



4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Jason Watterson

Review and approval of agenda.

Review and approval of the minutes of the 07 June 2017 meeting.

Regular Action Items

- 1. Public Hearing (5:35 p.m.): Curtis Rezone** – A request for a recommendation of approval to the County Council for a rezone of approximately 5.42 acres of land at approximately 10684 South 800 East in Avon from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. Tax ID: 16-047-0046
- 2. Wellsville City Sewer Improvement Conditional Use Permit** – A request for approval of a conditional use permit (CUP) to expand the existing sewage transmission and treatment operation by adding a building to house wastewater influent screening equipment located on 114.52 acres of land at approximately 4150 South 3800 West near Wellsville, in the Agricultural (A10) Zone. Tax ID: 11-064-0011, 11-084-0006, 11-063-0006.
- 3. Autonomous Solutions, Inc. Conditional Use Permit** – A request for a conditional use permit (CUP) to allow a commercial business providing professional services use located at 990 North 8000 West, Petersboro, in the Commercial (C) Zone. Tax ID: 12-048-0007.

Board Member Reports

Staff reports

Adjourn



PLANNING COMMISSION MINUTES

7 June 2017

Item

Page

Regular items

- 1. **Public Hearing (5:35 p.m.) Cache Resource Management Plan..... 2**
- 2. **Intermountain Hydraulics Conditional Use Permit Amendment..... 2**
- 3. **Rebound Unlimited Conditional Use Permit 1st Amendment..... 3**

DRAFT

1 **Present:** Angie Zetterquist, Chris Harrild, Josh Runhaar, Jason Watterson, Nolan Gunnell, Rob Smith,
2 Brady Christensen, Jon White, Megan Izatt

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

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

7
8 **05:32:00**

9
10 **Agenda**

11
12 Approved with no changes.

13
14 **Minutes**

15
16 ***Gunnell** motioned to approve the minutes from May 3, 2017; **Christensen** seconded; **Passed 4, 0.***

17
18 **05:33:00**

19
20 **Regular Agenda**

21 **#1 Public Hearing (5:35: p.m.): Cache Resource Management Plan**

22
23 **Harrild** and **Runhaar** reviewed the staff report for the Cache Resource Management Plan.

24
25 **05:38:00**

26
27 ***Smith** motioned to open the public hearing for the Cache Resource Management Plan; **Gunnell**
28 **seconded; Passed 4, 0.***

29
30 **05:39:00**

31
32 ***Gunnell** motioned to close the public hearing for the Cache Resource Management Plan; **Smith**
33 **seconded; Passed 4, 0.***

34
35 **Staff** and **Commission** discussed water rights.

36
37 ***Smith** motioned to recommend approval to the County Council for the Cache Resource Management
38 **Plan; Christensen** seconded; **Passed 4, 0.***

39
40 **05:41:00**

41
42 **#2 Intermountain Hydraulics Conditional Use Permit Amendment**

43
44 **Zetterquist** reviewed the staff report for Intermountain Hydraulics Conditional Use Permit Amendment.

45
46 ***Christensen** motioned to recommend approval for the Intermountain Hydraulics Conditional Use Permit
47 **amendment with the 8 conditions and 2 conclusions as written; Smith** seconded; **Passed 4, 0.***

48
49 **05:49:00**

50

51

1 **#3 Rebound Unlimited Conditional Use Permit 1st Amendment**

2
3 **Zetterquist** reviewed the staff report for the Rebound Unlimited Conditional Use Permit (CUP) 1st
4 Amendment.

5
6 **Staff** and **Commission** discussed the definition of small animals and pets.

7
8 **Karen Jenkins** reviewed the definition of small animal pets, documents from the EPA, and the current
9 operations and safety of the business.

10
11 **Watterson** asked about the construction of the chamber.

12
13 **Ms. Jenkins** stated the chamber is natural gas.

14
15 **Watterson** asked about the length of time to cremate an animal.

16
17 **Ms. Jenkins** stated that it is a 24 hour process and 5 to 7 animals a week are cremated.

18
19 **Gunnell** asked about the time frame from when animal is received to when it is cremated.

20
21 **Ms. Jenkins** stated that the longest an animal is in isolation is 24-48 hrs. If an onslaught of bigger
22 animals was to be received, smaller animals would be placed in the freezer.

23
24 **Tom Bowman** spoke for the surrounding neighbors about air quality, process of investigating air quality
25 with information from someone other than the applicant, impacts to property values, water use and
26 outflow, future planning and development for the business, spot zoning, increased traffic, impacts to the
27 nearby school, and any detrimental effects for surrounding property owners.

28
29 **Watterson** stated that the while the Planning Commission listens to concerns, it has to defer to the
30 agencies for air quality and water.

31
32 **Ms. Jenkins** responded to the concerns raised by Mr. Bowman.

33
34 **Mr. Bowman** asked about noise impacts.

35
36 **Ms. Jenkins** responded that there would be noise impacts outside of the building.

37
38 **Mark Cardell** commented regarding the change in zoning, the pollutants coming from the crematorium
39 and their effects, effects to property values. The neighbors have hired an attorney to help with fighting
40 against the crematorium.

41
42 **Staff** and **Commission** discussed air quality.

43
44 **Christensen** asked if the crematorium would ever reach a level that would require a permit from the air
45 quality control.

46
47 **Ms. Jenkins** responded that she didn't know.

48
49 **Commission** discussed air quality and requirements for permits, hours of operations.

50
51 **Ms. Jenkins** reviewed the hours of operations and how the chamber works.

1 **Staff** and **Commission** discussed noticing, a condition for air quality permits, and smell.
2
3 **William Mackin** commented that the current business is in an industrial area now and there is no smell
4 emitted from the crematorium.
5
6 **Watterson** asked about a stack.
7
8 **Mr. Mackin** stated there will be a stack about 3 to 4 feet above the roof line and if there ever is a
9 problem it would be noticeable from that stack.
10
11 **Mr. Cardell** commented regarding enforcement of regulations and response to problems.
12
13 **Tammy Pattinson** asked about the process for receiving animals.
14
15 **Mr. Mackin** responded that his staff picks up animals from veterinarians offices and occasionally
16 walkins.
17
18 **Ms. Pattison** commented regarding the noise from a crematorium burning 24 hrs, proximity of the
19 school, traffic coming to and from the business and notification of residents in the city.
20
21 **Mr. Macking** responded that there are no emissions or it would not be located at his home.
22
23 **Staff** informed the Commission that the County is not regulating people coming to and from the business.
24
25 *Smith motioned to approve the Rebound Unlimited Conditional Use Permit 1st Amendment with the*
26 *additional condition, stated conditions, and conclusions; Gunnell seconded; Passed 4, 0.*
27
28 **Staff** and **Commission** discussed the date for the next meeting.
29
30 **06:49:00**
31
32 **Adjourned**
33

STAFF REPORT: CURTIS REZONE

06 July 2017

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: S. Rand and Leslie Curtis
Staff Recommendation: Denial
Type of Action: Legislative
Land Use Authority: Cache County Council

Parcel ID#: 16-047-0046

LOCATION

Reviewed by Angie Zetterquist

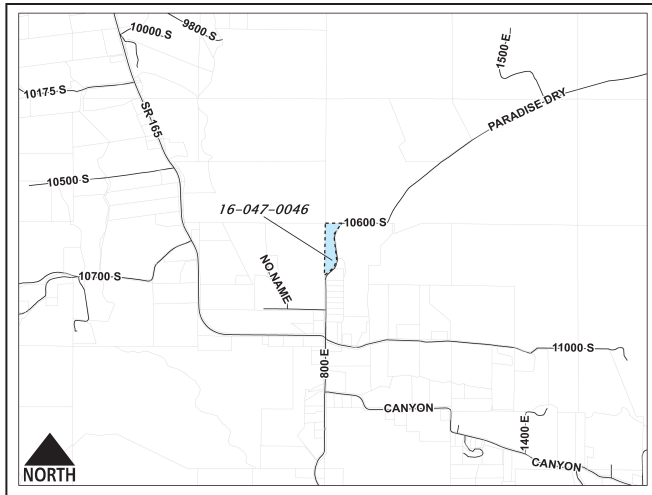
Project Address:
 10684 South 800 East
 Avon

Acres: 5.42

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

Current Zoning:
 Agricultural (A10)

Proposed Zoning:
 Rural 2 (RU2)



FINDINGS OF FACT (21)

A. Request description

1. A request to rezone the 5.42 acre parcel 16-047-0046 currently zoned Agricultural (A10) to the Rural 2 (RU-2) Zone.
2. This rezone may allow the parcel to be legally divided into two separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Exhibits A & B) and in the following text:

a. Land Use Context:

- i.** Parcel status: Parcel 16-047-0046 (5.42 acres) was divided from 16-047-0001 (53.23 acres) in July 2001 with a Conditional Use Permit. The division was approved based on 800 East, a County road, being a natural barrier dividing a 60-acre pre-1970 parcel. Parcel 16-047-0001 has subsequently been further divided without approval, but the subject parcel, 16-047-0046, remains in the same configuration as the date of approval.
- ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels with a dwelling is 8.3 acres; the average size of parcels without a dwelling is 25 acres. (Exhibit A) The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. The subject parcel with one dwelling is 5.42 acres and a rezone would allow two buildable lots instead of one on this property.
- iii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
- iv.** Adjacent uses: The properties directly adjacent to the subject property are currently used for agriculture and single family dwellings.
- v.** Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The proposed rezone is approximately 1.3 miles as the crow flies from the south boundary of Paradise Town and approximately 2.3 miles via the most direct road route. In the one-mile buffer area, the surrounding properties are zoned either A10 (Agricultural) or FR40 (Forest Recreation). The nearest RU2 zone is adjacent to the southwest boundary of Paradise Town, approximately 1.75 miles from the subject parcel; a rezone application approved by County Council in April 2017 (i.e., “Reed and Joan Baldwin Rezone”). *See conclusion #1*

B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [E]

- 4.** 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.
- 5.** The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [A] [1] identifies the purpose of the RU2 Zone and includes the following:

- a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
- b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
- c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.” *See conclusion #1*

- 6. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.
- 7. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

C. Access—16.04.040 [A], 16.04.080 [E], Road Manual

- 8. The Road Manual specifies the following:
 - a. Local Road: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
 - c. Rural Road: Roads with up to 30 ADT. This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences. Gravel or chip & seal road surfacing is typically acceptable and must meet the minimum standard of two, 10-foot wide gravel travel lanes with 2-foot wide gravel shoulders (24-foot total width), 14-inches depth of granular borrow, and a 6-inches depth of road base. *See conclusion #2*
- 9. A basic analysis of county road 800 East (Local Road, Rural Road) is as follows:
 - a. 800 East for approximately ¼ mile north from 11000 South is a paved road and provides access to ~nine dwellings.
 - b. After the paved road ends, 800 East turns into a gravel road that extends north for another ¼ mile and ends at 10600 South; this stretch of the road provides access to the subject property and another residence. 10600 South extends another 0.2 miles before it ends at Paradise Dry Road; both these roads provide access to agricultural and forest recreation areas and a recreation business. There are no residential properties north of the subject property.
 - c. At the location of the rezone request, 800 East consists of a ~18-foot gravel width with no shoulders.
 - d. The depth and type of material under 800 East is unknown. However, this is an existing county facility that provides access to the general public.

- e. At this location, winter maintenance is provided up to the private drive of the subject property with a large truck and then by a grader north to the end of 10600 South. *See conclusion #2*
- 10. The gravel road portion of 800 East that provides access to the subject property is currently not adequate (Exhibit B). It is currently only 18 feet wide with no shoulders and the Road Manual requires a local or rural road to have a 24-foot minimum width (i.e., 20 feet of road and 2 foot shoulders). Creating adequate access may be feasible, but would require substantial improvements to the road surface and width. Existing features such as a drop-off on the east side of the road and a slope rising on the west side at this location further complicate road improvements here. *See conclusion #2.*
- 11. As the improvement of this county road is not a County priority, any necessary improvements are the responsibility of the developer with approval of an Encroachment Permit to ensure the work in the county right-of-way meets the minimum Road Manual standards. *See conclusion #2*
- 12. In addition to the minimum requirements of the Road Manual, the County Code Land Use Ordinance states that a primary component of the higher density RU2 zone is to implement policy that RU2 zones are serviced by improved roadways given the higher density allowed. Improved roadways equate to paved roadways which meet the minimum road requirements for width, shoulders, and depth and type of materials. The portion of 800 East that provides access to the subject parcel is an 18-foot wide gravel road, which is substandard and does not meet the Code requirement for improved roads that are intended to serve the RU2 zone. A rezone to a higher density should not be considered on a gravel road. *See conclusion #1*

D. Service Provisions:

- 13. The County Fire District requires a minimum 20-foot wide all weather surface for emergency access. The fire department access road meets fire code, but access to the property will be reevaluated and may require improvements based on the location of any proposed structure on the lot.
- 14. Water supply for fire suppression would be provided by the Paradise Fire Department.
- 15. The Logan City Environmental Department has been providing collection service on this private road as a convenience to the customer. However, due to the ongoing failure of the property owner to provide an adequate turn-around access and concerns about access during poor weather conditions, Logan City Environmental Department will discontinue on-site pick-up. The property owner will be required to place their containers by the mailboxes near 10760 South 800 East for Wednesday collection.
- 16. A bus stop is located at 11000 South 800 East.

