



**4:45 p.m.**

Workshop in the County Council Chambers.

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Chris Sands

Review and approval of agenda.

Review and approval of the minutes of the 12 July 2018 meeting.

**5:35 p.m.**

**Consent Items**

1. **Ron Stagg Subdivision 1<sup>st</sup> Amendment** – A request to amend the boundaries of Lots 1, 2, & 3, create an agricultural remainder, and remove unpermitted divisions of a previously approved 3-lot subdivision located at 5236 North 2400 West, Benson, in the Agricultural (A10) Zone.
2. **Wellsville Rising Subdivision** – A request to create a new 4-lot subdivision located at approximately 4600 West Hwy 23, near Wellsville, in the Agricultural (A10) Zone.

**Continued Items**

3. **Creekside Estates Subdivision** – A request to create a new 7-lot subdivision located at approximately 800 West 100 South, Smithfield, in the Agricultural (A10) Zone. *Continued from June 14, 2018.*

**Regular Action Items**

4. **Public Hearing (5:45 p.m.): Applewood Hollow RU5 Rezone** – A request for a recommendation of approval to the County Council for a rezone of 12.50 acres, located at 4642 Hollow Road, near Nibley, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
5. **Public Hearing (6:00 p.m.): Walker Property Rezone** – A request for a recommendation of approval to the County Council for a rezone of 10.0 acres, located at approximately 1500 West 4400 South, near Hyrum, from the Agricultural (A10) Zone to the Industrial (I) Zone.
6. **Discussion:** Amendment to Title 17.07 regarding Accessory Apartments
7. **Training:** Meeting Procedures

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.



<u>Item</u>	<u>Page</u>
<b><u>Consent Items</u></b>	
1. One Sixty Five Subdivision.....	2
2. View of the Valley Subdivision.....	2
3. June West Cowley Lot Split Subdivision 3 <sup>rd</sup> Amendment.....	3
4. R Rafter L Subdivision 1 <sup>st</sup> Amendment .....	2
5. Willden Pond Subdivision 1 <sup>st</sup> Amendment .....	2
6. Brooksby Creek Subdivision 1 <sup>st</sup> Amendment .....	2
7. Larsen CUP Subdivision 1 <sup>st</sup> Amendment.....	2
8. Wendell Smith Lot Split Subdivision 1 <sup>st</sup> Amendment .....	2
<b><u>Regular Items</u></b>	
9. Public Hearing: Apple Wood Hollow Rezone.....	3
10. 80 Acres Conditional Use Permit .....	3
11. Cherry Peak Ski Area Conditional Use Permit 2 <sup>nd</sup> Amendment.....	5
12. Public Hearing: Amendment to Title 17.07 regarding Parcel Legality.....	6
13. Discussion: Amendment to Title 17.07 regarding Accessory Apartments.....	6

1 **Present:** Angie Zetterquist, Chris Harrild, Josh Runhaar, Nolan Gunnell, Lane Parker, Brady  
2 Christensen, Phillip Olsen, Chris Sands, Jon White, Lee Edwards, Megan Izatt

3  
4 **Start Time: 05:31:00**

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

7  
8 **05:33:00**

9  
10 **Agenda**

11  
12 **Gary Anderson** requested **#2 View of the Valley Subdivision** be removed from consent  
13 calendar. Request approved.

14  
15 Agenda approved with one change.

16  
17 **05:35:00**

18  
19 **Minutes**

20  
21 *Parker* motioned to approve minutes; *Gunnell* seconded; *Passed 5, 0.*

22  
23 **05:35:00**

24  
25 **Consent Items**

26  
27 **#1 One Sixty Five Subdivision**

28  
29 **#3 June West Cowley Lot Split Subdivision 3<sup>rd</sup> Amendment**

30  
31 **#4 R Rafter L Subdivision 1<sup>st</sup> Amendment**

32  
33 **#5 Willden Pond Subdivision 1<sup>st</sup> Amendment**

34  
35 **#6 Brooksby Creek Subdivision 1<sup>st</sup> Amendment**

36  
37 **#7 Larsen CUP Subdivision 1<sup>st</sup> Amendment**

38  
39 **#8 Wendell Smith Lot Split Subdivision 1<sup>st</sup> Amendment**

40  
41 *Olsen* motioned to approve the consent agenda; *Sands* seconded; *Passed 5, 0.*

42  
43 **05:36:00**

44

45

1 **Regular Agenda Items**

2  
3 **#2 View of the Valley Subdivision**

4  
5 **Gary Anderson** commented regarding roads.

6  
7 **Christensen** asked Mr. Anderson to identify the road he was concerned with.

8  
9 **Mr. Anderson** responded that the road does not seem to be wide enough for the existing homes  
10 and does not seem to meet the needs of new development.

11  
12 **Staff** and **Commission** discussed the roads and the conditions being required for the roads.

13  
14 ***Olsen** motioned to approved View of the Valley Subdivision with the noted findings of facts,  
15 conclusions, and conditions; **Parker** seconded; **Passed 5, 0.***

16  
17 **05:44:00**

18  
19 **#9 Public Hearing (5:40 p.m.): Applewood Hollow Rezone**

20  
21 **Zetterquist** updated the Commission that the applicant has withdrawn the application. **Runhaar**  
22 commented that a public hearing must be conducted despite the withdrawal as it had been  
23 noticed.

24  
25 **05:45:00**

26  
27 ***Sands** motioned to open the public hearing for the Applewood Hollow Rezone; **Gunnell**  
28 seconded; **Passed 5, 0.***

29  
30 **05:45:00**

31  
32 ***Olsen** motioned to close the public hearing for the Applewood Hollow Rezone; **Parker** seconded;  
33 **Passed 5, 0***

34  
35 **05:46:00**

36  
37 **#10 80 Acres Conditional Use Permit**

38  
39 **Zetterquist** reviewed the staff report for the 80 Acres Conditional Use Permit.

40  
41 **Mike Cardall** commented that he plans to spend \$150,000 on improvements for the land and  
42 gave an overview of what he would like to do with the land. He expressed concerns with  
43 condition 12 and asked that the requirement be removed or amended.

44  
45 **Parker** asked if the land is currently farmed and about dust control and water availability.

1 **Mr. Cardall** responded that it is dry farmed currently. Initially for the racetrack, water storage  
2 tanks would need to be stored onsite, but later the future pond would provide water for the  
3 operation. There are water rights on the land currently.  
4

5 **Gunnell** asked about emergency services and transports for emergencies.  
6

7 **Mr. Cardall** responded that EMTs are not required on practice days and parents of minors are  
8 required to be there and sign waivers of liability. EMTs are required to be there race days.  
9

10 **Runhaar** responded that without a rig onsite, ambulances would come from Smithfield.  
11

12 **Mr. Cardall** responded that there are some conflicting issues with the need to be far enough  
13 away from others for noise control but close enough for emergency services.  
14

15 **Christensen** asked if Mr. Cardall had any communication with Clarkston.  
16

17 **Mr. Cardall** responded he did not contact Clarkston because the location is in the County.  
18

19 **Staff and Commission** discussed emergency services.  
20

21 **Lloyd Bytheway** commented that he liked the idea but does not feel the location is appropriate.  
22 The fire department is a volunteer organization and there is no local law enforcement other than  
23 the Sheriff's office.  
24

25 **Denzel Clark** commented that there are issues with the road and traffic, noise, and location of  
26 homes. There is also a lot of hunting that happens in the area.  
27

28 **Justin Bingham** commented on concerns with traffic, congestion, trash, and noise.  
29

30 **Summer Bingham** commented on concerns with emergency personnel. The local EMS  
31 personnel are not allowed to provide IVs or medication.  
32

33 **Dean Archibald** commented that he owns the land directly adjacent to this and has concerns  
34 with fire and the dry land.  
35

36 **Dustin Ward** commented in favor of the project. There will be water trucks and controlling how  
37 people enter and exit the property is possible.  
38

39 **Staff and Commission** discussed the hours of operation and condition 12 and how to enforce it.  
40

41 **Sands** asked when the Martin Harris Pageant is held.  
42

43 **Mr. Clark** responded that it is every other year at the end of July to the beginning of August for  
44 5 to 6 days.  
45

46 **Staff and Commission** discussed the track closing for the Martin Harris Pageant and condition  
47 12 regarding a sound study.

1 **Mr. Bytheway** commented on the different activities that occur at the amphitheater in addition  
2 to the pageant.

3  
4 **Edwards** informed the public what a conditional use permit (CUP) is and how the CUP works.

5  
6 **Mr. Cardall** commented that he thought this was the best way to inform Clarkston of his intent.  
7 The track will use 5-10 acres and he plans to put a berm and vegetation around the track to help  
8 dampen the noise. He is in support of doing a noise study at the closest sensitive sound receiver  
9 and adding a new condition regarding the Martin Harris Pageant.

10  
11 **Christensen** asked if Mr. Cardall if the he was fine with the track only being open on  
12 Wednesday, Friday, and Saturday.

13  
14 **Mr. Cardall** responded that he was fine with that.

15  
16 **Christensen** asked about the scheduling of a Sunday event.

17  
18 **Mr. Cardall** responded that he would try and coordinate with Clarkston.

19  
20 **Christensen** asked who controlled the amphitheater.

21  
22 **Mr. Bytheway** commented that those events would be controlled by the LDS Church and dates  
23 should be known a year in advance.

24  
25 **Christensen** asked what Mr. Cardall thought of condition 12.

26  
27 **Mr. Cardall** responded he was fine with the condition 12 as it was amended.

28  
29 **Staff and Commission** reviewed the conditions.

