



**4:45 p.m.**

Workshop in the County Council Chambers.

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Rob Smith

Review and approval of agenda.

Review and approval of the minutes of the March 6, 2014 meeting.

**5:35 p.m.**

**Regular Action Items**

(1) **Public Hearing:** 5:40 p.m. - Telecommunication Facilities.

(2) **Public Hearing:** 6:00 p.m. - Title 17.18 – Sensitive Areas.

(3) **Rita LaVern Stephens Conditional Use Permit** – Rita LaVern Stephens is requesting approval of a conditional use permit for a kennel to allow breeding and selling dogs on 3 acres of property in the Agricultural (A10) Zone located at approximately 8410 South 890 East, Paradise.

(4) **Kimball Subdivision** – Mark Donaldson is requesting a recommendation of approval to the County Council for a 2-lot subdivision and remainder parcel on 21.25 acres of property in the Agricultural (A10) Zone located at approximately 5650 North 1200 West, Smithfield.

(5) **Discussion:** Rural 2 (RU2) and Rural 5 (RU5) Zones.

Board Member Reports

Staff reports

Adjourn





PLANNING COMMISSION MINUTES

06 MARCH 2014

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DRAFT

1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Rob Smith, Chris Sands, Jason Watterson, Brady  
2 Christensen, Leslie Larson, Jon White, Megan Izatt, Denise Ciebien

3  
4 **Start Time:** 05:32:00

5  
6 **Sands** welcomed and gave opening remarks

7  
8 **Agenda**

9  
10 Passed with no changes.

11  
12 **Minutes**

13  
14 Passed with no changes.

15  
16 **05:36:000**

17  
18 **Regular Action Items**

19  
20 **#1 Public Hearing – 5:40: Rose Hill Subdivision Rezone (Stephen Eliason)**

21  
22 **Nelson** reviewed Mr. Stephen Eliason’s request for a recommendation to the County Council for approval  
23 of 11.48 acres of property in the Agricultural (A10) Zone to be rezoned to the Rural 2 (RU2) Zone located  
24 at approximately 3230 South Highway 23, Wellsville. There are two existing homes and the requested  
25 rezone would allow up to five lots total, or three additional dwellings. The property is located entirely in  
26 the floodplain. Staff has received comment from one neighbor and it was in support of this rezone. Staff  
27 noted that the County Council is likely to table rezone requests to the RU2 and RU5 zones until further  
28 consideration, in the form of a general plan, has been made as to the placement of said zones. However,  
29 the Planning Commission is encouraged to continue to provide a recommendation to the County Council  
30 as per usual.

31  
32 **5:41:00**

33  
34 **Larson** motioned to open the public hearing for the Rose Hill Subdivision; **Smith** seconded; **Passed 5, 0.**

35  
36 **Steve Eliason** this is all family ground right here and my sister wants to build a home so we need at least  
37 one more building lot. The plan is for the land to stay in the family, there is no plan to sell.

38  
39 **Kimball Probst** I live across the street and was curious about the RU zone. As I read it the RU zone  
40 should be adjacent to cities so I’m just trying to understand what is going on. I’m not opposed to houses  
41 but am curious if this is the best zone for this area.

42  
43 **Harrild** that is the discussion with the Council.

44  
45 **Mr. Probst** I’m not opposed to more houses here, I’m just trying to understand the zone and how it  
46 affects the area. What happens after this rezone happens?

47  
48 **Runhaar** this does set a precedent for the surrounding area and that is part of the concern that we have  
49 seen and part of why Council is reconsidering the placement of these types of rezones.

50  
51 **Mr. Probst** I’m not opposed to houses across the street and that is not why I’m here. I’m just trying to  
52 understand.

53  
54 **5:45:00**

1  
2 **Larson** motioned to close the public hearing; **Watterson** seconded; **Passed 5, 0.**

3  
4 **Staff and Commission** discussed the rezone. Rezones for the RU zones have been handled on a case by  
5 case basis in the past and really depend on the character of the area around the rezone. Access was  
6 discussed with UDOT and UDOT has approved their plan for access. There would be no additional  
7 access on to SR 23; access for the new lots would be from the established driveway.

