



**4:45 p.m.**

Workshop in the County Council Chambers.

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Nolan Gunnell

Review and approval of agenda.

Review and approval of the minutes of the July 21, 2016 meeting.

**5:35 p.m.**

**Regular Action Items**

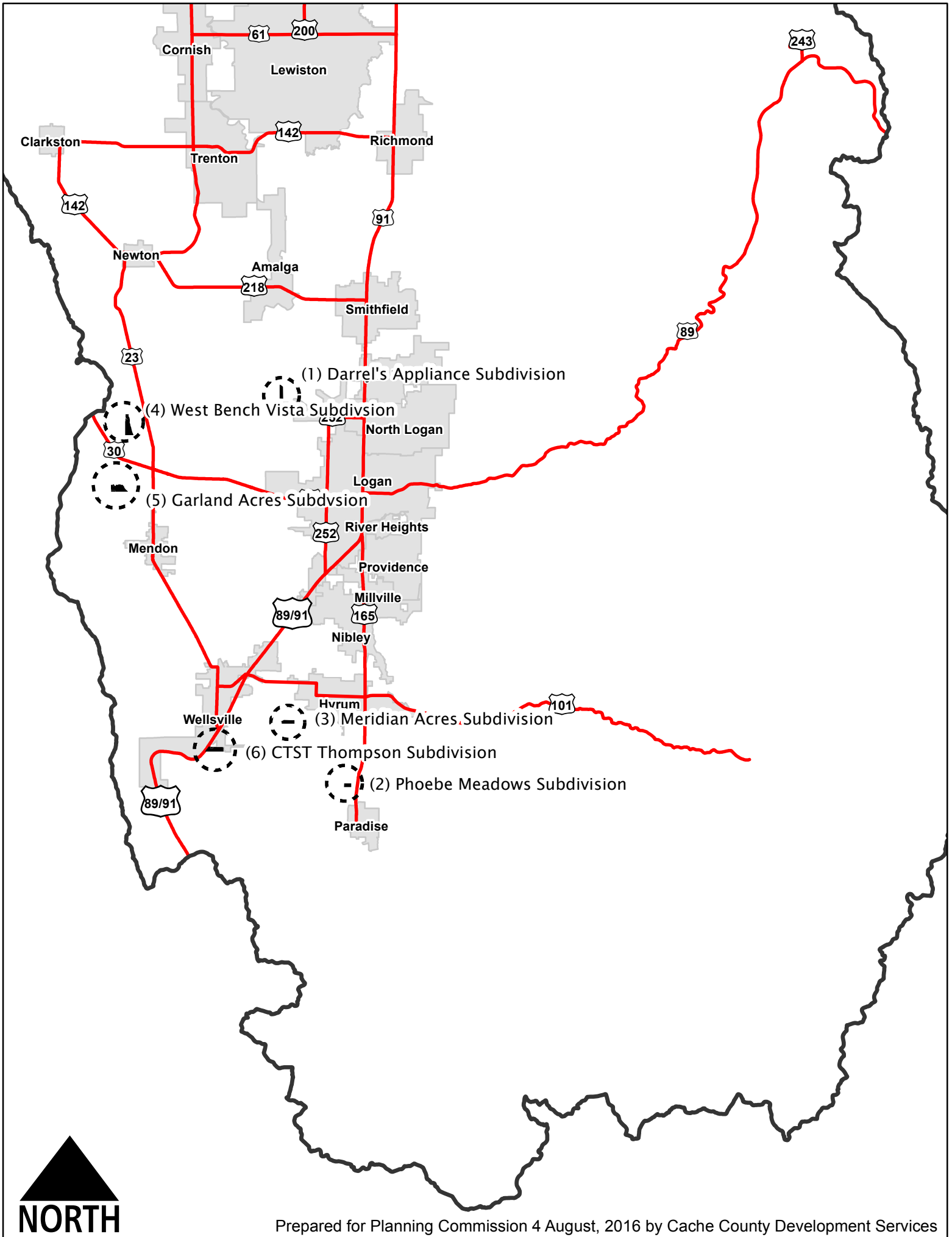
- (1) **Darrel's Appliance Subdivision 1<sup>st</sup> Amendment** — A request for a recommendation of approval to the County Council to create a new lot (Lot 3) from the existing Lot 1 of the Darrell's Appliance Subdivision at approximately 3390 North and 2400 West in the Agricultural (A10) Zone.
- (2) **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) **Meridian Acres Subdivision** — A request for a recommendation of approval to the County Council for a three-lot subdivision with an agricultural remainder on 35.43 acres of property at approximately 6100 South 2400 West, southwest of Hyrum, in the Agricultural (A10) Zone.
- (4) **Hawk's Ridge Subdivision** — A request for a recommendation of approval to the County Council for an eleven-lot subdivision on 87.38 acres of property at approximately 6750 West 2000 North, Petersboro, in the Agricultural (A10) Zone.
- (5) **Garland Acres Subdivision 2<sup>nd</sup> Amendment** — A request for a recommendation of approval to the County Council to add four lots to an existing three-lot subdivision on 77.37 acres of property at approximately 600 North 7200 West, Petersboro, in the Agricultural (A10) Zone.
- (6) **CTST Thompson Subdivision 1<sup>st</sup> Amendment** — A request for a recommendation of approval to the County Council to add two lots to an existing two-lot subdivision on 62.64 acres of property at approximately 4358 West 6800 South, south of Wellsville, in the Agricultural (A10) Zone.
- (7) **Status of DD Auto & Salvage Permit**
- (8) **Discussion** – 17.23 Sign Standards

Board Member Reports

Staff reports

Adjourn







1 **Cache County Planning Commission**

2  
3 Minutes for 21, July 2016

4  
5 **Present:** Jacob Adams, Chris Harrild, Josh Runhaar, Megan Izatt, Lee Edwards, Nolan Gunnell, Phillip  
6 Olsen, Rob Smith, Brady Christensen, Chris Sands, Lane Parker, Jason Watterson

7  
8 **Start Time: 05:33:00** (Time not shown on DVD)

9  
10 **Smith** welcomed and **Watterson** gave opening remarks

11  
12 **05:34:00**

13  
14 **Agenda**

15  
16 *Gunnell* motioned to accept the agenda; *Watterson* seconded; **Passed 7, 0**

17  
18 **Minutes**

19  
20 *Parker* motioned to approved the July 7, 2016 minutes; *Gunnell* seconded; **Passed 7, 0.**

21  
22 **05:36:000**

23  
24 **Regular Action Items**

25 **#1 Public Hearing (5:35 PM): Ordinance 2016-11: Agritourism**

26  
27 **Harrild** reviewed the Amendments to sections 17.07 Definitions and 17.09 Schedule of Zoning Uses of  
28 the County Code regarding Agritourism uses.

29  
30 **Staff and Commission** discussed Agritourism. The main use of the farm would still be used for  
31 agriculture and the accessory use would be Agritourism. There will be an occupancy limit of two people  
32 per room (excluding children under 15); the parcel needs to be at least 10 acres and used more than 14  
33 days (consecutive or non-consecutive) to be considered Agritourism. Bed and Breakfasts are not  
34 considered part of the Agritourism. Currently staff knows of two landowners that would qualify under  
35 this new definition and are operating and have received notices to stop and cease their operations. If there  
36 are operations that currently have a conditional use permit (CUP) their permits are still valid under their  
37 existing conditions. Some Commissioners expressed that the consequences from this definition could be  
38 larger than intended. There will be some things that come up that will have to be addressed and the code  
39 can be amended as needed. In the use chart Agritourism is conditionally permitted in the A10 and FR40.  
40 Produce stands do not fall under this definition and are a zoning clearance done administratively. The  
41 main reason for this code amendment is to help with impacts on the surrounding area. Many  
42 commissioners felt the 14 days was too restrictive and should be increased to twenty one (21) days.

43  
44 **06:12:00**

45  
46 *Olsen* moved to open the public hearing for Ordinance 2016-11 Agritourism; *Watterson* seconded;  
47 **Passed 7, 0.**

48  
49 **06:13:00**

1 *Olsen* motioned to close the public hearing for Ordinance 2016-11 Agritourism; *Watterson* seconded;  
2 **Passed 7, 0.**

3  
4 *Sands* motioned to recommend approval to the County Council for Ordinance 2016-11 Agritourism with  
5 the noted edits; *Christensen* seconded; **Passed 7, 0.**

6  
7 **06:14:00**

8  
9 **#2 Public Hearing (6:20 PM): Ordinance 2016-12: Telecommunications Facilities**

10  
11 **Harrild** reviewed the Amendments to the Telecommunications Facilities Ordinance. The FCC issued a  
12 statute stating coverage justification and economic feasibility cannot be considered or reviewed when  
13 making a decision concerning tower height. Some questions were asked regarding setbacks; currently the  
14 ordinance requires that the towers have enough land to equal the height of the tower plus 10 feet. No  
15 applications for a new telecommunications facility have been received since the current ordinance was  
16 passed. The new ruling from the FCC does allow for the Planning Commission to decide on aesthetics.

17  
18 **06:22:00**

19  
20 **Olsen** stepped out.

21  
22 **06:24:00**

23  
24 *Christensen* motioned to open the public hearing for Ordinance 2016-12; *Watterson* seconded; **Passed 6,**  
25 **0.**

26  
27 **06:25:00**

28  
29 *Watterson* motioned to closed the public hearing for Ordinance 2016-12; *Sands* seconded; **Passed 6, 0.**

30  
31 *Sands* motioned to recommend approval to the County Council for Ordinance 2016-12  
32 Telecommunications Facilities; *Watterson* seconded; **Passed 6, 0.**

33  
34 **06:27:00**

35  
36 **#3 Public Hearing (6:30 PM): Ordinance 2016-13: Various amendments to Title 17**

37  
38 **Harrild** reviewed the various amendments. This includes amendments to sections 17.02 Administration,  
39 17.04 Enforcement, 17.06 Uses, 17.07 Definitions, 17.09 Schedule of Zoning Uses, 17.10 Development  
40 Standards, 17.13 Mineral Extraction and Excavation (ME) Overlay Zone, and 17.16 Group Living  
41 Facilities.

42  
43 **06:27:00**

44  
45 **Olsen** returned.

46  
47 **Harrild** reviewed 17.02 Administration. There were some redundant pieces in the ordinance and the  
48 redundant sections were deleted. The second item is to allow extensions for to be allowed. For 17.04  
49 Enforcement, is a Class C misdemeanor not a Class B misdemeanor. For 17.06 Uses, it was updated to  
50 address a gap in the process for CUPs that cease operation but still have ongoing requirements to fulfill.  
51 This change is mostly for gravel pits that have exhausted their permit but still need to complete

1 reclamation requirements. For 17.07 Definitions, it was updated to more accurately specify appropriate  
2 definitions for any words or phrases not found in the county, state, or building code. Section 1130 was  
3 added to reflect the previous update to the use chart in 17.09 for accessory structures. These definitions  
4 were moved from general definitions section, amended, and placed here with the use related definitions.  
5 Some minor updates were made for the residential living facility to reference the code. Definition 5100  
6 was updated to clarify and distinguish the difference between a recreational facility and a resort.  
7 Emphasis was also added that a resort is a large scale planned facility. Accessory Use, Residential Use,  
8 and Commercial/Manufacturing use definitions were moved to definition 1130. 17.09 Schedule of Zoning  
9 Uses, 5400 Agritourism added. 17.10 Development Standards, 17.10.010 A2 was added to allow for a  
10 travel trailer or similar vehicle to be on the property for up to 180 days while a dwelling is under  
11 construction. Table 17.10.040, Site Development Standards was updated to reflect the other category  
12 references and to reflect a more typical amount. On a 1 acre lot in the FR40 Zone 10,000' is  
13 approximately 25% of the lot. That percentage replaces the 10,000 square feet maximum. 17.13 Mineral  
14 Extraction and Excavation, the changes made are specific to mineral extraction and excavation. Item A  
15 was updated to allow exception in cases of temporary operation. The code was updated and reorganized  
16 to clarify the ordinance. 17.13.080 was updated to Reclamation Agreements. 17.13.090 had a portion  
17 deleted due to non-enforceable requirements. 17.16 Group Living Facilities, there were code reference  
18 updates and corrections made.

19  
20 **06:56:00**

21  
22 *Watterson motioned to open the public hearing; Sands seconded; Passed 7, 0.*

23  
24 **06:56:00**

25  
26 *Watterson motioned to close the public hearing; Olsen seconded; Passed 7, 0.*

27  
28 *Watterson motioned to recommend approval to the County Council for Title 17 for the sections outlined*  
29 *by the agenda with the noted edits and changes; Sands seconded; Passed 7, 0.*

30  
31 **06:57:00**

32  
33 **Christensen and Sands** left the meeting.

34  
35 **#4 Ordinance 2016-10: 15.32 Storm Water Standards**

36  
37 **Runhaar** reviewed the Storm Water Standards.

38  
39 **#5 Resolution 2016-18: Storm Water Management Program**

40  
41 **Runhaar** reviewed the Storm Water Management Program.

42  
43 **#6 Resolution 2016-19: Infrastructure Standards**

44  
45 **Runhaar** reviewed the Infrastructure Standards.

