

## CACHE COUNTY COUNCIL

**August 8, 2023 at 5:00 p.m. - Cache County Chamber at 199 North Main, Logan, Utah.**

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

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

**MEMEBERS EXCUSED:** Councilmember Mark Hurd

**STAFF PRESENT:** Executive David Zook, Chief Deputy Executive Dirk Anderson, Clerk David Benson, Micah Safsten, Ginafer Low, Terryl Warner, Joe Hawkes, Bartt Nelson, Scott Bodily, Amy Adams, Brittany Kingston, Alma Burgess, Cameron Jenson

**OTHER ATTENDENCE:** JoAnn Bennett, C. Jensen, Danny M.

### Council Meeting

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

2. **Opening Remarks and Pledge of Allegiance** – Councilmember Kathryn Beus [0:09](#)

3. **Review and Approval of Agenda APPROVED [1:37](#)**

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

**Motion passes.**

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

**Nay:** 1 Karl Ward

**Absent:** 1 Mark Hurd

4. **Review and Approval of Minutes APPROVED [1:59](#)**

**Action:** Motion made by Councilmember Kathryn Beus to approve the minutes; seconded by Councilmember Barbara Tidwell

**Motion passes.**

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

**Nay:** 0

**Absent:** 1 Mark Hurd

5. **Report of the County Executive [2:17](#)**

A report from County Executive David Zook.

6. **Items of Special Interest**

7. **Department or Committee Reports**

8. **Public Hearings [8:39 \(28:01\)](#)**

a. **Set Public Hearing for August 22, 2023 – 2023 COG Project – 10600 N near Richmond [8:55](#)**

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

**Action:** Motion made by Councilmember Sandi Goodlander set the public hearing for the 2023 COG Project for August 22, 2023; seconded by Councilmember Barbara Tidwell

**Motion passes.**

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

**Nay:** 0

**Absent:** 1 Mark Hurd

b. **Set Public Hearing for August 22, 2023 – 2023 COG Project – 1000 S near Mendon [8:55](#)**

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

**Action:** Motion made by Councilmember Sandi Goodlander to set the public hearing for the 2023 COG Project for August 22, 2023; seconded by Councilmember Barbara Tidwell

**Motion passes.**

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

**Nay:** 0

**Absent:** 1 Mark Hurd

c. **Set Public Hearing for August 22, 2023 – Ordinance 2023-30** [8:55](#)

Amending Title 16 and Title 17 Regarding Developable Acreage and Sensitive Areas Definitions, Standards and Applicable Subdivision Requirements

**Action:** Motion made by Councilmember Sandi Goodlander to set the public hearing for Ordinance 2023-30 for August 22, 2023; seconded by Councilmember Barbara Tidwell

**Motion passes.**

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

**Nay:** 0

**Absent:** 1 Mark Hurd

d. **Set Public Hearing for August 22, 2023 – Resolution 2023-11 – Opening the 2023 Budget** [8:55](#)

**Action:** Motion made by Councilmember Sandi Goodlander to set the public hearing for Resolution 2023-11 for August 22, 2023; seconded by Councilmember Barbara Tidwell

**Motion passes.**

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

**Nay:** 0

**Absent:** 1 Mark Hurd

e. **Public Hearing – Ordinance 2023-27 – Esperanza Estates Rezone** [28:10](#)

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.

**Discussion:** Stephen Nelson spoke to the ordinance [28:50](#). Justin Cooper spoke [31:07](#).

**Action:** Motion made by Councilmember Nolan Gunnell to close the public hearing; seconded by Councilmember Barbara Tidwell [32:51](#)

**Motion passes.**

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

**Nay:** 0

**Absent:** 1 Mark Hurd

f. **Public Hearing – Ordinance 2023-28 – Graham Addition Rezone** [33:00](#)

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.

**Discussion:** Stephen Nelson spoke to the ordinance and responded to Council questions [33:13](#). Michael Graham spoke [42:03](#).

**Action:** Motion made by Councilmember Nolan Gunnell to close the public hearing; seconded by Councilmember Sandi Goodlander [46:38](#)

**Motion passes.**

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

**Nay:** 0

**Absent:** 1 Mark Hurd

9. **Pending Action** [10:02](#)

a. **Ordinance 2023-25** [10:14](#) **ATTACHMENT 1**

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

**Discussion:** Stephen Nelson spoke to the ordinance [10:35](#). Councilmember discussion [18:16](#).

**Action:** Motion made by Councilmember Karl Ward to amend item 1120 of the ordinance; seconded by Councilmember Kathryn Beus [23:49](#)

**Motion passes.**

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

**Nay:** 0

**Absent:** 1 Mark Hurd

**Action:** Motion made by Councilmember Barbara Tidwell to amend item 2c of the ordinance; seconded by Councilmember Nolan Gunnell [24:50](#)

**Motion passes.**

**Aye: 5** David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward  
**Nay: 1** Kathryn Beus  
**Absent: 1** Mark Hurd

**Action:** Motion made by Councilmember Sandi Goodlander to amend item 1e of the ordinance; seconded by Councilmember Karl Ward [26:56](#)

**Motion passes.**

**Aye: 6** David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward  
**Nay: 0**  
**Absent: 1** Mark Hurd

**Action:** Motion made by Councilmember Nolan Gunnell to approve the ordinance with the amendments; seconded by Councilmember Barbara Tidwell [27:20](#)

**Motion passes.**

**Aye: 6** David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward  
**Nay: 0**  
**Absent: 1** Mark Hurd

**10. Initial Proposals for Consideration of Action** [46:51](#)

a. **Ordinance 2023-27 – Esperanza Estates Rezone** [46:57](#) **ATTACHMENT 2**

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:** Motion made by Councilmember Sandi Goodlander to suspend the rules and uphold the recommendation of the Planning Commission to deny the ordinance; seconded by Councilmember Barbara Tidwell [47:53](#)

**Motion passes.**

**Aye: 6** David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward  
**Nay: 0**  
**Absent: 1** Mark Hurd

b. **Ordinance 2023-28 – Graham Addition Rezone** [48:54](#)

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.

