



**4:45 p.m.**

Workshop in the County Council Chambers.

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Jason Watterson

Review and approval of agenda.

Review and approval of the minutes of the December 4, 2014 meeting.

**5:35 p.m.**

**Consent Agenda**

- (1) **Ronald Jensen Subdivision Amendment** – Susanne Moore is requesting a recommendation of approval to the County Council for an additional lot and subdivision boundary adjustment on 77.22 acres of property in the Agricultural (A10) Zone located at approximately 2207 South Highway 23, south of Mendon.

**Regular Action Items**

- (2) **Title 17.07.030** – Kennels.

Board Member Reports

Staff reports

Adjourn



**PLANNING COMMISSION MINUTES**

**04 DECEMBER 2014**

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DRAFT

1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Rob Smith, Jason Watterson, Lane  
2 Parker, Brady Christensen, Leslie Larson, Jon White, Megan Izatt, Tony Baird

3  
4 **Start Time:** 05:30:00

5  
6 **Smith** welcomed and **Parker** gave opening remarks

7  
8 **05:31:00**

9  
10 **Agenda**

11  
12 Approved with no changes.

13  
14 **Minutes**

15  
16 Approved with no changes.

17  
18 **05:33:00**

19  
20 **Regular Action Items**

21  
22 **#1 Elections for 2015**

23  
24 *Rob Smith nominated Chris Sands to continue as chair; **Christensen** seconded; **Passed 4, 0.***

25  
26 ***Watterson** motioned to close the nomination for chair; **Christensen** seconded; **Passed 4, 0.***

27  
28 ***Watterson** nominated Rob Smith to continue as vice-chair; **Parkinson** seconded; **Passed 3, 1**  
29 *(Smith voted nay).**

30  
31 ***Christensen** motioned to close the nomination for chair; **Watterson** seconded; **Passed 4, 0.***

32  
33 **05:34:00**

34  
35 **Larson** arrived.

36  
37 **05:36:00**

38  
39 **#2 Public Hearing: 5:45 p.m. – Armor Storage Rezone (Merkley)**

40  
41 **Harrild** reviewed Mr. Erik Merkley's request for a rezone of 25 acres from the Agricultural  
42 (A10) Zone to the Commercial (C) Zone, located at approximately 4400 South Highway 165,  
43 Nibley. Since the existing storage units were built, the ordinance has been revised and storage  
44 units are no long allowed in the Agricultural (A10) Zone. There was a previous request for a  
45 rezone to the Industrial Manufacturing (IM) Zone and that request was denied. Since this is on  
46 the edge of Hyrum City and is considered urban development, this requires that the county  
47 contact Hyrum City and request their input. Hyrum has provided comment and stated opposition

1 to this rezone, requesting that the property owner(s) work instead toward annexation of the  
2 parcels into Hyrum City. Staff recommended that request be denied given the noted findings of  
3 fact.

4  
5 **Staff and Planning Commission** discussed the state code requiring Hyrum City's input.  
6 Because this project would be more than \$750,000, state code requires that the County request  
7 input from Hyrum City regarding the application. If you look at the map Hyrum is growing  
8 north and Nibley is growing south; the possible annexation of this property is high.

9  
10 **05:46:00**

11  
12 *Larson motioned to open the public hearing; Watterson seconded; Passed 5, 0.*

13  
14 **Curtis Knight** I'm the owner of these storage units. When we first applied for rezone to the  
15 Industrial Manufacturing (IM) Zone Hyrum City wrote a letter in opposition because they didn't  
16 want a sexually oriented business there and the Industrial Manufacturing (IM) Zone allows that  
17 type of business. If you look at Hyrum City's configuration the eastside is commercial until you  
18 get to the gravel pits and they recommended that we work on annexation. They felt like the  
19 Commercial (C) Zone is what would work here so we tried to get annexed into the city. But  
20 because it is an island they can't annex. We thought we maybe had the value to force annexation  
21 but the neighbors didn't like that. Hyrum did hold meetings and it was denied. The County's  
22 Commercial (C) Zone is more restrictive than what their commercial zone is. When we built  
23 these it was in the ordinance to build storage units in the Agricultural (A10) Zone. We put in the  
24 entire infrastructure and put in the office building so that we wouldn't have to do that later. To  
25 pay for the entire infrastructure, it was very expensive but we were fine with that. We are to the  
26 point that if we can put in more units we would be making a profit. That's not happening now; I  
27 have to subsidize these storage units at least 5 months of the year. I wasn't notified about the  
28 ordinance change regarding not allowing storage units in the Agricultural (A10) Zone. If you  
29 look at these units they are well kept and the landscaping is immaculate. This rezone would help  
30 us get back to where we were when we first put them in and would help us to make a profit. I  
31 have obeyed every ordinance/request that has been made and feel that we are a partner with the  
32 county and would hope the rezone would be approved.

33  
34 **Smith** could you tell me more about the ordinance change?

35  
36 **Mr. Knight** we own 25 acres here and when we first put the storage units in they were allowed  
37 in the Agricultural (A10) Zone. But a couple years after they were approved the ordinance was  
38 changed and storage units are no longer allowed in the Agricultural (A10) Zone. I would have  
39 come in and talked with staff and the commission to figure out how to accomplish what I needed  
40 with the ordinance change taken into account. There are 3 parcels that are zoned commercial on  
41 1200 West and if I can put outside storage on those it would be profitable but I haven't done that.

42  
43 **Smith** have you talked to any of your neighbors?

44  
45 **Mr. Knight** the ones I have talked to have no problem with them. They think they look nice. I  
46 understand nobody wants buildings next to you but they haven't had a problem. I do have the  
47 acreage and now storage units are no long allowed. We've been down zoned essentially. I don't

1 know how it works but Cache Storage is in the County and they have outside storage and outside  
2 storage would allow me to bring my value back up to what I need it to be.

3  
4 **Eric Merkley** just to clarify the changes on the land use ordinance, I think that was changed in  
5 February 2013. As you can see Mr. Knight wants to be able to maintain his property value. In  
6 all the research I have done, it looks like commercial zoning is what should be there based on  
7 examples that are nearby. The Commercial (C) Zone seems to fit this well and we are taxed on a  
8 commercial base. The rezone would let us keep the value and we would be profitable. It would  
9 not only benefit us but also the County because our tax value would increase. One thing about  
10 annexation into Hyrum City, it isn't a reality in the foreseeable future. We don't think  
11 annexation would happen anytime soon but if it happens we wouldn't be opposed. One thing to  
12 note is that our services are provided by Nibley and they are not opposed to us rezoning these  
13 parcels to the Commercial (C) Zone.

14  
15 **Smith** what other services are provided?

16  
17 **Mr. Merkley** fire protection is provided by the County and water is provided by Nibley. The  
18 Fire District came out and said our access was adequate and Nibley is providing water.

19  
20 **Runhaar** just a note, the fire district does the fire inspection but Nibley provides fire protection.

21  
22 **Joe Chambers** I live in Providence but have a storage unit at this business. It is a top class  
23 facility and I don't see that it is incompatible at all with what is currently there. I think this  
24 should be approved.

25  
26 **Duane Williams** I have no business/personal interest in this business but it is a wonderful  
27 business and is kept in very good condition.