46  
47 **07:29:00**

48  
49 **#7 Discussion – 17.23 Sign Standards**

50  
51 **Harrild** 17.23 Sign Standards is being completely rewritten because it violates the first amendment.

- 1 **07:31:00**
- 2
- 3 **Adjourned**

DRAFT



### STAFF REPORT: DARRELL'S APPLIANCE SUBDIVISION 1<sup>ST</sup> AMENDMENT **Date:** 4 August 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:** Darrell Ricks

**Parcel ID#:** 04-022-0020

**Staff Determination:** Approval with conditions

04-022-0031

**Type of Action:** Administrative

**Land Use Authority:** County Council

#### LOCATION

*Reviewed by: Jacob Adams - Planner I*

#### Project Address:

2346 West Airport Road  
Benson, UT

#### Current Zoning:

Agricultural (A10)

**Acres:** 35.08

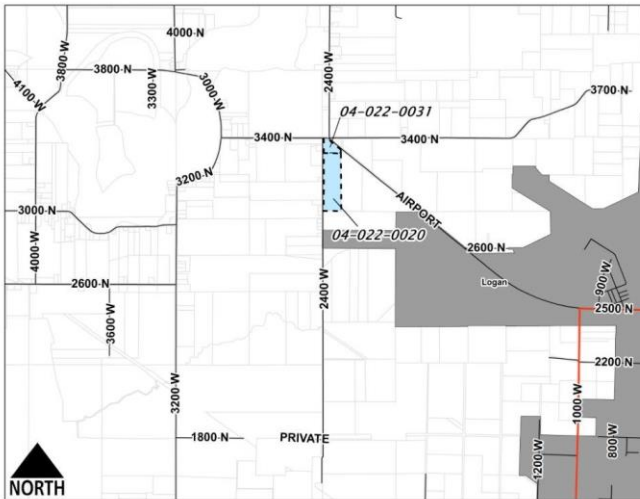
#### Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Commercial/Agricultural/Residential

West – Agricultural/Residential



#### SUMMARY

The Darrell's Appliance Subdivision 1<sup>st</sup> Amendment is a request to add an additional lot to the existing 2 lots on 35.08 acres of property at 2346 West Airport Road. This subdivision was originally recorded in 2001 with two lots. The new lot would be divided from the applicant's 5.18-acre lot and would be the third and final lot possible in the current A10 Zone. As this would prevent the other property owner in the subdivision from dividing their 29.9 acre lot in the future, they are considered "an owner of record of the portion of the plat that is being amended" as per Utah Code Annotated §17-27a-609 [4] [b] and are required to sign the plat.

This subdivision amendment request was originally heard at the 2 June 2016 Planning Commission meeting, where it was continued for up to 90 days to allow legal counsel more time to evaluate the proposal.

## FINDINGS OF FACT (23)

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### ***Ordinance—16.02.050 [C], 17.02.060, 17.07.040, 17.10.030 [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. The original Darrell's Appliance subdivision was recorded on 2 October 2001 and consisted of 5.18-acre Lot 1 and 29.9-acre Lot 2.
3. Under the Agricultural (A10) Zone, lots may be divided at a development density of ten acres per unit. This results in a maximum development density potential of three lots on 35.08 acres within this specific subdivision boundary.
4. This application would amend the plat to divide one additional lot (Lot 3) from Lot 1. Lot 1 does not meet the density requirements for an additional lot without considering the entire subdivision boundary.
5. The creation of Lot 3 would exhaust the permitted development density for this subdivision. Further division within the existing subdivision boundary, beyond the proposed amendment, would not be permitted under the current County Land Use Ordinance.
6. A memorandum has been provided reflecting an analysis of the plat amendment, density requirements, and the requirements of Utah Code Annotated §17-27a-609 (Exhibit A). This memo identifies that because the development density of Lot 2 is being amended, the owner of record of Lot 2 must agree to the action in conformance with U.C.A. §17-27a-609 [4] [b].
7. The owner of record of Lot 2 has provided written opposition to this subdivision in order to preserve the right to future development (Exhibit B).

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

8. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements for any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
9. The additional proposed lot will have access from 2400 West.
10. County road 2400 West meets the minimum maintenance requirements but does not meet the minimum access requirements.
  - a. 2400 West currently provides access for multiple existing dwellings.
  - b. 2400 West consists of a 21-foot-wide paved width with 2-foot-wide gravel shoulders.
  - c. The county provides winter maintenance on 2400 West.
  - d. A design exception is required for the paved width of 2400 West.

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

11. The Benson Culinary Water Improvement District has agreed to provide culinary water for a new commercial connection on the proposed Lot 3.
12. Bear River Health Department has approved the proposed amendment.
13. 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]***

14. Residential refuse and recycling containers must be placed three to four feet apart on 2400 West, far enough off of the road that they don't interfere with passing traffic. Commercial waste can be handled through the existing dumpsters on Lot 1 or by arranging for new dumpsters on the proposed Lot 3.
15. School bus service would be provided with a stop at 3400 North 2400 West.

16. Any driveways must meet all applicable requirements of the current International Fire Code, minimum county standards, and any other applicable codes.
17. Water supply for fire suppression will be provided by hydrants adjacent to the subdivision property.

***Sensitive Areas—17.18.040***

18. Initial county review identified an area of wetlands and open water on the proposed Lot 3. The Natural Resources Conservation Service of the US Department of Agriculture has determined that this area is not a wetland area (Exhibit C).

***Public Notice and Comment—17.02.040***

19. Public notice was initially posted online to the Utah Public Notice Website on 19 May 2016 and again on 19 July 2016.
20. Notice was initially published in the Herald Journal on 22 May 2016 and again on 24 July 2016.
21. Notices were posted in three public places on 19 July 2016.
22. Notices were mailed to all property owners within 300 feet of the subject property and all municipalities within 1 mile on 27 May 2016.
23. At this time, the only written public comment received by the Development Services Office has been from the owner of Lot 2 as mentioned herein.

**CONDITIONS (3)**

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, 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.
2. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.
3. The owner of record of Lot 2 must sign the plat as the development density of the subdivision is being amended per Utah Code §17-27a-609 [4] [b].

**CONCLUSIONS (2)**

Based on the findings of fact and conditions noted herein, the proposed Darrell's Appliance Subdivision 1<sup>st</sup> Amendment is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Land Use Ordinance.
2. A design exception is hereby approved for the paved width of 2400 West as the total roadway width meets the minimum county requirements and the addition of a one-foot-wide strip of pavement is not practical and may create future maintenance and structural issues on the roadway.



MEMORANDUM: PLAT AMENDMENT AND DENSITY

22 July 2016

The standard of review for approving a plat amendment is different from other land use approvals. The standard for plat amendment is based on "good cause" as referenced in State Code §17-27a-609(1)(a).

§17-27a-609.

“Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

(1)The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

- (a) there is good cause for the vacation or amendment; and
- (b) no public street, right-of-way, or easement has been vacated or amended.”

As defined by Merriam-Webster, “good cause” is; “1. : a cause or reason sufficient in law: one that is based on equity or justice or that would motivate a reasonable person under all the circumstances.”

<http://www.merriam-webster.com/dictionary/good%20cause>

Accessed on 7/11/2016

And also, Merriam-Webster provides a legal definition of “cause” that includes another definition of “good cause”; “2:...good cause: a substantial reason put forth in good faith that is not unreasonable, arbitrary, or irrational and that is sufficient to create an excuse for an act under the law...”

<http://www.merriam-webster.com/dictionary/cause#legalDictionary>

Accessed on 7/11/2016

Black’s Law Dictionary 251 (9th ed. 2009), defines “good cause” as “legally sufficient reason”.

A “good cause” standard allows the County Land Use Authority an increased level of discretion compared to other land use applications. This allows the County to consider if an effect upon another owner of record within a subdivision boundary is substantial, and therefore an amendment of the property.

Additionally, State Code §17-27a-609(4)(b) specifies that a plat must be signed by all owners of record for portions of the plat that are amended.

§17-27a-609.

“Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

(4) An amended plat may not be submitted to the county recorder for recording unless it is

- (a) signed by the land use authority; and
- (b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.”

Therefore, as the development density of the adjoining lot within the Darrell’s Appliance Subdivision is affected and amended by the proposed plat amendment, the signature of that owner of record is required on the amended plat. And as that property owner has expressed written opposition to the proposal, it is well within the purview of the Planning Commission to consider the opposition of the affected owner of record in the Planning Commission’s review and establishment of conditions of approval.

Bert D. Reese & Son, Inc.

Quality Milk since 1877

18, May 2016

Jacob Adams, Planner  
Cache County Development  
Services Department

Dear Mr. Adams,

This letter is in response to Darrell's Appliance proposed amendment to create one additional lot of land that would create one more additional lot. The subdivision currently has two buildable lots on 35 acres of land. The maximum development potential within the boundary is three developable lots based on the one lot per ten acre requirement of the existing Agricultural Zone. The proposed subdivision would be the third developable lot, and under the current County Land Use Code, no additional division of the property in this boundary would be possible.

As the owner and developer of this land, I am strongly opposed to the proposed amendment to the Darrell's Appliance Subdivision. I would like the option to be able to develop on the remaining acres in the future. The ratio of one lot per ten acres only determines the number of lots and not the lot size. If the proposed amendment does not occur I will be able to divide it into two 14.95 acre lots under the current County Land Use Code. If the amendment does occur then I no longer have the ability

Sincerely,



Brad Reese, President  
Bert D Reese & Son, Inc

UNITED STATES  
DEPARTMENT OF  
AGRICULTURE  
August 18, 2000

NATURAL RESOURCES  
CONSERVATION  
SERVICE

1860 North 100 East  
Logan, UT  
Phone: (801) 753-5616

Brad Reese  
3987 N 2400 West  
Benson, Utah 84335

Dear Mr Reese

The results of the wetland determination that you requested on tract **Tract 2599 (pond area)** is shown on the form CPA-026 and photo included. We have determined this part of this field to fit the wetland classification of "Not Wetland" or "NW".

Please contact Bill McMullin in this office if you have any questions about this determination.

Sincerely,

  
William I. McMullin  
Soil Conservationist

Attachment: Map, CPA\_026.

cc. Gary Bertonneau

<b>U.S.D.A.</b> Natural Resources Conservation Service  <b>HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION</b>	<b>NRCS-CPA-026</b> (June 91)	<b>1. Name and Address of Person</b>  Brad Reese 3986 North 2400 West Benson, Utah 84335	<b>2. Date of Request</b> August 18, 2000
			<b>3. County</b>  Cache
<b>4. Name of USDA Agency or Person Requesting Determination</b>  FSA		<b>5. Farm No. and Tract No.</b> 2731 T2599	

**SECTION I - HIGHLY ERODIBLE LAND**

	FIELD NO (s)	TOTAL ACRES
6. Is soil survey now available for making a highly erodible land determination? Yes <input type="checkbox"/> No <input type="checkbox"/>		
7. Are there highly erodible soil map units on this farm? Yes <input type="checkbox"/> No <input type="checkbox"/>	none	
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981 - 1985.		
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981 - 1985; and were not enrolled in a USDA set-aside or diversion program.		
10. This Highly Erodible Land determination was completed in the: Office <input type="checkbox"/> Field <input type="checkbox"/>		

**SECTION 11 - WETLAND**

	FIELD NO (s)	TOTAL ACRES
11. Are there hydric soils on this farm? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW) or Farmed Wetlands Pasture (FWP). Wetlands may be farmed under natural conditions. Farmed Wetlands and Farmed Wetlands Pasture may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.		
13. Prior Converted Cropland (PC). Wetlands that were converted prior to December 23, 1985. The use, management, drainage, and alteration of prior converted cropland (PC) are not subject to wetland conservation provisions unless that area reverts to wetland as a result of abandonment.		
14. Artificial Wetlands (AW). Artificial wetlands includes irrigation-induced wetlands. These wetlands are not subject to the wetland conservation provisions.		
15. Minimal Effect Wetlands (MW). These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made.		
16. Mitigation Wetlands (MIW). Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990.		
17. Restoration with Violation (RVW+year). A restored wetland that was in violation as a result of conversion after November 28, 1990, or the planting of an agricultural commodity or forage crop.		
18. Restoration without Violation (RSW). A restored wetland converted between December 23, 1985 and November 28, 1990, on which an agricultural commodity has not been planted.		
19. Replacement Wetlands (RPW). Wetlands which are converted for purposes other than to increase production, where the wetland values are being replaced at a second site.		
20. Good Faith Wetlands (GFW+year). Wetlands on which ASCS has determined a violation to be in good faith and the wetland has been restored.		
21. Converted Wetlands (CW). Wetland converted after December 23, 1985 and prior to November 28, 1990. In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits.		
22. Converted Wetland (CW+year). Wetlands converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.		
23. Converted Wetland Non-Agricultural use (CWNA). Wetlands that are converted for trees, fish production, shrubs, cranberries, vineyards or building and road construction.		
24. Converted Wetland Technical Error (CWTE). Wetlands that were converted as a result of incorrect determination by NRCS.		

25. The planned alteration measures on wetlands in fields \_\_\_\_\_ are considered maintenance and are in compliance with FSA.

