



4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Lane Parker

Review and approval of agenda.

Review and approval of the minutes of the June 4, 2015 meeting.

5:35 p.m.

Consent Items

- (1) **Marcus Subdivision** – A request for a recommendation of approval to the County Council for a 2-lot subdivision on 77.55 acres of property located at 7561 West 1000 South, Mendon in the Forest Recreation (FR40) Zone and Agricultural (A10) Zone.

Regular Action Items

- (2) **Upper High Creek Conditional Use Permit** – A request for approval of a conditional use permit to allow the piping of Upper High Creek Canal and the addition of two structures, located along Upper High Creek, north of Richmond (Agricultural (A10) Zone).
- (3) **Little Bear Field Subdivision** – A request for a recommendation of approval to the County Council for a 1-lot subdivision and agricultural remainder on 6.19 acres of property located at 4341 South 3600 West, Wellsville (Agricultural (A10) Zone).
- (4) **Discussion: Title 17.07 - 5100 Recreational Facility**

Board Member Reports

Staff reports

Adjourn



PLANNING COMMISSION MINUTES

04 JUNE 2015

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DRAFT

1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Rob Smith, Chris Sands, Lane Parker, Brady
2 Christensen, Megan Izatt

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

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

7
8 **05:37:00**

9
10 **Agenda**

11
12 Approved with no changes.

13
14 **Minutes**

15
16 Approved with no changes.

17
18 **05:38:000**

19
20 **Regular Action Items**

21
22 **#1 Public Hearing: 5:40 pm – Fuhriman Farm Rezone (Jerry W. Fuhriman)**

23
24 **Nelson** reviewed Mr. Jerry W. Fuhriman’s request to rezone 20.18 acres from the Forest Recreation
25 (FR40) Zone to the Agricultural Zone (A10) Zone located at 8400 South 3700 West Old Sardine Canyon
26 Road, Mt. Sterling. There are no existing dwellings on this property. Historically, this property has been
27 farmed since 1981, and possibly earlier. Access is adequate and no public comment has been received at
28 this point. This property should have been zoned A10 to begin with but when the FR40 zone was created
29 it was included with the FR40 zone. There is a possibility to build on this land if it is rezoned to the A10
30 zone.

31
32 **05:47:00**

33
34 **Smith** motioned to open the public hearing; **Parker** seconded; **Passed 4, 0.**

35
36 **Jerry Fuhriman I** appreciated the recommendation to rezone this to A10. I am concerned that waiting
37 on the property owner to the north regarding a rezone of their property would hold up our rezone. As a
38 community member I paid \$450 to be able to have this review and that should be taken into consideration
39 rather than involving other people at this time. We purchased the land in 1975 and at that time it was
40 being used as agriculture.

41
42 **5:49:00**

43
44 **Smith** motioned to close the public hearing; **Christensen** seconded; **Passed 4, 0.**

45
46 **Parker** motioned to recommend approval the Fuhriman Farm Rezone from FR40 Zone to the A10 Zone to
47 the County Council with the stated conditions and findings of fact; **Smith** seconded; **Passed 4, 0.**

48
49 **05:51:00**

1 **#2 Public Hearing: 5:50 pm - UT1 Wellsville V2W Rezone (Daniel Thurgood)**

2
3 **Nelson** reviewed a representative of Verizon Wireless, Mr. Daniel Thurgood's request to rezone a leased
4 portion of 42.14 acres to include the Public Infrastructure (PI) Overlay Zone and located in the
5 Agricultural (A10) Zone at 6100 South 3200 West, east of Wellsville. The existing tower and equipment
6 building at this site are a legal, nonconforming use. Approval of the rezone request would bring the tower
7 into conformance with the Cache County Land Use Ordinance and allow additional permitting to occur
8 on the site. The existing CUPs that have been recorded allow a 120' tall lattice tower with 14 antennas
9 and 1 dish. At present, the tower is 120' tall with 14 antennas. Access to this property is adequate.

10
11 **05:55:00**

12
13 *Smith* motioned to open the public hearing; *Christensen* seconded; **Passed 4, 0.**

14
15 **Daniel Thurgood** I am here representing Verizon Wireless. We want to rezone to bring our tower into
16 conformance with the ordinance and make it a legal use. We are not planning to increase the compound
17 or tower but we want to upgrade the equipment on the antennas.

18
19 **Nolan Gunnell** I own the property to the north of this. So they are not expanding or going any higher?

20
21 **Mr. Thurgood** no, we are not expanding.

22
23 **Harrild** there is a new rule from the FCC and the maximum this tower could go is 140'. But they would
24 have to come back to this Commission before they can go any higher than what they are now.

25
26 **Mr. Gunnell** so he can go to 140 before he would have to come back here?

27
28 **Harrild** no he would have to come back here for approval.

29
30 **Runhaar** that is the tallest he can go. A lot of these are done to upgrade antennas/equipment and in order
31 to issue a permit it has to be a legal, conforming use. Right now this is a legal, nonconforming use.

32
33 **Mr. Gunnell** and that permit only contains designs for that site?

34
35 **Runhaar** yes. What we are seeing is that they are making these changes to put new antennas up and
36 changing the old bigger towers out for smaller towers which lessen the footprint of the site.

37
38 **05:59:00**

39
40 *Christensen* motioned to close the public hearing; *Smith* seconded; **Passed 4, 0.**

41
42 *Smith* motioned to recommend approval of the UT1 Wellsville V2W Rezone to the County Council based
43 on the two findings of fact; *Parker* seconded; **Passed 4, 0.**

44
45 **06:00:00**

46
47 **#3 Public Hearing: 6:00 pm – Title 17 – Airport**

48
49 **Harrild** reviewed the changes since the last meeting including the change to the use chart. Private
50 Airports will not be allowed in the RU2 and RU5 and would be considered a conditional use in the A10,

1 FR40, RR, C, I Zones with dashes placed in the ME and PI Zones. The addition of text clarifying
2 temporary and intermittent airports was the main change since the last meeting.

3
4 **06:03:00**

5
6 *Christensen* motioned to open the public hearing for Title 17 – Airports; *Parker* seconded; **Passed 4, 0.**

7
8 **Rachel Holyoak** we are very supportive of this and appreciate the council taking the time for this. I think
9 this does the right thing in making sure we aren't infringing on our neighbors but still be allowed to have
10 an airstrip.

11
12 **Smith** are you an aircraft owner?

13
14 **Ms. Holyoak** we are a small aircraft owner and we would like to have a runway.