28  
29 **06:06:00**

30  
31 *Larson motioned to close the public hearing; Watterson seconded; Passed 5, 0.*

32  
33 **Staff and the Planning Commission** discussed the ordinance change. Staff noted that they do  
34 not contact businesses/entities for ordinance amendments unless those entities file the paperwork  
35 to request notice. However, notice is posted and made available to the public in the newspaper  
36 and online. The ordinance change that removed storage units as a conditionally permitted use in  
37 the Agricultural (A10) Zone was part of a collective change to the entire ordinance.

38 Some commissioners felt that the initial storage units were permitted because they fit with the  
39 surroundings then and nothing has really changed in that area between now and then. They felt  
40 the rezone for this application should be approved because of that, and because it is not the  
41 county's intent to zone people out of business.

42 Staff provided additional background information in response to the applicant's and  
43 commissioner's comments. When the storage units were first approved the applicant stated that  
44 these were the only storage unit buildings that would be built in this area, and therefore it did not  
45 qualify as urban development threshold as per state code. The approval issued at the time was  
46 essentially required as the ordinance allowed self service storage units in the A10 zone if known  
47 impacts were mitigated.

1 Many commissioners did not agree that this was a compelling argument to deny the rezone. At  
2 the time of the initial application that was approved, commissioners did not feel storage units  
3 were appropriate in the A10 zone, but they met the ordinance requirements so the application  
4 was approved. After that, the ordinance was changed to take the use out of the A10 zone as the  
5 commission recognized that storage units were not an appropriate use for the agriculture zone.  
6 However, some commissioners felt that this is going to be annexed into Hyrum or Nibley and  
7 they don't feel like they can dictate what the front door of those cities are going to look like.  
8 Some commissioners felt that the commercial zone would fit well in this area.

9  
10 *Larson motioned to recommend approval to the County Council for the Armor Storage Rezone;*  
11 *Christensen seconded; Passed 5, 0.*

12  
13 **06:17:00**

14  
15 **#3 Wild Bunch Kennel CUP (Remanded from the Board of Adjustments to the Commission)**

16  
17 **Baird** reviewed the Board of Adjustments decision to remand the Wild Bunch Kennel CUP back  
18 to the Planning Commission for clarification of the written findings of fact.

19  
20 **Mr. Chambers** is the applicant going to be allowed to speak?

21  
22 **Smith** no, this is not public hearing and we are not reopening the discussion.

23  
24 **Mr. Chambers** I understand that, but staff has had input on this and it would only be fair to  
25 allow the applicant input on these findings. I was there at the Board of Adjustments and the  
26 motion made was very awkward and indicated that it was remanded for reconsideration.

27  
28 **Smith** this isn't a new application and I don't think we have the authority to reopen this and we  
29 are not in a position to take new evidence or a new hearing.

30  
31 **Runhaar** let me also clarify that we are the commission's staff and when your decisions are  
32 appealed to the Board of Adjustments we are defending the commission's decision. When it  
33 comes back here we revised the commission's findings based on what the written record states.

34  
35 **Mr. Chambers** my concern is that state law says that a CUP will be approved if reasonable  
36 conditions can be made to mitigate detrimental effects. I don't think this body has considered  
37 any mitigation for those detrimental effects in this situation.

38  
39 **Smith** the proper procedure is to go up the appeal process from the Board of Adjustments.

40  
41 **Mr. Chambers** I understand that and have no problem with that. I don't know if you have  
42 attended a Board of Adjustments meeting.

43  
44 **Smith** I used to sit on the Board of Adjustments.

1 **Mr. Chambers** well I was surprised that they allowed additional evidence at that level. I don't  
2 understand why we can't talk about the findings at this level. For example the finding that Mr.  
3 Clements, the next door neighbor, isn't opposed to this as long as there is a privacy fence.  
4

5 **Smith** I don't think we can redo the decision at this meeting and that that needs to be done at the  
6 Board of Adjustments.  
7

8 **Baird** If they made their findings at the original meeting, you wouldn't contest those findings  
9 there would you? You wouldn't have disputed their findings there.  
10

11 **Mr. Chambers** no I wouldn't.  
12

13 **Baird** the proper procedure now is to go to the Board of Adjustments.  
14

15 **Mr. Chambers** at that level we were able to convince the Board of Adjustments that you didn't  
16 make findings, you made conclusions. You said it was incompatible but made no underlying  
17 findings. I pointed out the Board of Adjustments that concluded that we were incompatible but  
18 you made no underlying findings. The fact that you concluded that we are incompatible is a  
19 conclusion of law. So it was remanded to make findings and we are asking that the findings are  
20 accurate that you make your decision on. When staff points out that the nearest home is 20 feet  
21 away yet Mr. Clements does not object to that that seems to me to be a misrepresentation of  
22 facts.  
23

24 **Smith** the record is what it is and that is where we get our findings from. The things that you are  
25 saying are for the Board of Adjustments and I have to respectfully disagree that they are all  
26 conclusions. Maybe they weren't drafted as clear as you would like but I think that is an issue to  
27 take to the Board of Adjustments.  
28

29 **Mr. Chambers** ok, for the record I would like to submit a packet of information to you and if  
30 you don't consider the information then it will be part of the appeals process that will tell you  
31 that I try to get it in. I'm trying to solve it from having to go to the court. I think that if you take  
32 a look you will see that the reasonable problems can be mitigated and I don't think you have  
33 considered all the mitigation factors.  
34

35 **Smith** I just don't feel that we can reconsider it and reopen the decision without a new  
36 application.  
37

38 **Mr. Chambers** are you going to accept it or not?  
39

40 **Smith** I don't know if we can because we are not considering new information.  
41

42 **Runhaar** are you trying to change their decision? They can't change their decision.  
43

44 **Mr. Chambers** in all respect they can. I think if the findings are not adequate then I've got my  
45 remedy. I feel very strongly that where is has been remanded to the Planning Commission the  
46 applicant should be able to have input.  
47

1 **Smith** the problem with that is that it was not part of the record and I think where we are not  
2 revisiting the decision and clarifying the findings we can't go beyond that scope.

3  
4 **Larson** whatever is on the tape of our meeting is what we go off of.

5  
6 **Smith** I think we would need a motion to adopt the clarification as written.

7  
8 ***Parkinson** motioned to adopt Staff's proposed clarifications;*

9  
10 **Staff and Commission** discussed if the clarifications staff has proposed were based off the  
11 recorded record. If there are things in the clarification that were put in after the initial discussion  
12 from August's meeting, they are new information and Mr. Chamber's argument that the  
13 applicant should have input holds weight. The only thing that staff changed was the exact  
14 distance from property lines instead of what the commenter stated in the recorded video. Staff  
15 and Commission rewrote those distances to be a more accurate statement and reflection of the  
16 record.

17  
18 ***Parkinson** withdrew his previous motion.*

19  
20 ***Parkinson** motioned to approve the amended clarifications proposed by staff; **Watterson***  
21 *seconded; **Passed 5, 0.***

22  
23 **06:37:00**

24  
25 **#4 Fox Hollow Subdivision (Duane Williams)**

26  
27 **Harrild** reviewed Mr. Duane Williams request for a recommendation of approval to the County  
28 Council of a 4-lot subdivision with one agricultural remainder parcel on 49.6 acres of property in  
29 the Agricultural (A10) Zone located at approximately 320 North 6000 West, north of Mendon.  
30 There was a previous application that came before the commission for a rezone and it was  
31 denied. The applicant has come back to seek a subdivision under the current zone. Access is  
32 from a state highway and the applicant has met with UDOT regarding the road and will work  
33 with UDOT to meet those requirements. Typically the road standard would require that this  
34 road, once built, be taken over by the county. Staff recommends that a design exception be  
35 granted to allow this roadway to function as a private road as it is not contiguous to other county  
36 roadways. There are wetlands that have been identified within the subdivision boundary but do  
37 not appear to be located on the proposed development lots. There is also a fault line that crosses  
38 this property but the specific location is not known. A geotechnical report shall be required as  
39 specified by §17.18.060 to determine the location of the fault line. There is an existing drainage  
40 ditch, and flow, through the center of the property that must be maintained.

