



**4:45 p.m.**

Workshop in the County Council Chambers.

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Rob Smith

Review and approval of agenda.

Review and approval of the minutes of the August 13, 2015 meeting.

**5:35 p.m.**

**Consent Item**

- (1) **Ward Subdivision** - A request for a recommendation of approval to the County Council for a 2-lot subdivision and agricultural remainder on 106.58 acres of property located at 2797 North 2400 West, Benson (Agricultural (A10) Zone).

**Regular Item**

- (2) **Training:** Web Map Tools

Board Member Reports

Staff reports

Adjourn





**PLANNING COMMISSION MINUTES**

**13 AUGUST 2015**

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DRAFT

1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Jason Watterson, Brady Christensen, Chris  
2 Sands, Lane Parker, Leslie Larson, Phillip Olsen, Lee Edwards

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

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

7  
8 **05:34:00**

9  
10 **Agenda**

11  
12 Adopted with the removal of item #4.

13  
14 **Minutes**

15  
16 Adopted with no changes.

17  
18 **05:36:000**

19  
20 Staff reviewed the responsibilities of the Planning Commission when considering conditional use permit  
21 requests. As specified under section 17.06.050 the Planning Commission looks at health, safety, welfare,  
22 compliance with ordinances and laws, adequate service provisions, impacts and mitigation in regards to  
23 all conditional use permits.

24  
25 **Regular Action Items**

26  
27 **#1 Upper High Creek Conditional Use Permit (Alex Vaz)**

28  
29 **Harrild** reviewed Mr. Alex Vaz's request for approval of a conditional use permit (CUP) to allow the  
30 piping of the Upper High Creek Canal and includes the addition of two structures, located along Upper  
31 High Creek Road north of Richmond, and State Street south of Richmond, (Agricultural (A10) Zone).  
32 The Commission approved this last month but staff found an error in the noticing of a majority of  
33 property owners. and therefore previous approval is void and the item has been brought back before the  
34 Commission. Cache County may only consider the portions of the proposal that are located within the  
35 unincorporated County, and does not have jurisdiction within the city of Richmond. This use qualifies as  
36 a distribution/utility facility and requires a CUP. The pipeline will vary from 36 inches to a minimum of  
37 15 inches and then it is open to the extent of the existing canal on the south end. All existing roadways  
38 are adequate. Most of the work needing to be done would be in the shoulder and any road cuts would  
39 have to go through the county road department and require additional permitting. A majority of questions  
40 regarding the abandonment of the canal and potential storm water issues must be addressed between the  
41 private property owners and the canal company. This includes the proposed abandoned portions of the  
42 canal and what would happen to structures that have been built in natural drainages if the canal was ever  
43 filled in. The county storm water inspector has reviewed and commented on these issues.

44  
45 The County cannot grant the right of way to the canal company for those areas where no deeded right-of-  
46 way exists. The canal company bears the responsibility of working on an agreement with affected  
47 property owners to establish a right-of-way for the canal. Staff has received public comment. This  
48 comment has been summarized and provided for the Commission along with the original comment. Most  
49 of this comment is best addressed by the applicant. However, it is important to note as regards that  
50 comment, that any questions or concerns regarding water rights, water flow, culinary water, irrigation,  
51 etc. are beyond the jurisdiction of the county and should be directed to the State water board.

1  
2 **Bret Christensen** I am a board member for the canal. What questions would you like me to address?  
3

4 **Harrild** Brett has not seen this list because most of the questions came in today. Most of the questions  
5 are specific to the canal itself.  
6

7 **Mr. Christensen** #1, Is it possible to pipe the canal in its existing location? If no, why not? The reason  
8 for using the County right-of-way is because the existing canal is steep and has lots of jogs. It would be  
9 extremely costly to have it stay where it is and it is costly to maintain it there.

10 #2, Will the construction and proximity of the canal pipe to the existing culinary water line damage the  
11 water line? What will be done to prevent this from happening? If it is damaged who is responsible to  
12 fix/replace it? Obviously construction companies work around and in right-of-ways every day and water  
13 lines. We will do everything to protect the line. That's not to say that there won't be some complications  
14 but we will do everything in our power to prevent and protect that line. If it is damaged we will fix or  
15 replace it.

16 #3, Is it possible to change the northern portion of the pipe alignment to the east side of the road and  
17 therefore avoid the culinary water line and other structures and trees? Yes, we have met with the  
18 contractor and it will be on the east side of the road until just past the Rawlins property to get back under  
19 the existing culinary line.

20 #4, What will happen if the pipe breaks? Will escaped water damage adjacent dwellings? What will be  
21 done to prevent this from happening? We are putting in an HDPE pipe that will be fused together and is  
22 very strong. That's not to say that it can't be broke, but it's the strongest best pipe out there. If  
23 something happens the pipe will be shut off as soon as possible and be repaired. With the escape water,  
24 hopefully the barrow pits will be able to handle the water.

25 #5, Will there be an impact on the water in High Creek? If so, what? Where will all the water go? Will  
26 this impact existing springs? Here are springs above and below where we take the water out. This canal  
27 leaks a lot and that is why we are doing it. There may be some affect on springs but we don't know  
28 exactly what. There will always be water running down High Creek.

29 #6, How will construction of the pipeline impact typical and emergency access to and from dwellings?  
30 The contractor will maintain at least one lane of traffic open during the construction of the pipeline and  
31 will meet the county's requirements for the encroachment permit.

32 #7, How will safety be addressed in construction areas? We have talked about this with the contractor.  
33 He will use barricades, tape, and typical construction barricade systems to protect.

34 #8, Will the pipeline route be surveyed? It will be surveyed and tied to the exact location once it is  
35 completed.

36 #9, Where will materials that are excavated/removed be placed? They will be trucked off and construction  
37 areas will be left in at least the same or better state that it is now.

38 #10, Will the fences that are removed be replaced with like kind? Yes, if not better fences.

39 #11, Will the existing vegetation that is removed be replaced with like kind? Will the vegetation along  
40 the existing ditch bank die once the canal water is moved? Is the canal company responsible to replace  
41 and maintain it if it does? Will the existing vegetation along the old canal route die and will the company  
42 be responsible to replace the vegetation if it dies? Yes, the possibility of vegetation dying is very likely.  
43 If you want us to replant weeds that I'm certain we can figure that out. In the areas where the canal route  
44 is abandoned, that land reverts back to the property owners and it will be their responsibility to take care

1 of/replace the vegetation if desired. The canal company is not responsible to replace the vegetation that  
2 may die along the existing canal.

3 #12, Will moving the canal have an impact on wildlife? I don't know how to answer that. Yes, there will  
4 be some affects. After the canal is done and moved there may be more habitat available but I don't see  
5 this having a large impact on wildlife.

6 #13, More detail is needed for the placement of meters. We are only metering the main trunk line and I  
7 can show the detail in the plans for those meters if wanted.

8  
9 **Harrild** the last two comments are not really questions but concerns. Some feel there has been poor  
10 communication and there was a concern that there wasn't a need to actually pipe the canal. However, the  
11 Commission doesn't consider if there is a need but if the proposal meets the conditions explained earlier.

12  
13 **Mr. Christensen** well, I can comment on the canal. The current canal leaks. The guy that tested the flow  
14 of the canal says the canal loses more water than any other canal he has tested. The concern with that is  
15 that the canal is above homes and we are lucky that we haven't had any thing like what happened in  
16 Logan. The benefit is extremely good. We are going to save water, people will have more pressure, and  
17 it will be a good, safe system instead of having an older canal that could do a lot more damage if washed  
18 out.

19  
20 **Watterson** have you looked at possible affects on recharge for wells and artesian flow in the rest of the  
21 valley?

22  
23 **Mr. Christensen** in the rest of the valley?

24  
25 **Watterson** yes. If you are losing that much water through leakage, have you looked at the potential  
26 effects on recharge to the deeper aquifers?

27  
28 **Mr. Christensen** no.