**Discussion:** Stephen Nelson responded to councilmember questions [48:57](#).

c. **Resolution 2023-12** [53:34](#) **ATTACHMENT 3**

A Resolution Consenting to the 1400 North Main Community Reinvestment Project Area Budget

**Discussion:** Logan City Mayor Holly Daines spoke [54:38](#), [1:19:48](#), [1:34:35](#). A representative from Logan City spoke to the resolution and responded to councilmember questions [55:38](#), [1:22:41](#).

**Action:** Motion made by Councilmember Karl Ward to suspend the rules and approve the resolution; seconded by Councilmember Kathryn Beus [1:39:24](#)

**Motion passes.**

**Aye: 6** David Erickson, Barbara Tidwell, Kathryn Beus, Nolan Gunnell, Sandi Goodlander, Mark Hurd, Karl Ward  
**Nay: 0**  
**Absent: 1** Mark Hurd

d. **Resolution 2023-09** [1:40:07](#)

A Resolution Amending the Organic Act for the Government of Cache County

**Discussion:** Micah Safsten spoke to the resolution [1:40:58](#). Executive David Zook spoke [1:54:20](#). Councilmember Nolan Gunnell spoke [2:00:13](#). Further discussion ensued [2:04:26](#). Taylor Sorenson spoke [2:07:23](#). Council discussion [2:11:01](#). Chair David Erickson spoke [2:18:25](#). Discussion continued.

e. **Ordinance 2023-29** [2:25:30](#)

Financial Administration Amendments

**Discussion:** Micah Safsten spoke to the ordinance and responded to councilmember questions [2:25:31](#).



f. **Resolution 2023-10** [2:34:57](#)

A Resolution Authorizing a Reduction in Force for Cache County

**Discussion:** Micah Safsten spoke to the ordinance and responded to councilmember questions [2:35:08](#).

**11. Other Business** [2:41:35](#)

- a. Providence Sauerkraut Days Parade August 17, 2023 at 5:00 pm
- b. Wellsville Founders Day Parade September 4, 2023
- c. USACCC Fall Conference September 7-8, 2023 at Ruby's Inn

**12. Councilmember Reports** [2:42:32](#)

- David Erickson** – No report.
- Sandi Goodlander** – Spoke about Providence Sauerkraut Days.
- Karl Ward** – No report.
- Barbara Tidwell** – Spoke about the Cache County Fair.
- Kathryn Beus** – Spoke about River Heights Apple Days.
- Nolan Gunnell** – No report.
- Mark Hurd** – Excused.

**13. Executive Session** – Utah Code 52-4-205(1)(d) [2:44:52](#)

Strategy Session to Discuss the Purchase, Exchange, or Lease of Real Property

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

**Motion passes.**

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

**Nay:** 0

**Action:** Motion made by Councilmember Karl Ward to move out of Executive Session; seconded by Councilmember Nolan Gunnell

**Motion passes.**

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

**Nay:** 0

**Adjourn: 8:15 PM**

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

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



**CACHE COUNTY COUNCIL MEETING**  
**AUGUST 8, 2023**

**ATTACHMENT 1**

**Ordinance No. 2023-25**  
**Cache County, Utah**

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

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

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

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

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

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

**Whereas**, on July 6, 2023, the Planning Commission held a public hearing, accepted all comments, and recommended the approval of the proposed amendments to the County Council for final action; and

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

**Whereas**, following proper notice, the County Council held a public hearing on July 25, 2023, to consider any comments regarding the proposed amendments. The County Council accepted all comments; and

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

**1. Statutory Authority**

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

**2. Amendment to Title 17 Land Use Regulations**

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

**17.07.030: Use Related Definitions**

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

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1120 ACCESSORY DWELLING UNIT (ADU): A self-contained dwelling unit containing bedrooms, private bath and kitchen facilities that is accessory and secondary to a single family dwelling as the primary use. An ADU must comply with the following requirements:

1. Use Limitations:

- a. Only one ADU of any type is allowed per legal lot or parcel in the A10, RU2 or RU5 zones.
- b. Short-Term Rentals Prohibited. The accessory dwelling unit or primary dwelling unit must be rented for 30 consecutive days or longer by the same occupant.
- c. Owner Occupied: The primary single family dwelling unit or the ADU must remain owner occupied, except when an owner has a bona fide temporary absence of three years or less for activities such as military service, temporary job assignments, sabbaticals or voluntary service.
- d. Mobile homes, Recreational Vehicles and shipping containers shall not be considered or used as an ADU.
- e. Neither the primary dwelling unit nor the ADU may be sold or conveyed separately, and no additional parcel or lot may be created for an ADU. Prior to receiving a zoning clearance approval for an ADU, the owner must record against the deed to the subject property, a County ADU Acknowledgment form as a deed restriction running in favor of the county limiting occupancy of either the principal dwelling unit or the ADU to the owner of the property. This recorded notice shall contain the following:
  - i. a description of the primary dwelling;

- ii. a statement that the primary dwelling contains an ADU;
- iii. a statement that the ADU may only be used in accordance with the provisions of this chapter and other County ordinances.
- iv. The language and format of this notice shall be drafted by the County Attorney.