15
16 **Greg Musselman** I probably am the person who started this whole thing. I am a small aircraft owner and
17 a military and commercial pilot. I operated a small aircraft off my property for about 8 months before my
18 neighbor decided they didn't like it. The county does need to have oversight over this and the FAA
19 obviously already does have oversight also. Basically you are saying we can operate off our property as
20 long as we go through all the steps with you. This is a property rights issue for me. We just want to use
21 our property in a legal and respectful way and the way we want to. Chris has done a great job with this
22 and I give this my full support.

23
24 **06:06:00**

25
26 *Smith* motioned to close the public hearing; *Parker* seconded; **Passed 4, 0.**

27
28 **Commission** members discussed intermittent and temporary use. If people are landing in an area just
29 intermittently or temporarily the county is not going to regulate that.

30
31 *Christensen* motioned to recommend approval for Title 17- Airports to the County Council; *Smith*
32 *seconded; Passed 4, 0.*

33
34 **06:09:00**

35
36 **#4 Mountain View Kennels Conditional Use Permit (Patricia Skinner-Bennett)**

37
38 **Nelson** reviewed Ms. Patricia Skinner-Bennett's request for approval for a conditional use permit (CUP)
39 to allow a Home Based Kennel for no more than 12 dogs located at 374 North 6000 West, north of
40 Mendon (Agricultural (A10) Zone). There is an existing single family dwelling on the property and the
41 request is for construction of an additional building on the property for a new kennel and to allow up to 12
42 adult dogs on site. The dogs consist of personal pets and breeding sets shall be confined to the property
43 within the fence and/or building(s).

44 There are fault lines adjacent to this property but the specific location is not known. A geotechnical
45 report, as specified under the ordinance, was previously completed on the adjacent subdivision to the
46 south. The location of said fault line was not discovered in the mapped location, but it is the opinion of
47 the geotechnical engineer that it is located several hundred feet to the east.

48 Access to the property is from UDOT HWY 23 and the UDOT review was completed and approved.

49 There is an existing dog house on the property that would be removed. The proposed structure/kennel
50 location meets the minimum 50' setback and a sound level impact and assessment report will be required
51 but has not yet been completed. There has been no public comment received so far.

1
2 *Christensen* motioned to approve the Mountain View Kennels Conditional Use Permit with the stated
3 conditions and findings of fact; *Parker* seconded; **Passed 4, 0.**

4
5 **06:15:00**

6
7 **#5 Crow Mountain Broadcast Facility Conditional Use Permit (Joe Chambers)**
8

9 **Harrild** reviewed Mr. Joe Chamber's request for approval of a conditional use permit (CUP) to allow the
10 modification of existing telecommunications towers located on Crow Mountain at approximately 7530 N
11 Highway 91, north of Smithfield (Public Infrastructure (PI) Overlay Zone). This request is to allow the
12 modification of the tower height for the self supported lattice tower. It was approved to a height of 140'
13 but was built to 160'. This exhausts the allowable height expansion under the current interpretation of
14 6409(a). If you look at the letter of intent there are a number of modifications but most are minor and do
15 not require the approval of the Commission. However, any modification to height, such as this, requires a
16 CUP. The current FCC statute 6409(a) states that approval must be given if a tower has a height
17 extension within 10% of their existing height or 20 feet, whichever is greater. If the request is greater
18 than that 10% or 20 feet the planning commission will hear but does not have to approve. Those requests
19 can be denied. The guyed tower is 140' tall as permitted. There are also multiple antennas and a diesel
20 generator that have been added without review or approval. These are minor modifications and will be
21 reviewed through the administrative zoning clearance process once the CUP has been approved. There
22 are fault lines directly adjacent to this property, but the specific location is not known. A geotechnical
23 report shall be required as specified in §17.18.060.

24
25 **Staff and commission** discussed waiving the geotechnical report. Commissioners expressed concerns
26 with waiving that requirement and felt it should stay. The height of the tower was discussed. It seems
27 like the original condition for 140' was approved and they deliberately built the tower to 160'. Many
28 commissioners do not like that the tower was built taller than what was approved. Staff doesn't disagree,
29 but given that the tower and 160' height are existing, this appeared to be the best approach to correct the
30 violations. There is an agreement between Mr. Davis and the current property owner that allows access
31 across the property to the top where the towers are located.

32
33 *Smith* motioned to approve the CUP based on the findings of fact and conditions of approval; *Parker*
34 seconded; **Passed 4, 0.**

35
36 **06:29:00**

37
38 **Staff Reports**
39

40 **Runhaar** we talked about the county resource management plan which is the next state requirement to
41 expand our plan from 4 elements to 27 elements. They did this with the understanding that they would
42 provide funding for the project and at this point there is no mechanism in place for either group to provide
43 any funding. The requirement is still in place that it has to be completed in 12 months. So there is no
44 money and the time frame is really tight. The counties are working on getting together to figure out what
45 they want because there is no real guidance on how to accomplish what they are asking for. We are
46 sitting on this at this point to see if they can give more detailed guidance on what they want.

47
48 **Harrild** you will be seeing an ordinance update regarding the FCC rules and regulation regarding
49 telecommunication facilities.
50

1 **Staff and Commission** discussed the new FCC rules and regulations for telecommunications tower. The
2 county can still use height restrictions and require that they still look like a tree if wanted but the county
3 cannot require they prove that they need the height they are asking for based on a coverage map or
4 similar.

5
6 **Runhaar** staff was up at Cherry Peak on Monday. There are a lot of issues up there. The building isn't
7 complete and they haven't done any erosion control. They have plugged up the culverts down below and
8 our storm water employee is dealing with that. There are several fail points along the road already and
9 they have 5 weeks to fix everything because the agreement was that the county would do a chip seal on
10 that road and so far the county is not willing to accept the road. Staff is working with them to try and do
11 everything we can to fix the issues. They still do not have all the permits to complete the building and
12 staff is no longer willing to chase them down to get their permits. The road has to be completed before
13 they can operate the ski resort.