41  
42 **Mr. Williams** that drainage ditch will run on the side of the road and the lots that are impacted  
43 by that will have to have a culvert but other than it will not affect those homes.

44  
45 **White** was there a specification on the size of the culvert?

46  
47 **Runhaar** it's a private road so we wouldn't have a specified culvert side.



1  
2 **Mr. Williams** I will have an engineer look at it and recommend a culvert size.

3  
4 **Harrild** the only thing we can require is that the flow of the ditch not be impacted.

5  
6 **Mr. Williams** the houses are located high and won't be affected by the ditch but we will  
7 maintain it. It runs a little bit to the west there and last time we had a neighbor complain about  
8 the water flowing well there. Thanks to Josh's contacts, I saw a road grader from the state that  
9 was cleaning that out. So it is clean now and the flow is good.

10  
11 **White** I'm just worried about the runoff from the homes but if you use the barrow pits as a  
12 buffer, so to speak, it should take care of it.

13  
14 **Staff and Commission** discussed the geotechnical report condition. As long as there are no red  
15 flags, meaning the fault runs through the buildable area of the lots, there should be no problems.  
16 If there was an issue as to the location of the fault, the lots would have to be adjusted. Signage  
17 was also discussed. There will be a stop sign and a private road indicator on the road sign. The  
18 HOA will be required to place a stop sign and be responsible for the upkeep of the private road.  
19 At the developer requests, the county can install the sign at the cost of the developer.

20  
21 *Larson* motioned to recommend approval to the County Council with the stated conditions and  
22 findings of fact; *Watterson* seconded; **Passed 5, 0.**

23  
24 **06:50:00**

25  
26 **#5 Pine Canyon Gravel Pit CUP (Brett Nielsen)**

27  
28 **Harrild** reviewed Mr. Brett Nielsen's request for approval of a conditional use permit (CUP) to  
29 allow a master plan for mineral extraction on 135.51 acres of property in the Mineral Extraction  
30 (ME) Zone at approximately 4997 West 4800 South, west of Wellsville. The parcel was rezoned  
31 to the Mineral Extraction (ME) Zone in March of 2012. The applicant has identified a two phase  
32 process that would happen. 10 acres will be developed at a time and once the initial 10 acres are  
33 exhausted, it will be reclaimed before the next 10 acres are developed for extraction. They  
34 would follow this process for the entire parcel. They anticipate 3 to 4 employees at a time at the  
35 site. They will operate a crusher and a screener onsite as well. The access road is substandard.  
36 The applicant has provided a letter stating their intent to make the necessary improvements to the  
37 substandard portions of the roadway and private drive to meet the minimum county standards.  
38 The applicant has also expressed a willingness to work with Wellsville City to address their  
39 concerns about safety due to the proximity of a school and as the access to the site is through  
40 Wellsville. Also, all engineering review costs will be borne by the proponent. No written  
41 comment has been received from adjacent property owners.

42  
43 **Brett Nielsen** just a couple clarifications, item #5 and #6 are they the same item?

44  
45 **Harrild** it is a distinction between design and construction.

1 **Mr. Nielsen** based on the measurements I took, the culvert is something we've always planned  
2 to improve, but our measurements are different then what you have in the report.

3  
4 **Harrild** that is based off our road department's review and we can double check that and review  
5 it with you.

6  
7 **Mr. Nielsen** in regards to the truck traffic with the school we understand the sensitivity of the  
8 school. The safety of the children is our utmost concern and we do take it very seriously. We  
9 were asked about if we have any other operations around school and we don't. But with the  
10 nature of our work we work around schools a lot and it is something that we are very familiar  
11 with. We made suggestions of speed limits and speed bumps. The speed limit needs to be  
12 maintained so that if somebody were to run out in front of them the drivers would be able to stop.

13  
14 **Christensen** have you had any discussion regarding hours of operation?

15  
16 **Mr. Nielsen** not in regards to limiting our hours but we have discussed the speed limit and speed  
17 bumps and signage to remind the drivers of the sensitivity of the area.

18  
19 **Staff and Commission** discussed the road and maintenance. One of the things that are required  
20 is base preparation and construction which requires them to check the base of the road.

21  
22 **Christensen** if there was a failure of the road because of the truck use, would you be amenable  
23 to helping fix it?

24  
25 **Mr. Nielsen** we would definitely be willing to sit down with the county and discuss what would  
26 need to be done.

27  
28 **Sam Winward** I own a building lot in the subdivision closest to this. I appreciate that Whitaker  
29 Construction did go to Wellsville and has expressed an interest to do this the right way. With  
30 that said we do have to take the conditions into consideration and protect the surrounding the  
31 community. It's much easier to work the expectations out before hand. I would like some  
32 clarification regarding the working the 10 acres at the time. We want to make sure this is done  
33 properly and at the rezone meeting I thought we were told that it would be 5 acres at the time.

34  
35 **Harrild** state code has changed and allows 10 acres now.

36  
37 **Mr. Winward** OK. A lot of the concerns from the surrounding community have to do with the  
38 changing of that school from a middle school to an elementary school. I would just ask that  
39 whatever conditions that are implement, and Whitaker has expressed willingness to help, are  
40 right for this area. The other concerns are noise, dust, and hours of operation. It sounds like a lot  
41 of that is codified. I understand that there might be projects that would require more hours and I  
42 would like them to approach neighbors on that so that we have a heads up. The other thing is the  
43 dust. We get some pretty good dust storms that blow a lot of dust out of the 60 acre pit and we  
44 don't want any more of that. This is going to be a big change for this area. We don't really see  
45 the big pit because of a rise of the land but this will be noticeable. I just want to make sure that  
46 everything is in writing so that all can be happy.

1 **Runhaar** they do have to obtain state and federal permits. One of those permits is in regards to  
2 dust and if you are getting big dust clouds, please let us know. We also have an hour of  
3 operations limitations in the code and we don't condition it because it is in the law. It states that  
4 hours of operation are from 6 am to 8 pm with the crushing limited to 7 am to 5 pm. This is all  
5 online under county code, 17.13 Mineral Extraction and Excavation (ME) Overlay Zone. We  
6 don't allow operations on holidays. There could be a variation on hours of operation if there is a  
7 need but to change the hours of operation, they have to come back to this body and have that  
8 approved.  
9

10 **Mr. Winward** is there anything about Sunday hours of operation?