2. ADU Types:

a. **Internal ADU.** Must be within the footprint of the primary dwelling (e.g., basement, attic) at the time the internal accessory dwelling unit is created. Primary dwelling shall include a garage if the garage is connected to the primary dwelling by a common wall. As allowed by State Code Section 10-9a-530, there is no maximum size or limit to the number of bedrooms for an internal ADU, however all other applicable design requirements of this definition must apply. or

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

c. **Not Allowed: Detached ADU.** An ADU that is detached from the primary dwelling unit is not allowed.

3. Design:

a. Required: Attached ADU's must share a common wall and roof for a minimum of twenty (20) linear feet with the primary dwelling and include an internal connection into a common living area of the primary dwelling, or an administrative exception of less than 20 feet may be granted for the full width of a shared exterior wall elevation of the existing structure. The internal connection can be closed off by a



door. A basement or attic accessory apartment meets this requirement with the common floor, but must maintain an internal connection to the primary dwelling.

b. External Appearance: The architectural style, building materials, rooflines and building colors of an ADU must be compatible and consistent with the primary dwelling.

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

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

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

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

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

4. Permits And Approvals:

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

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

6. For the purposes of future expansion and flexibility of use, a homeowner may convert a smaller single family dwelling into an ADU and build a larger primary single family dwelling unit. An existing dwelling unit may be lived in while an additional unit is under construction provided that both units meet all

requirements of this Chapter. Use (or occupancy) of a new accessory or primary dwelling unit will commence no sooner than the County issuance of certificate of occupancy following the final construction and building permit inspection.

**3. Amends and Supersedes**

This ordinance amends and supersedes applicable portions of Chapter 7 of Title 17 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the County Legislative Body of Cache County to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

**4. Effect**

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

**Approved and Adopted** this 8 day of August, 2023.

	In Favor	Against	Abstained	Absent
Beus	✓			
Erickson	✓			
Goodlander	✓			
Gunnell	✓			
Hurd				✓

Tidwell	✓			
Ward	✓			
Total	6	-	-	1

Cache County Council:



David Erickson, Chair  
Cache County Council

Attest:

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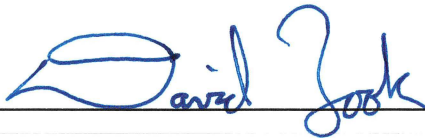
David Benson  
Cache County Clerk

# Action of the County Executive

Regarding Ordinance 2022-25

3 Approve

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

 8/10/23

David Zook, Executive  
Cache County

Date

**CACHE COUNTY COUNCIL MEETING**  
**AUGUST 8, 2023**

**ATTACHMENT 2**



**Ordinance No. 2023-27**  
**Cache County, Utah**  
**Esperanza Estates Rezone**

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An ordinance amending the County Zoning Map by rezoning 42 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone

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

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

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

**Whereas**, on July 6, 2023, the Planning Commission held a public hearing, accepted all comments, and recommended denial of the proposed amendments to the County Council for final action; and

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

**Whereas**, following proper notice, the County Council held a public hearing on August 8, 2023, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

**Whereas**, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement this ordinance.

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

**1. Statutory Authority**

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

**2. Adoption of amended Zoning Map**

The County Council hereby amends the County’s Zoning Map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended Zoning Map with the amendment identified as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

### **3. Conclusions**

- A.** The location of the subject property is compatible with the purpose of the Rural 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:
- i.** To allow for residential estate development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - ii.** To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
  - iii.** The property is appropriately served by a suitable public road, 6800 South, with access to necessary water and utilities, and adequate provision of public services.

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

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

### **5. Exhibits**

- A.** Exhibit A: Rezone summary and information & Planning Commission recommendation
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

### **6. Effective date**

This ordinance takes effect on \_\_\_\_\_, 2023. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.


**7. Council Vote and Final Action**

Date: <u>08/08/2023</u>	<u>Council Votes</u>			
<u>Council members</u>	In Favor	Against	Abstain	Absent
Kathryn Beus		X		
Dave Erickson		X		
Sandi Goodlander		X		
Nolan Gunnell		X		
Mark Hurd				X
Barbara Tidwell		X		
Karl Ward		X		
<b>Total:</b>	0	6	0	1
<b>Final action:</b>	<input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Reject			

Cache County Council:

  
 \_\_\_\_\_  
 David Erickson, Chair

Attest:

  
 \_\_\_\_\_  
 David Benson, Clerk  
 Cache County

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**Action of the County Executive**

Regarding Ordinance 2023-27, the Esperanza Estates Rezone

Approve

Disapprove (A Statement of Objection is attached)

  
\_\_\_\_\_  
David Zook, Executive  
Cache County

  
\_\_\_\_\_  
Date



## Hold a Public Hearing

### Ordinance 2023-27 – Esperanza Estates Rezone

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

**Assisting Department:** Development Services

**Requested Council meeting date:** August 8, 2023

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

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

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

**Fiscal Impact:** N/A

**Public Hearing Required:** Rezone requests require a public hearing before the County Planning Commission (PC). This hearing was held on 6 July 2023 and their recommendation to deny the rezone was made on 6 July 2023.

