



4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Rob Smith

Review and approval of agenda.

Review and approval of the minutes of the 1 March 2018 meeting.

5:35 p.m.

Consent Items

- 1. Randal Stocker Subdivision 1st Amendment** – A request to amend an existing 2-lot, 35.11 acre subdivision by creating one new 8.38 acre buildable lot within the subdivision boundary located at 11600 South 800 East, Avon, in the Agricultural (A10) Zone.
- 2. Mendon Shadows Phase II Subdivision 1st Amendment** – A request to remove an easement and add alternative road improvements to an existing five-lot subdivision located at 5400 West 760 South, near Mendon, in the Agricultural (A10) Zone.

Regular Action Items

- 3. Public Hearing (5:35 p.m.): Birch Hollow South Rezone** – A request for a recommendation of approval to the County Council for a rezone of 10.15 acres, also known as the Tom Pitcher Lot Split Subdivision, located at 5707 North 800 West, near Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
- 4. Public Hearing (5:50 p.m.): Commercial Zone Amendment – Zonavoo** – A request to amend §17.09.030 of Title 17 of the County Code to allow Use Type 1300 Multi-Family Dwelling as a permitted (“P”) use in the Commercial (C) Zone and to add a subsection to §17.10.030 allowing a development density of 15 units per acre for multi-family dwellings in the Commercial (C) Zone.

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.



Item

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Regular items

1. Creekside Estates Subdivision..... 2

2. The Vineyards at Mt. Naomi Farms Conditional Use Permit..... 2

3. Public Hearing (5:45 p.m.): Dominion Energy Sardine Canyon Site Rezone 3

4. Public Hearing (5:55 p.m.): Petersboro Heights Rezone 4

5. Public Hearing (6:05 p.m.): Spring Ridge Rezone 4

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

3
4 **Start Time: 05:29:00**

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

7
8 **05:31:00**

9
10 **Agenda**

11
12 *Gunnell* motioned to approve the agenda; *Smith* seconded; **Passed 6, 0.**

13
14 **Minutes**

15
16 *Sands* motioned to approved the 1 February 2018 minutes; *Watterson* seconded; **Passed 6, 0.**

17
18 **05:34:00**

19
20 **Regular Action Item**

21 **#1 Creekside Estates Subdivision**

22
23 **Zetterquist** Smithfield City is still discussing access and staff is suggesting continuing the item.

24
25 *Watterson* motioned to continue the Creekside Estates Subdivision for up to 90 days; *Smith*
26 seconded; **Passed 6, 0.**

27
28 **05:36:00**

29
30 **#2 The Vineyards at Mt. Naomi Farms Conditional Use Permit**

31
32 **Zetterquist** reviewed the staff report for The Vineyards at Mt. Naomi Farms Conditional Use
33 Permit.

34
35 **Gunnell** asked questions about parking and fire restrictions for occupancy.

36
37 **Brenda Meikle** commented that 298 people will fit in the barn.

38
39 **Keith Meikle** commented that the occupancy for each type of event is stated in all event
40 contracts. The parking will be away from the main building to help people feel like they are in
41 the country and in a vineyard and farm area. The building has been made to be elegant and to
42 help create an inviting atmosphere and that is part of the reason for the private drive.

43
44 **Christensen** asked if the applicant understood the evaluation needed for parking.

1 **Ms. Meikle** stated the landscape architect will help with that. Envision Utah states that places
2 like The Vineyards enhance the area. People from all over the world visit Mt. Naomi farms to
3 pick the fruit and to visit the other attractions in Cache Valley.
4

5 *Olsen* motioned to approve *The Vineyards at Mt. Naomi Farms Conditional Use Permit with the*
6 *stated findings of facts, conclusions, and conditions; Smith* seconded; **Passed 6, 0.**
7

8 **Jack Nixon** commented in support of The Vineyards.
9

10 **05:54:00**

11
12 **#3 Public Hearing (5:45 p.m.): Dominion Energy Sardine Canyon Site Rezone**

13
14 **Zetterquist** reviewed the staff report for the Dominion Energy Sardine Canyon Site Rezone.
15

16 **05:58:00**

17
18 *Sands* motioned to open the public hearing; *Watterson* seconded; **Passed 6, 0.**
19

20 **Rick Hellstrom** commented that he was representing Dominion Energy.
21

22 **Gunnell** asked if the Mr. Hellstrom could give an example of what the site will look like.
23

24 **Mr. Hellstrom** commented that three pipelines would converge there. One of the pipelines will
25 be replaced and a three barrel launcher receiving facility will be there to help inspect the lines.
26

27 **Gunnell** asked what buildings would be located on site.
28

29 **Mr. Hellstrom** it will mostly be valves and in the future there will be a pressure station.
30

31 **Watterson** asked what the hours of operation would be.
32

33 **Mr. Hellstrom** responded that the site would be unmanned and typically the inspection of the
34 lines will happen during daylight hours. The current federal requirement is that the pipelines
35 have to be inspected every 7 yrs and the pressure station is typically checked on once a week.
36

37 **06:02:00**

38
39 *Smith* motioned to close the public hearing; *Watterson* seconded; **Passed 6, 0.**
40

41 *Gunnell* motioned to recommend approval to the County Council for the Dominion Energy
42 *Sardine Canyon Site Rezone with the stated findings of facts, conclusions, and conditions; Olsen*
43 *seconded; Passed 6, 0.*
44

45 **06:03:00**
46
47

1 **#4 Public Hearing (5:55 p.m.): Petersboro Heights Rezone**

2
3 **Zetterquist** reviewed the staff report for the Petersboro Heights Rezone.

4
5 **06:10:00**

6
7 ***Watterson** motioned to open the public hearing; **Smith** seconded; **Passed 6, 0.***

8
9 **Carol Bailey** commented that a better way to help determine whether the RU2 zone work for
10 this area would be to look at the parcels that actually have homes on them. Doing the count this
11 way means most 50% of homes are on 1 to 3 acre parcels. Mendon City has no plans to annex
12 this area due to water problems.

13
14 **Mike Bailey** commented that they are pursuing the rezone to make what is existing, two homes,
15 into two legal parcels.

16
17 **06:16:00**

18
19 ***Watterson** motioned to close the public hearing; **Gunnell** seconded; **Passed 6, 0.***

20
21 **Staff** and **Commission** discussed the road. Staff did have comment from Logan Environmental
22 that the shoulder on one side of the road had sloughed away and caused some problems for trash
23 collection. The location of the application is not ideal for the RU2 zone according to Staff.

24
25 ***Smith** motioned to recommend denial to the County Council for the Petersboro Heights Rezone
26 with the stated findings of facts, conclusions, and conditions; **Watterson** seconded; **Passed 4, 2**
27 (**Gunnell, Christensen, Watterson, and Smith** voted yea; **Olsen and Sands** voted nay).*

28
29 **06:28:00**

30
31 **#5 Public Hearing (6:05 p.m.): Spring Ridge Rezone**

32
33 **Zetterquist** reviewed the staff report for the Spring Ridge Rezone.

34
35 **06:39:00**

36
37 ***Gunnell** motioned to open the public hearing; **Olsen** seconded; **Passed 6, 0.***

38
39 **Rod Blossom** commented representing Petersboro Partners. He commented on the state
40 approved culinary water system, and how the area meets fire code for Cache County and Box
41 Elder County, and access. The roads will be done through an HOA. The land is currently dry
42 farmed and is not very productive farm ground. With the water system, good road access, and
43 approval from the fire district seems to contradict staffs findings to deny.

44
45 **Ralph Meyer** commented regarding water and during the high use months, especially summer,
46 the water company blending the drinking water with the secondary water that has high arsenic
47 levels.

1 **Larry Olsen** commented that the land in the surrounding area has beautiful crops, water, and
2 concerns with sewage and septic systems contaminating surrounding springs.

3
4 **Don Wilcox** commented against the rezone due to water.

5
6 **Chris Burbank** commented against the rezone due to potential flooding impacts, road
7 maintenance, lack of coverage from Sheriff's office, and increasing traffic concerns.

8
9 **Vern Nelson** commented against the rezone due to water and water rights, and the possibility of
10 this rezone opening the door for other RU2 rezones in this area.

11
12 **Brent Linford** commented against the rezone due to concerns with the septic and sewage
13 contaminating current wells, fire response time being slow due to lack of daytime coverage with
14 Mendon Fire Department, and traffic.

15
16 **Lisa Burbank** commented against the rezone due to neighbors not understanding the sights,
17 smells, and sounds of agriculture, HOA roads can't keep up with maintenance and so they roads
18 are being switched to county roads, and flooding potential.

19
20 **Alisha Case** commented against the rezone due to concerns with water, and emergency services
21 delayed response time.

22
23 **Brett Chambers** commented that adequate water will be supplied and the quantity and quality of
24 water needs to be brought up with the state water engineer. Mr. Chambers commented in rebuttal
25 of conclusions 1a, b and c, 3, and 4.

26
27 **Steve Taylor** commented for the rezone and disputed staff's information regarding lot size with
28 homes, the arsenic levels, adequate water for fire suppression, and good roads.

29
30 **Natalie Erickson** commented in regards to the integrity of the neighborhood and the tension that
31 comes with agricultural uses of the land, the current water infrastructure is not there for more
32 than 62 homes. More homes on that infrastructure is going to stress the water issue for the
33 current homes, water rights were commented on, a new well could affect other wells in the area,
34 two years ago there was no water for fire suppression, the funds are not there for HOA approved
35 roads.

36
37 **Paul Gibbons** commented that he was a CPA for the Petersboro Partners and has asked the
38 county for analysis for what this type of development would do for the County. He said he had
39 provided his own analysis.

40
41 **Eric Dursteler** commented that he was the engineer for the Willow Creek Water Company and
42 that no one is drinking arsenic water; the water is blended but is done so under the State's arsenic
43 blending plan; everyone will be connected to the pond for irrigation water.

44
45 **Jack Nixon** commented that if the water issue can be resolved, it's a good area to build a home.

46

1 **Gloria Hansen** commented that her husband is one of the partners and they still have roots in
2 Cache Valley and the intent of the partners is to create a quality development.

3
4 **Rod Blossom** commented on the water connections. The water system works almost the same
5 way as Logan City only on a smaller scale. HOA roads will be set up and clustering around a
6 water system is the best way for a RU2 development.

7
8 **07:41:00**

9
10 *Sands motioned to close the public hearing; Watterson seconded; Passed 6, 0.*

11
12 **Staff and Commission** discussed roads being taken over by the county, the questions raised by
13 public comment regarding water,

14
15 *Gunnell motioned to recommend denial to the County Council for the Spring Ridge Rezone with*
16 *the stated findings of facts, conclusions, and conditions; Watterson seconded; Passed 5, 0*
17 *(Sands abstained).*

18
19 **07:49:00**

20
21 **Staff Reports**

22
23 **Harrild** gave a review of next month's agenda.

24
25 **Runhaar** gave an update on action taken by the Council for ordinances.