26. The planned alteration measures on wetlands in fields \_\_\_\_\_ are not considered maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 22 for information on CW+year.

27. The wetland determination was completed in the office  field  and was delivered  mailed  to the person on August 18, 2000

28. Remarks: *Wetland determination done on pond constructed in 1977. Not used for 2-3 years - no wetland found*

29. I certify that the above determination is correct and adequate for use in determining eligibility for USDA program benefits, and that wetland hydrology, hydric soils, and hydrophytic vegetation under normal circumstances exists on all areas outlined as Wetlands, Farmed Wetlands, and Farmed Wetlands Pasture.

30. Signature of NRCS District Conservationist: *[Signature]*

31. Date: August 18, 2000

N



Not Wetland

NW

USGS

D. J. D.



# Exhibit D

## Darrell's Appliance Subdivision-1st Amendment

A PART OF THE WEST HALF OF SECTION 7, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE S.L.B.&M. CACHE COUNTY, UTAH

**Darrell's Appliance**  
SCALE 1"=50'

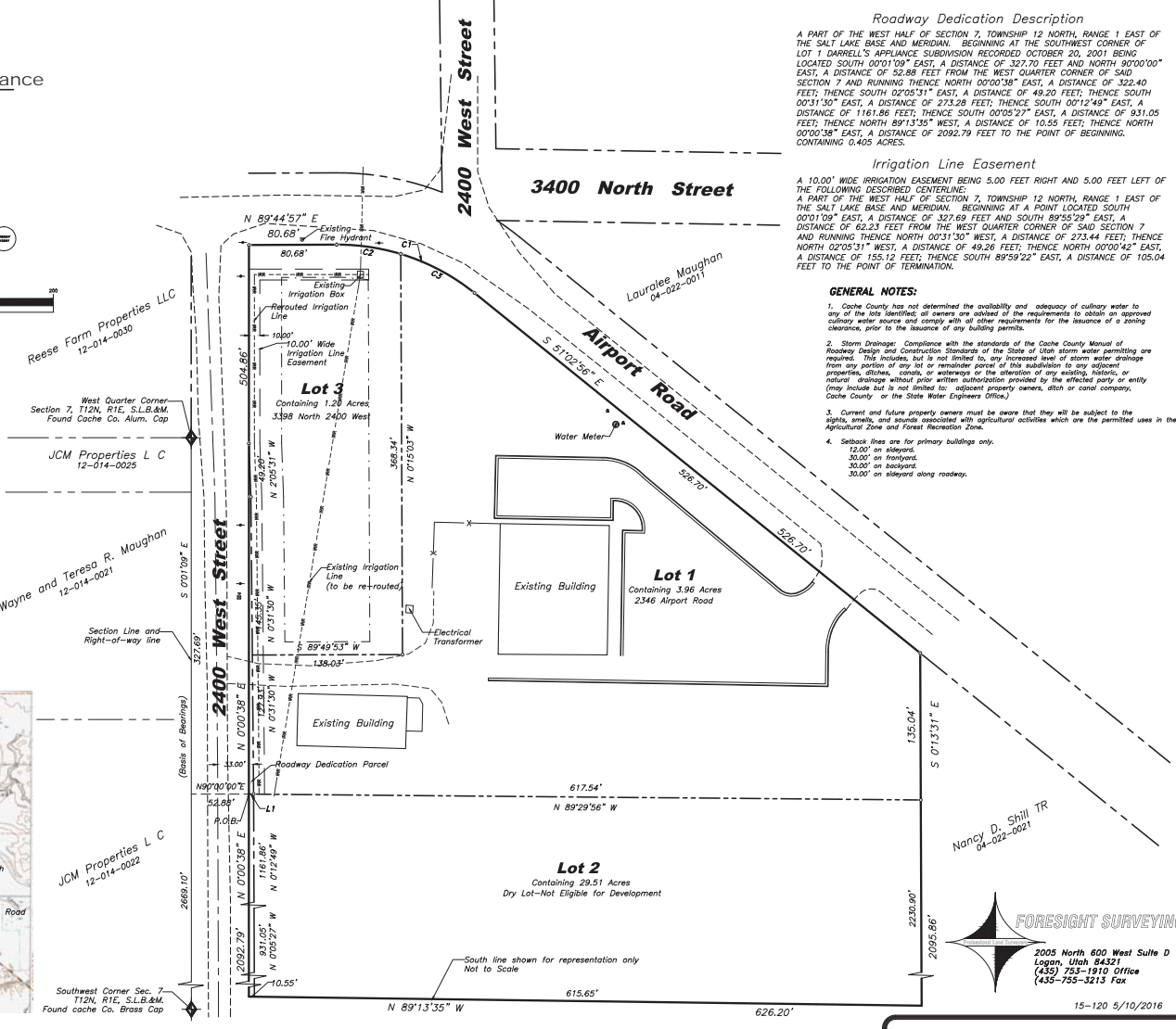
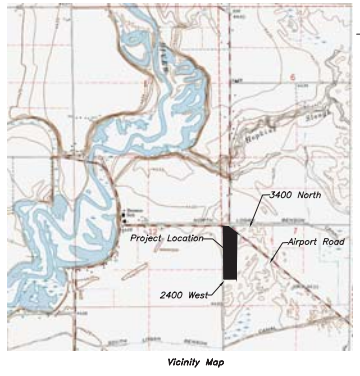
**LEGEND:**  
 SUBDIVISION BOUNDARY  
 ADJACENT PROPERTY LINE  
 NEW LOT LINE/RIGHT-OF-WAY LINE  
 SETTING LINE  
 EASE OF PRESENTMENT  
 Found Meter and Cap  
 Section Corner  
 SET 5/4" REBAR W/ CAP

**GRAPHIC SCALE**  
 ( IN FEET )  
 1 inch = 50 ft.

PARCEL CURVE DATA				
SEGMENT	LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	136.84'	200.00'	39°12'07"	N70°39'00"W
C2	88.67'	200.00'	17°03'42"	N81°42'12"W
C3	77.17'	200.00'	22°08'23"	N62°08'09"W

PARCEL LINE DATA		
SEGMENT	DIRECTION	LENGTH
L1	N89°29'56"W	4.36'



**SURVEYOR'S CERTIFICATE**  
 I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A 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: DARRELL'S APPLIANCE SUBDIVISION-FIRST AMENDMENT AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

**Subdivision Boundary**  
 A PART OF THE WEST HALF OF SECTION 7, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 DARRELL'S APPLIANCE SUBDIVISION RECORDED OCTOBER 20, 2001 BEING LOCATED SOUTH 00°01'09" EAST, A DISTANCE OF 327.70 FEET AND NORTH 90°00'00" EAST, A DISTANCE OF 52.88 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 7 AND RUNNING THENCE NORTH 00°00'36" EAST, A DISTANCE OF 322.40 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: (1) NORTH 89°44'57" EAST, A DISTANCE OF 80.68 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 39°12'07"; (2) EASTERLY ALONG THE ARC A DISTANCE OF 136.84 FEET CHORD BEARS SOUTH 70°39'00" EAST 134.19 FEET; (3) SOUTH 51°02'56" EAST, A DISTANCE OF 526.70 FEET; THENCE SOUTH 00°13'31" EAST, A DISTANCE OF 2230.90 FEET; THENCE NORTH 89°13'35" WEST, A DISTANCE OF 626.20 FEET; THENCE NORTH 00°00'38" EAST, A DISTANCE OF 2092.79 FEET TO THE POINT OF BEGINNING, CONTAINING 35.075 ACRES AND THREE LOTS.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**OWNER'S DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT 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 HEREAFTER KNOWN AS THE "DARRELL'S APPLIANCE FIRST AMENDMENT," FURTHER WE DEDICATE AND/OR QUIT CLAIM AS APPROPRIATE THE PORTION OF PROPERTY OF PARCEL NUMBER 04-022-0031, AND 04-022-0020 THAT LIES WITHIN 55.00 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 \_\_\_\_\_ Darrell J. Ricks  
 Date \_\_\_\_\_ Betty B. Ricks  
 Date \_\_\_\_\_ Thomas Reese

**ACKNOWLEDGMENT**  
 STATE OF UTAH ) ss.  
 COUNTY OF CACHE )  
 THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 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.

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

**TRUSTEE ACKNOWLEDGMENT**  
 state of UTAH )  
 County of CACHE )  
 on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ 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 \_\_\_\_\_

**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 \_\_\_\_\_.

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 \_\_\_\_\_, 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 \_\_\_\_\_

**FORESIGHT SURVEYING**  
 2005 North 600 West Suite D  
 Logan, Utah 84321  
 (435) 753-1910 Office  
 (435) 755-3213 Fax

15-120 5/10/2016



### STAFF REPORT: PHOEBE MEADOWS SUBDIVISION

Date: 4 August 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

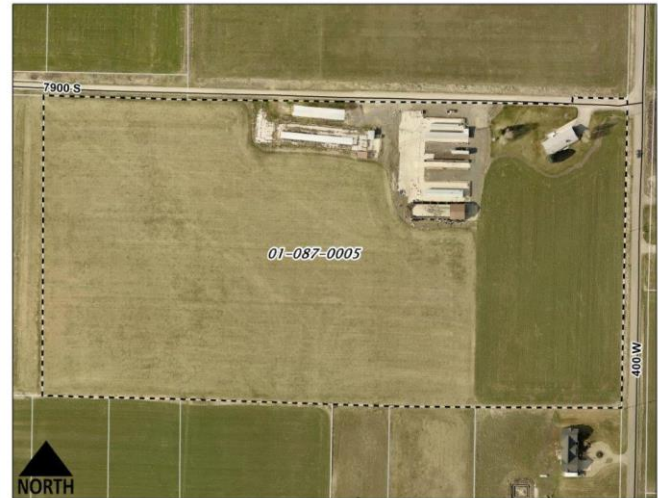
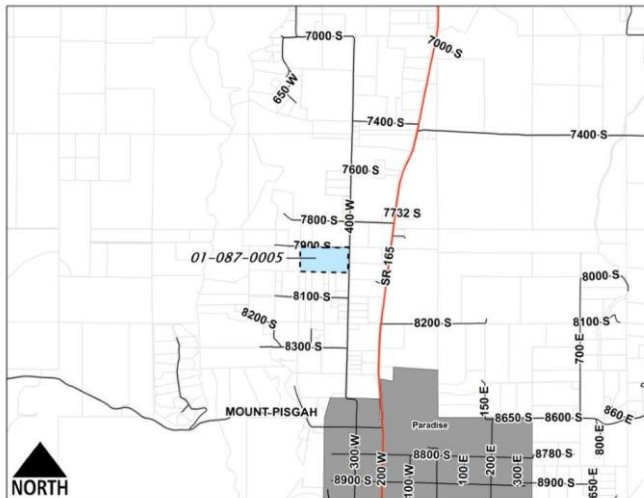
**Current Zoning:**

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 has proposed reconfiguring the driveway to access from 400 West instead of 7900 South. Lots 2 and 3 will front 400 West while Lot 4 will front 7900 South. 7900 South does not meet the minimum county standards for road surface width and must be improved to meet the standards.

This subdivision was originally scheduled for the 7 July 2016 Planning Commission meeting but was rescheduled for the 4 August 2016 meeting to get more accurate information on the maintenance of 7900 South.

## FINDINGS OF FACT (21)

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### ***Ordinance—17.02.060, 17.10.030 [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 sets the minimum requirements of any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
5. 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 winter maintenance on 400 West.
6. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements of any road serving three dwellings or less as 24 feet of gravel width.
7. 7900 South meets the minimum access and maintenance requirements with the exception of the overall roadway width and adequate turnaround.
  - a. 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 winter maintenance on 7900 South.
  - e. The right-of-way for 7900 South has been identified as 62.7 feet wide.
  - f. There is no existing adequate turnaround on 7900 South for winter maintenance, emergency access, and garbage removal.

### ***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 are 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 and 7900 South meet 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 initially posted online to the Utah Public Notice Website on 19 May 2016 and again on 19 July 2016.
17. Notice was initially published in the Herald Journal on 22 May 2016 and again on 24 July 2016.
18. Notices were posted in three public places on 28 June 2016 and again on 19 July 2016.
19. Notices were mailed to all property owners within 300 feet of the subject property on 27 May 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 written public comment regarding this proposal has been received by the Development Services Office.

**CONDITIONS (6)**

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 and 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. Prior to final plat recordation, 7900 South must be improved as follows:
  - a. A turnaround that meets Fire District and Road Department standards, which standards include, but are not limited to, material, width, and location, must be built on 7900 South.
  - b. Any portions of the turnaround not currently within the county right-of-way must be dedicated to the county.
  - c. The gravel surface of 7900 South must be improved to the minimum county standards up to and including the turnaround.
4. The applicant 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.
5. An encroachment permit must be obtained for any work, including access drives, within the Cache County right-of-way.
6. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.