30  
31 ***Gunnell** motioned to approved the 80 Acres Conditional Use Permit with the noted changes to*  
32 *condition 12 and the addition of conditions 13 and 14; **Parker** seconded; **Passed 5,0.***

33  
34 **07:00**

35  
36 **#11 Cherry Peak Ski Area Conditional Use Permit 2<sup>nd</sup> Amendment**

37  
38 **Zetterquist** reviewed the staff report for the Cherry Peak Ski Area Conditional Use Permit 2<sup>nd</sup>  
39 Amendment.

40  
41 **John Chadwick** commented on the location of the new ski run.

42  
43 **Parker** asked about the new parking lot.

44  
45 **Mr. Chadwick** responded that it is two blocks east of the lodge.

46  
47 **Gunnell** asked if the lot would be mowed during the summer.

1 **Mr. Chadwick** responded that he was not the property owner but from Mr. Chadwick's  
2 understanding the owner plans to have it be green and have irrigation if possible. He also  
3 discussed parking.

4  
5 ***Parker** motioned to approve the Cherry Peak Ski Area 2<sup>nd</sup> Amendment with the proposed 10*  
6 *conditions and 2 conclusions; **Gunnell** seconded; **Passed 5, 0.***

7  
8 **07:11:00**

9  
10 **#12 Public Hearing (6:10 p.m.): Amendment to Title 17.07 regarding Parcel Legality**

11  
12 **07:14:00**

13  
14 ***Sands** motioned to open the public hearing for Amendment to Title 17.07; **Parker** seconded;*  
15 ***Passed 5, 0.***

16  
17 **07:14:00**

18  
19 ***Sands** motioned to close the public hearing for Amendment to Title 17.07; **Parker** seconded;*  
20 ***Passed 5, 0.***

21  
22 **Harrild** reviewed the memorandum for Amendment to Title 17.07 regarding Parcel Legality.

23  
24 **Staff** and **Commission** discussed the amendment. The biggest change being parcel legality  
25 searches will go back until August 8, 2006.

26  
27 ***Sands** motioned to recommend the County Council approve the Amendment to Title 17.07*  
28 *regarding parcel legality; **Gunnell** seconded; **Passed 5, 0.***

29  
30 **07:56:00**

31  
32 **#13 Discussion: Amendment to Title 17.07 regarding Accessory Apartments**

33  
34 **Staff** and **Commission** agreed to reschedule discussion to next month's agenda.

35  
36 **07:57:00**

37  
38 **Runhaar** informed the Commission that the County Council denied the Ordinance change for  
39 Zanavoo. Staff is also looking to create a committee to help discuss updating the County General  
40 Plan.

41  
42 **08:00:00**

43  
44 **Adjourned.**



### STAFF REPORT: RON STAGG SUBDIVISION 1<sup>ST</sup> AMENDMENT

6 SEPTEMBER 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:** Blair Goldsberry

**Parcel ID#:** 13-055-0041, -0042, -0043, -0046, -0047, -0048

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

5236 North 2400 West

Benson

**Current Zoning:**

Agricultural (A10)

**Acres:** 12.85 acres

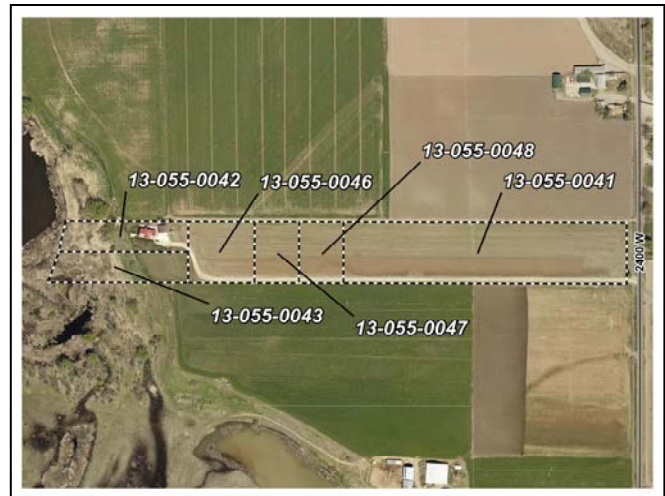
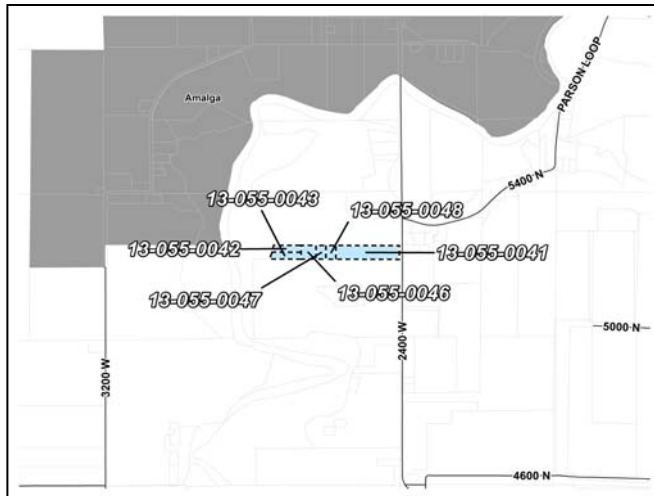
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural

East – Agricultural/Residential

West – Wetlands



#### FINDINGS OF FACT (19)

##### A. Request description

1. The Ron Stagg Subdivision 1<sup>st</sup> Amendment is a request to amend a previously approved subdivision by changing the boundaries of Lots 1-3 and creating an agricultural remainder.
  - a. As amended, Lot 1, which has an existing single-family residence, will be 3.00 acres;
  - b. Lot 2 will be 1.50 acres;
  - c. Lot 3 will be 2.00 acres; and
  - d. The new Agricultural Remainder will be 6.35 acres.

## **B. Parcel legality**

2. The Ron Stagg Subdivision was approved in September 2006 as a 3-lot subdivision (i.e., 13-055-0041, -0042, & -0043). In May 2018, the original 3 lots of the subdivision were further divided into three new parcels without Land Use Authority. The new parcels (13-055-0046, -0047, & -0048), as well as the three existing lots, are currently considered restricted and cannot be developed. This proposed subdivision amendment eliminates the additional 3 parcels created in May 2018 removing the restricted status once the approved plat is recorded.

## **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 subdivision is located within the Benson Culinary Water Improvement District and the manager for the water district has submitted a letter stating that Amended Lot 3 has been approved for connection to the water system. Amended Lot 1 has an existing house and water connection. Prior to development of Amended Lot 2, proof of a connection to the Benson system must be provided.
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 amendment. However, the Bear River Health Department (BRHD) has confirmed the previous septic feasibility letter from the original subdivision is still valid and the applicant has provided a copy of a septic permit, dated 8 June 2018, for Amended Lot 3.
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-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
  - 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.

**11. A basic review of the access to the existing lots identifies the following:**

- a. The lots gain access from 5230 North and 2400 West.
- b. 5230 North:
  - i. Is an existing private road that was approved as part of the original subdivision approval in 2006.
  - ii. Is a 22-foot wide gravel road and is privately maintained.
  - iii. Provides access to three buildable lots, which is the maximum allowed per the Road Manual.
- c. 2400 West:
  - i. Is an existing county facility that provides access to the general public.
  - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
  - iii. Consists of an average 24-foot paved width with 4-foot wide gravel shoulders.
  - iv. Has an unknown depth and type of material under the chip and seal surface.
  - v. Is maintained year round.
  - vi. There are no additional buildable lots proposed as part of this subdivision amendment as a result there will be no impact to average daily trips on the road.

**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 is provided by a fire hydrant located within 600 feet of Lot 1.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department currently provides service in this area along the west side of 2400 West for Monday collection. The applicant will need to locate containers on the north side; this may require that the applicant provide sufficient shoulder space to place the containers 3-to-4 feet apart as to not interfere with passing traffic.

**G. Sensitive Areas**

- 14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. Portions of the subdivision are located in the FEMA floodplain and the floodplain buffer. Any structures proposed in these areas require a floodplain permit and/or elevation certificate.
  - b. GIS data indicates that moderate slopes and liquefaction areas are located within the subdivision boundary. Any future development or change of use requires a geo-technical report if the development is located within the hazard area(s).
  - c. Additional review and analysis may be required for any proposed development in sensitive area locations. *See condition #2*

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

- 15. Public notice was posted online to the Utah Public Notice Website on 22 August 2018.
- 16. Notice was published in the Herald Journal on 26 August 2018.
- 17. Notices were posted in three public places on 22 August 2018.
- 18. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 23 August 2018.
- 19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

## CONDITIONS (2)

---

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. Additional review and analysis may be required for any proposed development in sensitive area locations. (*See G-14*)