8  
9 **Mr. Eliason** at the time I built my driveway, the county required a deed for a 50 foot right of way.

10  
11 **Harrild** regarding the two adjacent private access drives, there is fence between them and they are  
12 separately and privately maintained. UDOT did specify that if a subdivision were to occur, the apron  
13 within the SR 23 right-of-way would need to be paved.

14  
15 **Mr. Eliason** the plan is for this to stay in the family.

16  
17 **Staff and Commission** discussed roads. At this point the county would not be responsible for the  
18 maintenance of this road. The county is working on signage for private roads so that it is more  
19 recognizable which roads are private and which roads are public.

20  
21 **Devron Anderson** I'm a licensed land surveyor and we have submitted all the information regarding the  
22 flood plan to a civil engineer and onto FEMA to remove these lots from the flood plan. My next  
23 questions is couldn't it be written into the covenants that this road would remain private forever?

24  
25 **Runhaar** yes we can, but that doesn't mean that the buyers are going to research that out and that we  
26 won't get calls regarding this road in the future.

27  
28 **Sands** I know to you, Mr. Eliason, this rezone doesn't seem like a big deal but we as commissioners have  
29 to look at the big picture. Does putting this zone here open the door for other landowners on SR 23 to  
30 want this same thing? That is something that we have to look at and decide.

31  
32 **The Commissioners** some are nervous about the jump in density from A10 to RU2. However, for this  
33 particular rezone it doesn't seem to affect the area too much. This is an existing triangle of land that  
34 already has two homes on it and it does have adequate access to utilities. With the right qualifiers some  
35 commissioners would be in favor of this rezone.

36  
37 **Larson** motioned to recommend the Rose Hill Rezone to the County Council with the findings of fact as  
38 discussed; **Smith** seconded; **Passed 5, 0.**

39 **Planning Commission Findings of Fact:**

- 40 1. The location of the subject property is compatible with the purpose of the proposed Rural 2 zoning  
41 district and is appropriately served by a major state highway corridor, does not require additional  
42 highway access, has access to necessary water and utilities, and adequate public service provision.
  - 43 2. The subject property is suitable for development within the proposed Rural 2 zoning district without  
44 increasing the need for variances or special exceptions.
  - 45 3. The subject property is suitable as a location for all of the permitted uses within the proposed Rural  
46 2 zoning district.
  - 47 4. The existing cluster of homes forms a perimeter for the placement of potential development as infill  
48 to the existing subdivision.
  - 49 5. The scale of the subject property, when used for the permitted uses in the Rural 2 zoning district,  
50 would be compatible with adjoining land uses.
- 51  
52  
53  
54

1 **6:23:00**

2  
3 **#2 Agriculture Protection Area (Michael B. & Pauline Falslev)**

4  
5 **Harrild** reviewed Mr. Michael B. & Ms. Pauline Falslev's request to place 196.6 acres of property in the  
6 Agricultural (A10) Zone into an Agriculture Protection Area located at approximately 4800 North 4000  
7 West, southwest of Amalga. Currently the property is used for the production of corn, wheat, barley and  
8 hogs. Agriculture Protection Areas give the landowners an additional protection against nuisance  
9 complaints. The main concern to be addressed is the asserting that the adjacent and bisecting county  
10 roads are not placed within the agriculture protection area as it would restrict any future road  
11 improvements. This has been addressed in the staff report findings which preclude the 66 foot wide right  
12 of way from the protection area.

13  
14 *Smith* motioned to recommend approval of the Falslev Agricultural Protection Area with the stated  
15 findings of fact to the County Council; **Christensen** seconded; **Passed 5, 0.**

16  
17 **6:31:00**

18  
19 **Discussion – Telecommunication Facilities**

20  
21 **Staff and Commission** discussed the proposed telecommunication facility ordinance. Included in the  
22 Commissioner's packet is a list of all the telecommunications structures in the County, and lists their  
23 height, structure type, current zone, and the parcel number of their location. In the past commissioners  
24 have tried to keep telecommunications structures under 100 feet. Staff expressed the opinion that in the  
25 valley it probably makes sense to have a taller tower and encourage co-location but up in the hills it  
26 would be better to have shorter towers because they will be less noticeable. The proposed ordinance does  
27 have height cap of 45 feet, but also allows the commission the ability to reduce or waive the height  
28 restrictions listed upon the request of the applicant and if the applicant can show a need for a greater  
29 height. Also, the commission would like to retain the sentence in the ordinance that states: As applicable,  
30 a statement that the proposed Support Structure will be made available for co-location to other service  
31 providers at commercially reasonable rates.