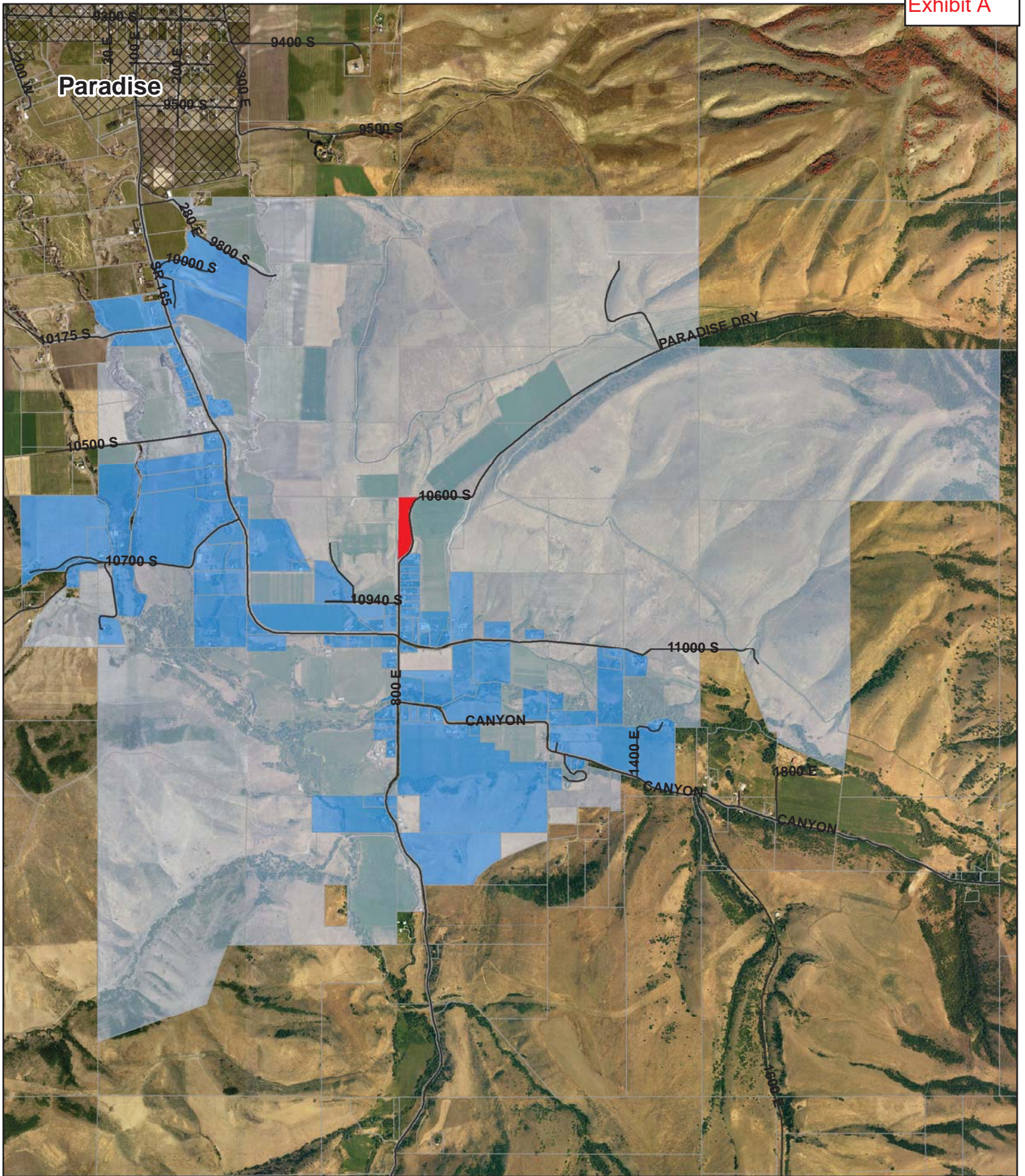
E. Public Notice and Comment—§17.02.040 Notice of Meetings

- 17. Public notice was posted online to the Utah Public Notice Website on 22 June 2017.
- 18. Notice was published in the Herald Journal on 25 June 2017.
- 19. Notices were posted in three public places on 22 June 2017.
- 20. Notices were mailed to all property owners within 300 feet of the subject property on 22 June 2017.
- 21. 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 Curtis Rezone is hereby recommended for denial to the County Council as follows:

1. The location of the subject property is not compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
 - a. Exceeds the existing density of the surrounding land uses in the unincorporated county. *See A-3-a*
 - b. Is not serviced by an improved roadway (i.e., paved) that is required for the RU2 higher density zoning designation. *See C-12*
2. The property is not served by suitable public roads as the portion of 800 East that provides access to the subject property does not meet the minimum standards of the Road Manual as it is too narrow and is gravel, not paved. *See C-5, C-9, C-10, C-11, C-12*



Legend

- Parcels
- Proposed Rezone
- Parcels with Dwellings
- Parcels in 1 Mile Buffer

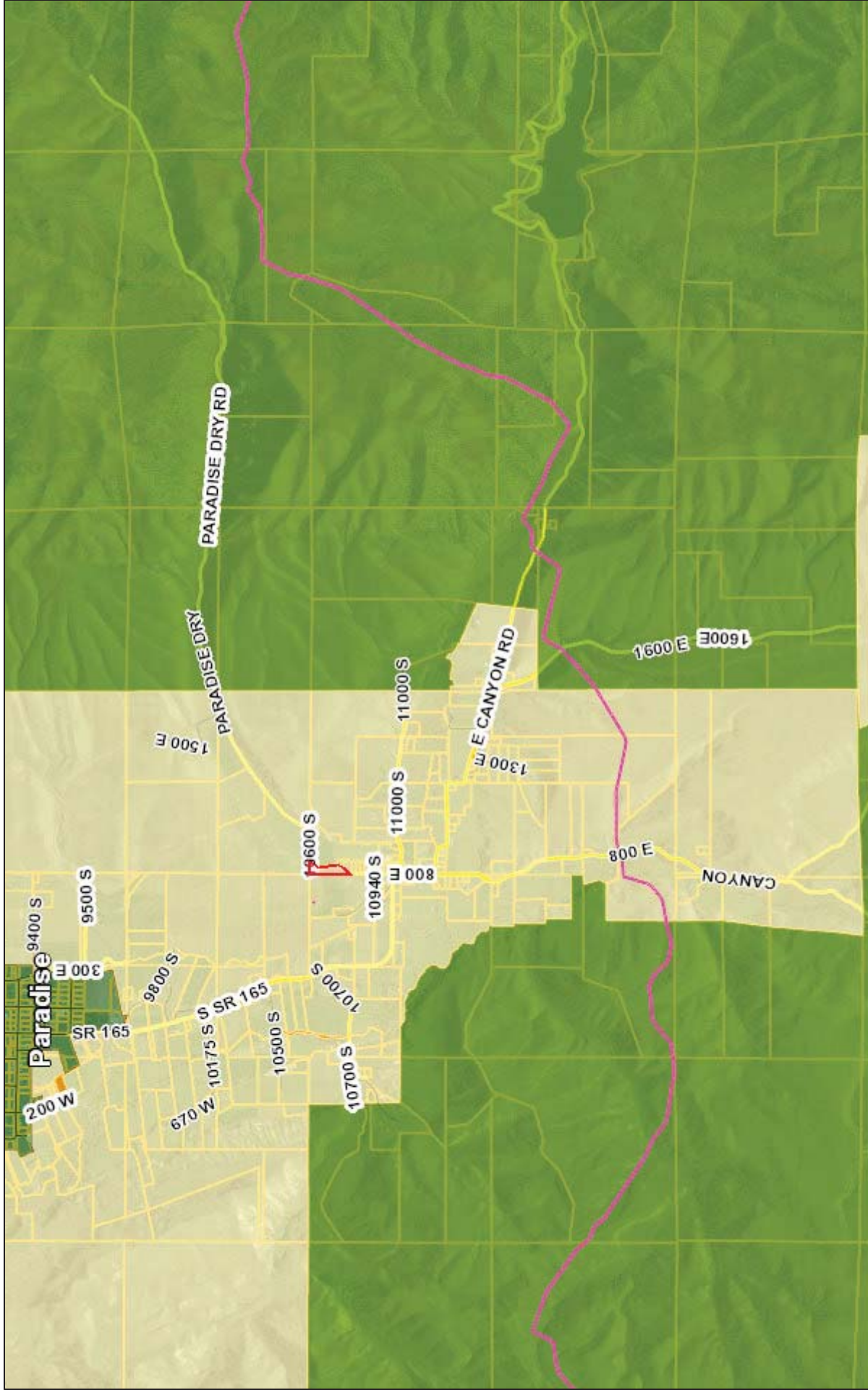


Average Parcel Size Without a Home: 25 Acres
Average Parcel Size With a Home: 8.3 Acres



June 2017

Parcel Map



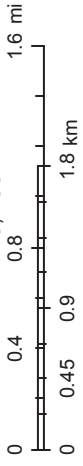
June 22, 2017

Search Parcel ID, Owner, or Restricted_Query Result

County_Boundary

Mask

1:48,189





STAFF REPORT: WELLSVILLE CITY SEWER IMPROVEMENT CUP

06 July 2017

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: Scott Wells

Parcel ID#: 11-063-0006, 11-064-0011, 11-084-0006

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: County Council

PROJECT LOCATION

Reviewed by Angie Zetterquist

Project Address:

~4150 South 3800 West
North of Wellsville City

Current Zoning:

Agricultural (A10) with Public Infrastructure (PI) Overlay

Acres: 114.52

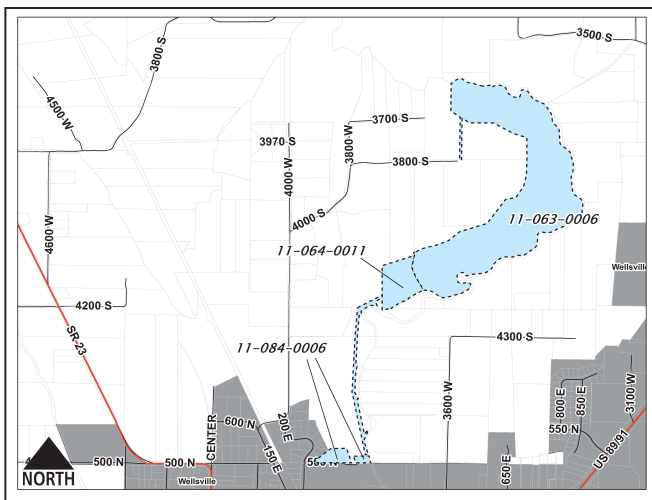
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential/Wellsville City

East – Agricultural/Residential/Wellsville City

West – Agricultural/Residential



FINDINGS OF FACT (27)

A. Request description

1. The Wellsville City Sewer Improvement Conditional Use Permit (CUP) is a request to expand the existing sewage transmission and treatment operation by adding a wastewater influent screening building that will contain a moving belt screen and compactor. The screening process is intended to improve the aesthetics of the primary pond area, as well as reduce the organic loading into the existing sewer ponds.
2. In May 2017, the County Council approved a request to add a Public Infrastructure (PI) Overlay to the existing Agricultural (A10) Zone (Ordinance No. 2017-08).