## CONCLUSIONS (2)

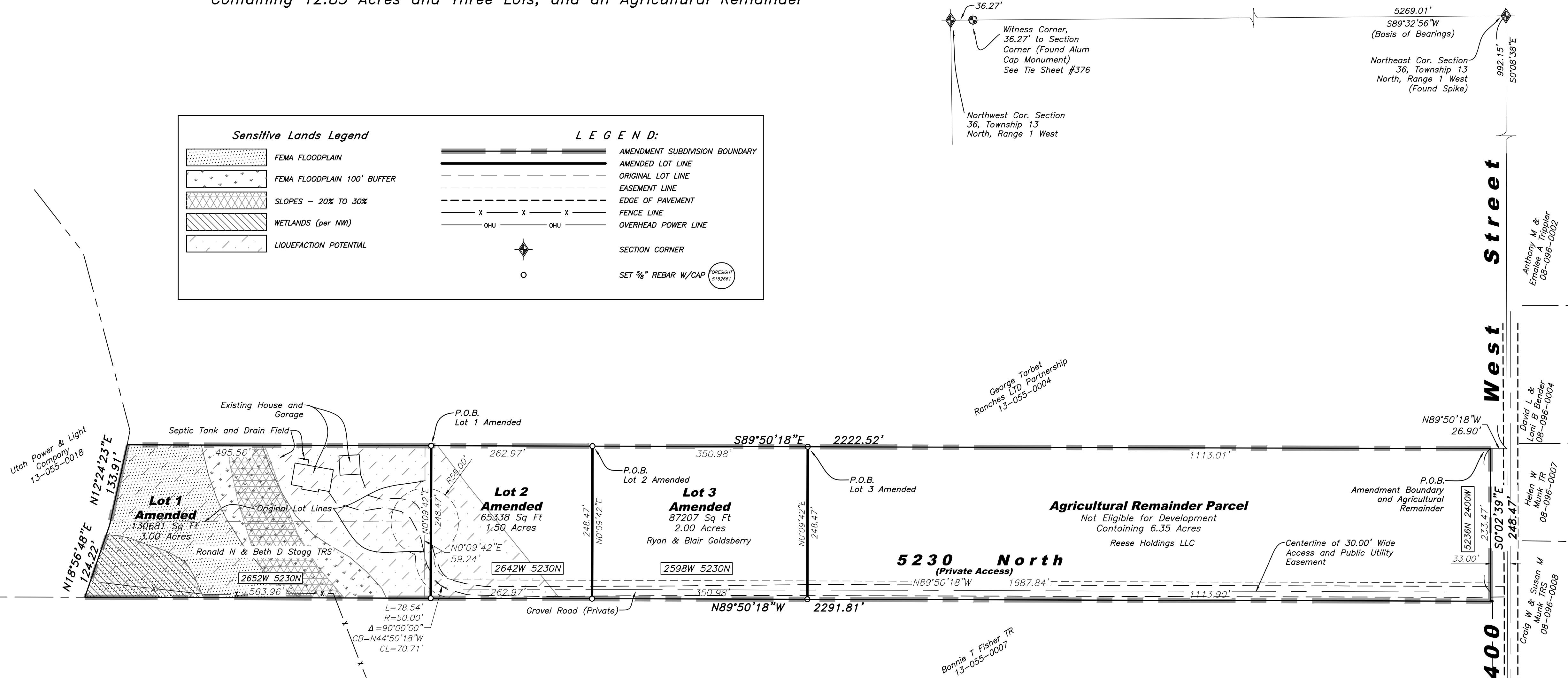
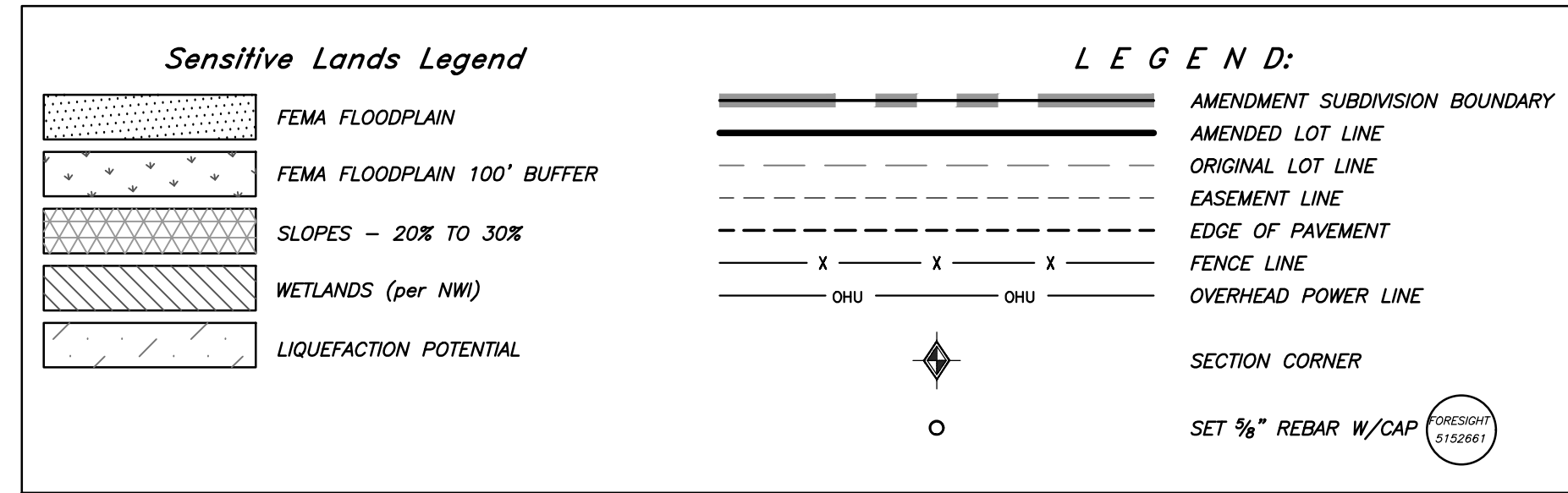
---

Based on the findings of fact and conditions noted herein, staff recommends approval of the Ron Stagg Subdivision 1<sup>st</sup> Amendment as:

1. The Planning Commission is authorized to act as the Land Use Authority for this application (*See C-3*), and;
2. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

# Ron Stagg Subdivision 1st Amendment

Amending the Parcel Lines of Lots 1, 2 and 3 and creating an Agricultural Remainder  
A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 NORTH, RANGE 1 WEST OF THE S.L.B.&M.  
CACHE COUNTY, UTAH  
Containing 12.85 Acres and Three Lots, and an Agricultural Remainder



**SURVEYOR'S CERTIFICATE**

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: RON STAGG SUBDIVISION 1st AMENDMENT AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

**Subdivision Amendment Boundary**

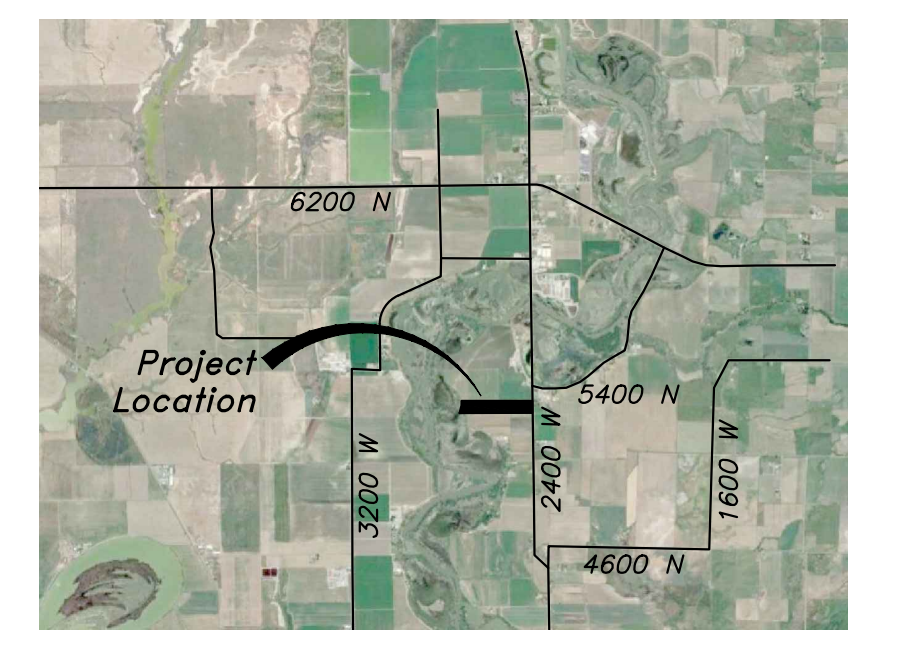
A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 2400 WEST STREET LOCATED SOUTH 0°08'38" EAST, A DISTANCE OF 992.15 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER AND NORTH 89°50'18" WEST, A DISTANCE OF 26.90 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER AND RUNNING THENCE SOUTH 00°02'39" EAST, A DISTANCE OF 248.47 FEET TO THE NORTH LINE OF PARCEL 13-055-0007; THENCE ALONG SAID NORTH LINE NORTH 89°50'18" WEST, A DISTANCE OF 2,291.81 FEET TO THE EASTERLY LINE OF PARCEL 13-055-0018; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 18°56'48" EAST, A DISTANCE OF 124.22 FEET (2) NORTH 12°24'23" EAST, A DISTANCE OF 133.91 FEET TO THE SOUTH LINE OF PARCEL 13-055-0004; THENCE ALONG SAID SOUTH LINE SOUTH 89°50'18" EAST, A DISTANCE OF 2,222.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.85 ACRES