26
27 **07:52:00**

28
29 **Adjourned**

STAFF REPORT: RANDAL STOCKER SUBDIVISION 1ST AMENDMENT

3 MAY 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: Zan Summers

Parcel ID#: 16-052-0018, -0020

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

11600 South 800 East

Avon

Current Zoning:

Agricultural (A10)

Acres: 35.11

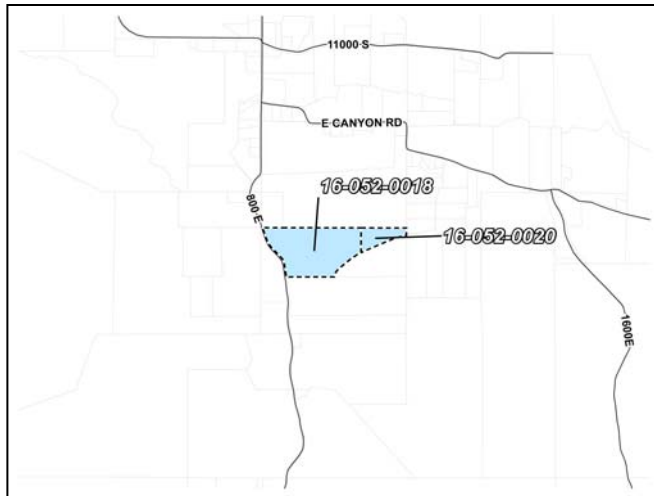
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (20)

A. Request description

1. The Randal Stocker Subdivision 1st Amendment is a request to divide parcel 16-052-0018 of the previously approved 2-lot subdivision to create an additional developable lot, for a total of three lots.
 - a. The new lot, Lot 1, will be 8.4 acres;
 - b. Parcel 16-052-0018, Lot 2, will be reduced from 29.6 acres to 20.9 acres; and,
 - c. Parcel 16-052-0020, Lot 3, will remain at 5.50 acres.

B. Parcel legality

2. The original division of the properties occurred through a Conditional Use Permit (CUP) approved in 1998. A couple of Boundary Line Adjustments were approved in 2010 resulting in the current size and configuration of the original two parcels from the CUP.

C. Authority

3. §17.02.030[E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. There are two water right applications in process with State Water Rights Division for Lot 1 and Lot 3 (i.e., #25-11479, #a43443 & #a43444). There is an existing single-family residence on Lot 2 with a current domestic water right (i.e., #25-9867). Prior to recordation of the subdivision, the applicant must provide a valid, approved domestic water right for Lots 1 & 3. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant has provided a copy of a septic feasibility letter from BRHD for the proposed Lot 1 and existing Lot 3. A septic permit was issued in June 1999 for Lot 2.
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. An 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-3 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - 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 required an additional 2.5” depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - f. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information. *See condition #3.*

11. A basic review of the access to the existing lots identifies the following:
 - a. Primary access to the property is via a private road, 11650 South, which takes access from 800 East, a county road.
 - b. 11650 South:
 - i. Currently consists of a private driveway to Lot 2.
 - ii. Must be improved to the private road standards of the Road Manual prior to recording the plat. *See condition #4.*
 - iii. The linear length of the proposed route to Lot 3 exceeds the allowable length of a private road per the Road Manual; however, Lot 3 is a legal lot approved under the previous CUP and after the point where the private road provides access to Lots 1 & 2, the road turns into a private driveway to Lot 3 and is not subject to the private road standards.
 - c. 800 East:
 - i. Has an average 22-foot paved width with 4-foot wide gravel shoulders.
 - ii. Has an unknown depth and type of material, however, this is an existing county facility that provides access to the general public. *See condition #3.*
 - iii. Has year round county maintenance at this location.

F. Service Provision

12. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access to Lot 2 is acceptable. Any future development on Lots 1 & 3 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 Paradise Fire Department.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental indicated that residential refuse carts must be placed on 800 East for Wednesday collection. The applicant must provide sufficient shoulder space along the side of the narrow road for the refuse carts to be placed 3 to 4 feet apart and be far enough off the road so the carts do not interfere with passing traffic. A County encroachment permit is required for work in the county right-of-way.
14. §16.04.080 [D] School Bus Service – The Cache County School District has not provided a comment on this application. In the past, the school district has determined a school bus service evaluation is not needed until a zoning clearance application has been submitted to build a home.

G. Sensitive Areas

15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. There are areas of moderate slopes (i.e., 20-30%) and landslide potential located within the subdivision boundary. Any future development or change of use may require a geo-technical report if the development is located within the hazard areas. *See condition #5.*
 - b. Areas of steep slopes (i.e., >30%) are also present within the subdivision boundary; development cannot occur in areas with steep slopes.
 - c. The subdivision is within the Wildland Urban Interface. The applicant must contact the Cache County Fire District for additional requirements. *See condition #6.*

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

16. Public notice was posted online to the Utah Public Notice Website on 18 April 2018.
17. Notice was published in the Herald Journal on 22 April 2018.
18. Notices were posted in three public places on 18 April 2018.
19. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 19 April 2018.
20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (6)

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 of the subdivision, the applicant must provide a valid, approved domestic water right for Lots 1 & 3. *(See D-4)*
2. A Land Disturbance Permit is required for any future development. *(See D-6)*
3. Prior to recordation, the applicant must obtain approval of a design exception from the County Council regarding the surface material type and structural fill of 800 East. *(See E-10, E-11)*
4. Prior to recording the final plat, road improvements, including a turnaround, must be made to the private road, 11650 South, that meet the minimum standards for a private road. The design of the private road providing access to the subdivision 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-b)*
5. A geotechnical report must be completed for any structures or roadways located within a hazard area. *(See G-15)*
6. The applicant must contact the Cache County Fire District for additional requirements that may be required in the Wildland Urban Interface area. *(See G-15)*

CONCLUSIONS (1)

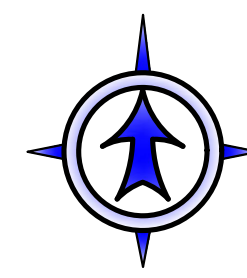
Based on the findings of fact and conditions noted herein, staff recommends approval of the Randal Stocker Subdivision 1st Amendment as:

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

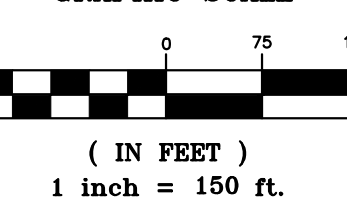
DRAFT

Randal Stocker Subdivision

A PART OF THE NORTHEAST QUARTER OF SECTION 28, T11N, R1E, S.L.B.&M.
CACHE COUNTY, UTAH
CONTAINING 35.11 ACRES AND 3 LOTS



October 24, 2017
GRAPHIC SCALE

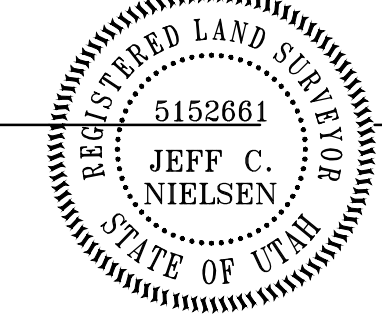


800 EAST STREET RIGHT-OF-WAY DEDICATION

A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 800 EAST STREET LOCATED SOUTH 0°44'14" EAST 662.84 FEET AND SOUTH 89°53'36" EAST 20.58 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 14 AND RUNNING THENCE SOUTH 89°53'36" EAST, A DISTANCE OF 17.15 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 942.00 FEET AND A CENTRAL ANGLE OF 4°57'21". THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 81.48 FEET, CHORD BEARS SOUTH 16°37'45" EAST, A DISTANCE OF 81.45 FEET; THENCE SOUTH 19°06'26" EAST, A DISTANCE OF 149.65 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 462.71 FEET AND A CENTRAL ANGLE OF 2°3'58'20". THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 193.60 FEET, CHORD BEARS SOUTH 31°05'36" EAST, A DISTANCE OF 192.19 FEET; THENCE SOUTH 43°04'46" EAST, A DISTANCE OF 217.58 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 258.00 FEET AND A CENTRAL ANGLE OF 3°42'58"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 155.20 FEET, CHORD BEARS SOUTH 25°50'47" EAST, A DISTANCE OF 152.87 FEET; THENCE SOUTH 8°36'48" EAST, A DISTANCE OF 238.86 FEET; THENCE NORTH 89°53'36" WEST, A DISTANCE OF 12.48 FEET TO THE EXISTING EAST RIGHT-OF-WAY LINE OF 800 EAST STREET, THENCE ALONG SAID EAST LINE THE FOLLOWING SIX (6) COURSES: 1) NORTH 8°05'29" WEST, A DISTANCE OF 241.95 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 225.00 FEET AND A CENTRAL ANGLE OF 34°55'14"; 2) NORTHWESTERLY ALONG THE ARC A DISTANCE OF 137.13 FEET, CHORD BEARS NORTH 25°33'05" WEST, A DISTANCE OF 135.02 FEET; 3) NORTH 43°09'35" WEST, A DISTANCE OF 252.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 395.00 FEET AND A CENTRAL ANGLE OF 2°14'36"; 4) NORTHWESTERLY ALONG THE ARC A DISTANCE OF 167.13 FEET, CHORD BEARS NORTH 31°02'18" WEST, A DISTANCE OF 165.89 FEET; 5) NORTH 18°55'00" WEST, A DISTANCE OF 205.21 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 425.00 FEET AND A CENTRAL ANGLE OF 4°56'05"; 6) NORTHERLY ALONG THE ARC A DISTANCE OF 36.60 FEET, CHORD BEARS NORTH 16°27'01" WEST, A DISTANCE OF 36.59 FEET TO THE POINT OF BEGINNING. CONTAINING 0.29 ACRES

Subdivision Boundary

A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 800 EAST STREET LOCATED SOUTH 0°44'14" EAST 662.84 FEET AND SOUTH 89°53'36" EAST 20.58 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 14; RUNNING THENCE SOUTH 89°53'36" EAST, A DISTANCE OF 2614.16 FEET; THENCE SOUTH 0°03'12" WEST, A DISTANCE OF 110.00 FEET; THENCE SOUTH 0°07'29" WEST, A DISTANCE OF 36.74 FEET; THENCE SOUTH 80°14'18" WEST, A DISTANCE OF 77.91 FEET; THENCE SOUTH 72°20'18" WEST, A DISTANCE OF 177.98 FEET; THENCE SOUTH 66°57'02" WEST, A DISTANCE OF 511.26 FEET; THENCE SOUTH 64°06'08" WEST, A DISTANCE OF 196.65 FEET; THENCE SOUTH 55°43'23" WEST, A DISTANCE OF 157.49 FEET; THENCE SOUTH 50°05'03" WEST, A DISTANCE OF 255.34 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 36°17'30"; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 174.19 FEET, CHORD BEARS : SOUTH 31°56'20" WEST, A DISTANCE OF 171.29 FEET; THENCE SOUTH 13°47'36" WEST, A DISTANCE OF 16.01 FEET; THENCE NORTH 89°53'36" WEST, A DISTANCE OF 872.60 FEET; THENCE NORTH 8°05'29" WEST, A DISTANCE OF 241.95 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 225.00 FEET AND A CENTRAL ANGLE OF 34°55'14"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 137.13 FEET, CHORD BEARS NORTH 25°33'05" WEST, A DISTANCE OF 135.02 FEET; THENCE NORTH 43°09'35" WEST, A DISTANCE OF 252.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 395.00 FEET AND A CENTRAL ANGLE OF 2°14'36"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 167.13 FEET, CHORD BEARS NORTH 31°02'18" WEST, A DISTANCE OF 165.89 FEET; THENCE NORTH 18°55'00" WEST, A DISTANCE OF 205.21 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 425.00 FEET AND A CENTRAL ANGLE OF 4°56'05"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 36.60 FEET, CHORD BEARS NORTH 16°27'01" WEST, A DISTANCE OF 36.59 FEET TO THE POINT OF BEGINNING. CONTAINING 35.11 ACRES



SIGNATURE _____ DATE _____



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHOLE TO BE HERINAFTER KNOWN AS THE "RANDAL STOCKER SUBDIVISION". FURTHER, WE DEDICATE THE PORTION OF PROPERTY THAT LIES WITHIN 33' OF THE CENTERLINE OF THE ROADWAY SHOWN AS 800 EAST STREET TO CACHE COUNTY FOR THE USE OF THE PUBLIC FOREVER, AND HEREBY GRANT TO THE COUNTY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF SAID ROADWAY.