3. The applicant is now proposing to expand the existing operation of the solid waste facility by adding a building that will house additional screening of wastewater. The letter of intent for the Wellsville City Sewer Improvement CUP reflects the proposed improvements (Exhibit A):
 - a. New Construction
 - i. The expanding screening operation will operate out of a new 864-square-foot building measuring 24 feet by 36 feet and approximately 25 feet high located on a 12.08 acre property (parcel 11-064-0011).
 - ii. The new building is located approximately 80-feet away from an existing structure onsite. The new structure will be designed to resemble a hay barn and has concrete walls with a gray stucco finish, a metal roof in brick red, white aluminum siding on the gable ends and soffit, and false decorative hay loft doors in red brick.
 - b. Operation
 - i. The new structure will house a mechanically operated moving belt screen and compactor.
 - ii. The screen and compactor will filter wastewater to a 3-millimeter particle size and remove plastic, rags, and organic material. The compacted screen material will be disposed of in the landfill. The screening process is intended to improve the aesthetics of the primary pond area, as well as reduce the organic loading into the existing sewer ponds.
 - iii. The applicant states that there are currently two employees that work at the wastewater facility. The screening operation will operate 24 hours a day, seven days a week, but is fully automated and requires approximately three-hours of on-site manual labor a week for maintenance.
4. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See condition #1*

B. Conditional Uses *See conclusion #1*

5. §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
 - a. Compliance with law;
 - b. Health, safety, and welfare;
 - c. Adequate service provision;
 - d. Impacts and mitigation.

C. Compliance with law *See conclusion #1*

6. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
7. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
8. The subject parcels have been determined to be a legal per the “Policy for Determination of Parcel Legality” dated 29 August 2013 as follows:
 - a. 11-063-0006 – Legal; a CUP was recorded on the current configuration of parcel 11-063-0006 in 1996 with the exception of a minor boundary adjustment of 0.014 acres that occurred in 2001.

- b. 11-064-0011 – Legal; a 1970 parcel. The southern boundary has adjusted slightly as the Little Bear River has changed course.
 - c. 11-084-0006 – Legal; this parcel is a result of multiple boundary line adjustments that are not part of a subdivision, and did not result in the creation of an additional lot from the original 1970 parcel.
9. §17.07.030, Use Related Definitions defines this use as “5900 Solid Waste Facility: A facility engaged in solid waste management, including: ...4. Sewage Treatment Works: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area. Includes sewage lagoons and sewage treatment plants. Excludes septic systems.”
10. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Public Infrastructure (PI) Overlay Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

D. Health, safety, and welfare *See conclusion #1*

11. The County Land Use Ordinance stipulates that:
- a. Proposed CUP uses must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
12. All activities as identified within the Wellsville City Sewer Improvement CUP Letter of Intent are proposed to only occur on parcels 11-064-0011, 11-084-0006, and 11-063-0006 and will not cause unreasonable risks to the safety of persons or property and it does not unreasonably interfere with the lawful use of surrounding properties.
- a. The expanded operation to screen influent wastewater is specifically intended to improve conditions on the subject parcel and surrounding properties by wastewater to a 3-millimeter particle size and remove plastic, rags, and organic material. The compacted screen material will be disposed of in the landfill. The screening process will reduce the organic loading into the existing sewer ponds.

E. Adequate service provision *See conclusion #1*

13. The County Land Use Ordinance stipulates that:
- a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.
14. Access: The property gains access from county roads 4000 West, 4000 South, and 3800 South.
- a. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
15. The Road Manual specifies the following:
- a. §2.4-A-1-c-iii – Unmanned utility facilities are exempt from meeting roadway standards.
See conclusion #3
16. A basic review of the access to the existing lots identifies the following:
- a. The existing lots gain access from county roads 4000 West, 4000 South, and 3800 South.
 - b. 4000 West and 4000 South:
 - i. Are existing county facilities that provide access to the general public.

- ii. Currently provide access to multiple dwellings, vacant lots, and agricultural parcels.
- iii. Consist of an average 24' wide gravel roadway.
- iv. Have an unknown depth and type of material.
 - v. Have a dedicated county right-of-way that varies in width.
 - vi. Are maintained year round by the county.
- c. 3800 South:
 - i. Is a private access drive.
 - ii. Currently provides access to the sewage lagoon and multiple agricultural parcels.
 - iii. Consists of an average 17' wide gravel road.
 - iv. Has an unknown depth of material. *See conclusion #3.*
- d. The identified access roads will not be impacted by in an increase in Average Daily Traffic due to this proposal. *See conclusion #3.*

17. Parking:

- a. §17.22 Off Street Parking Standards – All uses included under Use Index 5000, Public, Institutional, and Utility Uses, require a Parking Analysis be conducted to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. The Parking Analysis must conform to §17.07.040 General Definitions and §17.22 Off Street Parking Standards. *See condition #2*

18. Refuse:

- a. The applicant has stated that the on-site refuse will be transported to the Wellsville City maintenance yard for weekly pickup. Logan Environmental will not need to access the site for pick-ups.

- 19. Fire: §16.04.080 [C] Fire Control –** The County Fire District identified that the existing access is acceptable, but that future development on the property must be reevaluated and may require improvements based on the location of any proposed development. Water supply for fire suppression would be provided by the Wellsville City Fire Department

F. Impacts and mitigation *See conclusion #1*

- 20. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that** “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

21. The County Land Use Ordinance stipulates that:

- a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
- b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.

22. Known or reasonably anticipated detrimental effects of the use are as follows:

- a. **Odor/Water Quality:** With the operation of a sewage facility, odor and impacts to water quality are reasonably anticipated detrimental effects. Wellsville City currently operates a sewage facility at this location under a Utah Pollutant Discharge Elimination System (UPDES) permit for minor municipalities (permit #UT0020371) from the Utah Department of Environmental Quality, Division of Water Quality (“State”) (Exhibit B). With the expanded operation and the addition of the new screening building, the influent wastewater will be screened to a 3mm particle size and plastic, rags, and other organic material will be

removed. The screening and removal process will reduce the build-up of solids in the ponds/cells on-site, extending the life of the cells, and consequently reducing odors emanating from the ponds.

The State is aware of the proposed improvements to the site and confirmed that a new permit through the Department of Environmental Quality is not required at this time as the proposed expansion under this CUP should not increase capacity above what it allowed under the existing UPDES permit. The permit expires in February 2019 and all improvements to the site considered under this CUP will be reviewed again in 2019 during the State's renewal process. Per the engineer designing the building, the new structure and screening system is considered an infrastructure upgrade and does require review and approval from the State, but no changes to the actual permit. *See condition #3*

- b. Disposal of Compacted Material: As previously mentioned, the screening process proposed under this CUP will filter out plastics, rags, and other organic material that are moved to a compactor and ultimately disposed of at the landfill. As explained to staff, the compacting process includes the material washed with water and then all excess water being removed and the material steadily compacted until it can pass the paint filters liquids test ("paint test"). This test is used to determine the presence of free liquids in a representative sample of waste; the presence of free liquids is indicative of hazardous waste (i.e., waste that is not allowed in landfills). According to the State, the compacted material produced as part of the new screening process will have to pass the paint test in order for the material to be accepted by a landfill. To pass the test, a pre-determined amount of waste is placed in a paint filter. After 5 minutes, if any portion of the sample passes through and drops from the filter the material is considered liquid waste and has failed the test and the waste cannot be disposed at a landfill. The applicant shall ensure all compacted material meets the requirements to properly dispose of at the landfill, per the State and Logan Environmental Services requirements. *See condition #4*
- c. Noise: The proposed expansion will include a mechanically operated moving belt screen and compactor that will operate 24 hours a day, seven days a week. There is potential for the noise from the screening machine to impact the surrounding properties. The walls of the building containing the screening equipment will be 8-inch thick concrete and the subject parcel is surrounded by the sewer ponds and agricultural properties. Also, per the applicant, the nearest residence is located approximately 1,450 feet to the west. Given the construction of the building and the isolated nature of the subject parcels, noise from the proposed expansion should not be an issue for surrounding properties. *See condition #5*
- d. Sensitive Areas: The parcels proposed as part of the CUP contain the following sensitive areas:
 - i. FEMA FIRM Floodplain has been identified on portions of the parcels proposed for the CUP. Any development in this sensitive area must meet current Code requirements.
 - ii. NWI identified Wetlands appear to be present on portions of the parcels proposed for CUP. Any development within this area must meet current Code requirements.
 - iii. An area of Moderate to High Liquefaction Potential is present on the majority of the parcels proposed for the CUP. Any development within this area must meet current Code requirements.
 - iv. Moderate and Steep Slopes appear to be on portions of the parcels proposed for the CUP. Any development within this area must meet current Code requirements.
 - v. A portion of the parcels are within 300' of an Agriculture Protection area.

G. Public Notice and Comment—§17.02.040 Notice of Meetings

23. Public notice was posted online to the Utah Public Notice Website on 22 June 2017.
24. Notice was published in the Herald Journal on 25 June 2017.
25. Notices were posted in three public places on 22 June 2017.
26. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 22 June 2017.
27. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (5)

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

1. The applicant shall operate the solid waste facility in accordance with the Letter Intent provided and any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See A-4*
2. Prior to recordation, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Office for the review and approval of the Director to determine the sufficient number of parking spaces needed for the sewage treatment facility. *See F-16, F-23-a*
3. The applicant must provide any permits or compliance documentation from the State of Utah in regards to operating a sewage facility. *See F-21-a*
4. The applicant shall meet all requirements of the State of Utah and Logan Environmental for the proper disposal of the compacted waste. *See F-21-b*
5. The applicant shall provide evidence of the adequacy of the sound damping capabilities of the proposed structure as relates to the operation of the screening facility, or must provide another solution to adequately damp the associated noise. *See F-21-c*

CONCLUSIONS (3)

Based on the findings of fact and conditions noted herein, the Wellsville City Sewer Improvement CUP is hereby approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *See B,C, D, E, F*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *See C-6*
3. As per §2.4-A-1-c-iii, unmanned utility facilities are exempt from meeting roadway standards. *See E-14, E-15-c, E-15-d*



17 May, 2017

To: Scott Wells, Wellsville City Manager

From: Kraig Johnson, PhD, PE, Design Engineer

Re: Wastewater Influent Screening Building

Dear Scott, listed below are the details for the Wastewater Influent Screening Building to fulfill the Letter of Intent Conditional Use Permit:

Explanation of request in detail.

- a) The proposed wastewater influent screening building will screen the influent wastewater to 3 mm particle size, removing plastic, rags and organic material. This will improve the aesthetics of the primary pond area, as well as reduce the organic loading into the pond. Reduced organic loading will reduce odors and solids buildup in the primary pond. The proposed building will be 24' x 36' at the foundation (864 sq ft.)
- b) There are two employees currently at Wellsville that work at the wastewater facility. Operation of the proposed screen building will require roughly 3 man-hours per week. There are no residents at the site.
- c) The screen building will operate 24 hours per day, seven days a week on automatic control. The systems will be monitored and alarms will be conveyed through the existing SCADA system to the operators.
- d) There is adequate parking for one city vehicle. Additionally, a service dumpster truck will access the site once per week to empty the accumulated screened and compacted material from the receptacle.
- e) The entire area is fenced off with a chain link fence and signage that reads "SEWAGE LAGOON – KEEP OUT" or "SEWAGE FACILITY – KEEP OUT" or equivalent.





- f) The screen building will house a mechanically operated moving belt screen and compactor. Access to the equipment and dumpster is through a 12' x 12' roll-up door. There is no equipment external to the building except the dumpster service truck.
- g) The compacted screened material will be disposed of in the landfill.

Site plan – See attached for items a) through g)

- h) The proposed screen building is part of the existing footprint of the wastewater lagoons and access roads. There are no numbered streets in the area; it is located at approximately 4200 S. 3700 W. on the County Grid. The nearest residence is 1450 feet to the west. The proposed screen building is architecturally designed to look like a hay barn, thus blending in with the rural atmosphere.

New Construction Building Elevations

- a) The floor elevation for the building is 4466.5 feet above mean sea level (FAMSL). The peak of the building is roughly 25' high. The site is essentially level, and is located in the area below a bluff line and the Little Bear River.
- b) The walls of the building will be 8" reinforced concrete, with the exterior of the concrete finished in a natural gray stucco pattern. The roof will be brick red metal, and the gable ends and soffit will be white aluminum siding, with false decorative hay loft doors in matching brick red.
- c) The dimensions of the building are 24' x 36' at the foundation. The wall height is 14.5', and the height at the peak is 25'. (see attached drawings)
- d) No additional notes are included at this time.