## CONCLUSIONS (2)

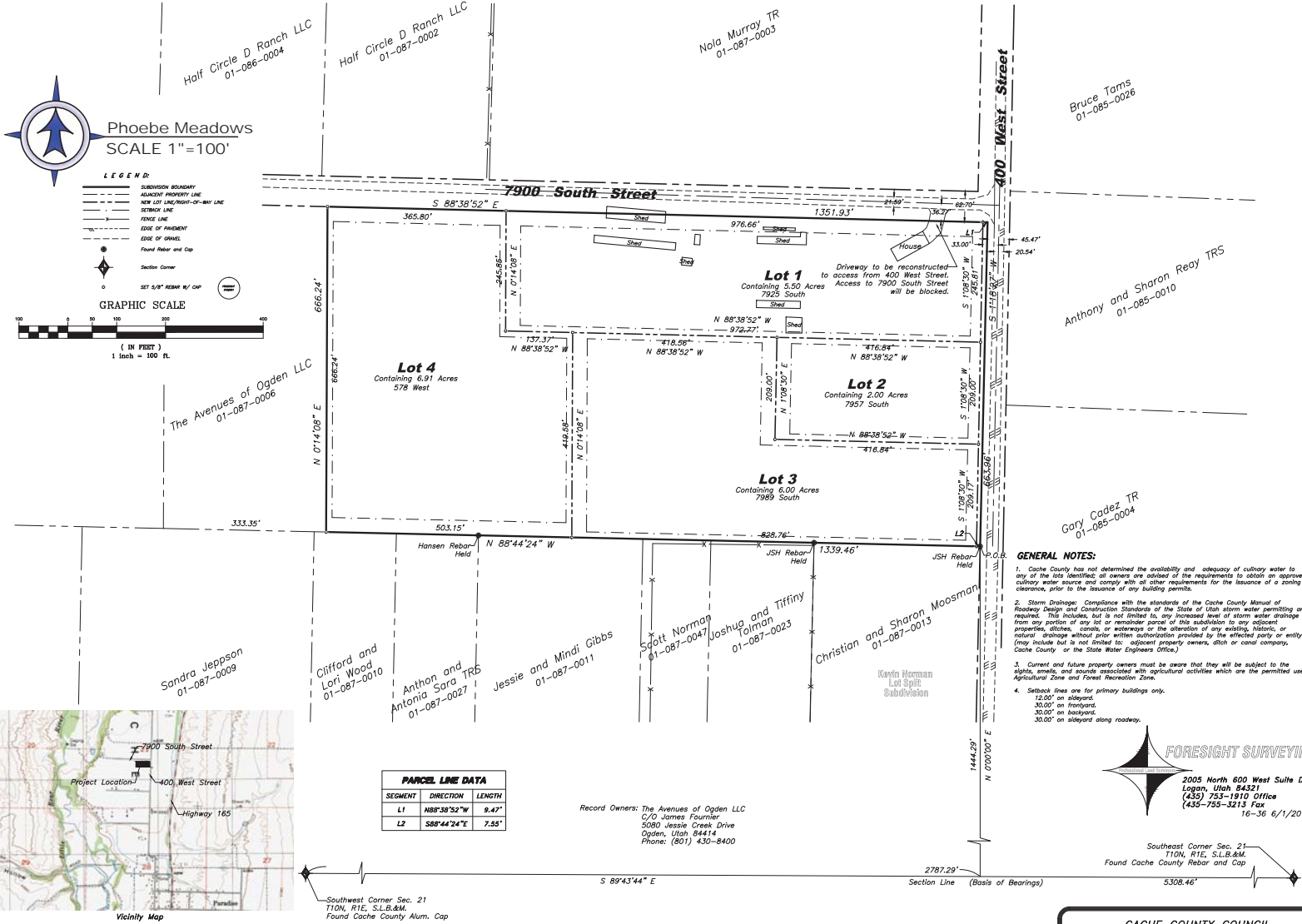
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Based on the findings of fact and conditions noted herein, the Phoebe Meadows Subdivision is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Land Use Ordinance.
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.

## 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

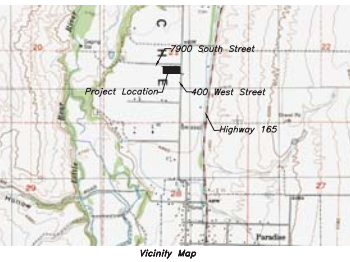


**Phoebe Meadows**  
SCALE 1"=100'

**LEGEND:**

- SUBDIVISION BOUNDARY
- ADJACENT PROPERTY LINE
- NEW 20' ENCROACH-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

**GRAPHIC SCALE**  
( IN FEET )  
1 inch = 100 ft.



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 Jesse Creek Drive  
Ogden, Utah 84414  
Phone: (801) 430-8400

### SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A 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.

### 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 00°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 1351.83 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 663.96 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 HEREAFTER 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 35.00 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 )  
County of \_\_\_\_\_ ) SS:  
This instrument was acknowledged and executed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_, who acknowledge to be the \_\_\_\_\_ of \_\_\_\_\_, and that as such officer, being authorized so to do, 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 \_\_\_\_\_ the undersigned, fully and in full and for said county of Cache, in the state of Utah, empowered 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 submit 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 remanual parcel of this subdivision to any adjacent properties, 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 rights, emble, 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 abutment.  
30.00' on frontyard.  
30.00' on backyard.  
30.00' on alleyway along roadway.



Southwest Corner Sec. 21  
T10N, R1E, S11B&M  
Found Cache County Rebar and Cap  
5308.46'

**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 \_\_\_\_\_.  
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 \_\_\_\_\_, 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 INFO: \_\_\_\_\_  
DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
BOOK: \_\_\_\_\_  
PAGE: \_\_\_\_\_  
REQUEST OF: \_\_\_\_\_  
CACHE COUNTY RECORDER





### STAFF REPORT: MERIDIAN ACRES SUBDIVISION

Date: 4 August 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:** Kirt Lindley

**Parcel ID#:** 01-061-0005

**Staff Determination:** Continue for up to 90 days

**Type of Action:** Administrative

**Land Use Authority:** County Council

### LOCATION

*Reviewed by: Jacob Adams - Planner I*

**Project Address:**

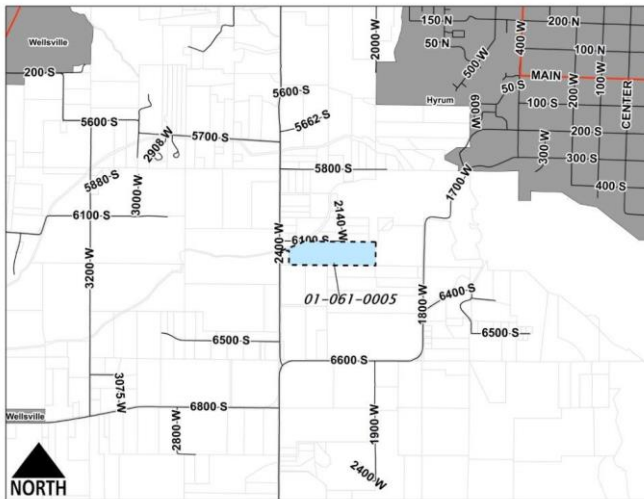
6100 South 2400 West  
Southwest of Hyrum, UT

**Current Zoning:**  
Agricultural (A10)

**Acres:** 35.43

**Surrounding Uses:**

North – Agricultural/Residential  
South – Agricultural/Residential  
East – Agricultural/Residential  
West – Agricultural/Residential



### SUMMARY

The Meridian Acres Subdivision is a request to create three residential lots and an agricultural remainder out of the existing 35.43-acre parcel 01-061-0005. These lots would gain access from private road 6100 South, which also provides access to the Sterling Country Estates and Wellsville View Estates Subdivisions via county road 2400 West. This road is currently substandard and must be improved. The property is bordered to the northwest by the Wellsville Mendon Conservation District Canal.

## FINDINGS OF FACT (24)

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### ***Ordinance—17.02.060, 17.07.040, 17.10.030 [A], 17.10.040***

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 01-061-0005 is considered a legal parcel as a result of the BS Acres Subdivision recorded on 26 December 2001.
3. Under the Agricultural (A10) Zone, lots may be divided at a development density of ten acres per unit. This results in a maximum development density potential of three developable lots on 35.43 acres.
4. Lots must have a minimum frontage of 90 feet.

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

5. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements of any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
6. Table A-8 sets the minimum structural requirements for paved roads at 2.5 inches of asphalt, 6 inches of road base, and 14 inches of pit run.
7. County road 2400 West meets the minimum access and maintenance requirements
  - a. Access to private road 6100 South is from 2400 West, which serves multiple subdivisions and other dwellings.
  - b. 2400 West consists of a 22-foot-wide paved width with 1-foot-wide gravel shoulders.
  - c. The county provides winter maintenance on 2400 West.
8. Private road 6100 South does not meet the minimum access requirements.
  - a. Access to all lots and the agricultural remainder would be from 6100 South.
  - b. All lot owners are responsible for the construction, maintenance, and removal of snow on 6100 South. The county does not provide any road maintenance services on this road.
  - c. The existing structural road conditions, previous road maintenance, and detailed future maintenance plans are unknown at this time.
  - d. 6100 South currently provides access to 9 platted lots in the East Meridian, Sterling Country Estates, and Wellsville View Estates Subdivisions, two of which currently have dwellings.
  - e. 6100 South has a 50-foot-wide ingress/egress easement in favor of the applicant recorded on 9 January 2002. This easement is adjacent to the north border of the subject property. This does not meet the current minimum right-of-way requirements.
  - f. 6100 South crosses the Wellsville Mendon Conservation District canal via culverts with a 28-foot-wide driving surface. No load limit has been identified for this crossing.
  - g. 6100 South has an approximately 18-foot-wide chipsealed surface with one-foot gravel shoulders where the existing chipseal surface has degraded. This surface does not meet the minimum requirements for surface type, surface width, and total width.
  - h. A design exception must be approved for a private road serving more than three lots.
9. 6100 South was approved as a private road when the existing subdivisions were approved and platted in 2004 and 2010.
10. The county is not accepting new roadways unless doing so would improve the health and/or safety of existing subdivisions, homes, or businesses as per County Council Resolution 2015-20 (Exhibit A).

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

11. The applicant has three domestic-use water rights currently in the review process. Adequate, approved water rights must be in places prior to plat recordation.
12. Bear River Health Department has provided a septic system feasibility letter for all three lots.
13. 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]***

14. Residential refuse and recycling containers for all lots must be placed on 2400 West.
15. The Logan City Environmental Department has expressed concerns about the ability to operate their trucks on 6100 South due to inadequate turnaround space and possible winter maintenance issues on the steep portions of the road.
16. School bus service will be provided through a stop at 6116 South 2400 West.
17. 2400 West and 6100 South meet the requirements of the County Fire District.
18. Water supply for fire suppression would be provided by the Hyrum Fire Department.

***Public Notice and Comment—17.02.040***

19. Public notice was posted online to the Utah Public Notice Website on 19 July 2016.
20. Notice was published in the Herald Journal on 24 July 2016.
21. Notices were posted in three public places on 19 July 2016.
22. Notices were mailed to all property owners within 300 feet of the subject property on 19 July 2016.
23. Hyrum City was noticed by e-mail as part of the development review process on 8 July 2016.
24. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONCLUSIONS (2)**

---

Based on the findings of fact noted herein, the proposed Meridian Acres Subdivision is hereby continued for up to 90 days as follows:

1. The applicant must provide adequate information on existing structural road conditions, previous road maintenance, and detailed future maintenance plans for private road 6100 South as noted in findings 8 [c], [e], [f], and [g].
2. The applicant must provide information detailing why a design exception is warranted for the number of homes served by a private road and how the road will adequately provide continued access to the existing nine lots and the three proposed lots as noted in finding 8 [h].

## 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;

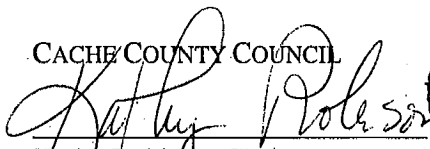
Whereas, there are nearly 200 miles of existing paved road in Cache County that can accommodate development with little to no impact on the County's ability to serve said development.

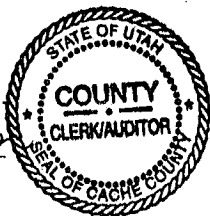
NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to hereby adopt the following resolution:

- 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.

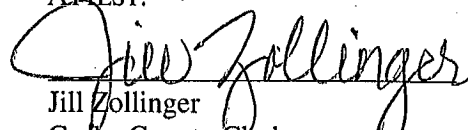
APPROVED AND ADOPTED this 25<sup>th</sup> day of August, 2015.