14
15 **06:45:00**

16
17 **Adjourned**

DRAFT



STAFF REPORT: MARCUS SUBDIVISION

09 July 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: Todd Marcus

Parcel ID#: 11-095-0007

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Stephanie Nelson - Planner I

Project Address:

7561 West 1000 South

Mendon, Utah 84325

Current Zoning:

Acres: 77.55

Agricultural (A10) & Forest Recreation (FR40)

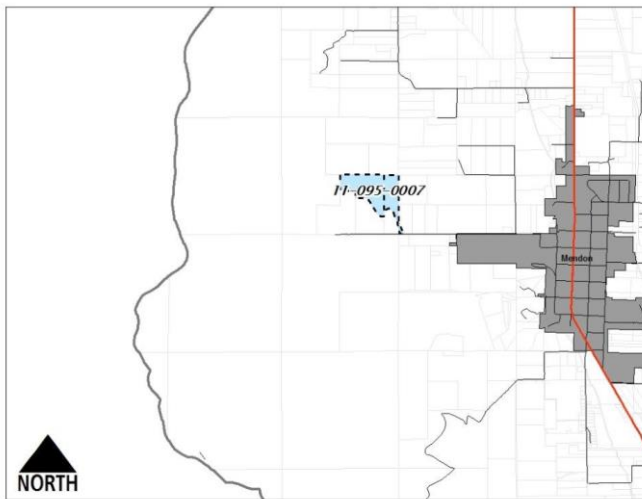
Surrounding Uses:

North – Agricultural/Residential

South – Forest Recreation/Residential

East – Agricultural/Residential

West – Forest Recreation



PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

Purpose:

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

Ordinance:

As per the Cache County Zoning Ordinance Table §17.10.030 Development Density and Standards Specific to Base Zoning Districts, a development density of one (1) unit per ten (10) acres is permitted in this zone. Adequate acreage is available for both the amendment and subdivision.

Summary:

This proposal is to correct the existing parcel configuration by dividing parcel number 11-095-0007 into two (2) developable lots that reflect the existing zoning. There is an existing home on the 37.55 acre proposed Lot #1 in the A10 zone. Lot #2, the 40 acre FR40 zoned parcel, is vacant.

Access:

- Access to the existing dwelling is from county road 1000 South, and is not adequate for further residential development. However, given that the new lot is in the FR40 zone and would only allow a recreational cabin, and that access to a cabin only requires a 12' wide gravel roadway, the existing access is acceptable.

Water & Septic:

- The proposed lots are feasible for an on-site septic tank system. Additional review and permitting by the Bear River Health Department may be required prior to placement of a septic system.

Service Provision:

- Due to the steepness of 1000 South, residents in this area share a frontload dumpster located at the Mendon City shop at approximately 350 West 200 North (1000 South).
- A school bus stop is located at the intersection of 162 West 300 North, Mendon.
- 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 Mendon Fire Department. Access for emergency services is adequate.

Sensitive Areas:

- Moderate slopes and steep slopes are located within the subdivision boundary. Any development, including roadways, within moderate slope areas shall require further geotechnical review.

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 Marcus Subdivision, a 2-lot subdivision for property located at approximately 7561 West 1000 South with parcel number 11-095-0007, 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 Marcus 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 Marcus 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 Marcus 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 Marcus Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

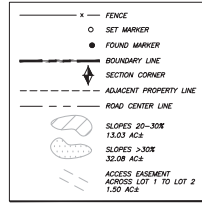
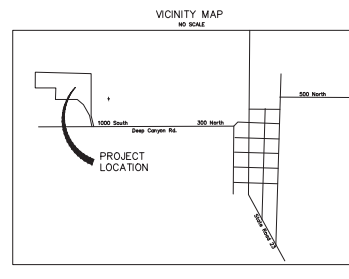
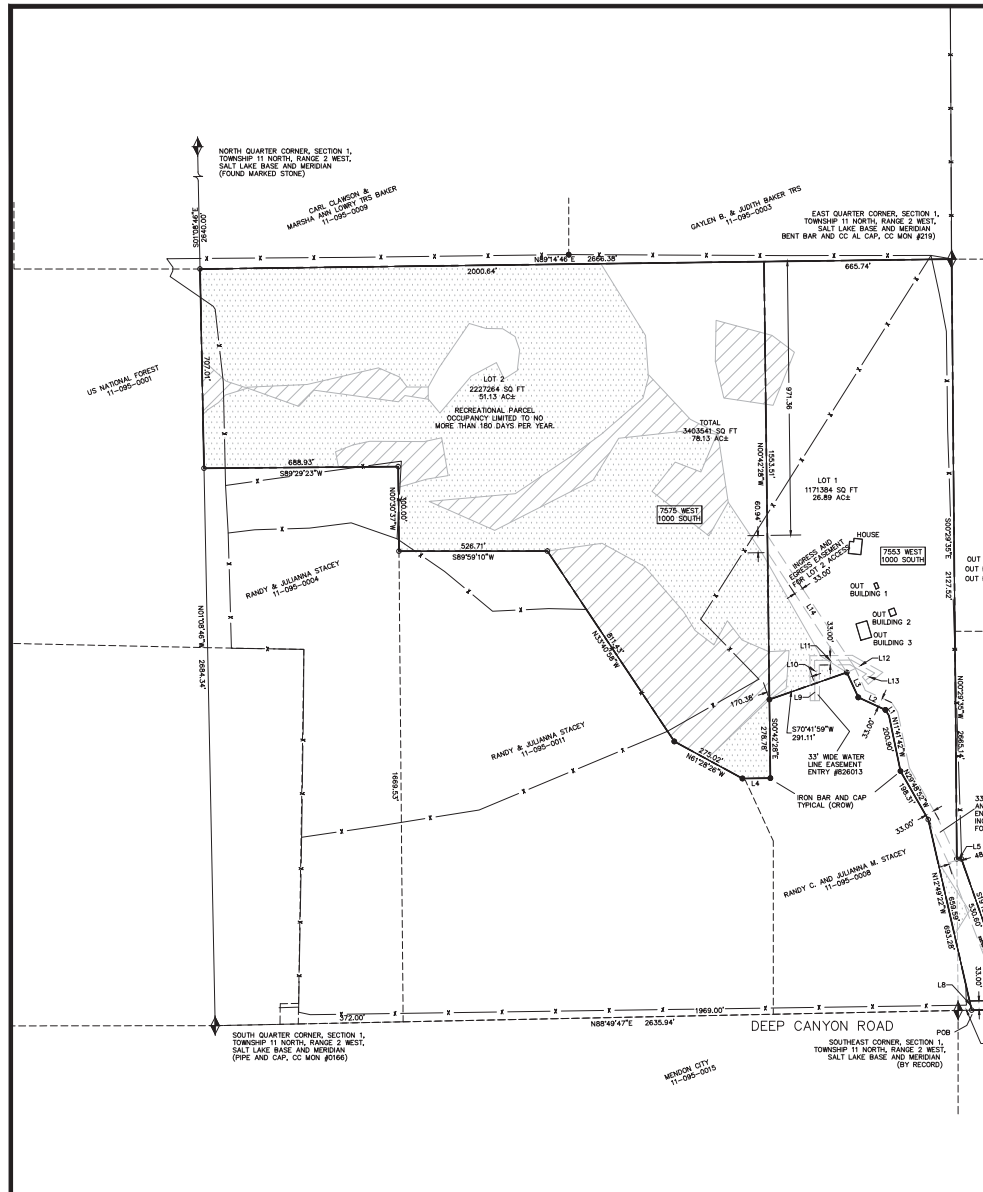
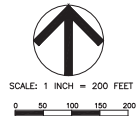
CONDITIONS OF APPROVAL (2)

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

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. An access agreement for Lot 2 must be included on the final subdivision plat, or recorded as a separate document prior to final plat recordation.