29  
30 **Ruhaar** when we looked at the canal that was piped through Logan that was brought up. Part of the  
31 concern there, is that the leakage isn't attributed to those springs in the first place and becomes an issue of  
32 the state water engineer.

33  
34 **Olsen** did they say what percentage of water you were losing?

35  
36 **Mr. Christensen** 40-50%.

37  
38 **Olsen** I know that is something that we are dealing with in the south end of the valley.

39  
40 *Watterson motioned to open the meeting for public comment with a three minute time limit per person;*  
41 *Olsen seconded; Passed 6, 0.*

42  
43 **Jerry Woodland** I live on Cherry Creek just below the canal. The springs and streams and Cherry Creek  
44 will dry up or reduce the level and no longer be as viable a water source as in the past. It doesn't seem  
45 like anyone knows how much it's going to be impacted. I would like to receive assurance that the water  
46 rights that I have, and some of the water rights are old, and I'm not sure if these water rights dry up how  
47 the irrigation company is going to address that.

48  
49 **Runhaar** we don't have authority over water rights. If one use impacts another's water rights you will  
50 need to contact the state and they would investigate it and work it out.

1  
2 **Syd Saddler** you said the water would be on the east side?  
3  
4 **Mr. Christensen** just down where the culinary line crosses again just north of Mike's barn and then will  
5 cross back over.  
6  
7 **Syd Saddler** I don't understand why they can't use the old route? Some of the property owners, the  
8 water changes now and instead of water coming behind the house the water is going in front. So now we  
9 have to reroute and they are receiving a million dollar grant for that and we aren't going to receive any  
10 money for the changes that we need to make. So why aren't they going down the existing route? The  
11 third question is, prior to the work the canal company must provide evidence of the canal being  
12 abandoned and that is above my home and the property owners will be responsible for those areas. When  
13 does that responsibility take effect?  
14  
15 **Sands** Mr. Christensen, would you like to answer that last question?  
16  
17 **Mr. Christensen** I'm going to let our engineer talk to that.  
18  
19 **Eric Franson** the intent is to allow the property owners decide what would be best for them. We have  
20 done these projects before and property owners have decided in the past to leave those stretches open to  
21 catch water and in others to put mini dikes in to create small ponds. Others have filled in the areas to  
22 have more property. I think the intent is to have the land owner decide what would be better for them. I  
23 think that would occur when construction is complete and running is when that would be abandoned.  
24  
25 **Watterson** so your intent, aside from other input from the property owners, is to fill the abandoned areas  
26 level it out with the existing area?  
27  
28 **Mr. Franson** with input from the local land owner.  
29  
30 **Watterson** that's the original plan and then if the land owner wants something different?  
31  
32 **Mr. Franson** the challenge is natural drainage. There are natural drainages that have closed and we rely  
33 on those natural drainages as much as possible. If these canals have captured some of that then there may  
34 be areas that they need it to function as temporary storm drain features. I think we have tried to address  
35 this right from the beginning with the County and the City and then eventually with land owners to make  
36 sure it is taken care of. The last thing we would like is for homes to be impacted.  
37  
38 **Steve Christensen** so right now where I live the canal is about 200 feet behind my house and the  
39 proposed new canal would be about 170 feet in front of my house. I haven't been told how far from the  
40 road they are going to dig or what trees I'm going to lose or how much it is going to cut in on my  
41 property. My name is on the list of right of way issues.  
42  
43 **Harrild** it's the only property on the north end that there is not a deeded right of way.  
44  
45 **Steve Christensen** does that give me leverage of some sort? I have lots of fences and trees so I need to  
46 know how this is going to impact my property. Where this won't be behind my house I need to know  
47 how to deal with that and the natural drainage. They've stated this new pipe is supposed to be safe and I  
48 hope so since this is 60 feet in front of my house.  
49  
50 **Steve Phipps** I live on High Creek and High Creek runs through my property. There seems to be an  
51 answer for just about everything on how this is going to affect things except for the wild life. I know the

1 wildlife use High Creek a lot and we don't know how this is going to affect them and there should be  
2 more available.

3  
4 **Mr. Franson** currently when there is water available the irrigation company diverts somewhere between  
5 35 to 40 cfs into the canal and as we've talked most of that water is lost due to seepage and evaporation.  
6 Under future conditions, the total pipeline capacity is 30 cfs and most of the time there will be less flow.  
7 What that means to High Creek, historically when the irrigation has diverted up to 40 cfs, there will only  
8 be 30 cfs now. There will be extra water left in High Creek and that will benefit that portion of High  
9 Creek. Additionally, when we went in for the permit to generate electricity, the state engineer decided  
10 that there had to be a mandatory bypass past the diversion, a minimal flow past the diversion. According  
11 to the water rights and state engineer the irrigation company has to allow a certain amount of water past  
12 the diversion. There will always be water left in High Creek according to the water rights that were  
13 secured. There were two other comments prior?

14  
15 **Sands** some in regards to the abandoned areas of the canal.

16  
17 **Mr. Franson** we've talked about how we want to work with property owners there and I'm going to  
18 allow Bret to talk about the right of way concerns that were brought up.

19  
20 **Mr. Bret Christensen** we will try to keep as close to the asphalt as we can and the trench will probably  
21 be about a six foot wide trench.

22  
23 **Mr. Franson** the pipe is 36 inches with less than 12 inches need on each side, so approximately 5 feet.

24  
25 **Mr. Bret Christensen** I think I told you Steve that the trees should be alright and that we might have to  
26 trim the shrubs and flower bed. The pipe will have a minimum of 30 inches of cover. With the wildlife  
27 we will be putting some water troughs along the existing line for people who have cattle or for wildlife so  
28 there will still be water available all the way along. We take all the water out of the canal in the winter  
29 but there are springs above the canal all the way along this system. So there are plenty of places for  
30 wildlife to get water.

31  
32 **Sands** it sounds like many of the concerns have to be with anxiety about working with the landowners  
33 and it sounds like you are trying to do that.

34  
35 **Dalan Christensen** I live above the canal. I'm interested in the drainage that is by my house and in the  
36 spring time there is a lot of water there and the exit of the water under the road is really high and that pipe  
37 is only 3 feet deep.

38  
39 **Mr. Christensen** it's actually about 5 feet deep and we are going to go over the top of that culvert.

40  
41 **Watterson** motioned to close the public comment; **Christensen** seconded; **Passed 6, 0.**

42  
43 **Larson** for people who have their lines set up in the back and it is now going to be in the front, how does  
44 it work to set up those lines?

45  
46 **Mr. Franson** so the intent is to, in those areas where we are realigning, is to deliver the water to the  
47 property line of the shareholder and at that point they would need to do what is needed for the water on  
48 their property. In some cases that would maybe warrant an extended lateral to get to where we need to.  
49 There are multiple locations along the line where the irrigation company is adding laterals to get the water  
50 to where it is needed.



1 **Sands** is there pressure at that point?  
2

3 **Mr. Franson** yes. So if you can imagine the level of the canal should always be above the pressure levels  
4 of the pipeline. If there water got there in the first place, it should get there even in around about way  
5 because of the pressure. Even if we have to push the water uphill there should be sufficient pressure due  
6 to elevation change. Does that answer your question?  
7

8 **Larson** yes, just one final clarification. So your job will be to get it to the property line and it is the  
9 property owner's responsibility to run line to where they need it on their property?  
10

11 **Mr. Franson** in most cases. There are few exceptions where the irrigation company due to geography or  
12 location they run the line a little further to get to an ideal spot.  
13

14 **Brady Christensen** just one comment regarding concerns about future damage if any arises; Richmond  
15 Irrigation is on the blue stakes so if someone digs and doesn't call Blue Stakes they are personally reliable  
16 for damage done because of that.  
17

18 **Commission** members discussed the project and water conservation. In the Uinta Basin, the property  
19 owners piped a six mile stretch and they worried about it impacting everything downhill from them and  
20 they had big pastures that used to sub irrigate and don't. But in the end there was more infrastructure  
21 needed to get water back to that ground but they were more productive. There are going to be impacts and  
22 the company will have to deal with them. If a well suddenly goes dry down below, they were using water  
23 that they didn't really own and it belonged to the Canal Company.  
24