11 **Runhaar** There is not.  
12

13 **Mr. Nielson** our plan is to do a typical work week and not work on Sundays. We aren't  
14 guaranteeing that is always possible. If we get a big enough project then that might need to  
15 change for a period of time but our intent is to not work those days.  
16

17 **Mr. Winward** is there an option to put a requirement in there that if they have to run a Sunday  
18 operation by the neighborhood?  
19

20 **Smith** no, I think that is out of the scope of this body.  
21

22 **Mr. Winward** is there a body that can do that?  
23

24 **Smith** no.  
25

26 **Runhaar** only with a code amendment. However, if we were to codify that they would still be  
27 grandfathered under the old code, the only way to restrict the hours of operation as an identified  
28 need. If they start running on Sunday, because their application says Monday through Friday,  
29 then they would be called before this board. Our experiences with other gravel pits are that they  
30 run Monday through Friday with an occasional Saturday.  
31

32 **Mr. Winward** if they wanted to go further west, would that require a new application?  
33

34 **Runhaar** it would require an amendment.  
35

36 **Don Hartle** I am the city manager of Wellsville. The potential of a gravel pit there has been  
37 discussed by the city and has been expected. We have always planned that they would exit on  
38 500 North which is also 4600 South, in the county. Currently the gravel pits in operation in  
39 Wellsville use 300 and 200 South. As this was discussed by the Council last night, all the traffic  
40 from the existing gravel pits come down Center Street and that happens within a half block of the  
41 existing elementary school. My experience dealing with the gravel companies, they have been  
42 cooperative overall. We have only had one issue where Johnson brought over 2200 trucks down  
43 the streets in 6 weeks but I never have had one call and the gravel companies have been good  
44 neighbors.  
45  
46

1 **Jim McCody** I am the president of the Redslide HOA. The concerns I have heard from people  
2 is the noise level. We listen to one gravel pit currently and now we are going to have two all day  
3 long. Is the noise level measured on just one operation at a time or both operations?  
4

5 **Runhaar** if we have noise complaints it would be looked at one pit at a time. But if one pit is  
6 loud and the second is fairly quiet, I can't go after that second pit for the first pits issues. If there  
7 are noise concerns we will work that out with the pit owners.  
8

9 **Mr. McCody** the current operation is tolerable but with two it is going to be twice as loud and  
10 will possibly become intolerable.  
11

12 **Harrild** it won't double the noise volume. The physics don't work that way.  
13

14 **Mr. McCody** you have two operations running trucks and crushers and that second operation  
15 isn't going to add to the noise?  
16

17 **Harrild** it may likely add to, but it won't double it.  
18

19 **Mr. McCody** the other issue is dust. I know they try to control it out there but there is still dust  
20 cloud after dust cloud out there. It needs to be tied back to quantifiable conditions and be able to  
21 be managed. The next concern is ground water and if there is standing water in the pit, what it  
22 does to ground flow. We are wondering what the plan is for standing water and where it is going  
23 to go. We just want everything in writing now because after the fact doesn't do any good. If we  
24 can get it quantified now, then there won't be a need for a discussion later on.  
25

26 **Scott Wells** I'm an adjacent land owner. I have some serious concerns because I have young  
27 children. Right now they walk up that road for two city blocks. I'm very concerned with the  
28 safety of the children and I think there needs to be a sidewalk put in. We play soccer at the  
29 school. When we play soccer at the school we park on both sides of the road and when that is  
30 done you can barely get a normal sized car up that road. They have put signs up and it doesn't  
31 work; people still park there. I think the hours are going to need to be looked at. The roadway is  
32 a big concern. I don't know the future plans for gravel pits. We have four entities that are within  
33 one mile and that's fine if you don't live within that mile. But two of them are not in operation  
34 now, does that mean they need to be reclaimed or are they grandfathered in to where they don't  
35 have to? What are the future plans for that area with the gravel pits? I don't know what the  
36 noise ordinance entails but I'm concerned about jake brakes. It's a little more of a hill then what  
37 Johnson deals with and so I want to make sure the noise ordinance includes jake brakes.  
38

39 **Runhaar** The county does not currently have a noise ordinance.  
40

41 **Mr. Wells** what would it take to get that included? This runs past quite a bit of residential.  
42

43 **Runhaar** where are you talking about?  
44

45 **Mr. Wells** as you access that road and come down towards the school you pass at least 5 houses.  
46

47 **Runhaar** you can forward that on to the county council because that doesn't come to this body.

1 **Smith** this body is somewhat constrained on what our scope is. We can deal with what is okay  
2 in that zone; this area is zoned for that. I think a lot of the things that are concerns are things that  
3 will be in the improvement agreement later on and those details are not before this body.  
4

5 **Mr. Wells** the reality of that road is it is gravel that has had tar over it. It may be fine impacted  
6 the way it is but down the road is it the county's responsibility to improve that road or the  
7 developer?  
8

9 **Runhaar** it depends. If it's a weight problem from the trucks then the only alternative is to limit  
10 the weight on the road. It depends on the road.  
11

12 **Mr. Wells** who polices the 10 acres?  
13

14 **Runhaar** aerial photography would be the best option and we could check that every other year.  
15

16 **Staff and Commission** discussed the issues raised by the public. County road ways are "no  
17 parking" areas even if it isn't signed. The county does not have standards for sidewalks and  
18 doesn't have the ability to put it in. There have been numerous issues in regards to school  
19 location and sidewalks and the school doesn't look at that when locating.  
20

21 **Mr. Wells** isn't the south side across from the school county, or is that city?  
22

23 **Runhaar** I would have to go back and look at the roadway.  
24

25 **Mr. Wells** that's the place where the county, and it's a problem for the city too, but when people  
26 park there it is impossible to get big vehicles down the road.  
27

28 **Staff and Commission** discussed legal restrictions on the locations of gravel pits. Staff is not  
29 aware of any restrictions about how many gravel pits can be located near each other. The state is  
30 the one who regulates the dust control, not the county. The county does handle the snow  
31 removal of the road that goes west, but the road that goes south to the gravel pit is a private drive  
32 and the gravel pit will have to handle maintenance for that section. Hours of operation were  
33 discussed. Also there are concerns regarding crosswalks. The other thing to note is that all  
34 children from 800 South in Wellsville walk to school. The controls open to regulation may  
35 include speed limit and speed bumps. The parking area noted is within the city limits.  
36

37 **Mr. Hartle** these concerns that you have brought up have been discussed by the Wellsville City  
38 council as well. There are a lot of things being considered right now by the city to help relieve  
39 some of these problems.  
40

41 **Watterson** are the parcels in and around 500 north in the proposed annexation area?  
42

43 **Mr. Hartle** yes, including the parcels of the gravel pit.  
44

45 **Watterson** motioned to approve the Pine Canyon Gravel Pit Conditional Use Permit with the  
46 associated conditions and findings of fact; **Christensen** seconded; **Passed 5, 0.**  
47

1 **07:39:00**

2  
3 **#6 Red Spur Camp Conditional Use Permit (Aaron Bleak)**

4  
5 **Harrild** reviewed Mr. Aaron Bleak's request for an approval of a conditional use permit (CUP)  
6 to allow the expansion and operation of a recreational facility on 960 acres of property in the  
7 Forest Recreation (FR40) Zone located east of Hardware Ranch near Rich County. The  
8 applicant would like to add a 650 square foot shower facility; a new septic system is also  
9 proposed to be constructed with the shower facility to treat all waste water, and the addition of a  
10 200 square foot enclosed space on an existing pavilion

11  
12 **Aaron Bleak** there are two ways to access this property. One is from Randolph and it is 20  
13 miles west of Randolph. The other way is to go north from the Monte Cristo guard station.

14  
15 **Smith** do you have the water rights approved?

16  
17 **Mr. Bleak** yes, everything is secure and functioning.