32  
33 **7:08:00**

34  
35 **Discussion – Title 17.18 Sensitive Areas**

36  
37 **Runhaar** Currently if a parcel is listed in a sensitive area any development requires a conditional use  
38 permit, and the entire valley is currently listed as a sensitive area. The current ordinance is overly broad,  
39 encompassing too much.

40  
41 **Harrild** reviewed the proposed amendments. Staff has been working to define the extent of sensitive  
42 lands in the county and to create more precise ordinance direction. Staff's focused on defining sensitive  
43 areas based on the intent to protect the general health, welfare, and safety of the citizens of Cache County.  
44 The sensitive areas analysis has been addressed as non-developable and potentially developable areas.  
45 Canals and ridgelines are new additions. Staff has also gathered data regarding sensitive species to help  
46 determine the flora and fauna habitat necessary for inclusion as sensitive areas. An example of this is the  
47 Maguire Primrose that is only located in Logan Canyon. As a federally listed species, the habitat has  
48 been identified as an important habitat area. Commissioners would prefer that the ordinance state that for  
49 wildlife and flora that the species be identified by federal agencies as threatened or endangered to help  
50 determine what needs to be in sensitive areas in the county and to help decide when a habitat management  
51 plan would be required. Setbacks were discussed and some word changes made to the ordinance  
52 regarding the limitations. Ridgelines were discussed. If a development wants to build on the ridgeline  
53 the applicant is going to have to supply an analysis that meets the ordinance requirements.

1 **Staff** noted that they would set and notice a public hearing for both ordinance pieces for the next planning  
2 commission meeting on April 10, 2014.

3

4 **Staff Report**

5

6 **Runhaar** DD Auto and Salvage has been issued another extension. He does have a permit to build his  
7 decorative masonry wall and he has until September before reporting back to the County Council.

8

9 **7:46:00**





17.18.010 Purpose.....1  
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**17.18.010 Purpose**

The purpose of this chapter is to provide a mechanism for the protection of those areas of Cache County which are determined to be environmentally sensitive or that may pose a potential threat or danger to development. This chapter is intended to:

- A. Protect the general health, welfare, and safety of the citizens of Cache County.
- B. Minimize public and private property damage and emergency tax assistance.
- C. Provide an awareness of, and mitigation strategies for, development within sensitive areas.
- D. Provide a mechanism to determine developable acreage for development within Cache County.

**17.18.020: Definitions**

All terms in this chapter are defined within §17.07, "Definitions", of this title. Any other terms not defined in this title shall be interpreted as defined by State and/or Federal Code or Rule.

**17.18.030 Review Process**

The sensitive area review process consists of three primary steps and consideration of reasonable use:

- A. Sensitive Area Determination: The Development Services Department shall provide mapping and an initial determination of the approximate location of known sensitive areas. These maps will provide the most current and accurate data accessible to the county, and may be updated as new or more accurate data becomes available. The initial determination may require the applicant to pursue further site specific analysis or study to confirm the location of sensitive areas as defined within this Chapter. In some cases, hazards may not be mapped but may be present on a site and such cases shall be required to meet the requirements of this Title.
- B. Sensitive Area Analysis: A Sensitive Area Analysis shall be submitted with any application for development on property containing sensitive areas and shall include an analysis, determination, and a development plan including proposed mitigation.
- C. Suitability Determination: The county shall review the Sensitive Area Analysis and shall report their findings to the applicant and land use authority. In addition:
  - 1. The applicant must identify significant, adverse impacts on sensitive areas and include appropriate mitigation measures for noted impacts.
  - 2. The land use authority, prior to hearing any application for a development proposed to be located wholly or partially, within any sensitive area as identified by this Chapter, shall provide notice and opportunity for comments and recommendations from state and federal agencies with additional oversight including but not limited to, the Utah Division of Wildlife Resources, (DWR), Utah Department of Environmental (DEQ), United States

Forest Service (USFS), Bureau of Land Management (BLM), US Army Corps of Engineers, etc., and as applicable.