25 *Olsen* motioned to approve the High Creek Canal Conditional Use Permit with the stated findings of fact  
26 and conditions of approval; **Parker** seconded; **Passed 6, 0.**  
27

28 **06:34:00**  
29

30 **#2 Amalga MX Park Conditional Use Permit (Shane T. Parker)**  
31

32 **Nelson** reviewed Mr. Shane T. Parker's request for approval of a conditional use permit (CUP) to allow a  
33 motocross park on 25 acres of property located at 6700 North 1900 West, Amalga (Agricultural (A10  
34 Zone). The proposed hours of operation will vary between 7:00 AM and 7:00 PM, seven days a week  
35 with occasional races on the weekend being Friday-Sunday. Parking would be on site and would be  
36 approximately 50-100 vehicles per day; this is the equivalent of 5 to 10 homes. Maintenance for the site  
37 would be handled by Amalga MXP, LLC. Three volunteers are proposed for the running of the site and  
38 maintaining it. Access is from 6800 North, which is a county road. However, there is no right-of-way or  
39 easement for the private portion of roadway from 6800 North to the access gate. That portion to the  
40 access gate is inadequate. There are different property owners for the private road and there will need to  
41 be an agreement for access. Also 6800 North is not scheduled for winter maintenance but is graded by the  
42 county during the spring. For storm water, it has been reviewed, a notice of intent would be required and  
43 best practices would need to be used. There are several sensitive areas on the three parcels. There are  
44 wetlands and the FEMA floodplain that is across this site. If additional development were to happen there  
45 would need to be full wetland delineation. There are also steep slopes on the property within the CUP  
46 boundary and also high liquefaction potential. There have been several comments from the public. Most  
47 of the comments are in regards to vehicles and the speed limit on 6800 North, hours of operation, noise,  
48 people camping on the property, and parking. This is a discussion item and not something staff is  
49 expecting a decision on tonight.  
50

1 **Staff** This is a recreational facility and there are substandard roads. There is no review by the fire district  
2 because there are no habitable structures. The issue comes with this being a substandard road when there  
3 is a potential for 50 to 100 car trips a day. Is this going to be a traffic and safety issue on narrow roads  
4 with that many vehicles? The other big issue with this is the right of way for access and trying to get the  
5 agreement in place. This is also an enforcement issue because the track was built before they came in for  
6 the CUP. From staff's discussions with the owner, this was only meant to be a fun pastime with the  
7 owner and his buddies but as time has gone on and word has gotten out, the use has increased. The stated  
8 intent is to build this in the long run into a commercial venture and grow this as a business.  
9

10 **Mr. Shane Parker** yes, 6800 North is a gravel county road. It is pretty sufficient. Saying there is 50  
11 vehicles is a stretch, saying 100 is a long stretch. There are typically around 30 to 40 riders and not all are  
12 bringing their own vehicles. There are usually multiple people per vehicle. Most are families, and there  
13 are 4 people to a vehicle. This is not a commercial venture. It will never hold a race and it will never be  
14 anything more than a practice track. That means we will be open from 9:00 AM to 3:00 PM, one to  
15 possibly two weekends a month. I know noise is a concern for people around there and same for speed.  
16 That is something I would happily have the Sheriff's department come monitor. As far as noise, we are  
17 trying to control it as best we can with our hours. Our equipment does run before and after those hours.  
18 As far as the motorcycles themselves, they do not run before 8:30 AM in the morning or past 3:30 PM in  
19 the afternoon, and we will change those hours to 9-3. Yes, we are asking for forgiveness before  
20 permission because we didn't anticipate this happening. The property is owned by a close friend and we  
21 started training kids for motocross up there and a couple more kids came and we rode ourselves a couple  
22 times and the word spread through social media. We are trying to play by the rules and not upset anyone.  
23 We would have designated practices for different age groups and experience levels. We closely monitor  
24 everything. As far as camping goes, we don't care if anyone stays out there. We gain no benefit from  
25 that. We do have friends that travel from quite a ways to ride and they stay out there. The length of the  
26 season is variable on the weather. We could be riding up to October or we could never stop. It depends  
27 on the year and the type of winter. Long term, you would see less of us then what has been seen recently.  
28 We would never do a race due to inadequate access and inadequate parking. It would cost too much to  
29 get the place ready to hold a race. The no right-of-way and the road is owned by the same owner as the  
30 other three parcels as far as I know. We are definitely not trying to ruffle anyone's feathers.  
31

32 **Larson** where is the nearest house?  
33

34 **Mr. Parker** the nearest house is across the river to the west, I think it's about 500 to 600 feet away.  
35

36 **Sands** saying this isn't a commercial enterprise means you aren't collecting fees or anything like that?  
37

38 **Mr. Parker** No we are collecting a fee. That's the only way to support this but as far as commercial  
39 goes, I guess that would have to be defined.  
40

41 **Runhaar** the closest home is more like 1,300 feet away.  
42

43 **Watterson** motioned to open a public discussion for the Amalga MX Park; **Larson** seconded; **Passed 6, 0.**  
44

45 **David Wood** I am the mayor in Amalga. The one question we asked is why Amalga is included in the  
46 name?  
47

48 **Runhaar** it's the name they chose. They can name it whatever they want.  
49

1 **Mr. Wood** if you name something Amalga, it's considered to be part of or in Amalga. They should  
2 change the name because this identifies our town with it. Our main waterline from Smithfield comes  
3 through that area.  
4

5 **Mr. Parker** The main waterline comes about 70 feet north of that main access gate. It crosses under the  
6 road right there and goes down a berm on the property and is actually marked with T posts on the  
7 property.  
8

9 **Mr. Wood** have they been riding across it or over it or anything?  
10

11 **Mr. Parker** We haven't disturbed the berm that is there for that reason.  
12

13 **Mr. Wood** that is one thing that we are worried about. It's a concern to us that our waterline is there.  
14 I've heard comments on the noise, people staying over at night. He said that's not going to happen but  
15 that isn't to say it won't.  
16

17 **Watterson** how deep is your water line?  
18

19 **Mr. Wood** about 7 feet. That is a real concern to us because that's our source of water. If they put a  
20 fence around it or something like that so there was no chance of getting close to that or running our town  
21 out of water because we supply our town and Schreiber's. Maybe it will never happen but we need to  
22 make sure.  
23

24 **Arlow Hancock** I own 16 acres just north of here. I have two concerns on this project. One is access.  
25 We've had developments out there and the developers were required to improve the road. This property  
26 is absolutely inaccessible. You cannot get into it if there is any water on that road. My other concern is  
27 that it is a huge public safety concern. Fire may have passed this up but EMS will be required to go out  
28 there at some point and you will not get an ambulance out to this site. You are talking up to 50 to 70  
29 people and that is a lot of bikes and noise. If there does become some type of an issue, it's too narrow.  
30 You will not get people and emergency services out of there. It would create a bottle neck and then you  
31 have people trapped with the only exit being on foot through the fields. We live in a beautiful valley with  
32 thousands of acres of open area. Forest service and all over the place and I don't see a need to put this in  
33 the middle of all these homes. It's zoned agricultural and I would like to see it remain agricultural. 100's  
34 of dirt bikes do not belong in the Agricultural Zone.  
35

36 **Runhaar** just a point of clarification, EMS did review this. That is part of the fire review.  
37

38 **Mr. Hancock** really? Because I can't get out there in my car so I don't see how they can get an  
39 ambulance out there.  
40

