



Amended Agenda

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 2, 2016 meeting.

5:35 p.m.

Regular Action Items

- (1) **Public Hearing (5:40 PM): Younkers Rezone** — A request for a recommendation of approval to the County Council for a rezone of 9.13 acres of property at 420 East 9800 North near Richmond from the Agricultural (A10) Zone to the Industrial/Manufacturing (IM) Zone.
- (2) **Phoebe Meadows Subdivision** — A request for a recommendation of approval to the County Council for a four-lot subdivision on 20.5 acres of property at approximately 7909 South 400 West, northwest of Paradise, in the Agricultural (A10) Zone.
- (3) **Discussion** — Agritourism.
- (4) **Discussion** — Telecommunication.

Board Member Reports

Staff reports

Adjourn



PLANNING COMMISSION MINUTES

02 JUNE 2016

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1 **Present:** Jacob Adams, Chris Harrild, Josh Runhaar, Lane Parker, Brady Christensen, Rob
2 Smith, Jason Watterson, Chris Sands, Nolan Gunnell, Megan Izatt, Tony Baird

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

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

7
8 **05:23:00**

9
10 **Agenda**

11
12 Approved.

13
14 **Minutes**

15
16 *Watterson* motioned to approve the minutes; *Gunnell* seconded; **Passed 6, 0.**

17
18 **05:33:00**

19
20 **Consent Items**

21
22 **#1 Whittier Subdivision**

23
24 *Sands* motioned to approved; *Christensen* seconded; **Passed 6, 0.**

25
26 **05:35:00**

27
28 **Regular Agenda**

29
30 **#2 Agriculture Protection Areas (Jace K. Ballard, Todd N. Ballard)**

31
32 **Harrild** reviewed Mr. Jace K. and Mr. Todd N. Ballard's request for a recommendation to the
33 County Council for Agriculture Protection Areas in six separate locations including multiple
34 properties and a total of 1,884.91 acres located in the Agricultural (A10) Zone at approximately
35 8600 North 800 West, 5800 North (Sam Fellow Road) 4800 West, 5100 North 4200 West (Sam
36 Fellow Road), 3200 West 4600 North, 3200 West 4100 North, and 2600 North 2400 West.
37 Notice to surrounding property owners has been provided as per State and County Code. At this
38 time, no public comment regarding this proposal has been received by staff. All areas of the
39 Agriculture Protection Area must meet six criteria: Is the area proposed greater than 5 acres in
40 size; Is the land currently being used for agricultural production; is the land zoned for
41 agricultural use; what is the extent and nature of the existing or proposed farm improvements;
42 and water are the anticipated trends in the agricultural and technological conditions. Each area
43 meets the minimum requirements of the State and County Code.

44
45 **Jace Ballard** we filed for the Agriculture Protection Area a few months ago because sometimes
46 livestock and people don't always get along well. There was nothing that triggered us filing just
47 decided one day that this is what we wanted to do and wanted to get it taken care of.

1
2 **Staff and Commission** discussed building an Agriculture Protection Area Overlay to show on
3 the GIS maps. Agriculture Protection Areas are required to be reviewed every 20 years and staff
4 will start those reviews soon. Agriculture Protection Areas are created to protect the rights of
5 agriculture production lands from neighbors who claim they are a nuisance.

6
7 *Christensen* motioned to recommend approval to the County Council for the Ballard
8 Agricultural Protection Area with the findings of fact, conclusions, and conditions as noted in
9 the staff report; *Watterson* seconded; **Passed 6, 0.**

10
11 **05:46:00**

12
13 **#3 Public Hearing (5:45 PM) Morley Rezone**

14
15 **Adams** reviewed Mr. Ken Morley's request for approval to the County Council for a rezone of
16 9.09 acres of property at 686 East 10850 South in Avon from the Agricultural (A10) Zone to the
17 Rural 2 (RU2) Zone. The surrounding parcels reflect an average parcel size of 20 acres for
18 properties without a dwelling and 9.3 acres with a dwelling. Access to the property is from count
19 roads 800 East and 10940 South and is currently not adequate. Creating adequate access may be
20 feasible but may require substantial improved to the road surface and width, modification of the
21 bridge, and obtaining an extension of services per County Council Resolution 2015-20. Water
22 will be through wells; this property does not have access to any large-scale culinary or sewer
23 system. Public notice was sent out and no public comment has been received by staff.

24
25 **Staff and Commission** discussed the roads. There is a possibility for a private road for a
26 subdivision if the applicant is willing to improve the roads. The County did some improvements
27 a year or two ago but the road will still need to be widened and a pavement surface may be
28 required. The bridge is not owned by the County but the bridge would still need to meet the
29 requirements that the Fire District would require for emergency vehicles to access a subdivision.
30 There is a possibility for a design exception but more detail for road improvements would be
31 given and decided on when they applicant comes back for a subdivision application.

32
33 **05:55:00**

34
35 *Watterson* to open the public hearing for the Morley Subdivision; *Gunnell* seconded; **Passed 6,**
36 **0.**

37
38 **Ken Morley** I am the owner of the property. The properties on the rights side are all two acres
39 parcel but I'm not sure what zoning they are, do you know?

40
41 **Harrild** they are A10 and were done under an earlier code.

42
43 **Smith** they would predate what we are talking about here.

44
45 **Mr. Morley** I do have a proposed site plan and would like that to be passed out. On the paper
46 sent to me in the mail regarding the requirements for a 22 foot road, my originally proposed plan
47 is four parcels but if it were three would that road improvement requirement change?

1
2 **Runhaar** the width would still be required for fire access but the surface requirements could
3 change.

4
5 **Parker** there are a lot of people in the county who expect it's easy to develop their land but
6 ordinances have changed. To be able to build two more homes on your property is going to
7 require a lot of expense for the road. I like to see people to be able to use their property the way
8 they would like but because of ordinance changes there have been a number of people who
9 realize they can't due to the ordinance changes and road improvement requirements. I guess I
10 would like to know if you have looked into that.

11
12 **Mr. Morley** would I need to improve 800 and 10940 to 22 feet?

13
14 **Harrild** with the rezone we don't get to delve into that but will with the subdivision application.
15 You could anticipate it could happen but it might not. After the meeting, tomorrow or next week,
16 you can come in and discuss the roads.

17
18 **Mr. Morley** if it were a private road, how wide would the bridge have to be?

19
20 **Harrild** it's that 20 foot width. Typically it's a minimum for fire access. As soon as it goes to a
21 public road and you are serving more than a certain number of homes the road width changes so
22 it depends.

23
24 **Gunnell** who owns the bridge?

25
26 **Mr. Morley** I don't know.

27
28 **Gunnell** on some of those bridges they are owned by the canal company or the U.S. Government
29 and it can be a lengthy process to go through if the government does.

30
31 **Sands** it's more likely than not that it is the land owner's bridge. If down the road, the fire
32 district would have to approve the design exception?

33
34 **Harrild** yes, the biggest thing is weight bearing capacity so the fire district is hesitant to take big
35 equipment over bridges where they don't know the weight bearing capacity.

36
37 **Mr. Morley** I have had a liquid fuel truck that is fully loaded over that bridge.

38
39 **06:03:00**

40
41 **Watterson** motioned to close the public hearing; **Sands** seconded the motion; **Passed 6, 0.**

42
43 **Staff** and **Commission** discussed if the rezone change fit the general area. Many members of the
44 Commission felt that the RU2 zone seemed to fit into the general area that is being applied for.
45 The general intent when the RU2 zone was created was that the higher densities be closer to
46 cities. However, there are some areas in the county that due more represent a municipality or a
47 town that is moderately dense where the RU2 zone seems to fit.

1
2 **Staff and Commission** discussed language for findings of facts in support of the rezone.

3
4 ***Christensen** motioned to recommend approval to the County Council for the Morley Rezone*
5 *based on staff's determination and the discussed findings of fact; **Gunnell** seconded; **Passed 6,***
6 ***0.***

7
8 **06:11:00 pm**

9
10 **#4 Public Hearing (6:00 PM) Hansen Rezone**

11
12 **Adams** reviewed Mr. Gary A. Hansen's request for a recommendation to the County Council for
13 a rezone of 8.76 acres of property at approximately 6500 North 400 West, north of Smithfield
14 from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. Within a one-mile radius of this
15 property, the surrounding parcels within the county (not including properties within Smithfield
16 City itself) reflect an average parcel size of 11.6 acres, and an average parcel size of 5.7 acres or
17 properties with a dwelling. Access to the property is from county road 400 west and is not
18 currently adequate. Creating adequate access may be feasible but would require substantial
19 improvements to 400 west and will be reviewed when a subdivision application is submitted.
20 There is existing county winter maintenance on 400 west. Smithfield City has stated that no city
21 utilities are accessible or have access for the property.

