 5.06 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.

a. Land Use Context:

Revised Pg. 7 and 8 - Planning Commission Recommendation

- i. Parcel status: Although the property does not match the configuration it had on August 8, 2006, a boundary line adjustment was done and the property is still legal.
- ii. Average Lot Size: (See Attachment A)

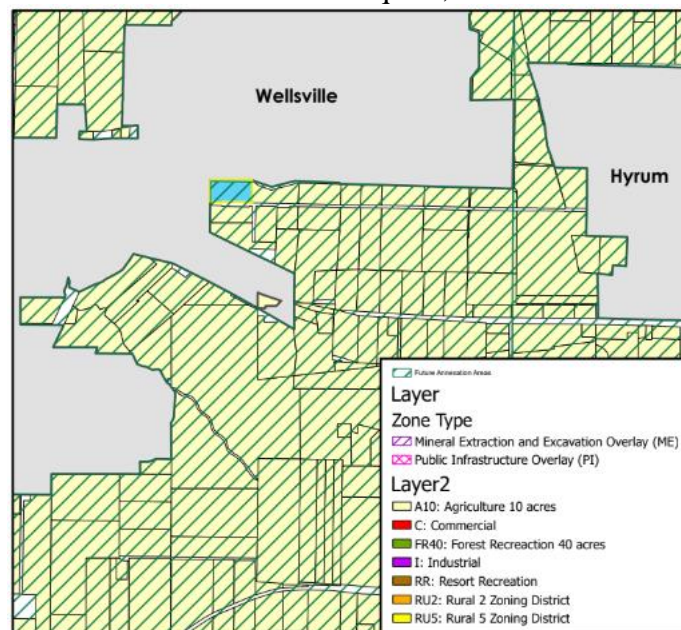


Average Parcel Size	
Adjacent Parcels	Without a Home: 6.3 Acres (4 Parcels)
	Without a Home in Wellsville City: 7.5 Acres (5 Parcels)
1/4 Mile Buffer	With a Home in Wellsville City: 0.9 Acres (27 Parcels)
	Without a Home: 6.8 Acres (13 Parcels)
1/2 Mile Buffer	Without a Home in Wellsville City: 4.6 Acres (27 Parcel)
	With a Home: 5.3 Acres (7 Parcels)
	With a Home in Wellsville City: 0.7 Acres (97 Parcels)
	Without a Home: 9.6 Acres (36 Parcels)
	Without a Home in Wellsville City: 5 Acres (61 Parcels)

- i. Schedule of Zoning Uses: 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
 - Commercial Kennel/Animal Shelter
 - Storage and Warehousing
 - Self-Service Storage Facility
 - Transport Services
 - General Vehicle Repair
 - Mobile Food Truck
 - Sexually Oriented Business

Revised Pg. 7 and 8 - Planning Commission Recommendation

- Telecommunication Facility, Major
 - Telecommunication Facility, Minor
- ii.** Adjacent Uses: The properties adjacent to the subject parcel to the north, east, and south are primarily used for agricultural purposes. Properties to the west are within Wellsville City limits and fall under their Commercial General (CG) and Commercial Highway (CH) zones. The nearest parcels, located in the county, in the Industrial (I) Zone are located east of the subject parcel at 1770 Promontory Circle (between 2 and 2 ½ miles east of the subject parcel).
- Swift Beef Company
 - i. Rezone approved in 1983 under Ordinances 83-4, 83-5, 83-6.
 - ii. Has active Conditional Use Permit.
 - Danfors Brothers LLC
 - i. Rezone approved in 2018 under Ordinance 2018-10.
 - ii. Conditional Use Permits issued but expired in 2020 and 2021. Have current Conditional Use Permit that is waiting to be recorded.
- The nearest parcels in the Commercial (C) Zone are located north-east of the subject parcel at 9339 S. 1200 W. (between 2 and 2 ½ miles north-east of the subject parcel)
- South Cache Storage LLC
 - i. Rezone approved in 2007 under Ordinance 2007-12.
 - ii. Conditional Use Permit issued in 2007
 - Nibley Office Park
 - i. Rezone approved in 2008 under Ordinance 2008-04.
- iii.** Annexation Areas: The subject property is located within the Wellsville City future annexation areas. The property is contiguous with Wellsville City limits. Wellsville City has been notified of the rezone request, but has not submitted a written response.



- The Wellsville General Plan Map, an appendix to the Wellsville City General Plan, marks this location as “Highway Commercial”.

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

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 [E] identifies the purpose of the Commercial 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. The future land use map (Attachment B) adopted as part of the Cache County General Plan identifies the area where the subject property is located as “Urban Expansion Overlay.” *Cache County General Plan, Chapter 4, Page 29.*

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.