CACHE COUNTY COUNCIL

  
Kathy Robison, Chair  
Cache County Council



ATTEST:

  
Jill Zollinger  
Cache County Clerk

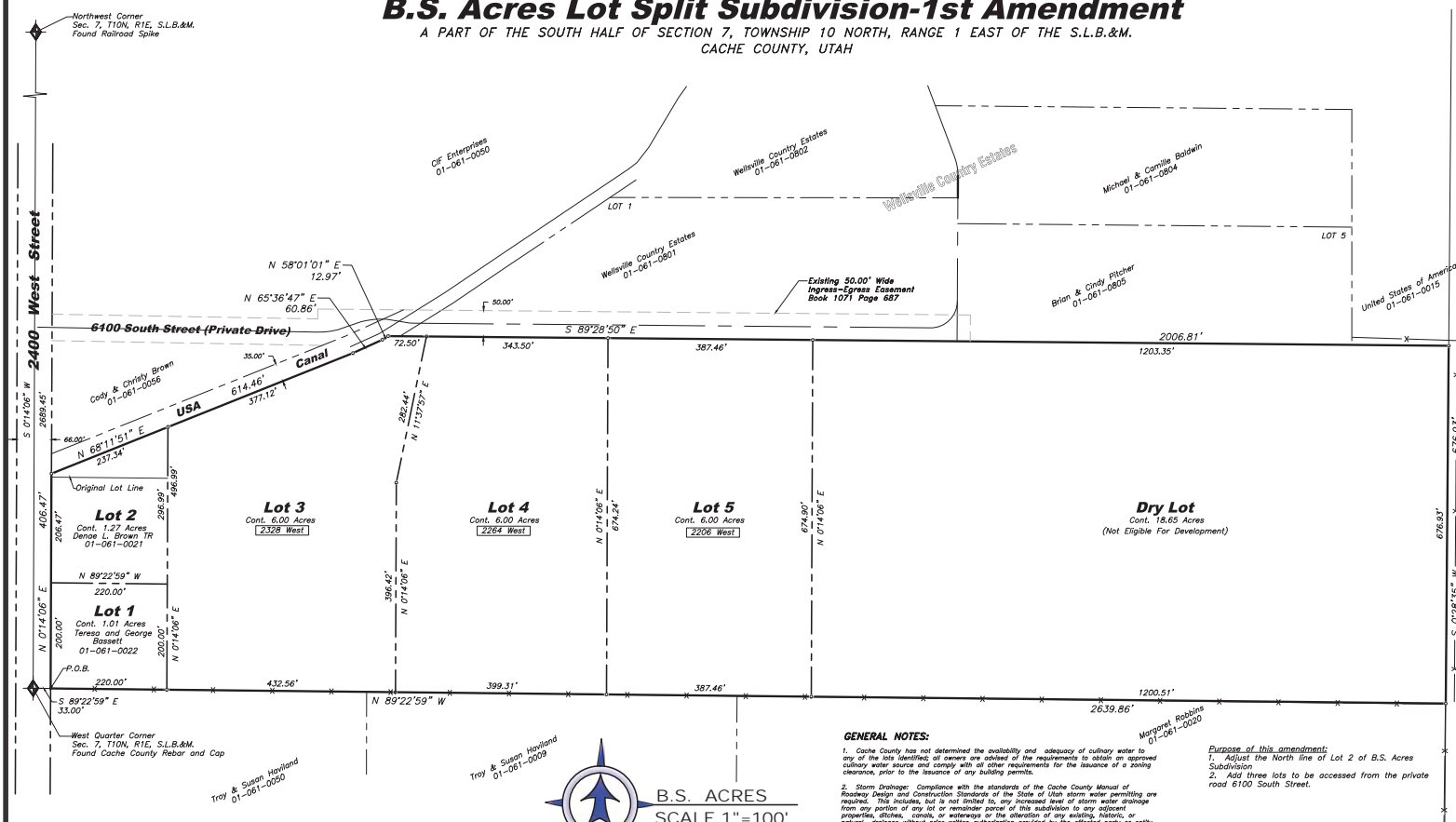
*Disclaimer: This is provided for informational purposes only. The formatting of this resolution may vary from the official hard copy. In the case of any discrepancy between this resolution and the official hard copy, the official hard copy will prevail.*

Preliminary plat. Name will be changed to "Meridian Acres Subdivision" and will only involve Lots 3, 4, 5, and the Dry Lot as currently shown on the plat. Lots 1 and 2 as shown here are not included.

# Exhibit B

## B.S. Acres Lot Split Subdivision-1st Amendment

A PART OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE S.L.B.&M. CACHE COUNTY, UTAH



**SURVEYOR'S CERTIFICATE**

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152861 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: B.S. ACRES LOT SPLIT SUBDIVISION-1ST AMENDMENT AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

**Subdivision Boundary**

A PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 2400 SOUTH STREET LOCATED SOUTH 89°22'59" EAST, A DISTANCE OF 33.00 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 7; RUNNING THENCE NORTH 00°14'06" EAST, A DISTANCE OF 406.47 FEET ALONG THE SAID EAST RIGHT-OF-WAY LINE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UTAH CANAL; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: (1) NORTH 68°11'51" EAST, A DISTANCE OF 614.46 FEET; (2) NORTH 65°36'47" EAST, A DISTANCE OF 60.86 FEET; (3) NORTH 58°01'01" EAST, A DISTANCE OF 12.97 FEET TO THE SOUTH LINE OF WELLSVILLE COUNTRY ESTATES; THENCE SOUTH 89°28'50" EAST, A DISTANCE OF 2006.81 FEET ALONG SAID SOUTH LINE TO THE EAST LINE OF THE SAID NORTHWEST QUARTER OF SECTION 7; THENCE SOUTH 00°28'35" WEST, A DISTANCE OF 676.93 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF THE SAID NORTHWEST QUARTER; THENCE NORTH 89°22'59" WEST, A DISTANCE OF 2639.86 FEET ALONG THE SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 38.931 ACRES AND 5 LOTS.

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREIN, HAVING THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHOLE TO BE HEREAFTER KNOWN AS THE "B.S. ACRES LOT SPLIT SUBDIVISION-1ST AMENDMENT".

Date: \_\_\_\_\_ BY: Jeff C. Nielsen

Date: \_\_\_\_\_ BY: Jan B. Linley

Date: \_\_\_\_\_ BY: Teresa Bassett

Date: \_\_\_\_\_ BY: George Calvin Bassett

Date: \_\_\_\_\_ BY: Denise L. Brown

**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 \_\_\_\_\_ of \_\_\_\_\_, and that as such officer, being authorized so to do, 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, \_\_\_\_\_, the signer of the within instrument, who duly acknowledged to me she executed the same pursuant to and in accordance with the power vested in her by the terms of said trust agreement.

NOTARY PUBLIC

**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

**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 \_\_\_\_\_ 2016.

BY: \_\_\_\_\_  
CHAIR

**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 \_\_\_\_\_ 2016.

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: \_\_\_\_\_

**GENERAL NOTES:**

- Cache County has not determined the availability and adequacy of culinary water to any of the lots identified as 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 easements 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, Utah 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 sidewalks
  - 30.00' on frontyards
  - 30.00' on backyards
  - 30.00' on alleys along roadway.

**ACKNOWLEDGMENT**

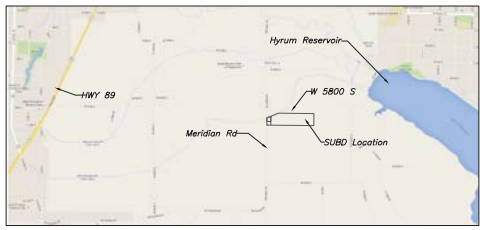
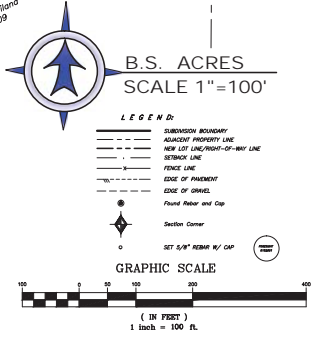
STATE OF UTAH \_\_\_\_\_ ) SS. \_\_\_\_\_ )  
County of \_\_\_\_\_ )

This instrument was acknowledged and executed before me this \_\_\_\_\_ day of \_\_\_\_\_ 2016 by \_\_\_\_\_, who acknowledge to be the \_\_\_\_\_ of \_\_\_\_\_, and that as such officer, being authorized so to do, signed the name of the corporation as such officer.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





### STAFF REPORT: HAWK'S RIDGE SUBDIVISION

Date: 4 August 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:** Dave Griffin

**Parcel ID#:** 12-021-0008

**Staff Determination:** Continue up to 90 Days

**Type of Action:** Administrative

**Land Use Authority:** County Council

### LOCATION

*Reviewed by: Jacob Adams - Planner I*

**Project Address:**

6750 West 2000 North  
Petersboro, UT

**Current Zoning:**

Agricultural (A10)

**Acres:** 87.38

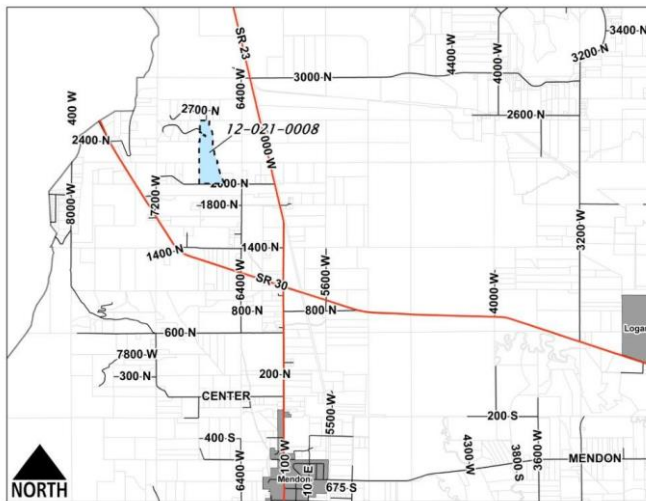
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



### SUMMARY

The Hawk's Ridge Subdivision is a request to create 11 residential lots out of the existing 87.38-acre parcel 12-021-0008, which is considered a 1970 parcel. The majority of the lots would gain access from private road 6750 West, which also provides access to the West Bench Vista, Eagle Rock, and Eagle Rock Phase 2 Subdivisions via county road 2000 North. The proposed Lot 1 would also gain access from 2000 North.

## FINDINGS OF FACT (23)

---

### ***Ordinance—17.02.060 17.07.040, 17.10.030 [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 12-021-0008 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. This results in a maximum development density potential of 11 developable lots on 87.38 acres.
4. If the County Council decides to adopt 6750 West as a public road, the area required for the public right-of-way must be removed from the developable acreage, which may reduce the number of developable lots.

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

5. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements for any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
6. Table A-8 sets the minimum structural requirements for paved roads as 2.5 inches of asphalt, 6 inches of road base, and 14 inches of pit run.
7. County road 2000 North meets the minimum access and maintenance requirements
  - a. Access to Lot 1 is proposed to be from 2000 North, which serves multiple subdivisions and other dwellings.
  - b. 2000 North consists of a 22-foot-wide paved width with 1-foot-wide gravel shoulders.
  - c. The county provides winter maintenance on 2000 North.
8. Private road 6750 West does not meet the minimum access requirements.
  - a. Access to Lots 2 through 11 would be from 6750 West.
  - b. All lot owners are responsible for the construction, maintenance, and removal of snow on 6750 West. The county does not provide any road maintenance services on this road.
  - c. The existing structural road conditions, previous road maintenance, and detailed future maintenance plans are unknown at this time.
  - d. 6750 West currently provides access to 22 platted lots in the West Bench Vista, Eagle Rock, and Eagle Rock Phase 2 Subdivisions, two of which currently have dwellings.
  - e. 6750 West has a chipsealed width of 23 feet with one-foot-wide gravel/vegetated shoulders that does not meet the requirement for surface type.
  - f. The proposed subdivision plat identifies a 66-foot wide private road easement for 6750 West across portions of Lots 2 through 11.
  - g. A design exception must be approved for a private road serving more than three lots.
9. 6750 West was approved as a private road when the existing subdivisions were approved and platted in 2007, 2010, and 2011.
10. The county is not accepting new roadways unless doing so would improve the health and/or safety of existing subdivisions, homes, or businesses as per County Council Resolution 2015-20 (Exhibit A).

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

11. The applicant has 11 unapproved domestic use water rights that are currently in the approval process.



12. Bear River Health Department has provided a septic system feasibility letter for all 11 lots.
13. 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]***

14. Residential refuse and recycling containers for Lot 1 must be placed on 2000 North. Shoulder improvements may be required to provide enough space for the containers to avoid interfering with passing traffic.
15. Residential refuse and recycling containers for Lots 2 through 11 must be placed on 6750 West. Shoulder improvements may be required to provide enough space for the containers to avoid interfering with passing traffic.
16. School bus service will be provided through a stop at 6750 West 2000 North.
17. 2000 North and 6750 West meet the requirements of the County Fire District.
18. Water supply for fire suppression would be provided by the Mendon Fire Department.

***Public Notice and Comment—17.02.040***

19. Public notice was posted online to the Utah Public Notice Website on 19 July 2016.
20. Notice was published in the Herald Journal on 24 July 2016.
21. Notices were posted in three public places on 19 July 2016.
22. Notices were mailed to all property owners within 300 feet of the subject property on 19 July 2016.
23. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONCLUSIONS (2)**

Based on the findings of fact noted herein, the Hawk's Ridge Subdivision is hereby continued for up to 90 days as follows:

1. The applicant must provide adequate information on existing structural road conditions, previous road maintenance, and detailed future maintenance plans for private road 6750 West as noted in findings 8 [c] and [e].
2. The applicant must provide information detailing why a design exception is warranted for the number of homes served by a private road and how the road will adequately provide continued access to the 22 existing lots and the 10 proposed lots as noted in finding 8 [g].