22
23 **Staff and Commission** discussed the roads. There would need to be improvements to the road
24 for a subdivision to go in.

25
26 **06:16:00**

27
28 ***Sands** motioned to open the public hearing for the Hansen Rezone; **Watterson** seconded; **Passed***
29 ***6, 0.***

30
31 **Gary Hansen** about the city plowing, they are usually earlier than the county. The city will come
32 out past their city boundaries and turn around in an individual's driveway, but the county will go
33 right into 400 North and turn around and plow it both ways.

34
35 **Sands** Mr. Hansen, you are aware that there may be a requirement if a subdivision were applied
36 for to improve the road?

37
38 **Mr. Hansen** yes.

39
40 **Parker** the property right to the south, is that your property or someone else's?

41
42 **Mr. Hansen** that is owned by someone else.

43
44 **Sands** the ones to the south, they must be 3 acres?

45
46 **Mr. Hansen** they are 2.5 acres.

1 **Sands** are you intending there to be 4 lots?
2
3 **Mr. Hansen** at the max, most people we talk to only want two acres.
4
5 **Parker** your intent in getting the rezone is to go ahead and sell or develop?
6
7 **Mr. Hansen** yes, the only reason to do this is to settle a family estate and that is what my father
8 suggested.
9
10 **Sands** so presumably they would be like the lots to the south 2-2.5 acres?
11
12 **Mr. Hansen** yes.
13
14 **Christensen** what is the frontage on that acreage?
15
16 **Mr. Hansen** 650 to 670.
17
18 **Christensen** are you attentively proposing splitting this into 4 lots?
19
20 **Mr. Gary** that is what the county suggested. I was told there was a minimum of 200 feet for
21 frontage.
22
23 **Harrild** the county's requirement is 90 feet. Whatever your configuration is you can make work.
24 **Christensen** it's not pertinent to this decision tonight but was just curious if you had a design in
25 mind.
26
27 **Mr. Hansen** that's what I was thinking was the 4 individual lots.
28
29 **06:20:00**
30
31 **Sands** motioned to close the public hearing for the Hansen rezone; **Watterson** seconded the
32 motion; **Passed 6, 0.**
33
34 **Staff** and **Commission** discussed the application. It does seem to fit the area but the potential
35 cost for the road could be prohibitive.
36
37 **Mr. Hansen** the two houses to the south are in the County and then it turns to City. The road
38 asphalt is the same but those houses did gravel the road. It is the same road width the whole way
39 through.
40
41 **Parker** motioned to recommend approval to the County Council for the Hansen Rezone with the
42 stated findings of fact and conditions; **Gunnell** seconded; **Passed 6, 0.**
43
44 **06:25:00**
45
46 **#5 Maple Rise Campground CUP (Ben Anderson)**
47

1 **Adams** reviewed Mr. Ben Anderson's request for a Conditional Use Permit (CUP) for the
2 establishment and expansion of an existing non-conforming use on 214.12 acres of property at
3 6000 West 3400 South, southwest of Mendon, in the Agricultural (A10) and Forest Recreation
4 (FR40) Zones. After receiving the information for adding showers and restrooms staff
5 discovered there was no permit for the campground. This application is for the permit and the
6 expanded facilities. The campground owner wishes to add a restroom/shower facility for the
7 upper campsites and RV pads for the volunteer camp hosts (who are on site full-time during the
8 summer camping season) near the lower campsites. Specific details for the existing campground
9 may be found in the letter of intent and site map accompanying the application. Access to the
10 property does not meet the County Standards but staff is suggesting a design exception for the
11 paved width and overall road width as the campground use was established prior to the current
12 county standards and proposed expansions will not increase the traffic impact of the
13 campground. Bear River Health Department (BRHD) has stated that the site is feasible for the
14 proposed septic fields. County Fire has stated that access is adequate. There are sensitive areas
15 across the majority of the site. Staff has identified a landslide hazard across the majority of the
16 site. The applicant has submitted a geotechnical report stating the areas for the proposed
17 restroom/shower facility and the RV pads are not within the landslide area. There are moderate
18 and steep slopes identified and the geotechnical report identifies the areas for the proposed
19 facilities as flat or nearly flat. There is a fault line that has been identified on the far western edge
20 of the subject parcels. The geotechnical report notes that this fault is 960 feet from the site of the
21 proposed restroom/shower facilities and does not include requirements in relation to this fault.
22

23 **Mr. Ben Anderson** I am representing the applicant, the LDS Church, for this project.
24

25 **Parker** my understanding is the owners don't plan any major changes for this?
26

27 **Mr. Ben Anderson** yes, we tried to make sure anything in the foreseeable future was on this
28 permit.
29

30 Many commission members spoke in favor of this project.
31

32 *Sands* motioned to approve the Maple Rise Campground Conditional Use Permit with the stated
33 findings of facts and conditions; *Watterson* seconded; **Passed 6, 0.**
34

35 **06:35:00**

36 **Smith** excused himself from the meeting and turned it over to **Watterson.**
37

38 **#6 Nautica Subdivision (Bob Wright)** 39

40 **Harrild** reviewed Mr. Bob Wright's request for a recommendation of approval to the County
41 Council for an 11-lot subdivision and agricultural remainder on 129 acres of property located at
42 1550 West 6700 South, Hyrum in the Agricultural (A10) Zone. This has previously been
43 reviewed by the Commission; however, the County Council extended a design exception for the
44 request and then remanded the request back to the Planning Commission for further review.
45 Staff has revised the staff report format. On existing reports, findings of fact are usually
46 conclusions not findings of fact; legal counsel has asked that Staff fix that and be consistent with
47 the language. For the Nautica Subdivision in the staff report what would typically be listed as the

1 staff summary is now findings of fact and the section that used to be identified as findings of fact
2 now consists of conclusions and conditions.

3
4 This application is for an 11-lot subdivision south of Hyrum. Access to this subdivision is across
5 the Spillway over the Hyrum Dam which is not adequate and also is from the West and that does
6 meet the County standard. The applicant has committed to making the needed improvements to
7 the Western access. The County Council has stated that the County will extend maintenance no
8 more than 200 feet beyond the existing end of winter maintenance at the end of pavement at the
9 intersection with private road 6500 South is appropriate in this case. The applicant would like to
10 extend the services 800 feet but will have to discuss the bigger extension with the County
11 Council. The extension of services allows there to be a turnaround for maintenance trucks. After
12 the turnaround there would be a private road that would parallel the county road to provide the
13 access for the subdivision. However, the applicant does not own the property where the
14 turnaround would be required to happen. The main reason for this application being remanded
15 back to the Planning Commission was because the previous report supported a recommendation
16 of denial, and therefore appropriate findings, conditions, and conclusions had to be drafted and
17 reviewed. The question for the Planning Commission now is this: Are there concerns with a
18 private road servicing an 11-lot subdivision with no improvements to the rest of the county road,
19 does that work for this subdivision?
20

21 **Staff and Commission** discussed the subdivision. Concerns regarding access were discussed.
22 The County stated that access is from the West but the subdivision occupants can make the
23 decision how they choose to access the subdivision. Some members of the Commission felt the
24 solution proposed by the County Council wasn't a smart decision. The subdivision would have to
25 have an HOA in effect to help maintain the private road. The issue comes that private roads need
26 to remain private and public roads need to remain public and there cannot be a mixing of the
27 two. It doesn't work to mix them up and that has been proven in other areas of the state. The
28 Council has tried to come up with a middle ground for this application and it doesn't seem like it
29 is going to work. The Commission is constrained to what the Council has given them but the
30 Commission can make an additional motion with recommendations and suggestions beyond
31 what constraints have been given. There is extremely limited maintenance down this road; if the
32 county were to abandon the road the only thing the County would need to ensure is that property
33 owners to the south would be able to maintain the current condition of the road for farm
34 equipment to access their land. The Commission does have the ability to change the conditions
35 that have been written to meet what they think is correct. Staff and Commission discussed the
36 turnaround. For the turnaround to work, the applicant would have to secure the rights for there to
37 be a private road across the property that the applicant does not own.
38

39 **Gary Otterstrom** the turnaround, when we were granted that by the Council we saw that as a
40 ray of light. We made preparations and more engineering and did what you were talking about.
41 We invited the other landowner in and discussed this with them. They are landlocked also. They
42 believe they have access on the private road but the law and the way that it is recorded and the
43 easements make it appear they don't have access on the private road. The landowner bought that
44 property with surrendering the right of way and not receiving back an easement; so they are
45 blocked off of that private road. We've had some title people who have researched that; they are
46 pretty upset about it.
47

1 **Gunnell** which property is that?

