



4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Brady Christensen

Review and approval of agenda.

Review and approval of the minutes of the 7 December 2017 meeting.

5:35 p.m.

Consent Items

1. **Birch Hollow Subdivision** – A request to create a new 4-lot subdivision on two 5-acre parcels located at approximately 950 West Hwy 218, near Smithfield, in the Rural 2 (RU2) Zone.

Regular Action Items

2. **Public Hearing (5:35 p.m.): West Acres Rezone** – A request for a recommendation of approval to the County Council for a rezone of 10.0 acres of property at 888 West Hwy 218, near Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
3. **Public Hearing (5:50 p.m.): Pisgah Stone Products Rezone** – A request for a recommendation of approval to the County Council for a rezone of 508.43 acres of property at approximately 9800 South 3500 West, Wellsville Canyon, to add the Mineral Extraction and Excavation (ME) Overlay Zone to an existing Forest Recreation (FR40) Zone.
4. **Public Hearing (6:15 p.m.): Code Amendments** – Amendments to Titles 17.01 & 17.02 regarding authority and plain language.

Board Member Reports

Staff reports

Adjourn

PUBLIC PARTICIPATION GUIDE: PLANNING COMMISSION

This document is intended to guide citizens who would like to participate in a public meeting by providing information about how to effectively express your opinion on a particular matter and the general powers and limitations of the Planning Commission.

WHEN SPEAKING ON AN AGENDA ITEM

Once the Commission opens the public hearing or invites the public to comment on a public meeting agenda item, approach the podium to comment. Comments are limited to 3 minutes per person, unless extended by the Chair of the Planning Commission.

When it is your turn to speak:

1. State your name and address and the organization you represent, if applicable.
2. Indicate whether you are for or against the proposal.
3. Make your statement.
 - a. Include all pertinent facts within your knowledge;
 - b. Avoid gossip, emotion, and repetition;
 - c. Comments should be addressed to the Commission and not to individuals in the audience; the Commission will not allow discussion of complaints directed at specific individuals;
 - d. A clear, concise argument should focus on those matters related to the proposal with the facts directly tied to the decision you wish the Commission to make without repeating yourself or others who have spoken prior to your statement.

LEGISLATIVE (PUBLIC HEARING) VS. ADMINISTRATIVE (PUBLIC MEETING) FUNCTIONS

The Planning Commission has two roles: as a recommending body for items that proceed to the County Council for final action (legislative) and as a land use authority for other items that do not proceed to the County Council (administrative).

When acting in their legislative capacity, the Planning Commission has broad discretion in what their recommendation to the County Council will be and conducts a public hearing to listen to the public's opinion on the request before forwarding the item to the County Council for the final decision. Applications in this category include: Rezones & Ordinance Amendments.

When acting in their administrative capacity, the Planning Commission has little discretion and must determine whether or not the landowner's application complies with the County Code. If the application complies with the Code, the Commission must approve it regardless of their personal opinions. The Commission considers these applications during a public meeting and can decide whether to invite comment from the public, but, since it is an administrative action not a legislative one, they are not required to open it to public comment. Applications in this category include: Conditional Use Permits, Subdivisions, & Subdivision Amendments.

LIMITS OF JURISDICTION

The Planning Commission reviews land use applications for compliance with the ordinances of the County Land Use Code. Issues related to water quality, air quality, and the like are within the jurisdiction of the State and Federal government. The Commission does not have authority to alter, change, or otherwise act on issues outside of the County Land Use Code.



PLANNING COMMISSION MINUTES

7 December 2017

Item **Page**

Regular items

1. **Public Hearing (5:35 p.m.) Jenkins Storage Parking Rezone 2**

2. **Mt. Naomi Subdivision 1st Amendment..... 3**

3. **Lower Family Foods Conditional Use Permit 3**

4. **Zeotech – Little Mountain Mine Conditional Use Permit 4**

5. **Discussion: Code Amendments 6**

6. **Elections for Chair and Vice Chair 6**

1 **Present:** Angie Zetterquist, Josh Runhaar, Chris Harrild, Jason Watterson, Nolan Gunnell, Phil Olsen,
2 Brady Christensen, Chris Sands, Lee Edwards, Jon White

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

5
6 **Watterson** welcomed and **Gunnell** 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 2 November 2017; **Olsen** seconded; **Passed 5, 0.**

17
18 **05:33:00**

19
20 **Regular Action Items**

21 **#1 Public Hearing (5:35 p.m.): Jenkins Storage Parking Rezone**

22
23 **Zetterquist** reviewed the staff report for the Jenkins Storage Parking Rezone.

24
25 **05:39:00**

26
27 **Olsen** motioned to open the public hearing for the Jenkins Storage Parking Rezone; **Sands** seconded;
28 **Passed 5, 0.**

29
30 **Michael Jenkins** commented regarding the proposed rezone.

31
32 **Joel Hoyt** commented that he would like to see the property remain agriculture.

33
34 **Christensen** asked Joel Hoyt if he owned the property.

35
36 **Mr. Hoyt** responded that he had sold it to the Jenkins.

37
38 **05:42:00**

39
40 **Sands** motioned to close the public hearing for the Jenkins Storage Parking Rezone; **Gunnell** seconded;
41 **Passed 5, 0.**

42
43 **Staff** and **Commission** discussed the location of the rezone and how the surrounding area does not fit
44 with an industrial zone.

45
46 **Gunnell** motioned to recommend the denial of the Jenkins Storage Parking Rezone to the County Council
47 with the stated findings of fact and conclusions; **Sands** seconded; **Passed 5, 0.**

48
49 **05:45:00**

1 **#2 Mt. Naomi Subdivision 1st Amendment**

2
3 **Zetterquist** reviewed the staff report for the Mt. Naomi Subdivision 1st Amendment.

4
5 **Staff and Commission** discussed access to the property. The proponent will have to come back for a
6 conditional use permit if this amendment is approved and to bring the use back into conformance with the
7 county ordinances and codes.

8
9 **Keith Meikle** commented regarding access.

10
11 **Gunnell** asked if the lot was being made just for the building.

12
13 **Mr. Meikle** responded that a CUP cannot be issued without a parcel number for tax purposes.

14
15 **Gunnell** asked about the lot size and septic.

16
17 **Mr. Meikle** responded that septic had been approved.

18
19 **Brenda Meikle** responded that many tourists who come for their U-pick like to stay over and that was the
20 reason for the building in the first place and they are doing this for the Agri-tourism aspect.

21
22 **Staff and Commission** discussed the proposed amendment and how approval of this project could set a
23 bad precedent for future projects.

24
25 *Olsen motioned to recommend approval to the County Council for the Mt. Naomi Subdivision 1st*
26 *Amendment with the stated findings of facts, conditions, conclusions, and noted changes to condition #3;*
27 *Gunnell seconded; Passed 4, 1 (Christensen voted nay).*

28
29 **06:00:00**

30
31 **#3 Lower Family Foods Conditional Use Permit**

32
33 **Zetterquist** reviewed the staff report for the Lower Family Foods Conditional Use Permit.

34
35 **Allen Lower** commented regarding the water tank and transmission line. The engineer on the project is
36 recommending covering the whole tank to help with freezing and thawing.

37
38 **Scott Archibald** commented regarding the tank and partially burying the tank.

39
40 **Watterson** asked about the non-consumptive water definition.

41
42 **Mr. Lower** responded that the water is used to temper frozen meat and is not consumed.

43
44 **Mr. Archibald** responded that it is not a public water system but an industrial use.

45
46 **White** asked if the water would still need to be chlorinated.

47
48 **Mr. Lower** responded that he would install equipment to chlorinate the water and that samples are taken
49 monthly to USDA approved labs for inspection.

50
51 **Sands** asked when the water transmission line was installed.

1 **Mr. Lower** responded that it was this summer. Power will be pulled from the existing source.
2
3 **Sands** asked about fencing.
4
5 **Mr. Lower** responded that the regulations require fencing to protect the water source.
6
7 **Mr. Archibald** responded that it may or may not require fencing but it would be a good idea.
8
9 **Gunnell** asked about discharge and where it would go.
10
11 **Mr. Lower** responded that the discharge will go to the south to the existing canal. The overflow of the
12 well currently goes into the irrigation canal and behind the well head there is a spring and it also goes into
13 the same irrigation canal.
14
15 **White** asked how much water that amounted to and where the water went to.
16
17 **Mr. Lower** responded that it would go through the water treatment plant. A lot will end up in Terry
18 Spackman's irrigation pond.
19
20 *Sands motioned to approve the Lower Family Conditional Use Permit based on the findings of fact,*
21 *conditions, and conclusions; Christensen seconded; Passed 5, 0.*
22
23 **06:13:00**
24
25 **#4 Zeotech – Little Mountain Mine Conditional Use Permit**
26
27 **Zetterquist** reviewed the staff report for the Little Mountain Mine Conditional Use Permit.
28
29 **Staff and Commission** discussed condition 4. The applicant needs to update the master plan to be more
30 specific on the area size. Condition #9 regarding dust control was discussed.
31
32 **Kris Kvarfordt** commented that the site has had an environmental study and there is a table regarding
33 phasing for this project in the master plan. There were no storm water regulations originally but now there
34 is and that will be updated.
35
36 **Sands** asked if the applicant has talked to the Bureau of Reclamation.
37
38 **Kvarfordt** responded that they had and the applicant has been in contact with the Bureau since day one.
39
40 **Gunnell** asked about the reclamation size.
41
42 **Kvarfordt** responded that that table on page 5 doesn't reference cell size but active areas at any one
43 time.
44
45 **Gunnell** asked how long 10 acres could take.
46
47 **Kvarfordt** responded that the Storm Water Prevention Pollution Plan regulates that and there will be an
48 annual inspection by certified inspectors.
49
50 **Sands** responded that that while that is true, it doesn't limit the amount of area exposed at any one time
51 and that falls within the purview of the Planning Commission.

1 **Gunnell** asked about depth and how it is described in the plan.
2
3 **Kvardfordt** responded that that is explained in detail in the master plan.
4
5 **Steve Petersen** answered questions regarding extraction and packaging of the material.
6
7 **Watterson** asked if Petersen knew the size of trucks that would be used.
8
9 **Mr. Petersen** answered that the truck size and trucking company, and extracting contractor has not been
10 decided at this point.
11
12 **Sands** asked about refueling.
13
14 **Mr. Petersen** responded that he isn't qualified to address that but would be up to the contractor the
15 company chooses for the extraction.
16
17 **Kvardfordt** responded that most of the gravel operations in the valley use their own product but the
18 applicant is looking at contracting for that service.
19
20 **Runhaar** responded that if refueling were to happen certain requirements would have to be met.
21
22 **Sands** asked if the amount of land open at one time could be addressed.
23
24 **Mr. Petersen** responded that he didn't have those specifics. The deposit is anywhere from 40 feet to 110
25 feet thick and is like an alluvial fan like deposit. Operations would start on the north edge and work in.
26
27 **Sands** responded in other operations approved it has ranged from 5-10 acres open at one time.
28
29 **Gunnell** asked if it would always be a front end loader used to extract or if the extraction method would
30 change.
31
32 **Mr. Petersen** responded that the topography will be going down but the footprint is relatively small.
33
34 **Sands** responded that if an acreage size requirement was put in the conditions the proponent could come
35 back and ask for a change.
36
37 **Kvardfordt** asked if once the operation is going, the CUP is revisited in the future.
38
39 **Harrild** responded that the code requires that the CUP be revisited every three years and a notification
40 will be sent out that requires a response.
41
42 **Staff and Commission** discussed storm water inspection. The State should be checking the log that is
43 kept on site.
44
45 **Kvardfordt** responded that the SWPPP has changed quite a bit since the original CUP expired and
46 usually the operator that is contracted with is responsible for those SWPPP requirements and inspections.
47
48 **Staff and Commission** discussed the number of vehicles.
49
50 **Mr. Petersen** responded that the applicant has proposed access into the site from 5800.
51

1 **Harrild** proposed changes to conditions 4 & 9, and added a 15th condition as noted by the Commission.

2

3 **Staff** and **Commission** discussed the size of the open areas, weed control, and dust control.

4

5 **Kvardfordt** responded there might be a situation where a few more acres would be needed but for the

6 most part 5-10 open acres is very operationally feasible.

7

8 **Gunnell** motioned to approve the Zeotech-Little Mountain Conditional Use Permit based on the findings

9 of fact, conditions, and conclusions with the noted changes to conditions 4 and 9, and the addition of

10 condition 15; **Olsen** seconded; **Passed 5, 0.**

11

12 **06:50:00**

13

14 **#5 Discussion: Code Amendments**

15

16 **Harrild**, **Staff**, and **Commission** reviewed the code amendments.