URBAN EXPANSION OVERLAY

Location:	Adjacent to city/town limits within municipal annexation policy areas, where future development could be accommodated with urban-level services. As communities may provide additional information, these reference areas may be updated on the Future Land Use Map without an adopted amendment to reflect the probable expansion of services within a 10 to 20 year timeframe.
Example Areas:	<ul style="list-style-type: none"> • Unincorporated enclaves between or within cities.
Purpose and Character:	<p>To provide for unified municipal growth that aligns with the municipal land use plan in an approved annexation policy area with an approved County Intergovernmental Agreement. If developed, these areas would need to be annexed into the neighboring community which would facilitate service provision.</p> <p>The following criteria must be met for these areas:</p> <ul style="list-style-type: none"> • Accommodate 20-year growth projections • Plan for urban-level densities, intensities • Meet urban design standards • Connect with water and sewer providers, and urban streets • Urban services provided by the County are minimized
Preferred Land Uses:	Annexations within these areas should strive to accomplish the densities, intensities, and street patterns contained in the municipal land use plan. New uses should be developed where urban-level infrastructure is available. Affordable housing options are also appropriate in this area.
Secondary Land Uses:	<ul style="list-style-type: none"> • Civic (meeting spaces) • Residential Support Uses (e.g. parks, medical, schools, fire and police stations)
Discouraged Uses:	<ul style="list-style-type: none"> • Uses that are not consistent with the municipal general plan or existing county zoning.

7. Consideration of impacts related to 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

8. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
9. §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.
10. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the Industrial Zone is 150 feet.
11. §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.
12. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
13. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

14. The Road Manual specifies the following:

- a.** §2.1 Roadway Functional Classification – Agricultural Access (AG): Agricultural access roads are used exclusively to provide access to fields and farming operations. Vehicle types that use such roads include combines, tractors, and other large and slow-moving vehicles with unique operating characteristics. Drivers are repeat users who are familiar with the road and its characteristics.
- b.** §2.1 Roadway Functional Classification – Major Local (ML) Road: Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion of passenger vehicles or other smaller vehicle types. Where a significant portion of traffic is trucks or other heavy vehicles, additional design considerations will be required.

15. A basic review of the access to the subject property identifies the following:

- a.** Primary access to the subject property is 4700 S.

16. 4700 South – County Road:

- a.** North of the subject parcel, 4700 South is a County road classified as an Agricultural Access.
- b.** The road services agricultural lands.
- c.** Has a zero-foot right-of-way, an unpaved width of 16 feet, and a posted speed limit of 55 mph.
- d.** Is maintained in the summer by the county.
- e.** Is considered substandard as to travel lanes, right-of-way, paved shoulder, gravel shoulder, clear zone, and material.
- f.** The classification would change to a Major Local Road if a rezone to Industrial were approved on the parcel and the developer of any future development will be required to construct it to County Standards.
- g.** Becomes a Wellsville City road (400 N.) just to the west of the parcel and connects to US-89/91.
- h.** Currently has a minimum driveway spacing of 10 feet and a minimum street spacing of 300 feet.

Analysis of Existing Roadway - Along Frontage

Roadway Element	Existing Width (ft)	Required Width (ft)	Comments or Findings
Travel Lanes	16	20 (20)	Substandard
Right-of-Way	0	33 (66)	Substandard
Paved Shoulder	0	0 (2)	Substandard
Gravel Shoulder	0	0 (4)	Substandard
Clear Zone (4:1)	2 to 14	14 (14)	Substandard
Material	Gravel	Gravel (Paved)	Substandard
Structural			Base is visually OK

* Road is currently classified as an Agricultural Access but the classification would change to a Major Local Road if a rezone to Industrial were approved on the parcel. Major Local road requirements are given in parenthesis.

Access Management

Classification	Min. Spacing Standard (ft)		
	Public/Private Roads	Commercial	Residential/Farm Access
Agricultural Access	300	Not Permitted	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:**

17. §16.04.080 [C] Fire Control – The County Fire District determined that the property will need to have a water supply for fire protection in the event of any new construction.
18. §16.04.080 [F] Solid Waste Disposal – Applicant must work with Waste Management for solid waste disposal.

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

19. Public notice was posted online to the Utah Public Notice Website on 28 June 2024.
20. Notices were posted in three public places on 28 June 2024.
21. Notices were mailed to all property owners within 300 feet and Wellsville City on 28 June 2024.
22. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conclusion

The Vernon Investments rezone, a request to rezone 5.06 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 based on the findings of fact identified above and any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.