Date _____ Randal Stocker Trustee
Date _____ Dee Thomas Hall

TRUSTEE ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF CACHE) SS.
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____, 20____, BY _____, WHO PROVED ON BASIS OF _____ SATISFACTORY EVIDENCE TO BE _____, WHO PROVED ON BASIS OF _____ OF _____ AND IS SAID PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID _____ BY AUTHORITY OF ITS BYLAWS.
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED AT THE REQUEST OF: _____
DATE: _____ TIME: _____ FEE: _____
ABSTRACTED _____
INDEX FILED IN: _____ FILE OF PLATS _____ COUNTY RECORDER

Line #	Length	Direction
L1	17.15'	S89°53'36"E
L2	12.48'	N89°53'36"W

LEGEND:

- SUBDIVISION BOUNDARY
- NEW LOT LINES
- ADJACENT LOT LINE
- CENTERLINE
- EDGE OF PAVEMENT
- EASEMENT
- DITCH/CANAL
- OVERHEAD POWER LINE
- Power Pole
- Found Rebar and Cap
- SET 5/8" REBAR W/ CAP
- SECTION CORNER
- ROADWAY DEDICATION
- Sensitive Lands per Cache County Website:
 - Landslide Potential
 - Slopes 20% To 30%
 - Slopes Greater Than 30%

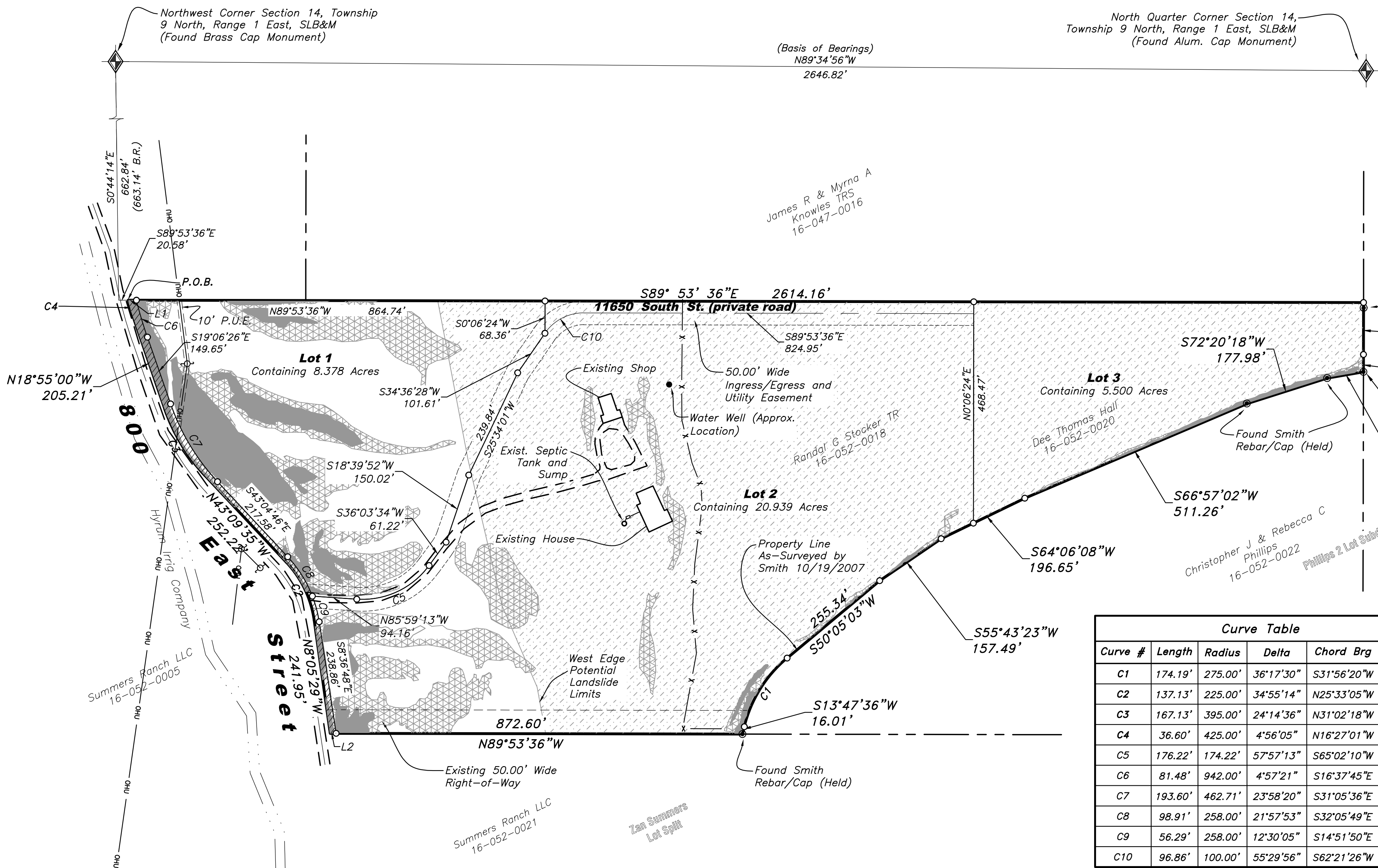
Curve #	Length	Radius	Delta	Chord Brg	Chord
C1	174.19'	275.00'	36°17'30"	S31°56'20"W	171.29'
C2	137.13'	225.00'	34°55'14"	N25°33'05"W	135.02'
C3	167.13'	395.00'	24°14'36"	N31°02'18"W	165.89'
C4	36.60'	425.00'	4°56'05"	N16°27'01"W	36.59'
C5	176.22'	174.22'	57°57'13"	S65°02'10"W	168.80'
C6	81.48'	942.00'	4°57'21"	S16°37'45"E	81.45'
C7	193.60'	462.71'	2°3'58'20"	S31°05'36"E	192.19'
C8	98.91'	258.00'	21°57'53"	S32°05'49"E	98.30'
C9	56.29'	258.00'	12°30'05"	S14°51'50"E	56.18'
C10	96.86'	100.00'	55°29'56"	S62°21'26"W	93.12'

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE PARCELS 16-052-0018 AND 16-052-0020 INTO THREE LOTS.

Record Owners: Randal G Stocker TR
P.O. Box 212
Paradise, Utah 84328

Dee Thomas Hall
1443 West 6500 South
Hyrum, Utah 84319

FORESIGHT SURVEYING
Professional Land Surveyors
2005 North 600 West Suite D
Logan, Utah 84321
(435) 753-1910 Office
(435)-755-3213 Fax
Project No. 17-136
Prepared by DB, 10/24/17



GENERAL NOTES:

- Culinary Water: Cache County has not determined the availability or adequacy of culinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance prior to the issuance of a building permit.
- Dry Lot Development restricted until an approved domestic water right is provided.
- Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the effected party or entity (may include but is not limited to: adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)
- Agriculture Uses: Current and future property owners must be aware that they will be subject to the sights, sounds and smells associated with agricultural activities which are permitted uses in the Agricultural Zone and Forest Recreation Zone.
- Pursuant to Utah Code Ann. 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
- Pursuant to Utah Code Ann. 17-27a-603(4)(c)(i) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to access this development. This approval does not affect any right that Rocky Mountain Power has under:
 - a recorded easement or right-of-way
- Agriculture Protection Area: This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on the acceptance of any circumstance related to land use which may result from such normal agricultural uses and activities.
- Setback lines are for primary buildings only.

Front:	30.00'
Rear:	30.00'
Side:	12.00'
Side along Roadway:	30.00'

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.
DEPUTY COUNTY SURVEYOR _____ DATE _____

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

COUNTY ATTORNEY APPROVAL

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

BEAR RIVER HEALTH DEPT. APPROVAL

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

DIRECTOR OF DEVELOPMENT SERVICES

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY DIRECTOR OF DEVELOPMENT SERVICES ON THIS _____ DAY OF _____, 20____.
BY: _____ DIRECTOR

STAFF REPORT: MENDON SHADOWS PHASE II SUB. 1ST AMEND.

3 MAY 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: Russell Brown

Parcel ID#: 11-009-0031, -0032, -0033, -0034, -0035

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

~5400 West 760 South
Mendon

Current Zoning:

Agricultural (A10)

Acres: 7.44 acres

Surrounding Uses:

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



FINDINGS OF FACT (20)

A. Request description

1. The Mendon Shadows Phase II Subdivision 1st Amendment is a request to remove an easement between Lots 4 & 5 and modify the private road to include a hammerhead turn-around. There are no changes to the size or configuration of the 5-lot subdivision.

B. Parcel legality

2. The original subdivision of the properties was approved in August 2008. The preliminary plat showed a 66-foot wide easement between Lots 2 & 3, but the Planning Commission requested the easement be shifted west between Lots 4 & 5 for a future road, 5500 West, that would connect future developments in the area including the Mendon Shadows Phase I Subdivision to the north. On the recorded plat, the easement is shown between Lots 4 & 5 but the language for the easement still reflects the preliminary plat location between Lots 2 & 3 in error.

C. Authority

3. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The State Division of Water Rights has an approved water right (#25-10872, #a38392) on file for 5.0 domestic water shares, one for each lot of the subdivision.
5. §16.04.080 [B] Sewage Requirements – As no new lots are being proposed, the applicant is not required to provide a septic system feasibility letter for this subdivision. The original subdivision application included a letter dated April 2, 2008 from Bear River Health Department stating that the proposed lots are feasible for shallow onsite wastewater disposal due to high groundwater.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1.*

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. An 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-3 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - 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 required an additional 2.5” depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - f. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information. *See condition #2.*

11. A basic review of the access to the existing lots identifies the following:
- a. Primary access to the property is via 760 South, a private road, which connects to 5400 West, a county road.
 - b. 760 South:
 - i. Was approved as a private road when the existing subdivision was approved and platted in 2008 with the intent that the road would become a through road connecting this subdivision to the Phase I Mendon Shadows Subdivision to the north.
 - ii. A 50-foot wide easement along the southern boundary of the property for the private road was shown on the plat with approximately 30-feet on the subject subdivision and 20-25 feet on the adjacent property to the south, parcel #11-009-0011. Although there is a letter from the adjacent property owner consenting to the easement, the property owner did not sign the plat nor was there an easement recorded against the adjacent property. *See condition #3.*
 - iii. When the private road was approved, it was required to be a minimum width of 20 feet of chip and seal surface.
 - iv. The road is currently 20 feet wide with a thin layer of a chip and seal surface and 2-foot gravel shoulders. No homes have been constructed in the subdivision.
 - v. With the removal of the easement between Lots 4 & 5 there is no longer an intent to connect the private road to the subdivision to the north. The applicant is now proposing to end the private road in a hammerhead turnaround to meet Fire Department access requirements. *See condition #3.*
 - vi. As a private road, the county does not provide maintenance.
 - c. 5400 West:
 - i. Is within a county right-of-way (ROW) and the applicant dedicated their portion of the 33-foot ROW from the centerline of the road at the time the previous plat was recorded; the dedication will be reaffirmed in the amended plat.
 - ii. Has an unknown depth and type of material, however, this is an existing county facility that provides access to the general public. *See condition #2.*
 - iii. Has year round county maintenance at this location.

F. Service Provision

12. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable. Any 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 Paradise Fire Department.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental indicated that collection service will not be provided on the private road due to significant damage the large trucks can inflict on private roads. Consequently, residents of the subdivision will have to place refuse carts on 5400 West for Monday collection. The applicant must work with Logan City Environmental to provide sufficient shoulder space along the road for containers to be placed 3 to 4 feet apart and far enough off the road so they don't interfere with passing traffic. The road is narrow and may require additional shoulder improvements. Alternatively, refuse carts could be placed near the entrance to the subdivision so a collection truck can back into the lane and then pull out. Additional shoulder space may need to be provided on the south side of this lane. *See condition #4*
14. §16.04.080 [D] School Bus Service – The Cache County School District has determined a school bus service evaluation is not needed until a zoning clearance application has been submitted to build a home.