2

3 **Mr. Otterstrom** the property right to the north.

4

5 **Gunnell** how much do they own there?

6

7 **Mr. Otterstrom** the county road goes through their property and they have about 15 acres there.
8 We thought this would be a win-win situation because we would provide the road if they would
9 allow us the turnaround. That would have given them access to 6500 where they currently don't
10 have access. It's very complicated and unfortunate for that party that they didn't do their due
11 diligence. So when we suggested this solution, we thought they would like this and it didn't work
12 out that way. We suggested to them that we would build the road and would grant them instant
13 access but they saw it as a way to make some money. Also, as we explored this the ears of that
14 turn around circle may spill into another landowner so it got even more complicated to the point
15 we didn't think it was doable. That is why we are asking to go the additional 500 feet rather than
16 just the 200 and then the turnaround would be on our property and we are amenable to doing this
17 several ways. One would be that we would deed that property, it's a 90 foot circle with an extra 5
18 to 6 foot right of way that would allow the snow plow to push the snow off, over to the county or
19 we would keep it and maintain it. We are open to either of those relationships. There were some
20 complexities that one of the attorneys brought up. It's possible, as indicated by Mr. Swink, there
21 are some legal ways to accomplish that but it would have to go back to the council.

22

23 **Sands** it sounds like the 200 foot solution isn't going to work. So you would like to see the 800
24 foot extension, and that extension would be county road, and then you would build your private
25 road?

26

27 **Mr. Otterstrom** yes. We have indicated that we would help with maintenance and the lawyers
28 have indicated there are some legal things that would need to be worked out. So you would
29 maintain the right to the road and then you would then get a turnaround circle and then we would
30 step off the circle from that point and parallel the county road with a private road. That private
31 road would then be maintained by our HOA.

32

33 **Sands** that is frustrating to me, but at least that is a county road to your property.

34

35 **Mr. Otterstrom** yes and we are willing to give up the circle to the County. We figured it
36 wouldn't be a good idea for us to own and maintain the circle and then write an easement back to
37 the county. We thought that would also be problematic. The purpose of it is, is for the County to
38 turn their big pieces of equipment around.

39

40 **Sands** it seems it's not something that can work, to me.

41

42 **Christensen** was staff aware that it's going to have to be where it's drawn?

43

44 **Harrild** we are aware of what he has described. But let me state that staff does not review the
45 financial impacts of the development on the developer.

46

1 **Mr. Otterstrom** we did the engineering and we sent it in. We felt like this is a reasonable
2 solution. I would like to hearken back to why we are here in the first place is because we got
3 caught in the application process because of the road resolution. We were well into the
4 application process and a lot of expense when the road resolution came down from the Council.
5 We felt as a measure of justice and mercy we should be able to continue forward and you didn't
6 have a choice because of the resolution. That's why we are still trying to find a solution. We do
7 appreciate the council gave us that daylight and felt we could make that work but that isn't how
8 it has worked. The other landowner wants money and it was not a good situation. I understand
9 that your decision may just be the 200 feet but that would at least allow us to go back to the
10 Council and try again. We did meet with Craig Buttars and I think he was amenable to us.

11
12 **Sands** I have a feeling that most Commission and Council members don't have a problem with
13 this but it's a frustrating situation.

14
15 **Mr. Otterstrom** I did want to comment on the access but there are two other accesses to the
16 West. You can access from Sardine Canyon and then also from what I think is 900 West. It's
17 actually faster to go west a little bit and then go north to Logan rather than through Hyrum. We
18 would really like to move forward with this.

19
20 **Gunnell** how many landowners are south of you that would use this road for access?

21
22 **Mr. Otterstrom** it's all farm land to the south of us.

23
24 **Gunnell** and they are ok with this?

25
26 **Mr. Otterstrom** it's barley farms.

27
28 **Gunnell** the point being if they need to bring their equipment, they would need to travel that
29 road

30
31 **Mr. Otterstrom** I've talked to some of them and both the Olsens and Brent Parker seem to be
32 fine with this. Their big machines are down in hutches far to south and they don't bring those
33 across the county road. I've never seen the big equipment go that way just regular pickup trucks.
34 They would have no reason to drive it down off the hill that way. So they service and park them
35 further to the south.

36
37 **Gunnell** I know Troy, part of the Parker establishment, does bring big equipment up there for
38 planting and harvesting.

39
40 **Mr. Otterstrom** ok, I've never seen that. They've always been to the south where the equipment
41 hutches are.

42
43 **Commission** discussed the application. With the conditions before the Commission the
44 application isn't viable with the conditions presented. Some members felt that changing
45 condition #2 to include the 800 feet would be more feasible. Staff did point out that the
46 commission has approved things in the past that weren't necessarily feasible. The Commission
47 looks at county ordinances and policy and the process is the commission provides the conditions

1 that are forwarded to the Council, and the Council will do what they feel like they should.
2 Several Commission members felt better changing the 200 feet to the 800 feet. The Council has
3 said they will only accept 200 feet more for road for maintenance and that already sets
4 precedence where they said they would no longer accept no roads for maintenance. Staff is
5 already working on cutting roads from the maintenance list because of budget. Many
6 commissioners felt that if the subdivision is going to be allowed to move forward then the
7 applicant should be granted the 800 feet to make it actually feasible to move forward. The
8 Commission felt that the Council could have approved this even though the Commission
9 previously denied it.

10
11 **Parker** motioned to recommend approval to the County Council for the Nautica Subdivision and
12 with the edits to the conclusions and condition #2; **Christensen** seconded; **Passed 5, 0.**

13
14 **07:21:00**

15
16 **#7 Darrel's Appliance Subdivision 1st Amendment (Darrell Ricks)**

17
18 **Adams** reviewed Mr. Darrell Rick's request for a recommendation of approval to the County
19 Council to create a new lot (lot 3) from the existing lot 1 of the Darrell's Appliance Subdivision
20 to approximately 3390 South and 2400 west in the Agricultural (A10) Zone. The subdivision was
21 originally recorded on 2 October 2001 with two lots. The proposed amendment divides Lot 1 of
22 the existing subdivision to create a third lot. That would exhaust the developable potential of this
23 subdivision. Subsequent division of the lots within the subdivision would not be permitted under
24 the current A10 Zone. Any future development on these properties must meet the requirements
25 of the County Land Use code at the time of development. The owners of Lot 2 have expressed
26 written opposition to the amendment in order to preserve their right to divide their lot in the
27 future. Based on lot size and the density-based requirements of the A10 Zone, the majority of the
28 development potential within the subdivision is within the approximately 29-acre Lot 2. Staff is
29 currently recommending a continuance of the item so they may discuss the issues with legal
30 counsel.

31
32 **Jeff Ricks** I represent Darrell Ricks. There is a couple of things; according to the summary on
33 here, there is a minor correction that says there was a lot purchased on 2 October 2001 of 5.81
34 acres and the deed we have shows that it was October 23, 2000 and it was 3.91 acres. And then
35 two years later there was a second parcel of 1.27 purchased. It is a triangular lot that was
36 purchased with the intent of squaring up the land. Right south of the border there is a pump that
37 isn't relevant to this discussion.

38
39 **Watterson** have you looked at the possibility of changing zones?

40
41 **Mr. Ricks** that was an option that I was not aware of.

42
43 **Christensen** does that parcel currently entail everything except what is in the red?

44
45 **Mr. Ricks** yes, there is that line that goes east to west.

46
47 **Christensen** was this the original parcel?

1
2 **Mr. Ricks** we added 48 feet to the southern boundary.

3
4 **Christensen** so 48 feet on the southern boundary?

5
6 **Mr. Ricks** yes.

7
8 **Christensen** there was three property owners?

9
10 **Mr. Ricks** both parcels were purchased from the same land owner.

11
12 **Watterson** is the intended use for commercial or a home?

13
14 **Mr. Ricks** commercial.

15
16 **Brad Rees** I am speaking on behalf of the Rees family and we sold the property to Darrell's. We
17 just don't want to lose our right to subdivide the property and loose the water rights.

18
19 **Staff** and **Commission** discussed the application. The property owned by Mr. Rees is 29 acres.
20 If the Darrell's lot were to rezone to commercial it doesn't change the number of subdivisions
21 that have happened. The rezone would change the density for the commercial zone and the
22 density and rezone changes is something that Staff would like to discuss with legal counsel
23 before a decision is made.