**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.

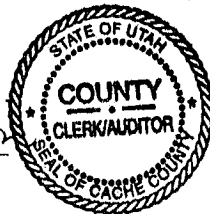
NOW, THEREFORE, BE IT RESOLVED that the County Council of Cache County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to hereby adopt the following resolution:

- 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.

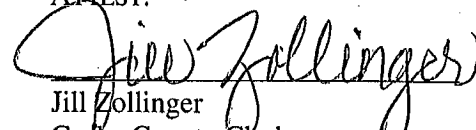
APPROVED AND ADOPTED this 25<sup>th</sup> day of August, 2015.

CACHE COUNTY COUNCIL

  
Kathy Robison, Chair  
Cache County Council



ATTEST:

  
Jill Zollinger  
Cache County Clerk

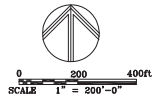
*Disclaimer: This is provided for informational purposes only. The formatting of this resolution may vary from the official hard copy. In the case of any discrepancy between this resolution and the official hard copy, the official hard copy will prevail.*

# Exhibit B

## WEST BENCH VISTA 2

Part of the Southwest Quarter of Section 18,  
Township 12 North, Range 1 West  
Salt Lake Baseline & Meridian  
Cache County, Utah

NORTH



LEGEND

SECTION CORNER

QUARTER SECTION CORNER

SET REBAR w/ CAP LABELED  
275617

SET 5/8" REBAR w/ CAP LABELED  
PLS 275617 PREVIOUS SURVEY

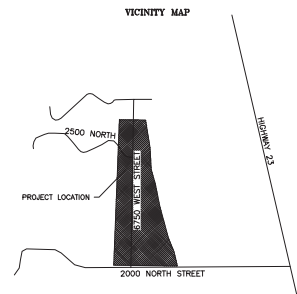
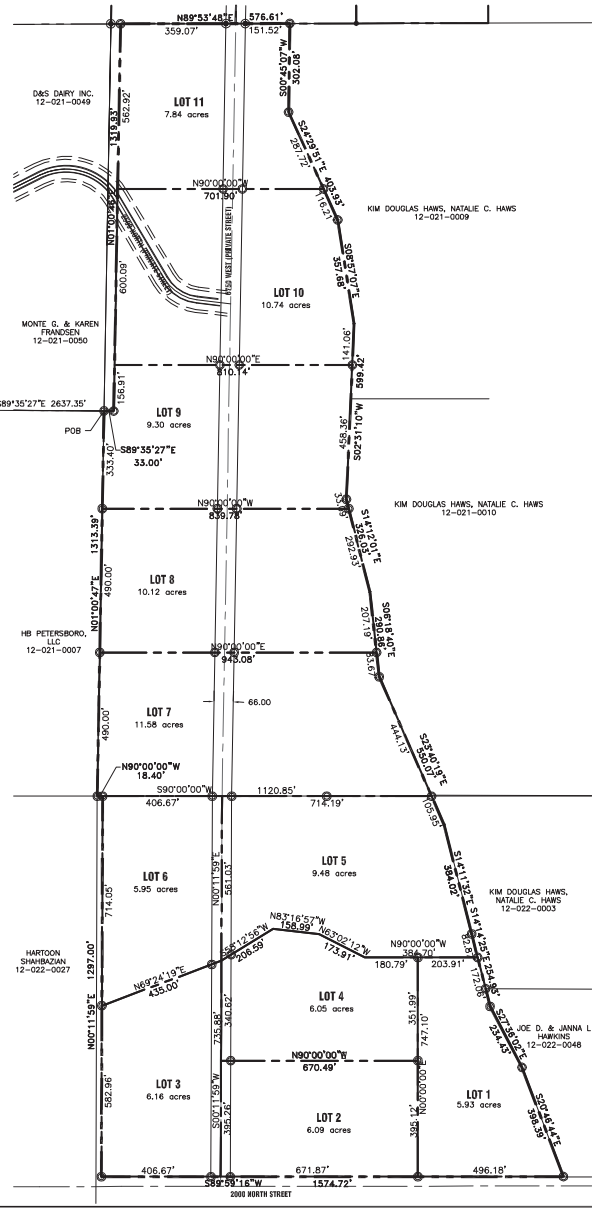
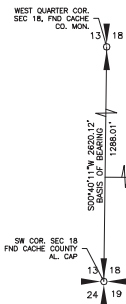
BOUNDARY LINE

ROAD CENTERLINE

EASEMENT

FENCE LINE

SETBACK



### NOTES AND PROTECTIVE COVENANTS

- Culinary Water: Cache County has not determined the availability or 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 a building permit.
- Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the affected party or entity (may include but is not limited to adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)
- Agricultural Uses: Current and future property owners must be aware that they will be subject to the rights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone and Forest Recreation Zone.
- Setback: 30' Front Rear  
12' Side Setback  
setback lines are for primary buildings only
- Private roads:
  - The private interior road 2500 North and 6750 West is not dedicated to Cache County and no maintenance or snow removal will be provided by Cache County.
  - The private interior road 6750 West shall be used by all lots in this subdivision for access to the public road.
  - All lot owners of this subdivision are responsible for the construction, maintenance, and removal of snow on the private interior road 6750 West with required participation in a Homeowners' Association agreement covering these matters.
  - The private roads are also considered a public utility easement.

### DIRECTOR OF DEVELOPMENT SERVICES

THIS PLAN WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY DIRECTOR OF DEVELOPMENT SERVICES ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

BY: \_\_\_\_\_ DIRECTOR

### DEPUTY COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED THIS PLAN AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THE COUNTY SURVEYOR'S OFFICE AND FURTHER THAT IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

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

### BEAR RIVER HEALTH DEPARTMENT APPROVAL

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

BY: \_\_\_\_\_ BEAR RIVER HEALTH DEPARTMENT

TITLE: \_\_\_\_\_

### CACHE COUNTY ATTORNEY

I CERTIFY THAT I HAVE EXAMINED THIS PLAN AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CACHE COUNTY ATTORNEY

### SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, hold Certificate No. 275617, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, which is accurately described therein, and have subdivided said tract of land into lots and private easements to be hereafter known as WEST BENCH VISTA 2, and that the same has been surveyed and staked on the ground as shown on this plat.



### SURVEYOR'S NOTES/NARRATIVE

- The purpose of this survey was to subdivide Parcel 12-021-0008 record under Entry No. 664356. The survey was requested by David Griffin and Kim Haws.
- The basis of bearing is S 00°40'11" W from the West Quarter Corner of Section 18 to the Southwest Corner Section 18 as monumented this Cache County Surveyors Caps.
- 5/8" rebar to be set at all property corners.

### SUBDIVISION BOUNDARY DESCRIPTIONS

Part of the Southwest Quarter of Section 18, Township 12 North, Range 1 West, Salt Lake Baseline and Meridian described as follows:  
Commencing at the West Quarter Corner of Section 18, Township 12 North, Range 1 West, Salt Lake Baseline and Meridian monumented with a Cache County Monument thence S00°40'11"W 1288.01 feet along the west line of the Southwest Quarter of Section 18; thence S89°52'27"E 1300.53 feet along the south line of West Bench Vista to the Southwest Corner of Lot 1 West Bench Vista and the POINT OF BEGINNING and running  
thence N 37°00'14" E 748.30 feet to the centerline of 2500 North Street; thence along said centerline the next five courses:  
1) thence S 37°55'29" E 201.03 feet;  
2) thence 274.68 feet along a curve to the left with a radius of 200.00 feet, a central angle of 78°41'22" and a chord that bears 57°16'10"E 253.59 feet;  
3) thence N 63°23'09" E 624.41 feet;  
4) thence 300.11 feet along a curve to the right with a radius 200.00 feet, a central angle of 85°58'30" and a chord that bears 57°57'54"E 272.74 feet;  
5) thence S 30°38'21" E 6.50 feet;  
thence S 01°00'46" W 721.85 feet to the south line of West Bench Vista; thence N 89°32'27" W 1349.82 feet along said south line to the point of beginning, containing 19.41 acres.

### OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS, THE WHOLE TO BE HEREINAFTER KNOWN AS THE "WEST BENCH VISTA 2".

### ACKNOWLEDGEMENT

THE UNDERSIGNED, BEING THE OWNER(S) OF RECORD SAID PARCEL OF LAND TO BE SUBDIVIDED,

STATE OF UTAH SS  
COUNTY OF CACHE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, \_\_\_\_\_

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF CACHE, IN SAID STATE OF UTAH, THE SIGNERS OF THE ATTACHED OWNER DEDICATION, IN NUMBERS WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSE THEREIN MENTIONED.

NOTARY PUBLIC  
STATE OF UTAH )  
COUNTY OF CACHE ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016, personally appeared before me, the undersigned notary public in and for said County of Cache in said State of Utah, and after being duly sworn, acknowledged to me that \_\_\_\_\_ of \_\_\_\_\_ corporation and that he/she signed it freely and voluntarily and in behalf of said corporation for the purpose therein mentioned.

Notary Public \_\_\_\_\_

### COUNTY RECORDER

State of Utah, County of Cache, recorded and filed at the request of  
Date \_\_\_\_\_ Time \_\_\_\_\_ Fee \_\_\_\_\_  
Entry \_\_\_\_\_

Index  
Filed In: File of plats \_\_\_\_\_ County Recorder \_\_\_\_\_

DATE: \_\_\_\_\_

ALLIANCE CONSULTING ENGINEERS  
150 EAST 200 NORTH SUITE P  
LOCAL, UTAH 84321  
PHONE: 435.733.4444  
EMAIL: alliancengr@westoffice.net



OWNERS  
D&S DAIRY, INC.  
P.O. Box 235  
Newtown, Utah 84427  
KIM DOUGLAS HAWS  
P.O. Box 731  
Newtown, Utah 84427

NO.	REVISION/SUBMISSIONS	DATE	BY

WEST BENCH VISTA 2  
Part of the Southwest Quarter of Section 18,  
Township 12 North, Range 1 West  
Salt Lake Baseline & Meridian  
Cache County, Utah

DATE: MAY 3, 2016  
DRAWING NO. 1  
of 1



**STAFF REPORT: GARLAND ACRES SUBDIVISION 2<sup>ND</sup> AMENDMENT**      **Date:** 4 August 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:** Reed & Kyle Yonk      **Parcel ID#:** 12-035-0001  
**Staff Determination:** Approval with Conditions      12-035-0002  
**Type of Action:** Administrative  
**Land Use Authority:** County Council

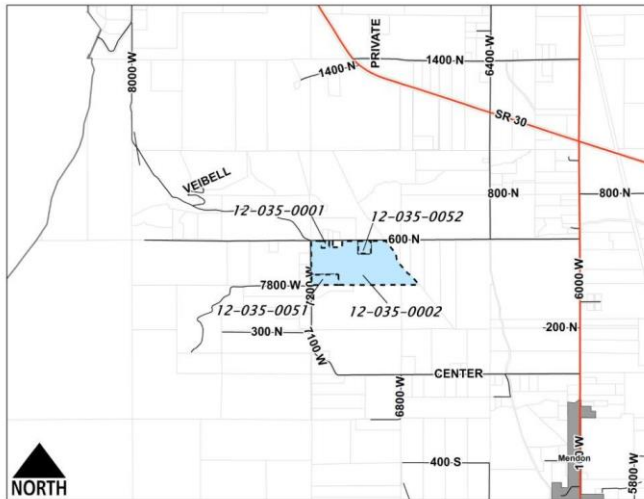
**LOCATION**

*Reviewed by: Jacob Adams - Planner I*

**Project Address:**  
 600 North 7200 West  
 Petersboro, UT  
**Current Zoning:**  
 Agricultural (A10)

**Acres:** 77.37

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



**SUMMARY**

The Garland Acres Subdivision 2<sup>nd</sup> Amendment is a request to add four additional lots to the existing Garland Acres Subdivision on 77.37 acres of property at 600 North and 7200 West. These lots will be divided out of the existing Lot 4 (parcel 12-035-0002), which will be re-designated as an Agricultural Remainder. Following the amendment, there will be seven lots and one agricultural remainder in the subdivision. These lots would gain access from county roads 600 North or 7200 West. Lot 3 (parcel 12-035-0001) is being amended for dedication of right-of-way on 600 North to the county. Parcel 12-035-0014 is not included in the subdivision boundary.

## FINDINGS OF FACT (19)

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### ***Ordinance—17.02.060, 17.07.040, 17.10.030 [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. Parcels 12-035-0001 and 12-035-0002 are part of the existing, approved Garland Acres Subdivision, Amended.
3. Under the Agricultural (A10) Zone, lots may be divided at a development density of ten acres per unit. This results in a maximum development density potential of seven developable lots on 77.37 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 sets the minimum requirements for any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
5. County roads 600 North and 7200 West meets the minimum access and maintenance requirements
  - a. Both 600 North and 7200 West serve multiple existing dwellings.
  - b. Both 600 North and 7200 West consist of a 22-foot-wide paved width with 2-foot-wide gravel shoulders.
  - c. The county provides winter maintenance on 600 North and 7200 West.