MARCUS SUBDIVISION

PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 11 NORTH, RANGE 2 WEST, AND PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 11 NORTH RANGE 1 WEST, SALT LAKE BASE & MERIDIAN



ADDITIONAL NOTES

- CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY AND ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED; ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
- STORM WATER DRAINAGE: COMPLIANCE WITH THE STANDARDS OF THE CACHE COUNTY MANUAL OF ROADWAY DESIGN AND CONSTRUCTION STANDARDS AND STATE OF UTAH STORM WATER PERMITTING ARE REQUIRED. THIS INCLUDES BUT IS NOT LIMITED TO: ANY INCREASED LEVEL OF STORM WATER DRAINAGE FROM ANY PORTION OF ANY LOT OR REMAINDER PARCEL OF THIS SUBDIVISION TO ANY ADJACENT PROPERTIES, DITCHES, CANALS OR WATERWAYS, OR THE ALTERATION OF ANY EXISTING, HISTORIC OR NATURAL DRAINAGE WITHOUT PRIOR WRITTEN AUTHORIZATION PROVIDED BY THE EFFECTED PARTY OR ENTITY (MAY INCLUDE BUT NOT LIMITED TO: ADJACENT PROPERTY OWNERS), DITCH OR CANAL COMPANY, CACHE COUNTY OR THE STATE WATER ENGINEER'S OFFICE.
- PRESENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGHTS, SMELLS, AND SOUNDS OF AGRICULTURAL ACTIVITIES WHICH ARE THE PERMITTED USES IN THE AGRICULTURAL ZONE AND THE FOREST RECREATION ZONE.
- FOREST RECREATION ZONE BUILDING SETBACKS (PRIMARY STRUCTURE)
 - FRONT: 50 FEET
 - SIDE: 30 FEET
 - BACK: 30 FEET
 b. AGRICULTURAL ZONE BUILDING SETBACKS (PRIMARY STRUCTURE)
 - FRONT: 30 FEET
 - SIDE: 12 FEET
 - BACK: 30 FEET

Line #	Length	Direction
L1	241.2	S32°40'50"E
L2	105.52	S65°09'27"E
L3	97.56	S24°30'16"E
L4	99.03	S89°14'17"W
L5	16.38	N89°29'27"E
L6	150.28	S88°49'46"W
L7	34.71	S19°15'12"E
L8	33.69	S12°49'22"E
L9	60.44	S00°30'37"E
L10	82.83	S00°30'37"E
L11	130.00	S89°29'27"W
L12	94.91	N60°55'28"W
L13	42.38	N00°54'53"E
L14	509.59	N33°29'33"W

TODD J & KATHERYN MARCUS TRS
 394 W 800 W
 11712 DEEP CANYON RD UT 84318
 435-881-0082

SURVEY CERTIFICATE

I, LANCE A. SMITH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 33468, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW, AND HAVE SUBMITTED SAID TRACT TO THE PUBLIC RECORDS TO BE KNOWN AS BEING SUBDIVISION, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL SURVEYS ARE THE ORIGINALS SHOWN.

LANCE A. SMITH DATE

BOUNDARY DESCRIPTION

Part of the Southeast Quarter of Section 1, Township 11 North, Range 2 West and part of the Southwest Quarter of the Southeast Quarter of Section 6, Township 11 North, Range 1 West of the Salt Lake Base and Meridian, described as follows:

Beginning North 88°49'46" East (N 89°20'23" E by record), 46.00 feet of the Southeast corner of said Section 1; and thence North 12°49'22" West, 683.28 feet (N 12°49'49" W, 684.26 by record); thence North 29°46'52" West (N 29°41'05" W by record), 198.31 feet; thence North 11°41'42" West (N 11°04'58" W by record), 200.80 feet; thence North 32°40'50" West (N 30°01'46" W by record), 24.12 feet; thence North 24°30'16" West, 97.56 feet (N 29°49'07" W, 99.02 by record); thence South 70°41'54" West, 291.11 feet (S 72°47'18" W, 278.72 by record); thence South 02°42'28" East (South by record), 278.78 feet; thence South 89°14'17" East (West by record), 99.03 feet; thence North 61°28'28" West (N 60°43'22" W by record), 275.02 feet; thence North 33°40'58" West (N 32°57'31" W by record), 811.43 feet; thence South 89°59'10" West, 526.71 feet (West, 526.63 feet by record); thence North 00°30'37" West (North by record), 300.00 feet; thence South 89°29'27" West, 688.93 feet (West, 593.21 feet by record) to the West line of the Southeast Quarter of said Section 1; thence North 01°08'48" West along the West line of the Southeast Quarter of said Section 1, 707.01 feet to a point that lies Southwesterly 2840 feet of the North Quarter corner of said Section 1 (North, 702.23 by record); thence North 89°14'17" East along the North line of the Southeast Quarter of said Section 1, 2666.38 feet to the Northeast corner of the Southeast Quarter of said Section 1 (East, 2640 by record); thence South 02°42'28" East along the East line of the Southeast Quarter of said Section 1, 2127.52 feet (South, 2111 by record); thence North 89°29'27" East, 16.36 feet (East, 16.5 by record); thence South 19°15'12" East, 565.31 feet (S 18°44'35" E, 593 by record); thence South 88°49'46" West, 150.28 feet (N 89°47'51" W, 150 by record) to the beginning.

Containing 781.3 ac +/-.

Survey Narrative

- The books of bearings for this survey is North 108.46 West along the West line of the Southeast Quarter of Section 1 as indicated by found monuments;
- The purpose of this survey is to retrace the boundaries of property recorded as being #806013 in the office of the Cache County Recorder;
- Remarks: The South lines along parcels 11-095-0004, -0008 and -0011 are retraced by a combination of a resection to the monument bearings on found markers from Wayne Cross survey. The West line is by the West line of the Southeast Quarter of said Section 1 and the East line of the North line is by a point which allows record distance to parcel in the Southeast Quarter of the Southeast Quarter of said Section 1. The East line is by the East line of the Southeast Quarter. The Southeast corner is retraced by record distances from fence line evidence in the Southeast Quarter.
- 5/8" x 24 inch bar with marked plastic caps set for corners as shown.