18  
19 ***Larson** motioned to approve the Red Spur Camp Conditional Use Permit with the stated*  
20 *conditions and findings of fact; **Smith** seconded; **Passed 5, 0.***

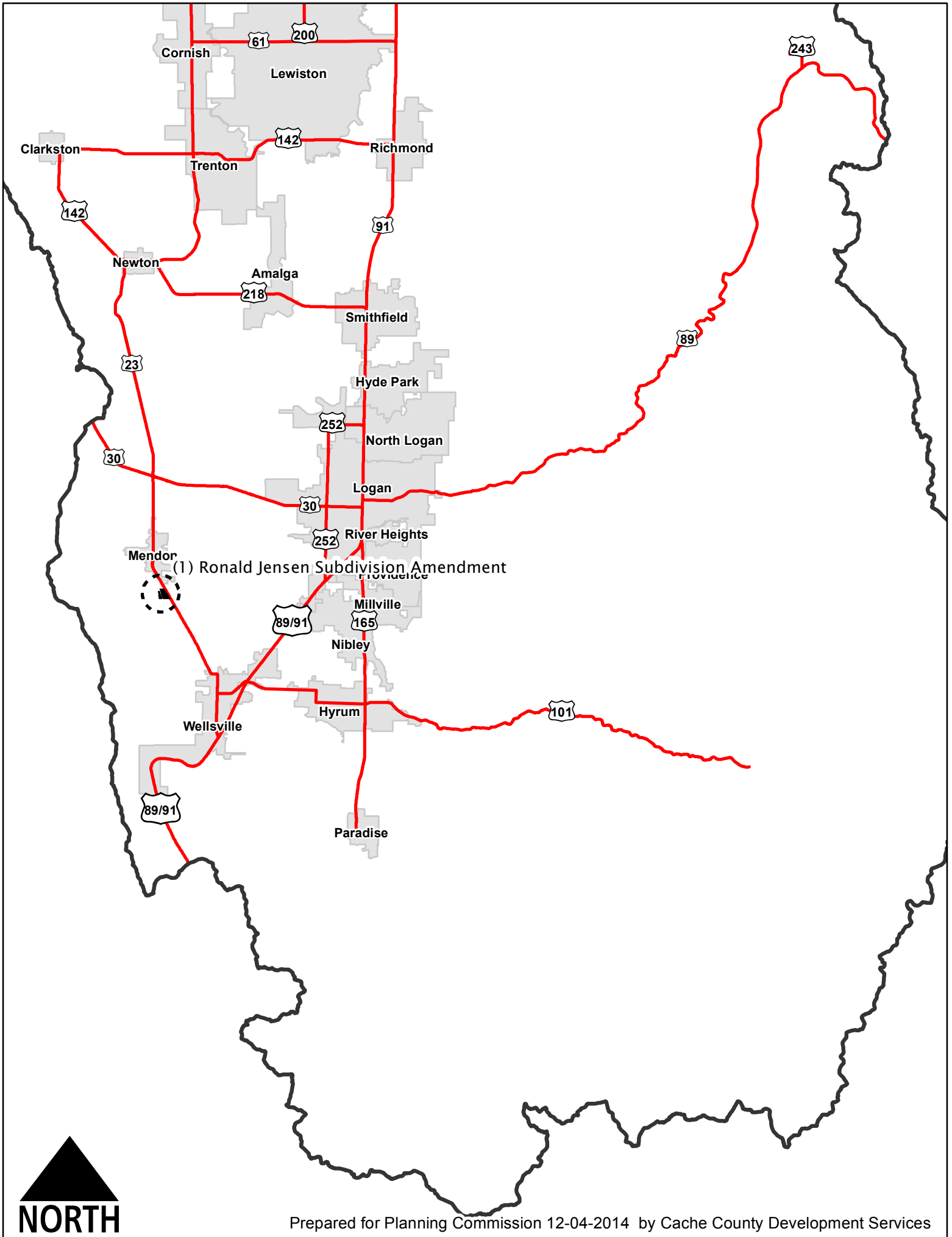
21  
22 **#7 Title 17.07.030 – Kennels**

23  
24 **Harrild** reviewed the information regarding setbacks for kennels. Using setbacks to address the  
25 noise issue doesn't work. The best way to handle noise is to use a performance standard based  
26 on sound proofing and a study done by a sound engineer. That would mean any increase in noise  
27 levels created by a kennel above the ambient noise would need to be very minimal by the time  
28 you hit the property line. The commissioner's need to review the provided information in order  
29 to discuss the proposed amendments regarding kennels at the January meeting.

30  
31 **Staff and Commission** members discussed animal confinement. Staff's concern is that animal  
32 confinement has only been vaguely defined.

33  
34 **07:53:00**

35  
36 **Adjourned**



Cornish

Lewiston

Clarkston

Trenton

Richmond

Newton

Amalga

Smithfield

Hyde Park

North Logan

Logan

River Heights

Mendon

Providence

Millville

Nibley

Wellsville

Hyrum

Paradise

(1) Ronald Jensen Subdivision Amendment

**NORTH**

**STAFF REPORT: RONALD JENSEN MINOR SUB. 2<sup>ND</sup> AMENDMENT**

08 JANUARY 2015

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:** Susanne Moore  
**Staff Determination:** Approval  
**Type of Action:** Administrative  
**Land Use Authority:** Cache County Council

**Parcel ID#:** 11-039-0001, 0010, 0011, 0012  
and 11-038-0015

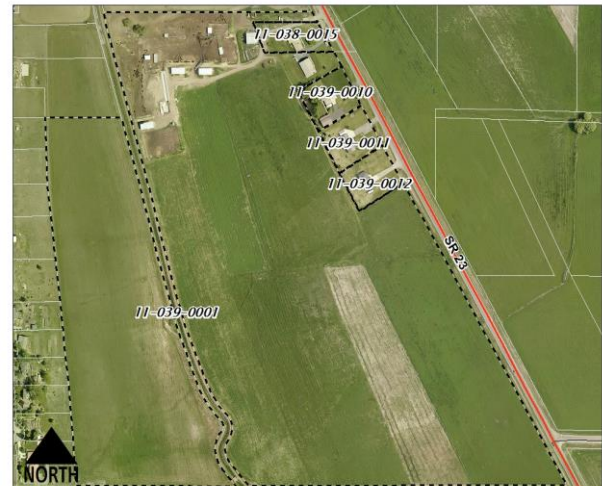
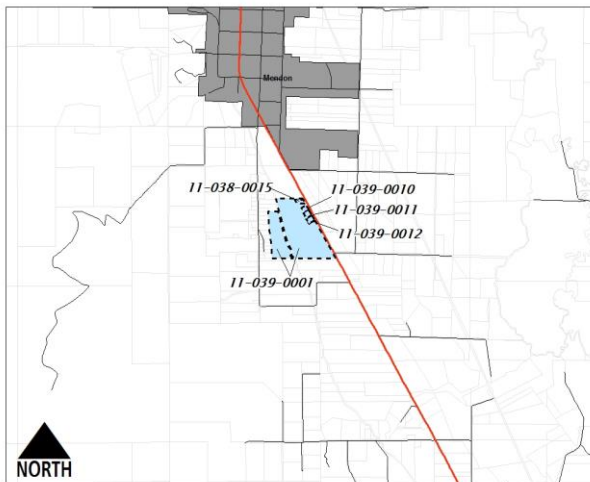
**LOCATION**

*Reviewed by: Stephanie Nelson, Planner I*

**Project Address:**  
2207 South Highway 23

**Surrounding Uses:**  
North – Agricultural/Residential  
South – Agricultural/Residential  
East – Agricultural/Residential  
West – Agricultural/Residential

**Current Zoning:** Agricultural (A10) Zone  
**Acres:** 77.22



**PURPOSE AND SUMMARY**

**Purpose:**

To review and make a decision regarding the proposed amendment of the Ronald Jensen Minor Subdivision 2<sup>nd</sup> Amendment.