17

18 **07:17:00**

19

20 **#6 Elections for Chair and Vice Chair**

21

22 **Gunnell** motioned to nominate Brady Christensen for Chair; **Sands** seconded; **Passed 4, 0 (Christensen**

23 **abstained).**

24

25 **Gunnell** motioned to nominate Phil Olsen as Vice Chair; **Sands** seconded; **Passed 5, 0.**

26

27 **07:27:00**

28

29 **Adjourned.**

30

STAFF REPORT: BIRCH HOLLOW SUBDIVISION

4 January 2018

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: Duane Williams

Parcel ID#: 08-091-0003, -0014

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

~950 West SR 218

Smithfield

Current Zoning:

Rural 2 (RU2)

Acres: 10.0

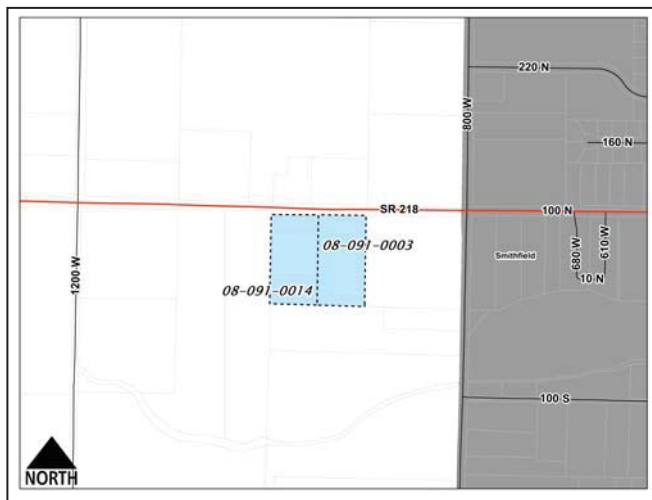
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential/Smithfield City

West – Agricultural



FINDINGS OF FACT (21)

A. Request description

1. The Birch Hollow Subdivision is a request for a four-lot subdivision.
 - a. Lot 1 will be approximately 6.30 acres and includes all the area that wraps around the other 3 lots and the private drive;
 - b. Lot 2 will be 0.58 acres;
 - c. Lot 3 will be 1.00 acres;
 - d. Lot 4 will be 2.00 acres.

B. Parcel legality

2. Parcel 08-091-0014 (5.0 ac.) was divided from 08-091-0003 (5.0 ac.) without Land Use Authority approval in October 1979, making both parcels restricted. In order to lift the restricted status and allow for any non-agricultural development, the two parcels would have to be merged back to one. However, in May 2017, County Council approved a rezone of the two properties from the Agricultural (A10) zone to the Rural 2 (RU2) Zone. The rezone did not lift the restriction but made it possible to divide the land, as the required acreage to divide decreased from 10 acres per lot in the A10 Zone to 2 acres per lot in the RU2 Zone. If approved, the current subdivision application will result in the restriction being lifted on the properties.

C. Authority

3. §17.02.060 Establishment of Land Use Authority – The County Council is authorized to act as the Land Use Authority for this application. *See conclusion #1*

D. Culinary water, septic system, storm water, and irrigation system

4. §16.04.080 [A] Water Requirements – An approved domestic culinary water right is required for each proposed lot in a new subdivision. The applicant has an application in process for four domestic water rights as well as irrigation and stock water under #25-11407, change #a42375, with the State Water Division. Prior to recordation of the subdivision, the applicant must provide a valid, approved domestic water right for each lot. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – Bear River Health Department (BRHD) has determined that a septic system is feasible for each proposed lot.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. A analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-4 Private Road, Table 2.2 Roadway Typical Sections: Roads with up to 30 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and low volumes. These roads are not typically through roads providing public access beyond the areas the road is intended to serve.
 - b. Table 2.2 Roadway Typical Sections: Private roads must meet the minimum standards of a 33-foot-wide right-of-way and two 10-foot-wide gravel travel lanes.
 - c. §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.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads require an additional 2.5” depth of asphalt.

11. A basic review of the access to the existing parcels identifies the following:
 - a. The existing parcels gain access from Utah State Route/Highway 218; the proposed developable lots will be accessed from a private drive off of Hwy 218.
 - b. Highway 218:
 - i. Is a state highway that provides access to the general public and is under the jurisdiction of the Utah Department of Transportation (UDOT).
 - ii. Any amendment to the subdivision access requires UDOT approval. *See condition #3*
 - c. Private drive (proposed):
 - i. The proposed private drive will provide access to the 4-lot subdivision.
 - ii. Private drives are only permitted for up to 30 ADT; a 4-lot subdivision would have 40 ADT.
 - iii. The applicant will be required to improve the private drive from the access point off of Hwy 218 to the driveway of Lot 1 to a Local Road standard (i.e., paved). After the driveway to Lot 1 where the private drive will provide access to the three remaining lots, a private road standard is permitted. *See condition #4*
 - iv. On the plat, the private drive is part of Lot 1, not a separate parcel. The applicant must record an easement and include appropriate language on the plat to ensure access across Lot 1 for the benefit of Lots 2, 3, & 4. *See condition #5*

F. Service Provision

12. §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 Smithfield Fire Department.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the proposed lots will occur on Hwy 218 for Friday collection; no collection services will be provided on the private road. The applicant must provide sufficient should space along Hwy 218 for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road so as not to interfere with passing traffic. Logan City Environmental notes that Hwy 218 is a busy road, consequently, additional widening and shoulder improvements may be required to allow collection vehicles to pull partially off the road to avoid blocking traffic. A UDOT permit must be obtained if widening would be necessary. *See condition #6*
14. §16.04.080 [D] School Bus Service – School bus service is provided through a stop at 950 West Highway 218.

G. Sensitive Areas

15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. A canal owned by the Smithfield Irrigation Company runs along the southern property line. Development shall not occur in waterways.
 - b. The properties are located within the Airport Influence Area. Disclosure of airport proximity to future property owners is required per §17.17.060 Schedule of Uses. *See condition #7*

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

16. Public notice was posted online to the Utah Public Notice Website on 19 December 2017.
17. Notice was published in the Herald Journal on 24 December 2017.
18. Notices were posted in three public places on 19 December 2017.
19. Notices were mailed to all property owners within 300 feet of the subject property on 21 December 2017.
1. Smithfield City was notified via email on 21 December 2017. Smithfield City commented on the proposed rezone by letter dated 22 December 2017. In the letter, Smithfield stated that the

property is within the city's future annexation boundary and the city would like to see the property annexed. Further, Smithfield has been and will continue to protest new well permits and change of beneficial use applications in this annexation area. (Exhibit A)

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

CONDITIONS (7)

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

1. Prior to recordation, the applicant must provide proof of an approved, domestic water right for each lot in the subdivision in the name of the owner. (*See D-4*)
2. A Land Disturbance Permit is required for any future development. (*See D-7*)
3. Prior to recordation, the applicant must obtain any required UDOT permitting for access to Highway 218 and provide a copy of said permitting to the Development Services Office. (*See E-11*)
4. Prior to recordation, the applicant must improve the private road access off of Hwy 218 to meet the minimum county requirements for a Local Road up to the driveway for Lot 1 and Private Road for the remaining length as specified in County Road Manual for residential development. The design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, and base preparation and construction. Fees for any engineering plan and construction review above the base fee collected for road review must be borne by the proponent. (*See E-11*)
5. Prior to recordation, the applicant must record an easement and include the appropriate language on the plat to ensure access across Lot 1 for the benefit of Lots 2, 3, & 4. (*See E-11*)
6. The applicant must work with Logan City Environmental to determine if the shoulder along Hwy 218 needs to be widened to provide adequate shoulder space for refuse collection trucks to partially pull off the road to access refuse and recycling containers. (*See F-13*)
7. The applicant must disclose to future property owners that the subdivision is located within the Airport Influence Area. (*See G-15*)

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends Planning Commission recommend approval of the Birch Hollow Subdivision to the County Council as:

1. The County Council is authorized to act as the Land Use Authority for this application (*See C-4*), and;
2. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

SURVEYOR'S CERTIFICATE

I, JEFF C. NELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 8152661 AS REGISTERED LAND SURVEYOR, AND THAT I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW, AND HAVE SUBSCRIBED SAID TRACT OF LAND INTO LOTS AND STREETS HERETOBE TO BE KNOWN AS BIRCH HOLLOW SUBDIVISION AND SAID LOTS AND STREETS HAVE BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

Subdivision Boundary

A PART OF THE 600' NORTH-SOUTH R/W OF HIGHWAY 218, BEING 1/4 SECTION 29, T13N, R1E, S1,6&8M, BEGINNING AT A POINT ON THE SOUTH R/O.W. OF SAID HIGHWAY 218 LOCATED AT A DISTANCE OF 668.97 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION, AND RUNNING THENCE SOUTH 01°40'39" WEST, A DISTANCE OF 668.97 FEET TO AN IRON PIN; THENCE NORTH 01°40'39" EAST, A DISTANCE OF 647.92 FEET TO THE SAID SOUTH R/O.W. OF SAID HIGHWAY 218; THENCE ALONG SAID SOUTH R/O.W. EAST, A DISTANCE OF 442.90 FEET; (2) SOUTH 89°14'17" EAST, A DISTANCE OF 217.12 FEET TO THE POINT OF BEGINNING.

SIGNATURE: _____ DATE: _____

JEFF C. NELSEN
REGISTERED LAND SURVEYOR
UTAH



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING THE SAME TO US IN COMMON, DO HEREBY DEDICATE AND CONVEY TO THE PUBLIC THE WHOLE TO BE HEREAFTER KNOWN AS THE "BIRCH HOLLOW SUBDIVISION".

STATE OF UTAH) SS.
COUNTY OF CACHE)
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE NOTARY PUBLIC, ON THIS _____ DAY OF _____, 20____.

ACKNOWLEDGMENT

WITNESSES MY HAND AND OFFICIAL SEAL

CACHE COUNTY RECORDER'S NO. _____
STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED AT THE REQUEST OF: _____
DATE: _____ TIME: _____ FEEL: _____
ABSTRACTED: _____ INDEXED: _____ FILED IN: _____ COUNTY RECORDER: _____

Birch Hollow Subdivision
A PART OF THE SOUTHEAST QUARTER OF SECTION 29, T13N, R1E, S1,6&8M, SMITHFIELD, CACHE COUNTY, UTAH

Darwin J. and Patricia R. Cannell TRS
08-089-0016

Highway 218

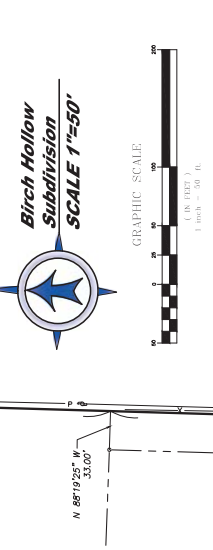
Section Line (Based on Bearings)
N 07°01' W 2702.37'
207.73'
S 89°55'59" W 668.97'
209.28'

Lot 1
Containing 6.50 Acres
[5768 S20E]

Lot 2
Containing 0.58 Acres
[5787 S20E]

Lot 3
Containing 1.00 Acres
[5782 S20E]

Lot 4
Containing 2.00 Acres
[5783 S20E]



FORESIGHT SURVEYING
2505 North 600 West Suite D
Logan, Utah 84307
Phone: (435) 752-3218 FOM

Project No. 17-169
Prepared by JN, 12/9/2017

CACHE COUNTY COUNCIL
THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THE _____ DAY OF _____, 20____.
DATED THIS _____ DAY OF _____, 20____.
BY: _____ CHAIR
ATTESTED TO: _____ CACHE COUNTY CLERK

CACHE COUNTY PLANNING COMMISSION
THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 20____.
DATED THIS _____ DAY OF _____, 20____.
BY: _____ CHAIR

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

CACHE COUNTY SURVEYOR'S CERTIFICATE
I, _____, SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE INFORMATION ON FILE IN THIS OFFICE AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DEPUTY COUNTY SURVEYOR
DATE: _____

DEPUTY COUNTY SURVEYOR'S CERTIFICATE
I, _____, DEPUTY SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE INFORMATION ON FILE IN THIS OFFICE AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DEPUTY COUNTY SURVEYOR'S CERTIFICATE
I, _____, DEPUTY SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE INFORMATION ON FILE IN THIS OFFICE AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

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SMITHFIELD CITY CORPORATION

96 South Main Street - P.O. Box 96
Smithfield, Utah 84335
Phone (435) 563-6226
FAX (435) 563-6228

OFFICIALS

DARRELL G. SIMMONS
MAYOR
CRAIG GILES
CITY MANAGER
JUSTIN B. LEWIS
CITY RECORDER
JANE PRICE
CITY TREASURER
TERRY K. MOORE
JUSTICE COURT JUDGE

COUNCIL MEMBERS

JEFFREY H. BARNES
DEON HUNSAKER
BARBARA S. KENT
KRIS MONSON
CURTIS WALL

December 22, 2017

Cache County Planning
179 North Main Street
Logan, UT 84321

Dear Angie Zetterquist:

The Smithfield City Staff has reviewed the applications for the Birch Hollow Subdivision 950 West SR 218, and the West Acres Rezone at 800 W SR 218.