NO.	REVISIONS PER CACHE COUNTY COMMENTS	DATE
3	REVISIONS PER CACHE COUNTY COMMENTS	5/24/2011
2	REVISIONS PER CACHE COUNTY COMMENTS	5/26/2011
1	REVISIONS PER CACHE COUNTY COMMENTS	4/7/2010



Project Title:
MARCUS SUBDIVISION
 CACHE COUNTY, UT

Sheet Title:
FINAL PLAT

Drawn by: LSMTH	Project Number: 14-065	Sheet No.:
Designed by:	Date: 30 JULY 2014	1
Reviewed by: LSMTH	Sheet Scale: 1" = 200'	1 of 1

CACHE COUNTY ATTORNEY
 APPROVED AS TO FORM THIS DAY OF _____ A.D. 20____
 ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
 PRESENTED TO THE _____ A.D. 20____ AT _____ O'CLOCK THIS DAY
 SUBDIVISION WAS APPROVED AND ACCEPTED.
 COUNCIL CHAIRPERSON: _____ ATTEST: CLERK: _____

COUNTY PLANNING COMMISSION
 THIS PLAT HAS BEEN REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON _____ A.D. 20____ IT IS THE RECOMMENDATION OF THE BOARD TO APPROVE / DENY THIS SUBDIVISION BASED ON FINDINGS AND CONDITIONS OF APPROVAL.
 CHAIRPERSON: _____

OWNER'S DEDICATION
 KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, THE WHOLE TO BE HEREAFTER KNOWN AS THE MARCUS SUBDIVISION, FURTHER HEREBY DEDICATE OR DEDICATE AS APPROPRIATE ANY PORTION OF PROPERTY OF TAX ID NUMBER 11-095-0007, THAT LIES WITHIN 15 FEET OF THE CENTER LINE OF THE EXISTING ROADWAY, AS SHOWN ON THIS PLAT, TO CACHE COUNTY FOR THE USE OF THE PUBLIC FOREVER, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SAID ROADWAY.

BEAR RIVER HEALTH DEPARTMENT APPROVAL
 THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THE _____ DAY OF _____ A.D. 20____
 TITLE: _____

COUNTY RECORDER'S No. _____
 STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED AT THE REQUEST OF _____ TIME _____ FEE _____ ABSTRACTED _____ COUNTY RECORDER

DEPUTY 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 _____ DEPUTY COUNTY SURVEYOR _____

TRUST ACKNOWLEDGMENT
 THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____ A.D. 20____ BY _____ WHO PROVIDED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.
 MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____

STAFF REPORT: UPPER HIGH CREEK CANAL CUP

09 July 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: Alex Vaz
Staff Determination: Approval with conditions
Type of Action: Administrative
Land Use Authority: Cache County Planning Commission

Parcel ID#: 09-028-0007, 18-052-0004, 18-052-0002, 09-028-0031, 09-044-0021, 09-044-0004, 09-044-0009, and 09-045-0002

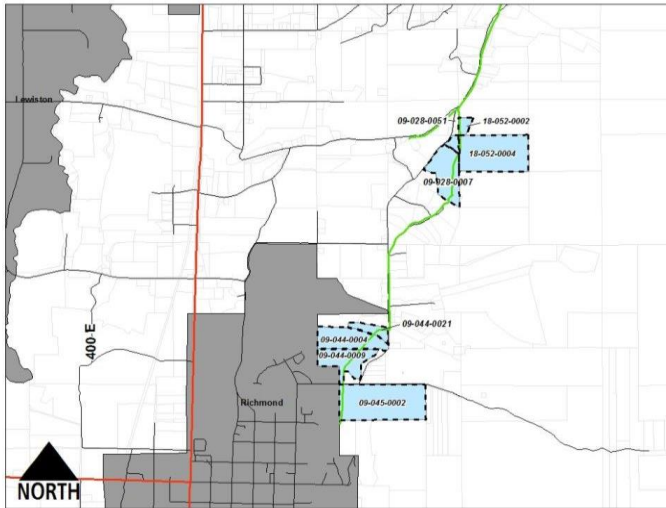
PROJECT LOCATION

Reviewed by: Stephanie Nelson - Planner I

Project Address:
 Upper High Creek Canal
 Richmond

Current Zoning: Agricultural (A10)
Acres: Multiple

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



PROJECT PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

To review the request for a conditional use permit to allow the piping and realignment of the Upper High Creek Canal.

Ordinance:

This proposed use is best defined as a “6220 Utility Facility, Distribution” under Cache County Ordinance §17.07.030 Use Related 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:

This piping and realignment project will occur in the unincorporated county and Richmond City boundaries. This description and review does not address the improvements to be completed within Richmond City.

Richmond Irrigation Company owns and operates the Upper High Creek Canal and intend to pipe the existing canal to conserve and better manage its water supply. The proposed pipeline will generally follow the existing canal alignment and will range in size from 36" to 15" in diameter. At two locations, the new pipeline deviates from the existing canal and follows the County rights-of-way on High Creek Road and Upper Richmond Road.

Two small buildings are proposed to house irrigation valves and turbines. At the point where the canal leaves Richmond City and enters the unincorporated county the 15" diameter pipe will continue until it reaches the existing, open canal. This facility will typically operate on a daily basis and include inspection and maintenance as necessary.

Access:

- Access to the site is via High Creek Road and Upper Richmond Road, and is adequate.
- Any road cuts and work done in the Cache County right-of-way must comply with the standards listed in the Cache County Manual of Roadway Design and Standards and be reviewed with the encroachment permit process.

Storm Water:

- An unknown but likely minimal level of storm water has historically entered and continued within the existing canal structure. In the areas where the canal will be piped and/or realigned, storm water flows will no longer follow the canal channel, but will follow the existing natural drainage paths.
- Areas likely to be impacted by a change in storm water flows have been reviewed by the Cache County Storm Water Inspector. This review indicates that there will be little to no storm water impact on properties or any existing structures.

Public Comment:

The application has entered into agreements with the affected property owners. Notices were mailed to the property owners located within 300 feet and municipalities within one mile of the subject property. No public comment regarding this proposal has been received by the Development Services Office.