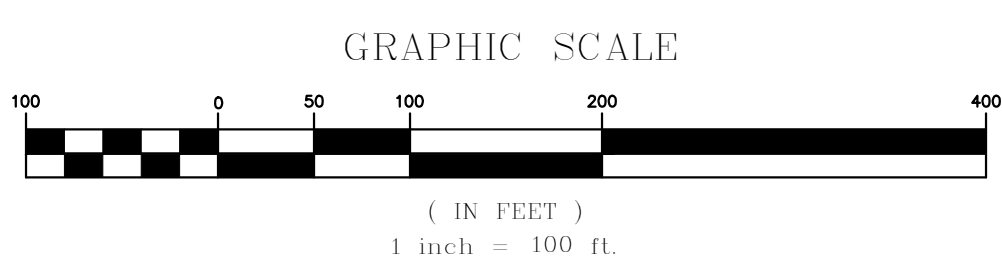
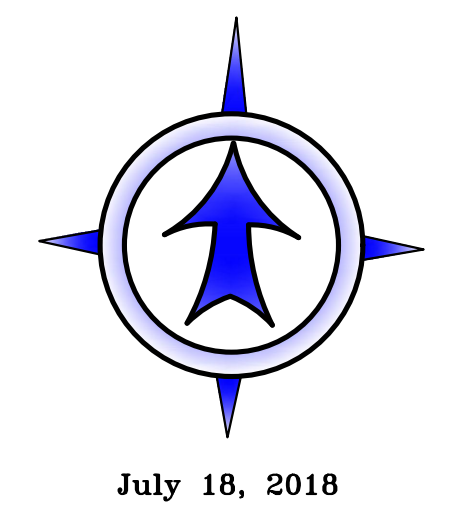
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

JEFF C. NIELSEN  
REGISTERED LAND SURVEYOR  
STATE OF UTAH  
5152661



- 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.
  - 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.)
  - 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.
  - 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)(v)** 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 serve this development. This approval does not affect any right that Rocky Mountain Power has under:

- a recorded easement or right-of-way
  - the law applicable to prescriptive rights
  - Title 54, Chapter 8a, Damage to Underground Utility Facilities or any other provision of law.
- 6. Private Roads:**
- The private 30' access and public utility easement labeled as 5230 North is not dedicated to Cache County and no maintenance or snow removal will be provided by Cache County.
  - The private interior road 30' access and public utility easement labeled as 5230 North shall be used by all lots in this subdivision for access to the public road.
  - All owners of this subdivision are responsible for the construction, maintenance, and removal of snow on the private 30' access and public utility easement labeled as 5230 North.
- 7. Setback lines are for primary buildings only.**
- Front: 30.00'  
Rear: 30.00'  
Side: 12.00'  
Side along Roadway: 30.00'



**Record Owners:** Reese Holdings LLC  
3716 North 2400 West  
Benson, UT 84335

Ryan & Blair Goldsberry  
3716 North 2400 West  
Benson, UT 84335

Ronald N & Beth D Stagg TRS  
5207 North 2400 West  
Benson, UT 84335

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

Project No. 18-106  
Amendment Prepared by DB, 7/18/18

SHEET 1 OF 2

**BEAR RIVER HEALTH DEPT. APPROVAL**

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

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

**CACHE COUNTY 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 \_\_\_\_\_

**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 \_\_\_\_\_

**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 \_\_\_\_\_

# Ron Stagg Subdivision 1st Amendment

Amending the Parcel Lines of Lots 1, 2 and 3 and creating an Agricultural Remainder  
A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 NORTH, RANGE 1 WEST OF THE S.L.B.&M.  
CACHE COUNTY, UTAH  
Containing 12.85 Acres and Three Lots, and an Agricultural Remainder

## LOT 1 LEGAL DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE NORTH LINE OF RON STAGG SUBDIVISION LOCATED SOUTH 0°08'38" EAST, A DISTANCE OF 992.15 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER AND NORTH 89°50'18" WEST, A DISTANCE OF 1,753.86 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER AND RUNNING THENCE SOUTH 00°09'42" WEST, A DISTANCE OF 248.47 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE ALONG SAID SOUTH LINE NORTH 89°50'18" WEST, A DISTANCE OF 563.96 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE WESTERLY LINE OF SAID SUBDIVISION THE FOLLOWING TWO (2) COURSES: (1) NORTH 18°56'48" EAST, A DISTANCE OF 124.22 FEET, (2) NORTH 12°24'23" EAST, A DISTANCE OF 133.91 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION SOUTH 89°50'18" EAST, A DISTANCE OF 495.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.00 ACRES

## LOT 2 LEGAL DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE NORTH LINE OF RON STAGG SUBDIVISION LOCATED SOUTH 0°08'38" EAST, A DISTANCE OF 992.15 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER AND NORTH 89°50'18" WEST, A DISTANCE OF 1,490.89 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER AND RUNNING THENCE SOUTH 00°09'42" WEST, A DISTANCE OF 248.47 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE ALONG SAID SOUTH LINE NORTH 89°50'18" WEST, A DISTANCE OF 262.97 FEET; THENCE NORTH 00°09'42" EAST, 248.47 FEET TO THE NORTH LINE OF SAID SUBDIVISION; THENCE ALONG SAID NORTH LINE SOUTH 89°50'18" EAST, A DISTANCE OF 262.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.50 ACRES

## LOT 3 LEGAL DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE NORTH LINE OF RON STAGG SUBDIVISION LOCATED SOUTH 0°08'38" EAST, A DISTANCE OF 992.15 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER AND NORTH 89°50'18" WEST, A DISTANCE OF 1,139.91 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER AND RUNNING THENCE SOUTH 00°09'42" WEST, A DISTANCE OF 248.47 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE ALONG SAID SOUTH LINE NORTH 89°50'18" WEST, A DISTANCE OF 350.98 FEET; THENCE NORTH 00°09'42" EAST, A DISTANCE OF 248.47 FEET TO SAID NORTH SUBDIVISION LINE; THENCE ALONG SAID NORTH LINE SOUTH 89°50'18" EAST, A DISTANCE OF 350.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.00 ACRES

## AGRICULTURAL REMAINDER LEGAL DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE NORTHEAST CORNER OF RON STAGG SUBDIVISION LOCATED SOUTH 0°08'38" EAST, A DISTANCE OF 992.15 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER AND NORTH 89°50'18" WEST, A DISTANCE OF 26.90 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER AND RUNNING THENCE ALONG THE EAST LINE OF SAID SUBDIVISION AND THE WEST LINE OF 2400 WEST STREET SOUTH 00°02'39" EAST, A DISTANCE OF 248.47 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE ALONG SAID SOUTH LINE NORTH 89°50'18" WEST, A DISTANCE OF 1,113.90 FEET; THENCE NORTH 00°09'42" EAST, A DISTANCE OF 248.47 FEET TO THE NORTH LINE OF SAID SUBDIVISION; THENCE ALONG SAID NORTH LINE SOUTH 89°50'18" EAST, A DISTANCE OF 1,113.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.35 ACRES

## TRUSTEE ACKNOWLEDGMENT

state of UTAH

County of CACHE

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

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

## ACKNOWLEDGMENT

STATE OF UTAH

COUNTY OF CACHE

\_\_\_\_\_ ) SS.  
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

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

## CORPORATE 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 \_\_\_\_\_ 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

Record Owners: Reese Holdings LLC  
3716 North 2400 West  
Benson, UT 84335

Ryan & Blair Goldsberry  
3716 North 2400 West  
Benson, UT 84335

Ronald N & Beth D Stagg TRS  
5207 North 2400 West  
Benson, UT 84335



Project No. 18-106  
Amendment Prepared by DB, 7/18/18

SHEET 2 OF 2

### STAFF REPORT: WELLSVILLE RISING SUBDIVISION

6 SEPTEMBER 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:** Jed Willets

**Parcel ID#:** 11-068-0012

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

~4600 West Hwy 23

Wellsville

**Current Zoning:**

Agricultural (A10)

**Acres:** 16.34 acres

**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural

West – Agricultural/Residential



#### FINDINGS OF FACT (19)

**A. Request description**

1. The Wellsville Rising Subdivision is a request to create a 4-lot subdivision.
  - a. Lots 1 & 2 will be 1.00 acre each;
  - b. Lot 3 will be 1.20 acres; and
  - c. Lot 4 will be 12.96 acres.

**B. Parcel legality**

2. Parcel 11-068-0012 is a legal parcel identified as 1970 parcels as per the “Policy for Determination of Parcel Legality” dated 29 August 2013. Properties identified as 1970 parcels may develop the first three lots at a density of 1 unit/2 acres and subsequent division must develop at a density of 1 unit/10 acres. Under the existing development density standards, parcel

11-068-0012 which is 16.34 acres in size would be allowed a maximum development potential of 1 lot based on 1 unit/10 acres, but with the 1970s designation the development potential is 4 lots.

On 14 August 2018, the County Council approved a code change that eliminated the 1970 parcel designation. The code change became effective 28 August 2018. This subdivision application was submitted 1 August 2018, consequently, the codes in place at that time (i.e., 1970s parcel) will continue to apply to the review of this request.

### **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 (#25-11471a81063) on file for one lot. The water rights for the other 3 lots are in process (#25-3244/a26975, 25-3453/a34326, 25-10925). Proof of approved water rights for all four lots in the subdivision is required prior to the plat being recorded. *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 lots.
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 subdivision will be from a private driveway off of 4600 West, a county road. The property also has frontage along Highway 23, a UDOT facility, but the subdivision will not take access from the highway.
- b. 4600 West:
  - i. Is an existing county facility that provides access to the general public.
  - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
  - iii. Consists of an average 22-foot paved width with 4-foot wide gravel shoulders.
  - iv. Has an unknown depth and type of material under the surface. *See condition #3*
  - v. Is maintained year round.
- c. Private driveway (proposed):
  - i. There will be a private driveway providing access to Lots 2, 3, & 4.
  - ii. Lot 1 will take access directly from 4600 West. *See condition #4*
  - iii. Table 2.2 – Roadway Typical Sections of the Road Manual allows private roads to provide access for a maximum of 30 average daily trips, which equates to a maximum of three single-family residences at 10 ADT each.
  - iv. The proposed private driveway must meet all requirements of the Fire Department and the Road Manual. *See condition #5*

**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 Wellsville Fire Department.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the proposed lots will occur on 4600 West for Tuesday collection. The applicant must provide sufficient shoulder space along 4600 West for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road so as not to interfere with passing traffic.