- D. Hardship Relief:** If the applicant demonstrates that the regulations imposed by this ordinance would deny all reasonable use of the subject property, the County Council, following the receipt of a recommendation from the Planning Commission, may modify the exercise of these requirements to provide the applicant reasonable use of the property and may provide a modified determination of development potential. The County Council shall not modify regulations imposed by State and/or Federal Law and/or Rule.

#### **17.18.040 Sensitive Areas Analysis**

A Sensitive Areas Analysis shall be submitted with any application for development on property containing known sensitive areas and/or sensitive areas discovered in the process of development, and shall include an analysis, determination, and a development plan including proposed mitigation as identified below. Mapping that reflects the known sensitive areas is available in the Development Services Department.

- A. Analysis and Determination:** The Sensitive Areas Analysis shall provide an analysis and professional determination for each sensitive area.
- 1. Non-Developable**
    - a. Wetlands:** As determined necessary by the county, an approved jurisdictional wetland delineation report and concurrence report from the United States Army Corps of Engineers shall be required as part of the wetland analysis.
    - b. Steep Slopes:** A topographic map depicting the contours of all steep and moderate slopes at an interval of five feet or as determined by the Director.
    - c. Natural Waterways and Open Water:** A map depicting all stream corridors as defined by their high water marks.
  - 2. Potentially Developable Areas**
    - a. Moderate Slopes:** Development may be permitted upon county review and approval of a geotechnical report. The analysis should also include:
      - i.** The location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics and a copy of the Soil Conservation Service soil survey for the site.
      - ii.** The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
      - iii.** The identification of measures proposed for soil and sediment control, including a schedule of the sequence for the installation of planned erosion and sediment control measures, including anticipated starting and completion dates.
      - iv.** Plans for the proposed vegetation of all disturbed site areas.
    - b. Ridgelines:** A map depicting the crest and 100 foot vertical buffer of any significant ridge lines or hill tops within the parcel boundary. Development within this area may be permitted upon county review and approval in keeping with the purpose and standards of this chapter.

- c. Floodplain, Floodway, and/or areas impacted by Manmade Water Conveyance Systems: A hydrological report including information on groundwater levels, natural and manmade drainage channels and systems (canals), and base floodplain elevations.
- d. Important Habitat Areas: A Habitat Management Plan prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant disciplines, that identifies the areas inhabited and/or frequently used by any federally listed flora and/or wildlife species (threatened and/or endangered) and includes the following:
  - i. The ecological and wildlife use characterization of the property explaining the species of wildlife using the areas, the times or seasons the area is used by those species, and the value (e.g. feeding, watering, cover, nesting, roosting, or perching) that the area provides for such wildlife species.
  - ii. Wildlife movement corridors.
  - iii. The general ecological functions provided by the site and its features.
  - iv. An analysis of how proposed development activities impact the Important Habitat Areas and associated species.
- e. Geologic Hazards: A geotechnical report in compliance with 17.18.060.
- f. Wildfire Hazards: A fire protection report that identifies potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the Utah Wildland Interface Code (See §15.08 of the County Code).
- g. Historic, Prehistoric, and Cultural Resources: Identify any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah. This includes properties eligible for the National Register of Historic Places.
- h. Additional information including input from any of the State of Utah agencies shall be required as determined by the county land use authority.

**17.18.050 Standards and Development Plan:** These standards are provided to ensure that any development proposed wholly, or in part, within a sensitive area recognizes the physical and environmental constraints of the development site. These standards shall supplement, and are in addition to, other development standards provided by County Code, State, and/or Federal Code or Rule. At the time of application, provide a Development Plan for the property that addresses and includes the following.