STAFF DETERMINATION AND FINDINGS OF FACT (3)

It is staff's determination that the request for a conditional use permit for Upper High Creek Canal, located in Agricultural (A10) Zone on 09-028-0007, 18-052-0004, 18-052-0002, 09-028-0031, 09-044-0021, 09-044-0004, 09-044-0009, 09-045-0002, and is in conformance with the Cache County Ordinance and should be approved. This determination is based on the following findings of fact:

1. The Upper High Creek Canal Piping 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 Upper High Creek Canal Piping has been revised and amended by the conditions of project approval to conform to the requirements of Titles 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Upper High Creek Canal Piping 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 (3)

The following conditions must be met for the development to conform to the 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. The proponent must adhere to the specification of any site plans, the letter of intent, and master plan as submitted to the Cache County Development Services office.
3. Any further expansion or modification of the facility, site, or permit shall require the approval of the designated land use authority.

Letter of Intent – Conditional Use Permit

Project: Upper High Creek Canal Piping
Owner: Richmond Irrigation Company

Project Explanation

The Richmond Irrigation Company owns and operates the Upper High Creek Canal, which conveys irrigation water to shareholders near and in Richmond City. The irrigation company is proposing to pipe the existing canal to conserve and better manage its water supply. The proposed pipeline will generally follow the existing canal alignment. At two locations, the new pipeline deviates from the existing canal and follows the County rights-of-way on High Creek Road and Upper Richmond Road. Both roadways are designated as Rural (R) roads.

The pipeline is installed in County jurisdiction from Station 0+00 to about Station 170+00 and from Station 295+00 to the end of the pipeline. The pipe is installed in the County right-of-way in the following sections:

- Station 10+00 to 50+00 (High Creek Road)
- Station 117+00 to 145+00 (Upper Richmond Road)
- Cove Lateral (High Creek Road)

The following are locations where the pipe crosses the road:

- Pipeline Station 10+00; High Creek Road; Open Cut; Road Crossing; 36” Pipe
- Pipeline Station 21+00; High Creek Road; Open Cut; Road Crossing; 36” Pipe
- Pipeline Station 50+00; High Creek Road; Open Cut; Road Crossing; 36” Pipe
- Pipeline Station 117+00; Upper Richmond Road; Open Cut; Road Crossing; 30” Pipe
- Pipeline Station 144+00; Upper Richmond Road; About 200 feet Parallel Installation for Cherry Creek Crossing; Place Pipe Above Cherry Creek Culvert; 30” Pipe; CLSM as Backfill
- Pipeline Station 173+00; 500 North Street; Open Cut; Road Crossing; 30” Pipe
- Pipeline Station 313+50; Richmond State Street; Open Cut; Road Crossing for 12” Lateral
- Coveville Lateral Station 22+00; High Creek Road; Open Cut; Road Crossing; 18” Pipe

All pipe crossings will be open cut. Asphalt repair detail is shown on Sheet D1 – Detail A. Crossings will comply with APWA standards.

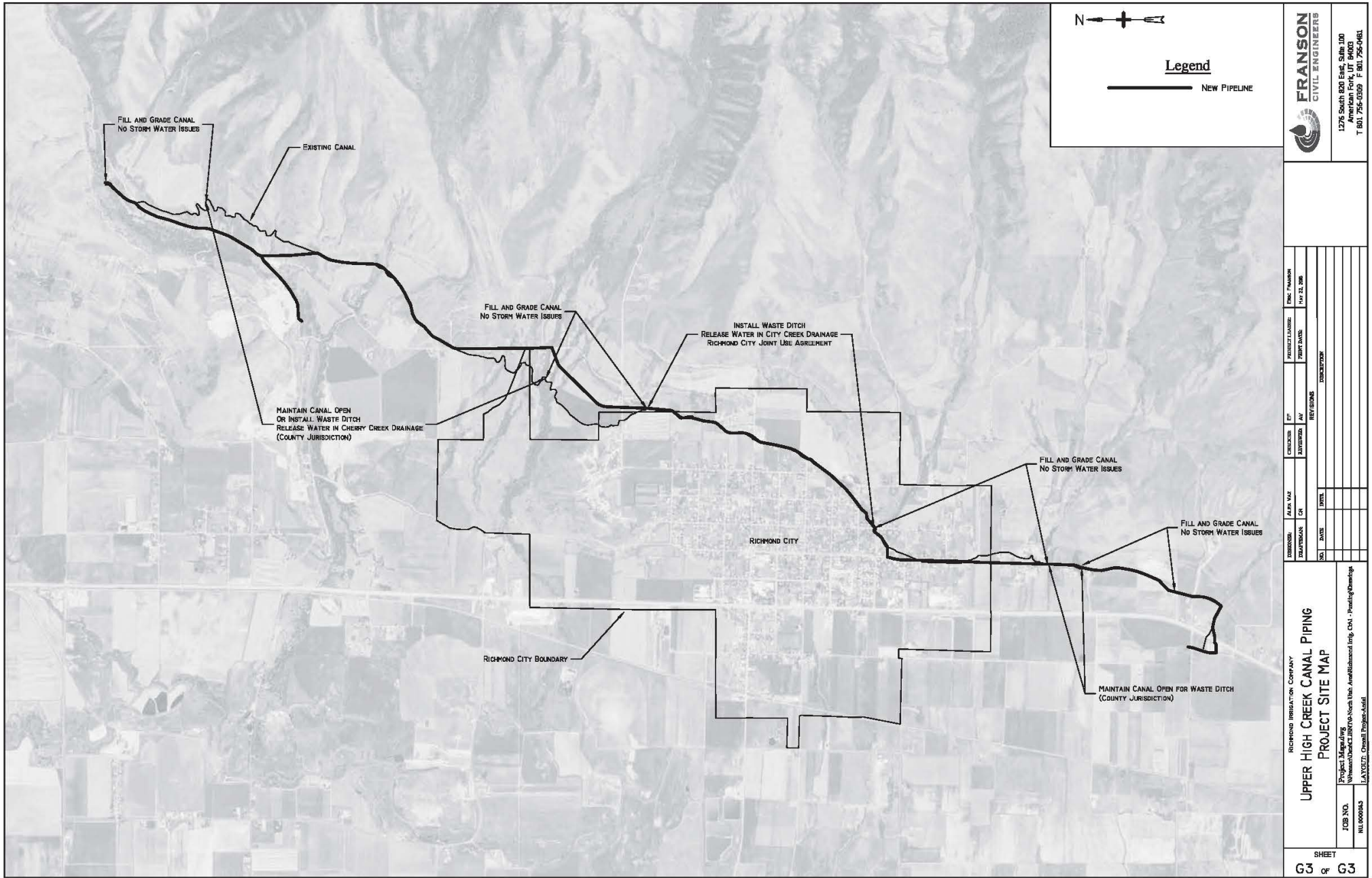
Buildings

As part of the project, two small buildings (garage type) will be installed to house irrigation valves and turbines. Below is a description of the buildings:

- Richmond Building – This building will house a 16” pressure reducing valve and two 6” turbines. The building will be 20’x30’ for a total square footage of 600 SF. The building

will have a concrete floor and footings with wood framed walls and roof. The building will be constructed by TUFF Shed or equal.