**Summary:**

This proposal is to amend the existing Jensen Minor Subdivision that was approved on 22 April 1997 and previously amended on 06 December 1999. The current amendment proposal reflects the correction of the subdivision boundary and the separation of an existing home from the agricultural parcel. The proposed amendments meet the current density requirements as provided in §17.09.080.



**Access:**

- Access to these lots is from Highway 23. UDOT does not have any concerns about this new lot configuration.

**Water & Septic:**

- Adequate, approved, domestic water rights are in place for all lots.
- All lots have an existing, approved, septic system in place.

**Service Provision:**

- All refuse and recycling containers shall be placed along the side of Highway 23 for Monday collection. The residents shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane, and must be placed so as not to be blown over by passing traffic.
- A school bus stop is located at 2235 South Highway 23.
- Water supply for fire suppression will be provided by the Mendon City Fire Department. Access for emergency services is adequate.

**Sensitive Areas:**

- These properties are located entirely in the floodplain. This sensitive area issue was addressed and mapped with the previous subdivision approval.

**Public Comment:**

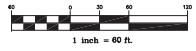
Notices were mailed to the property owners located within 300 feet and municipalities within one mile of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

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

---

It is staff's determination that the Ronald Jensen Minor Subdivision 2<sup>nd</sup> Amendment with parcel number(s) 11-039-0001, 11-039-0010, 11-039-0011, 11-039-0012, and 11-038-0015 is in conformance with the Cache County Ordinance requirements and should be approved. This determination is based on the following findings of fact:

1. The Ronald Jensen Minor Subdivision 2<sup>nd</sup> Amendment has been revised and amended by the conditions of project approval to address the issues and concerns rose within the public and administrative records.
2. The Ronald Jensen Minor Subdivision 2<sup>nd</sup> Amendment has been revised and amended to conform to the requirements of the Cache County Code, State Code, and the requirements of various departments and agencies.
3. The Ronald Jensen Minor Subdivision 2<sup>nd</sup> Amendment conforms to the subdivision amendment requirements of the Cache County Subdivision Ordinance.
4. The Ronald Jensen Minor Subdivision 2<sup>nd</sup> Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.



HARDMAN FIELD LANE LLC  
11-038-0000  
P.O.T. EASEMENT LOT 1

P.O.B. EASEMENT LOT 1  
272.34'  
N 89°40'09" E

SUBDIVISION BOUNDARY AND LOT 1 P.O.B.  
MERIDITH KIRKWOOD  
11-038-0030  
583.16'

T. 11 N.  
R. 1 W.  
S.L.B.&M.

ALUMINUM CAP  
10850.07'  
578.8'  
7714.05'

**RONALD JENSEN MINOR SUBDIVISION  
2ND AMENDMENT  
EAST 1/2 SECTION 17,  
TOWNSHIP 11 NORTH, RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
NOVEMBER 14**

**SURVEYOR'S CERTIFICATE**

I, JEFF S. HANSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 322023 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT; AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED OR WILL PLACE MONUMENTS AS REPRESENTED ON THIS PLAT.

ELECTRONIC COPY  
11/17/14

**OWNER'S ACKNOWLEDGMENT**

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED THE SAME TO BE RESURVEYED AND THE SUBDIVISION PLAT AMENDED TO BE HERINAFTER KNOWN AS THE RONALD JENSEN MINOR SUBDIVISION 2ND AMENDMENT. DO HEREBY GRANT AND CONVEY TO CACHE COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS EASEMENTS ALSO DESIGNATED TO CACHE COUNTY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS INTENDED FOR PUBLIC USE.

IN WITNESS WE HAVE HERETO SET OUR SIGNATURES THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.

DENNIS J. JENSEN 2181 SOUTH HWY 23 MENDON, UTAH 84325 11-038-0015	SHEILA K. JENSEN 2181 SOUTH HWY 23 MENDON, UTAH 84325 11-038-0015
SHIRLEY L. JENSEN TRUSTEE SHIRLEY L. JENSEN FAMILY TRUST DATED APRIL 16, 1992 2195 SOUTH HWY 23 MENDON, UTAH 84325 11-039-0001	SUSANNE JENSEN MOORE TRUSTEE THE MARK LEON MOORE LIVING TRUST DATED NOVEMBER, 2012 2207 SOUTH HWY 23 MENDON, UTAH 84325 11-039-0010
KARA B. JENSEN 2235 SOUTH HWY 23 MENDON, UTAH 84325 11-039-0011	JAY DEE JENSEN 2235 SOUTH HWY 23 MENDON, UTAH 84325 11-039-0011
MICHAEL D. GYLLENKOG 2263 SOUTH HWY 23 MENDON, UTAH 84325 11-039-0012	JENNIFER GYLLENKOG 2263 SOUTH HWY 23 MENDON, UTAH 84325 11-039-0012

**LEGEND**

- FENCE POST
- T-BAR FENCE POST
- FENCE LINE
- EXISTING PROPERTY CORNER (TYPE AS NOTED)
- TO BE SET: 5/8" REBAR WITH RLS 325023 CAP
- RIGHT OF WAY MARKER
- SECTION CORNER
- BY RECORD
- POWER POLE
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- WATER SPIGOT
- TELEPHONE RISER

LINE	LENGTH	BEARING
L1	22.06'	S 30°14'29" E
L2	25.16'	S 64°51'00" W
L3	58.10'	S 71°28'38" W
L4	37.11'	S 76°04'36" W
L5	65.00'	S 76°51'31" W
L6	60.57'	S 74°03'47" W

- MENDON CITY CULINARY WATER WELL HOUSE WITH 30' X 30' EASEMENT
  - 20' WIDE ACCESS & UTILITY EASEMENT GRANTED TO LOTS 1 & 5
  - 20' WIDE ACCESS & UTILITY EASEMENT GRANTED TO PARCEL 11-039-0001
  - LOTS PER CURRENT RONALD JENSEN MINOR SUBDIVISION PLAT #733630
  - LANDSCAPE PLANTER
  - ASPHALT ROAD OR DRIVEWAYS
  - SANITARY SEPTIC EASEMENT GRANTED TO LOTS 1 AND 5 (LOCATION INDEFINITE)
- THE PURPOSE OF THE SANITARY EASEMENT IS TO PROVIDE ACCESS TO ALLOW SERVICE AND/OR REPAIR OF THE EXISTING SEPTIC SERVICE SYSTEM. THE PHYSICAL LOCATIONS OF THESE LINES ARE INDEFINITE. THE ACTUAL EASEMENT LOCATIONS ARE TO BE CENTERED ON THE PHYSICAL LOCATION OF THESE SERVICE AND DRAIN LINES IF DIFFERENT THAN SHOWN.