G. Sensitive Areas

15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
a. There are no known sensitive areas within the subdivision.

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 April 2018.
17. Notice was published in the Herald Journal on 22 April 2018.
18. Notices were posted in three public places on 19 April 2018.
19. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 19 April 2018.
20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (4)

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. A Land Disturbance Permit is required for any future development. (*See D-6*)
2. Prior to recordation, the applicant must obtain approval of a design exception from the County Council regarding the surface material type and structural fill of 5400 West. (*See E-10, E-11*)
3. Prior to recording the final plat, the required road improvements, including a turnaround, must be made to the private road, 760 South, that meet the minimum standards for a private road. The design of the private road providing access to the subdivision 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*)
4. Prior to recordation, the applicant must meet Logan City Environmental Services access requirements and provide staff a copy of letter or other approval from Logan City Environmental Services confirming their requirements are being met. (*See F-13*)

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Mendon Shadows Phase II Subdivision 1st Amendment as:

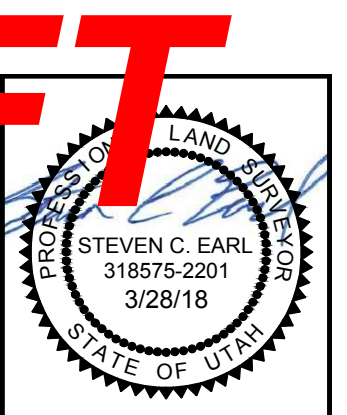
1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

DRAFT

MENDON SHADOW SUBDIVISION PHASE 2 AMENDED
PART OF SOUTHWEST QUARTER SECTION 4, T11N, R1W, SLM
CACHE COUNTY, UTAH

SURVEY CERTIFICATE

I, STEVEN C. EARL, A PROFESSIONAL SURVEYOR, FIDELITY CERTIFICATE NO. 318575-2201, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, WHICH IS ACCURATELY DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS TO BE HEREAFTER KNOWN AS MENDON SHADOW SUBDIVISION PHASE 2 AMENDED, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.



LEGAL DESCRIPTION

PART OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN, LOCATED IN THE COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION;
THENCE N0°22'38"E 281.27 FEET ALONG THE WEST LINE OF SAID SECTION;
THENCE S89°37'22"E 228.07 FEET TO THE POINT OF BEGINNING ON THE EAST LINE OF THE UNION PACIFIC RAILROAD;
THENCE N0°42'50"E 247.52 FEET ALONG SAID EAST LINE;
THENCE S88°35'53"E 1310.67 FEET TO THE WEST LINE OF 5400 WEST STREET;
THENCE S1°29'34"W 247.50 FEET ALONG SAID WEST LINE;
THENCE N88°35'53"W 1307.31 FEET TO THE POINT OF BEGINNING.
CONTAINING 7.44 ACRES, MORE OR LESS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED HEREON, CAUSE THE SAME TO BE SUBDIVIDED INTO LOTS AND PUBLIC STREETS TOGETHER WITH PRIVATE ACCESS AND PUBLIC UTILITY EASEMENTS TO BE HEREAFTER KNOWN AS: MENDON SHADOW SUBDIVISION PHASE 2 AMENDED. FURTHERMORE WE DEDICATE, GRANT, AND CONVEY TO ALL PUBLIC UTILITY AGENCIES, THEIR SUCCESSORS AND ASSIGNS, A PERMANENT EASEMENT AND RIGHT-OF-WAY OVER, UNDER, ACROSS, AND THROUGH THOSE AREAS DESIGNATED ON THIS PLAT AS "PUBLIC UTILITY EASEMENTS" FOR THE CONSTRUCTION AND MAINTENANCE OF SUBTERRANEAN ELECTRICAL, TELEPHONE, NATURAL GAS, SEWER, WATER AND DRAINAGE LINES AND APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS THERETO, WHICH WOULD REQUIRE THAT NO SURFACE CONSTRUCTION BE ALLOWED WHICH WOULD INTERFERE WITH NORMAL UTILITY USE. IT IS UNDERSTOOD THAT IF IT BECOMES NECESSARY TO RELOCATE SAID UTILITIES AT THE INSTANCE OR REQUEST OF ANY PUBLIC ENTITY OR THE OWNER, THE COSTS AND EXPENSES INCURRED THEREBY WILL BE BORNE BY THE OWNER OR THE ENTITY REQUESTING OR REQUESTING THE SAME. FURTHERMORE, WE INCORPORATE ALL NOTES AND RESTRICTIONS AS LISTED HEREON.

MENDON SHADOWS GROUP, LLC

RUSSELL BROWN, MANAGER

ACKNOWLEDGMENT

STATE OF UTAH §
COUNTY OF CACHE §
ON THIS ____ DAY OF _____, IN THE YEAR 2018, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED RUSSELL BROWN, MANAGER OF MENDON SHADOWS GROUP, LLC, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT AND THAT SAID DOCUMENT WAS SIGNED BY HIM ON BEHALF OF SAID MENDON SHADOWS GROUP, LLC BY AUTHORITY OF ITS BYLAWS.
NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY RUSSELL BROWN FOR THE PURPOSE OF REMOVING THE RIGHT-OF-WAY EASEMENT ALONG THE LOT LINE COMMON TO LOTS 2 AND 3 AND TO ADJUST SAID EASEMENT BETWEEN LOTS 4 AND 5. COUNTY MONUMENTS AND SURVEY MONUMENTS FOUND WITHIN THE SUBDIVISION WERE USED TO RE-ESTABLISH ALL BOUNDARIES AS SHOWN. NO MAJOR DISCREPANCIES WERE FOUND.
REBARS W/CAPS STAMPED "STEVEN C. EARL PLS 318575" WERE SET AS INDICATED. REBARS WITH FORESIGHT SURVEYING CAPS WERE HELD WHERE FOUND.

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THIS PLAT AS TO FORM AS REQUIRED BY STATE LAW AND AND COUNTY ORDINANCE.

DATE: _____ CACHE COUNTY ATTORNEY

COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____ TIME _____ FEE _____
INDEX FILED IN: FILE OF PLATS _____
MICHAEL GLEED, COUNTY RECORDER

NOTES & RESTRICTIONS

1. **AGRICULTURAL USES:** CURRENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGHTS, SOUNDS, AND SMELLS ASSOCIATED WITH AGRICULTURAL ACTIVITIES WHICH ARE PERMITTED USES IN THE AGRICULTURAL ZONE AND FOREST RECREATION ZONE.
2. **CULINARY WATER:** CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY OR ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF A ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
3. **STORM WATER DRAINAGE:** NO INCREASED LEVEL OF STORM WATER DRAINAGE SHALL BE ALLOWED TO FLOW FROM ANY PORTION OF ANY LOT OR REMAINDER PARCEL OF THIS SUBDIVISION TO ANY ADJACENT PROPERTIES, DITCHES, CANALS, OR WATERWAYS NOR MAY ANY EXISTING, HISTORIC, OR NATURAL DRAINAGE BE ALTERED WITHOUT PRIOR WRITTEN AUTHORIZATION PROVIDED BY THE AFFECTED PARTY OR ENTITY (MAY INCLUDING BUT IS NOT LIMITED TO: ADJACENT PROPERTY OWNER(S), DITCH OR CANAL COMPANY, CACHE COUNTY, OR THE STATE WATER ENGINEER'S OFFICE.
4. **COUNTY BUILDING SETBACKS** ARE 30' FRONT YARD, 30' REAR YARD, 12' SIDE YARD, 30' SIDE YARD ALONG A ROAD. BUILDING SETBACKS ARE FOR PRIMARY BUILDINGS.
5. **NO SLOPES OF 20% OR GREATER WERE FOUND ON THIS PROPERTY.**
6. **AGRICULTURAL PROTECTION AREA:** THIS PROPERTY IS LOCATED IN THE VICINITY OF AN ESTABLISHED AGRICULTURAL PROTECTION AREA IN WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE BE CONDUCTED ON PROPERTY INCLUDED IN THE AGRICULTURAL PROTECTION AREA. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON THE ACCEPTANCE OF ANY CIRCUMSTANCE RELATED TO LAND USE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

KEY NOTES

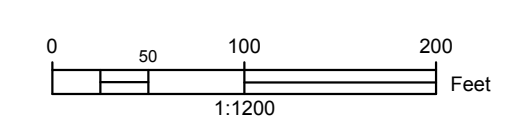
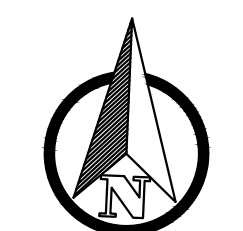
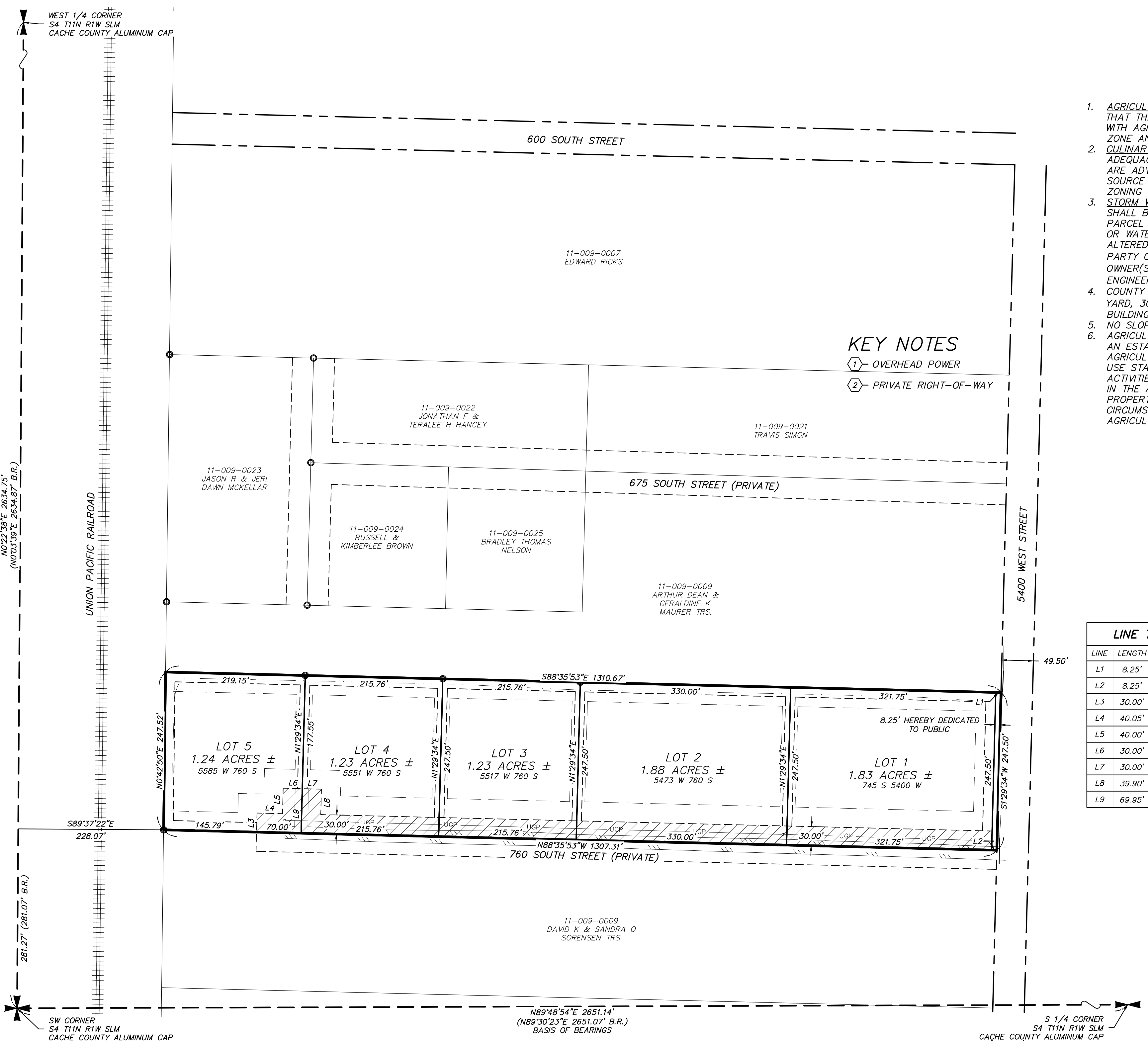
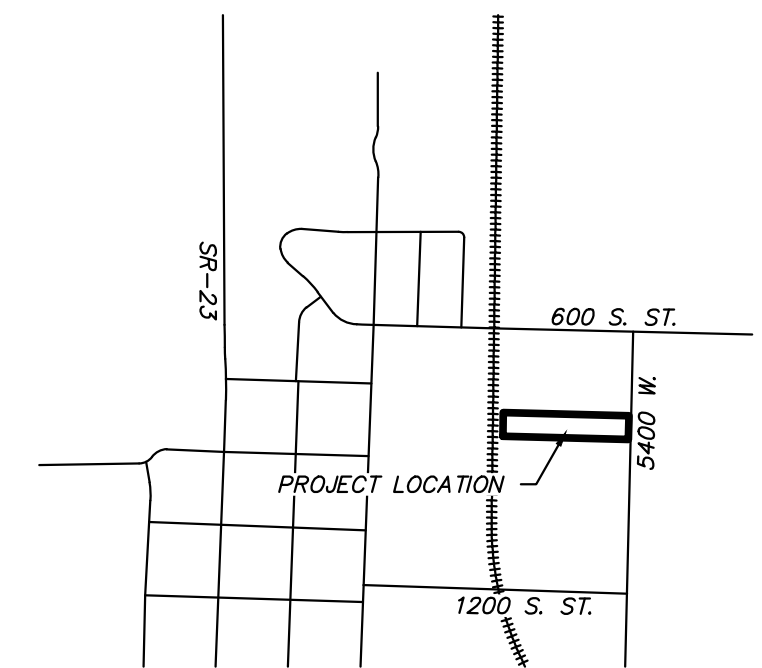
- ① OVERHEAD POWER
- ② PRIVATE RIGHT-OF-WAY