Additionally, this letter is to confirm that Keviva Water Technologies intends to provide to Wellsville City the following:

- Engineering design and construction drawings for the 24'x36' building (currently in process)
- Proprietary moving belt mechanical screen and compactor
- Accessory stainless steel gates, manual screen and control panel
- Engineering oversight and quality control during the construction of the building
- Complete system checkout, operations manual, and handover to city operators

We anticipate that construction will begin in July, 2017, pending DEQ approval and all other necessary permits.

Please let me know if I can further clarify anything regarding this project.

Sincerely,

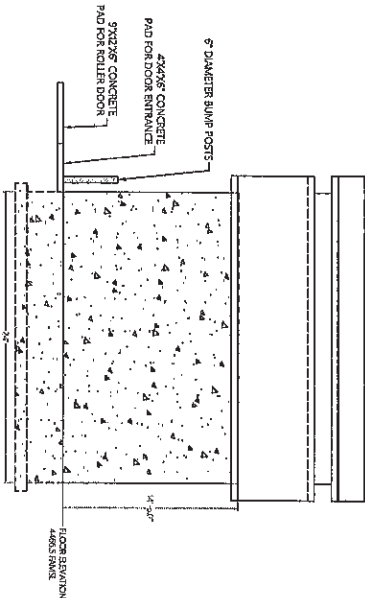
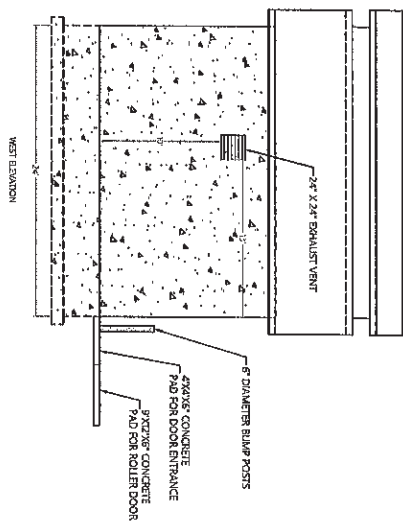
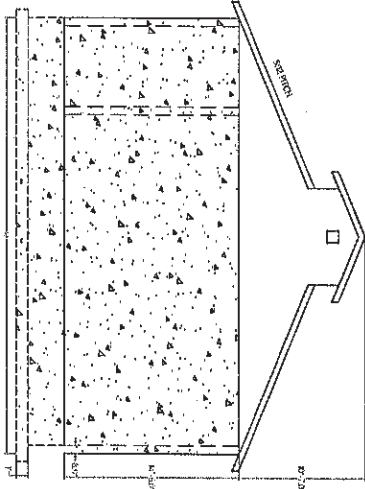
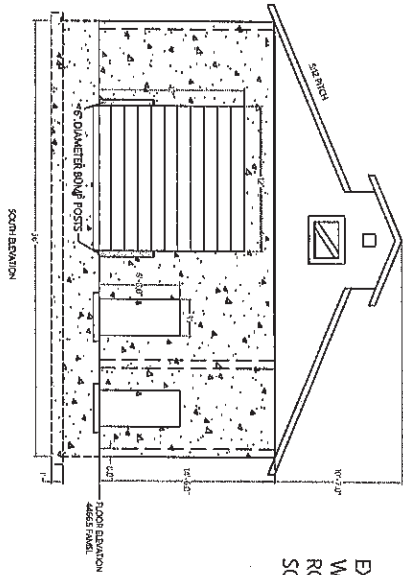
A handwritten signature in black ink that reads "Kraig Johnson". The signature is fluid and cursive, with a long horizontal line extending to the right.

Kraig Johnson, PhD, PE

Email: kraigj@gmail.com

Cel 801 808 7110

EXTERIOR BUILDING MATERIAL
 WALL: FINISHED CONCRETE (GRAY)
 ROOF: METAL
 SOFFIT: ALUMINUM SIDING



PROJECT: BELT SCREEN BUILDING, WELLSVILLE, UT

TITLE: ARCHITECTURAL BUILDING ELEVATIONS



KEVVA
 3333 V 1500 N LEHI UT 84043
 801-808-7110

DATE: 05/17/2017
 SHEET: A1

CLIENT: CITY OF WELLSVILLE
 DRAWING: HUA XU
 APPROVED: KRAIG JOHNSON
 REVISION: 0

SCALE: 1 INCH = 10 FEET OR 11 INCH BY 17 INCH





3333 W 1500 N LEHI UT 84043
801-808-7110

DATE: 03/24/2017
SHEET: G4

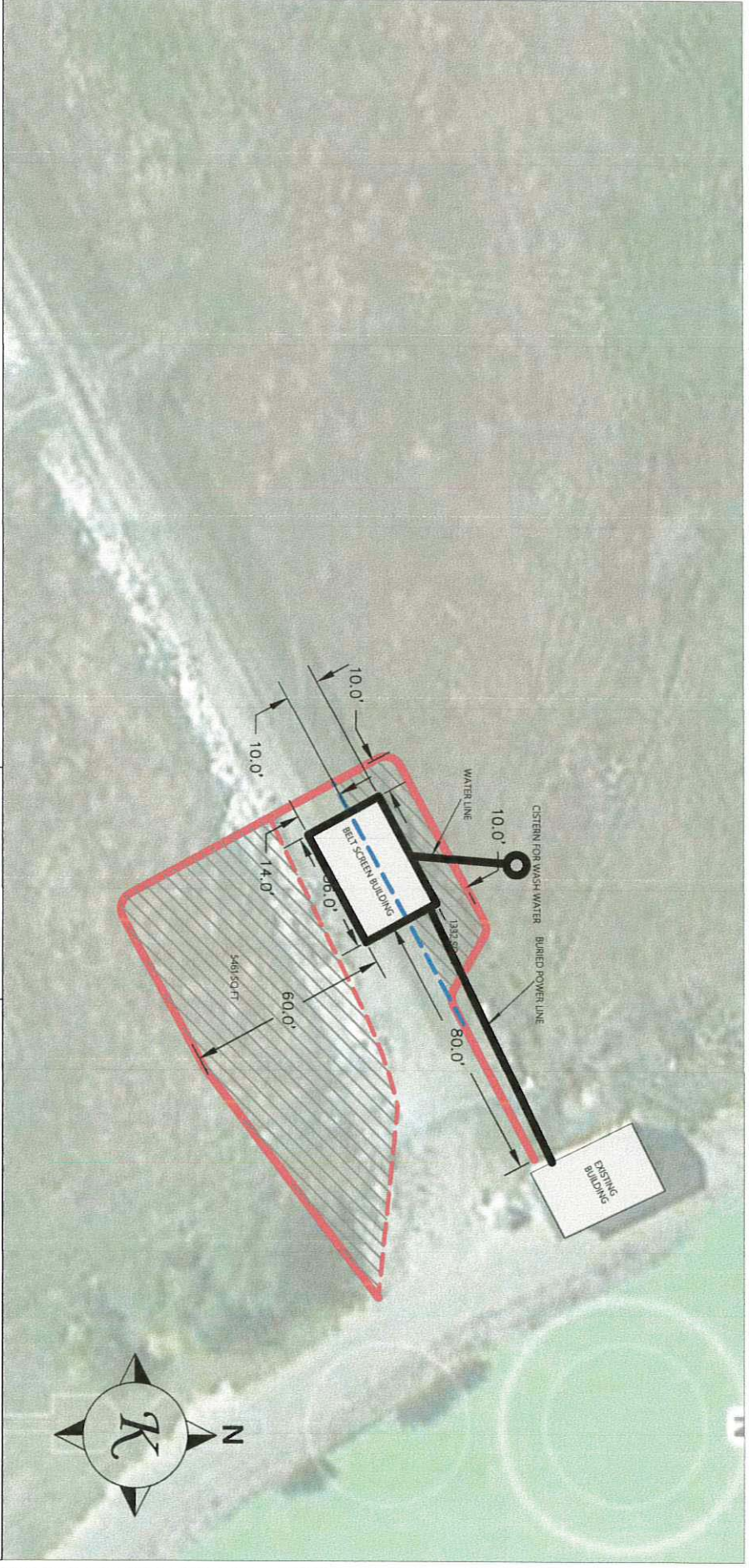
APPROVED: KRAIG JOHNSON
DRAWING: HUIA XU
REVISION: 0



PROJECT: BELT SCREEN BUILDING, WELLSVILLE, UT
TITLE: SITE PLAN

CLIENT: CITY OF WELLSVILLE
DRAWING: HUIA XU

SCALE: 1 INCH = 30 FEET ON 11 INCH BY 17 INCH



**FACT SHEET AND STATEMENT OF BASIS
WELLSVILLE CITY
RENEWAL PERMIT: DISCHARGE
UPDES PERMIT NUMBER: UT0020371
MINOR MUNICIPAL**

FACILITY CONTACTS

Person Name: Don Hartle
Position: City Manager
Phone Number: (435) 245-7958

Person Name: Tom Maushan
Position: Sewer Manager
Phone Number: (435) 245-3686

Facility Name: Wellsville City
Mailing and Facility Address: 75 East Main
P.O. Box 6
WellsvilleUtah
Telephone: (435) 245-3686
Actual Address: The lagoons are located 1.61 miles northeast of downtown

DESCRIPTION OF FACILITY

This facility was placed into operation in 1974 with a peak design flow of 1.2 MGD and a design population equivalent of 3670. The City of Wellsville Water Reclamation Facility (WWRF) is a four cell facultative lagoon system of 56.6 acres in size. The first cell is 15.6 acres, the second cell is 20.1 acres, the third cell is 11.2 acres and the fourth cell is 9.6 acres. Ultraviolet disinfection is used after the final cell before discharging to the Little Bear River. This UV unit is capable of treating up to 800,000 gallons per day with space for additional lights if necessary. The lagoon cells have an average depth of six feet. Influent flow is measured by a 9 inch Parshall flume and a Greyline OCF III open channel flow meter. Effluent flow is measured by a 24 inch extended weir and a Greyline OCF III open channel flow monitor.

The present population of Wellsville is approximately 3,000 people with an increase of approximately 5% per year. Using an average of 0.26 lb of BOD per capita per day (taken from "Sewer Lagoon Study City of Wellsville", February 2001) the BOD load on the primary cell is projected to be 62.5 lbs of BOD per acre per day. This is greater than the State's design criteria of 35 lbs of BOD per acre per day. At this current rate of growth the City will probably need to modify their system at some time in the relatively near future. The headwork's building is equipped with room for a blower system for aeration. The last cell of the lagoon has an active spring discharging into it. The exact flow is uncertain. However, it does not appear to be large enough to cause flow measurement problems and historically has not been a problem for the City. The lagoons are functioning well. A Reconnaissance Inspection associated with permit development was completed on September 20, 2012. The cells appeared healthy and the dikes were relatively free of vegetation. There was not any sign of anaerobic conditions in the first cell or any other cell.

The Wellsville City lagoons are the only lagoon system in Utah to have phosphorus (P) limitations in their UPDES permit, due to the TMDL impairment of P into the Little Bear River. The permit allows the city to discharge 159 lbs of P during the critical warmer months of June, July, August and September, and 794 lbs of P during the other months of the year, for a total of 953 pounds a year. To date, Wellsville City is well within their allocation for the calendar year.

SUMMARY OF CHANGES FROM PREVIOUS PERMIT

During the previous permit cycle Wellsville installed Bio-Domes in the final cell of the lagoons to enhance the removal of nutrients from the effluent. The installation of this system does not increase the capacity of the facility; they improve the treatment results for nutrients such as nitrogen and phosphorus.

They have also acquired and modified land for use in Land Application. This is also being done to reduce the nutrient loading on the receiving water.

Wellsville has installed an irrigation system to grow crops on 16 acres of city property. The irrigation began on 9/7/12. The farmer who is leasing the land plans to grow winter wheat this fall. The irrigation system will allow Wellsville to substantially reduce the amount of phosphorus to the TMDL impaired Little Bear River.

A flow limit has been included in the renewal permit in accord with an EPA request that all permits include a flow limit.

DISCHARGE

DESCRIPTION OF DISCHARGE

The wastewater treatment plant has one discharge point, known as 001. This 001 outfall has a latitude of 41° 39' 38" with a longitude of 111° 54' 82" and discharges into the Little Bear River. The average flow over the last thirty six months is 0.284 MGD per day.