Both these projects fall within Smithfield City's future annexation boundary, the city would like to see these projects annexed into the city.

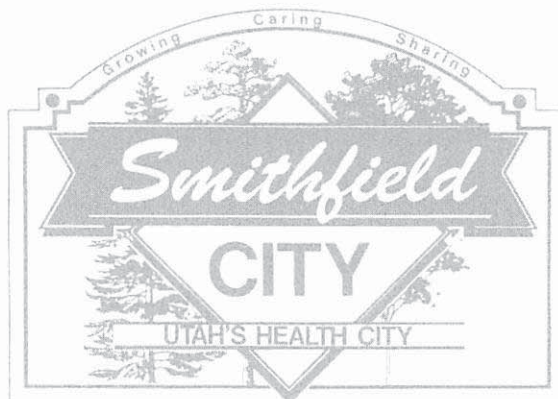
The city has a culinary well at Forrester Acres Park just east of the two projects. We have and will continue to protest any well permits or change of beneficial use applications in this area.

Smithfield City would like to see these projects annexed into the city. Our future annexation boundary line is just west of 1000 west (1200 west in the county) as indicated on the attached map.

Sincerely,



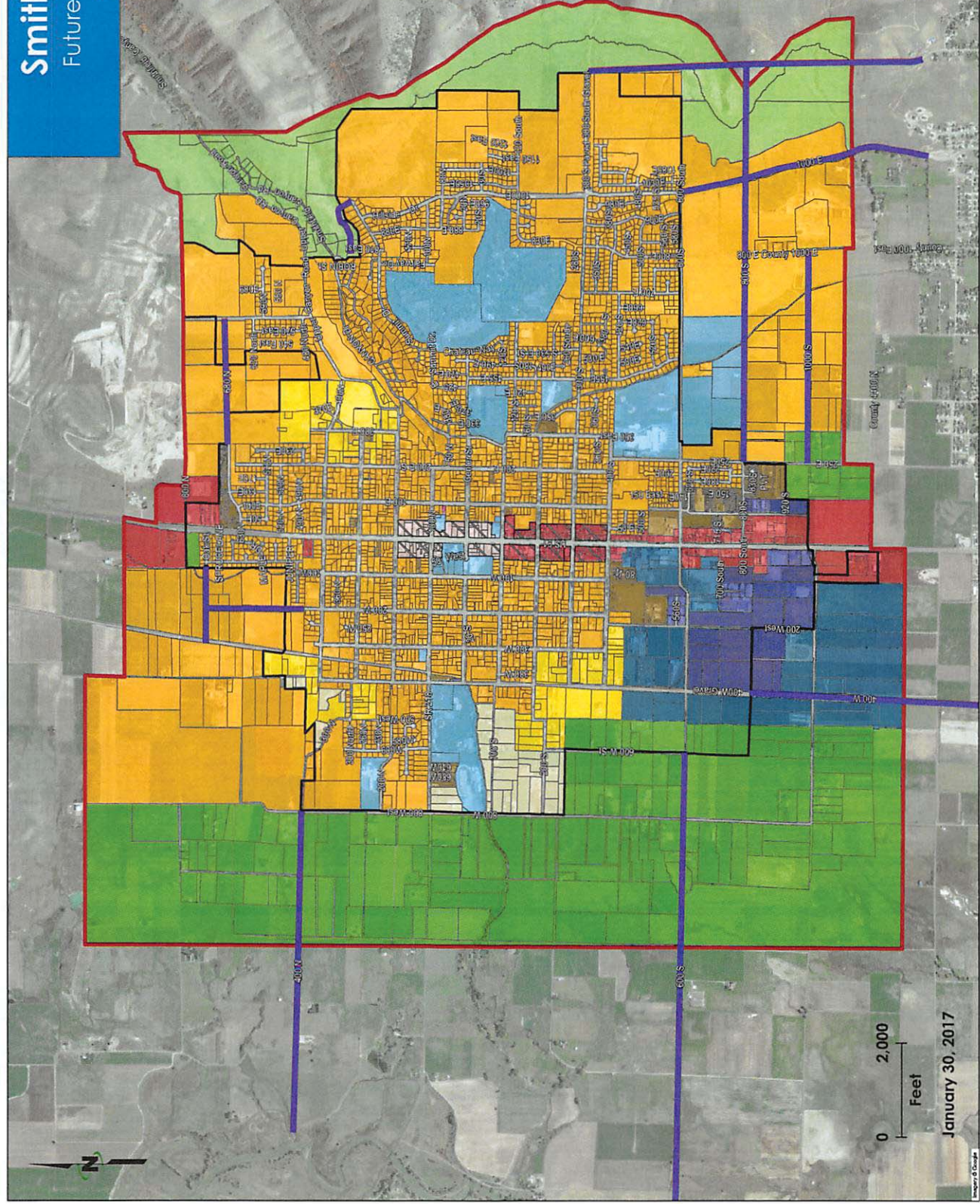
Craig Giles
City Manager



Smithfield City Future Landuse Map Figure 1

Legend

- Future Roads
- Mixed Use Overlay
- 15 Year Annexation Boundary
- City Boundary
- Future Landuse**
- AG (Agriculture)
- OS (Open Space)
- LDR (Low Density Residential)
- MLDR (Medium-Low Density Residential)
- MDR (Medium Density Residential)
- MHDR (Medium-High Density Residential)
- CBD (Central Business District)
- CC (Community Commercial)
- CP (Community Professional)
- GC (General Commercial)
- LI (Light Industrial)
- P (Public)



0 2,000
Feet

January 30, 2017



STAFF REPORT: WEST ACRES REZONE

4 January 2018

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: Jeff & Annette West

Parcel ID#: 08-091-0004

Staff Recommendation: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:
800 West 100 North
Smithfield

Acres: 10.0

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

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 2 (RU2)



FINDINGS OF FACT (17)

A. Request description

1. A request to rezone a 10.0 acre property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the subdivision to be legally divided into a maximum of five separate lots as part of a subdivision process; the actual number of developable lots may be less if there are any sensitive areas that remove portions of the property from developable acreage.
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 08-091-0004 (10.0) was divided through an approved Conditional Use Permit in May 1990 to allow for the construction of a single family dwelling.
- ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (51 parcels) with a dwelling is 6.5 acres; the average size of parcels (137 parcels) without a dwelling is 11.6 acres. Portions of Smithfield City also lie within one mile of the proposed rezone. Within the Smithfield City areas inside the one-mile buffer, the average size of a city parcel (636 parcels) with a dwelling is 0.7 acres; the average size of city parcels (135 parcels) without a house is 2.3 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. At 10.0 acres, the subject subdivision cannot be further divided under the A10 Zone; a rezone to RU2 would allow a maximum of 5 buildable lots.

- 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 directly across the street (i.e., 800 West) from the western boundary of Smithfield City.

The nearest RU2 zone (parcels 08-091-0003, & -0014) is located immediately adjacent to the subject property to the west. (Exhibit B) This RU2 rezone request (i.e., “Birch Hollow Rezone”) for two 5-acre properties was approved by County Council in May 2017 (Ord. #2017-06), from the original A10 Zone. The properties are now part of a proposed 4-lot subdivision (i.e., “Birch Hollow Subdivision) request being reviewed by the Planning Commission on 4 January 2018.

There is another RU2 zone (parcels 08-0206-0001, -0002-, -0003, -0004) approximately one-mile away near a northern boundary of Smithfield City. This RU2 rezone (i.e., “Hansen Rezone) was approved by the County Council in July 2016 and a subsequent 4-lot subdivision (i.e., Hansen 400 West Subdivision) was approved in November 2016.

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

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.”
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. A basic review of the access to the existing lot identifies the following:
 - a. The existing lot gain access from Utah State Route/Highway 218, but also has frontage along 800 West.
 - b. Highway 218:
 - i. Is a state highway that provides access to the general public and is under the jurisdiction of the Utah Department of Transportation (UDOT).
 - ii. Any amendment to the access off of Hwy 218 for a future subdivision requires UDOT approval.
 - c. 800 West:
 - i. 800 West is a Smithfield City road.
 - ii. Per the applicant, he met with Smithfield City and the city has no plans to annex this property in the future.
 - iii. Any future application for a subdivision that proposes access off of 800 West must provide express written approval from Smithfield City allowing development to directly access 800 West.

D. Service Provisions:

9. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the individual properties must be reevaluated and may require improvements based on the location of any proposed structure on the respective lots. Water supply for fire suppression is provided by the Smithfield Fire Department.
10. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides service in this area along Hwy 218. At this time, Logan City Environmental does not have any comments,

but any future development will also be required to locate containers on Hwy 218 and provide sufficient shoulder space to space the containers 3-to-4 feet apart and will not interfere with passing traffic.

11. §16.04.080 [D] School Bus Service – A bus stop is located at intersection of 800 West and Hwy 218.

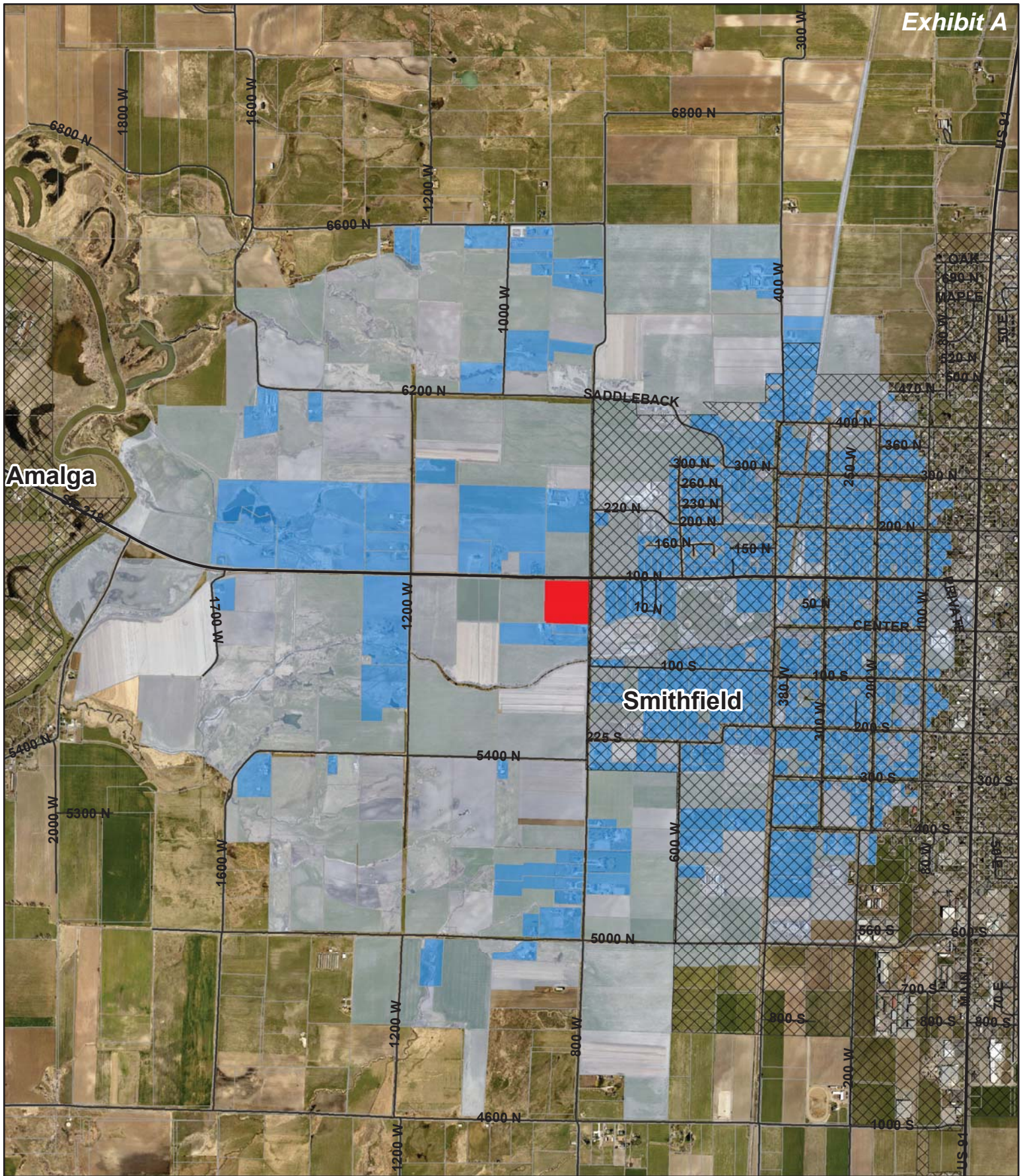
E. Public Notice and Comment—§17.02.040 Notice of Meetings

12. Public notice was posted online to the Utah Public Notice Website on 19 December 2017.
13. Notice was published in the Herald Journal on 24 December 2017.
14. Notices were posted in three public places on 19 December 2017.
15. Notices were mailed to all property owners within 300 feet of the subject property on 21 December 2017.
16. Smithfield City was notified by email on 21 December 2017. Smithfield City commented on the proposed rezone by letter dated 22 December 2017. In the letter, Smithfield stated that the property is within the city’s future annexation boundary and the city would like to see the property annexed. Further, Smithfield has been and will continue to protest new well permits and change of beneficial use applications in this annexation area. (Exhibit C)
17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.