LEGEND

- BOUNDARY
- - - SECTION LINE
- - - NEW LOT LINE
- - - RIGHT-OF-WAY LINE (PUBLIC)
- - - PUBLIC UTILITY EASEMENT *15' WIDE
- - - MAIN BUILDING SETBACK *30' FRONT *12' SIDEYARD/REAR
- ▨ ACCESS RIGHT-OF-WAY (PRIVATE) (ALSO A PUBLIC UTILITY EASEMENT)
- x — FENCE
- UGP — UNDERGROUND POWER
- - - DRAINAGE DITCH
- PROPERTY CORNER
- ⊕ SECTION CORNER

LINE	LENGTH	BEARING
L1	8.25'	S88°35'53"E
L2	8.25'	S88°35'53"E
L3	30.00'	N1°24'07"E
L4	40.05'	S88°35'53"E
L5	40.00'	N1°29'34"E
L6	30.00'	S88°30'26"E
L7	30.00'	S88°30'26"E
L8	39.90'	S1°29'34"W
L9	69.95'	N1°29'34"E

VICINITY MAP



OWNER OF RECORD
SIERRA HOMES CONSTRUCTION INC.
ATTN: JEFF STOCKING
470 N 2450 W
TREMONTON, UT 84337

AUTHORIZED AGENT
MENDON SHADOWS GROUP, LLC
ATTN: RUSSELL BROWN
5554 W 675 S MENDON, UT 84325
(801) 884-7150

CACHE COUNTY COUNCIL
THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THE ____ DAY OF _____, 2018. DATED THIS ____ DAY OF _____, 2018.
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 _____, 2018. DATED THIS ____ DAY OF _____, 2018.

CHAIR

DEPUTY COUNTY SURVEYOR
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY THE COUNTY ORDINANCE AND STATE LAW.

DEPUTY COUNTY SURVEYOR

BEAR RIVER HEALTH DEPARTMENT APPROVAL
THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS ____ DAY OF _____, 2018.
BY: _____ TITLE: _____

FINAL PLAT

MENDON SHADOW SUBDIVISION PHASE 2 AMENDED



Cache • Landmark
Engineers
Surveyors
Planners
95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 28 MARCH 2018
SCALE: 1" = 100'
CALCULATIONS BY: S. EARL
CHECKED BY: J. HANSEN
APPROVED BY: S. EARL
PROJECT NUMBER: 18023BRN
SHEET: 1 of 1

STAFF REPORT: BIRCH HOLLOW SOUTH REZONE

3 May 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: Brad & Joni Schumann

Parcel ID#: 08-091-0015, -0018

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:
5707 North 800 West
Smithfield

Acres: 10.15

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 2 (RU2)

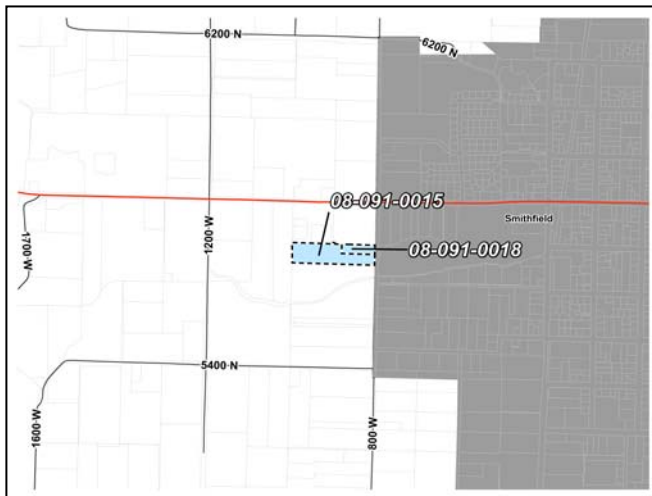
Surrounding Uses:

North – Agricultural/ Residential

South – Agricultural/ Residential

East – Smithfield City

West – Agricultural/ Residential



FINDINGS OF FACT (17)

A. Request description

1. A request to rezone two lots totaling 10.15-acres in the Tom Pitcher Lot Split Subdivision from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of five (5) separate lots as part of a subdivision process including the two existing lots.
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 (Attachments A & B) and in the following text:

a. Land Use Context:

- i.** Parcel status: In December 2004, the subject properties were approved as the Tom Pitcher Lot Split Subdivision. The subdivision approval allowed an approximately 10-acre piece of property to be split into two (2) lots; Lot 1 was 8.62 acres and Lot 2 was 1.53 acres. In December 2016, there was a subdivision amendment done without Land Use Authority. Lot 1 changed from 8.62 acres to 8.24 acres and Lot 2 changed from 1.53 acres to 1.91 acres. Both parcels are now considered restricted. Approval of a rezone will not lift the restriction. To remove the restriction, the lots must either be returned to their originally approved size and configuration or the property owners must complete the subdivision amendment process.
- ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (40 parcels) with a dwelling is 6.4 acres; the average size of parcels (146 parcels) without a dwelling is 11.3 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 (623 parcels) with a house is 0.7 acres; the average size of city parcels (138 parcels) without a house is 2.0 acres (Attachment 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 10.15 acres, the subject parcel cannot be divided into any additional lots under the current 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 adjacent to the subject property are primarily used for agricultural 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 eastern boundary of the proposed rezone borders 800 West, which is part of the western boundary of Smithfield City.

The nearest RU2 zones (parcels 08-208-0001, -0002, -0003, -0004, 08-091-0004) are located immediately adjacent to the subject properties to the north (Attachment B). The Birch Hollow Rezone was a request to rezone two 5-acre properties from the A10 to the RU2 zone and was approved by County Council in May 2017 (Ord. #2017-06). The properties are now part of a 4-lot subdivision (“Birch Hollow Subdivision”) approved by the Planning Commission in January 2018. Immediately east of this RU2

zone, is the West Acres Rezone that was approved by the County Council in March 2018 (Ord. # 2018-03).

There is another RU2 zone (parcels 08-206-0001, -0002, -0003, -0004) approximately one-mile away near a northern boundary of Smithfield City. This RU2 rezone (“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 possible 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.

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

7. A basic review of the access to the existing subdivision identifies the following:
 - a. The existing lots have frontage along and gain access from 800 West:
8. 800 West:
 - a. Is a Smithfield City road.
 - b. The applicant provided a letter from the Smithfield City Mayor, Jeffrey Barnes, stating the City has no objection to the rezone request as the applicants have indicated to Smithfield City that any additional developable lots that are created as a result of the rezone will take access from SR 218, a UDOT facility, not 800 West.

To access the property from SR 218, a private road that was approved to service 4 lots in the Birch Hollow Subdivision to the north would have to be extended to the subject property. The County Road Manual permits a private road to serve up to 30 average daily trips, which equates to three residences, without approval of a design exception. If this private road were to provide access to the subject property upon approval of a rezone request, it would provide access to a total of 7-8 lots with the potential of more houses requesting access from the private road in a pending new 7-lot subdivision to the south (i.e., Creekside Estates Subdivision).

The County Road Manual (“Manual”) does not permit dead-end roads longer than 500 feet, unless it is a temporary dead end road that is intended to become a through road in the

future and meets other requirements. Per the definition in the Manual, private roads are not intended to be through roads. The County does not maintain private roads.

- c. Exceptions have been allowed for previous requests to allow private roads that serve more than three single-family dwellings. However, the County Road Department has discouraged the continuance of this practice, and roads serving more than 3 single-family dwellings must be on public roads.
 - d. Resolution No. 2015-20 – In August 2015, the Cache County Council reviewed the impact of new development along unimproved roadways on the safety and welfare of citizens of Cache County. Further, the Council determined that given the existing budget constraints there is not funding sufficient for the existing roadways to be properly maintained. Consequently, the Council adopted Resolution No. 2015-20 limiting expansion of road services on substandard roads including no expansion of winter maintenance and no acceptance of new roadways, gravel or paved. Constructing a new public road to potentially services these developments is inconsistent with the County Resolution.
 - e. If the rezone is approved, 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.
9. SR 218:
- a. Is a UDOT facility.
 - b. The applicant has met with UDOT to discuss the possibility of increasing access from SR218.