**G. Sensitive Areas**

- 14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. A canal runs along the eastern boundary of the property.
  - b. There does not appear to any other sensitive areas within the proposed subdivision boundary.
  - c. Additional review and analysis may be required for any proposed development in sensitive areas.

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

- 15. Public notice was posted online to the Utah Public Notice Website on 22 August 2018.
- 16. Notice was published in the Herald Journal on 26 August 2018.
- 17. Notices were posted in three public places on 22 August 2018.
- 18. Notices were mailed to all property owners within 300 feet of the subject property on 22 August 2018.
- 19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

## CONDITIONS (5)

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

1. Prior to recordation, the applicant must provide proof of approved domestic culinary water rights for all lots in the subdivision. *(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 4600 West, a county road, or provide evidence that the existing material meets or exceeds the minimum county requirements. *(See E-10-f, E-11-b)*
4. Prior to recordation, the applicant must revise the plat to indicate Lots 2, 3, & 4 will take access from the private driveway and Lot #1 will take access from 4600 West. Access to Lot 1 from the private driveway is prohibited. *(See E-11-c)*
5. Prior to recordation, the applicant must improve the private driveway that provides access to the subdivision. The plans for the private driveway must be reviewed and approved by the Fire Department to ensure that the driveway meets the minimum standards for fire access. At the completion of the work, the applicant must provide written approval from the Fire Department to the Development Services staff that the driveway meets fire requirements. *(See E-11-c)*

## CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Wellsville Rising Subdivision as:

1. The Planning Commission is authorized to act as the Land Use Authority for this application *(See C-3)*, and;
2. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.





### STAFF REPORT: CREEKSIDE ESTATES SUBDIVISION

6 September 2018

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Duane Williams

**Parcel ID#:** 08-091-0008, -0013

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

800 West 100 South  
Smithfield

**Current Zoning:**

Agricultural (A10)

**Acres:** 34.0

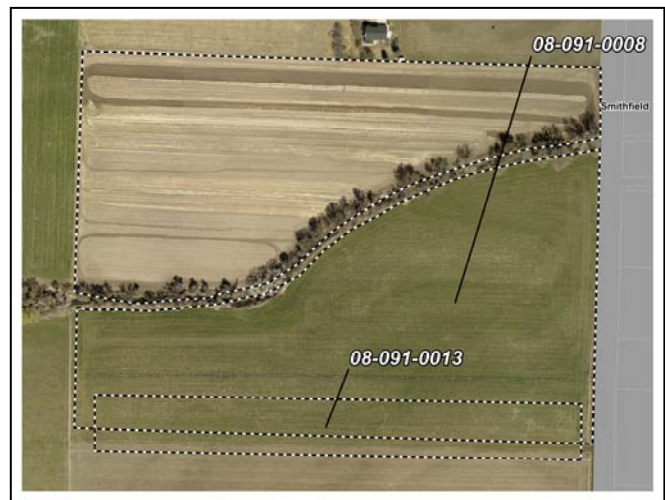
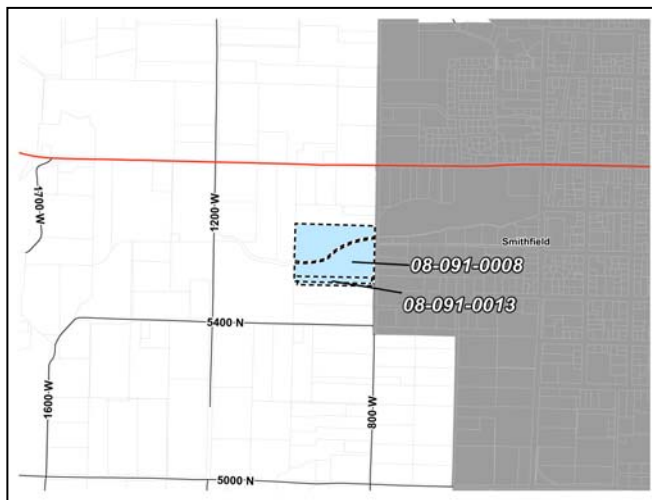
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential/Smithfield City

West – Agricultural



### FINDINGS OF FACT (19)

#### A. Request description

1. This request for a new subdivision was originally scheduled for the March 2018 Planning Commission meeting, but was continued for up to 90 days for the applicant to work with Smithfield City on access to the subdivision from 800 West, a Smithfield City road. The item was again continued at the June 2018 Planning Commission as there had not been any new developments regarding road access.

In July 2018, the applicant submitted a design exception request to County Council to obtain an exception that would allow access from State Route 218 by extending an existing private road from the Birch Hollow Subdivision. Council denied the request.

For this review, the applicant has submitted a letter from Smithfield City (Attachment A) approving access from 800 West with required road improvements. A revised plat has also been submitted reflecting the changes to the access from 800 West (Attachment B).

2. The Creekside Estates Subdivision is a request for a seven-lot subdivision.
  - a. Lot 1 will be 8.99 acres;
  - b. Lot 2 will be 2.50 acres;
  - c. Lot 3 will be 2.50 acres;
  - d. Lot 4 will be 7.52 acres;
  - e. Lot 5 will be 5.99 acres;
  - f. Lot 6 will be 1.10 acres; and
  - g. Lot 7 will be 3.06 acres.

#### **B. Parcel legality**

3. At the time of the original application submittal there were two parcels included in the request: 08-091-0008 & 08-091-0013. Both parcels were legal lots, identified as 1970 parcels as per the “Policy for Determination of Parcel Legality” dated 29 August 2013. Properties identified as 1970 parcels may develop the first three lots at a density of 1 unit/2 acres and subsequent division must develop at a density of 1 unit/10 acres. Under the existing development density standards, parcel 08-091-0008 which is 30 acres in size would be allowed a maximum development potential of 3 lots based on 1 unit/10 acres, but with the 1970s designation the development potential is 5 lots. Parcel 08-091-0013 at 4.0 acres would be allowed a maximum development potential of 1 lot under the base standards, but as a 1970 parcel is allowed 2 lots.

In June 2018, the properties were sold to the applicant and the parcels combined into one parcel (08-091-0008), which changed the size and configuration of the 1970 parcels. Then in August 2018, the County Council approved a code change that eliminated the 1970 parcel designation. However, as the application was submitted in February 2018, it has vested and the codes in place at that time will continue to apply to the review of this request.

#### **C. Authority**

4. §17.02.060 Establishment of Land Use Authority – The Planning Commission is authorized to act as the Land Use Authority for this application. *See conclusion #1*

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

5. §16.04.080 [A] Water Requirements – An approved domestic culinary water right is required for each proposed lot in a new subdivision. At the time the subdivision request was submitted, the applicant had applications in process for seven domestic water rights as well as irrigation and stock water. Those applications have now been approved under the following base water right numbers with the State Water Division: 25-11449, 25-11450, 25-11451, 25-11452, 25-11453, 25-11454, and 25-11456.
6. §16.04.080 [B] Sewage Requirements – Bear River Health Department (BRHD) has determined that a septic system is feasible for each proposed lot.
7. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1*

#### **E. Access**

8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

10. A basic review of the access to the existing parcels identifies the following:
- a. The existing parcels have frontage along 800 West. The applicant is proposing to access the lots in the new subdivision off of 800 West primarily from three proposed private driveways.
  - b. 800 West:
    - i. Is a Smithfield City road that provides access to the general public and is under the jurisdiction of Smithfield City.
    - ii. Per §5.6(A) of the Road Manual, no development within the unincorporated County shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.
    - iii. After months of negotiation, the applicant and Smithfield City have now come to an agreement regarding access from 800 West. Smithfield City provided a letter dated August 7, 2018, from the Mayor Jeffrey H. Barnes approving access from 800 West so long as the applicant makes required road improvements including curb, gutter, and sidewalk. *See condition #2*
  - c. Private driveways (proposed):
    - i. There will be two private driveways providing access to 6 lots of the subdivision.
    - ii. The north shared driveway will provide access to Lots 1, 2, & 3;
    - iii. The south shared driveway will provide access to Lots 4, 5, & 7; and
    - iv. Lot 6 will take access directly from 800 West.
    - v. Table 2.2 – Roadway Typical Sections of the Road Manual allows private roads to provide access for a maximum of 30 average daily trips, which equates to a maximum of three single-family residences at 10 ADT each.
    - vi. The proposed private driveways must meet all requirements of the Fire Department and the Road Manual. *See condition #3*

#### F. Service Provision

11. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable, but that future development on the property must be reevaluated and may require improvements based on the location of any proposed development. Water supply for fire suppression would be provided by the Smithfield Fire Department.
12. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the proposed lots will occur on 800 West for Friday collection; no collection services will be provided on the private drives. The applicant must provide sufficient should space along 800 West for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road so as not to interfere with passing traffic.
13. §16.04.080 [D] School Bus Service – School bus service is provided through a stop at 200 South 800 West.