CONCLUSION

Based on the findings of fact noted herein, the West Acres Rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
 - a. Is immediately adjacent to the Smithfield City boundary. *See A-3-a-v*
 - b. Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses. *See B-5-a*
 - c. The property is appropriately served by suitable public roads. *See C-8*

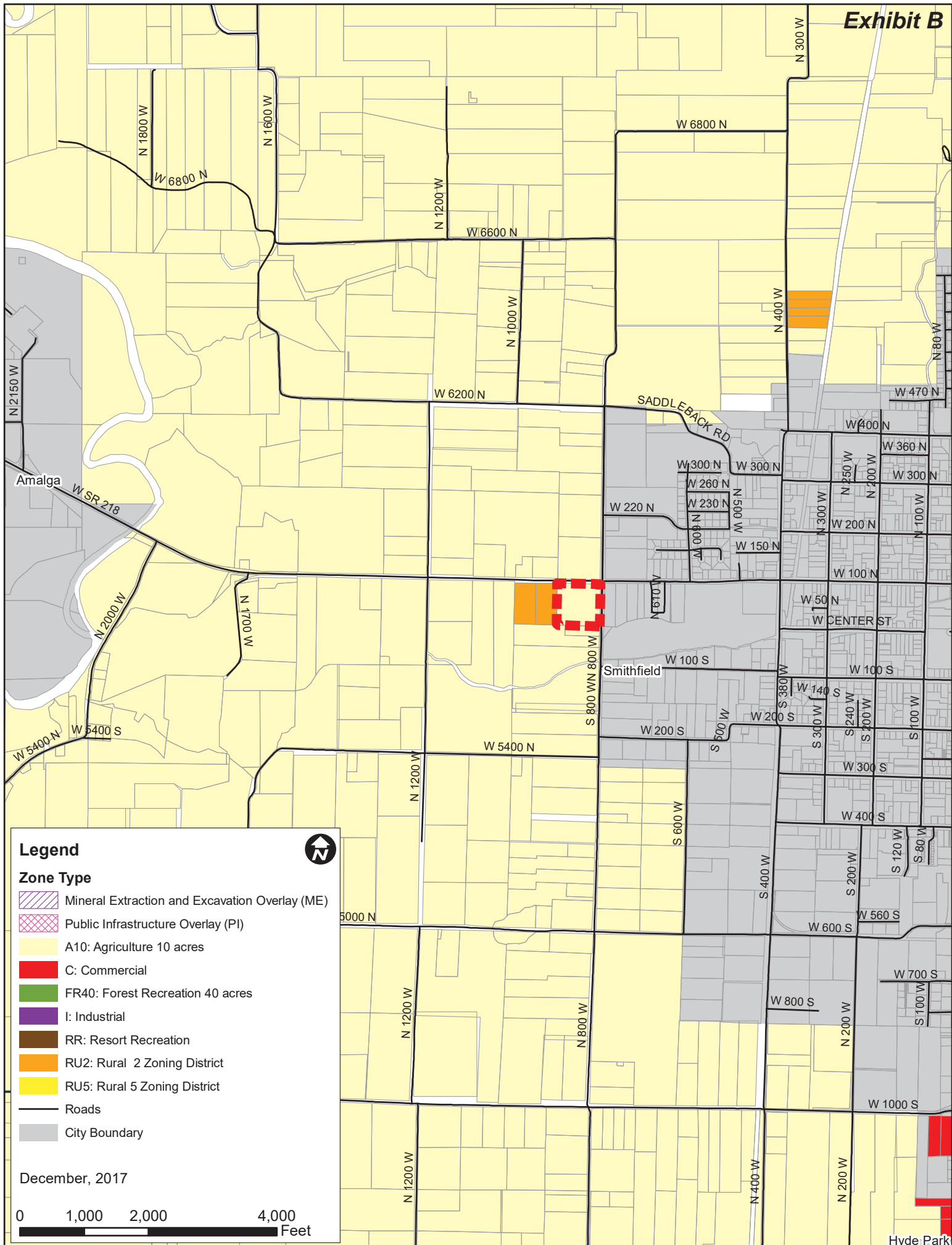


Legend

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

Average Parcel Size Without a Home: 11.6 Acres (137 Parcels)
Average Parcel Size With a Home: 6.5 Acres (51 Parcels)
Average Parcel Size Without a Home in Smithfield City: 2.3 Acres (135 Parcels)
Average Parcel Size With a Home in Smithfield City: 0.7 Acres (636 Parcels)





Legend

Zone Type

- Mineral Extraction and Excavation Overlay (ME)
- Public Infrastructure Overlay (PI)
- A10: Agriculture 10 acres
- C: Commercial
- FR40: Forest Recreation 40 acres
- I: Industrial
- RR: Resort Recreation
- RU2: Rural 2 Zoning District
- RU5: Rural 5 Zoning District
- Roads
- City Boundary

December, 2017

0 1,000 2,000 4,000 Feet

SMITHFIELD CITY CORPORATION

96 South Main Street - P.O. Box 96
Smithfield, Utah 84335
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KRIS MONSON
CURTIS WALL

December 22, 2017

Cache County Planning
179 North Main Street
Logan, UT 84321

Dear Angie Zetterquist:

The Smithfield City Staff has reviewed the applications for the Birch Hollow Subdivision 950 West SR 218, and the West Acres Rezone at 800 W SR 218.

Both these projects fall within Smithfield City's future annexation boundary, the city would like to see these projects annexed into the city.

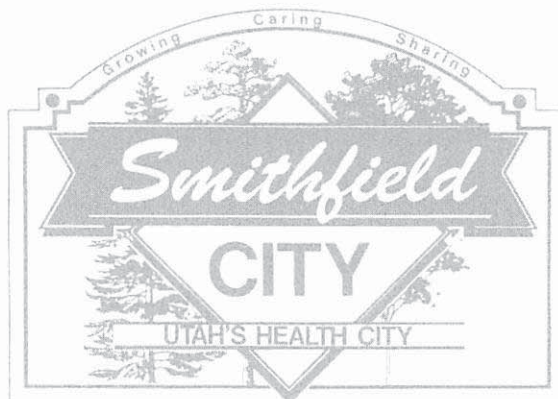
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Sincerely,



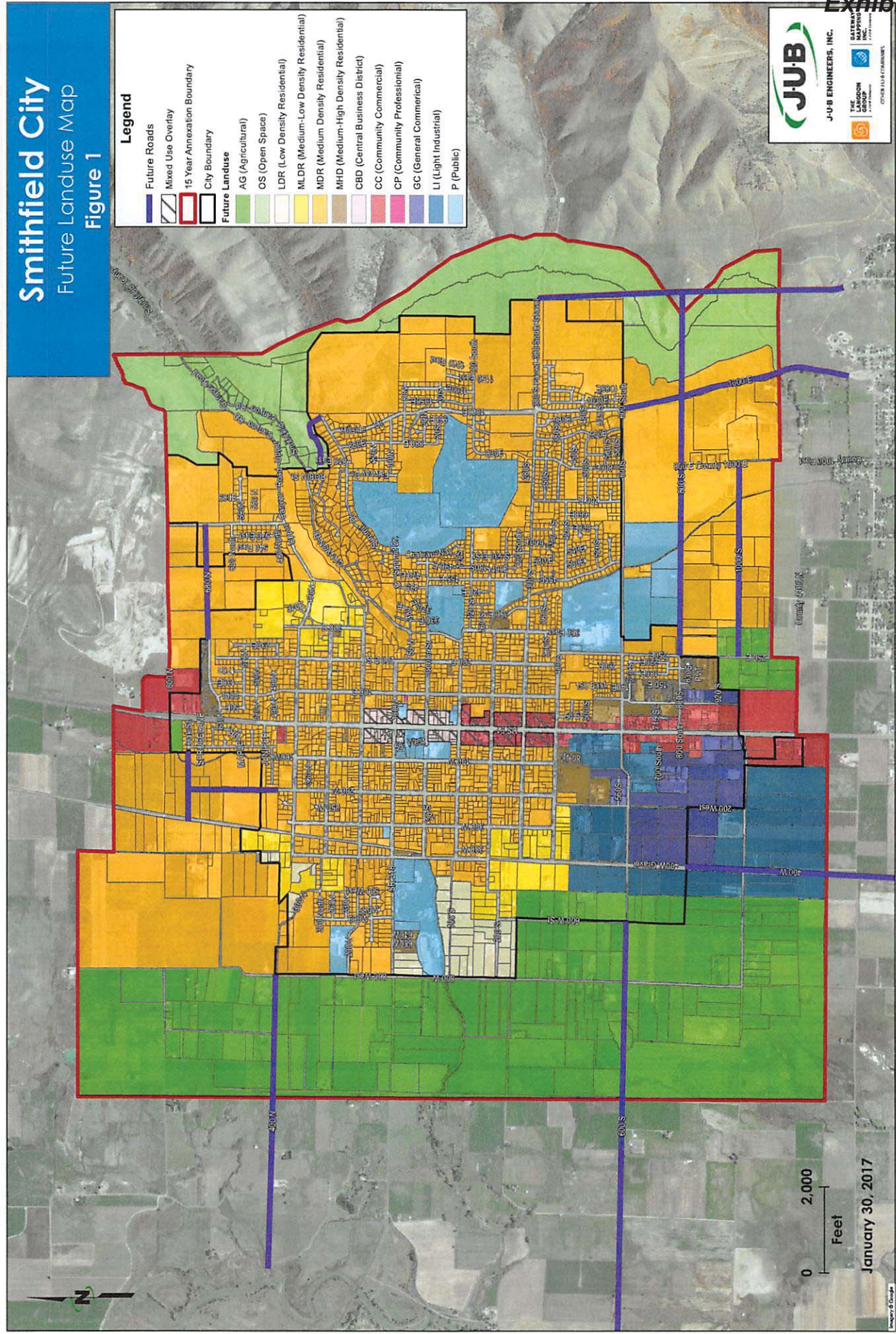
Craig Giles
City Manager



Smithfield City Future Landuse Map Figure 1

Legend

- Future Roads
- Mixed Use Overlay
- 15 Year Annexation Boundary
- City Boundary
- Future Landuse
- AG (Agriculture)
- OS (Open Space)
- LDR (Low Density Residential)
- MLDR (Medium-Low Density Residential)
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- MHR (Medium-High Density Residential)
- CBD (Central Business District)
- CC (Community Commercial)
- CP (Community Professional)
- GC (General Commercial)
- LI (Light Industrial)
- P (Public)



JUB
J-U-B ENGINEERS, INC.

GASTRAK
MAPPING
INC.