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

See attached for additional information.

**County Staff Presenter:** Tim Watkins, Planning Manager

**Presentation Time:** No additional staff presentation time is anticipated.

**County Staff Point of Contact:** Angie Zetterquist, County Planner

**Legal Review:** N/A





July 5, 2023

Cache County Planning Commission:

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

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

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

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

Sincerely,

Mark Mitton  
Property owner  
Parcel #10-146-0015

### Staff Report: Esperanza Estates Rezone

6 July 2023

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Justin Cooper

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

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

### Location

*Reviewed by Angie Zetterquist*

**Project Address:** Acres: 42

3210-3300 West 6800 South  
near Wellsville

### Surrounding Uses:

North – Agricultural/Residential

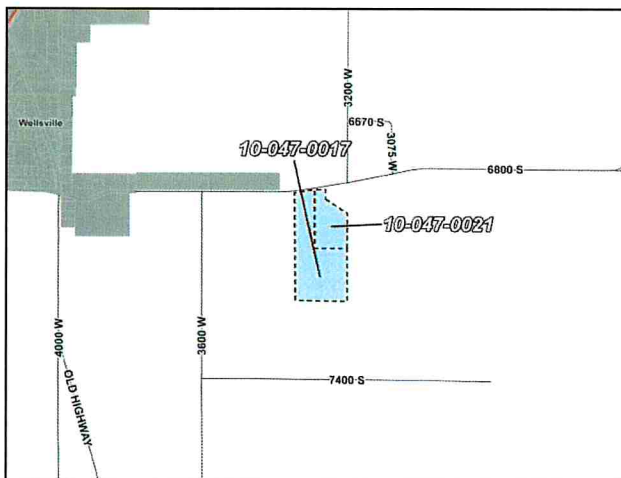
South – Agricultural

East – Agricultural/Residential

West – Agricultural

**Current Zoning:**  
Agricultural (A10)

**Proposed Zoning:**  
Rural 5 (RU5)



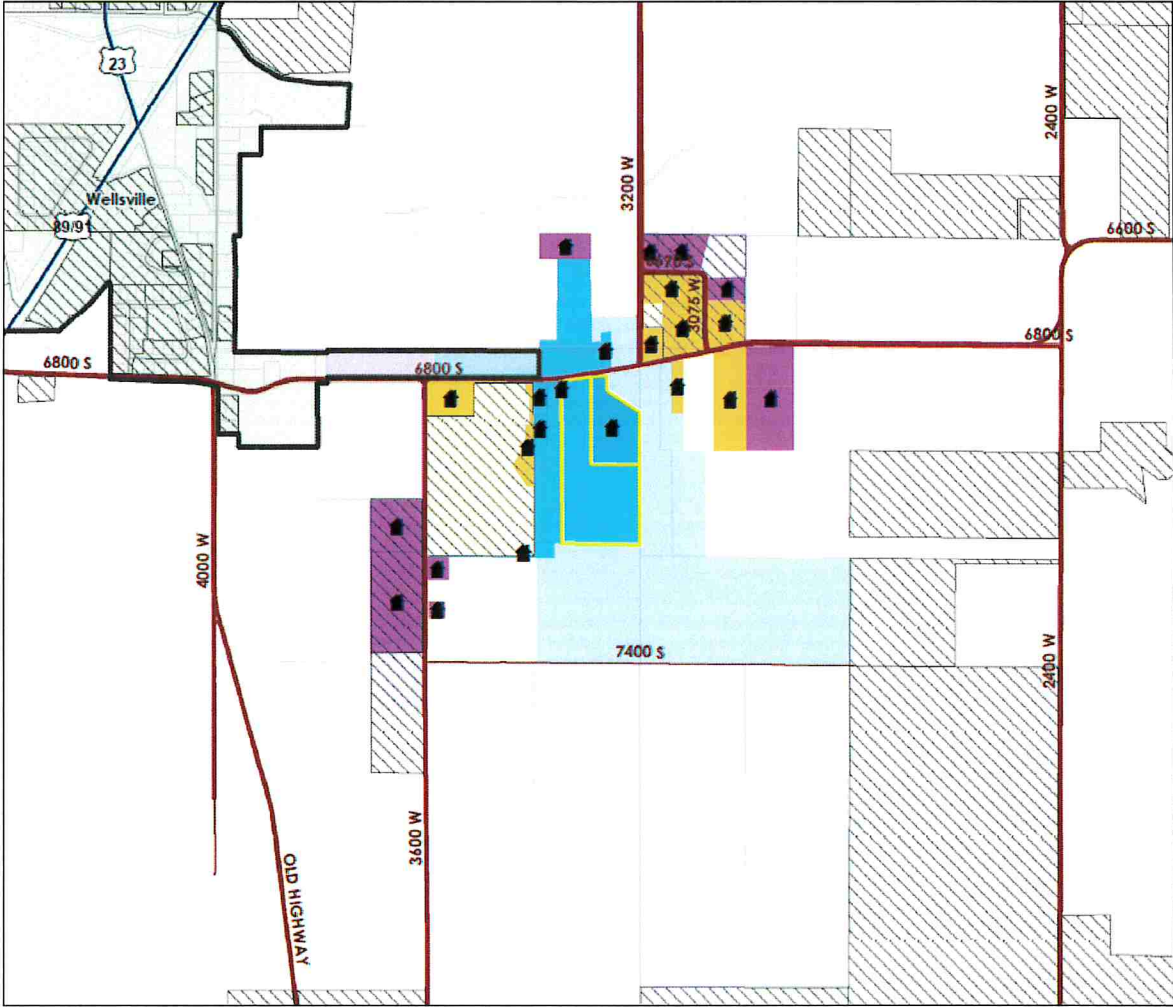
### Findings of Fact

#### A. Request description

1. A request to rezone 42 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum potential of 8 separate lots as part of a subdivision process. The current A10 Zone allows for a maximum of 4 buildable lots.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

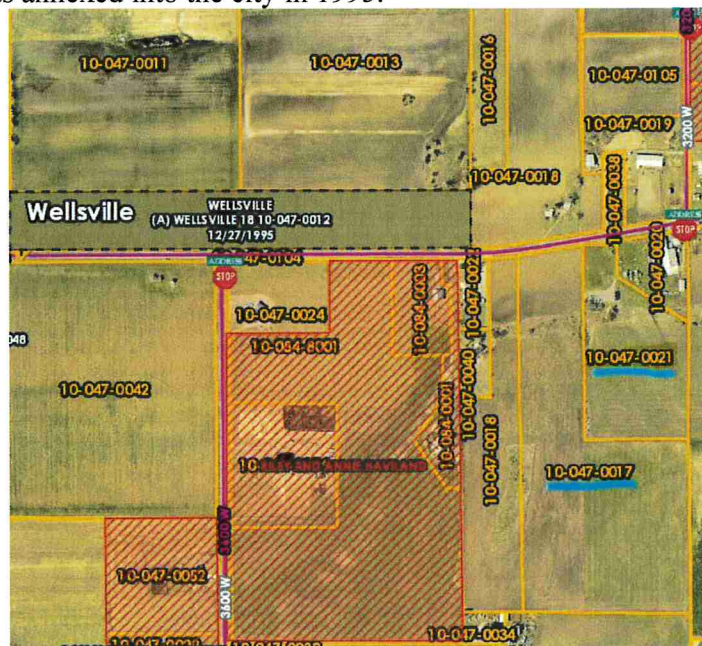
- i. Parcel status: The subject properties are not in the same size and configuration as it was on August 6, 2008, however, they are legal parcels as the changes occurred as part of boundary line adjustments in 2016 & 2018 that did not result in the creation of any new parcels.
- ii. Average Lot Size: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



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



- iii. The proposed RU5 zone allows a maximum density of 1 lot for every 5 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 42.0 acres of property, the subject property could be divided into a maximum potential of 4 buildable lots under the current A10 Zone standards, including the parcel with an existing single-family dwelling. A rezone to RU5 may allow up to a maximum potential of 8 buildable lots, including one lot with the existing single-family dwelling.
- iv. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU5 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU5 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU5 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- v. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture with a few single family dwellings. The Wellsville City boundary is located less than 300 feet west of the subject properties on the north side of 6800 South.