41 **Runhaar** well you can call Jason Winn or Jay Downs.  
42

43 **Marcus Flannsburg** I live in the same subdivision as Arlow so you might think I'm going to complain.  
44 But I am in favor of this. I am a deputy sheriff, the same as Arlow but I don't represent them. However,  
45 one of the calls I absolutely hate taking is about motorcycles. We get calls all the time of kids riding their  
46 motorcycles all over the county. I believe Shane is trying to do things the right way. I met him earlier  
47 this year when he was trying to water down the track before his irrigation water was turned on. He  
48 thought he had permission to get water from a fire hydrant and when the officer came out to talk to him  
49 he was very pleasant to deal with. I've been out there when the kids have been racing and they are all in  
50 protective gear and parents are watching them. Kids have got to go somewhere to do this. I'm not crazy  
51 about the 7 am start time so I like the 9 am start time. I personally hate motorcycles but I also recognize

1 Shane's right to recreate the way he wants to recreate. I think with reasonable restrictions this could  
2 work.

3  
4 **Darrel Noble** I live on the north end of the track and the noise level is absolutely too high. It goes on and  
5 on and on. If you drive through Smithfield on the north end, there is a sign that states a noise level  
6 restricted for trucks. I don't know if there is ever a ticket given to trucks for gearing down but within 30  
7 seconds the truck is gone. But here the noise lasts for hours and it is intolerable. From 7:00 AM to 7:00  
8 PM is absolutely unacceptable especially 7 days a week. This is growing and that means more people,  
9 more bikes and more noise. This will affect 50 to 70 homes from my calculation. Also the water line is  
10 there. Also, the church sits near this and you can hear the track in the church on Sundays. A race track  
11 like this should be at least 5 miles away from the nearest homes because of the noise. The park is near  
12 this and you can hear the track there. A lot of people in Amalga will be affected by this and it is not  
13 acceptable to our community. There was a death at this track in 2012, Jeremy Hilyard was killed. This  
14 park should be shut down by the County. If they want to race fine, go where they are not disturbing an  
15 entire town. There needs to be some kind of assistance if this continues from the Sheriff's office to limit  
16 this noise.

17  
18 **Mark Cowley** my concern is with the location proximate to the Bear River. Being an agricultural  
19 community, it's a concern to me as they fuel bikes on that soil and things like that. Are there any safe  
20 guards that are going to be in place to prevent contamination of ground water and surface water there?  
21 Also the facilities needed to maintain 70 bikes and the facilities needed for 70 people. I know there is one  
22 port-a-potty out there but that is not enough for that many people. Sunday observance is an issue and it's  
23 pretty loud out there for that.

24  
25 **Grant Koford** I live about ¼ mile west, across the river from the track. I've handed out three codes from  
26 the state of Utah that addresses nuisances. This is objectionable to the citizens of Amalga and in state  
27 code it states that a nuisance is anything offensive to the senses, obstruction to the free use of property as  
28 to interfere with the comfortable enjoyment of life or property. In the criminal code it defines a public  
29 nuisance as an act annoys, injures, endangers the comfort or safety of three or more people and you can  
30 see tonight it's offensive to more than three people. In the motor vehicle code it states that no one can  
31 operate an off high way vehicles with excessive motor noise. This is offensive and has a lot of noise.  
32 This addresses several of those issues you addressed earlier, namely welfare, conformance with codes,  
33 etc. Thank you for your time.

34  
35 **Jeff Broadbent** I am a resident of Amalga and appreciate the opportunity to talk today. To try to mitigate  
36 the impact on this community for this activity, I think is very difficult. At the beginning you talked about  
37 the first priority in whether or not to issue a CUP has to do with the health, safety and welfare. You have  
38 heard several comments on how this activity negatively affects the community in the safety and welfare.  
39 This also impacts the neighborhoods property values. There is no question that having a motocross track  
40 in the neighborhood will inversely impact our property values. This also impacts the tranquility that we  
41 were looking for when moving to Amalga and that is a happiness issue and this will certainly have a very  
42 negative effect on the neighborhood.

43  
44 **Ann Mae Duncan** I own the strip of land there goes by to get down to there that you say they need a  
45 right-of-way for. I expect that the road is on my property. This spring we have had trouble with them  
46 riding their bikes through the hay field and our renter has had to put up a fence to keep them off that. He  
47 has to take it down to get the tractor turned around and will put it up again when he is done harvesting.  
48 Your records say there is no right of way but would it be our responsibility to give them a right of way  
49 there?

50  
51 **Runhaar** likely so.

1  
2 **Ms. Duncan** what if I say no?

3  
4 **Runhaar** that is your right.

5  
6 **Ms. Duncan** for years we have farmers and Lloyd use that road and have not had any problems but we  
7 went out there this week and I don't see there is any way we can protect our property from damage.  
8 When it's all said and done that property belongs to us and we take care of it to raise crops. The access is  
9 gate is right on the edge our property and needless to say I am neither here nor there on the motor park but  
10 I guess to furnish a road for people to go out there day in and day out is not our responsibility. It is just a  
11 trail and I appreciate that and I hope that we will be able to maintain our property out there.

12  
13 **Scott Parkinson** my wife and I own property out there on 6824 north and 1600 west. I had to hear about  
14 this from people living on the other side of the river. I think living within three blocks I should have  
15 heard something about this. I am a motorcycle buff, so I am not against bikes but I am also a property  
16 owner. I am a real estate appraiser and I have appraised a number of homes in that area and several  
17 homes are worth a lot of money. They came there for peace and tranquility in that area. As far as starting  
18 at 8 or 8:30 that is not true; we were laying in our room at 7-7:30 in the morning and I thought it was a  
19 chainsaw that I heard going off. We have a well insulated home and we heard this and we continue to  
20 hear it. These rides also ride their bikes and four wheelers on this road also. As far as the water line, it  
21 does run through our property and we went to great lengths to make sure we didn't encroach on that.  
22 That line isn't buried at 7 feet all the way a long; some areas are at 4 feet. My issue now is the  
23 determinant to my property. I support those who are here with me to protect their property values. I  
24 appreciate recreation and this is an improper use for this area.

25  
26 **Roxanne Freestone** I am one of the people who live furthest west of this property. I have a 16 year old  
27 developmentally delayed daughter. The noise from the park drives her crazy. Her favorite thing to do is  
28 go out in our yard and dig worms. When the bikes start up, she runs in the house crying. I can't shut my  
29 windows because I have a un-air conditioned home. We can't keep the noise out of our home to a point  
30 that she can tolerate it. We are bike riders too; we had bikes for years until my daughter can't take the  
31 noise. There are those of us that do sleep later because they may not sleep at night for reasons. We do  
32 have problems with the noise from this.

33  
34 **Rick Fannesbeck** I own all the land there by that bike track. I own a dairy operation there too. These  
35 guys have made my life miserable. My cows are miserable. When these bikes are going, my cows run  
36 and don't settle down and I want these guys stopped. If it doesn't stop I'll file a lawsuit.

37  
38 **Cindy Parkinson** could you please clarify for us what main roads do they have to use to get to that  
39 access road?

40  
41 **Mr. Parker** the 6800 North road?

42  
43 **Ms. Parkinson** when you branch off to your little trail? Which main roads do you take? I mean you take  
44 the road to Amalga, but then do you go off of 12<sup>th</sup> or 8<sup>th</sup> to the trail down there?

45  
46 **Mr. Parker** correct.