D. Service Provisions:

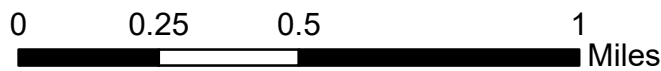
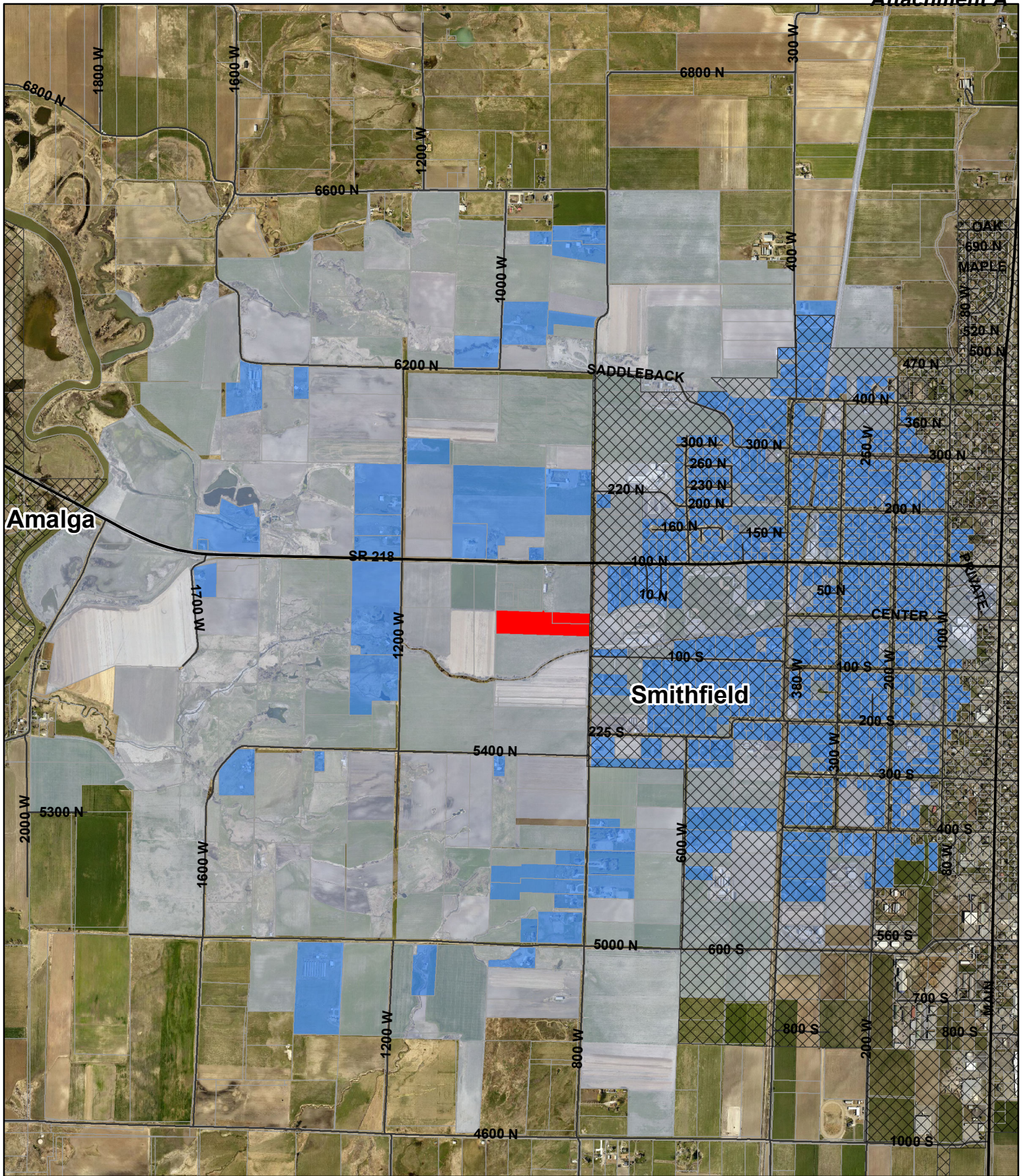
10. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the individual properties must be reevaluated and may require improvements based on the location of any proposed structure on the respective lots. Water supply for fire suppression is provided by the Smithfield Fire Department.
11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides service in this area but had no comments on the rezone request. However, they did state that any future residential development will have to bring the residential refuse carts to 800 West for collection.

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

12. Public notice was posted online to the Utah Public Notice Website on 18 April 2018.
13. Notice was published in the Herald Journal on 22 April 2018.
14. Notices were posted in three public places on 18 April 2018.
15. Notices were mailed to all property owners within 300 feet on 19 April 2018.
16. Smithfield City was notified by email on 10 April 2018.
17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONCLUSION

The Birch Hollow South Rezone, a request to rezone 10.15 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone 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.



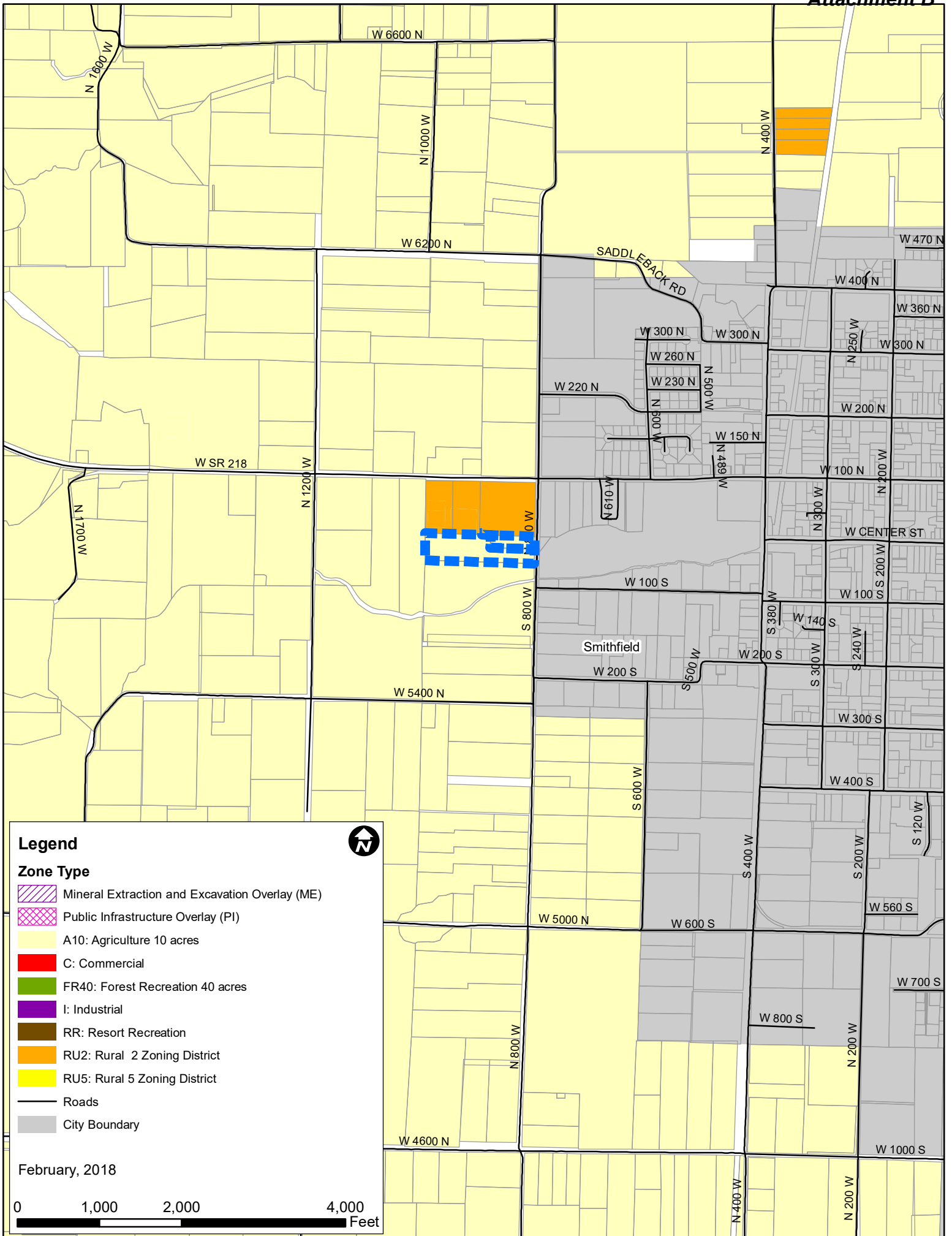
Legend

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

Average Parcel Size Without a Home: 11.3 Acres (146 Parcels)
Average Parcel Size With a Home: 6.4 Acres (40 Parcels)
Average Parcel Size Without a Home in Smithfield: 2 Acres (138 Parcels)
Average Parcel Size With a Home in Smithfield: 0.7 Acres (623 Parcels)














April 2018



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

February, 2018

0 1,000 2,000 4,000 Feet



Zanavoo Property – A request to amend the Cache County Land Use Ordinance (Land Use Code)

This amendment is being pursued by the property owner of the Zanavoo property (3.77 ac.) in Logan Canyon where they intend to place approximately 34 apartment units (Attachment 1). The existing Commercial Zone allows a maximum of 2 units per acre and a 0.5 acre minimum lot size. This allows a maximum of 7 units on the property.

The intent of this staff memo is to expand the focus and impacts of the request beyond a single property, and to examine the proposal to amend the Land Use Code in the larger context of the county.

An initial request to amend the Land Use Code was previously submitted for Planning Commission discussion (Attachment 2). Staff responded to that request with a memorandum issued on March 20, 2018 (Attachment 3). After reviewing staff’s response to the memorandum, the initial request was then withdrawn by the applicant and the second, specific request was submitted to amend the Land Use Code (Attachment 4) to allow multi-family development. This second request is focused on amending sections 17.09.030 Schedule of Uses by Zoning District, and 17.10.030 Development Density and Standards Specific to Base Zoning Districts.

Proposed amendment 1: §17.09.030, Schedule of Uses by Zoning District: Replace “N” with a “P” under the “C” column for Use Type 1300 Multi-Family Dwelling.

Staff discussion:

“N” = Prohibited;

“P” = Permitted without review and permit from the Land Use Authority.

“C” references the Commercial Zone.

The proposed amendment allows Use Type 1300 Multi-Family Dwelling, currently a prohibited use in the Commercial Zone (C), as a permitted use in the C zone. As a permitted use, it removes any future proposals from the review and permitting of the Land Use Authority prior to issuance of a building permit.

Currently, Use Type 1300 Multi-Family Dwelling is a use type that is only permitted as a conditional use in the Resort Recreation (“RR”) Zone. This use allows “A building or portion thereof containing two or more dwelling units”. The RR zone accommodates large scale development that includes a minimum area of 2,000 acres, additional requirements such as ski or golf facilities, and at least one residential/commercial core. Conditional Use Permit (CUP) review is under the authority of the Planning Commission.

Proposed amendment 2: §17.10.030, Development Density and Standards Specific to Base Zoning Districts, be amended to include a sub-section paragraph “D” to read as follows:

“Multi-Family Dwellings, 1300, shall be a permitted use within Commercial Zones at a density limited at 15 total Dwelling Units per acre regardless of the size of each Dwelling Unit, with the size of each Dwelling Unit not to exceed 2,000 square feet, and shall be subject to all applicable commercial development standards pursuant to Chapter 17.10.”