Planning Commission Conclusion

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

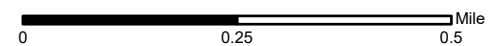
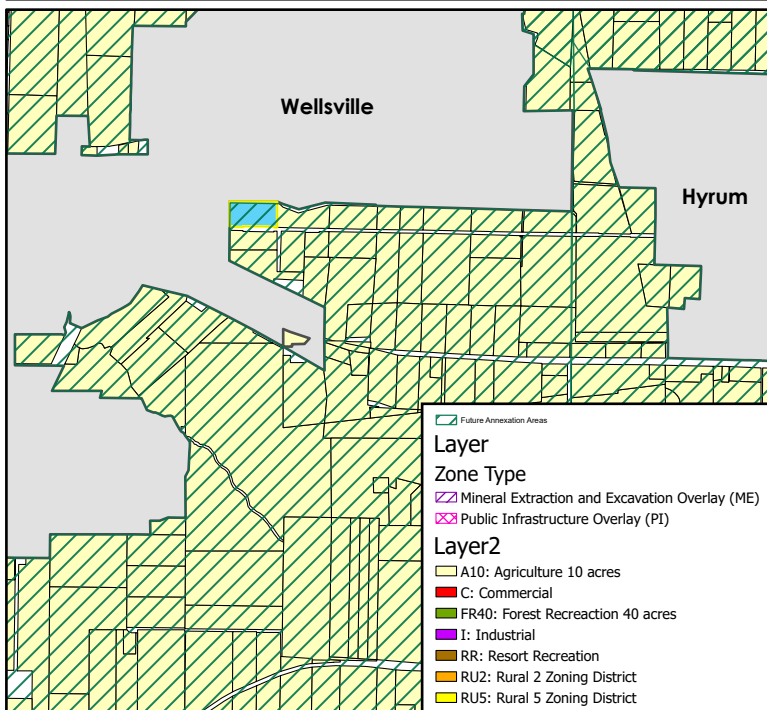
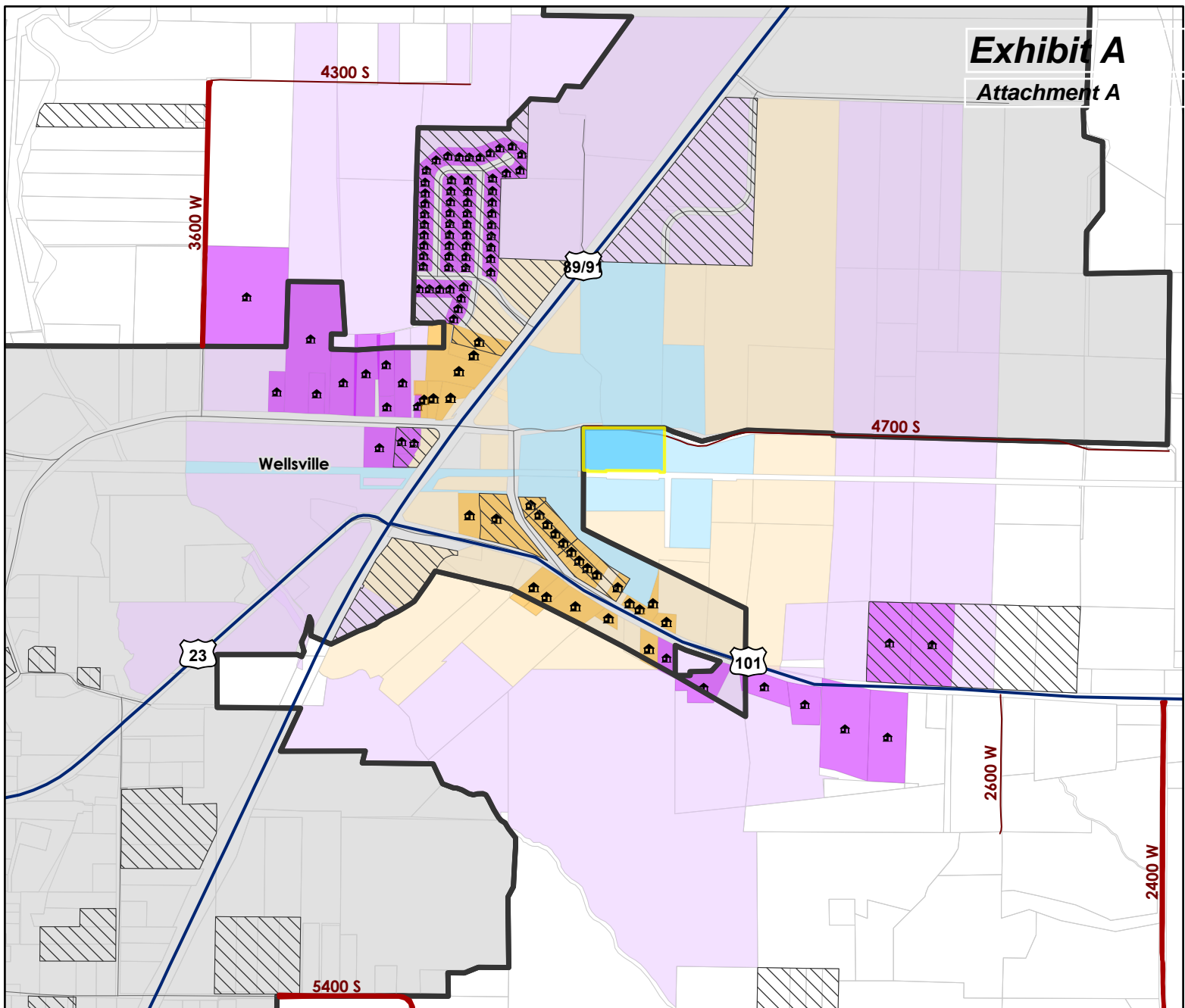
1. The location of the subject property to be rezoned is compatible with future land use zoning:
 - a. The subject property falls within the future annexation area for Wellsville City