- vi. Annexation Areas: The subject property is located within the Wellsville City future annexation area. The closest Wellsville City boundary is located less than 300 feet west of the subject properties on the north side of 6800 South. This portion of Wellsville was annexed into the city in 1995.





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

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

- 4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 5 (RU5) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] identifies the purpose of the RU5 Zone and includes the following:
  - a. “To allow for residential estate development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
  - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
- 6. The future land use map (Attachment B) adopted as part of the recently approved Cache County General Plan identifies the area where the subject property is located as “Agriculture and Ranching.” *Cache County General Plan, Chapter 4, pg. 24*

**AGRICULTURE AND RANCHING**

Location:	Private agriculture landscapes in the Cache Valley outside of municipalities.
Example Areas:	<ul style="list-style-type: none"> <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>

## 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 RU5 Zone will be addressed as part of each respective approval process required prior to site development activities.
- C. Access—16.04.040 [A], 16.04.080 [E], Road Manual**
8. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
  9. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the RU5 Zone is 90 feet.
  10. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
  11. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
  12. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
  13. A basic review of the access to the subject property identifies the following:
    - a. Primary access to the subject property is from 6800 South, a County road.
  14. 6800 South:
    - a. Is an existing county facility is the main through road from US 89/91 to Hyrum and serves other lower classified County Roads, single family dwellings, and agricultural parcels.
    - b. Is classified as a Major Collector Road.
    - c. Major Collector roads serve larger towns and other traffic generators of equivalent inter-county importance, such as schools, shipping points, and county parks, which are not directly served by Minor Arterial Roads. Ideally, these roads have higher travel speeds and minimal interferences to the through movement of traffic.
    - d. Is paved and is approximately 20 feet wide.
    - e. Is maintained year round by the County.
    - f. Is considered substandard as to gravel shoulder width and clear zone.
    - g. Any new access points must meet the minimum standards for a Major Collector.