#### G. Sensitive Areas

14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. Summit Creek and an irrigation canal owned by the Smithfield Irrigation Company runs through the middle of the proposed subdivision. Development is not permitted adjacent to waterways, additional setbacks are required.
  - b. FEMA FIRM Floodplain and floodplain buffer has been identified on portions of the proposed subdivision. Any future development must meet current Code requirements.
  - c. The properties are located within the Airport Influence Area. Disclosure of airport proximity to future property owners is required per §17.17.060 Schedule of Uses. *See condition #4*

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

15. Public notice was posted online to the Utah Public Notice Website on 22 August 2018.
16. Notice was published in the Herald Journal on 26 August 2018.
17. Notices were posted in three public places on 22 August 2018.
18. Notices were mailed to all property owners within 300 feet of the subject property and to Smithfield City on 23 August 2018.
19. 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-7)*
2. Prior to recordation, the applicant must improve 800 West to meet the requirements of Smithfield City. The applicant must obtain any required Smithfield City permitting for access from 800 West and provide a copy of said requirement and permitting to the Development Services Office. *(See E-10-b)*
3. Prior to the development of the lots, the applicant must improve the private driveways that provide access to the subdivision. The plans for the private driveways must be reviewed and approved by the Fire Department to ensure that the driveways meet the minimum standards for fire access. At the completion of the work, the applicant must provide written approval from the Fire Department to the Development Services staff that the driveway meets fire requirements. *(See E-10-c)*
4. The applicant must disclose to future property owners that the subdivision is located within the Airport Influence Area. *(See G-14)*

### **CONCLUSIONS (2)**

---

Based on the findings of fact and conditions noted herein, staff recommends approval of the Creekside Estates Subdivision as:

1. The Planning Commission is authorized to act as the Land Use Authority for this application *(See C-3)*, and;
2. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.



# SMITHFIELD CITY CORPORATION

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

*OFFICIALS*

JEFFREY H. BARNES  
MAYOR  
CRAIG GILES  
CITY MANAGER  
JUSTIN B. LEWIS  
CITY RECORDER  
JANE PRICE  
CITY TREASURER  
TERRY K. MOORE  
JUSTICE COURT JUDGE

*COUNCIL MEMBERS*

JAMIE ANDERSON  
BART CALEY  
WADE C. CAMPBELL  
DEON HUNSAKER  
CURTIS WALL

August 7, 2018

Duane Williams  
580 North Main  
Suite 190  
Logan, Utah 84321

RE: Creekside Estates Subdivision (West of Smithfield and 800 West)

Duane,

You have requested a letter of approval from Smithfield City to allow your Cache County subdivision access to 800 west. The Creekside Estates Subdivision is granted access to 800 west and will be responsible for all improvements as required for Smithfield City subdivisions, which will include curb, gutter and sidewalks. A site plan showing all required improvements along with an excavation/right-of-way permit will be required prior to the start of construction.

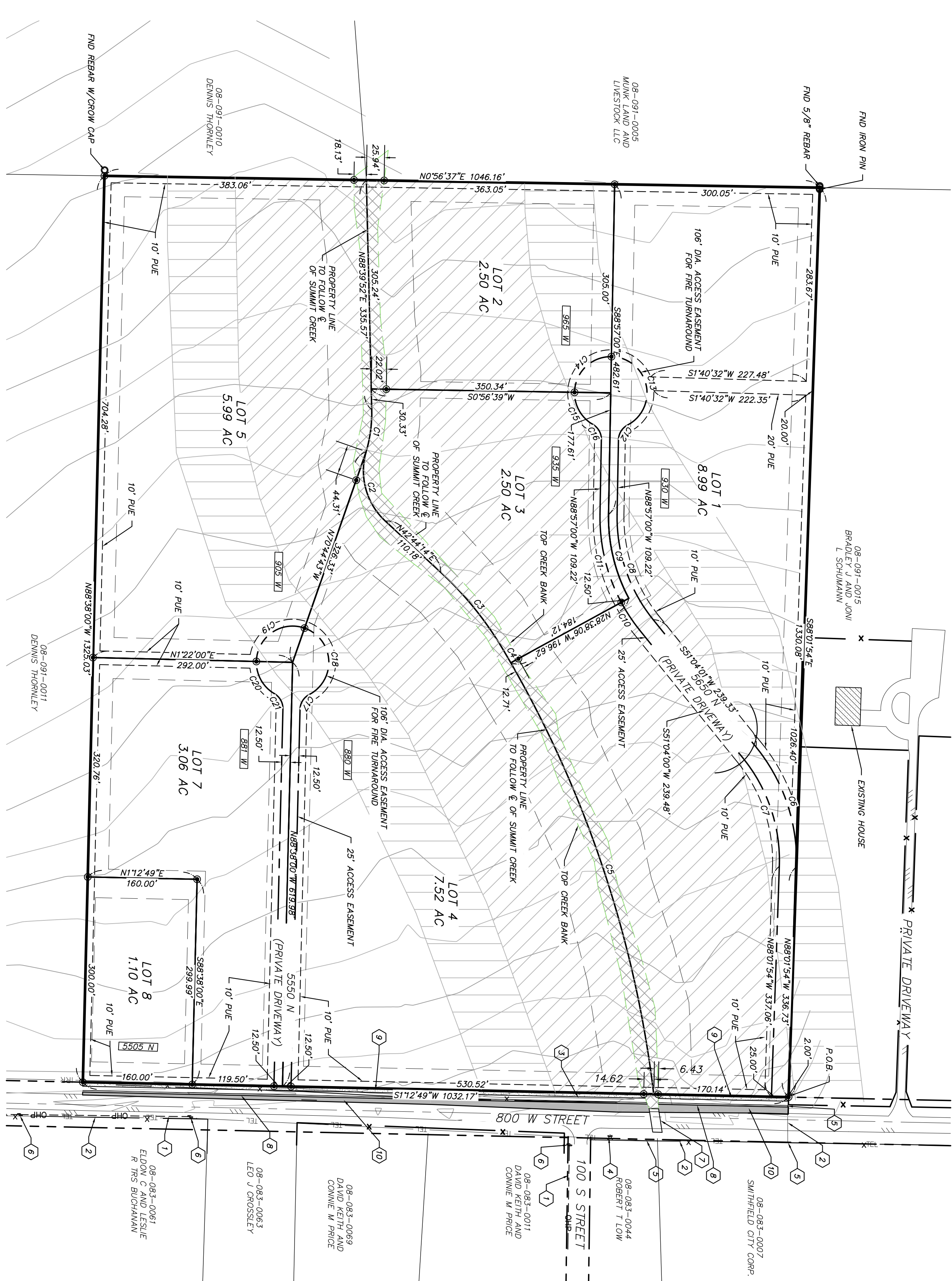
Sincerely,



Jeffrey H Barnes  
Smithfield Mayor  
96 South Main  
Smithfield, Utah 84335  
(435) 881-2610



CREEKSIDE ESTATES  
PART OF SEC 1 SEC 29, T33N, R1E, S14M  
CACHE COUNTY, UTAH

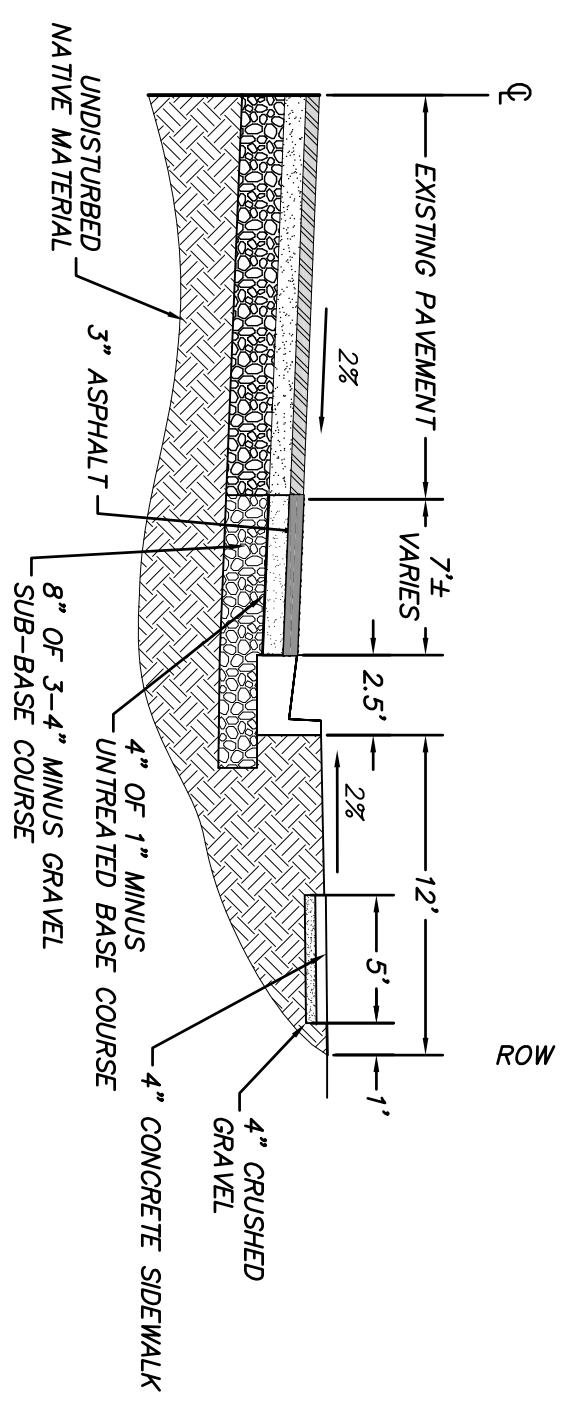


SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY DUANE WILLIAMS FOR THE PURPOSE OF SUBDIVISION THE SUBJECT PARCEL AS SHOWN PREVIOUS SURVEYS TOGETHER WITH DEEDS, FENCES, AND OTHER EVIDENCE WERE USED TO RE-ESTABLISH THE BOUNDARY AS SHOWN. NO MAJOR DISCREPANCIES WERE FOUND.  
REBAR W/CAPS STAMPED "STEVEN C. EARL PLS 318575" WERE SET AT ALL CORNERS, EXCEPTIONS NOTED.