THE LANDON
GROUP

OTHER ILLINOIS CONTRACTORS

0 2,000
Feet
January 30, 2017



STAFF REPORT: PISGAH STONE PRODUCTS REZONE

4 January 2018

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: Lance Anderson

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Parcel ID#: 10-002-0003, 10-066-0010, 10-068-0004 (part of), 10-67-0004 (part of)

LOCATION

Reviewed by Angie Zetterquist

Project Address:

~9800 South 3500 West
Wellsville Canyon

Acres: 508.43

Current Zoning:

Forest Recreation (FR40)

Proposed Zoning:

Mineral Extraction and Excavation (ME) Overlay

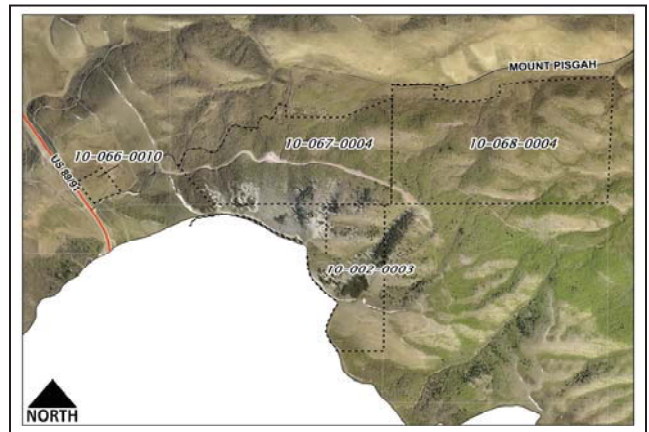
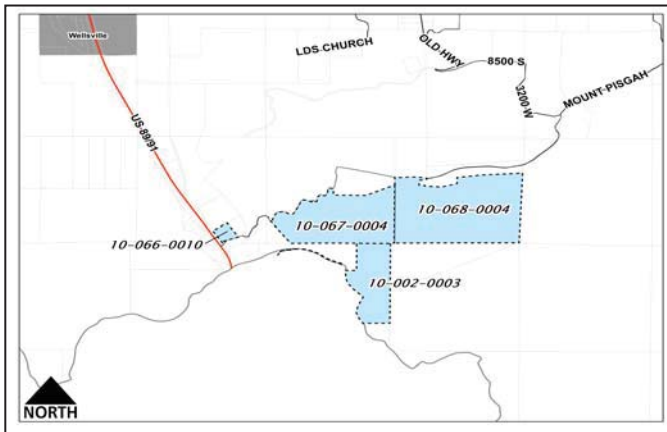
Surrounding Uses:

North – Forest Recreation

South – Forest Recreation/Box Elder County

East – Forest Recreation

West – Forest Recreation/Box Elder County



FINDINGS OF FACT (17)

A. Request description

1. A request to add the Mineral Extraction and Excavation (ME) overlay zone to approximately 508.43 acres on four properties in the Forest Recreation (FR40) Zone. (Exhibit A)
2. This rezone may allow the properties to establish commercial or temporary excavation operations with approval of a Conditional Use Permit.
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 B & C) and in the following text:

a. Land Use Context:

- i.** Parcel status: In December 2011, a Conditional Use Permit was approved on two adjacent parcels (#10-004-0001, -0002), for a rolling 5-acre limestone and aggregate extraction operation. A rezone for the two properties to the ME Zone had been previously approved by the County Council in July 2010. The 2011 CUP was amended in May 2016 to allow blasting for the extraction operation, but all other aspects of the original 2011 approval were to remain the same (i.e., area to be excavated, truck trips per day, etc.).

In November 2017, the applicant submitted an application to amend the original CUP to expand the operation including, but not limited to, increasing from a 5-acre rolling excavation area to 10 acres and significantly increase the amount of material extracted and truck trips. While reviewing the amended Master Plan, staff determined that the operation had also physically expanded beyond the two parcels covered under the original CUP. Locations for truck scales, staging, stockpiling of fill, and areas of excavation were located on adjacent parcels that were not part of the CUP and not within the ME overlay zone.

The operation is currently in violation of the conditions of the 2016 amended CUP. This application for a rezone request is the first step to bring the operation into compliance.

Three of the parcels under review in this application are legal: parcels 10-067-004 and 10-068-0004 are legal as they are the same size and configuration as shown on the 1970 plats. Parcel 10-002-0003 is legal as a number of permits, including CUPs, Zoning Clearances, and building permits, have been issued on the parcel for an antenna and accessory structures.

Parcel 10-066-0010, located immediately off of US 89/91, was divided from the parent parcel 10-066-0007 in 1993 without Land Use Authority; it is now a restricted property. It appears the property may have been the site of a temporary gravel operation during a period of road construction on US 89/91. A rezone request can be considered on this property, but the restricted status must be resolved prior to approval of future land use permits (e.g., CUP).

- ii.** Schedule of Zoning Uses: Under the current County Land Use Code, the Mineral Extraction and Excavation (ME) Overlay Zone allows *Mineral Extraction (use index 6400)* and *Topsoil Extraction (use index 6410)* as conditional uses where they would otherwise not be permitted under the base Forest Recreation (FR40) Zone.
- iii.** Adjacent uses: The properties directly adjacent to the subject property are currently used for forest recreation, an active mineral extraction operation, and property located in Box Elder County.
- iv.** Zone Placement: The *Sand and Gravel Resource Potential Map* indicates the general area may contain alluvial deposits (Exhibit B).

Besides the existing operation on the adjacent two parcels, there are no other Mineral Extraction and Excavation (ME) Zone Overlays in the vicinity. (Exhibit C). The subject properties are located in a remote site with very few nearby structures. The nearest man-made structures, beyond those constructed for the existing extraction operation, include a radio tower over 2,000 feet away and the UDOT facility at the summit of the canyon in Box Elder County.

- v. Sensitive Areas: The subject properties contain sensitive areas that may require additional analysis and review under §17.18.040 including: steep & moderate slopes, wildfire hazard areas, wildland-urban interface areas, landslide areas, wetlands, and source water protection areas. Consideration of impacts related to a proposed use on these sensitive areas will be addressed as part of each respective approval process required prior to site development activities.

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

- 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 County Land Use Ordinance §17.08.030 [A] [1] identifies the purpose of the ME Overlay Zone and includes the following:
 - a. “The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.
 - a. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.”
- 6. County Land Use Code §17.13.020 identifies the general requirements for the Mineral Extraction and Excavation (ME) Overlay Zone:
 - a. Property shall be rezoned through the county rezone process (section 17.02.060 of this title) prior to a master plan submittal except in the case of temporary operations as specified in this chapter.
- 7. Consideration of impacts related to uses allowed within the ME Zone will be addressed as part of each respective approval process required prior to site development activities.
- 8. §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

- 9. A basic review of the access to the existing properties identifies the following:
 - a. Access to the site from US 89/91 is from Mt. Pisgah Road, a county road, and a private road owned and maintained by the applicant.
 - b. US Highway 89/91:
 - i. Is a state highway that provides access to the general public and is under the jurisdiction of the Utah Department of Transportation (UDOT).
 - ii. Any amendment to the access off of US 89/91, including increase in truck trips, requires UDOT approval.
 - c. Mt. Pisgah Road:
 - i. Is an existing county facility that provides access to the general public.
 - ii. The road was upgraded as part of the original CUP approval and remains in good condition with widths from 33-to-40 feet, which exceeds current county road standards.
 - iii. Does not receive winter maintenance.

d. Private Road:

- i.** The private road was also installed as part of the original permit with a width of 26-feet of gravel with two-foot gravel shoulders.

D. Service Provisions:

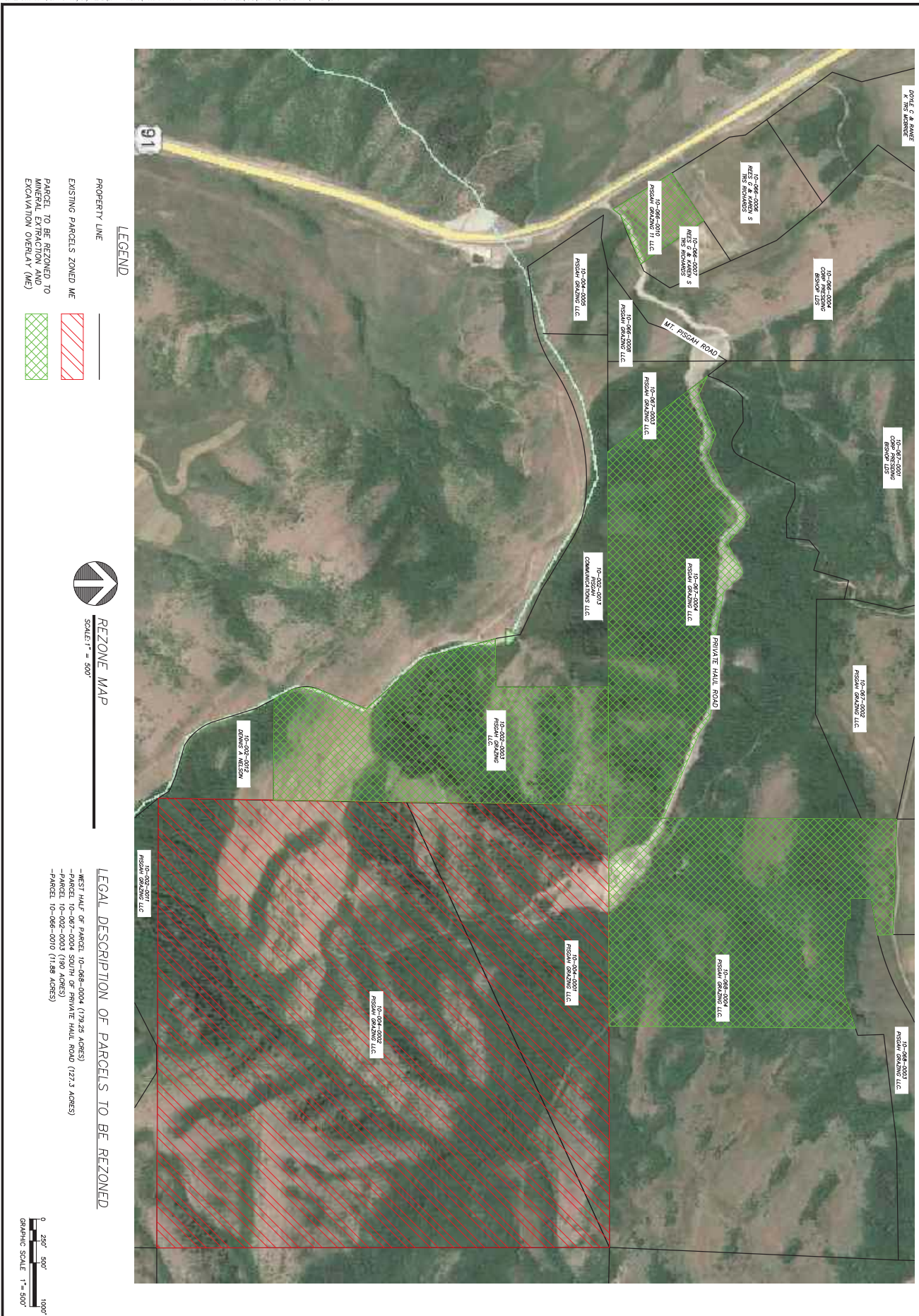
- 10.** §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the individual properties must be reevaluated and may require improvements based on the location of any proposed structure on the respective lots. Water supply for fire suppression is provided by the Wellsville Fire Department.
- 11.** §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on this rezone request.

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

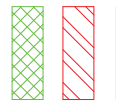
- 12.** Public notice was posted online to the Utah Public Notice Website on 19 December 2017.
- 13.** Notice was published in the Herald Journal on 24 December 2017.
- 14.** Notices were posted in three public places on 19 December 2017.
- 15.** Notices were mailed to all property owners within 300 feet of the subject property on 21 December 2017.
- 16.** Notice was sent to Box Elder County on 21 December 2017.
- 17.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

STAFF CONCLUSION

The Pisgah Stone Products Rezone, a request to add the Mineral Extraction and Excavation (ME) Overlay Zone to approximately 508.43 acres zoned Forest Recreation (FR40) has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.