Revised Pg. 7 and 8 - Planning Commission Recommendation

- b.** The Wellsville City General Plan Map identifies the area will be zoned “Commercial Highway” and “Commercial General”
- 2.** Immediately to the west, within Wellsville City boundaries, is an already existing business that is owned by the applicant that is congruent with the proposed rezone.

Exhibit A

Attachment A



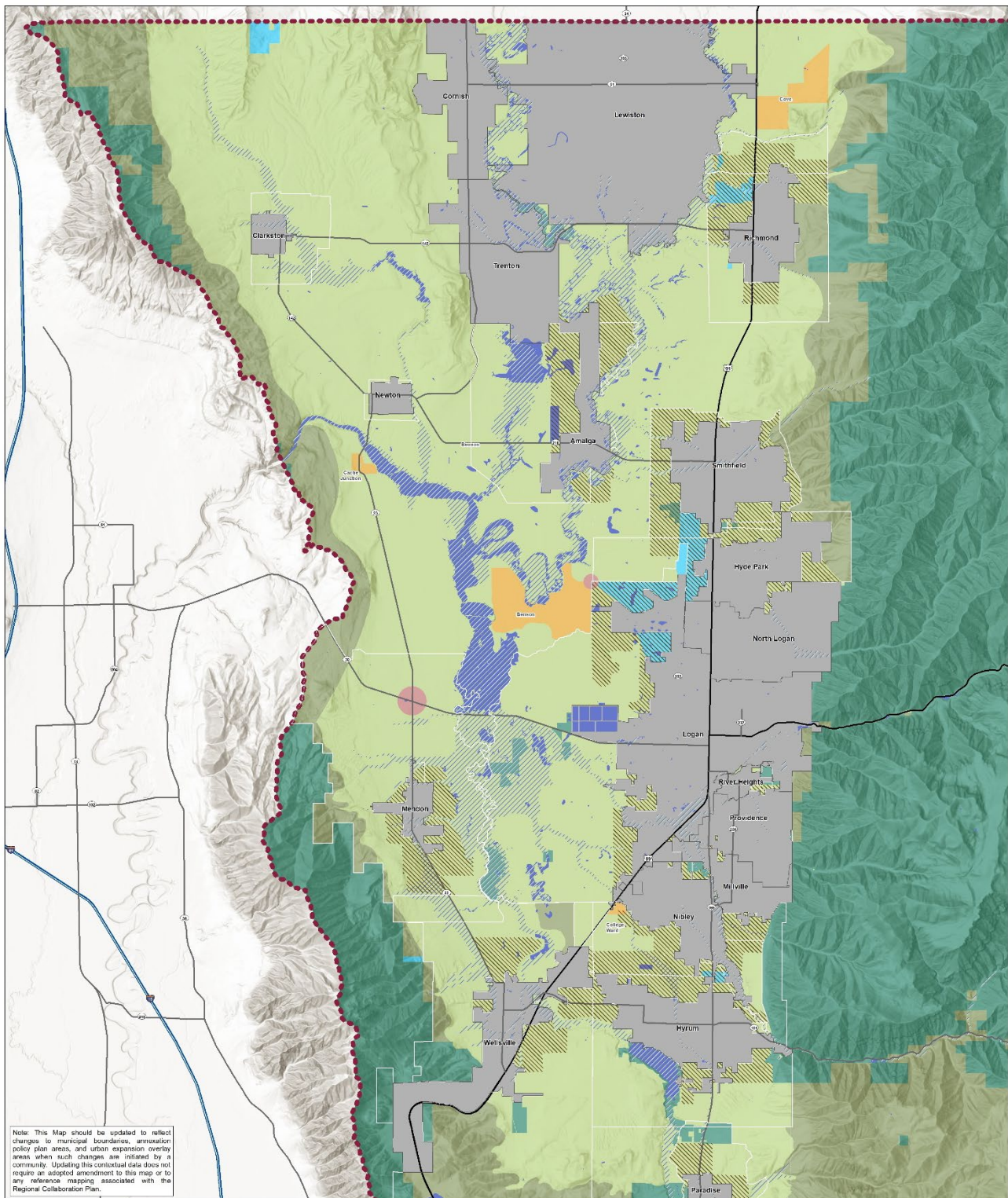
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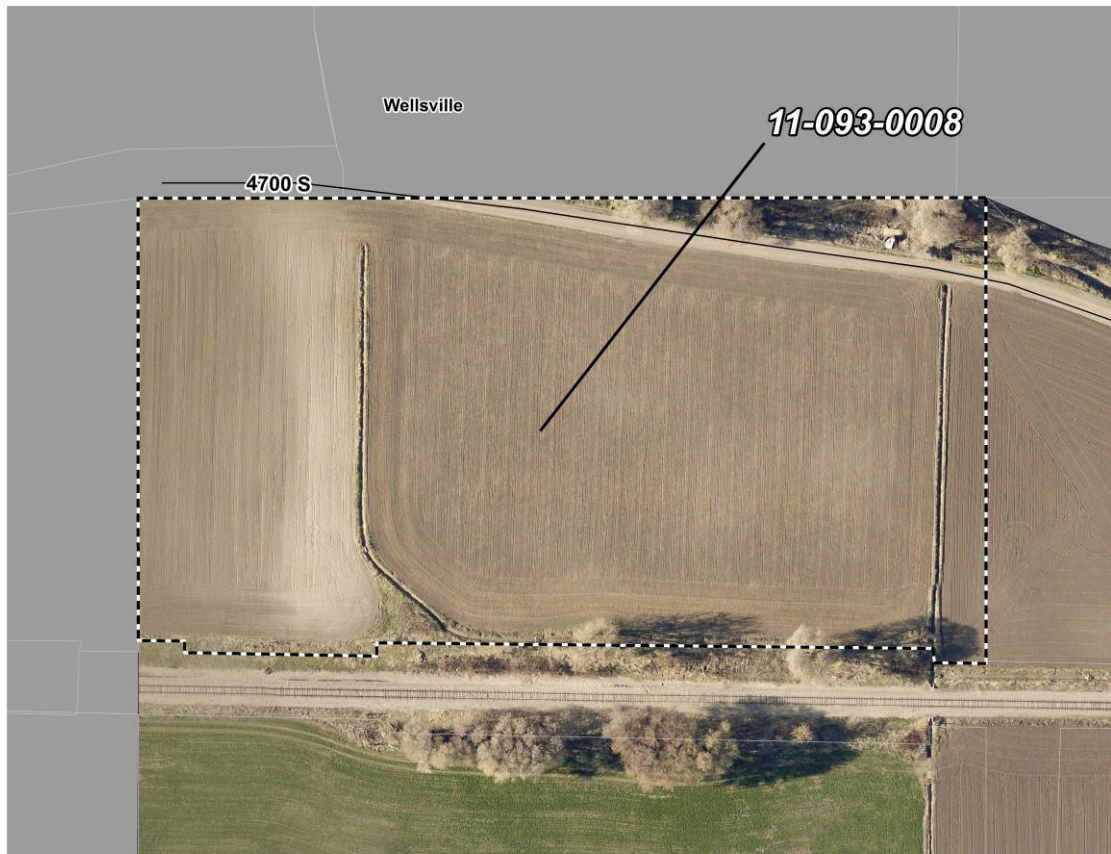
- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

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	Without a Home in Wellsville City: 5 Acres (61 Parcels)



6/12/2024





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

BEG 1011 FT S & APPROX 593 FT E OF NW COR SW/4 SEC 36 T 11N R 1W, N 1*06' E 23.5 FT S 89*19' E 230 FT TO

PT ON R/W LINE 40 FT FROM CENTER LINE OF TRACK TH S'LY 23.5 FT TH N 89*19' E 230 FT TO BEG CONT 0.12

AC