47  
48 **Ms. Parkinson** okay, so my main concern is those roads are not wide enough either for this amount of  
49 traffic. I believe the roads need to be 22 feet wide and then the foot of shoulder. The roads are not  
50 quality either. They were originally dirt roads that were then improved and they are not safe roads for this  
51 type of traffic. It's not just the bikes; it's the trucks that they are taking in there. We have recreational

1 property and I like to four-wheel in the proper venues also. People who like this type of sport like  
2 adrenaline and it's not just at the track that they like adrenaline. So I've had issues with safety on the  
3 main roads and people driving too fast not just in the motor park but getting there. The roads are not  
4 adequate for code and the people using those roads to get to the track are not driving safe there either.  
5 You can say that's great and have a sheriff out there but they can't be there all the time.  
6

7 **Kenneth Alstead** we recently purchased some property directly across the river bottoms from this track.  
8 The main concern is noise but I'm also concerned about the ability to really mitigate that impact and take  
9 that away. Obviously there are a lot of types of bikes but I think it's a policing problem to think that that  
10 impact can be fully mitigated. Typically when we look at these problems we consider where somebody  
11 else's right to the quiet use of their property is being impacted then that is when a nuisance situation and a  
12 conflict between property rights occur. It's very clear that this activity out here is impacting other  
13 people's abilities to enjoy their property and businesses out there. So my question is can this really be  
14 mitigated for this to be a feasible activity in this spot? It seems like that is going to be quite difficult.  
15

16 **Guy Perkins** I've lived out here 22 years and it took some adjusting to sleep out there because it was so  
17 quiet out there. With this, we can hear it coming. I can hear the cars coming around the corner from  
18 Smithfield and they are driving faster than the 30 miles per hour. I don't want the road touched or fixed,  
19 it is a narrow road. But it should be signed appropriately. I'm not against motorcycles and these guys  
20 need somewhere to play. So maybe they need to get together and find somewhere they can play but this  
21 is not the area. I think there is a win here for everybody if we can work on it. I would like some more  
22 signs out there.  
23

24 **Runhaar** I'll give you a name and a number to call.  
25

26 **Amber Joyner** I hate the noise, I hate the traffic and now I don't have the peace and quiet that I want  
27 when I go out there. I didn't move out there for the noise. I moved out there for the quiet. Like she said  
28 earlier, just yesterday we were almost hit by a red truck with two bikes in the back so I'm sure that's  
29 where they were headed. Please don't put it there.  
30

31 *Watterson motioned to close the public comment; Larsen seconded; Passed 6, 0.*  
32

33 **Staff and Commission** discussed the Amalga MX Park. There are number of concerns regarding the  
34 noise, access, etc. It seems to be disturbing a lot of people in this area and you could close the access but  
35 then the park goes away. Some Commission members expressed a desire to see the site in person to get a  
36 better feel for the area and a better of idea of location of things around the track. There are concerns with  
37 encroaching on property owners' enjoyment of their property for both sides. This is a bigger impact than  
38 an average person riding with a couple of kids on their own property owner but balancing that with other  
39 property owners could be a problem. This could be a hard proposal to mitigate because of the use,  
40 especially with the noise issues. Access can be controlled, along with the waterline concerns but noise is  
41 a harder thing to control. There definitely needs to be somewhere people can ride their bikes in the valley  
42 but this might not be the area for this. There are concerns with sanitation for this project. This project  
43 triggered the CUP process because more people than Mr. Parker's family are using this track. Because  
44 general public are coming into the track it triggers the CUP process.  
45

46 *Larson motioned to continue the Amalga MX Park for up to 90 days; Watterson seconded; Passed 6, 0.*  
47  
48

1 **07:06:00**

2  
3 **#3 Smithfield Disc Golf Conditional Use Permit**

4  
5 **Nelson** reviewed Mr. Brett Daniels's request for approval of a conditional use permit (CUP) to allow a  
6 18-hole disc golf course on 72.54 acres of property located at 1575 Canyon Road, Smithfield  
7 (Agricultural (A10) Zone). Hours of operation would be dawn to dusk, seven days a week. Parking  
8 would be on the property and would allow 10 to 20 vehicles. The site plan shows the location of parking.  
9 There is a bridge that is very narrow and will not fit two vehicles across it at time and the weight limit for  
10 the bridge is unknown. There are no proposed employees and the course would be ungrouted. A  
11 Smithfield City employee will visit occasionally to cut down over grown grass as part of the city's fire  
12 control. There would be a small welcome sign at the access point and there will be no cost at the site.  
13 Occasional tournaments are proposed to be held on-site and a small fee would be collected for those for  
14 provision of prizes. As for access, the road is very windy and the site distance is very limited. One  
15 section narrows to 16.5 feet and the other section narrows to 18 feet. No future construction or buildings  
16 are proposed for the land but if future development were to occur it would need to go through additional  
17 storm water review. Staff talked with the County fairgrounds where a similar disc golf course is located.  
18 The site averages 20 to 200 trips per day depending on if it's a normal day or a tournament day. . For  
19 emergency access the Smithfield County Road is inadequate. Staff has received public comment  
20 regarding the bridge, storm water, mitigation, animals and population, parking, sanitation, and grass  
21 maintenance.

22  
23 **Christensen** did the Seiders provide comments or just pictures?

24  
25 **Harrild** there was minimal comment provided with the pictures.

26  
27 **Staff and Commission** discussed the road and maintenance issues. The number of trips on a road per  
28 day determines the requirements the road needs to meet. This road to the disc golf site is inadequate.  
29 There are concerns with the bridge and the culvert. Smithfield Canyon road is maintained by the County.  
30 The other concern is that the road is typically used for recreation for biking and running. The estimate on  
31 the usage is from staff's contact with the fairgrounds and the use their disc golf course sees.

32  
33 **Brett Daniels** we were approached with this idea by a disc golf group for use to put a course in, in  
34 Smithfield. We are always looking for opportunities to expand recreation in areas. The disc golf group  
35 has approached us about doing a park at Forrester Acres and we felt that was too busy and they've  
36 approached us about Mack Park and we felt that wasn't big enough. When we approached the city  
37 council, they entertained looking at it further so they approached me to look at it and we felt this would be  
38 a doable area. The City Council could not put the proposal together so I said I would do it and support  
39 this. I would like to have this discussion and we had a discussion last night at city council and we heard  
40 some concerns. We are trying to keep our citizens happy and would love to see additional recreation  
41 options and would like to keep everyone happy. We use Smithfield Canyon a lot for a lot of things. We  
42 do use this and this was a good group that came to us, and so we wanted to put this together. The city has  
43 some concerns too but felt that it warranted looking into more. There are some concerns with parking and  
44 as far as the city is, we are not going to put a lot of money into the project. We have donations lined up to  
45 help put this in. We understand the citizens have some concerns but wanted to have a discussion and see  
46 if this was feasible.

47  
48 **Christensen** my question is, have you discussed if this goes through is the city doing anything to mark  
49 their boundaries so the people using this aren't going into other properties?

1 **Mr. Daniels** yes, we have discussed that. We have some ideas about possibly putting in a tree line or  
2 putting the holes further north to negate that issue and that is something we would look into more if this  
3 goes forward.  
4

5 **Debra Seiter** I am the house on the south. I appreciate Brett and the concession of the parking lot not  
6 being by my vinyl fence. If this park goes in it is going to affect the value of my home. But it's not just  
7 my home but the general well being of that area. When the golf course planners came to Smithfield  
8 Council they promised that the landscape would not be altered in any way. But then they gave the plan  
9 and it said wanted to put in parking and that they would remove the vegetation to put gravel parking lots  
10 in that would accommodate 10 to 20 cars each. The road to connect the two parking lots is ¼ mile long.  
11 The Smithfield city water people come and check the water source once a month. And just once a month  
12 we see a trail on that land. Can you imagine what all those cars are going to do to that land, especially if  
13 the tournaments are successful? It's going to leave a horrible impact on that land. The golf tees are going  
14 to be 5 foot by 10 foot cement squares. The picture that was taken is near the creek. Vegetation is going  
15 to have to be cleared to allow that 5 foot by 10 foot cement to be put there. But not only the vegetation,  
16 there are other concerns. Such as sewage, is this going to taint Smithfield's water supply? Smithfield's  
17 water bank is up there, and what are all the cars driving over that going to do? What about port-a-potties  
18 and how are those going to be handled? Is the bridge up there to code? When we built up there we had to  
19 have our bridged okayed by the fire department. Who is going to pick up the trash up there? I know this  
20 is donor driven, but what happens when that money runs out and people keep coming? What is the  
21 upkeep and who is going to take care of the park up there? The other concern is this is dusk to dawn and  
22 who is going to enforce that? There are already people who hang up out there after dark and that makes  
23 me feel very vulnerable up there.  
24

25 **Commission members** discussed extending the meeting.  
26

27 *Larson motioned to extend the meeting to 8:15; Watterson seconded; Passed 6, 0.*  
28