**Analysis of Existing Roadway – 6800 South**

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

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

**Access Management – 6800 South**

Min. Spacing Standard (Feet)

Classification	Road Access	Commercial	Residential/Farm Access
Major Collector	350	200	200

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

**D. Service Provisions:**

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

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

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

**Conclusion**

The Esperanza Estates Rezone, a request to rezone 42.0 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

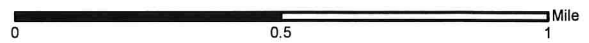
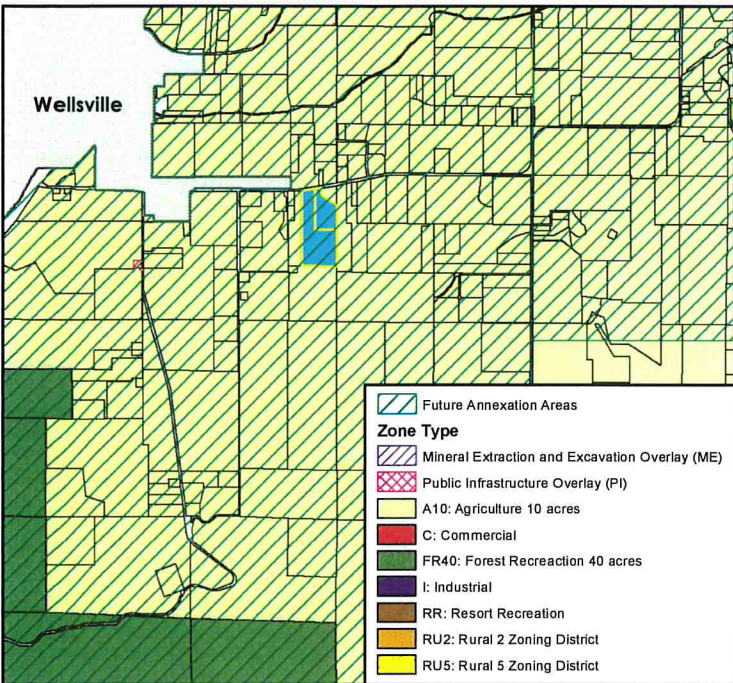
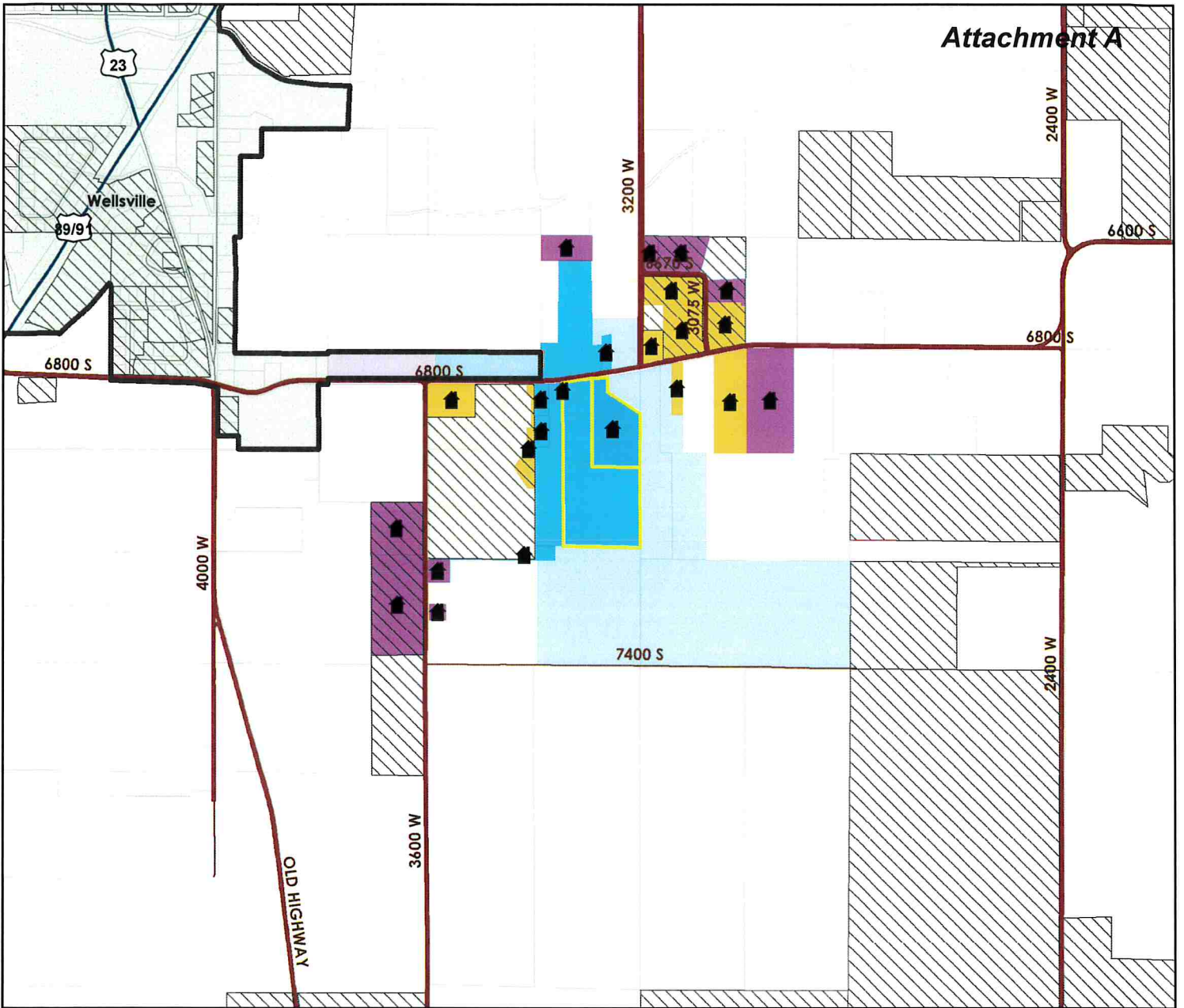
**Planning Commission Conclusion**