SHEET 1 OF 2

**COUNTY SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

DATE \_\_\_\_\_ CHIEF DEPUTY COUNTY SURVEYOR

**COUNTY ATTORNEY APPROVAL**  
APPROVED AS TO FORM  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

\_\_\_\_\_  
ATTORNEY

**CACHE COUNTY COUNCIL**  
THIS PLAT HAS BEEN REVIEWED BY THE CACHE COUNTY COUNCIL ON \_\_\_\_\_ 20\_\_\_\_  
AT WHICH TIME BY MAJORITY VOTE IT HAS BEEN APPROVED.

CHAIRPERSON \_\_\_\_\_ ATTESTED TO BY THE COUNTY CLERK \_\_\_\_\_

**DEVELOPER INFORMATION**  
PARCEL NUMBERS: 11-038-0015, 11-039-0001, -0010, -0011, -0012  
PARCEL OWNER: MORRELL PROPERTIES LLC.  
PAUL MORRELL  
ADDRESS: 316 WEST 300 SOUTH  
PROVIDENCE, UTAH 84332-9787

**COUNTY RECORDER'S NO.**  
STATE OF UTAH, COUNTY OF \_\_\_\_\_, RECORDED  
AND FILED AT THE REQUEST OF \_\_\_\_\_ TIME \_\_\_\_\_ FEE \_\_\_\_\_  
DATE \_\_\_\_\_ ABSTRACTED \_\_\_\_\_

INDEX FILED IN: FILE OF PLATS \_\_\_\_\_ COUNTY RECORDER \_\_\_\_\_

**CACHE COUNTY PLANNING COMMISSION**  
THIS PLAT HAS BEEN REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON \_\_\_\_\_ 20\_\_\_\_  
IT IS THE RECOMMENDATION OF THIS BOARD TO APPROVE/DENY THIS SUBDIVISION BASED ON FINDINGS.

CHAIRPERSON \_\_\_\_\_

**BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL**  
THE SUBDIVISION DESCRIBED HEREON HAS BEEN APPROVED BY THE BEAR RIVER DISTRICT HEALTH DEPARTMENT.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
HEALTH DIRECTOR

**JSH SURVEYING & DRAFTING INC.**  
P.O. BOX 300 • WREILSVILLE, UTAH 84339  
(435) 245-9090 • TOLL FREE 1-888-420-0268 • FAX (435) 255-9669

JOB # 14-064

**RONALD JENSEN MINOR SUBDIVISION  
2ND AMENDMENT  
EAST 1/2 SECTION 17,  
TOWNSHIP 11 NORTH, RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
OCTOBER 2014**

ELECTRONIC COPY  
11/17/14

**SUBDIVISION BOUNDARY LEGAL DESCRIPTION**

A PARCEL OF GROUND LOCATED IN THE EAST HALF OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR FOUND AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE ALUMINUM CAP MONUMENT FOUND AT THE NORTHEAST CORNER OF SECTION 8 OF SAID TOWNSHIP BEARS NORTH 00°37'37" WEST 10,550.07 FEET (BASIS OF BEARING); AND RUNNING THENCE NORTH 00°37'37" WEST ALONG SAID BEARING LINE 2,836.02 FEET; THENCE SOUTH 89°22'23" WEST 583.16 FEET TO AN EXISTING FENCE CORNER POST LOCATED ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 30 AND IS THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES, 1) SOUTH 30°14'29" EAST 53.13 FEET; 2) THENCE SOUTH 30°33'53" EAST 514.01 FEET; 3) THENCE SOUTH 30°24'48" EAST 266.90 FEET; THENCE SOUTH 58°41'09" WEST 262.25 FEET; THENCE NORTH 28°54'51" WEST 969.00 FEET; THENCE NORTH 89°40'09" EAST 272.34 FEET TO THE POINT OF BEGINNING, CONTAINING 5.15 ACRES, MORE OR LESS.

**LOT 1 LEGAL DESCRIPTION**

A PARCEL OF GROUND LOCATED IN THE EAST HALF OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR FOUND AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE ALUMINUM CAP MONUMENT FOUND AT THE NORTHEAST CORNER OF SECTION 8 OF SAID TOWNSHIP BEARS NORTH 00°37'37" WEST 10,550.07 FEET (BASIS OF BEARING); AND RUNNING THENCE NORTH 00°37'37" WEST ALONG SAID BEARING LINE 2,836.02 FEET; THENCE SOUTH 89°22'23" WEST 583.16 FEET TO AN EXISTING FENCE CORNER POST LOCATED ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 30 AND IS THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES, 1) SOUTH 30°14'29" EAST 53.13 FEET; 2) THENCE SOUTH 30°33'53" EAST 69.89 FEET; THENCE SOUTH 57°23'13" WEST 242.90 FEET; THENCE NORTH 28°54'51" WEST 268.75 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 89°40'09" EAST 272.34 FEET TO THE POINT OF BEGINNING, CONTAINING 1.08 ACRES, MORE OR LESS.

SUBJECT TO AN ACCESS EASEMENT GRANTED TO THE PARENT PARCEL 11-039-0001 AND DESCRIBED AS FOLLOWS:

**ACCESS EASEMENT LEGAL DESCRIPTION**

A 20 FOOT WIDE ACCESS EASEMENT LOCATED IN THE EAST HALF OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR FOUND AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE ALUMINUM CAP MONUMENT FOUND AT THE NORTHEAST CORNER OF SECTION 8 OF SAID TOWNSHIP BEARS NORTH 00°37'37" WEST 10,550.07 FEET (BASIS OF BEARING); AND RUNNING THENCE NORTH 00°37'37" WEST ALONG SAID BEARING LINE 2,836.02 FEET; THENCE SOUTH 89°22'23" WEST 583.16 FEET TO AN EXISTING FENCE CORNER POST LOCATED ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 30; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE SOUTH 30°14'29" EAST 22.00 FEET TO THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTH 64°51'00" WEST 25.16 FEET; THENCE SOUTH 71°28'58" WEST 58.10 FEET; THENCE SOUTH 76°04'36" WEST 37.11 FEET; THENCE SOUTH 76°51'31" WEST 65.00 FEET; THENCE SOUTH 74°03'47" WEST 60.57 FEET TO THE POINT OF TERMINATION.

**LOT 2 LEGAL DESCRIPTION**

A PARCEL OF GROUND LOCATED IN THE EAST HALF OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR FOUND AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE ALUMINUM CAP MONUMENT FOUND AT THE NORTHEAST CORNER OF SECTION 8 OF SAID TOWNSHIP BEARS NORTH 00°37'37" WEST 10,550.07 FEET (BASIS OF BEARING); AND RUNNING THENCE NORTH 00°37'37" WEST ALONG SAID BEARING LINE 2,836.02 FEET; THENCE SOUTH 89°22'23" WEST 583.16 FEET TO AN EXISTING FENCE CORNER POST LOCATED ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 30; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES, 1) SOUTH 30°14'29" EAST 53.13 FEET; 2) THENCE SOUTH 30°33'53" EAST 202.02 FEET TO THE TRUE POINT OF BEGINNING; AND THENCE CONTINUING SOUTH 30°33'53" EAST ALONG SAID RIGHT-OF-WAY LINE 200.00 FEET; THENCE SOUTH 61°03'25" WEST 251.96 FEET; THENCE NORTH 28°54'51" WEST 195.00 FEET; THENCE NORTH 69°54'44" EAST 248.25 FEET TO THE POINT OF BEGINNING, CONTAINING 1.13 ACRES, MORE OR LESS.