29 **Sonia Manuel-Dupont** you have written communication from me which is the memo with 17 points. I  
30 live right across from this proposed park. The first thing I would like to say is that anyone who is in the  
31 construction business knows you need more money than the initial construction costs. This plan has no  
32 upkeep built in. I suppose they think that this means those of us who live up the canyon will keep up the  
33 trash and with the sanitation. The other thing is that we can hear everything that is said in the canyon. I  
34 understand people want to do this in a tranquil area but this is not a tranquil sport. This is going to be  
35 high school kids who want to go on a cheap date. One problem we currently have is underage drinking  
36 and there are alcoholic beverage containers everywhere. This is right across from where we live and this  
37 is going to be an unsupervised area. My husband and I both do a lot of humanitarian work and quite a lot  
38 it's just one of us home. I don't feel comfortable being in the house by myself when I know this type of  
39 thing is going on. The other things are engineering related. There is no way this up to code. This is the  
40 water supply for Smithfield City. I don't see how this can meet the clean water protection act and the  
41 protection of the water supply. People don't have access to that know but they will have free access to it  
42 with this. There is a very flimsy fence around there which is very easy to scale. With this kids will have  
43 access to the entire water supply for Smithfield. The placement of the parking lots, no matter what they  
44 are made off, will compact and we will be dealing with runoff issues. The impact on ground water could  
45 be an issue. No environmental impact study has been done. If you mow the grass and don't water it you  
46 will have dirt. We already have strong winds up there and it will kick up the dust. I don't know how this  
47 passed a fire review because if you have a fire up there you will have 20 cars trying to get across that  
48 bridge and it will be a problem.  
49

50 **Barbara Abbott** I live in Smithfield Canyon. I am one of those people that bike and walk my dogs and I  
51 see many families walking with children and there are signs up about the speed limit. It's 25 miles per



1 hour up there and hardly anyone slows down up there for that. I'm concerned with that for all the walkers  
2 and bikers that use that area.

3  
4 **John Abbott** we live on the cul-de-sac that you get to just before this property. That roadway is there for  
5 vehicles but we attract a large number of people who come to walk and jog that road. It is not a healthy  
6 situation to put this number of vehicles on that road way.

7  
8 **Sylvia Cronquist** we live right across from the entrance to this. They've covered sanitation and there is  
9 not someone now but is there going to be someone that unlocks the gate at dawn and locks it back up at  
10 dusk? We don't want people be there every night all night. This is going to be a party spot if that control  
11 isn't there. Is this going to be patrolled so people can't stay there over night and also to help make sure  
12 there isn't target shooting there? Also we have concerns with the parking lot.

13  
14 **Larson** I have a question regarding access, is there a gate there now?

15  
16 **Ms. Cronquist** there is a gate there now. Smithfield City has a pull across gate with a lock now. It's  
17 kept lock at all times now. If they are going to keep it locked at night then that is one thing but if they  
18 aren't going to do that people will be there all night. We also have concerns regarding fire.

19  
20 **Kathleen Caples** I live along Smithfield Canyon Road. They have talked about the question of port-a-  
21 potties. If you go further up Smithfield Canyon to the Campground there are permanent toilet facilities up  
22 that road. When you walk up that road there are a lot of people who urinate up the road, there is a lot of  
23 trash and Kleenexes and things up there. This is where Smithfield's water supply is and that concerns us  
24 if there isn't going to be management of those things up there.

25  
26 **Terence Yorks** I'm concerned about noise. Smithfield Canyon is reflective service and the sound of  
27 ATVs and trucks up that canyon is very loud. I've measured it and it is above 96 decibels in that canyon  
28 and this will attract those people. I would suggest there be no parking area for this unless it is with the  
29 permission of property owners. It's only 1 ½ miles up there. Have the facility but don't drive there. I  
30 think this is an interesting thought as a compromise. The traffic up that canyon has exploded the past few  
31 years and it's phenomenal how much.

32  
33 **Terry Cronquist** our drive way is right across from this. We've been up there since 1954 and I've seen  
34 that mountain burn very quickly twice. There isn't enough room up there for this. Saturday morning I sat  
35 on my deck and counted 40 joggers at least 30 bicyclers and half a dozen razors. There are also turkeys,  
36 deer, and pheasants.

37  
38 **Sonya Andersen** if you have ever driven up that canyon, you see the bicyclers and the joggers and they  
39 want you to pass them because they are in the middle of the road. But you can't pass them if someone  
40 else is coming from the opposite way. With more traffic someone is going to get hurt.

41  
42 *Olsen motioned to close public comment; Larson seconded; Passed 6, 0.*

43  
44 **Staff and Commissioners** discussed the disc golf course. The Commission discussed continuing the  
45 item so that the applicant and staff could discuss the concerns that were brought up by the public. Access  
46 is a major concern.

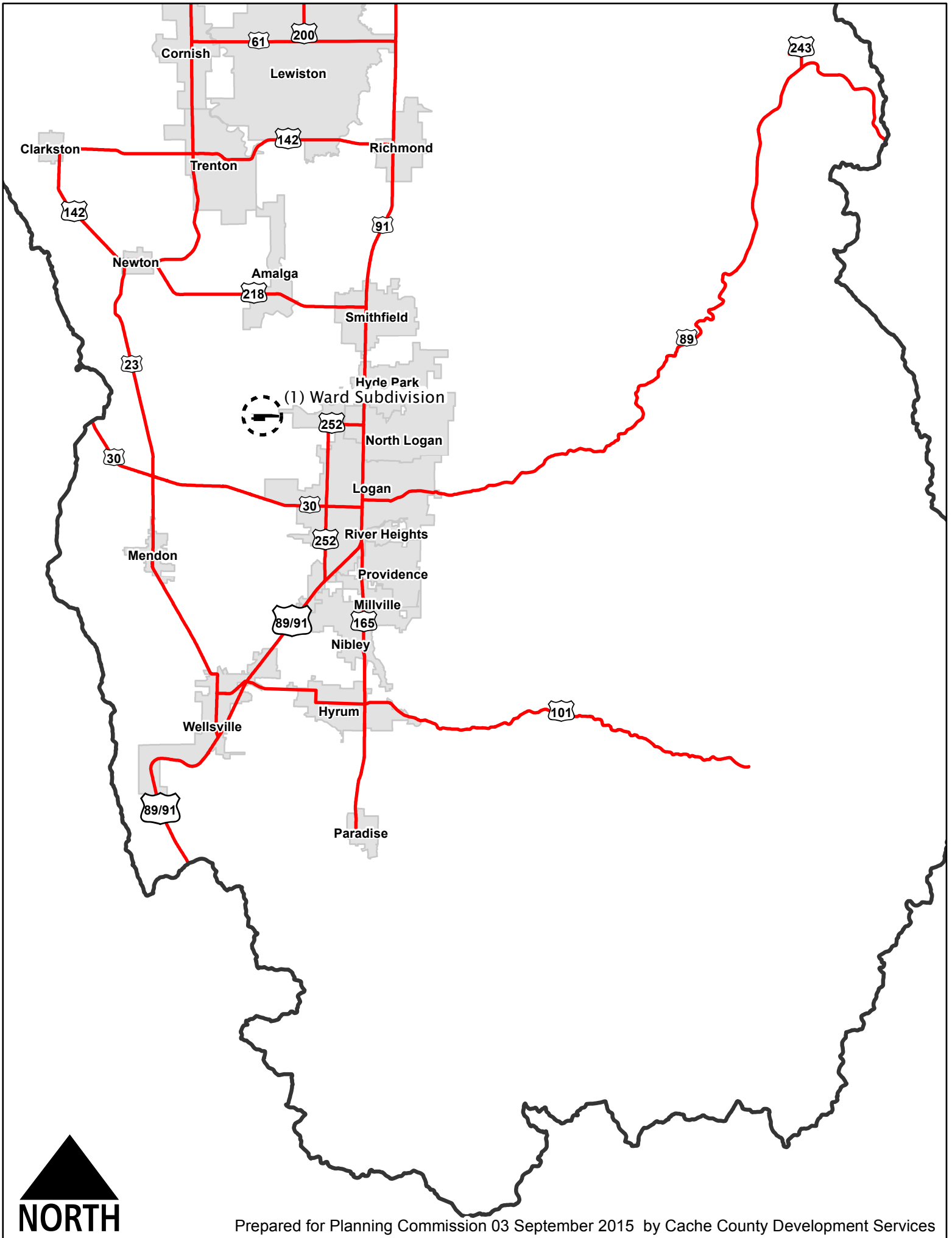
47  
48 *Larson motioned to continue to Smithfield Disc Golf Course CUP up to 90 days; Watterson seconded;*  
49 *Passed 6, 0.*