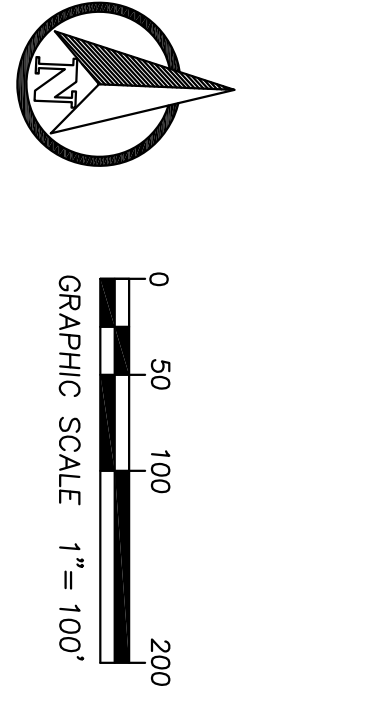
NOTES & RESTRICTIONS

1. AGRICULTURAL USES, CURRENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGNS, SOUNDS, AND SMELLS ASSOCIATED WITH AGRICULTURAL ACTIVITIES WHICH ARE PERMITTED USES IN THE AGRICULTURAL ZONE AND THESE RESTRICTIONS HAVE NOT DETERMINED THE AVAILABILITY OR ADEQUACY OF GULINARY 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 ZONING CLEARANCE, A 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. PROPER WRITTEN EXISTING AND PROPOSED BY THE EFFECTIVE DATE OF ENTRY (MAY INCLUDING BUT IS NOT LIMITED TO: ADJACENT PROPERTY OWNERS, DITCH OR CANAL BUILDING SETBACKS ARE 30' FRONT YARD, 30' REAR YARD, 12' SIDE YARD, 30' SIDE YARD ALONG A ROAD, AND 50' ALONG A WATERWAY. BUILDING SETBACKS ARE FOR PRIMARY BUILDINGS.
2. NO SLOPES OF 20% OR GREATER WERE FOUND ON THIS PROPERTY.
3. ACCESS EASEMENTS ARE FOR INGRESS/EGRESS AND CONSTRUCTION AND MAINTENANCE OF PRIVATE ROADWAYS/DRIVEWAYS.
4. WITNESS MONUMENTS WERE SET WHERE IT WAS NOT FEASIBLE TO SET ACTUAL CORNER MONUMENTS AS SHOWN HEREON.



SMITHFIELD CITY 66' ROW ROAD WIDENING  
SCALE: NTS

OWNER OF RECORD  
CRENSHAW ESTATES SUBDIVISION LLC  
C/O DUANE WILLIAMS  
73 S 300 W  
SMITHFIELD, UT 84335



VICINITY MAP

LEGEND

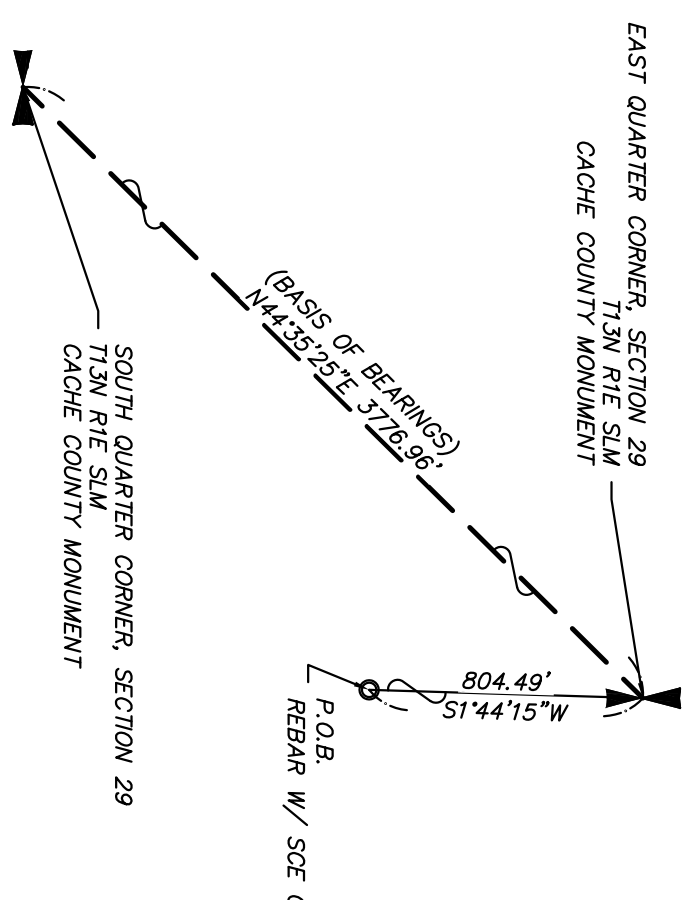
- BOUNDARY
- SECTION LINE
- NEW LOT LINE
- RIGHT-OF-WAY LINE
- EASEMENT
- FENCE
- EDGE OF ROADWAY
- PRIMARY BLDG SETBACK
- ACCESS EASEMENT (PRIVATE)
- SURVEY MONUMENT
- FOUND MARKER
- SECTION CORNER
- EXISTING BUILDING
- FLOODWAY
- 100 YR. FLOODPLAIN
- 100' FLOODPLAIN BUFFER
- PROPOSED ASPHALT
- PROPOSED CONCRETE SIDEWALK

KEY NOTES

- 1 OVERHEAD POWER
- 2 UNDERGROUND TELEPHONE LINE
- 3 IRRIGATION LINE
- 4 FINE HYDRANT
- 5 TELEPHONE RISER
- 6 POWER POLE
- 7 BOX CULVERT
- 8 PROPOSED CURB AND GUTTER
- 9 PROPOSED SIDEWALK
- 10 PROPOSED ASPHALT

CURVE TABLE

CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C1	61.96'	200.00'	17°44'37"	S82°27'40"E	61.71'
C2	111.14'	100.00'	63°40'55"	N74°34'31"E	105.50'
C3	144.33'	500.00'	16°32'21"	N61°00'25"E	143.83'
C4	23.73'	1656.25'	0°48'15"	N59°41'13"E	23.73'
C5	668.90'	1657.08'	23°07'41"	N71°39'40"E	664.37'
C6	188.92'	262.50'	41°14'09"	S71°21'01"W	184.87'
C7	170.93'	237.50'	41°14'09"	N71°21'01"E	167.26'
C8	165.74'	237.50'	39°59'02"	S71°03'28"W	162.40'
C9	123.97'	260.00'	29°14'18"	N78°25'51"E	126.19'
C10	49.14'	262.50'	10°43'30"	N65°25'42"E	49.06'
C11	134.05'	262.50'	29°15'13"	N78°25'13"E	132.60'
C12	26.73'	25.00'	61°15'52"	N68°19'05"W	25.48'
C13	139.92'	53.00'	151°15'52"	S78°40'55"W	102.68'
C14	83.35'	53.00'	90°08'20"	S44°00'11"E	78.02'
C15	56.57'	53.00'	61°09'31"	N60°21'54"E	53.93'
C16	26.73'	25.00'	61°15'52"	N60°25'04"E	25.48'
C17	26.73'	25.00'	61°15'52"	S88°00'04"E	25.48'
C18	123.98'	53.00'	135°22'35"	N85°56'54"E	97.35'
C19	99.80'	53.00'	107°53'17"	N43°41'21"W	86.69'
C20	56.67'	53.00'	61°15'52"	S60°44'04"W	54.60'
C21	26.73'	25.00'	61°15'52"	S60°44'04"W	25.48'



SURVEY CERTIFICATE

I, STEVEN C. EARL, A PROFESSIONAL LAND SURVEYOR, HOLD CERTIFICATE NO. 318575-2201, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE STATE OF UTAH, 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 CREEKSIDE ESTATES. AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND ON THIS PLAT.

LEGAL DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, LOCATED IN THE COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE N44°43'25"E 3776.98 FEET TO THE POINT OF BEGINNING OF SAID SECTION;  
THENCE S1°44'15"W 804.49 FEET TO THE POINT OF BEGINNING ON THE WEST LINE OF 800 WEST STREET;  
THENCE S172°49'W 1032.17 ALONG SAID WEST LINE OF 800 WEST STREET; THENCE N88°38'00"W 1325.03 FEET;  
THENCE N00°56'37"E 1046.16 FEET;  
THENCE S88°01'54"E 1330.08 FEET ALONG SOUTH LINE OF THE TOWN PLOTHER LOT SPLIT SUBDIVISION TO THE POINT OF BEGINNING;  
CONTAINING 31.67 ACRES, MORE OR LESS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERIGNED OWNERS OF THE TRACT OF LAND DEPICTED HEREON, CAUSE THE SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREAFTER KNOWN AS CREEKSIDE ESTATES.

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, AND WATER LINES, AND FOR THE CONSTRUCTION AND MAINTENANCE OF OTHER PUBLIC UTILITIES. THE RIGHT OF ACCESS THERETO 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 THE NOTES AND RESTRICTIONS AS LISTED HEREON.

ACKNOWLEDGMENT

DUANE WILLIAMS, MANAGING MEMBER  
CREEKSIDE ESTATES SUBDIVISION LLC.  
STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } §

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, IN THE YEAR 2018, BEFORE ME DUANE WILLIAMS, MANAGING MEMBER, PERSONALLY APPEARED \_\_\_\_\_, THE HUSBAND OF \_\_\_\_\_, THE WIFE OF SAID PERSON, WHO IS THE PERSON WHO HAS SIGNED THIS INSTRUMENT, AND THAT SAID DOCUMENT WAS SIGNED BY HIM IN BEHALF OF SAID CREEKSIDE ESTATES SUBDIVISION LLC BY AUTHORITY OF ITS BYLAWS.