- Coveville Building – This building will house a 12” flow control valve and a 6” turbine. The building will be 20’x20’ for a total square footage of 400 SF. The building will have a concrete floor and footings with wood framed walls and roof. The building will be constructed by TUFF Shed or equal.
- The only utility service to the building will be electricity from Rocky Mountain Power.
- There will be no employees or residents on the property. Richmond Irrigation Company’s water master will stop by the building daily to check on operations.



FRANSON
CIVIL ENGINEERS

1276 South 100 East, Suite 100
Provo, UT 84604
T 801.756.0589 F 801.756.0581

DESIGNER	DATE	APP. VZ	CHK	CR	REV. NO.	REV. DATE	DESCRIPTION
ERIC FRANKOR	NOV 23, 2005						

RICHMOND IRRIGATION COMPANY
UPPER HIGH CREEK CANAL PIPING PROJECT SITE MAP

Project Mapping
Western District Office North West Ave. Richmond, UT, 84604
LAYOUT: Overall Project-Aerial

STAFF REPORT: LITTLE BEAR FIELD SUBDIVISION

09 July 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: Kyler Archibald

Parcel ID#: 11-084-0009

Staff Determination: Denial

Type of Action: Administrative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Stephanie Nelson - Planner I

Project Address:

4341 South 3600 West
Wellsville, Utah 84339

Current Zoning:

Agricultural (A10)

Acres: 6.19

Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



PROJECT PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

To review and make a determination regarding the proposed The Little Bear Field 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 11-084-0009 into one (1) developable lot and an agricultural remainder. The total developable acreage for this subdivision is 6.19 acres.

Access:

- Access to this property is from county road 3600 West and is inadequate. 3600 West consists of an average 12' wide graveled surface with vegetation on each shoulder.
- Improvement of 3600 West (county road) must meet the minimum county requirements, specifically, a 22' wide gravel surface from 400 North to the access to Lot #1. This may require either the realignment of the irrigation ditch on the east side of the road or moving the utility poles on the west side.

Water & Septic:

- The proposed lot is feasible for an on-site septic tank system. Additional review and permitting by the Bear River Health Department is required prior to placement of a septic system.

Service Provision:

- Access for emergency services will require further review following the construction 3600 West. Water supply for fire suppression will be provided by the Wellsville Fire Department.
- The proponent must provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane along 400 North.
- 3600 West has historically functioned as a farm access road and does not currently receive adequate roadway maintenance services for a single family dwelling. There is also an insufficient width and no turn around for these services.

Sensitive Areas:

- The FEMA floodplain is located on the east end of this property, but is not located on the proposed Lot #1.
- Wetland areas may be present on the agricultural remainder parcel. Additional development of this property may require a full wetland delineation.
- There is a moderate to high liquefaction potential that includes all property within the subdivision boundary.

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 & FINDINGS OF FACT (1)

It is staff's determination that the Little Bear Field Subdivision, a 1-lot subdivision and remainder parcel for property located approximately 4341 South 3600 West with parcel number 11-084-0009 is not in conformance with the Cache County Ordinance requirements and should be denied. This determination is based on the following finding of fact:

1. 3600 West has historically functioned as a farm access road and does not currently receive adequate roadway maintenance services (snow removal) for a single family dwelling. The roadway width is also insufficient and no turn around area for these services is available.

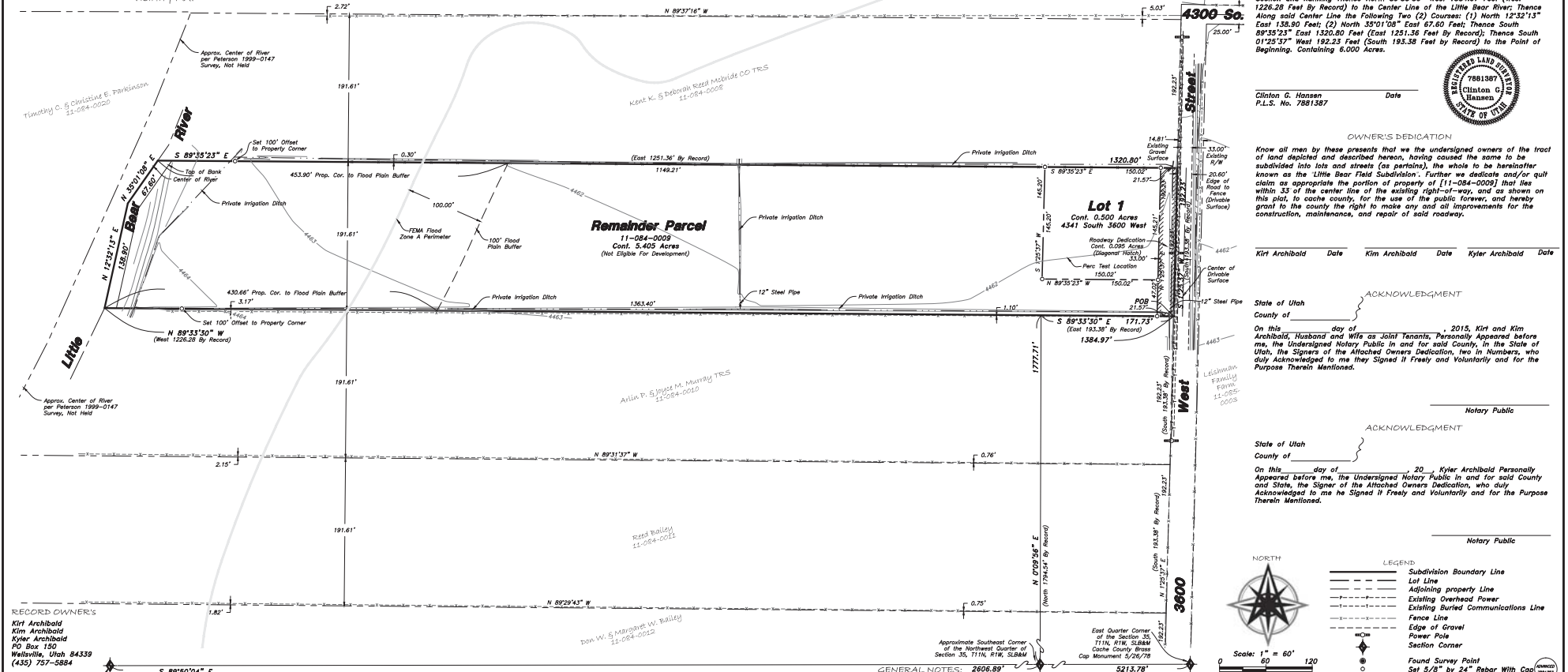
However, if Planning Commission and Cache County Council opt to increase the level of service provided on 3600 West, the proponent may be permitted to make the necessary improvements to 3600 West as per the Cache County Manual of Roadway Design and Construction Standards. If that is the case, staff may be directed to draft new findings & conditions of approval.