1 **Staff Updates**

2  
3 **Runhaar** the Little Bear Field Subdivision went before the Council and was denied. This is the 1-lot  
4 subdivision to the north of Wellsville, staff did an analysis to maintain that road and services for a two-  
5 way road access. For the cost for the county would snowball. Currently there is an annual grading on the  
6 road and that is it. To add the needed services to maintain that road for a dwelling would snowball the  
7 cost for the county. Currently for that area the yearly tax is \$2,317, and of that \$419 is for the county. Of  
8 that \$419 the road department gets \$26. To maintain a gravel road to a suitable level for a single family  
9 home would cost \$1,300-\$1,800/per year. The county cannot maintain that. Currently we are looking at  
10 what roads we can take off the county maintenance list and let them revert back to gravel roads. The  
11 county can't meet the current maintenance for our roads with our current budget. Council did deny the  
12 subdivision and has asked staff to come back with a draft policy that the county is not going to expand  
13 services on roads that don't currently have services.

14  
15 **Staff and Commission** discussed the road situation in the County. The county is allowing several roads  
16 to revert back to gravel roads instead of paved roads. Staff is working on road maintenance, road  
17 standards and other policy pieces for the commission and council.

18  
19 **Adjourned**



**NORTH**



### STAFF REPORT: WARD SUBDIVISION

03 September 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:** Dustin H & Michelle Ward

**Parcel ID#:** 12-016-0006

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by: Stephanie Nelson - Planner I*

**Project Address:**

2797 North 3200 West  
Benson, Utah 84335

**Current Zoning:**

Agricultural (A10)

**Acres:** 106.58

**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 Ward Subdivision.

**Ordinance:**

As per the Cache County Zoning Map and 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 12-016-0006 into two (2) developable lots and one (1) agricultural remainder. The total developable acreage for this subdivision is 106.58 acres.

**Access:**

- Access to the proposed lots is from 3200 West and is adequate. 3200 West is a 25' wide paved road with 2" wide gravel shoulders.
- A minimum 18" diameter culvert is required for access drives from 3200 West.

**Service Provision:**

- Cache County performs year round maintenance on 3200 West.
- 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 of 3200 West.
- A school bus stop is located at 2797 North 3200 West, approximately 4 blocks from the proposed subdivision.
- Water supply for fire suppression will be provided by the Smithfield City Fire Department. A fire hydrant is located a block north of the property. Access for emergency services is adequate.

**Water & Septic:**

- The proposed two (2) lots are feasible for on-site septic tank systems. Additional review and permitting by the Bear River Health Department may be required prior to placement of a septic system.
- If future development disturbs land area greater than 5,000 square feet a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan shall be required.

**Sensitive Areas:**

- The National Wetlands Inventory (NWI) identifies that wetlands may be located within the subdivision boundary, but not within the boundary of the proposed lots.

**Public Comment:**

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

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

It is staff's determination that the Ward Subdivision, a 2-lot subdivision and agricultural remainder parcel for property located at 2797 North 3200 West in Benson with parcel number 12-016-006, 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 Ward 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 Ward Subdivision has been revised and amended by the conditions of project approval to conform to the subdivision requirements of the Cache County Code, State Code, and the requirements of various departments and agencies.
3. The Ward 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 Ward 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 for the developments to conform to the County Ordinance and the requirements of county service providers.

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. The applicant shall reaffirm their 33' portion of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision boundary.

**SURVEY CERTIFICATE**

I, LAYNE J. SMITH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HAVE EXAMINED THE RECORDS, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, AND THE FIELD NOTES, AND THE INSTRUMENTS, AND THE PLANS, AND I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND I CORRECTLY SHOW AND HAVE SUBMITTED SAID TRACT LINES HEREON TO BE KNOWN AS SAID SUBDIVISION, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

LAYNE J. SMITH \_\_\_\_\_ DATE \_\_\_\_\_

**BOUNDARY DESCRIPTION**

**LEGAL DESCRIPTION**  
PART OF THE SOUTH HALF OF THE NORTH HALF OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT SOUTH 07°01'40" EAST ALONG THE WEST LINE OF SAID SECTION 13, 1313.54 FEET (SOUTH, 1320.00' BY RECORD), AND NORTH 89°23'02" EAST, 26.19 FEET (33.00 FEET BY RECORD) TO THE EAST SIDE OF 3200 WEST STREET FROM THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN;  
AND THENCE NORTH 89°32'02" EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13, AND ALSO AN EXISTING FENCE LINE AND ITS EXTENSION, 2608.52 FEET (EAST, 641.81 FEET BY RECORD) TO AN EXISTING FENCE CORNER;  
THENCE NORTH 89°25'16" EAST, 1313.35 FEET BY RECORD);  
THENCE SOUTH 89°27'08" EAST, 26.55 FEET (SOUTH 02°23'28" EAST, 26.43 FEET BY RECORD) TO THE NORTH BANK OF A CANAL;  
THENCE SOUTH 84°23'37" EAST ALONG THE NORTH SIDE OF SAID CANAL, 1311.14 FEET (SOUTH 84°22' EAST, 1324.86 FEET BY RECORD) TO THE WEST RIGHT-OF-WAY OF 2400 WEST STREET;  
THENCE SOUTH 00°34'11" EAST (SOUTH 02°27'18" EAST, BY RECORD) ALONG THE WEST RIGHT-OF-WAY OF SAID 2400 WEST STREET, 480.00 FEET;  
THENCE SOUTH 84°23'31" WEST, 2626.78 FEET (SOUTH 89°25'16" WEST, 2635.92 FEET BY RECORD) TO THE WEST BANK OF AN EXISTING DITCH AND ALSO AN EXISTING FENCE LINE;  
THENCE SOUTH 00°14'26" EAST ALONG SAID EXISTING DITCH AND ALSO AN EXISTING FENCE LINE AND ITS EXTENSION, 652.53 FEET (SOUTH, 662.00 FEET BY RECORD) TO AN EXISTING FENCE CORNER ALSO BEING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13;  
THENCE SOUTH 89°24'45" WEST (WEST, BY RECORD) ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13, AND ALSO AN EXISTING FENCE LINE AND ITS EXTENSION, 2143.62 FEET;  
THENCE NORTH 00°01'40" WEST, 276.35 FEET;  
THENCE SOUTH 89°30'45" WEST, 472.53 FEET TO THE EAST SIDE OF 3200 WEST STREET;  
THENCE NORTH 00°07'26" EAST (NORTH, BY RECORD) ALONG THE EAST SIDE OF SAID 3200 WEST STREET, 448.69 FEET;  
THENCE NORTH 89°13'04" EAST, 458.97 FEET (EAST, 463.00 FEET BY RECORD);  
THENCE NORTH 00°29'14" WEST, 566.90 FEET (EAST, 563.00 FEET BY RECORD);  
THENCE SOUTH 89°13'32" WEST, 462.80 FEET (WEST, 463.00 FEET BY RECORD) TO THE EAST SIDE OF SAID 3200 WEST STREET;  
THENCE NORTH 00°01'40" WEST ALONG THE EAST RIGHT-OF-WAY OF SAID 3200 WEST, 24.52 FEET (NORTH, 20.00 FEET BY RECORD) TO THE POINT OF BEGINNING.

CONTAINING 106.58 ACRES +/-.