24
25 *Sands* motioned to continued item #7 up to 90 days; *Parker* seconded; **Passed 5, 0.**

26
27 **07:34:00**

28
29 **#8 Discussion – Agri-Tourism**

30
31 **Harrild** updated the Commission on Agri-Tourism. Some examples are Gibbon's Greengate
32 Farm and the Little Bear Bottoms; Chris is in the process of reviewing and updated the ordinance
33 for Agri-Tourism. Agri-Tourism is not clearly defined right now and needs to be. Greengate
34 Farm has a restaurant currently and that is a commercial enterprise and doesn't fall under the
35 current code.

36
37 **#9 Discussion – Telecommunication**

38
39 **Harrild** telecommunications has been revised and will come before the commission. The FCC
40 changes their requirements on occasion so the ordinance needs to reflect those changes.

41
42 **Runhaar** updated the commission on the drafted storm water plan and staff is working on the
43 ordinance that will also be put in place. Staff thought the County was under the phase 2 permit
44 which would mean the permit to be submitted in August, however, everything needs to be
45 submitted to the State by July 1st. The ordinance will need to be adopted by the County Council
46 by September 1st, 2016. Portions of the ordinance will come before the Commission in July and
47 August.

1
2 **Staff and Commission** discussed noticing of adjacent landowners. There are some concerns with
3 adjacent landowners being noticed in time to respond. At the last meeting the Forest Service and
4 the Department of Wildlife and Resources (DWR) didn't received the notice until the day before
5 the meeting making it prohibitive for them to respond in writing. Staff has decided that entities
6 like the Forest Service and the DWR will be noticed the same way as municipalities, other
7 county departments, etc. so they will receive the information as it becomes available to staff.
8 Staff will consider noticing adjacent landowners earlier.

9
10 **Staff and Commission** discussed their frustrations with the subdivision remanded back to the
11 Planning Commission from the County Council.

12
13 **Adjourned**

14
15 **07:55:00 pm**

DRAFT

STAFF REPORT: YOUNKER REZONE

7 July 2016

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: Angela Younker

Parcel ID#: 09-076-0003

Staff Recommendation: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

Acres: 9.13

420 East 9800 North
Southwest of Richmond

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Industrial (I)

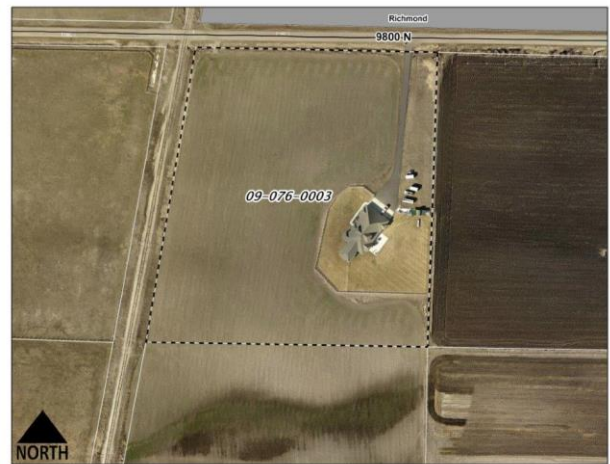
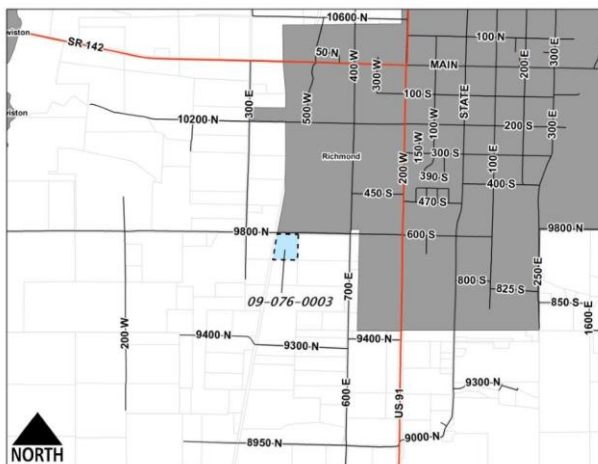
Surrounding Uses:

North – Agricultural/Richmond City

South – Agricultural

East – Agricultural

West – Agricultural/Railroad Tracks



SUMMARY

The Younkers Rezone is a request to rezone 9.13 acres of property on parcel 09-076-0003 from the Agricultural (A10) Zone to the Industrial (I) Zone. The applicant's stated intent is to perform light manufacturing on the property and use the home as a caretaker's residence. However, the rezone is general in nature and is not tied to any proposed use.

Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the included findings of fact. Any impacts related to permitted and conditional uses allowed within the Industrial Zone will be addressed as part of each respective approval process required prior to site development activities.

FINDINGS OF FACT (24)

Property Context—Policy for Determination of Parcel Legality, 29 August 2013

1. Parcel 09-076-0003 is a legal parcel that received a building permit for the existing home on 17 September 2002.

Zone Placement—17.08.030 [F]

2. Current ordinance does not specify appropriate locations for the Industrial Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [F] [1] identifies the purpose of the Industrial Zone and includes the following:

“To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well being of the citizens and to broaden the tax base.”
3. The majority of the land surrounding the subject property is currently used for agriculture.
4. The nearest Industrial Zone in the county is approximately 1.5 miles to the north (Pepperidge Farm) (Exhibit A).
5. Adjacent zones within Richmond City include agricultural and industrial uses.
6. The subject property is adjacent to Richmond and is within their stated annexation area.
7. Richmond City has provided a letter stating they are not considering annexation (Exhibit B) but have submitted no comment about the rezone at this time.

Land Use Context—17.10.030

8. Under the current County Land Use Ordinance, the Industrial Zone allows for a variety of uses, including the following uses that are allowed as a conditional use in the Industrial Zone but are not permitted in the current A10 Zone:
 - General Manufacturing
 - Storage and Warehousing
 - Self-service Storage Facility
 - General Vehicle Repair
 - Mobile Food Truck (as a zoning clearance)
 - Sexually-oriented Businesses
 - Telecommunication Facility
 - Commercial Kennels/Animal Shelters
9. Several uses are permitted outright or allowed with a zoning clearance in the A10 Zone that are not permitted in the Industrial Zone:
 - Single Family Dwelling, including Foster Homes and Accessory Apartments
 - Home Based Business
 - Seasonal Cabin
 - Residential Living Facilities
 - Produce Stand
10. Several additional uses are conditional uses within the A10 zone and are not permitted in the Industrial Zone:
 - Bed and Breakfast
 - Recreational Facility
 - Cemetery
 - Religious Meeting House

- Concentrated Animal Feed operation
- Boarding Facility
- Home Based Kennel
- Topsoil Extraction

11. The existing home may be considered a caretaker’s residence in the Industrial Zone.

Road Access—17.08.030 [F], County Manual of Roadway Design and Construction Standards

12. County Land Use Ordinance §17.08.030 [F] [2] states the Industrial Zone “must be appropriately served by suitable public roads...”
13. County Manual of Roadway Design and Construction Standards Table 2.2 requires any industrial or commercial development to have access to paved roads, and paved roads must have a minimum of 22 feet of paved width with a minimum of one-foot-wide gravel shoulders.
14. 9800 North currently has 20 feet of paved width and two-foot-wide gravel shoulders and does not meet the minimum county standards for pavement width. Full improvement of this road to the minimum county standards would be required for any industrial development.
15. 9800 North currently receives winter maintenance.

Utilities and Public Services Provision—17.08.030 [F]

16. County Land Use Ordinance §17.08.030 [F] [2] states the industrial Zone “must ... have access to the necessary water and utilities, and have adequate provision of public services.”
17. The County Fire District has indicated the road meets their requirements and that all commercial structures will be required to have a water supply for fire protection.
18. Logan City Environmental Department Solid Waste Collection does not have comments at this time.