PROPERTY LINE
 EXISTING PARCELS ZONED ME
 PARCEL TO BE REZONED TO MINERAL EXTRACTION AND EXCAVATION OVERLAY (ME)



REZONE MAP
 SCALE: 1" = 500'

LEGAL DESCRIPTION OF PARCELS TO BE REZONED
 -WEST HALF OF PARCEL 10-068-0004 (179.28 ACRES)
 -PARCEL 10-067-0004 SOUTH OF PRIVATE HAUL ROAD (27.3 ACRES)
 -PARCEL 10-066-0010 (1188 ACRES)

0 250' 500' 1000'
 GRAPHIC SCALE 1" = 500'

DATE: OCTOBER 6, 2017
 SCALE: 1" = 500'
 DESIGNED BY: L. ANDERSON
 CHECKED BY: L. ANDERSON
 APPROVED BY: L. ANDERSON
 PROJECT NUMBER: 1708PISH
 SHEET: 1

PISGAH LIMESTONE
 9800 SOUTH 3500 WEST
 CACHE COUNTY, UTAH

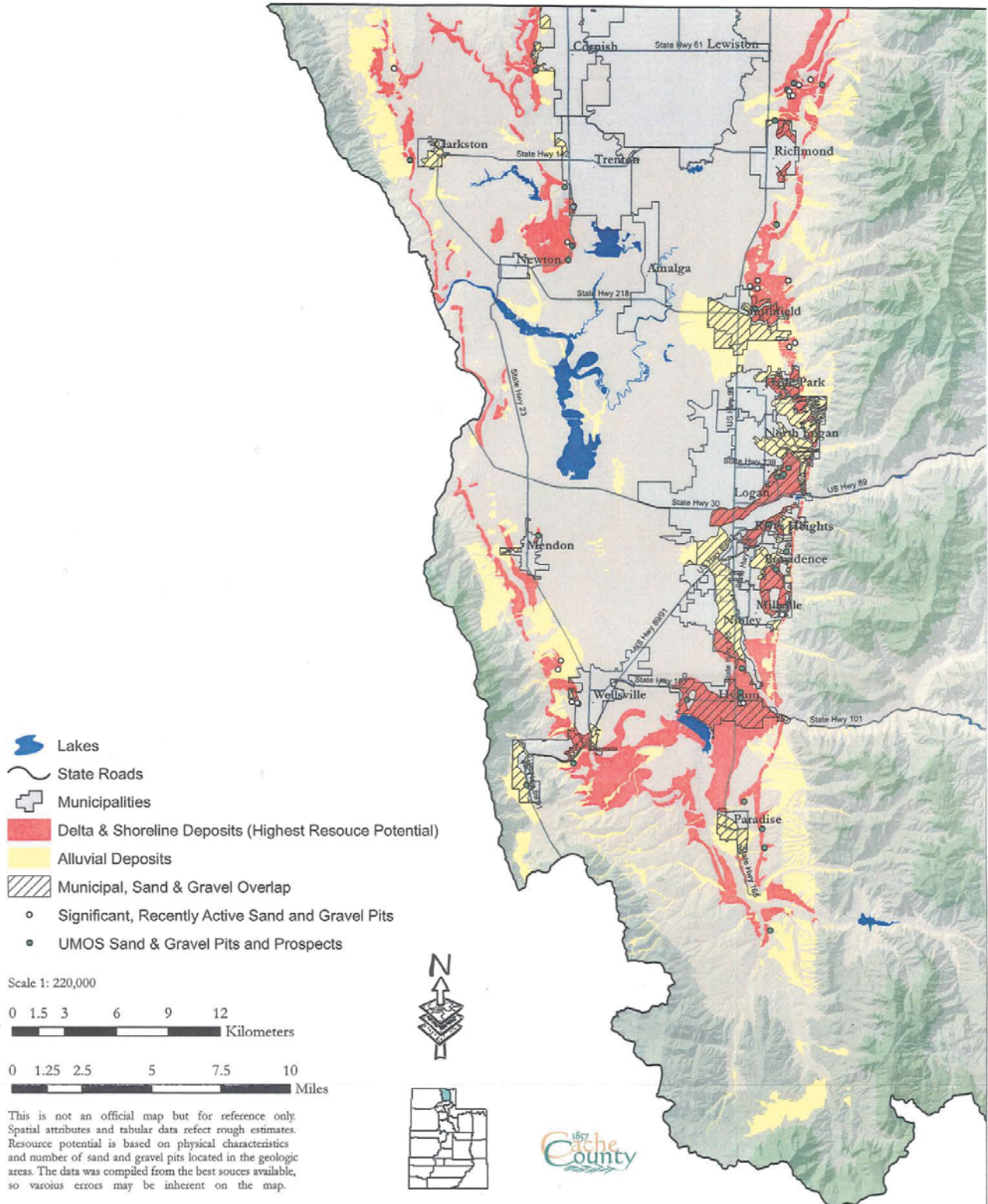
SHEET DESCRIPTION
REZONE MAP
PHASING MAP



NO.	DATE	DESCRIPTION

Sand & Gravel Resource Potential Cache County, Utah

Exhibit B



- Lakes
- State Roads
- Municipalities
- Delta & Shoreline Deposits (Highest Resource Potential)
- Alluvial Deposits
- Municipal, Sand & Gravel Overlap
 - Significant, Recently Active Sand and Gravel Pits
 - UMOS Sand & Gravel Pits and Prospects

Scale 1: 220,000

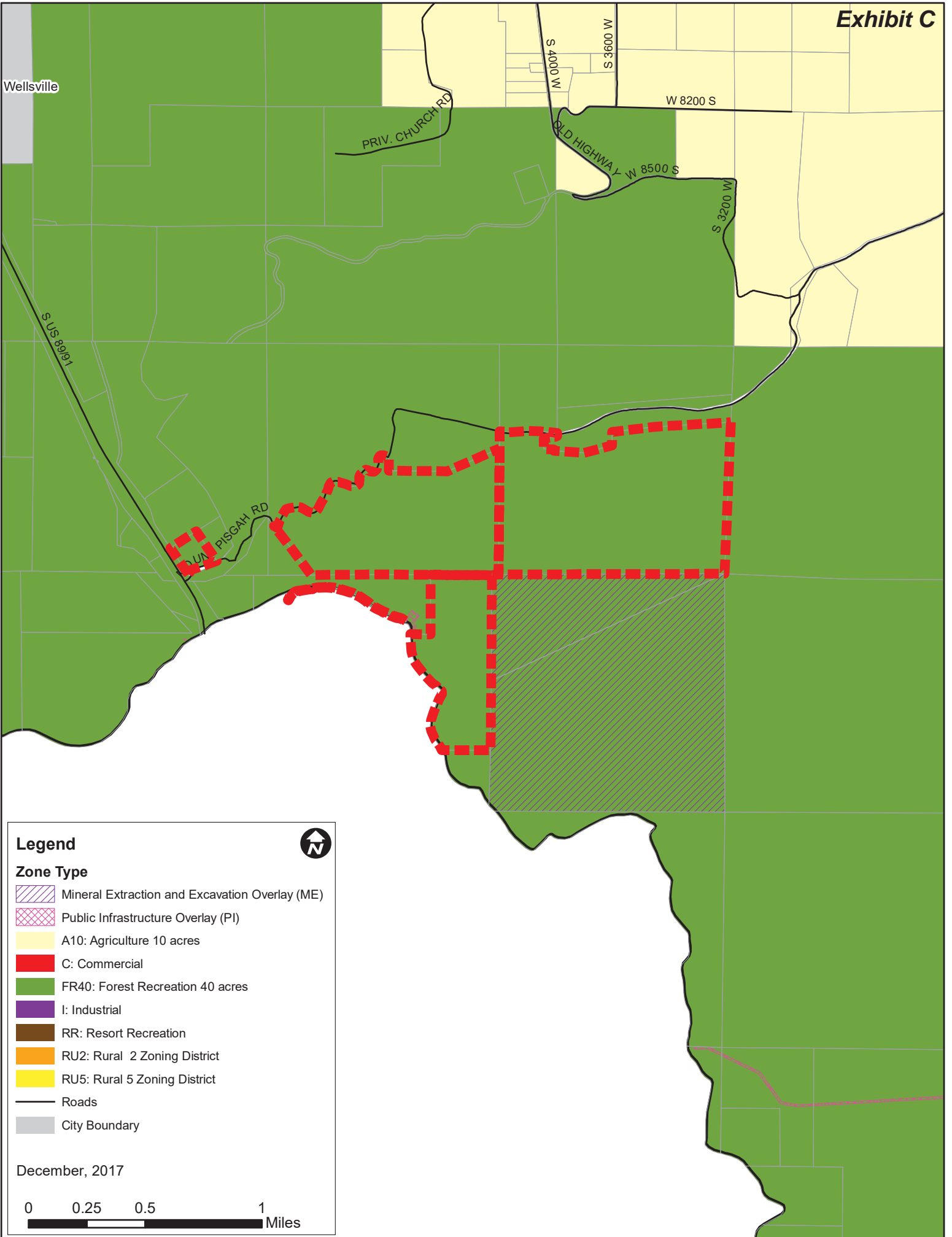
0 1.5 3 6 9 12
Kilometers

0 1.25 2.5 5 7.5 10
Miles

This is not an official map but for reference only. Spatial attributes and tabular data reflect rough estimates. Resource potential is based on physical characteristics and number of sand and gravel pits located in the geologic areas. The data was compiled from the best sources available, so various errors may be inherent on the map.



SYMBOL	UNIT	MUNICIPAL ACRES	COUNTY ACRES	MAX_THICK (FEET)	SORTING	ROUNDING	NUM_PITS
Qlpd	Deltaic deposits, Provo level (regressive)	5791	4984.23	82.02	mod. to well	subrounded to round	23
Qlpg	Lacustrine gravel and sand, Provo shoreline (regressive)	889	3953.86	16.4	well	subrounded to round	9
Qlbd	Deltaic deposits, Bonneville level (transgressive)	665	416.35	16.4	mod. to well	subrounded to round	1
Qlbg	Lacustrine gravel and sand, Bonneville shoreline (transgressive)	9	10402.73	65.62	well	subrounded to round	12
Qalv	Younger stream alluvium	3066	5649.82	32.81		-----	0
Qalp	Stream alluvium, Provo phase	3	119.57	16.4	moderately	subangular to rounded	0
Qalb	Stream alluvium, Bonneville phase	0	498.17	16.4	moderately	subangular to rounded	0
Qaf1	Fan alluvium 1	2478	5730.01	16.4	poorly	angular to subround	0
Qaf2	Fan alluvium 2	1558	2862.06	16.4	poorly	angular to subround	0
Qafy	Younger fan alluvium	1783	5791.91	16.4	poorly	angular to subround	0
Qafp	Fan alluvium (Provo shoreline)	243	100.24	16.4	poorly to moderate	angular to well	0
Qafo	Older fan alluvium	256	6973.7	32.81	poorly	angular to well	0



Wellsville

PRIV. CHURCH RD

M 0000 W
S 3600 W

W 8200 S

W 8500 S

S 3200 W












S US 89

PISGAH RD

Legend



Zone Type

-  Mineral Extraction and Excavation Overlay (ME)
-  Public Infrastructure Overlay (PI)
-  A10: Agriculture 10 acres
-  C: Commercial
-  FR40: Forest Recreation 40 acres
-  I: Industrial
-  RR: Resort Recreation
-  RU2: Rural 2 Zoning District
-  RU5: Rural 5 Zoning District
-  Roads
-  City Boundary

December, 2017



Amendments to:

17.01 General Provisions

17.02 Administration

These amendments address the changes to state code with HB 232 and the need to provide plain language and more clarity between administrative v. legislative actions in the county code.

The current code and draft for each section have been included as follows:

17.01 Draft code

17.01 Current code

17.02 Draft code

17.02 Current code

Substantive changes have occurred in separating the administrative and legislative actions.

Staff's recommendation and the amendments to 17.02 place all administrative actions into the purview of the Planning Commission and Director. As the legislative body, the Council handles all legislative actions.

[Overview of HB232 Land Use Amendments to 17-27A](https://le.utah.gov/~2017/bills/static/HB0232.html)

(<https://le.utah.gov/~2017/bills/static/HB0232.html>)

1. Not a substantive change in the law.
2. HB323 intended to provide clarity to the local land use authority in the administration of the law.
3. There is a statewide need to clearly distinguish between legislative and administrative decisions.
4. Establishing a land use regulation is a legislative decision.
5. Administering a land use regulation is an administrative decision.
6. Confusion consistently arises where legislative bodies are making administrative decisions.
7. Vagueness in the code is interpreted in favor of the private property owner. Code must be plain in it's language.

Overview of Land Use Authority

Process type	Land Use Authority	
Administrative	Existing	Recommended
Zoning Clearance	Director or designee/Council	Director or designee
Floodplain Permit	Director or designee	Director or designee
Subdivision	Director/Council	Director/Planning Commission
Subdivision Amendment	Director/Council	Director/Planning Commission
Conditional Use Permit	Planning Commission/Council	Planning Commission
Variance	BOA/Director	BOA/Director
Appeal	BOA/District Court	BOA/District Court
Legislative	Existing	Recommended
Ordinance Amendment	Council	Council
Rezone	Council	Council
General Plan Amendment	Council	Council
Annexation/Disconnection	Council	Council

Overview of Plain Language and Clear Writing

[National Archives](https://www.archives.gov/federal-register/write/legal-docs/clear-writing.html) (https://www.archives.gov/federal-register/write/legal-docs/clear-writing.html)
[plainlanguage.gov](https://plainlanguage.gov/guidelines/words/use-simple-words-phrases/) (https://plainlanguage.gov/guidelines/words/use-simple-words-phrases/)

The following principles were applied:

1. Write for the audience.

- a. Who is the primary audience?
 - i. Developers
 - ii. Planners
 - iii. Elected and appointed officials
 - iv. Attorneys
 - v. Judges

2. Organize the information.

- a. Use a table of contents.
- b. Use parallel structure in presenting lists.
- c. Use short sentences and paragraphs.
- d. Use a consistent structure.
- e. Use visual representations of code (charts) whenever possible.