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

6. The applicant has provided evidence of approved, domestic-use water rights for the proposed lots.
7. Bear River Health Department has provided a septic system feasibility letter for all proposed lots.
8. 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]***

9. Residential refuse and recycling containers for Lots 5 and 6 must be placed on the east side of 7200 West. Containers for Lots 7 and 8 must be placed on the south side of 600 North.
10. Shoulder improvement may be required to provide enough space for the containers to avoid interfering with passing traffic on both 600 North and 7200 West.
11. School bus service will be provided through a stop at 7200 West 600 North.
12. 600 North and 7200 West meet the requirements of the County Fire District.
13. Water supply for fire suppression would be provided by the Mendon Fire Department.

### ***Public Notice and Comment—17.02.040***

14. Public notice was posted online to the Utah Public Notice Website on 19 July 2016.
15. Notice was published in the Herald Journal on 24 July 2016.
16. Notices were posted in three public places on 19 July 2016.
17. Notices were mailed to all property owners within 300 feet of the subject property on 19 July 2016.
18. Mendon City was noticed by e-mail as part of the development review process on 8 July 2016.
19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

## CONDITIONS (2)

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

1. The applicant must provide sufficient shoulder space on 600 North and 7200 West for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
2. If future development disturbs land area greater than 5,000 sf. a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan is required.

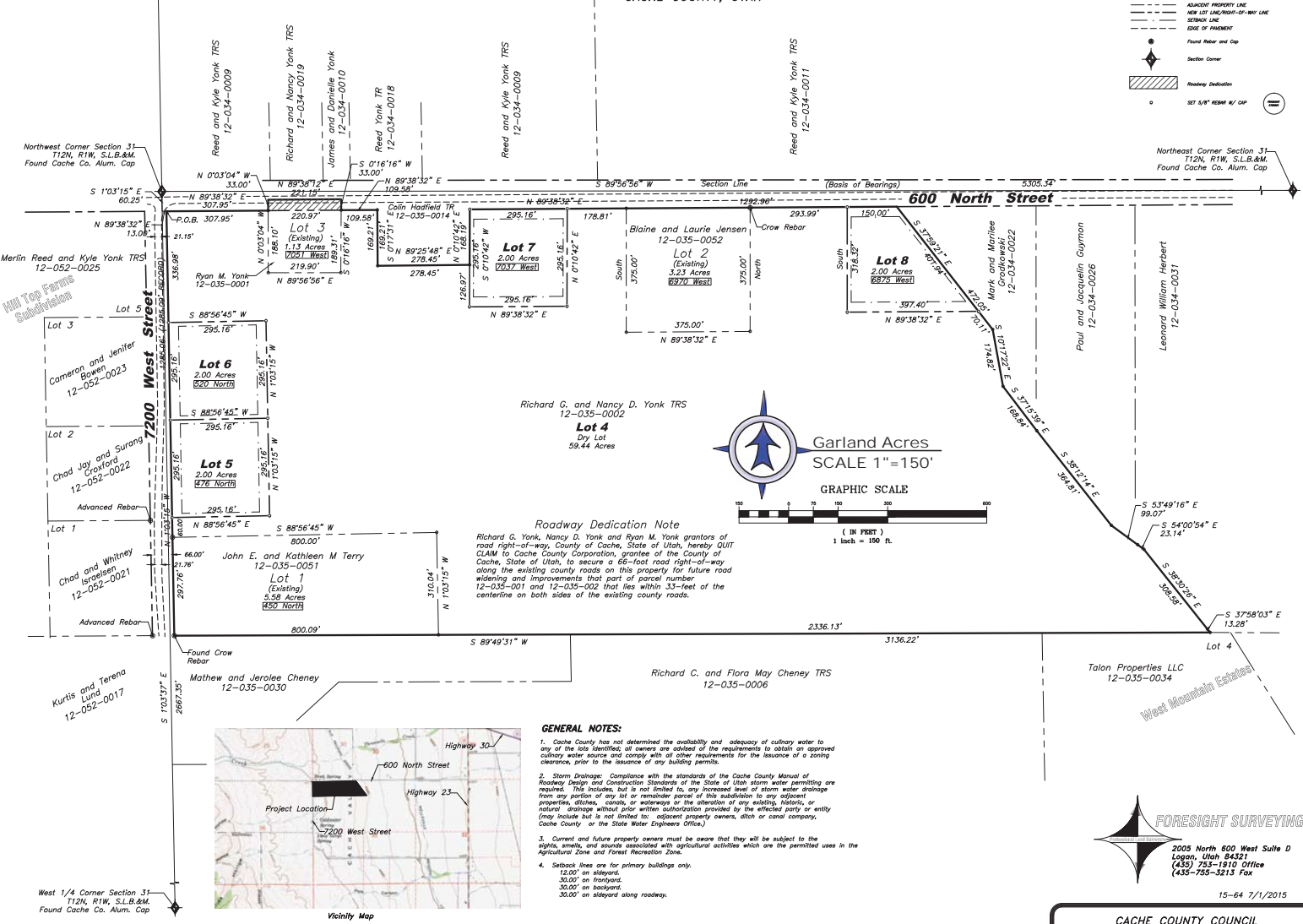
## CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, the Garland Acres Subdivision 2<sup>nd</sup> Amendment is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

## Garland Acres Subdivision-Second Amendment

A PART OF THE NORTH HALF OF SECTION 31, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE S.L.B.&M. CACHE COUNTY, UTAH



**SURVEYOR'S CERTIFICATE**

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152861 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: GARLAND ACRES SUBDIVISION—SECOND AMENDMENT AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

**Subdivision Boundary**

A PART OF THE NORTH HALF OF SECTION 31, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF 7200 WEST STREET AND THE SOUTH RIGHT-OF-WAY LINE OF 600 NORTH STREET LOCATED SOUTH 01°03'15" EAST, A DISTANCE OF 60.25 FEET AND NORTH 89°38'32" EAST, A DISTANCE OF 13.00 FEET TO THE POINT OF BEGINNING; RUNNING THENCE BY RECORD AND MEASURED NORTH 89°38'32" EAST, A DISTANCE OF 307.95 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE; THENCE NORTH 02°03'04" WEST, A DISTANCE OF 33.00 FEET; THENCE NORTH 89°38'12" EAST, A DISTANCE OF 221.15 FEET; THENCE SOUTH 00°16'16" WEST, A DISTANCE OF 33.00 FEET TO THE SAID SOUTH RIGHT-OF-WAY LINE; THENCE NORTH 89°38'32" EAST, A DISTANCE OF 108.58 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE; THENCE SOUTH 00°17'31" EAST, A DISTANCE OF 169.21 FEET; THENCE NORTH 89°25'48" EAST, A DISTANCE OF 278.45 FEET; THENCE NORTH 00°10'42" EAST, A DISTANCE OF 168.19 FEET TO THE SAID SOUTH RIGHT-OF-WAY LINE; THENCE NORTH 89°38'32" EAST, A DISTANCE OF 1292.96 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE; THENCE SOUTH 37°59'21" EAST, A DISTANCE OF 472.05 FEET; THENCE SOUTH 10°12'22" EAST, A DISTANCE OF 174.82 FEET; THENCE SOUTH 37°15'39" EAST, A DISTANCE OF 168.84 FEET; THENCE SOUTH 38°12'14" EAST, A DISTANCE OF 364.81 FEET; THENCE SOUTH 53°49'16" EAST, A DISTANCE OF 99.07 FEET; THENCE SOUTH 54°00'54" EAST, A DISTANCE OF 23.14 FEET; THENCE SOUTH 58°30'26" EAST, A DISTANCE OF 308.58 FEET; THENCE SOUTH 37°58'03" EAST, A DISTANCE OF 13.28 FEET; THENCE SOUTH 89°49'31" WEST, A DISTANCE OF 3136.22 FEET TO THE SAID EAST RIGHT-OF-WAY LINE OF 7200 WEST STREET; THENCE NORTH 01°03'15" WEST, A DISTANCE OF 1285.06 FEET (1285.06 FEET BY RECORD) ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. CONTAINING 77.373 ACRES AND EIGHT (8) LOTS.



SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREIN, HAVING THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHOLE TO BE HEREAFTER KNOWN AS THE "GARLAND ACRES SUBDIVISION—SECOND AMENDMENT," FURTHER WE DEDICATE AND/OR QUIT CLAIM AS APPROPRIATE THE PORTION OF PROPERTY OF PARCEL NUMBERS 12-035-0001 AND 12-035-0002 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: \_\_\_\_\_ RICHARD G. YONK  
 Date: \_\_\_\_\_ NANCY D. YONK  
 Date: \_\_\_\_\_ RYAN M. YONK

**ACKNOWLEDGMENT**

STATE OF UTAH )  
 COUNTY OF CACHE ) SS.

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SAID ROADWAY.

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

**TRUSTEE ACKNOWLEDGMENT**

state of UTAH  
 County of CACHE

on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 \_\_\_\_\_

DATE: \_\_\_\_\_  
 TIME: \_\_\_\_\_  
 PLACE: \_\_\_\_\_  
 PAGE: \_\_\_\_\_  
 REQUEST OF: \_\_\_\_\_

15-64 7/1/2015 NOTARY PUBLIC \_\_\_\_\_

**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 \_\_\_\_\_, 2015. DATED THIS DAY OF \_\_\_\_\_, 2015.

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 \_\_\_\_\_, 2015.

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

**CACHE COUNTY COUNCIL**

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON \_\_\_\_\_, 2015. DATED THIS DAY OF \_\_\_\_\_, DAY OF \_\_\_\_\_, 2015.

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: \_\_\_\_\_  
 PAGE: \_\_\_\_\_  
 REQUEST OF: \_\_\_\_\_

CACHE COUNTY RECORDER \_\_\_\_\_



**STAFF REPORT: CTST THOMPSON SUBDIVISION 1<sup>ST</sup> AMENDMENT** **Date:** 4 August 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:** Tresa Nelson **Parcel ID#:** 10-048-0014  
**Staff Determination:** Approval with Conditions 10-048-0029  
**Type of Action:** Administrative  
**Land Use Authority:** County Council

**LOCATION**

*Reviewed by: Jacob Adams - Planner I*

**Project Address:**

4358 West 6800 South  
 South of Wellsville, UT

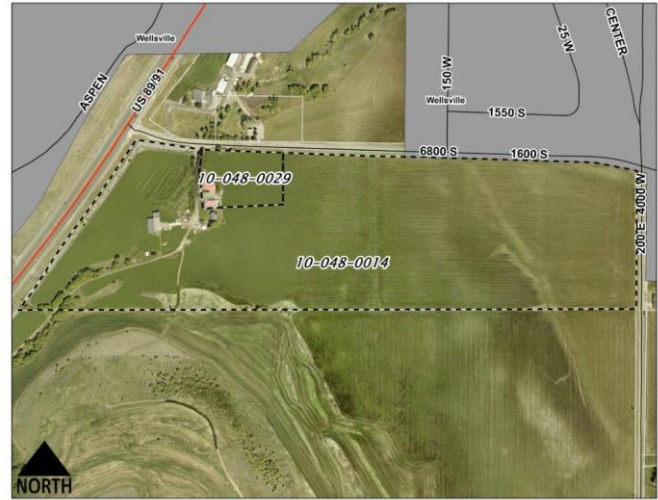
**Current Zoning:**

Agricultural (A10)

**Acres:** 62.64

**Surrounding Uses:**

North – Agricultural/Residential  
 South – Agricultural/Residential  
 East – Agricultural/Residential  
 West – Agricultural/Residential



**SUMMARY**

The CTST Thompson Subdivision 1<sup>st</sup> Amendment is a request to add two additional lots to the existing subdivision on 62.64 acres of property at 4358 West 6800 South. Parcel 10-048-0029 was divided from parcel 10-048-0014 by a conditional use permit recorded in 2000; future changes to these boundaries are considered subdivision amendments. The owner of record of parcel 10-048-0014 has acknowledged the impact of this amendment on their development density and has no objections to the amendment.

## FINDINGS OF FACT (20)

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### ***Ordinance—16.02.050 [B], 17.02.060, 17.07.040, 17.10.030 [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 10-048-0029 was divided from parcel 10-048-0014 by a conditional use permit recorded on 19 July 2000.
3. The division of property previously approved through a conditional use permit is considered a legally recorded subdivision.
4. Under the Agricultural (A10) Zone, lots may be divided at a development density of ten acres per unit. This results in a maximum development density potential of six developable lots on 62.64 acres. Any areas dedicated to the public in the future may affect this total.

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

5. Table 2.2 of the Cache County Manual of Roadway Design and Construction Standards sets the minimum requirements for any road serving four or more dwellings as 22 feet of paved width with one-foot-wide gravel shoulders on each side and a 66-foot-wide right-of-way.
6. The additional proposed lots will have access from 6800 South.
7. County road 6800 South meets the minimum access and maintenance requirements
  - a. 6800 South currently provides access for multiple existing dwellings.
  - b. 6800 South consists of a 22-foot-wide paved width with 2-foot-wide gravel shoulders.
  - c. The county provides winter maintenance on 6800 South.