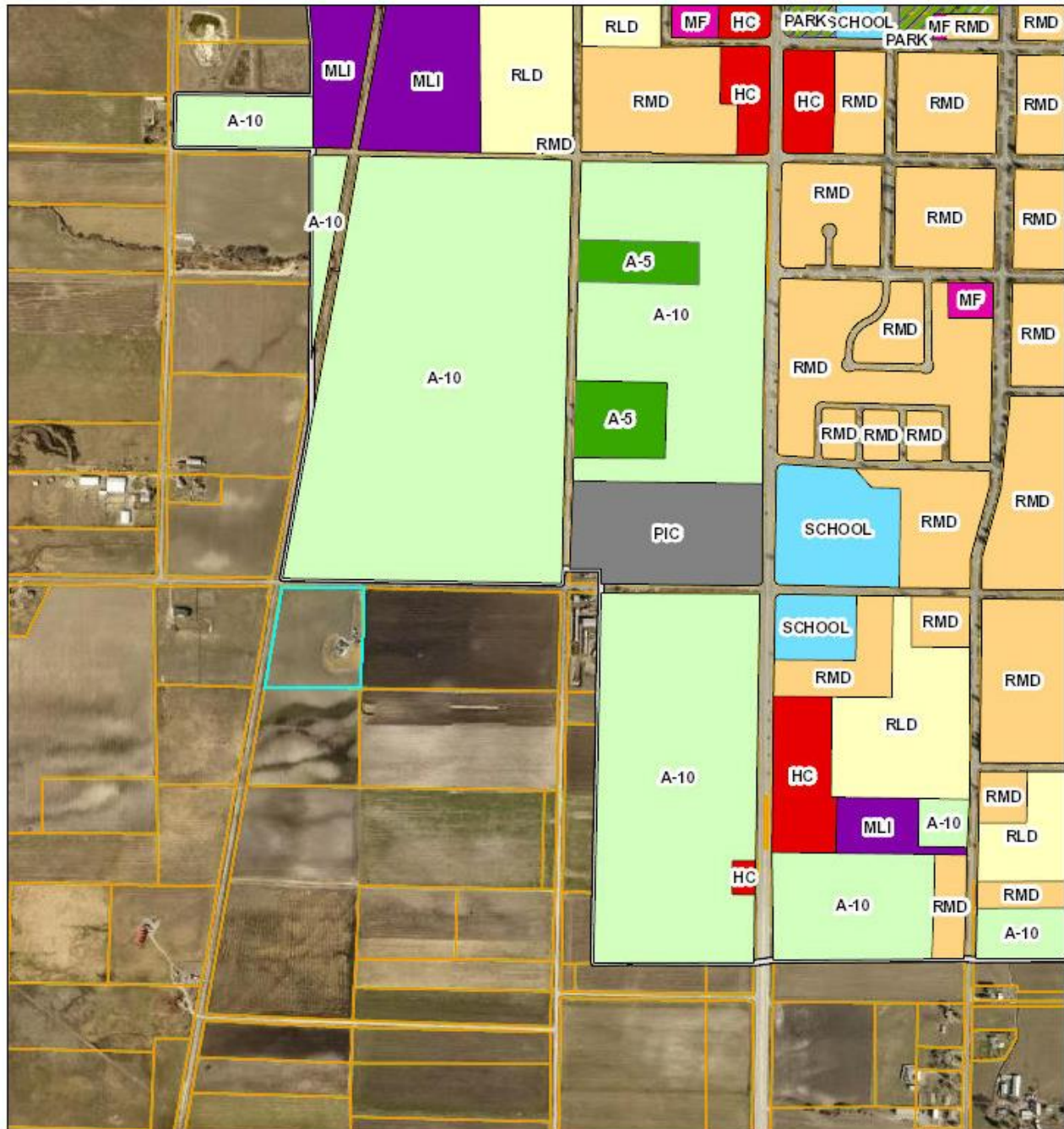
Public Notice and Comment—17.02.040

19. Public notice was posted online to the Utah Public Notice Website on 23 June 2016.
20. Notice was published in the Herald Journal on 26 June 2016.
21. Notices were posted in three public places on 28 June 2016.
22. Notices were mailed to all property owners within 300 feet of the subject property on 15 June 2016.
23. Richmond City was noticed by e-mail as part of the development review process on 10 June 2016.
24. At this time, no public comment regarding this proposal has been received by the Development Services Office.

CONCLUSION

The Younkers Rezone, a request to rezone 9.13 acres from the Agricultural (A10) Zone to the Industrial (I) Zone located at 420 East 9800 North, southwest of Richmond, has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. This request meets the requirements of these codes as pertains to rezones and is approved. Future industrial and commercial activity may require improvement of 9800 North as identified in findings 12, 13, 14, and 15 herein.

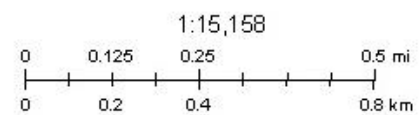
Parcel Map



July 1, 2016

Richmond Zoning

- AGRICULTURAL A-10
- AGRICULTURAL A-5
- CENTRAL BUSINESS DISTRICT CBD
- PLANNED INDUSTRIAL COMMERCIAL PIC
- HIGHWAY COMMERCIAL HC
- MANUFACTURING - LIGHT INDUSTRIAL MLI



Web App Builder for ArcGIS



(435) 258-2092 • 6 West Main Street , Richmond, Utah 84333

- Mayor**
Michael E. Hall
- City Council Members**
Paul J. Erickson
Brad B. Jensen
Cheryl Peck
Tucker Thatcher
Jeffrey D. Young
- Justice Court Judge**
Matthew C. Funk
- City Recorder**
Justin B. Lewis
- City Manager**
Marlowe C. Adkins, Jr.
- City Treasurer**
Christine Purser

April 21, 2016

Cache County Corporation
Attn: Craig Buttars
179 North Main
Logan, UT 84321


To Whom It May Concern:

I am writing in regards to Parcel Number 09-076-0003, 9.13 acres, listed in the name of Angela Younker and located at 420 East 9800 North.

Richmond City is not considering this parcel or any other parcel in the surrounding area at this time for annexation into the city limits of Richmond City Corporation.

If you have any questions, I can be reached at (435) 757-9434 or via email at justinbovdlewis@gmail.com.

Sincerely,



Justin B. Lewis
City Recorder

www.richmond-utah.com

STAFF REPORT: PHOEBE MEADOWS SUBDIVISION

Date: 7 July 2016

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: James Fournier

Parcel ID#: 01-087-0005

Staff Determination: Approval with Conditions

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by: Jacob Adams - Planner I

Project Address:

7909 South 400 West
Paradise, UT 84328

Current Zoning:

Agricultural (A10)

Acres: 20.50

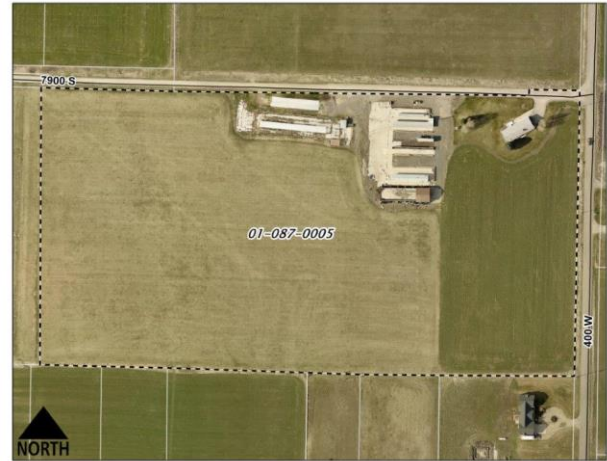
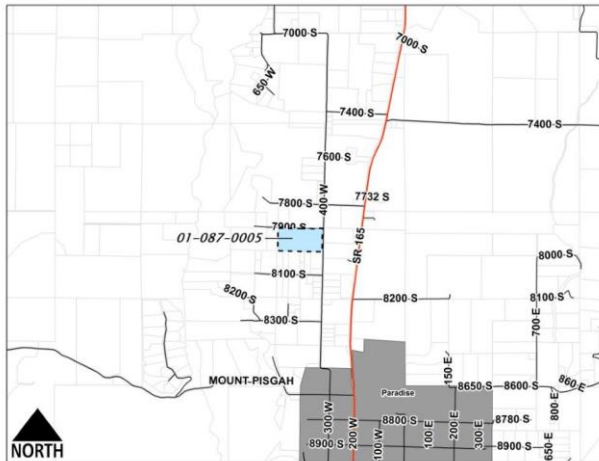
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



SUMMARY

The Phoebe Meadows Subdivision is a request to create four residential lots out of the existing 20.50-acre parcel 01-087-0005, which is considered a 1970 parcel. The existing home and agricultural buildings will remain on Lot 1 and the applicant's propose to reconfigure the driveway to access from 400 West instead of 7900 South. Lots 2 and 3 will front 400 West while the initial plat indicates Lot 4 will front 7900 South. The majority of 7900 South does not receive regular winter maintenance and does not meet the minimum county standards for road surface width. The county will not extend winter maintenance along 7900 South and thus cannot approve access from this road. The plat must be reconfigured so that Lot 4 gains access from 400 West via an easement across another lot.