3. Choose words carefully – be concise and direct (plainlanguage.gov)

- a. Use “must” instead of “shall”.
- b. Use the present tense.
- c. Avoid legalese – use simple words and phrases.
- d. Be consistent – don’t use different words for the same thing.
- e. Use “you” for whoever must comply.
- f. Write in the active voice.
- g. Avoid the use of exceptions.
- h. Avoid needless words and redundancies.
- i. Use concrete words.
- j. Avoid references.

4. Test assumptions

- a. Test language on intended audience.

See next page for example

Example: Plain Language and Clear Writing
Existing section of code

17.02.060: Establishment of Land Use Authority

B. Authority To Hear And Act:

- 1. Director of Development Services:** The Director or designee shall be the Land Use Authority to hear and act on the following:
 - e. Interpretation of authorized permitted or conditional uses of the applicable zoning district as contained in chapter 17.09, "Schedule of Zoning Uses", of this title. The Director shall consider the following in rendering such interpretation:**
 - i. Consistency with the purpose and intent of the policies and development standards pertaining to such district as described in this title.**
 - ii. Whether the proposed use is substantially similar to other uses allowed in the zoning district.**
 - iii. The determination and all information pertaining thereto shall be filed classifying it as an administrative determination and shall become a permanent public record in the county community development department. Such use shall become a permitted or conditional use in the zoning district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification;**

Amended section of code

17.02.040 Role of the Director in the Land Use Process

C. The Director is the land use authority to provide land use decisions on the following:

- 4. Interpretation of the uses in the applicable base or overlay zoning district as contained in chapter 17.09 Schedule of Zoning Uses, of this title. The Director's determination and all associated information must be identified as an administrative determination and filed as a land use request.**

17.01 GENERAL PROVISIONS

17.01.010 Title1
 17.01.020 Authority and Purpose of Title 171
 17.01.030 Exemptions1
 17.01.040 Applicability1
 17.01.050 Permits Required1
 17.01.060 Severability of Provision.....1

17.01.010: Title

A. This title shall be known as the *CACHE COUNTY LAND USE ORDINANCE*, hereinafter "this title".

17.01.020: Authority and Purpose of Title 17

A. The Cache County Council adopts this title and associated maps and appendices pursuant to the County Land Use Development and Management Act, Utah Code Annotated section 17-27a as amended.

B. The primary purpose of this title is to promote the health, safety, and welfare of the present and future inhabitants of the county. This includes but is not limited to securing safe routes of travel, safety from fire and other natural and manmade dangers, the classification and distribution of land use and development, protection of both residential and nonresidential development, and the implementation of the goals and policies of the Countywide Comprehensive Plan.

17.01.030: Exemptions

A. Properties owned and operated by the State of Utah or the federal government are exempt from the requirements this title.

B. This exemption does not apply where state or federal law requires that the agency of federal or state government take steps to comply with all applicable local regulations.

17.01.040: Applicability

A. This title applies to all lands within the unincorporated area of the county.

17.01.050: Permits Required

A. All development must obtain the review and approval of the specified land use authority.

B. The development, alteration, or use of all buildings and property must follow the requirements of this title.

17.01.060: Severability of Provisions

A. If any section, provision, sentence, or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination does not impair the validity of the remainder of this title; the remainder of this title remains in full force and effect.

17.01 GENERAL PROVISIONS

17.01.010 Title1
17.01.020 Authority and Purpose1
17.01.030 Exemptions1
17.01.040 Applicability1
17.01.050 Permits Required1
17.01.060 Severability (Effect)1

17.01.010: Title

This title shall be known as the *CACHE COUNTY LAND USE ORDINANCE*, hereinafter "this title".

17.01.020: Authority and Purpose

The County Council adopts this title pursuant to the County Land Use Development and Management Act, Utah Code Annotated Title 17-27a, for the purposes set forth therein. The maps and appendices to this title are a part hereof. The intent of this title is to provide a means of ensuring predictability and consistency in the use of land and individual properties and implement the goals and policies of the Countywide Comprehensive Plan.

17.01.030: Exemptions

To the extent provided by law, properties owned and operated by the state of Utah or the federal government shall be exempt from the provisions of this title. Where law requires that the agency of federal or state government take steps to comply with all applicable local regulations, this exemption shall not be construed to abrogate this requirement.

17.01.040: Applicability

- A. The provisions of this title shall apply to all lands within the unincorporated area of the county.
- B. No building may be erected and no existing building shall be moved, altered or enlarged, nor shall any land, building or premises be used for any purpose, except as allowed by this title or amendments thereto.

17.01.050: Permits Required

- A. All development shall be required to obtain proper review and approvals from the Land Use Authority as outlined in County Code.

17.01.060: Severability (Effect):

If any section, provision, sentence or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title which shall remain in full force and effect.

17.02 ADMINISTRATION

17.02.010 Section Purpose1

17.02.020 Role of the Council in the Land Use Process.....1

17.02.030 Role of the Planning Commission in the Land Use Process.....1

17.02.040 Role of the Director in the Land Use Process.....2

17.02.050 Role of the Board of Adjustments in the Land Use Process3

17.02.060 Effective Period of Land Use Authority Approval3

17.02.070 Appeal a Decision of a Land Use Authority4

17.02.080 Request a Variance from the Land Use Ordinance.....4

17.02.090 Judicial Review of Appeal Authority Decision.....5

17.02.100 Notice for Public Meetings5

17.02.010 Section Purpose

- A. The purpose of this section is to:
 - 1. Establish the Land Use Authority for Cache County Land Use Ordinance decisions; and
 - 2. Establish the Appeal Authority for Cache County Land Use Ordinance variance and appeal decisions; and
 - 3. Provide direction for the process of land use review and appeal.

17.02.020 Role of the Council in the Land Use Process

- A. The Cache County Council (the Council) is established as found in Utah Code Annotated section 17-52-504 as amended, and in Title 2.12 of the Cache County Code, and has the land use duties, authority, and powers as represented in Title 2.12 of the Cache County Code, Utah Code Annotated section 17-53 Part 2 as amended, and this chapter.
- B. The Council is the Land Use Authority designated to provide legislative land use decisions on the following:
 - 1. General Plan adoption or amendment in accordance with this chapter and Utah Code Annotated section 17-27a-4 as amended;
 - 2. Land Use Ordinance or amendment in accordance with this chapter and Utah Code Annotated section 17-27a-5 as amended;
 - 3. Subdivision Ordinance or amendment in accordance with this chapter and Utah Code Annotated section 17-27a-6 as amended.
 - 4. Amendment to the Zoning Map; and
 - 5. Annexation and Disconnection.
- C. The appeal of land use decisions made by the Council must be made to First District Court.

17.02.030 Role of the Planning Commission in the Land Use Process

- A. The Cache County Planning Commission (the Planning Commission) is established as required by Utah Code Annotated section 17-27a-301, and has the duties, authority, and powers as found in Utah Code Annotated section 17-27a-302, as amended, and in this chapter.
- B. The Cache County Executive (the Executive) must appoint a Planning Commission with the advice and majority consent of the Council;

1. The Planning Commission must be composed of seven (7) members. All members serve a term of three (3) years. Terms of membership are such that the term of two (2) members expires each year, and the term of three (3) members expire every third year;
 2. The Executive, with the advice and consent of the Council, may remove a member of the Planning Commission with or without cause; and
 3. The Planning Commission must adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These bylaws and rules of procedure must be approved by the Council.
- C. The Planning Commission is the land use authority to provide administrative land use decisions on the following:
1. Conditional Use Permit.
 2. Subdivision of property for the creation of two or more buildable lots.
 3. Subdivision amendment creating one or more additional buildable lots.
 4. Items listed for Director approval as determined by the Director with the intent to avoid conflicts of interest with the Director's other duties.
- D. The Planning Commission provides land use review to the Council in the following:
1. Preparing and recommending a general plan and amendments to the general plan;
 2. Recommending land use ordinances and maps, and amendments to land use ordinances and maps; and
 3. On other items as the Council directs.
- E. The appeal of land use decisions made by the Planning Commission must be made to the Board of Adjustments.

17.02.040 Role of the Director in the Land Use Process

- A. The Cache County Director of Development Services (the Director), is established and functions as found in Title 2.4 of the County Code and in this chapter.
1. The Director must be appointed by the Executive,
- B. The Director has the duties, authority, and powers as set forth in this chapter.
1. The Director must:
 - a. Adopt procedures for land use application processes. These procedures must be approved by the County Council.
 - b. Administer and enforce the Land Use Ordinance, the Cache County Subdivision Ordinance, and any associated policies or procedures.
 2. The Director may assign a designee to act as the land use authority in the place of the Director. Any designee must be identified in writing by the Director prior to any land use decision by the designee.
- C. The Director is the land use authority to provide land use decisions on the following:
1. Zoning Clearance.
 2. Variance to the following development standards in compliance with 17.02.080:
 - a. Maximum structure height.
 - b. Setback distances.
 3. Determining the mapped location of a base or overlay zoning district boundary. The Director must consider the following criteria in reaching a decision:
 - a. The policies and development standards that apply to the base or overlay zoning district; and

- b. Where a base or overlay zoning district map boundary is shown following a road, right-of-way line, interstate highway, public utility right-of-way, railroad line, a stream or watercourse, or a line located midway between the main track of a railroad, the base or overlay zoning district map boundary is deemed to be changed automatically whenever such centerline is changed by natural or artificial means.
- 4. Interpretation of the uses in the applicable base or overlay zoning district as contained in chapter 17.09 Schedule of Zoning Uses, of this title. The Director's determination and all associated information must be identified as an administrative determination and filed as a land use request.
- 5. Natural Barrier Subdivision.
- 6. Subdivision amendment amending the boundaries of a legally recorded subdivision. This does not include the creation of additional lots.
- 7. Single Lot Subdivision.
- D. The appeal of land use decisions made by the Director must be made to the Board of Adjustments.

17.02.050 Role of the Board of Adjustments in the Land Use Process

- A. The Cache County Board of Adjustments, the BOA, is established and has the duties, authority, and powers as represented within Utah Code Annotated section 17-27a Part 7 as amended, and in this chapter.
- B. The Cache County Executive must appoint the BOA with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the BOA with or without cause.
 - 1. The BOA must be composed of five (5) members. All members serve a term of five (5) years. The term of one member expires each year.
 - 2. The BOA must adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the BOA. These bylaws and rules of procedure must be approved by the Council.
- C. The BOA is the land use authority assigned to make decisions on the following:
 - 1. Variance requests, except those listed for Director review, and in compliance with section 17.02.080.
 - 2. Decisions regarding the existence, expansion, or modification of nonconforming uses, lots, or structures.
- D. The BOA is the appeal authority for land use decisions made by either the Director or the Planning Commission.
- E. The appeal of land use decisions made by the BOA must be made to First District Court.

17.02.060 Effective Period of Land Use Authority Approval

- A. Administrative land use decisions of approval are effective for a period of one year from the date of land use authority approval.
 - 1. The Director must issue a notice of expiration to the agent of a project no less than 30 calendar days prior to the end of the effective period of approval.
 - 2. Any approval that has lapsed beyond its effective period is void and any new application must conform to the ordinance currently in effect.
 - 3. No refunds are issued for void applications or permits.

- B. Where an appeal of an approval has been made, the effective period for the approval does not begin until a final decision has been issued by the appeal authority or judge of the First District Court.

17.02.070 Appeal a Decision of a Land Use Authority

- A. Land use decisions may be appealed:
 - 1. By a person with standing that is adversely affected as a result of a land use authority's decision by alleging that the land use authority erred in any order, requirement, decision, or determination.
 - 2. Only if it is the final decision issued by the proper land use authority.
 - 3. If commenced within ten (10) business days of the adverse order, requirement, decision, or determination by filing a written notice of appeal with the Cache County Development Services Department. The notice of appeal must identify the decision being appealed and parties making the appeal.
 - a. A notice of appeal must be accompanied by a fee established by the Council. That amount is used to defray the costs of administering the request for appeal, including, but not limited to, costs of mailing and publishing notice.
 - b. The appellant has the burden of proving that the land use authority erred.
 - 4. The appeal of decisions made by supporting staff must be reviewed by the land use authority that issued the final decision.
- B. When a notice of appeal is filed, notice must be given as required by this chapter. The appeal authority then hears that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties.
- C. The appeal authority may require written briefs or memorandum of the parties as the appeal authority deems necessary. At the hearing, the appellant must appear in person or by agent.
- D. Using Substantial Evidence as the standard of review, the appeal authority determines the correctness of a decision of the land use authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a land use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed.
- E. The appeal authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended.