Staff discussion:

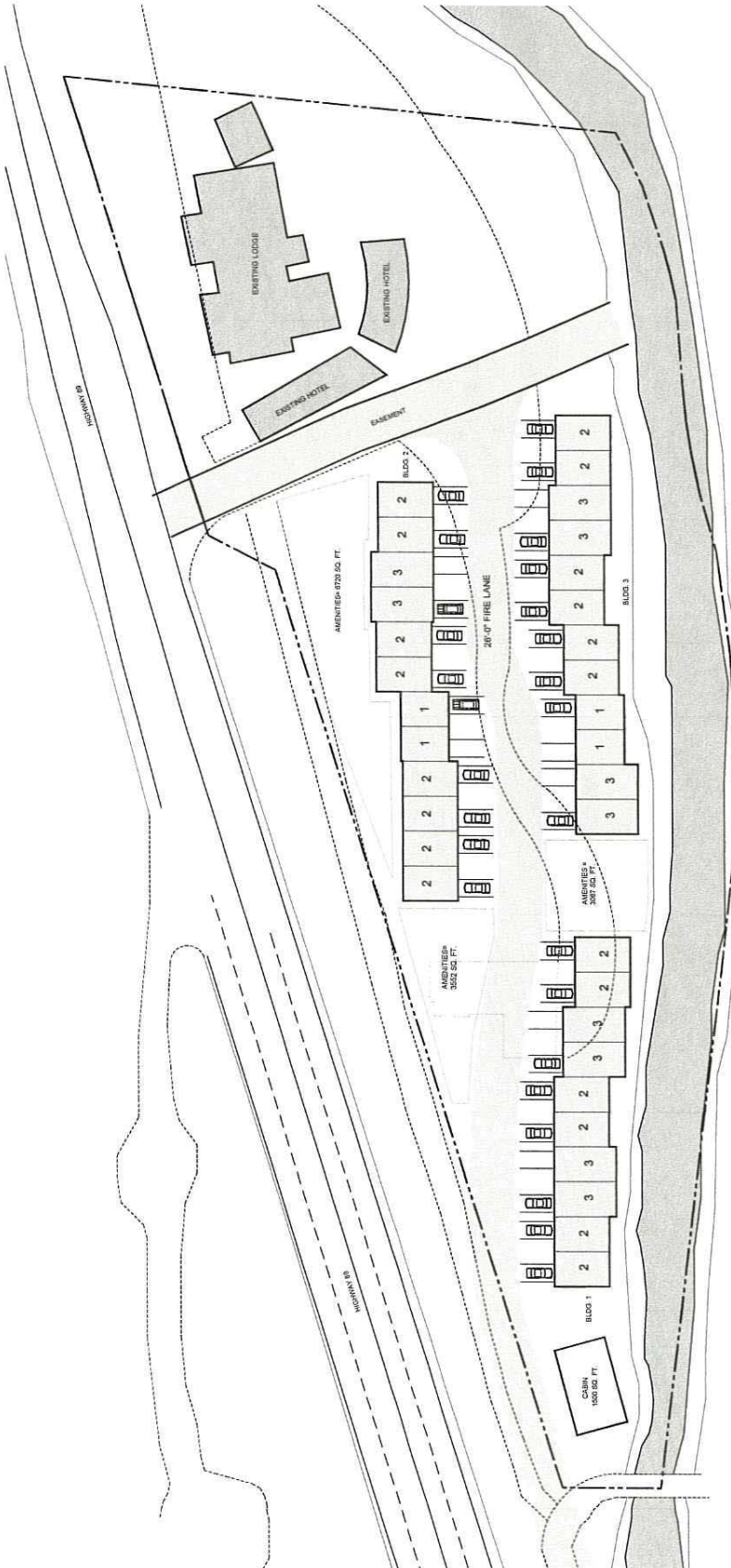
As stated in the first memorandum (Attachment 3) as part of the discussion under Option 1, and in the context of Cache County, this request is for an urban type of development typically found in cities. Cache County is a rural county that does not provide urban type services, and does not have the necessary standards, policies, or supporting infrastructure to begin providing such services. While this request is directed to the Zanavoo property, it also applies to the 28 other properties currently zoned Commercial, and to any future Commercial rezones of property in the unincorporated county.

An amendment of this type, that significantly increases the potential density of residential development, is best considered during or following the update to the county general plan. It is anticipated that the next general plan update will begin in 2019. This allows adequate county review and public comment prior to a decision by the County Council.

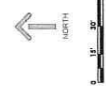
Staff conclusion

Staff has identified and recommends that this request to amend the County Land Use Ordinance be denied based on the following conclusions:

1. Cache County is a rural county that does not provide urban type services, and does not have the necessary standards, policies, or supporting infrastructure to begin providing such services.
2. The amendment as proposed, to allow multi-family housing as a permitted use in the Commercial Zone, significantly increases the potential density of residential development and is best considered during or following the future update to the county general plan, in order to allow sufficient county review and public comment.



BUILDING 1 FOOTPRINT: 8771 SQ. FT.	10% GARAGE STALLS: 4 UNITS
OVERALL: 10000 SQ. FT.	20% GARAGE STALLS: 8 UNITS
HEATED SPACE: 10000 SQ. FT.	30% GARAGE STALLS: 12 UNITS
BUILDING 2 FOOTPRINT: 2240 SQ. FT.	10% GARAGE STALLS: 4 UNITS
OVERALL: 2240 SQ. FT.	20% GARAGE STALLS: 8 UNITS
HEATED SPACE: 2240 SQ. FT.	30% GARAGE STALLS: 12 UNITS
BUILDING 3 FOOTPRINT: 2340 SQ. FT.	10% GARAGE STALLS: 4 UNITS
OVERALL: 2340 SQ. FT.	20% GARAGE STALLS: 8 UNITS
HEATED SPACE: 2340 SQ. FT.	30% GARAGE STALLS: 12 UNITS





Stephen F. Noel

2225 Washington Blvd., Ste. 200
Ogden, Utah 84401
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(801) 476-0399, Facsimile
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February 27, 2018

DAVID L. KNOWLES*

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M. DARIN HAMMOND*

KENYON D. DOVE

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BURT R. WILLIE

THOMAS W. FARRELL

BLAKE D. JOHNSON

KEN BROWN

MELVEN E. SMITH
Of Counsel

J. Scott Buehler*
Of Counsel

Mara Brown
Of Counsel

Chris Harrild
Cache County Planning Manager
Chris.harrild@cachecounty.org

Re: Zanavoo Property

Dear Chris:

As you know, we have the pleasure of representing John Brandley and his respective entities with respect to the Zanavoo Property located in Logan Canyon. You and I spoke a few days ago about this property and the hopeful changes to zoning that my client would like to pursue. As a result of that conversation, we agreed to provide you with some specifics regarding what we might propose in order to maximize the use of that property. We understand that you have a meeting coming up and wanted to be able to get this to you before then so it may be considered. If you have any questions or concerns, or would simply like to talk through these options further, I would be very happy to do so.

To begin, the Zanavoo Property is fairly unique within Cache County. Simply put, its traditional use is no longer viable. Obviously, property owners and county officials come at these issues from differing perspectives. It is no secret that the developer is hopeful to develop the property in such a way as to turn a profit, while the county is more interested in protecting the health and welfare of the county and to promulgate sensible and responsible development of property throughout the county. However, those interests also have a common purpose of maximizing the effective use of property within the county and avoiding property that is unusable or becomes a negative "asset" within the county.

To this end, it is clear to us that the Zanavoo Property is not viable within its historic use. If we are not able to find a way to allow it to be used in a different manner, the property will remain largely unoccupied and unused, or at best it may be sold as a transient/motel property but will most likely fail and

*Licensed in Multiple States

go from one failed owner to the next. It is for this purpose that we ask for the county's vision and cooperation in finding a way to allow this current property to be refitted to allow for multi-family use, mainly apartments. These apartments would likely be in high demand and would also likely serve the USU professor community and other professionals. We have noted that currently there is no zone within Cache County that permits multi-family use. In fact, there is only one zone, the Resort Recreational Zone, which allows for multi-family use under a conditional use permit. We also note that there is very little commercially zoned property within the county.

Accordingly, our first proposal would be to permit multi-family use within the currently existing commercial zones in Cache County. We further propose that the density be limited to a Unit Equivalent Density of 15 Equivalent Units per acre regardless of the type of multi-family residential use, as identified and defined in 17.14.080. There are very few commercial zones in Cache County that would be impacted by this change. Furthermore, the Equivalent Unit Density is still somewhat low, thereby minimizing the same impact.

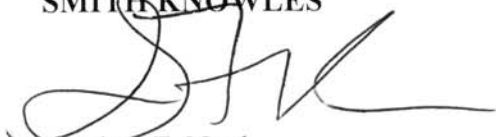
The second option would be to rezone the Zonavoo Property as Resort Recreational, with a clarification that the multi-family use within this zone be permitted instead of conditional. This would be preferred. However, regardless of whether it is conditional or permitted, we believe that this zone will allow for multi-family use such as apartments within the Zonavoo Property. Again, by permitting multi-family use within this zone, we would be limiting it to, again, 15 Equivalent Units with respect to permitted dwellings. This, again, would minimize the impact.

Lastly, a third option is to create a new zone. As I pointed out, Cache County is really without any type of multi-family zone. It permits multi-family as a conditional use under the Resort Recreation Zone only, but the county could do well to have a separate multi-family zone that would allow for such housing within the county. Once this zone is adopted, we would request that the Zonavoo Property be rezoned to this multi-family zone. I have enclosed with this letter a rough draft of certain terms and elements of such a proposed zone.

I very much look forward to discussing these options with you. It is our goal to achieve approval of the planning department such that a favorable recommendation could be made to the county commission. I look forward to hearing from you.

Sincerely,

SMITH KNOWLES



Stephen F. Noel

cc: John Brandley

LOGAN CANYON MULTIPLE-FAMILY RESIDENTIAL ZONE

Purpose and intent.

The purpose of this Zone classification is to provide residential areas that will accommodate the development of certain multi-family dwelling types with their associated necessary public services and activities compatible with and sensitive to the unique qualities and concerns of Logan Canyon. It is also to provide an orderly transition from less intensive, lower density uses to more compatible intensive, higher density uses.

Permitted uses.

The following uses are permitted in the Logan Canyon Multiple-Family Residential Zone:

- (1) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (2) Agriculture.
- (3) Educational institution, including conference, convention and retreat uses.
- (4) Golf course, except miniature golf course.
- (5) Greenhouse for private use only.
- (8) Multi-Family Residential with a Unit Equivalent Density of 20 Equivalent Units per acre, regardless of the type of multi-family residential use, as identified and defined in 17.14.080.
- (6) Home occupations.
- (7) Household pets.
- (8) Parking lot accessory to uses permitted in this zone.
- (9) Public building, public park, recreation grounds and associated buildings.
- (10) Private park, playground, or recreation area, but not including privately owned commercial amusement business.
- (11) Single-family dwelling.
- (12) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (13) Two-family dwelling.
- (14) Reception and catering facilities.

Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit as provided in this Land Use Code.

- (1) Bachelor and/or bachelorette dwelling with 25 or more dwelling units.
- (2) Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.
- (3) Day care center.
- (4) Educational/institutional identification signs.
- (5) Multi-Family Residential with a Unit Equivalent Density of greater than 20 Equivalent Units per acre, regardless of the type of multi-family residential use, as identified and defined in 17.14.080.
- (6) Nursing home.
- (7) Planned residential unit development, in accordance with this Land Use Code.

(8)Public utility substations.

(9)Water storage reservoir developed by a public agency and meeting requirements of this Land Use Code.

(10)Church, synagogue or similar permanent building used for regular religious worship.

(11)Library or museum, public or nonprofit.

(12)Residential facility for handicapped persons meeting the requirements of this Land Use code.

(13)Residential facility for elderly persons meeting the requirements of this Land Use code.



MEMORANDUM

20 March 2018

Zanavoo Property – Ordinance amendment discussion

A request to amend the County Land Use Ordinance has been submitted for Planning Commission discussion (Attachment 1). This request is focused on the residential development of the Zanavoo property (3.77 ac.) in Logan Canyon, and provides three proposed options for amendment. The perceived intent of the applicant is to determine which of the three options is most likely to provide a positive result for the property owner.

This request is being pursued as the property owner is seeking to place approximately 34 apartment units on this property (Attachment 2). However, the existing Commercial Zone allows a maximum of 2 units per acre and a 0.5 acre minimum lot size. This would allow a maximum of 7 units on the property.

1300 Multi-Family Dwelling is a use type that is only permitted as a conditional use in the Resort Recreation Zone. This use allows “A building or portion thereof containing two or more dwelling units”. The RR zone accommodates large scale development that includes a minimum area of 2,000 acres, additional requirements such as ski or golf facilities, and at least one residential/commercial core.