Outfall

Description of Discharge Point

001

Discharge from the disinfection building to the Little Bear River. Latitude 41° 39' 38" with longitude 111° 54' 82".

RECEIVING WATERS AND STREAM CLASSIFICATION

The Little Bear River is classified as 2B, 3A, 3D and 4 according to Utah Administrative Code (UAC) R317-2-13.3 (a).

Class 2B - Protected for secondary contact recreation such as boating, wading, or similar uses.

Class 3A - Protected for cold-water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.

Class 3D - Protected for waterfowl, shore birds and other water-oriented wildlife not included in classes 3A, 3B, or 3C, including the necessary aquatic organisms in their food chain.

Class 4 - Protected for agricultural uses including irrigation of crops and stock watering

BASIS FOR EFFLUENT LIMITATIONS

Limitations on total suspended solids (TSS), biochemical oxygen demand (BOD₅), E. Coli bacteria, pH and percent removal requirements are based on current Utah Secondary Treatment Standards, *UAC R317-1-3.2*. The dissolved oxygen (D.O.), ammonia (NH₃), and phosphorus limitations are based upon water quality considerations (The derivation of these are included in the addendum.). The waste load analysis indicates these limitations should be sufficiently protective of water quality, in order to meet State water quality standards in receiving waters. Based on self-monitoring data during the last permit period, Wellsville City should be able to meet the permit limitations:

Total Phosphorus, lbs per season	Effluent Limitations Per Season
Warmer Months, June - September*	72 kilograms (159 lbs).
Annual, January –December**	432 kilograms (953 lbs).**

*Shall be reported in pounds per month on the discharge monitoring report. The following formula will convert milligrams per liter, to pounds per day. Total phosphorus (mg/l) x flow (mgd) x 8.3396 = total phosphorus lbs per day.

**The annual loading equals 360 kilograms (794 lbs) plus whatever portion of the 72 (159 lbs) kilograms they don't discharge from June to September.

Parameter	Effluent Limitations			
	30 Day Monthly Avg	7 Day Weekly Avg	Daily Minimum	Daily Maximum
Flow, MGD	0.7	NA	NA	NA
Dissolved Oxygen, mg/L	NA	NA	5.0	NA
BOD ₅ , mg/L	25	35	NA	NA
BOD ₅ Min. % Removal	85	NA	NA	NA
TSS, mg/L	25	35	NA	NA
TSS Min. % Removal	85	NA	NA	NA
Ammonia, mg/L				
Sum (Jul-Sept)	6.7	NA	NA	19.9
Fall (Oct-Dec)	62.0	NA	NA	96.4
Winter (Jan-Mar)	47.7	NA	NA	77.6
Spr (Apr-Jun)	14.1	NA	NA	24.4
E-Coli, No./100mL	126	158	NA	NA
pH, Standard Units	NA	NA	6.5	9.0

NA – Not Applicable.

SELF-MONITORING AND REPORTING REQUIREMENTS

The following self-monitoring requirements are the same as in the previous permit. The permit will require reports to be submitted monthly and annually, as applicable, on Discharge Monitoring Report (DMR) forms due 28 days after the end of the monitoring period. Lab sheets for biomonitoring must be attached to the biomonitoring DMR. Lab sheets for metals and toxic organics must be attached to the DMRs.

Self-Monitoring and Reporting Requirements, *a			
Parameter	Frequency	Sample Type	Units
Total Flow, *b, *c	Continuous	Recorder	MGD
Dissolved Oxygen	Monthly	Grab	mg/L
BOD ₅ , Influent Effluent	Monthly	Composite	mg/L
	Monthly	Composite	mg/L
TSS, Influent Effluent	Monthly	Composite	mg/L
	Monthly	Composite	mg/L
TSS, % Removal	Monthly	Grab	mg/L
pH	Monthly	Grab	SU
Ammonia	Monthly	Grab	mg/L
Total Phosphorus	Monthly	Composite	mg/L

*a See Definitions, *Part VIII of the permit*, for definition of terms.

*b Flow measurements of influent/effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.

*c If the rate of discharge is controlled, the rate and duration of discharge shall be reported.

BIOSOLIDS

The State of Utah has adopted the *40 CFR 503* federal regulations for the disposal of sewage sludge (biosolids) by reference. However, since this facility is a lagoon, there is not any regular sludge production. Therefore *40 CFR 503* does not apply at this time. In the future, if the sludge needs to be removed from the lagoons and is disposed in some way, the Division of Water Quality must be contacted prior to the removal of the sludge to ensure that all applicable state and federal regulations are met

STORM WATER

STORMWATER REQUIREMENTS

Wastewater treatment facilities, which includes treatment lagoons, are required to comply with storm water permit requirements if they meet one or both of the following criteria,

1. The facility has an approved pretreatment program as described in 40 CFR Part 403.
2. The facility has a design flow of 1.0 MGD or greater.

The Wellsville City Lagoon does not meet either of the criteria; therefore a storm water permit is not required at this time. A storm water re-opener provision is included in the permit should a storm water permit be needed in the future.

PRETREATMENT REQUIREMENTS

Wellsville has not been designated for pretreatment program development because it does not meet conditions which necessitate a full program. The flow through the plant is less than five (5) MGD, there are no categorical industries discharging to the treatment facility, industrial discharges comprise less than 1 percent of the flow through the treatment facility, and there is no indication of pass through or

interference with the operation of the treatment facility such as upsets or violations of the POTW's UPDES permit limits.

Although Wellsville does not have to develop a State-approved pretreatment program, any wastewater discharges to the sanitary sewer are subject to Federal, State and local regulations. Pursuant to Section 307 of the Clean Water Act, the permittee shall comply with all applicable Federal General Pretreatment Regulations promulgated, found in 40 CFR 403 and the State Pretreatment Requirements found in UAC R317-8-8.

An industrial waste survey (IWS) (example appended to this document) is required of the permittee as stated in Part II of the permit. The IWS is to assess the needs of the permittee regarding pretreatment assistance. The IWS is required to be submitted within sixty (60) days after the issuance of the permit. If an Industrial User begins to discharge or an existing Industrial User changes their discharge the permittee must resubmit an IWS no later than sixty days following the introduction or change as stated in Part II of the permit.

It is recommended that the permittee perform an annual evaluation of the need to revise or develop technically based local limits for pollutants of concern, to implement the general and specific prohibitions 40 CFR, Part 403.5(a) and Part 403.5(b). This evaluation may indicate that present local limits are sufficiently protective, need to be revised or should be developed. It is required that the permittee submit for review any local limits that are developed to the Division of Water Quality. If local limits are developed they must be public noticed.

BIOMONITORING REQUIREMENTS

A nationwide effort to control toxic discharges where effluent toxicity is an existing or potential concern is regulated in accordance with the *State of Utah Permitting and Enforcement Guidance Document for Whole Effluent Toxicity Control (biomonitoring)*. Authority to require effluent biomonitoring is provided in *Permit Conditions, UAC R317-8-4.2, Permit Provisions, UAC R317-8-5.3 and Water Quality Standards, UAC R317-2-5 and R317 -2-7.2.*

The potential for toxicity is not deemed sufficient to require biomonitoring or whole effluent toxicity (WET) limits because there are no present or anticipated industrial dischargers on the system nor are there any anticipated for the duration of this permit. The waste discharge is anticipated to be household waste only. Therefore, biomonitoring is not required in this permit; however the permit will contain a WET reopener provision.

PERMIT DURATION

It is recommended that this permit be effective for a duration of five (5) years.

Drafted by
Daniel Griffin, P.E., Discharge
Utah Division of Water Quality

ADDENDUM TO FSSOB

A public notice for the draft permit was published in The Tooele Transcript on December 31, 2013. The comment period ended on January 31, 2014. Don Hartle with Wellsville called in to clarify some language and request additional information be included in the Fact Sheet statement Of Basis. Other comments are addressed below in the Responsiveness Summary.

Responsiveness Summary

During finalization of the Permit certain dates, spelling edits and minor language corrections were completed. Due to the nature of these changes they were not considered substantive and the permit is not required to be re Public Noticed.

It was requested that language mentioning the installation of Bio domes in the final cell be included in the FSSOB. This was done. This is not a substantive change to the FSSOB and thus will not require re noticing the permit.

In previous permits Wellsville has sampled BOD and TSS using a composite sampler. The draft permit stated they would be acquiring grab samples. Wellsville requested that they be able to continue using composite samples for BOD and TSS. This change was made. The change is not considered a substantive change, and thus is not requiring the permit to be re noticed.

Don Hartle also requested that we clarify the language relating to the phosphorus loading. The Wellsville permit said they were allowed to discharge up to 72 kg (159 lbs) of phosphorus total from June through September, and 360 kg (794 lbs.) from August to May. What this indicates is they can discharge up to 72 kg during the summer months and only up to 360 kg during the rest of the year. What should be indicated is that they can discharge 953 kg every year, but are limited to 72 kg from June to September. This will encourage them to hold off discharging during the more sensitive summer, and allow them to discharge more during the rest of the year. This is considered a clarification and not a substantive change and will not require the permit to be public noticed.

No written response was sent since the comments were addressed during the phone call on January 15th and January 27th.

FILE COPY

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALT LAKE CITY, UTAH

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

Minor Municipal Permit No. **UT0020371**

In compliance with provisions of the Utah *Water Quality Act, Title 19, Chapter 5, Utah Code Annotated ("UCA") 1953, as amended (the "Act")*,

THE CITY OF WELLSVILLE

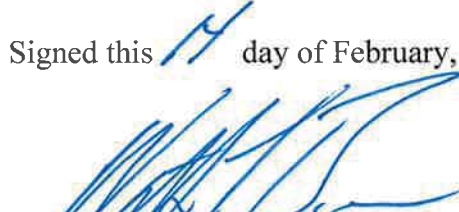
is hereby authorized to discharge from its wastewater treatment facility to receiving waters named **LITTLE BEAR RIVER**,

in accordance with specific limitations, outfalls, and other conditions set forth herein.

This permit shall become effective on March 1, 2014

This permit expires at midnight on February 28, 2019

Signed this 14 day of February, 2014.



Walter L. Baker, P.E.
Director

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PART I
DISCHARGE PERMIT NO. UT0020371
WASTEWATER

I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS

A. Description of Discharge Point. The authorization to discharge wastewater provided under this part is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a UPDES permit are violations of the *Act* and may be subject to penalties under the *Act*. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the *Act*.

<u>Outfall Number</u>	<u>Location of Discharge Outfall</u>
001	Discharge from the disinfection building to the Little Bear River. Latitude 41° 39' 38" Longitude 111° 54' 82".

B. Narrative Standard. It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum, or other nuisances such as color, odor or taste, or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by a bioassay or other tests performed in accordance with standard procedures.

C. Specific Limitations and Self-Monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below.

Total Phosphorus, lbs/season	Effluent Limitations Per Season
Warmer Months, June - September*	72 kilograms (159 lbs).
Annual, January –December**	432 kilograms (953 lbs).

*Shall be reported in pounds per month on the discharge monitoring report. The following formula will convert milligrams per liter, to pounds per day. Total phosphorus (mg/l) x flow (mgd) x 8.3396 = total phosphorus lbs per day.

**The annual loading equals 360 kilograms (794 lbs) plus whatever portion of the 72 (159 lbs) kilograms they don't discharge from June to September.

PART I
DISCHARGE PERMIT NO. UT0020371
WASTEWATER

Parameter	Effluent Limitations			
	30 Day Monthly Avg	7 Day Weekly Avg	Daily Minimum	Daily Maximum
Flow, MGD	0.7	NA	NA	NA
Dissolved Oxygen, mg/L	NA	NA	5.0	NA
BOD ₅ , mg/L	25	35	NA	NA
BOD ₅ Min. % Removal	85	NA	NA	NA
TSS, mg/L	25	35	NA	NA
TSS Min. % Removal	85	NA	NA	NA
Ammonia, mg/L				
Sum (Jul-Sept)	6.7	NA	NA	19.9
Fall (Oct-Dec)	62.0	NA	NA	96.4
Winter (Jan-Mar)	47.7	NA	NA	77.6
Spr (Apr-Jun)	14.1	NA	NA	24.4
E-Coli, No./100mL	126	158	NA	NA
pH, Standard Units	NA	NA	6.5	9.0

NA – Not Applicable

Percentage Removal Requirements (Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD₅): In addition to the concentration limitation on TSS and BOD₅ or CBOD₅ indicated above, the arithmetic mean for the TSS and BOD₅ or concentration for effluent samples collected in a period of thirty (30) consecutive days shall not exceed fifteen (15) percent of the arithmetic mean of the concentration for influent samples collected at approximately the same times during the same period (85 percent removal).