- A. Non-Developable: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact any non-developable areas on the property.
  - 1. Wetlands: No building, structure, construction, excavation, or land filling shall occur on any area determined to be a jurisdictional wetland without the approval and necessary wetlands permit(s), as required by the U.S. Army Corps of Engineers. Where potential wetlands exist, wetland delineation may be required.
  - 2. Steep Slopes: No building, structure, construction, excavation, or land filling shall occur on any area determined to be a steep slope.
  - 3. Natural waterways and open water: All proposed development adjacent to year round or ephemeral natural waterways or open water, shall be subject to the following, but excluding bridges, boat ramps, culverts, dams, trestles, and similar structures:
    - a. A minimum setback of fifty (50) feet for all structures and one hundred (100) feet for

all on-site septic systems shall be required. Said setbacks may be increased or reduced, if necessary, as determined by the Planning Commission to reasonably address the possibility of any stream or water pollution.

- b.** Any work within 30 feet of the top of bank shall obtain a state or federal approval and/or permit.
- c.** The ordinary high water mark as determined by Cache County shall be the point of reference as to the edge of the waterway.
- d.** The introduction of concentrated sources of pollution into the waterways is prohibited including, but not limited to, septic tanks, untreated sewage, commercial and residential garbage, manure, dead animals, waste, and other hazardous materials.

**B. Potentially Developable**

- 1. Moderate Slopes:** Any development proposed for areas identified as a moderate slope shall require a geotechnical report as defined by this chapter.
- 2. Ridgelines:** No structure, accessory structure, satellite dish, deck, patio or removal of significant vegetation shall occur in the ridgeline setback, except as provided below:
  - a.** If any portion of a legal existing parcel of record falls within the ridgeline setback, any development on that parcel shall make every effort to place all development on the most suitable portion of the lot taking into consideration the standards of this title.
  - b.** All disturbance and development shall stay out of the ridgeline setback to the maximum extent possible. If, due to the location, size and configuration of the parcel, that is not possible, the land use authority may approve an exception in keeping with the purpose and standards of this chapter.
- 3. Floodplain, Floodway, and/or Manmade Water Conveyance Systems:** See §15.28 of the County Code. Areas that are shown to have the potential for flooding originating from a manmade water conveyance system (canal) shall follow the standards identified in §15.28.540 for AO/AH Zones.
- 4. Important Habitat Areas:** Strategies that preserve important habitat and prevent fragmentation are encouraged. When new development is proposed within important habitat areas, mitigation methods shall be designed and implemented, including, but not limited to, those listed below.
  - a.** Construction shall be organized and timed to minimize disturbance of federally listed species occupying or using on-site and adjacent habitat areas.
  - b.** If the development site contains or is within five hundred feet (500') of a habitat area, and the Sensitive Areas Analysis shows the existence of a federally listed species, the Development Plan shall include provisions to ensure that any habitat contained in any such area shall not be disturbed or diminished, and to the maximum extent feasible, such habitat shall be enhanced.
  - c.** If the development site contains existing habitat areas that connect to other off-site habitat areas, to the maximum extent feasible the development plan shall preserve such habitat area connections. If habitat areas lie adjacent to the development site, but such habitat areas are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between habitat areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.

- d. If federally listed wildlife or flora that may create conflicts for future occupants of the development is known to exist in areas adjacent to or on the development site, then the Development Plan must include provisions to minimize these conflicts to the extent reasonably feasible.
  - e. Facilitate wildlife movement across areas dominated by human activities by:
    - i. Maintaining connectivity between open space parcels on adjacent and near-by parcels and subdivisions such that the result will be a larger contiguous area of open space;
    - ii. Locating roads and development away from natural travel corridors used by wildlife, such as riparian areas;
    - iii. Minimizing fencing types that inhibit wildlife movement where appropriate;
    - iv. Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and habitat areas.
  - f. Mimic features of the local natural landscape in developed areas by:
    - i. Retaining pre-development, high quality habitat, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;
    - ii. Minimizing levels of disturbance to trees, the under-story vegetation, and other structural landscape features during construction;
    - iii. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation.
    - iv. Reclaiming disturbed areas, such as degraded landscapes, roadsides, and other infrastructure disturbances by using seed and other selective plantings.
5. Geologic hazards: For those areas determined by review to contain geologically unstable conditions, development may be permitted by the county upon the review and approval of a geotechnical report identifying the following:
- a. The accurate location of all geologic hazards including, but not limited to, faults, landslides, steep slopes, unstable soils, etc.
  - b. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.
  - c. The identification of measures and actions proposed to mitigate the risks from earthquake, landslides, and soil disturbance including a schedule of the sequence for the installation of planned mitigation actions, including anticipated starting and completion dates.
  - d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults or structures) designed for human occupancy shall be built astride a geologic hazard. The Planning Commission may increase building setback requirements where information from a geotechnical report indicates conditions warrant a greater setback distance.
6. Wildfire hazards: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact and/or be impacted by