17.02.080 Request a Variance from the Land Use Ordinance

- A. Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest must be filed with the Cache County Development Services Department for a variance from the terms of this title. The designated appeal authority may grant a variance if the requirements of Utah Code Annotated section 17-27a-702 as amended have been met.
- B. A request for a variance must:
 - 1. Be filed with Development Services Department.
 - 2. Be accompanied by a fee established by the Council. That fee is used to defray the costs of administering the request for a variance including, but not limited to, costs of mailing and publishing notice.

- C. When a request for a variance is filed, notice is given as required by this chapter. The appeal authority hears that issue at the next regularly scheduled meeting, unless such time is extended for good cause or stipulation of the parties.
- D. The appeal authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended.

17.02.090 Judicial Review of Appeal Authority Decision

- A. Any person adversely affected by a final decision of the Appeal Authority may petition the First District Court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the appeal authority's decision is final in compliance with Utah Code Annotated section 17-27a-801(2) as amended. The appeal authority may order its decision stayed pending district court review if the appeal authority finds it to be in the best interest of the county.
- B. The First District Court is the appeal authority for land use or appeal decisions made by the Council, and for appeal decisions made by the BOA.

17.02.100 Notice for Public Meetings

- A. Notice for public meetings and public hearings must comply with the Open and Public Meetings Act 52-4 and Utah Code Annotated section 17-27a-2 as amended. At the discretion of the land use authority additional notice requirements may be applied.
- B. Notice of the time, place, and subject matter of a meeting must be given to the person making a request, the land use authority or official, all parties in interest, and all adjoining property owners within a three hundred foot (300') radius of the subject property.

17.02 ADMINISTRATION

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17.02.020 Board of Adjustments.....	1
17.02.030 Director of Development Services	2
17.02.040 Notice of Meetings	2
17.02.050 General Plan, Land Use, and Subdivision Ordinance Amendments	2
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17.02.070 Effective Period for a Land Use Authority Approval.....	6

17.02.010: Planning Commission

- A. Creation: This hereby creates and establishes the Cache County Planning Commission.
- B. Powers and Duties: The Planning Commission shall have the powers and duties enumerated within Utah Code Annotated (1953, as amended) 17-27a-302, and within this chapter.
- C. Policies and Procedures: The Planning Commission shall adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These policies and procedures shall be approved by the County Council.
- D. Membership and Appointments:
 - 1. The Planning Commission shall be composed of seven (7) members. Members of the Planning Commission shall be appointed by the Cache County Executive with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the Planning Commission with or without cause.
 - 2. All members shall serve a term of three (3) years. Terms of membership shall be such that the term of two (2) members shall expire each year, except the term of three (3) members shall expire every third year.

17.02.020: Board of Adjustments

- A. Creation: There is established a "Cache County Board of Adjustments", hereinafter, the BOA.
- B. Powers and Duties: The BOA shall have the powers and duties set forth within this chapter.
- C. Policies and Procedures: The BOA shall adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the BOA. These policies and procedures shall be approved by the County Council.
- D. Membership and Appointments:
 - 1. The BOA shall be composed of five (5) members. Members of the BOA shall be appointed by the Cache County Executive with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the BOA with or without cause.
 - 2. All members shall serve a term of five (5) years. Terms of membership shall be such that the term of one member shall expire each year.

17.02.030: Director of Development Services

The Cache County Executive, with the advice and consent of the Cache County Council, shall appoint a Director of Development Services. The Cache County Executive shall also request the advice of the Planning Commission and BOA. It is the responsibility of the Director to administer and enforce this title, the Cache County Subdivision Ordinance, and the policies and procedures related thereto or created thereby.

17.02.040: Notice of Meetings

- A. Notice of meetings of the Planning Commission and BOA shall be given as required by the open and public meetings provisions of Utah Code Annotated (1953, as amended) 52-4, and within Utah Code Annotated (1953, as amended) 17-27a-2. The Planning Commission shall determine by its policies and procedures such additional notice requirements as it determines necessary and appropriate.
- B. Notice of the time, place, and subject matter of a meeting shall be given to the person making a request, the Land Use Authority or official, and all parties in interest, including adjoining property owners within a three hundred foot (300') radius of the property affected.

17.02.050: General Plan, Land Use, and Subdivision Ordinance Amendments

- A. General Plan: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-4.
- B. Land Use Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-5.
- C. Subdivision Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-6.

17.02.060: Establishment of Land Use Authority

- A. Purpose: The purpose of this section is to establish the Land Use Authority for decisions applying to the Land Use Ordinance, establish the Appeal Authority to hear and decide requests for variances from the terms of the Land Use Ordinance, and to establish the Appeal Authority to hear and decide appeals from decisions applying to the Land Use Ordinance.
- B. Authority To Hear And Act:
 - 1. Director of Development Services: The Director or designee shall be the Land Use Authority to hear and act on the following:
 - a. Zoning Clearance applications;
 - b. Home Based Business application;
 - c. Minor Variance requests:
 - i. Building height, setback distance from lot lines or other buildings, or other similar requests;
 - ii. A single, non-resident employee at a Home Based Business.
 - d. Determination of the location of the boundary of a zoning district or an overlay map. The Director shall take into consideration the following criteria in rendering such determination:
 - i. The policies and development standards pertaining to such zoning district or overlay.

- ii. Where a zoning district or overlay map boundary is shown following a road, right of way line, interstate highway, public utility right of way, railroad line, a stream or watercourse, or a line located midway between the main track of a railroad, the zoning district or overlay map boundary shall be deemed to be changed automatically whenever such centerline is changed by natural or artificial means;
 - e. Interpretation of authorized permitted or conditional uses of the applicable zoning district as contained in chapter 17.09, "Schedule of Zoning Uses", of this title. The Director shall consider the following in rendering such interpretation:
 - i. Consistency with the purpose and intent of the policies and development standards pertaining to such district as described in this title.
 - ii. Whether the proposed use is substantially similar to other uses allowed in the zoning district.
 - iii. The determination and all information pertaining thereto shall be filed classifying it as an administrative determination and shall become a permanent public record in the county community development department. Such use shall become a permitted or conditional use in the zoning district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification;
 - f. Natural barrier determinations;
 - g. Boundary line adjustment between three (3) or fewer property owners within or amending the boundaries of a legally recorded subdivision;
 - h. Single lot subdivisions, and;
 - i. Those uses specifically delegated to the Director by the Cache County Council.
- 2. Planning Commission:
 - a. The Cache County Planning Commission shall be the Land Use Authority to hear and act on the following land use applications:
 - i. Conditional use permits, except those listed for the County Council;
 - ii. Items delegated to the Planning Commission by the Cache County Council;
 - iii. Requests for reasonable accommodations made by residential facilities for up to eight (8) occupants; and
 - iv. Items listed for the Director of Development Services approval when the Director determines that a public meeting should be held to ensure that citizens have the opportunity to comment on the application or in the event that a conflict of interest arises;
 - b. The Planning Commission shall be a recommending body to the Cache County Council for all land use applications for which the Cache County Council is the Land Use Authority.
 - c. The Planning Commission shall be a recommending body to the Cache County Council for the Cache County Manual of Road Design and Construction Standards adopted within Title 12.
 - d. The Planning Commission shall have the powers and duties as assigned by this chapter and Utah Code Annotated (1953, as amended) section 17-27a-302.
- 3. Board of Adjustments: The Cache County Board of Adjustments shall be the Land Use Authority to hear and act on the following land use applications:

- a. Variance requests, except those listed for the Director of Development Services review; and
 - b. Determinations regarding the existence, expansion or modification of nonconforming uses, lots, or structures.
4. County Council: The Cache County Council shall be the Land Use Authority to hear and act on the following land use applications:
- a. General plan approvals or amendments;
 - b. Land Use Ordinance amendments;
 - c. Amendments to the zoning map;
 - d. Subdivision ordinance amendments;
 - e. Requests for reasonable accommodations made by residential facilities for disabled persons for nine (9) or more occupants;
 - f. Subdivision reviews for new subdivisions, phases of subdivisions, preliminary and final plat approval, and amendments to existing subdivisions other than those listed for Director of Development Services review;
 - g. Zone change requests; and
 - h. Conditional use permit requests for:
 - i. Major utility facilities,
 - ii. Electrical generating facility,
 - iii. Solid waste facilities,
 - iv. Sewage treatment works.
- C. Public Hearings and Meetings:
1. Director of Development Services: Public meetings will only be required for items listed under subsections (B)(1)(c, f, g, and h) of this section. The Director shall make the decision at regular staff meetings. No public meeting will be held outside of regular staff meetings.
 2. Planning Commission and County Council: Notice for public hearings and public meetings shall comply with Utah Code Annotated (1953, as amended) 17-27a-2. Additional public meetings may be held as necessary to properly review and make decisions regarding a land use.
- D. Variances: Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Director or the BOA, as designated in subsection B of this section, for a variance from the terms of this title. The designated Land Use Authority may grant a variance if the requirements of Utah Code Annotated (1953, as amended) section 17-27a-702 have been met.
- E. Rules of Procedure: The Development Services Department shall adopt rules of procedure establishing the application process, deadlines, decision making process, and for any other purposes considered necessary. These policies and procedures shall be approved by the County Council.
- F. Appealing Decisions of a Land Use Authority:
1. Any person adversely affected by the Land Use Authority's decision administering or interpreting a land use ordinance or subdivision may appeal the decision by alleging that there is error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the land use or subdivision ordinance.

Decisions can only be appealed if they are a final decision issued by the appropriate Land Use Authority.

- a. Land use decisions made by either the Director of Development Services or the Planning Commission shall be appealed to the Board of Adjustments.
- b. Land use decisions made by the Board of Adjustments shall be appealed to the County Council.
- c. Land use decisions made by the County Council shall be appealed to district court.
- d. Any further appeal of a decision made in subsections a or b shall be made to district court.

G. Procedure for Requesting a Variance or Appeal:

1. Time Limit: A request for a variance or a notice of appeal must be commenced within ten (10) business days of the adverse order, requirement, decision or determination by filing a written notice of a request for a variance, or notice of appeal with the Cache County Director of Development Services at the Cache County Development Services Department. The notice must indicate the decision being appealed and identify the parties making the appeal.
2. Fee: A request for a variance, or a notice of appeal, shall be accompanied by a fee established by the Cache County Council, which amount shall be used to defray the costs of administering the request for a variance, or appeal, including, but not limited to, costs of mailing and publishing notice.
3. Notice of a Hearing: When a request for a variance or a notice of appeal is filed, notice shall be given as required by this chapter. The Appeal Authority shall hear that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties.
4. Burden of Proof: The appellant has the burden of proving that the Land Use Authority erred.
5. In the case of an appeal the Appeal Authority may require written briefs or memorandum of the parties as the Appeal Authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
6. Standard of Review – Substantial Evidence: The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a Land Use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed.
7. Final Decision: The Appeal Authority will issue a decision in writing within fifteen (15) business days of the hearing, which constitutes a final decision under Utah Code Annotated (1953, as amended) 17-27a-8.
8. Judicial Review of Appeal Authority's Decision: Any person adversely affected by a final decision of the Appeal Authority may petition the district court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the Appeal Authority's decision is final in compliance with Utah Code Annotated (1953, as amended) section 17-27a-801(2). The Appeal Authority may order its decision stayed pending district court review if the Appeal Authority finds it to be in the best interest of the county.

17.02.070 Effective Period for Land Use Authority Approval

- A. The approval of any permit, subdivision, subdivision amendment, variance, or other approval issued by a Land Use Authority within Titles 16 and/or 17 shall be effective for a period of one year from the date of approval. The Director of Development Services shall issue a notice to the applicant/agent of a project no less than 30 calendar days prior to the end of the effective period of approval. Any approval that has lapsed beyond its effective period shall be void and any new application shall be required to conform to the ordinance currently in effect. No refunds shall be issued for void applications or permits.
- B. At the discretion of the Land Use Authority, the effective period of approval may be extended for up to two (2) years beyond the one year period of the original approval. Within that extension no operation is allowed until the permit has been recorded and all conditions of the permit have been met. To request an extension, an applicant must submit nonfinancial justification to the Land Use Authority prior to the expiration of the original one year period of approval.
- C. Where an appeal of an approval has been made, the effective period for the approval shall not begin until the conclusion of all appeal processes.