Self-Monitoring and Reporting Requirements, *a			
Parameter	Frequency	Sample Type	Units
Total Flow, *b, *c	Continuous	Recorder	MGD
Dissolved Oxygen	Monthly	Grab	mg/L
BOD ₅ , Influent	Monthly	Composite	mg/L
Effluent, *d	Monthly	Composite	mg/L
TSS, Influent	Monthly	Composite	mg/L
Effluent, *d	Monthly	Composite	mg/L
TSS, % Removal	Monthly	Grab	mg/L
pH	Monthly	Grab	SU
Ammonia	Monthly	Grab	mg/L
Total Phosphorus	Monthly	Composite	mg/L

*a See Definitions, *Part VIII*, for definition of terms.

*b Flow measurements of influent/effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.

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- *c If the rate of discharge is controlled, the rate and duration of discharge shall be reported.
- *d In addition to monitoring the final discharge, influent samples shall be taken and analyzed for this constituent at the same frequency as required for this constituent in the discharge.

D. Reporting of Wastewater Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1) or by NetDMR, post-marked or entered into NetDMR no later than the 28th day of the month following the completed reporting period. The first report is due on April 28, 2014. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part VII.G)*, and submitted by NetDMR, or to the Division of Water Quality at the following address:

Department of Environmental Quality
Division of Water Quality
PO Box 144870
Salt Lake City, Utah 84114-4870

II. INDUSTRIAL PRETREATMENT PROGRAM

A. Definitions.

For this section the following definitions shall apply:

1. Significant industrial user (SIU) is defined as an industrial user discharging to a publicly-owned treatment works (POTW) that satisfies any of the following:
 - a. Has a process wastewater flow of 25,000 gallons or more per average work day;
 - b. Has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
 - c. Is subject to Categorical Pretreatment Standards, or
 - d. Has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
2. Local Limit is defined as a limit designed to prevent pass through and/or interference. And is developed in accordance with 40 CFR 403.5(c).

B. Pretreatment Reporting Requirements.

Because the design capacity of this municipal wastewater treatment facility is less than 5 MGD, the permittee will not be required to develop a State-approved industrial pretreatment program at this time. However, in order to determine if development of an industrial pretreatment program is warranted, the permittee shall conduct an **industrial waste survey**, as described in *Part II.C.1*, and submit it to the Division of Water Quality within **sixty (60) calendar days** of the effective date of this permit.

C. Industrial Waste Survey (IWS).

1. As required by *Part II.B.1*, the industrial waste survey consists of:
 - a. Identifying each industrial user (IU) and determining if the IU is a significant industrial user (SIU),
 - b. Determination of the qualitative and quantitative characteristics of each discharge, and
 - c. Appropriate production data.
2. The IWS must be maintained and updated with IU information as necessary, to ensure that all IUs are properly permitted and/or controlled at all times. Updates must be submitted to the Executive Secretary sixty (60) days following a change to the IWS.

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3. Evaluate all significant industrial users at least once every two years to determine if they need to develop a slug prevention plan. If a slug prevention plan is required, the permittee shall notify the Executive Secretary.
4. Notify all significant industrial users of their obligation to comply with applicable requirements under *Subtitles C and D* of the *Resource Conservation and Recovery Act (RCRA)*.
5. The permittee must notify the Executive Secretary of any new introductions by new or existing SIUs or any substantial change in pollutants from any major industrial source. Such notice must contain the information described in 1. above, and be forwarded no later than sixty (60) days following the introduction or change.

D. General and Specific Prohibitions.

1. Developed pursuant to *Section 307 of The Water Quality Act of 1987* require that under no circumstances shall the permittee allow introduction of the following pollutants into the waste treatment system from any source of non-domestic discharge:
 - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140°F (60°C);
 - b. Pollutants, which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0;
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
 - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at such volume or strength as to cause interference in the POTW;
 - e. Heat in amounts, which will inhibit biological activity in the POTW, resulting in interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104°F (40°C);
 - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 - g. Pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause worker health or safety problems; or,
 - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
 - i. Any pollutant that causes pass through or interference at the POTW.

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2. In addition to the general and specific limitations expressed above, more specific pretreatment limitations have been and will be promulgated for specific industrial categories under *Section 307 of the Water Quality Act of 1987 as amended (WQA)*. (See *40 CFR, Subchapter N, Parts 400 through 500*, for specific information).

E. Signification Industrial Users Discharging to the POTW.

The permittee shall provide adequate notice to the Executive Secretary and the Division of Water Quality Industrial Pretreatment Coordinator of;

1. Any new introduction of pollutants into the treatment works from an indirect discharger (i.e., industrial user) which would be subject to *Sections 301 or 306 of the WQA* if it were directly discharging those pollutants;
2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and
3. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works; and,
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
4. Any SIU that must comply with applicable requirements under *Subtitles C and D of the Resource Conservation and Recovery Act (RCRA)*.

F. Change of Conditions.)

At such time as a specific pretreatment limitation becomes applicable to an industrial user of the permittee, the Executive Secretary may, as appropriate, do the following:

1. Amend the permittee's UPDES discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national pretreatment limitation;
2. Require the permittee to specify, by ordinance, contract, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's facility for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the *General Pretreatment Regulations at 40 CFR 403*;

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3. Require the permittee to monitor its discharge for any pollutant, which may likely be discharged from the permittee's facility, should the industrial user fail to properly pretreat its waste; and/or,
4. Require the permittee to develop an approved pretreatment program.

G. Legal Action.)

The Executive Secretary retains, at all times, the right to take legal action against the industrial user and/or the treatment works, in those cases where a permit violation has occurred because of the failure of an industrial user to discharge at an acceptable level. If the permittee has failed to properly delineate maximum acceptable industrial contributor levels, the Executive Secretary will look primarily to the permittee as the responsible party.

H. Local Limits.)

If local limits are developed per R317-8-8.5(4)(b) to protect the POTW from passthrough or interference, then the POTW must submit limits to DWQ for review and public notice, as required by R317-8-8.5(4)(c).

III. BIOSOLIDS REQUIREMENTS

The State of Utah has adopted the 40 CFR 503 federal regulations for the disposal of sewage sludge (biosolids) by reference. However, since this facility is a lagoon, there is not any regular sludge production. Therefore 40 CFR 503 does not apply at this time. In the future, if the sludge needs to be removed from the lagoons and is disposed in some way, the Division of Water Quality must be contacted prior to the removal of the sludge to ensure that all applicable state and federal regulations are met.

IV. STORM WATER REQUIREMENTS.

The *Utah Administrative Code (UAC) R-317-8-3.9* requires storm water permit provisions to include the development of a storm water pollution prevention plan for waste water treatment facilities if the facility meets one or both of the following criteria.

1. waste water treatment facilities with a design flow of 1.0 MGD or greater, and/or,
2. waste water treatment facilities with an approved pretreatment program as described in *40CFR Part 403*,

The Wellsville City Lagoon does not meet either of the above criteria; therefore this permit does not include storm water provisions. The permit does however include a storm water re-opener provision.

V. MONITORING, RECORDING & GENERAL REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Samples of biosolids shall be collected at a location representative of the quality of biosolids immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10 and 40CFR Part 503*, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- E. Additional Monitoring by the Permittee. If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under *UAC R317-2-10 and 40 CFR 503* or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or the Biosolids Report Form. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.
- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and,
 6. The results of such analyses.
- G. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance including transportation accidents, spills, and uncontrolled runoff from biosolids transfer or land application sites which may seriously endanger health or environment, as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 231-1769, or 24-hour answering service (801) 536-4123.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4300 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass, which exceeds any effluent limitation in the permit (See *Part VI.G, Bypass of Treatment Facilities.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part VI.H, Upset Conditions.*);
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit; or,
 - e. Violation of any of the Table 3 metals limits, the pathogen limits, the vector attraction reduction limits or the management practices for biosolids that have been sold or given away.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected;
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 536-4300.

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5. Reports shall be submitted to the addresses in *Part I.D, Reporting of Monitoring Results*.
- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part I.D* are submitted. The reports shall contain the information listed in *Part V.H.3*
- J. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, including but not limited to, biosolids treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites;
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location, including, but not limited to, digested biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites or biosolids, soils, or vegetation on the land application sites; and,
 5. The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, the Director, or authorized representative, upon the presentation of credentials and other documents as may be required by law, will be permitted to enter without delay for the purposes of performing their responsibilities.

VI. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The *Act* provides that any person who violates a permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at *Part VI.G, Bypass of Treatment Facilities* and *Part VI.H, Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or prevent any land application in violation of this permit.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.
- G. Bypass of Treatment Facilities.

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1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to paragraph 2 and 3 of this section.

2. Prohibition of Bypass.
 - a. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
 - (3) The permittee submitted notices as required under *section VI.G.3.*
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in *sections VI.G.2.a (1), (2) and (3).*

3. Notice.
 - a. *Anticipated bypass.* Except as provided above in *section VI.G.2* and below in *section VI.G.3.b*, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Director:
 - (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
 - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Director in advance of any changes to the bypass schedule;
 - (3) Description of specific measures to be taken to minimize environmental and public health impacts;
 - (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;

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- (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and,
 - (6) Any additional information requested by the Director.
- b. *Emergency Bypass.* Where ninety days advance notice is not possible, the permittee must notify the Director, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Director the information in *section VI.G.3.a.(1) through (6)* to the extent practicable.
 - c. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass to the Director as required under *Part IV.H, Twenty Four Hour Reporting.* The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions.

- 1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. Director's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
- 2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under *Part V.H, Twenty-four Hour Notice of Noncompliance Reporting;* and,
 - d. The permittee complied with any remedial measures required under *Part VI.D, Duty to Mitigate.*
- 3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

VII. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of parameters discharged or pollutant sold or given away. This notification applies to pollutants, which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Director of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue a activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
 - 1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 - 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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- a. The authorization is made in writing by a person described above and submitted to the Director, and,
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

3. Changes to authorization. If an authorization under *paragraph VII.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *paragraph VII.G.2.* must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Director. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any

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- responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 20 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittee's containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State or Federal Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117* and *Section 510* of the *Act* or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.
- O. Water Quality - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
 2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.

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3. Revisions to the current CWA § 208 areawide treatment management plans or promulgations/revisions to TMDLs (40 CFR 130.7) approved by the EPA and adopted by DWQ which calls for different effluent limitations than contained in this permit.

- P. Biosolids – Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate biosolids limitations (and compliance schedule, if necessary), management practices, other appropriate requirements to protect public health and the environment, or if there have been substantial changes (or such changes are planned) in biosolids use or disposal practices; applicable management practices or numerical limitations for pollutants in biosolids have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the permittees biosolids use or land application practices do not comply with existing applicable state of federal regulations.

- Q. Toxicity Limitation - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity (WET) testing, a WET limitation, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit

- R. Storm Water-Reopener Provision. At any time during the duration (life) of this permit, this permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to "waters-of-State".