FINDINGS OF FACT (21)

Ordinance—17.02.060, 17.10.130 [A]

1. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
2. Parcel 01-087-0005 is considered a 1970 parcel as per the Policy for Determination of Parcel Legality dated 29 August 2013.
3. As a 1970 parcel, the first three lots may be divided at a density of two acres per unit while subsequent lots may be divided at ten acres per unit, yielding a total of 4 developable lots on 20.5 acres.

Access—16.04.040 [A], 16.04.080 [E], Manual of Roadway Design and Construction Standards

4. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards requires any road serving four or more dwellings to have 22 feet of paved width with one foot wide gravel shoulders on each side.
5. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards requires any road serving three dwellings or less to have 24 feet of gravel width.
6. 400 West meets the minimum access and maintenance requirements with the exception of paved width.
 - a. The existing home on the proposed Lot 1 is currently accessed from 7900 South. The applicant intends to close this access and create a new access from 400 West.
 - b. Access to Lots 2 and 3 is proposed to be from county road 400 West, which serves a large number of dwellings.
 - c. 400 West consists of an approximately 20-foot wide paved width with 2-foot gravel shoulders.
 - d. The county provides first-priority winter maintenance on 400 West.
7. 7900 South does not meet the minimum access and maintenance requirements.
 - a. The initial plat shows access to Lot 4 would be from county road 7900 South.
 - b. 7900 South currently provides access to two dwellings. If the driveway for Lot 1 is reconfigured to access from 400 West, Lot 4 would be the second dwelling on 7900 South.
 - c. 7900 South consists of a gravel surface that varies from 17 feet to 22 feet in width.
 - d. The county provides first-priority winter maintenance on 7900 South up to the existing barnyard on what would become Lot 1 where plowing equipment can turn around.
 - e. The remainder of the road, including the area fronting Lot 4, receives winter maintenance on an as-available basis to open the road for farm needs. This level of maintenance is not adequate for a single family dwelling.
 - f. The county is not extending winter maintenance as per County Council Resolution 2015-20 (Exhibit A).

Water & Septic—16.040.0070, 16.04.080 [A] & [B]

8. The applicant has one approved domestic use water right and three unapproved domestic use water rights that are currently in the approval process.
9. Bear River Health Department has provided a septic system feasibility letter for all four lots so long as there is a 100-foot protection zone around each well.
10. If future development disturbs land area greater than 5,000 sf. a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan is required.

Service Provision—16.04.080 [C], [D], [F]

11. Residential refuse and recycling containers for Lots 1, 2, and 3 must be placed on 400 West; shoulder improvements may be required to allow them to be placed outside the travel lane.
12. Residential refuse and recycling containers for Lot 4 must be placed on 400 West unless an all-weather large truck turn-around is provided on Lot 4.
13. School bus service will be provided through a stop at 7771 South 400 West.
14. 400 West meets the requirements of the County Fire District.
15. Water supply for fire suppression is provided by the Paradise Fire Department.

Public Notice and Comment—17.02.040

16. Public notice was posted online to the Utah Public Notice Website on 23 June 2016.
17. Notice was published in the Herald Journal on 26 June 2016.
18. Notices were posted in three public places on 28 June 2016.
19. Notices were mailed to all property owners within 300 feet of the subject property on 15 June 2016.
20. Paradise City was noticed by e-mail as part of the development review process on 10 June 2016.
21. At this time, no public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (7)

These conditions are based on the Cache County Land Use Ordinance and on the findings of fact as noted herein.

1. Prior to final plat recordation, adequate, approved, domestic water rights must be in place for all building lots within the subdivision.
2. Prior to final plat recordation, the applicant must reaffirm their 33-foot portion of Cache County's 66-foot wide right-of-way for all county roads along the proposed subdivision boundary.
3. The proponent must provide sufficient shoulder space on 400 West for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
4. Access for Lots 2, 3, and 4 must come from 400 West.
5. Prior to final plat recordation, the gravel surface of 7900 South must be improved to the minimum county standards from the intersection with 400 West to the end of the access to Lot 1, or this access must be reconfigured to access 400 West.
6. An encroachment permit must be obtained for any work, including access drives, within the Cache County right-of-way.
7. If future development disturbs land area greater than 5,000 sf. a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan is required.

CONCLUSIONS (2)

These conclusions are based on the findings of fact and conditions as noted herein.

1. The proposed Phoebe Meadows Subdivision is hereby approved as it has been reviewed in conformance with, and meets the requirements of, the Cache County Land Use Ordinance with the conditions listed herein.
2. A design exception is hereby approved for the paved width of 400 West as the total roadway width meets the minimum county requirements and the addition of a two-foot-wide strip of pavement is not practical and may create future maintenance and structural issues on the roadway.

RESOLUTION No. 2015-20

CACHE COUNTY, UTAH

SERVICE PROVISION ON COUNTY ROADS**A RESOLUTION OUTLINING THE COUNTY COUNCIL'S POLICY REGARDING THE EXPANSION OR CONTINUATION OF SERVICES ON COUNTY ROADS**

Whereas, Cache County has reviewed the impact of new development along unimproved roadways on the safety and welfare of citizens of Cache County, and;

Whereas, Cache County has determined that within the existing budget constraints funding is not sufficient for the existing network of roadways to be properly maintained and that additional road length is a net cost to the county even considering existing Class B allocations from the State and property tax rates, and;

Whereas, it is not in the best interest for the safety and/or welfare of existing or future residents of Cache County to diminish services on existing roadways to maintain new roads or to provide substandard service on new roadways, and;

Whereas, there are nearly 200 miles of existing paved road in Cache County that can accommodate development with little to no impact on the County's ability to serve said development.

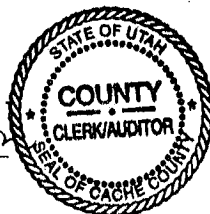
NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to hereby adopt the following resolution:

- 1) There shall be no further expansion of road services on substandard roads that do not already serve existing homes including:
 - a. No expansion of winter maintenance activities (snow plowing).
 - b. No gravel roads be paved or "Chip Sealed".
 - c. No acceptance of new roadways, gravel or paved.
- 2) The County Council may grant exceptions to this policy if proposed road improvements improve the health and/or safety of existing subdivisions, homes, or businesses.

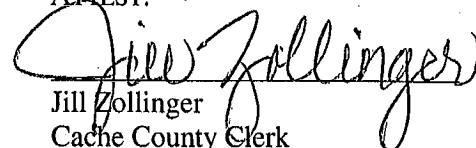
APPROVED AND ADOPTED this 25th day of August, 2015.

CACHE COUNTY COUNCIL


Kathy Robison, Chair
Cache County Council



ATTEST:


Jill Zollinger
Cache County Clerk

Disclaimer: This is provided for informational purposes only. The formatting of this resolution may vary from the official hard copy. In the case of any discrepancy between this resolution and the official hard copy, the official hard copy will prevail.

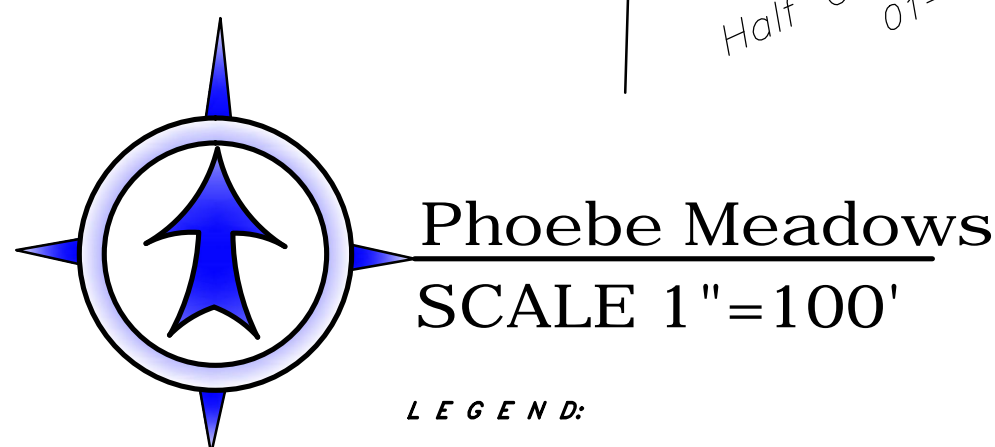
Phoebe Meadows Subdivision

A PART OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE S.L.B.&M. CACHE COUNTY, UTAH