The intent of this staff memo is to expand the focus and impacts of the request beyond the specific property in question, and to examine the proposed options in the larger context of the county and Cache County Land Use Ordinance.

The proposed options have been presented in abbreviated form below, followed by staff discussion for each item.

Option 1: Amend the Commercial Zone to allow multi-family housing at a density of 15 units per acre.

Staff discussion – The existing purpose of the Commercial Zone is to, “To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the county's tax base.”

This request is for an urban type of development typically found in cities. Cache County is a rural county that does not provide urban type services. While this request is directed to the Zanavoo property, it also applies to the 28 other properties currently zoned Commercial, and to any future Commercial rezones of property in the unincorporated county.

The uses that allow dwelling units in the Commercial Zone are conditionally permitted and are limited to a brief stay of less than 30 consecutive days. These uses include: 4100 Recreational Facility, 4300 Transient Lodging, and 4310 Bed and Breakfast Inn.

A unit density of 15 units per acre on the 3.77 acre property would allow a maximum of 56 units, an increase of 47 units or ~670%. If this option were pursued, at a minimum:

- An analysis addressing the impacts of multi-family dwellings in commercial zones must be completed.
- The purpose of the Commercial Zone must be significantly amended as the primary use would be multi-family residential under the proposal with limited to no commercial uses.
- The use related definition 1300 Multi-Family Dwelling must be reviewed and revised to reflect a different application than intended, or a new use related definition must be created.

This density of development is more reflective of downtown Logan rather than the unincorporated county. An amendment of this type that significantly increases the potential density or residential development may be best considered during or following an update to the county general plan. This would allow adequate county review and public comment prior to possible adoption. It is anticipated that the next general plan update will begin in 2019.

Option 2: Rezone the Zanavoo property from the Commercial Zone to the Resort Recreation (RR) Zone and allow housing at a density of 15 units per acre as a permitted rather than a conditional use.

Staff discussion – The RR zone accommodates large scale development that is a minimum area of 2,000 acres, and includes additional requirements such as ski or golf facilities and at least one residential/commercial core. In order to accommodate the Zanavoo property, the purpose of the RR Zone would have to be amended and the entirety of that section of code (17.14 Resort Recreation (RR) Zone) would have to be rewritten, essentially creating a new zone.

If such an option is pursued, it is best considered during or following an update to the county general plan. This would allow adequate county review and public comment prior to possible adoption. It is anticipated that the next general plan update will begin in 2019.

Option 3: Create a new zone – Logan Canyon Multiple-Family Residential Zone.

Staff discussion – As a practice, jurisdictions do not typically craft zoning specific to a single parcel. This has in the past led to complicated to dysfunctional zoning ordinance that don't treat similar properties with similar regulations.

If such an option is pursued, the creation of a new zone is best considered during or following an update to the county general plan. This would allow adequate county review and public comment prior to possible adoption. It is anticipated that the next general plan update will begin in 2019.

Staff conclusion

At this time, and after reviewing the proposed options, staff has not discovered sufficient justification to recommend any of the options and promote the addition of multi-family housing to the County Land Use Ordinance. Staff has identified that the discussion regarding multi-family housing is best served during the future general plan update process.



Cache
County
1857

DEVELOPMENT SERVICES DEPARTMENT

BUILDING | COUNTYWIDE PLANNING | ENGINEERING | GIS | PLANNING & ZONING

APPLICATION: ORDINANCE AMENDMENT

Date Received:	By:	Receipt #:	Amount:	Check #:
4/4/18	[Signature]	11231	450	23050/1003

1. Applications are accepted by appointment only. Call (435) 755-1640 to set an appointment.
2. The items indicated in the attached checklist must accompany this application.
3. Incomplete applications are not accepted.
4. Late applications are held for the next meeting's agenda.
5. The application fee is not refundable.
6. Any information submitted with this application becomes public record and is posted online.

ORDINANCE INFORMATION

Ordinance Section(s): 17.09.030 and 17.10.030

Affected Zones: Commercial

AGENT CONTACT INFORMATION

Agent Name: Stephen F. Noel Email: snoel@smithknowles.com

Phone: 801-476-0303 Mailing Address: 2225 Washington Blvd., Ste. 200
Ogden, Utah 84401

REVIEW PROCESS

- 1) Staff will review the application with the applicant to ensure that the information submitted is sufficient to completely review the request.
- 2) Complete applications are forwarded to the necessary county departments for review and comment. The application, site visits, and department reviews are used in the preparation of the staff report that is presented to the county land use authority and is available to all interested parties and is posted online at <http://www.cachecounty.org/pz/>.
- 3) Notices are posted in the Herald Journal. Agendas are posted online at www.cachecounty.org and at <http://www.utah.gov/pmn/index.html>.
- 4) Projects requiring County Council approval are placed on the next available council agenda once the Planning Commission has made a recommendation. Staff forwards the staff report, the Planning Commission's recommendation, and any other pertinent information for County Council's review.

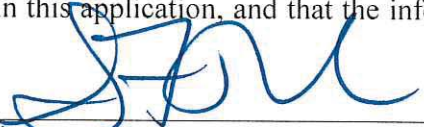
ORDINANCE AMENDMENT - APPLICATION CHECKLIST AND ACKNOWLEDGMENT:

A complete application must include the items noted below unless specified otherwise. Further information may be required by staff, other departments and agencies, and/or the authority that reviews the application based on the proposed amendment.

- 1) A completed application form and *non-refundable* review fees (cash or check):
 Fee as determined. *See enclosed checks (\$400.00 and \$50.00)*
- 2) A copy of the proposed ordinance amendment and any supporting materials.
See attached and incorporated letter dated 4-4-18

ACKNOWLEDGMENT

I, Steph F. Noel of Smith Knudsen, P.C. the undersigned agent acknowledge that I have read and understand the information and requirements presented in this application, and that the information I have provided is accurate and complete.


 Signature _____ Date 4-4-18

2018 MEETING DATES AND APPLICATION DEADLINES					
PLANNING COMMISSION (1 st Thursday of each month*)		COUNTY COUNCIL (2nd & 4th Tuesday*)		BOARD OF ADJUSTMENTS (3 rd Thursday of each month)	
Application Deadline 3:00 PM	MEETING DATE 5:30 PM	MEETING DATE 5:00 PM	Application Deadline 3:00 PM	MEETING DATE 6:00 PM	
6 Dec	4 Jan	9 Jan	28 Dec	18 Jan	
3 Jan	1 Feb	23 Jan	24 Jan	15 Feb	
31 Jan	1 Mar	13 Feb	21 Feb	15 Mar	
28 Feb	5 Apr	27 Feb	28 Mar	19 Apr	
4 Apr	3 May	13 Mar	25 Apr	17 May	
2 May	7 Jun	27 Mar	30 May	21 Jun	
6 Jun	12 Jul*	10 Apr	27 Jun	19 July	
5 Jul*	2 Aug	24 Apr	25 Jul	16 Aug	
1 Aug	6 Sep	8 May	29 Aug	20 Sep	
5 Sep	4 Oct	22 May	26 Sep	18 Oct	
3 Oct	1 Nov	12 Jun	24 Oct	15 Nov	
31 Oct	6 Dec	26 Jun	28 Nov	20 Dec	
		10 Jul			
		31 Jul*			
		14 Aug			
		28 Aug			
		11 Sep			
		25 Sep			
		9 Oct			
		23 Oct			
		13 Nov			
		27 Nov			
		4 Dec*			
		11 Dec*			

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April 4, 2018

Chris Harrild
Cache County Planning Manager
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KEN BROWN

MELVEN E. SMITH
Of Counsel

J. Scott Buehler*
Of Counsel

Mara Brown
Of Counsel

Re: Zanavoo Property
Application for Code Amendment¹

Dear Chris:

Thank you for your response to our earlier inquiry presenting three alternatives for the zoning and use of the Zanavoo Property. On behalf of John Brandley and USU Independence, LLC, the interested/titled parties in and to the Zanavoo Property (the "Property"), we are submitting a formal application for the amendment of certain Cache County ordinances in order to maximize the better use of the Property. The detail follows below, but the general request to allow for a limited, but marketable, allowance for multi-family use at the Property, which currently is zoned as Commercial.

The traditional or "transient" use of the Property is no longer viable, and hasn't been for many years. As a result, the Property regularly changes ownership, with its use being sporadic, limited and patched together. Maintenance has become an issue. It's one of the first developments people see as they enter Cache County to the east, or the last thing they see as they leave Cache County to the west. Our goal is to make the Property viable, vibrant, usable and beneficial. To do this, it must be profitable and have a place in the market.

Currently, commercially zoned properties within the county do allow for two dwelling units per acre. While this is lower than what we propose, living or dwelling units in a commercial zone are currently allowed. Also, a larger number of "beds" or living quarters are allowed in commercial zones. In fact, I believe 15 beds per acre are allowed. Admittedly, these are "transient" beds, or hotel, motel, bed and breakfast, etc. However, even so, patrons are allowed

*Licensed in Multiple
States

¹ The fee of \$450.00 and the Application are attached and incorporated herein by this reference.

to stay up to 30 consecutive days at a time. Accordingly, the effective and meaningful distinction between a 30 day occupant and a more permanent occupant, is negligible.

After reading your memorandum, it occurred to me that I was not very artful in presenting our proposed unit limitation. We are not proposing that up to 56 units be allowed. Rather, we are proposing that a maximum of 15 units be imposed, regardless of their size. For example, whether it is a 500 square foot dwelling, or a 2,000 square foot dwelling, we propose that only 15 be allowed. This would cap the number of dwellings at around the same as that for transient properties.

To this end, it is clear to us that the Zanavoo Property is not viable within its historic use. If we are not able to find a way to allow it to be used in a different manner, the property will remain largely unoccupied and unused, or at best it may be sold as a transient/motel property but will most likely fail and go from one failed owner to the next. It is for this purpose that we ask for the county's vision and cooperation in finding a way to allow this current property to be refitted to allow for multi-family use, mainly apartments. These apartments would likely be in high demand and would also likely serve the USU professor community and other professionals. We have noted that currently there is no zone within Cache County that permits multi-family use. In fact, there is only one zone, the Resort Recreational Zone, which allows for multi-family use under a conditional use permit.

Accordingly, we propose to amend the following ordinances as set forth below:

17.09.030 (1300) to replace the "N" with a "P" under the "C" column.


17.10.030 should be amended to include a paragraph "D" to read as follows: *Multi-Family Dwellings, 1300, shall be a permitted use within Commercial Zones at a density limited at 15 total Dwelling Units per acre regardless of the size of each Dwelling Unit, with the size of each Dwelling Unit not to exceed 2,000 square feet, and shall be subject to all applicable commercial development standards pursuant to Chapter 17.10.*

These changes will allow the Zanvoo Property to thrive and to be relevant again. This would not convert the purpose of Commercial Zones to multi-family use. Rather, multi-family use would be only one among many uses, and it will be severely limited in the number of units allowed. Some commercial uses already allow people to sleep, eat, shower, park a car, accept guests, etc. in a living unit and at much the same "density," except for periods less than 30 days. As I am sure you know, the knock against multi-family housing has now largely been debunked, and, in fact, multi-family housing has proven to have a positive impact on communities. The county does not lose all control over the housing and may still regulate it, but it should be permitted. It's sorely needed. Allowing this change will not turn Cache County into downtown Logan. Rather, it will allow people to actually live in the county, which, at this point, is all but impossible, unless one intends to go skiing or to visit a bed and breakfast, but only if one stays less than 30 days.

These changes are needed. They are minimal. They will allow the Zanavoo Property to become something beneficial to the community and, I believe, something the county will be commended for allowing.

Sincerely,

SMITH KNOWLES



Stephen F. Noel

cc: John Brandley