VIII. DEFINITIONS

1. The "7-day (and weekly) average", other than for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for e-coli bacteria, fecal coliform bacteria, and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains Saturday.
2. The "30-day (and monthly) average," other than for e-coli bacteria, fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for e-coli bacteria, fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
3. "Act," means the *Utah Water Quality Act*.
4. "Acute toxicity" occurs when 50 percent or more mortality is observed for either test species at any effluent concentration (lethal concentration or "LC₅₀").
5. "Bypass," means the diversion of waste streams from any portion of a treatment facility.
6. "Chronic toxicity" occurs when the survival, growth, or reproduction for either test species exposed to a specific percent effluent dilution is significantly less (at the 95 percent confidence level) than the survival, growth, or reproduction of the control specimens.
7. "IC₂₅" is the concentration of toxicant (given in % effluent) that would cause a 25% reduction in mean young per female, or a 25% reduction in overall growth for the test population.
8. "Composite Samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

PART VIII
DISCHARGE PERMIT NO. UT0020371

- a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
 - d. Continuous sample volume, with sample collection rate proportional to flow rate.
9. "CWA," means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
 10. "Daily Maximum" (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
 11. "EPA," means the United States Environmental Protection Agency.
 12. "Director," means Director of the Utah Water Quality Board.
 13. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
 14. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
 15. "Severe Property Damage," means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 16. "Upset," means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

STAFF REPORT: AUTONOMOUS SOLUTIONS, INC. CONDITIONAL USE PERMIT 06 July 2017

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: Raeghn Torrie

Parcel ID#: 12-048-0007

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

990 North 8000 West
Petersboro

Current Zoning:

Commercial (C)

Acres: 88.51

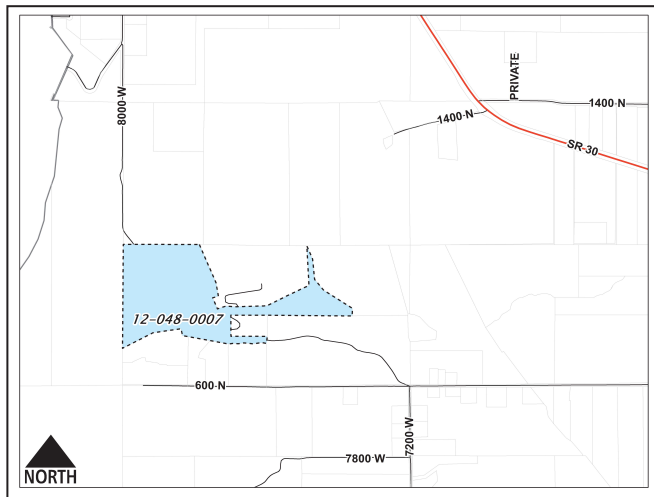
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Forest Recreation/Box Elder County



FINDINGS OF FACT (33)

A. Request description

1. The Autonomous Solutions, Inc. (ASI) Conditional Use Permit (CUP) is a request to expand the existing use which is best categorized under the current code as use type 3100 Commercial Business – Professional Services.
2. In May 2017, the County Council approved a request for a rezone on the subject property from the Agricultural (A10) Zone to the Commercial (C) Zone.
3. The applicant sought the rezone request in order to expand the existing use, which was legally established, but non-conforming, and could not be expanded in the A10 zone as the current code does not allow a 3100 Commercial Business – Professional Services in the A10 zone.
4. The applicant is now requesting a CUP to expand the existing business which operates out of an existing 9,600-square-foot building. The primary functions of the existing business include

design, engineering, assembly, and testing of automated vehicles. In addition to office and shop areas, there are test tracks on the 88-acre property to evaluate the performance of their vehicles. The applicant states there are currently 109 full-time employees and they anticipate having a total of 450 full-time employees at the conclusion of their master plan timeline.

5. As per Utah Code Annotated (UCA) 10-2-401, #1-k, this use qualifies as urban development as defined by the State. Under UCA 10-2-402, #5, the State also stipulates that the County Legislative Body may not approve urban development within a municipality's expansion area without first notifying and responding in writing to any municipal objections. In this instance the proposed use is within the Mendon City expansion area.
 - a. Therefore, prior to the recordation of the permit, the county must first notify and respond in writing to any objections of Mendon City. **See condition #1 and #8**
6. The letter of intent/master plan for the ASI CUP reflects the proposed improvements in the following phases (Exhibit A):
 - a. Phase I: 0-12 months
 - i. Finalize a Memorandum of Understanding (MOU) with the State of Utah and Cache County regarding the funding of road improvements for access to the site (i.e., Veibell Road and 8000 West). **See condition #2**
 - ii. Install a temporary structure, approximately 3,800 square feet, and add 100 parking stalls on-site.
 - iii. Coordinate with Utah Department of Transportation (UDOT) and Cache County to add directional signage off of Highway 30 and county roads.
 - b. Phase II: 1-3 years
 - i. Complete road improvements per MOU.
 - ii. Construct a new 30,000-square-foot steel building and add an additional 100 parking stalls on-site.
 - iii. Affix a wall sign to the new steel building.
 - iv. Install up to 6,000 linear feet of test track.
 - c. Phase III: 3-7 years
 - i. Construct a 21,000-square-foot addition to the Phase II building with an additional 125 parking stalls.
 - ii. Remove the Phase I temporary structure.

B. Conditional Uses *See conclusion #1*

7. §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
 - a. Compliance with law;
 - b. Health, safety, and welfare;
 - c. Adequate service provision;
 - d. Impacts and mitigation.

C. Compliance with law *See conclusion #1*

8. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.

9. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
10. Parcel 12-048-0007 has been determined to be a legal parcel as a conditional use permit was issued on September 12, 2005 for a Robotics Research and Development business. A conditional use permit for expansion was issued April 28, 2006.
11. §17.07.030, Use Related Definitions defines this use as “3100 Commercial Business” and specifically item #2 “Professional Services”.
12. §17.07.040, Definitions, defines “3100 Commercial Business” as “Any commerce endeavor to engage in the purchase, sale, lease, or exchange of goods, and/or the provision of services.”
 - a. Item #2 “Professional Services: an administrative, professional, research, laboratory, or personal service, which requires as a condition precedent to the rendering of such service, the obtaining of a license or other legal authorization. These typically include, but are not limited to, services rendered by; certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents. Merchandise or merchandising services must not be sold on the premises except such as incidental or accessory to the principal use.”
13. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Commercial (C) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
14. §17.10.040 Site Development Standards – The required setback from the property line in the Commercial (C) Zone is 30’. The storage of material or placement of structures within the setback area is not permitted. *See condition #4*
15. §16.04.070 Storm Drainage Requirements - A Land Disturbance Permit is required. *See condition #9*

D. Health, safety, and welfare *See conclusion #1*

16. The County Land Use Ordinance stipulates that:
 - a. Proposed CUP’s must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
17. All activities as identified within the ASI CUP Letter of Intent/Master Plan amendment request are proposed to only occur on parcel 12-048-0007. Any change or expansion of the business beyond what is stated in the Letter of Intent will require review and approval by the LandUse Authority. *See condition #5.*

E. Adequate service provision *See conclusion #1*

18. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

19. Access: The property gains access from Veibell Road, a county road, via county roads 8000 West (from the northwest) and 600 North (from the southeast).
- a. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
 - b. The Road Manual specifies the following: **See conclusion #3.**
 - i. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - ii. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot wide right-of-way, two 10-foot wide paved travel lanes with 2-foot wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - iii. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - iv. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for paved roads requires gravel roads requires 14” depth of granular borrow and 6” depth of road base.
 - c. The Public Works Inspector has provided a basic analysis and identified that some sections of 8000 West have failed, and that a significant portion of Veibell Road has failed (Exhibit B). **See conclusion #3.**
 - d. The proponent is in the process of completing a Memorandum of Understanding with the State Utah and Cache County with the intent to make the necessary roadway improvements to the north access of the site. These improvements affect Veibell Road and 800 West. **See conclusion #3.**
 - e. Winter maintenance on 8000 West does not continue on the gravel surface beyond the end of the pavement. There is also no winter maintenance on Veibell Road. Summer maintenance does exist on both sections of roadway and consists of grading twice a year. Council extension of maintenance services for ~3/4 mile would be required.
 - f. The county is not expanding winter maintenance activities, paving existing gravel roads, or accepting new gravel or paved roads unless doing so would improve the health and/or safety of existing subdivisions, homes, or businesses at the discretion of the County Council as per County Council Resolution 2015-20. **See conclusion #4.**
20. Parking:
- a. §17.22 Off Street Parking Standards – All uses included under Use Index 3000 require a minimum of one parking space per 250 square feet, or a Parking Analysis conforming to §17.07.040 General Definitions and §17.22 Off Street Parking Standards.
 - b. The number of parking required based on the total square footage (60,600 sq.ft.) at the conclusion of the master plan is 244 parking spaces. Based on the applicant’s Letter of Intent/Master Plan there will be a total of 460 spaces on-site at the end of Phase III. Also, according to the applicant, there are currently 109 full-time employees with approximately 450 full-time employees on-site as part of this proposed three-phase expansion.

ASI CUP Parking Table:

	BUILDING SQUARE FOOTAGE	REQUIRED PARKING SPACES (BUILDING SQ.FT./250)	PROPOSED PARKING SPACES
EXISTING	9,600 sq.ft.	39	135
PHASE I	3,800 sq.ft. (temp. bldg.)	+16	+100
PHASE II	30,000 sq.ft.	+120	+100
PHASE III	21,000 – 3,800 (temp. bldg..) = 17,200 sq.ft.	+69	+125
TOTAL	60,600 sq. ft.	244	460

21. Refuse: Logan City Environmental Department provides solid waste collection from the subject property and will require that the applicant provide and maintain straight access to all dumpsters and carts during all phases.
22. Fire: §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable, but that future development on the property as proposed requires preliminary plan review by the County Fire District. Any future development must be evaluated and may require improvements based on the location and type of proposed development. Water supply for fire suppression would be provided by the Mendon City Fire Department. *See condition #5*
23. Water: The subject property has a confirmed water right under Change #a30653 for 10 domestic shares and commercial use incidental to the operation of a private Agricultural Experiment Station. The applicant shall confirm with the State Water Right Division that the existing water right is adequate for the planned expansion per the Letter of Intent/Master Plan. *See condition #6*
24. Septic: The Bear River Health Department has determined that the installation of septic systems to accommodate up to 500 employees is feasible for the proposed Master Plan expansion.

F. Impacts and mitigation *See conclusion #1*

25. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”
26. The County Land Use Ordinance stipulates that:
 - a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
 - b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.
27. Known or reasonably anticipated detrimental effects of the use are as follows:
 - a. Road Access: Based on the Letter of Intent/Master Plan there could be up to 450 full-time employees on-site in the next seven years, an increase from the 109 current full-time employees. In addition, the expansion of the business will result in increased trips by delivery trucks, clients, et cetera. As noted by the Public Works Inspector, the roads are currently failing and do not meet the minimum standards in the County Road Manual. In order to mitigate the potential detrimental effects of increase road activity on failing roads,

the applicant must finalize the Memorandum of Understanding with the State of Utah and Cache County that will put in place a timeline for road improvements and agreements on maintenance during Phase I and complete the road improvements prior to the construction of the proposed 30,000-square-foot building in Phase II. *See condition #2*

- b. Road Crossing: County road 8000 West runs through the center of subject property from the northwest corner to the south east corner. The main campus of the commercial business operates on the northeast side of the road, but there is a test track across the County road on the southwest part of the property. As part of ASI's operations, vehicles and equipment travel back and forth from the main campus to this test track and must cross the County road. Frequent crossing across 8000 West can present a hazard to vehicles using the County road and may cause more rapid deterioration of the portion of the road used for the equipment crossings. The applicant shall submit a plan for review and approval of the Director of Development Services that identifies where the crossings will take place for travel between the main campus and test tracks. The plan shall include proposals for marking the crossing and for building up the road material in the crossing to compensate for the more intense usage of this section of the road. The proposed plan for the crossing shall not conflict with the terms of the MOU. The plan must be reviewed and approved prior to the recordation of the CUP. *See condition #7*
- c. Sensitive Areas:
 - i. Slopes. There are areas of moderate slopes (20-30%) and steep slopes (equal to or greater than 30%) on the subject property. Development is not permitted on steep slopes, and this acreage does not count toward the assessment of developable acreage. Any development on moderate slopes requires a geotechnical report.
 - ii. Wildfire Hazard Areas. Portions of the subject property are located within the Wildfire Hazard Area.
 - iii. Geologic Hazards. The Utah Geological Survey indicates that a majority of the subject property lies within a landslide area. A geotechnical report is required for development within the hazard area.