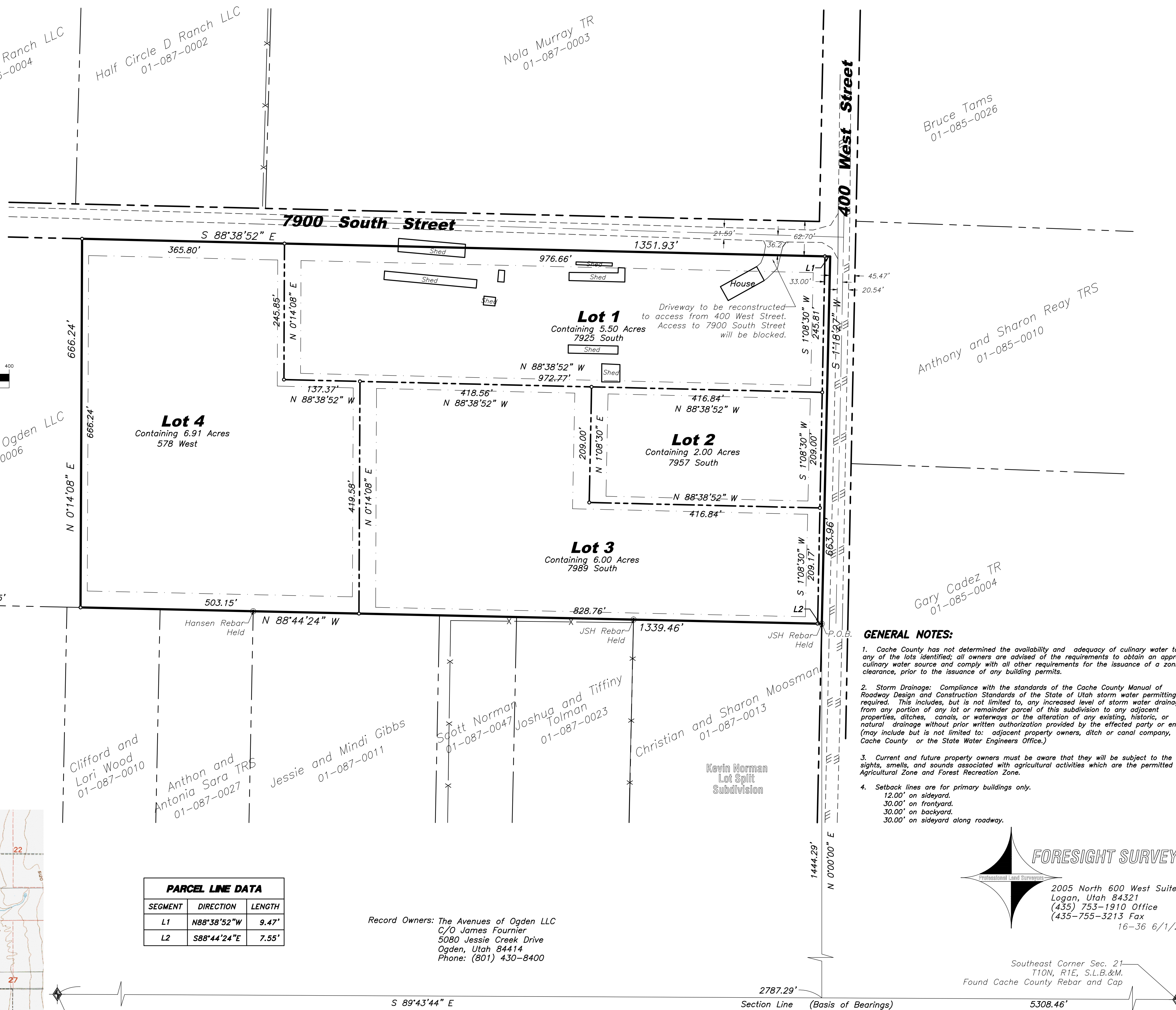
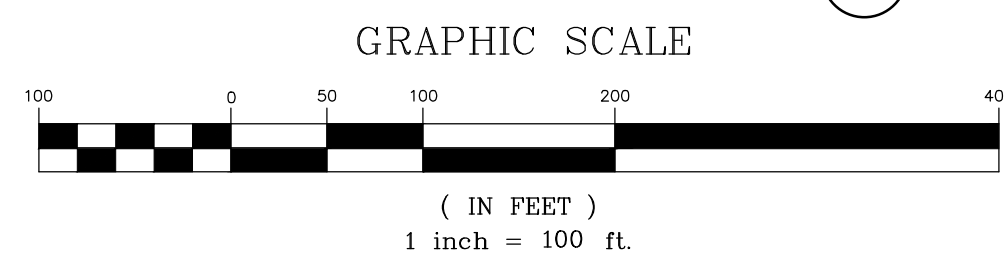
SURVEYOR'S CERTIFICATE

Exhibit B

I, JEFF C. NIELSEN, DO HEREBY CERTIFY AS REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 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 INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: PHOEBE MEADOWS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

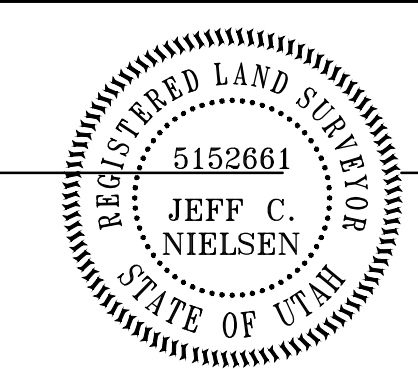


- LEGEND:**
- SUBDIVISION BOUNDARY
 - ADJACENT PROPERTY LINE
 - NEW LOT LINE/RIGHT-OF-WAY LINE
 - SETBACK LINE
 - FENCE LINE
 - EDGE OF PAVEMENT
 - EDGE OF GRAVEL
 - Found Rebar and Cap
 - Section Corner
 - SET 5/8" REBAR W/ CAP



Subdivision Boundary
A PART OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 400 WEST STREET LOCATED SOUTH 89°43'44" EAST, A DISTANCE OF 2787.29 FEET AND NORTH 0°00'00" EAST, A DISTANCE OF 1444.29 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 21; RUNNING THENCE NORTH 88°44'24" WEST, A DISTANCE OF 1339.46 FEET; THENCE NORTH 0°14'08" EAST, A DISTANCE OF 666.24 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 7900 SOUTH STREET; THENCE SOUTH 88°38'52" EAST, A DISTANCE OF 1351.93 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE SAID WEST RIGHT-OF-WAY LINE OF 400 WEST STREET; THENCE SOUTH 01°18'27" WEST, A DISTANCE OF 663.96 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. CONTAINING 20.545 ACRES FOUR LOTS.

Roadway Dedication Description
A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 400 WEST STREET LOCATED SOUTH 89°43'44" EAST, A DISTANCE OF 2787.29 FEET AND NORTH 0°00'00" EAST, A DISTANCE OF 1444.29 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 21; RUNNING THENCE NORTH 88°44'24" WEST, A DISTANCE OF 7.55 FEET; THENCE NORTH 01°08'30" EAST, A DISTANCE OF 663.98 FEET; THENCE SOUTH 88°38'52" EAST, A DISTANCE OF 9.47 FEET; THENCE SOUTH 01°18'27" WEST, A DISTANCE OF 663.96 FEET TO THE POINT OF BEGINNING. CONTAINING 0.130 ACRES.



SIGNATURE _____ DATE _____

OWNER'S DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHOLE TO BE HERINAFTER KNOWN AS THE "PHOEBE MEADOWS SUBDIVISION". FURTHER WE DEDICATE AND/OR QUIT CLAIM AS APPROPRIATE THE PORTION OF PROPERTY OF PARCEL NUMBER 01-087-0005 THAT LIES WITHIN 33.00 FEET OF THE CENTERLINE OF THE EXISTING ROADWAY 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.