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

8. The Wellsville City Council has stated that they are capable of providing municipal water services to the proposed lots.
9. Bear River Health Department has provided a septic system feasibility letter for all proposed lots.
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 must be placed on 6800 South.
12. School bus service can be provided through a stop at 4358 West 6800 South.
13. 6800 South meets the requirements of the County Fire District. If Lot 2 gains access from the private drive, the private drive must be widened to 20 feet.
14. Water supply for fire suppression would be provided by the Wellsville City municipal water system.

### ***Public Notice and Comment—17.02.040***

15. Public notice was posted online to the Utah Public Notice Website on 19 July 2016.
16. Notice was published in the Herald Journal on 24 July 2016.
17. Notices were posted in three public places on 19 July 2016.
18. Notices were mailed to all property owners within 300 feet of the subject property on 19 July 2016.
19. Wellsville City was noticed by e-mail as part of the development review process on 8 July 2016.

20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

#### CONDITIONS (4)

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, an official statement from Wellsville City indicating permission to connect two additional dwellings to the Wellsville City municipal water supply must be provided to the Development Services office.
2. The applicant must provide sufficient shoulder space on 6800 South for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
3. If Lot 2 gains access from the private drive, the private drive must be widened to 20 feet.
4. 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 (1)

Based on the findings of fact and conditions noted herein, the proposed CTST Thompson Subdivision 1<sup>st</sup> Amendment is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.



MEMORANDUM

22 July 2016

This memorandum has been prepared to assist the Planning Commission and County Council in their review of DD Auto and Salvage's efforts to meet the requirements that allow the expansion of the existing conditional use permit. This memo includes:

1. A timeline reflecting the amount of time that DD Auto and Salvage has been allowed to operate in violation of County Code.
2. Requirements to be met prior to the recordation of the conditional use permit.
3. Staff assessment.

### Timeline

Noncompliance Noted: 25 September 2007	Council noted noncompliance in consideration of a rezone request.
Clean Up Agreement: 23 October 2007	Developer agreed to clean up and screen the proposed salvage yard as part of a rezone process. Developer failed to meet the conditions of the agreement.
Notice of Violation: 27 October 2008	Illegal expansion of salvage yard, violation of setback, lack of general upkeep.
Compliance: 05 November 2008	Violations resolved with the exception of the illegal expansion.
CUP Application: 07 July 2010	Request to expand CUP area to reflect existing illegal expansion and future expansion needs.
Approval of CUP Expansion: 28 February 2012	Council conditionally approved the CUP expansion. CUP must be recorded by 28 February 2013
Failure to Comply/Expiration and Extension of Deadline: 26 February 2013	Violation unresolved. Developer had not recorded the CUP as conditions had not been met, and therefore submitted letter to Council requesting extension. Council approved a 1 year extension per the developer's request.  New deadline to record CUP – 28 February 2014.
Failure to Comply/Expiration and Extension of Deadline: 25 February 2014	Violation unresolved. Developer had not recorded the CUP as conditions had not been met, and therefore submitted letter to Council requesting extension.  Council approved a 6 month extension with the requirement that the developer obtain a building

permit and complete 600' of screening along Hwy. 30 by September 1, 2014 then report to the Council.

#### Failure to Comply/Expiration

and Extension of Deadline: 23 September 2014

Violation unresolved. Of the total required ~1,112 feet of screening along Highway 30, 542 feet of screening has been completed, 84 feet of screening is in process, and 502 feet of screening remains. An additional 714 feet of screening along 1900 West must also be completed.

At this rate, it is anticipated that the developer will become legally compliant in approximately 2.5 years.

Council approved a 2 year extension with the requirement that the developer complete all remaining conditions of approval, and that the developer will report on progress to the Council on an annual basis.

#### Outstanding Requirements

Items that remain to be completed prior to the recordation of the permit include:

1. The conditions of approval as put forth by UDOT in regard to access from Highway 30 shall be completed and a copy of any final approval from UDOT must be submitted to the Cache County Development Services Office.
2. A screen must be constructed around the site and must include the following:
  - a. A decorative concrete/masonry wall and berm at a total minimum height of eight (8) feet measured from the crown of the adjacent roadway and shall be located on the following:
    - i) The entire length of the property lines facing Highway 30 to the north, including a portion of parcel ID# 05-060-0015. (A total of ~1,112 feet.)
    - ii) Starting at the northern property line, a length of 16 feet of the western property line. (A total minimum of 16 feet.)
    - iii) The length of the property line that faces 1900 West on the east as far as feasible to the south in consideration of the wetlands in the area. (A total of ~714 feet.)
  - b. Fencing around the remainder of the site shall be a minimum six (6) foot tall chain link fence with neutral tone, privacy slats. (A total of ~2,320 feet.)
3. Requested signage shall be limited to the areas designated as part of the screen in the master plan and shall require UDOT and County permitting prior to installation.

#### Staff Assessment

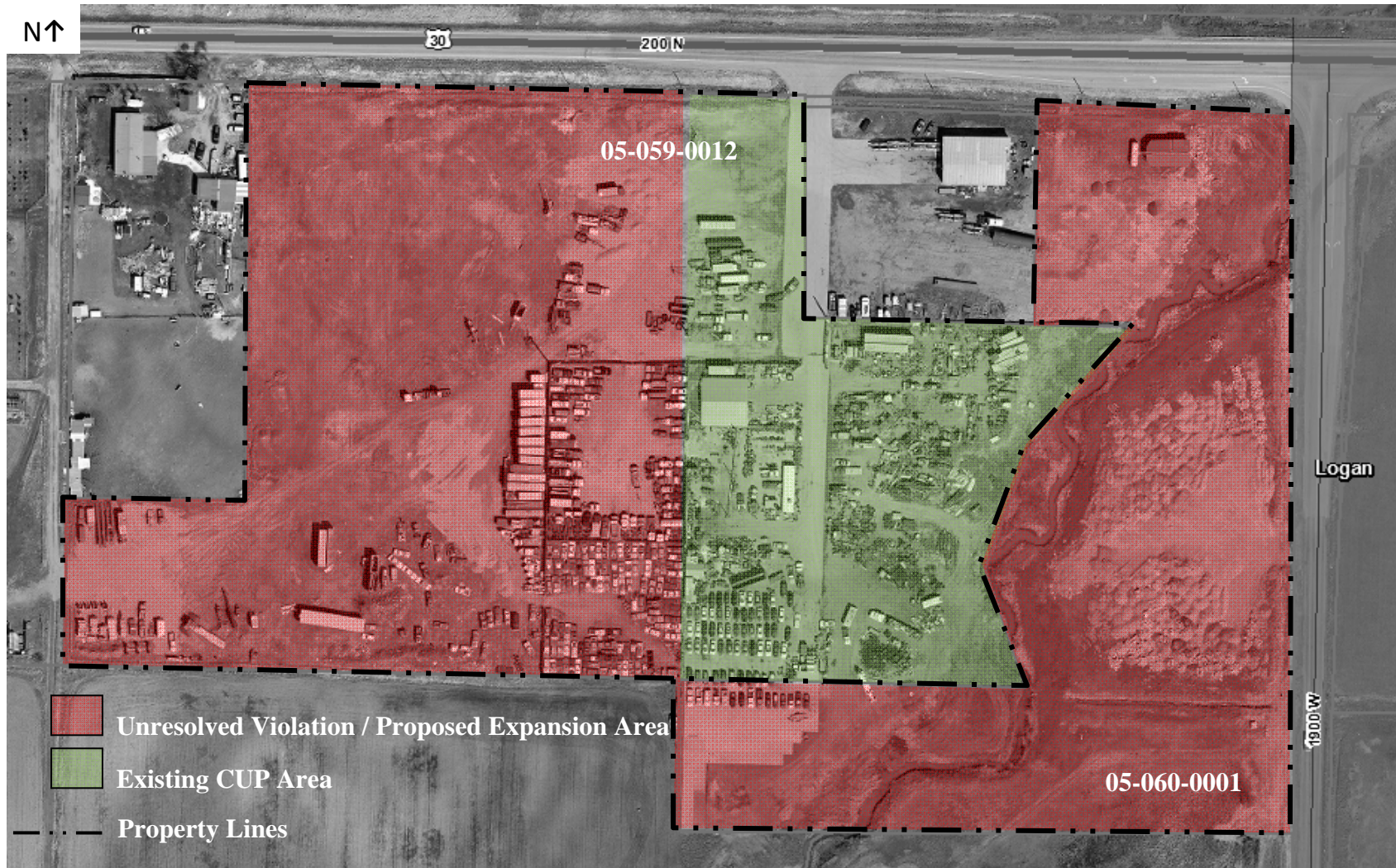
Staff has determined the following:

1. The violations of the Cache County Code have continued at this site unresolved.
2. Legal action to correct the violation has been suspended to allow the developer to come into compliance through the conditional use permit process.
3. The developer has continued to expand this use without a permit (see attached).
4. The developer has shown a consistent pattern of failure to comply with previous and existing conditional use permit requirements, direction of Council, and County Code.

Staff therefore recommends that in Council's consideration of the conditional use permit, that either:

- A.** The request be approved, and legal actions to correct the existing violations remain suspended with the condition that the developer resolve all violations immediately. This means that any and all material and/or operations must be removed from the site outside the approved, existing conditional use permit area as identified on the attached map, and that said area be in compliance with the requirements of the existing CUP.
- B.** The request be rejected, the CUP void, and legal action to correct the existing violations proceed. A new application for CUP expansion may be made when the site is in compliance with the existing CUP, County Code, and when the developer is able to comply with the requirements that are likely to be incurred in the expansion of the existing CUP.

# DD Auto & Salvage



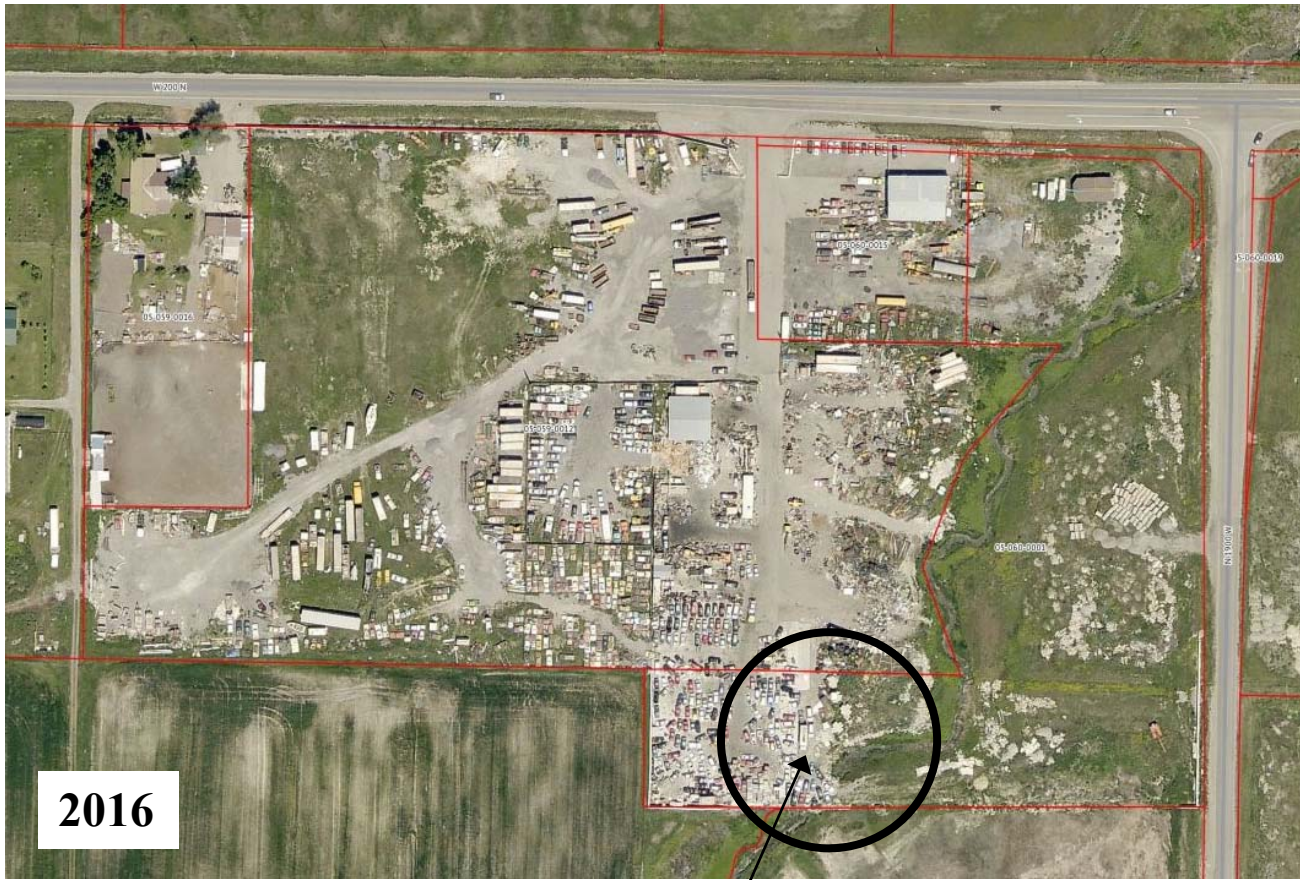
Aerial image - 2012





Expanded yard

Piped slough



2016

Expanded yard