G. Public Notice and Comment—§17.02.040 Notice of Meetings

- 28. Public notice was posted online to the Utah Public Notice Website on 22 June 2017.
- 29. Notice was published in the Herald Journal on 25 June 2017.
- 30. Notices were posted in three public places on 22 June 2017.
- 31. Notices were mailed to all property owners within 300 feet of the subject property on 22 June 2017.
- 32. Notice was emailed to Mendon City notifying the city and soliciting any objections they may have regarding this urban development project on 23 June 2017.
- 33. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (9)

Based on the Cache County Land Use Ordinances, Road Manual, and on the findings of fact as noted herein, staff recommends the following conditions:

- 1. Prior to the recording the permit, the county must first notify and respond in writing to any objections of Mendon City regarding urban development within Mendon City's annexation area. (*See A-5*)

2. Prior to recording the permit, applicant must finalize the Memorandum of Understanding (MOU) with the State of Utah and Cache County regarding the funding of road improvements for access to the site. *(See A-6-a, F-26-a)*
3. The required setback from the property line in the Commercial (C) Zone is 30'. The storage of material or placement of structures within the setback area is not permitted. *(See C-14)*
4. The applicant must abide by the Master Plan and Letter of Intent as submitted to the Cache County Development Services Office. Any expansion or modification of the proposed use must obtain the approval of the Land Use. *(See D-16)*
5. Future development on the property requires preliminary plan review by the County Fire District. Any future development must be evaluated and may require improvements based on the location and type of proposed development. *(See E-21)*
6. The applicant shall confirm with the State Water Right Division that the existing water right, under change #a30653, is adequate for the planned expansion per the letter of Intent/Master Plan. *(See E-22)*
7. Prior to recording the CUP, the applicant shall submit a plan for review and approval to the Director of Development Services concerning crossing the County road, 8000 West, to provide access between the main campus and the southwest test track. *(See F-26-b)*
8. Any future development on the site shall also be considered a phase of this development and may be considered urban development as defined in §10-2-401 U.C.A. As such the development shall be subject to all State regulations pertaining to urban development. *(See A-5)*
9. A Land Disturbance Permit is required. *(See C-15)*

CONCLUSIONS (4)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Autonomous Solutions, Inc. Conditional Use Permit as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *(See B, C, D, E, F)*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request, and; *(See C-9)*
3. The subject property does not have adequate road access for expanding a commercial development; however, the proponent is in the process of completing a Memorandum of Understanding with the State Utah and Cache County with the intent to make the necessary roadway improvements to the north access of the site. *(See E-18-b, E-18-c, E18-d)*
4. Per Cache County Resolution 2015-20, year-round maintenance services are hereby extended for ~3/4 of a mile down 8000 West and on a portion of Veibell Road to the northern access point of the existing business, Autonomous Solutions as:
 - a. It would improve the health and/or safety of the access to an existing business. *(See E-18-f)*



990 N. 8000 W. Petersboro, Utah 84325

June 7, 2017

To Whom it may concern,

Mel and I would like to submit the following document as our letter of intent for a Master Plan for the M&R Rezone that took place on June 7, 2017. It is for operations for Autonomous Solutions, Inc. (DBA – ASI) on the parcel that is owned by us under our entity name of M&R Rentals, LC.

- A) Our proposed use is as we currently are using the land; vehicle automation engineering, design, and assembly. Our current building is 9600 square feet. Our site is a little over 88 acres, there are rolling hills, and we are in a remote location which helps tremendously with our confidentiality needed with our clients.
- B) We have an office (administrative, engineering and sales), shop and installation type employees. We currently have 109 FTE's. We are anticipating growth in our company and anticipate up to 450FTE's on this site.
- C) Our current business hours are M-F 8am-5pm. We anticipate that we will keep those business hours, but will have some testing operations that will involve a few validation test employees 24X6 (closed Sundays).
- D) We are financing a little over \$500K to pave the road to make the road more adequate for the volume of cars that will be driving on it. We receive and ship with standard shippers (USPS, UPS, FedEx, DHL (about one each day)) and have occasional semi-truck deliveries (about one per month). Currently, we have 135 parking stalls; new parking is addressed in the below section.
- E) We will have a sign on the phase 2 building, and update the sign on the driveway. We will also be working with UDOT on directional signs that have "ASI" and an arrow to show the direction from the North entrance off Highway 30. We also would like to add a directional sign on the county road.
- F) ASI has standard office equipment, some standard shop tools, and equipment for research purposes. This current list includes (but is not limited to): hand tools, welder, cutting torch, plasma cutter, lathe, band saw, steel brake, test fixtures, we anticipate adding a milling machine and a laser engraver. Our external equipment includes (but is not limited to): snow removal equipment, loader, tractor, truck, parking lot sweeper, general maintenance equipment, trailers, we anticipate this list will grow as we grow, but it is not clear what that will entail. We also use the following vehicles for research purposes: vehicles and implements for ag and construction, automotive, ATV's and smaller four-wheeled vehicles. We also lease the farm land to a local farmer that harvests the dry farm crop off the property once a year. He uses standard farm equipment.
- G) We currently have one large waste dumpster, a cardboard dumpster and multiple recycle bins for use. Phase phases 2 and three the need may arise to increase these with more dumpsters and more recycle bins. Additional water rights and waste water permits will be procured to meet the additional requirements per growth.

We have three phases to this Master Plan.

Phase 1: As soon as possible, we will bring a temporary building onto the site (3800 square feet) and will add 100 parking stalls.

Phase 2: Within 1-3 years, we will build a 30,000-square foot steel building with a glass front with brick and mortar, and we will add 100 parking stalls to the site. We anticipate building additional test tracks for up to 6000 feet.

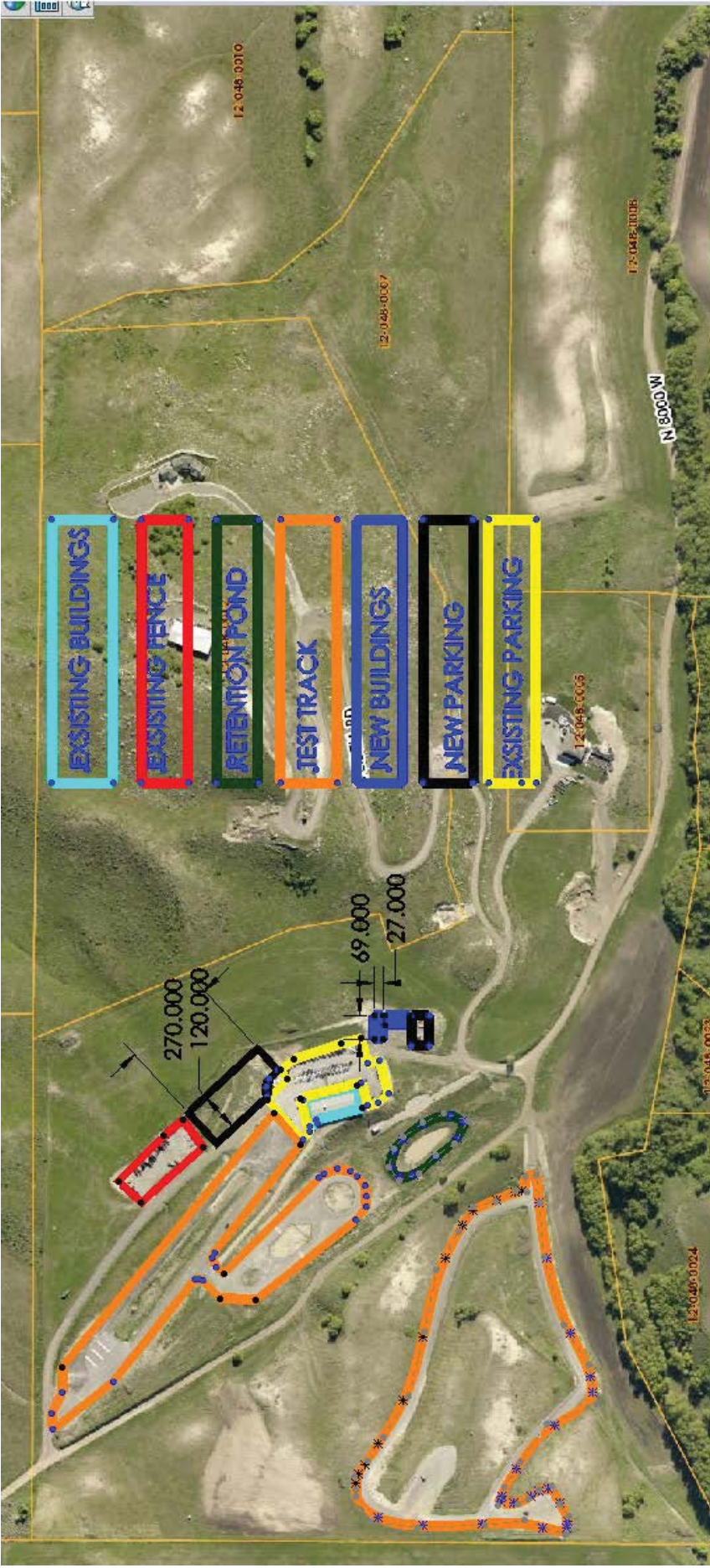
Phase 3: Within 3-7 years we anticipate adding on two wings made of steel, glass, brick, and mortar, to match up with the phase 2 building (adding 21,000 square feet), we will add 125 parking stalls to the site. We anticipate removing the temporary building in this phase.

Thank you for your consideration on our conditional use permit. Please feel free to notify us if you have any questions.

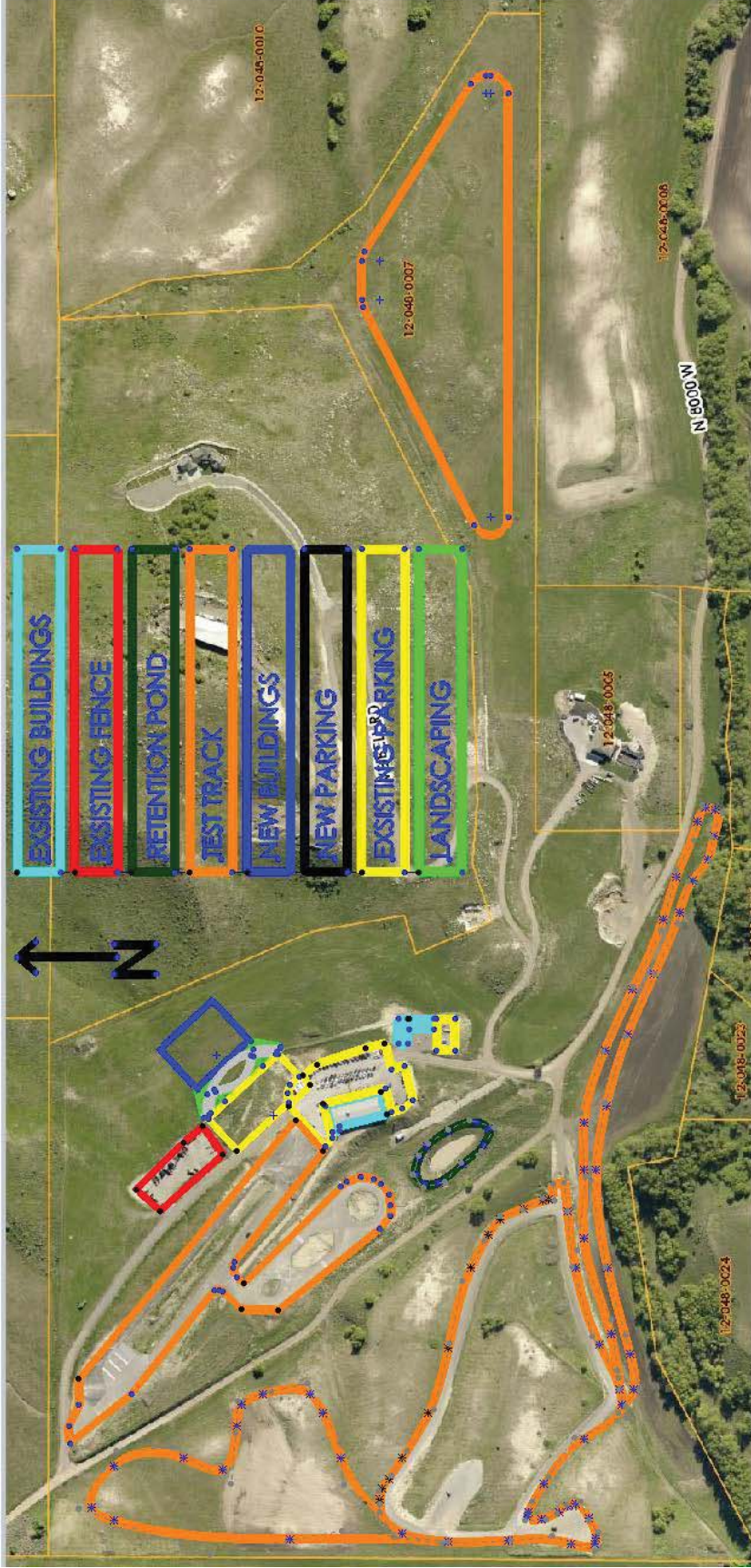
Sincerely,

Raeghn Torrie
(435)757-5484

Phase 1



Phase 2



Phase 3