Little Bear Field Subdivision

Wellsville, Cache County, Utah
A Part of the North Half of Section 35,
Township 11 North, Range 1 West, Salt Lake Base & Meridian



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, as prescribed under the laws of the State of Utah, I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land hereafter to be known as Little Bear Field Subdivision and the same had been correctly surveyed and all streets are the dimensions shown.

SUBDIVISION BOUNDARY

A Part of the North Half of Section 35, Township 11 North, Range 1 West of the Salt Lake Base and Meridian

Beginning at a Point Located 1777.71 Feet North 00°09'56" East (1794.54 Feet North By Record) and 171.73 Feet South 89°33'30" East (193.38 Feet East By Record) from the Southeast Corner of the Northwest Quarter of said Section and Running Thence North 89°33'30" West 1326.57 Feet (West 1226.28 Feet By Record) to the Center Line of the Little Bear River; Thence Along said Center Line the Following Two (2) Courses: (1) North 12°32'13" East 138.80 Feet; (2) North 35°01'00" East 87.80 Feet; Thence South 89°35'23" East 1320.80 Feet (East 1251.36 Feet By Record); Thence South 01°29'57" West 192.23 Feet (South 193.38 Feet By Record) to the Point of Beginning, Containing 6.000 Acres.



Clinton G. Hansen Date
P.L.S. No. 7881387

OWNER'S DEDICATION

Know all men by these presents that we the undersigned owners of the tract of land depicted and described hereon, having caused the same to be subdivided into lots and streets (as pertaining), the whole to be hereinafter known as the Little Bear Field Subdivision. Further we dedicate and/or quit claim as appropriate the portion of property of [11-084-0009] that lies within 55 feet of the center line of the existing right-of-way, and as shown on this plat, to cache county, for the use of the public forever, and hereby grant to the county the right to make any and all improvements for the construction, maintenance, and repair of said roadway.

Kirt Archibald Date Kim Archibald Date Kyler Archibald Date

ACKNOWLEDGMENT

State of Utah
County of _____
On this _____ day of _____, 2015, Kirt and Kim Archibald, Husband and Wife as Joint Tenants, Personally Appeared before me, the Undersigned Notary Public in and for said County, in the State of Utah, the Signers of the Attached Owners Dedication, two in Number, who duly Acknowledged to me they Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

ACKNOWLEDGMENT

State of Utah
County of _____
On this _____ day of _____, 20____, Kyler Archibald Personally Appeared before me, the Undersigned Notary Public in and for said County and State, the Signer of the Attached Owners Dedication, who duly Acknowledged to me he Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

ACKNOWLEDGMENT

State of Utah
County of _____
On this _____ day of _____, 20____, Kyler Archibald Personally Appeared before me, the Undersigned Notary Public in and for said County and State, the Signer of the Attached Owners Dedication, who duly Acknowledged to me he Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.



- Subdivision Boundary Line
- Lot Line
- Adjoining Property Line
- Existing Overhead Power
- Existing Buried Communications Line
- Fence Line
- Edge of Gravel
- Power Pole
- Section Corner
- Found Survey Point
- Set 5/8" by 24" Rebar With Cap

RECORD OWNERS:
Kirt Archibald
Kim Archibald
Kyler Archibald
PO Box 150
Wellsville, Utah 84339
(435) 757-5884

NARRATIVE
The Purpose of this Survey was to create a buildable Lot along 3600 West as shown and Described Hereon. This Survey was Ordered by Kyrer Archibald. The Control used to Establish the Property Corners was the existing survey monumentation within Section 35, Township 11 North, Range 1 West, Salt Lake Base and Meridian. The Parcels on the West side of 3600 West were proportioned to distribute the shortage both along the frontage and the back as shown hereon. The basis of bearings is a line from the East Quarter Corner of said Section to the West Quarter Corner of said Section which bears South 89°50'04" East, Utah North, State Plane NAD83(2011) Calculated Bearing.

BEAR RIVER HEALTH DEPARTMENT APPROVAL
This subdivision described in this plat has been approved by the Bear River Health Department on the _____ day of _____, A.D., 20____.

COUNTY PLANNING COMMISSION
This plat recommended for approval by the Cache County Planning Commission this _____ day of _____, A.D., 20____.

COUNTY ATTORNEY APPROVAL
I certify that I have examined this plat and approve this plat as to form as required by State law and County ordinance.

DEPUTY COUNTY SURVEYOR'S CERTIFICATE
I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this office; and further, it meets the minimum standards for plats required by county ordinance and state law.

COUNTY COUNCIL APPROVAL
Approved & Accepted by the Cache County Council, this _____ day of _____, A.D., 20____.

GENERAL NOTES:

- Cultury Water Note:** Cultury Water: Cache County has not determined the availability or adequacy of cultury water to any of the lots identified. All owners are advised of the requirements to obtain an approved cultury water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of a building permit.
- Storm Water Drainage Note:** Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the affected party or entity (may include but is not limited to adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)
- Agricultural Note:** Agricultural Uses: Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone and Forest Recreation Zone.
- Water Table Note:** The entirety of the subdivision is located within an area with moderate to high liquefaction potential.
- Wetland Note:** Wetland areas may be present on the agricultural remainder. Additional development of this property may require a full wetland delineation.
- Agriculture Protection Area:** This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on the acceptance of any circumstances related to land use which may result from such normal agricultural uses and activities.

ADVANCED LAND SURVEYING INC
1770 Research Park Way #11
Logan Utah 84341
(p) 435-770-1985 (f) 435-514-5583
www.advancedsi.com

Cache County Attorney _____ Date _____ Deputy County Surveyor _____ Date _____ Chairman _____ County Clerk _____

17.07.030: Use Related Definitions

CULTURAL, ENTERTAINMENT, AND RECREATION:

5100 RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public ~~for a fee~~. These facilities are typically operated for a period of greater than 30 days per year. May also include incidental hotel/motel accommodations for up to 15 rooms.

1. Campground: Any area with more than three (3) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.