wildfire hazards on the property. Measures to mitigate wildfire hazards and risks may be required based on the recommendation and review of the Cache County Fire District.

7. **Historic, Prehistoric, and Cultural Resources:** Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah shall require the review of, and comment from, the State Historic Preservation Office (SHPO). This includes properties eligible for the National Register of Historic Places.

#### **17.18.060 Geotechnical Report Minimum Standards**

When a geotechnical report is required, the county shall review each report against the minimum standards as noted below. The county and this ordinance may also identify and include additional requirements depending upon site specific conditions and hazards.

- A. A geotechnical report shall be prepared by a qualified professional. The report shall be signed and dated by the preparer and shall also include the qualifications of the preparer.
- B. The report shall be site specific and identify all known or suspected potential geotechnical or natural hazards, originating on-site or off-site, affecting the particular property.
- C. The report shall include a detailed site map showing the location of the hazard(s) with delineation of the recommended setback distances from such hazard(s) and the recommended location for proposed structures.
- D. The report shall address the potential effects of the hazard(s) on the proposed development and occupants, thereof, in terms of risk and potential damage.
- E. The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s). The evidence on which the recommendations and conclusions are based shall be clearly stated in the report. Trench logs, aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.
- F. Whenever a potential natural hazard is identified by a geotechnical report under this chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the county prior to the approval of any development or subdivision of such parcel which shall include the following:
  1. Notice of the existence and availability of the geotechnical report that identifies the natural hazards for public inspection in the Development Services Department, and;
  2. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the Planning Commission to minimize potential adverse effects of the natural hazard(s).

**STAFF REPORT: RITA LAVERN STEPHENS CONDITIONAL USE PERMIT**

10 April 2014

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:** Rita LaVern Stephens

**Parcel ID#:** 01-092-0055

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Planning Commission

**PROJECT LOCATION**

*Reviewed by: Stephanie Nelson, Planner I*

**Project Address:**

8410 South 890 East  
Paradise, Utah 84328

**Current Zoning:**

Agricultural (A-10)

**Acres:** 3.00

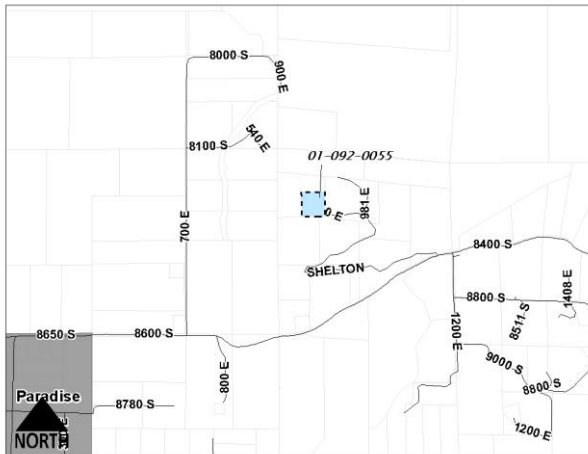
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



**PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT**

**Purpose:**

To review and make a decision regarding the request for a conditional use permit to expand an existing dog breeding business on 3.00 acres of property in the Agricultural (A10) Zone.

**Ordinance:**

This proposed use is defined as “7200 Boarding Facility” under Cache County Ordinance §17.07.020 Definitions, and as per §17.09.030 Schedule of Uses by Zone, this use is permitted as a conditional use in the Agricultural (A10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses. These procedures are detailed under §17.06.060 Conditional Uses and §17.06.070 Standards and Criteria for Conditional Use.