DUSTIN WARD  
3940 N. 2400 W.  
BENSON, UT 84395  
435-790-5108

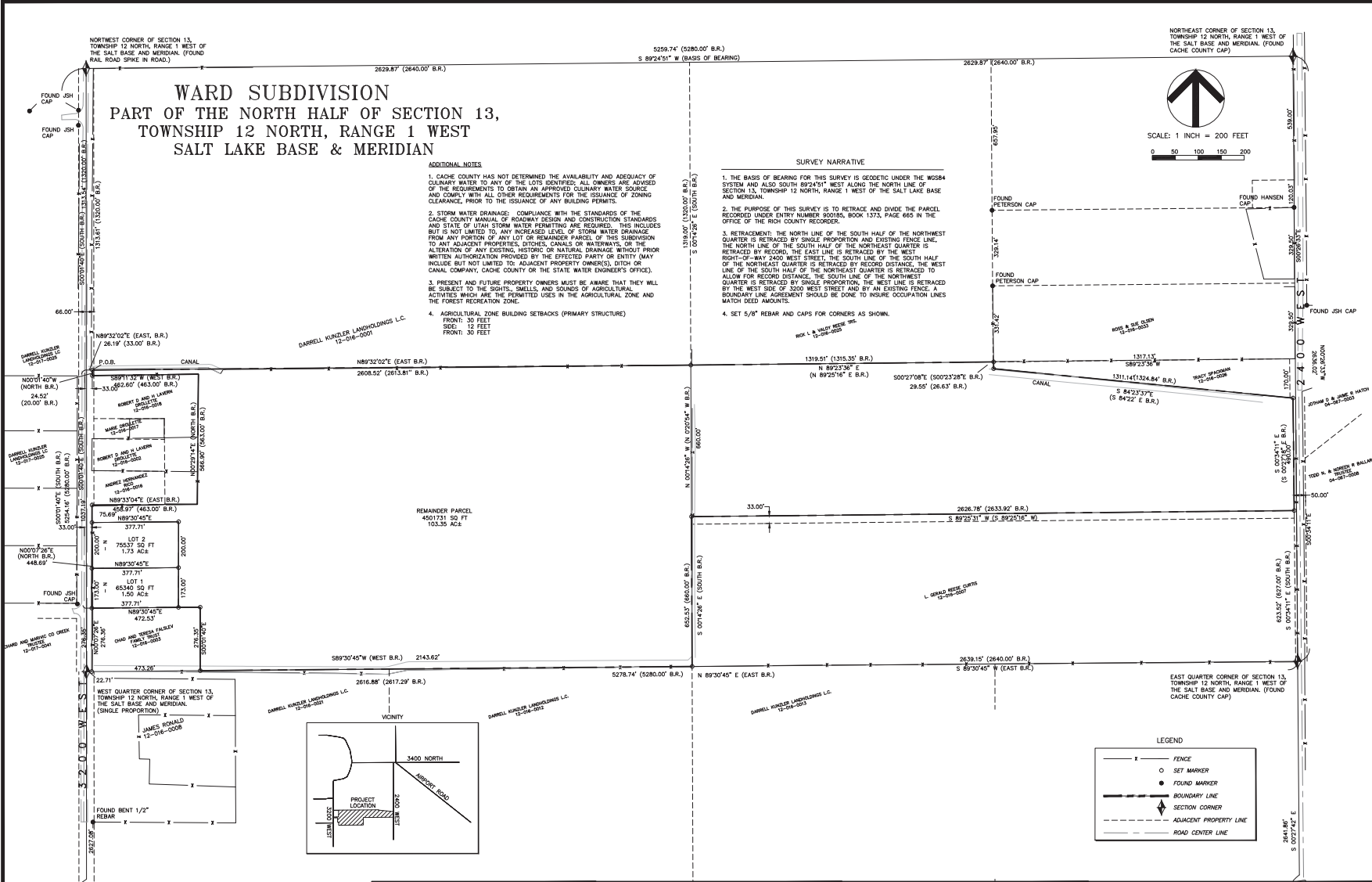
REVISION	DATE



Project Title: **WARD SUBDIVISION**  
CACHIE COUNTY, UT

Sheet Title: **FINAL PLAN**

Drawn By: L.SMITH	Project Number: 15-053	Sheet No.: 1
Designed By: L.SMITH	Date: 28 JULY 2015	Scale: 1" = 200'
Reviewed By: L.SMITH	Sheet Scale: 1" = 200'	1 of 1
D:\DRAWING\C\15-053\15-053.DWG		

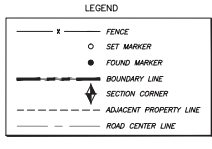


**ADDITIONAL NOTES**

- 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 ROADWAYS, OR THE ALTERATION OF ANY EXISTING, HISTORIC OR NATURAL DRAINAGE WITHOUT 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 RIGHTS, OBLIGATIONS AND LOADS OF AGRICULTURAL ACTIVITIES WHICH ARE THE PERMITTED USES IN THE AGRICULTURAL ZONE AND THE FOREST RECREATION ZONE.
- AGRICULTURAL ZONE BUILDING SETBACKS (PRIMARY STRUCTURE):  
FRONT: 30 FEET  
SIDE: 12 FEET  
FRONT: 30 FEET

**SURVEY NARRATIVE**

- THE BASIS OF BEARING FOR THIS SURVEY IS GEODETIC UNDER THE NORS4 SYSTEM AND ALSO SOUTH 89°24'51" WEST ALONG THE NORTH LINE OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN.
- THE PURPOSE OF THIS SURVEY IS TO RETRACE AND DIVIDE THE PARCEL RECORDED UNDER ENTRY NUMBER 800616, BOOK 1373, PAGE 668 IN THE OFFICE OF THE RICH COUNTY RECORDER.
- RETRACEMENT: THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER IS RETRACED BY SINGLE PROPORTION AND EXISTING FENCE LINE. THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER IS RETRACED BY RECORD. THE EAST LINE IS RETRACED BY THE WEST RIGHT-OF-WAY 2400 WEST STREET. THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER IS RETRACED BY RECORD DISTANCE. THE WEST LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER IS RETRACED TO ALLOW FOR RECORD DISTANCE. THE SOUTH LINE OF THE NORTHWEST QUARTER IS RETRACED BY SINGLE PROPORTION. THE WEST LINE IS RETRACED BY THE WEST SIDE OF 3200 WEST STREET AND BY AN EXISTING FENCE. A BOUNDARY LINE AGREEMENT SHOULD BE DONE TO INSURE OCCUPATION LINES MATCH DEED ANNOTS.
- SET 5/8" REBAR AND CAPS FOR CORNERS AS SHOWN.



CACHE COUNTY ATTORNEY

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

ATTEST: \_\_\_\_\_

STATE OF UTAH, COUNTY OF \_\_\_\_\_, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ TIME \_\_\_\_\_ FILE \_\_\_\_\_ ABSTRACTED \_\_\_\_\_

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

COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE \_\_\_\_\_ COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

COUNCIL CHAIRPERSON \_\_\_\_\_ ATTEST: CLERK \_\_\_\_\_

COUNTY PLANNING COMMISSION

THIS PLAN HAS BEEN REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON \_\_\_\_\_ 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 WARD SUBDIVISION, FURTHER DECLARE OR OUR CLAIM AS APPLICABLE: ANY PORTION OF PROPERTY OF TAX ID NUMBER 12-016-0006, THAT LIES WITHIN 33 FEET OF THE CENTER LINE OF THE EXISTING ROADWAY, AND IS SHOWN ON THIS PLAN, TO CACHE COUNTY FOR THE USE OF THE PUBLIC FORWARD, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SAID ROADWAY.

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

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE EXAMINED THIS PLAN 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 \_\_\_\_\_

BEAR RIVER HEALTH DEPARTMENT APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAN HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

TITLE \_\_\_\_\_

BEAR RIVER HEALTH DEPARTMENT APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAN HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

TITLE \_\_\_\_\_