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Based on the findings of fact noted herein, the Esperanza Estates Rezone is hereby recommended for denial to the County Council as follows:

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

# Attachment A



## Legend

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

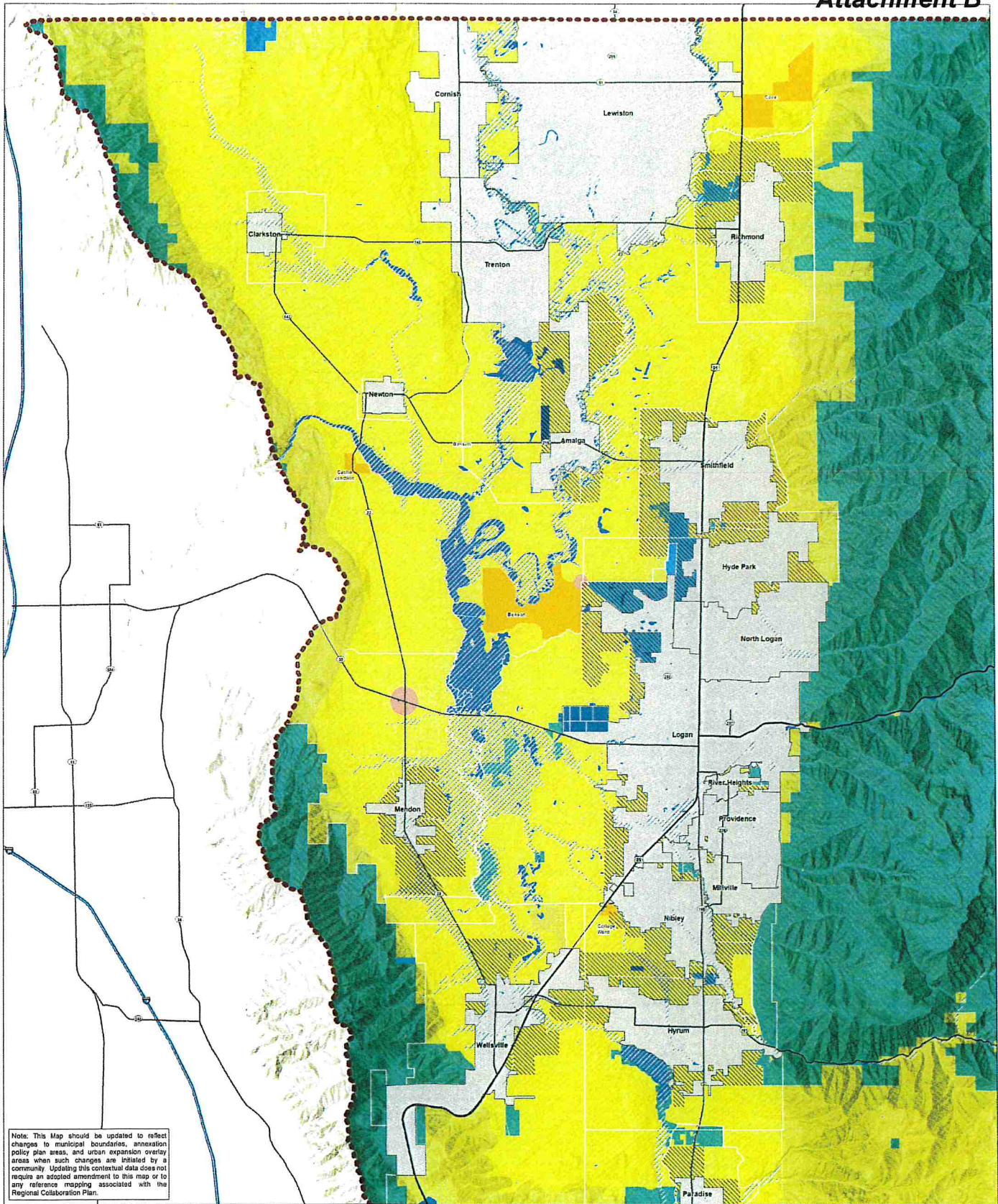
### Average Parcel Size

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	Without a Home: 34.9 Acres (41 Parcels) Without a Home in Wellsville City: 10 Acres (2 Parcels)



6/6/2023





Note: This Map should be updated to reflect changes to municipal boundaries, annexation policy plan areas, and urban expansion overlay areas when such changes are initiated by a community. Updating this contextual data does not require an adopted amendment to this map or to any reference mapping associated with the Regional Collaboration Plan.