**Summary:**

A conditional use permit does not exist for this property. Ms. Stephens is working toward compliance with county code in this conditional use permit request. This request would allow up to 10 adult dogs at any one time, with the intent to breed and sell dogs. There are currently 6 adult dogs housed on the property. Litters of puppies (no more than 6 months in age) will also be present. The only employee shall be Rita LaVern Stephens the resident of the property. No business clients are expected on site. Hours of operation will vary. No new structures are proposed.

**Access:**

- Access is via county road 8600 South and does not meet the requirements of the county road standard. However, given the minimal impact of the proposed use on the travelled way, 8600 South is deemed adequate for said use. Access from 8600 South to the property is via private road 890 East and is adequate.

**Service:**

- Water supply for fire protection will be provided by Paradise Fire Department.

**Parking:**

- Parking on site is adequate.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet of the subject property. At this time, no public comment regarding this proposal has been received by the Development Services Office.

**STAFF DETERMINATION AND FINDINGS OF FACT (3)**

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It is staff's determination that the request for a conditional use permit for Rita LaVern Stephens located in the Agricultural (A10) Zone at approximately 8410 South 890 East Paradise, Utah 84328 with parcel number 01-092-0055 is in conformance with the Cache County Ordinance and should be approved. This determination is based on the following findings of fact:

1. The Rita LaVern Stephens conditional use permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Rita LaVern Stephens conditional use permit has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Rita LaVern Stephens conditional use permit has been reviewed in conformance with §17.06.070 of the Cache County Ordinance, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval.

**CONDITIONS OF APPROVAL (4)**

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The following conditions must be met for the development to conform to the Cache County Ordinance and the requirements of county service providers.

1. Prior to recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. No more than 10 adult dogs (over 6 months in age) shall be allowed on site at any one time, including breeding services.
3. As per the Cache County Ordinance, any employees of this business must be residents of the property.
4. Any further expansion or modification of the facility or site shall require the approval of the designated land use authority.



### STAFF REPORT: KIMBALL SUBDIVISION

10 April 2014

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:** Mark Donaldson

**Parcel ID#:** 08-090-0007

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by: Stephanie Nelson - Planner I*

**Project Address:**

5650 North 1200 West  
Smithfield, Utah 84335

**Current Zoning:**

Agricultural (A-10)

**Acres:** 21.25

**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



#### PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed Kimball Subdivision.

**Ordinance:**

As per the Cache County Zoning Ordinance Table §17.10.030 Development Density and Standards Specific to Base Zoning Districts, this proposed subdivision qualifies for a development density of one (1) unit per ten (10) acres.

**Summary:**

This proposal is to divide parcel number 08-090-0007 into two (2) developable lots and an agricultural remainder. The total developable acreage for this subdivision is 19.54 acres. The maximum development potential is four (4) lots.

**Access:**

- Access to this property is from county road 1200 West and is adequate. No access is permitted from SR 218.

**Water & Septic:**

- An adequate, approved, domestic water right must be in place at the time of final plat recordation for all building lots within the proposed subdivision.
- The existing dwelling and shop each have septic systems in place. The Bear River Health Department has approved this new lot configuration.

**Service Provision:**

- There is sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane on 1200 West.
- A school bus stop is located at 1200 West Highway 218, approximately 3 blocks from the proposed subdivision.
- Any driveways shall meet all applicable requirements of the current International Fire Code, minimum County standards, and any other applicable codes.
- Water supply for fire suppression will be provided by the city of Smithfield Fire Department. Access for emergency services is adequate.

**Public Comment:**

Notices were mailed to the property owners located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

**STAFF DETERMINATION AND FINDINGS OF FACT (4)**

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It is staff's determination that the Kimball Subdivision, a 2-lot subdivision and agricultural remainder for property located at approximately 1200 East 5650 North with parcel number 08-090-0007, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The Kimball Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Kimball Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Kimball Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Kimball Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

**CONDITIONS OF APPROVAL (4)**

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The following conditions must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Adequate, approved, domestic water rights shall be in place for all building lots within the subdivision.
3. The applicant shall reaffirm their 33' portion of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision boundary.
4. No access is permitted from SR 218.