

Ordinance No. 2023-26

Cache County, Utah

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

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

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

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

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

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

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

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

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

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

1. Statutory Authority

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

2. Amendment to Title 17 Land Use Regulations

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

17.07.040: General Definitions

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

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

LOT/PARCEL FRONTAGE: That portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage.

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Table 17.10.040: Site Development Standards

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

Maximum lot coverage	60%	60%	60%	25%	50%	50% 80%
Minimum lot frontage	90'	90'	90'	150'	150'	150'

Notes:

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

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

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

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

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

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

1. Amends and Supersedes


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

2. Effect

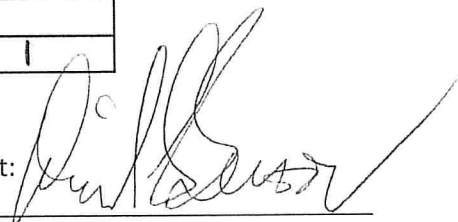
The ordinance amendments will take effect no sooner than 15 days from the date of approval. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation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

Approved and Adopted this 25 day of July, 2023.

	In Favor	Against	Abstained	Absent
Beus				X
Erickson	X			
Goodlander	X			
Gunnell	X			
Hurd	X			
Tidwell	X			
Ward	X			
Total	6	0	0	1

Cache County Council:


 David Erickson, Chair
 Cache County Council

Attest: 

 David Benson
 Cache County Clerk
 Publication Date: _____, 2023

Action of the County Executive:
 Approve
 Disapprove (written statement of objection attached)

By: 

 David Zook, County Executive

 Date