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

## Cache County Future Land Use Map

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



Date: February 28, 2023



July 5, 2023

Cache County Planning Commission:

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

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

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

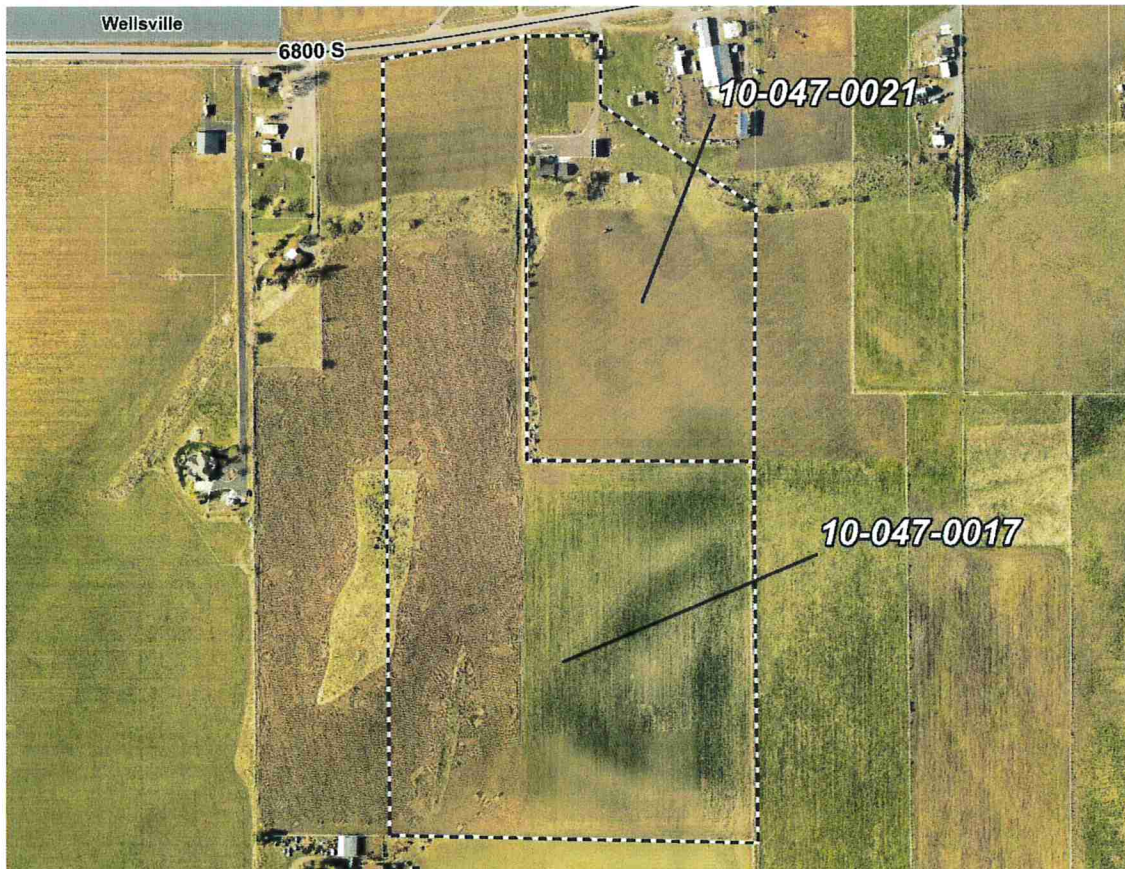
I feel that the zoning in the less profitable farming areas (dry farming) should be allowed to be even more densely developed. This would allow for more housing units and more affordable housing units to be developed. The County should be working with the cities in the outlying areas to extend water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

Sincerely,

Mark Mitton  
Property owner  
Parcel #10-146-0015



**Exhibit B: Ordinance 2023-27**  
Zoning Map of Cache County – Affected Portion  
Esperanza Estates Rezone



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

**10-047-0017**

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

**10-047-0021**

BEG 529 FT S OF PT 25.42 CHS S OF NE COR SEC 14 T 10N R 1W & TH S 663 FT TH N 89°48' W 9 CHS TH N 0°9' W 9.74 CHS TH E 12 RDS TH N 289 FT M/L TO PT 260 FT S OF S LN OF CO ROAD TH S 55°44' E 481 FT M/L TO BEG CONT 8.73 AC  
ALSO: BEG S 80°58' W 9.39 CHS OF PT 25.42 CHS S OF NE COR SEC 14 T 10N R 1W, S 0°9' W 7.11 CHS N 89°48' E 12 RDS N 0°9' E 7.11 CHS W 12 RDS TO BEG CONT 2.13 AC CONT 10.86 AC IN ALL

**CACHE COUNTY COUNCIL MEETING**  
**AUGUST 8, 2023**

**ATTACHMENT 3**

**CACHE COUNTY, STATE OF UTAH  
RESOLUTION NO. 2023-12**

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

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

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

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

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

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

RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS 8<sup>th</sup> DAY OF August 2023.

	In Favor	Against	Abstained	Absent
Sandi Goodlander	X			
David Erickson	X			
Nolan Gunnell	X			
Barbara Tidwell	X			
Karl Ward	X			
Mark Hurd				X
Kathryn Beus	X			
Total	6	0	0	1

**CACHE COUNTY:**

By:   
David L. Erickson, Chair

**ATTEST:**

By:   
David Benson, County Clerk / Auditor