Date _____ James Fournier
Date _____ Phoebe Fournier

ACKNOWLEDGMENT
STATE OF UTAH) SS.
County of _____)
This instrument was acknowledged and executed before me this _____ day of _____ 2016 by _____ who acknowledge to be the signed the name of the corporation as such officer.
WITNESS my hand and official seal.
Signature: _____
My Commission Expires: _____

TRUSTEE ACKNOWLEDGMENT
state of UTAH)
County of CACHE)
on this _____ day of _____, _____ personally appeared before me, the undersigned notary public in and for said county of Cache, in the state of Utah, proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument as Trustee(s) of the _____, the signer(s) of the within instrument, who duly acknowledged to me he(she) executed the same pursuant to and in accordance with the power vested in him(her) by the terms of said trust agreement.
NOTARY PUBLIC

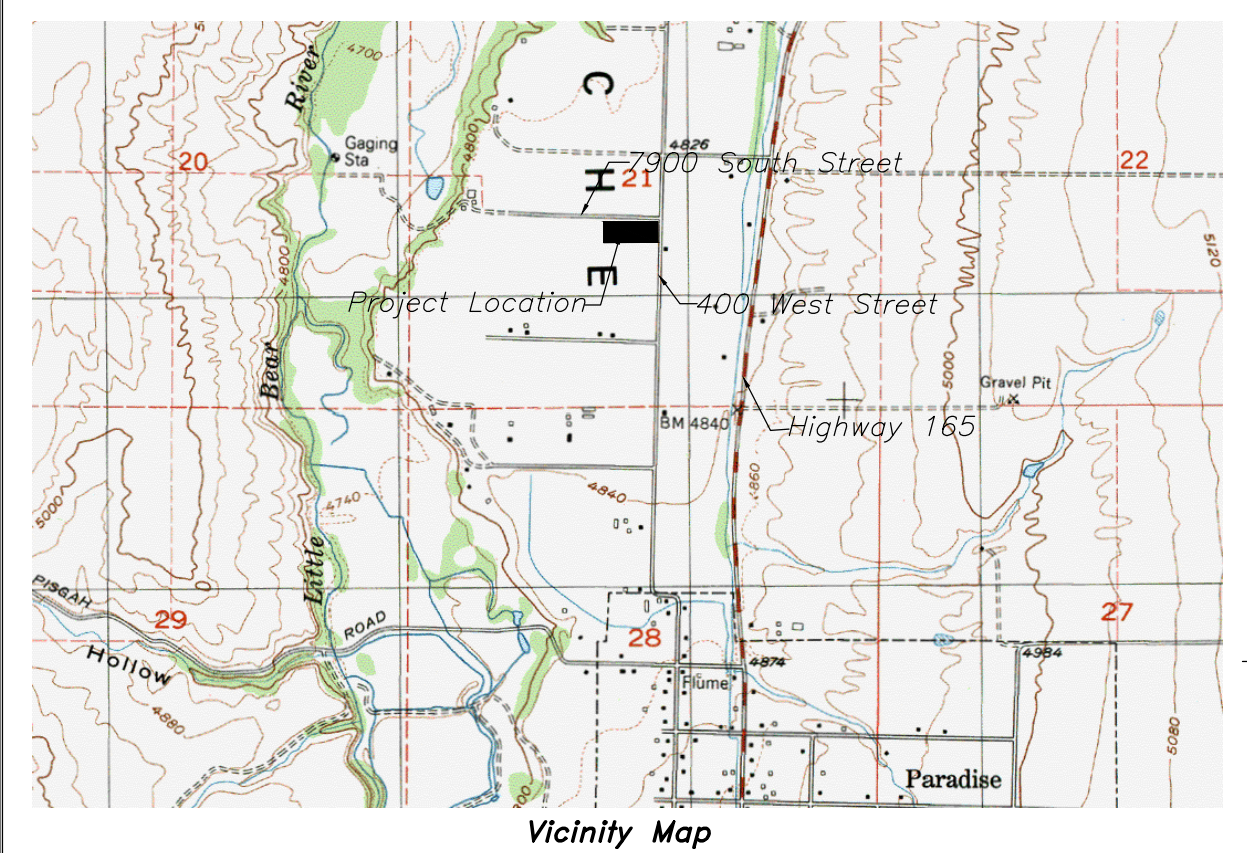
- GENERAL NOTES:**
- Cache County has not determined the availability and adequacy of culinary water to any of the lots identified; all owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of any building permits.
 - Storm Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards of the 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 owners, ditch or canal company, Cache County or the State Water Engineers Office.)
 - Current and future property owners must be aware that they will be subject to the sights, smells, and sounds associated with agricultural activities which are the permitted uses in the Agricultural Zone and Forest Recreation Zone.
 - Setback lines are for primary buildings only.
12.00' on sideyard.
30.00' on frontyard.
30.00' on backyard.
30.00' on sideyard along roadway.

FORESIGHT SURVEYING
Professional Land Surveyor
2005 North 600 West Suite D
Logan, Utah 84321
(435) 753-1910 Office
(435)-755-3213 Fax
16-36 6/1/2016

PARCEL LINE DATA

SEGMENT	DIRECTION	LENGTH
L1	N88°38'52"W	9.47'
L2	S88°44'24"E	7.55'

Record Owners: The Avenues of Ogden LLC
C/O James Fournier
5080 Jessie Creek Drive
Ogden, Utah 84414
Phone: (801) 430-8400



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.
DATE _____ DEPUTY CACHE COUNTY SURVEYOR _____

CACHE COUNTY PLANNING COMMISSION
THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE _____ DAY OF _____ 2016. DATED THIS DAY OF _____ DAY OF _____
BY: _____ CHAIR

COUNTY ATTORNEY APPROVAL
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.
DATE _____ CACHE COUNTY ATTORNEY _____

BEAR RIVER HEALTH DEPT. APPROVAL
THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 2016.
BY: _____ TITLE: _____

CACHE COUNTY COUNCIL
THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON _____ 2016.
DATED THIS DAY OF _____ DAY OF _____, 2016.
BY: _____ CHAIRMAN
ATTESTED TO: _____
CACHE COUNTY CLERK _____

COUNTY RECORDER
STATE OF UTAH, COUNTY OF CACHE.
THIS PLAT HAS BEEN DULY ACKNOWLEDGED, CERTIFIED, AND APPROVED AND MAY LAWFULLY BE RECORDED IN CACHE COUNTY, UTAH.
FILED AND RECORDED:
FILING NO.: _____
DATE: _____
TIME: _____
BOOK: _____
PAGE: _____
REQUEST OF: _____
CACHE COUNTY RECORDER _____



MEMORANDUM: AGRITOURISM ORDINANCE REVIEW

01 July 2016

The Cache County Planning Commission is considering an update to the County Land Use Code that would allow agritourism activities and invites your input and participation.

Date of meeting: Thursday, July 7, 2016 - 5:30 p.m.
Location: 199 North Main
Historic Courthouse, Council Chambers
Logan, UT 84321

A copy of the draft definition and proposed use is included on page 2. Written comment is very helpful for the Planning Commission when considering your input. If you wish to provide written comment, please direct any questions or comments to the Development Services staff at DevServices@cachecounty.org, at (435) 755-1640, in person at 179 North Main, Suite 305, Logan, UT, 84321. Additional information regarding code requirements in general can also be found by contacting this office.

Chris Harrild
Senior Planner

17.07.030 Use Related Definitions

5400 AGRITOURISM: A use or activity that is accessory to an Agricultural Production primary use, and whose purpose is for recreation, retail purchase, education, or participation of the general public on-site, and is additionally defined as follows:

1. Any such use/activity must be accessory to a primary Agricultural Production use. This means that the primary Agricultural Production use:
 - a. Must qualify as land under agricultural use as defined by the Farmland Assessment Act, UCA 59-2-5, and;
 - b. 75% or more of the property must be used in the production of agricultural goods.
2. The use/activity occurs during more than six (6) (consecutive or non-consecutive) days per year and provides agriculturally related, and in some instances, non-agriculturally related products to the general public.
3. Any such use/activity requires Land Use Authority review whether or not the participant(s) pay to participate in the use/activity.
4. Any overnight accommodation is permitted with no more than a total of four (4) guest rooms.
5. Any such use/activity may include, but is not limited to a: Farm tour; farm stay; educational class; corn maze; group event or competition; U-pick operation; farmers market; farm museum; cider mill; petting farm/zoo; retail sales facility (e.g., meat shop; dairy or creamery; nursery; gift shop; flower, herb, or spice store; bakery; restaurant; or café); small-scale food processing (e.g., process pumpkins grown on premise into pumpkin pies), and other similar uses/activities as determined by the Land Use Authority.

17.09.030 Schedule of Zoning Uses

5000	Cultural, Entertainment, and Recreation	RU2	RU5	A10	FR40	RR	C	I	ME	PI
5400	Agritourism	N	N	C	C	N	N	N	N	-

N = Not permitted, C = Permitted as a conditional use, - = Not applicable

The Zoning Map of Cache County can be found online at: <https://www.cachecounty.org/gis/>
 Select Parcel & Zoning Map Viewer

The conditional use permit process and requirements can be found in the County Code under 17.06 Uses.

Agritourism

Affected sections of code:

17.07 Use Related Definitions

17.09 Schedule of Zoning Uses

Outside contacts invited to comment:

USU Extension

Farm Bureau

Agriculture Advisory Board

Cache County Visitor's Bureau

Other entity approaches to Agritourism reviewed:

Weber County

State of Utah

USU Extension

Thurston County, Washington

State of Michigan

State of Oregon

State of Virginia

APA Zoning Practice, March 2004, Agritourism