**LOT 3 LEGAL DESCRIPTION**

A PARCEL OF GROUND LOCATED IN THE EAST HALF OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR FOUND AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE ALUMINUM CAP MONUMENT FOUND AT THE NORTHEAST CORNER OF SECTION 8 OF SAID TOWNSHIP BEARS NORTH 00°37'37" WEST 10,550.07 FEET (BASIS OF BEARING); AND RUNNING THENCE NORTH 00°37'37" WEST ALONG SAID BEARING LINE 2,836.02 FEET; THENCE SOUTH 89°22'23" WEST 583.16 FEET TO AN EXISTING FENCE CORNER POST LOCATED ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 30; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES, 1) SOUTH 30°14'29" EAST 53.13 FEET; 2) THENCE SOUTH 30°33'53" EAST 402.02 FEET TO THE TRUE POINT OF BEGINNING; AND THENCE CONTINUING SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES, 1) SOUTH 30°14'29" EAST 11.98 FEET; THENCE SOUTH 30°24'48" EAST 77.15 FEET; THENCE SOUTH 62°51'07" WEST 257.33 FEET; THENCE NORTH 28°54'51" WEST 181.00 FEET; THENCE NORTH 61°03'25" EAST 251.96 FEET TO THE POINT OF BEGINNING, CONTAINING 1.08 ACRES, MORE OR LESS.

**LOT 4 LEGAL DESCRIPTION**

A PARCEL OF GROUND LOCATED IN THE EAST HALF OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR FOUND AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE ALUMINUM CAP MONUMENT FOUND AT THE NORTHEAST CORNER OF SECTION 8 OF SAID TOWNSHIP BEARS NORTH 00°37'37" WEST 10,550.07 FEET (BASIS OF BEARING); AND RUNNING THENCE NORTH 00°37'37" WEST ALONG SAID BEARING LINE 2,836.02 FEET; THENCE SOUTH 89°22'23" WEST 583.16 FEET TO AN EXISTING FENCE CORNER POST LOCATED ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 30; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES, 1) SOUTH 30°14'29" EAST 53.13 FEET; 2) THENCE SOUTH 30°33'53" EAST 514.01 FEET; 3) THENCE SOUTH 30°24'48" EAST 77.15 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 30°24'48" EAST ALONG SAID RIGHT-OF-WAY LINE 183.75 FEET; THENCE SOUTH 89°41'09" WEST 292.25 FEET; THENCE NORTH 28°54'51" WEST 202.60 FEET; THENCE NORTH 62°51'07" EAST 257.33 FEET TO THE POINT OF BEGINNING, CONTAINING 1.15 ACRES, MORE OR LESS.

**LOT 5 LEGAL DESCRIPTION**

A PARCEL OF GROUND LOCATED IN THE EAST HALF OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR FOUND AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE ALUMINUM CAP MONUMENT FOUND AT THE NORTHEAST CORNER OF SECTION 8 OF SAID TOWNSHIP BEARS NORTH 00°37'37" WEST 10,550.07 FEET (BASIS OF BEARING); AND RUNNING THENCE NORTH 00°37'37" WEST ALONG SAID BEARING LINE 2,836.02 FEET; THENCE SOUTH 89°22'23" WEST 583.16 FEET TO AN EXISTING FENCE CORNER POST LOCATED ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 30; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES, 1) SOUTH 30°14'29" EAST 53.13 FEET; 2) THENCE SOUTH 30°33'53" EAST 69.89 FEET TO THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTH 30°33'53" EAST ALONG SAID RIGHT-OF-WAY LINE 132.53 FEET; THENCE SOUTH 59°54'44" WEST 246.25 FEET; THENCE NORTH 28°54'51" WEST 121.65 FEET; THENCE NORTH 57°23'13" EAST 242.90 FEET TO THE POINT OF BEGINNING, CONTAINING 0.71 ACRES, MORE OR LESS.

TOGETHER WITH A 10 FOOT WIDE ACCESS AND UTILITY EASEMENT ACROSS THE SOUTHERLY 10 FEET OF THE PARCEL DIRECTLY TO THE NORTH, BEING LOT OF THE RONALD JENSEN MINOR SUBDIVISION 2ND AMENDMENT.

ALSO SUBJECT TO A 10 FOOT WIDE ACCESS AND UTILITY EASEMENT ACROSS THE NORTHERLY 10 FEET OF THE ABOVE DESCRIBED PARCEL.

ALSO SUBJECT TO A 30 FOOT X 30 FOOT CULINARY WATER WELL EASEMENT GRANTED TO MENDON CITY AT THE VERY NORTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL.

ALSO SUBJECT TO A 15 FOOT WIDE SANITARY SEPTIC EASEMENT GRANTED TO LOT 1 OF THE RONALD JENSEN MINOR SUBDIVISION 2ND AMENDMENT, THE APPROXIMATE CENTERLINE LOCATION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED SOUTH 57°23'13" WEST 74.0 FEET FROM THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL (LOT 5 OF THE RONALD JENSEN MINOR SUBDIVISION 2ND AMENDMENT); AND RUNNING THENCE SOUTH 30°33'53" EAST 129.07 FEET TO A POINT ON THE NORTH LINE OF LOT 2 OF SAID SUBDIVISION AND THE POINT OF TERMINATION. (ACTUAL EASEMENT CENTERLINE TO BE CENTERED ON THE BURIED SERVICE PIPE)

TOGETHER WITH A 100 FOOT X 82 FOOT SEPTIC DRAIN FIELD EASEMENT LOCATED AND THE VERY NORTHEAST CORNER OF LOT 3 OF THE RONALD JENSEN MINOR SUBDIVISION 2ND AMENDMENT.

**NOTARY ACKNOWLEDGMENT**

STATE OF UTAH  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ IN NUMBER

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF \_\_\_\_\_, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS ACKNOWLEDGMENT, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

\_\_\_\_\_  
NOTARY PUBLIC FOR PARCEL 11-039-0015

**NOTARY ACKNOWLEDGMENT**

STATE OF UTAH  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ IN NUMBER

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF \_\_\_\_\_, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS ACKNOWLEDGMENT, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

\_\_\_\_\_  
NOTARY PUBLIC FOR PARCEL 11-039-0011

**NOTARY ACKNOWLEDGMENT**

STATE OF UTAH  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ IN NUMBER

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF \_\_\_\_\_, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS ACKNOWLEDGMENT, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

\_\_\_\_\_  
NOTARY PUBLIC FOR PARCEL 11-039-0012

**TRUSTEE ACKNOWLEDGEMENT**

STATE OF UTAH FOR PARCEL 11-039-0001  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

PERSONALLY APPEARED BEFORE ME \_\_\_\_\_ AS A TRUSTEE OF THE SHIRLEY L. JENSEN FAMILY TRUST, DATED APRIL 16, 1992  
A SIGNER OF THE HEREDON OWNERS DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

\_\_\_\_\_  
NOTARY PUBLIC

**TRUSTEE ACKNOWLEDGEMENT**

STATE OF UTAH FOR PARCEL 11-039-0010  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

PERSONALLY APPEARED BEFORE ME \_\_\_\_\_ AS A TRUSTEE OF THE MARK LEON MOORE LIVING TRUST, DATED NOVEMBER \_\_\_\_\_, 2012  
A SIGNER OF THE HEREDON OWNERS DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

\_\_\_\_\_  
NOTARY PUBLIC