NOTARY PUBLIC SIGNATURE: \_\_\_\_\_  
NOTARY PUBLIC FULL NAME: \_\_\_\_\_  
COMMISSION NUMBER: \_\_\_\_\_  
EXPIRES: \_\_\_\_\_  
A NOTARY PUBLIC COMMISSIONED IN UTAH

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: \_\_\_\_\_  
CACHÉ COUNTY ATTORNEY

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.  
DATE: \_\_\_\_\_  
DEPUTY COUNTY SURVEYOR

CACHÉ COUNTY PLANNING COMMISSION  
THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.  
DATE: \_\_\_\_\_  
CHAIR  
CACHÉ COUNTY CLERK

CACHÉ COUNTY COUNCIL  
THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHÉ COUNTY COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.  
DATE: \_\_\_\_\_  
CHAIR  
CACHÉ COUNTY CLERK

COUNTY RECORDER'S NO. \_\_\_\_\_  
STATE OF UTAH, COUNTY OF CACHÉ, RECORDED AND FILED AT THE \_\_\_\_\_  
REQUEST OF \_\_\_\_\_ TIME \_\_\_\_\_ FEE \_\_\_\_\_  
DATE \_\_\_\_\_  
ABSTRACTED \_\_\_\_\_  
INDEX \_\_\_\_\_  
FILED IN: FILE OF PLATS \_\_\_\_\_  
MICHAEL GLEED, COUNTY RECORDER



FINAL PLAT

CREEKSIDE ESTATES



Cache County Landmark  
Engineers  
Surveyors  
Planners  
95 Golf Course Rd  
Suite 110  
Layton, UT 84042  
435.713.0099

PROJECT TITLE: \_\_\_\_\_  
SHEET DESCRIPTION: \_\_\_\_\_  
DATE: 10 AUGUST 2018  
SCALE: 1" = 100'  
CALCULATIONS BY: J. DAVY  
CHECKED BY: S. EARL  
APPROVED BY: S. EARL  
PROJECT NUMBER: 1781810VY  
SHEET: 1 of 1

### STAFF REPORT: APPLEWOOD HOLLOW RU5 REZONE

6 September 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:** Andrew Daines

**Parcel ID#:** 03-066-0017

**Staff Recommendation:** Denial

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

4642 Hollow Road  
Nibley

**Acres:** 12.5

**Current Zoning:**  
Agricultural (A10)

**Proposed Zoning:**  
Rural 5 (RU5)

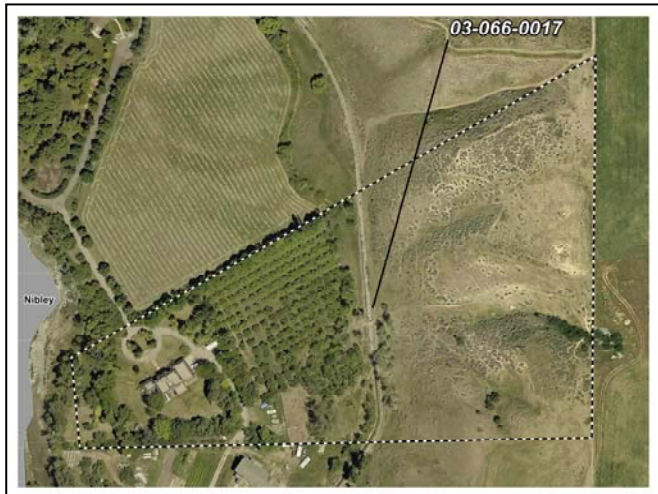
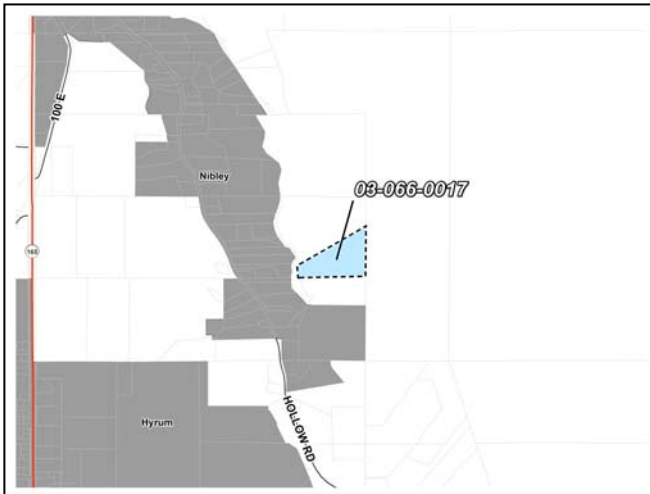
**Surrounding Uses:**

North – Agricultural/ Residential

South – Agricultural/ Residential

East – Agricultural/Forest Recreation

West – Blacksmith Fork River/Nibley City



### FINDINGS OF FACT (17)

#### A. Request description

1. A request to rezone a 12.50 acre lot from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. The applicant had previously applied for a rezone to the Rural 2 (RU2) Zone for the same property, but withdrew the application prior to the July 2018 Planning Commission meeting.
2. This rezone may allow the parcel to be legally divided into a maximum of two (2) separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachments A & B) and in the following text:

**a. Land Use Context:**

- i.** Parcel status: A building permit was issued in August 1977 for a single-family residence on 10.0 acres. In January 1992, a boundary line adjustment was done between parcel 03-066-0017 and 03-066-0025 with a recorded deed. At that time, the subject parcel increased from 10.0 acres to 12.5 acres, and as no additional parcels were created, the subject property is considered a legal parcel.
- ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (34 parcels) with a dwelling is 7.2 acres; the average size of parcels (76 parcels) without a dwelling is 11.8 acres. Portions of Nibley City and Hyrum City also lie within one mile of the proposed rezone. Within the City areas inside the one-mile buffer, the average size of a city parcel (389 parcels) with a house is 0.7 acres; the average size of city parcels (69 parcels) without a house is 3.4 acres (Attachment A).

The proposed RU5 zone allows a maximum density of 1 lot for every 5 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 12.50 acres of property, the subject parcel cannot be divided into any additional lots under the current A10 Zone; a rezone to RU5 would allow one additional buildable lot in addition to the existing lot.
- iii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU5 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 RU5 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 RU5 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 RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The western boundary of the proposed rezone borders Nibley City.

There are no other RU5 zones within a five-mile radius of the subject property (Attachment B). However, the boundaries of multiple incorporated areas are located to the north, south, and west of the property including Millville, Nibley, and Hyrum cities. Properties to the east are primarily located in the Forest Recreation (FR40) Zone.

The portion of Nibley City that borders the subject property to the west is zoned Rural Estate (RE) with a minimum required lot area of 2 acres.

**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 5 (RU5) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU5 Zone and includes the following:
    - a. “To allow for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. 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 agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality 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 RU5 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 lot does not have frontage on a county road and the property is accessed from a private road that connects to Hollow Road, a Nibley City road at this location.
  8. Hollow Road:
    - a. Is a Nibley City road.
    - b. At the time of the previous rezone request, the Mayor of Nibley City, Shaun Dustin, provided staff with a letter dated July 10, 2018, detailing the City’s concerns about the possible rezone to RU2 (Attachment C). With the submittal of the new rezone request, Nibley City acknowledged that a lower density (i.e., RU5 instead of RU2) mitigates some impacts, but reiterated that their concerns in the July 10, 2018 letter remain, as follows:
      - i. The parcel is currently accessed only by private roads, which already have more than the legal number of houses being accessed from them,
      - ii. There are unanswered questions about legal access to the parcel,
      - iii. There are significant challenges related to providing utilities to the site, and
      - iv. There is a risk of septic tanks contaminating Nibley's Source Water Protection Zone.
    - c. If the rezone is approved, any future application for a subdivision that proposes access off this portion of Hollow Road must provide express written approval from Nibley City allowing development to access Hollow Road.
  9. Private Access Road:
    - a. Is a private road that connects to Hollow Road in Nibley City at two points: at approximately 4900 Hollow Road to the south and 4700 Hollow Road to the north. The distance between these two points is approximately 0.75 miles and crosses the Blacksmith Fork twice over two bridges. The condition of the bridges is unknown.
    - b. The private road crosses multiple private properties and is split between the jurisdiction of Nibley City and the County.
    - c. An initial review of the private access road from the south entry off of Hollow Road to the subject property shows the road varies in width from 12-to-19 feet and the surface material appears to be primarily dirt with gravel in places. The northern portion of the private road from the subject property to 4700 Hollow Road including the north bridge has not been reviewed.
    - d. The road provides access to multiple properties both in the county and Nibley City.

- e. The County Road Manual does not permit private roads to provide access to more than three single-family dwellings.
- f. Additionally, per the definition in the Manual, private roads are not intended to be through roads. The County does not maintain private roads
- g. 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.
- h. 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 service these developments is inconsistent with the County Resolution.

**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 does not meet fire code. The access road must be improved to Fire Department standards during the subdivision process if the rezone is approved. Water supply for fire suppression is provided by the Hyrum City Fire Department.
- 11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental does not provide service on the private road. Containers must be placed on Hollow Road for Wednesday collection.
- 12. §16.04.080 [D] School Bus Service – School bus service is located at a stop at 4700 S. Hollow Road, Nibley.

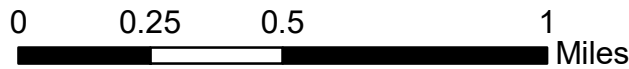
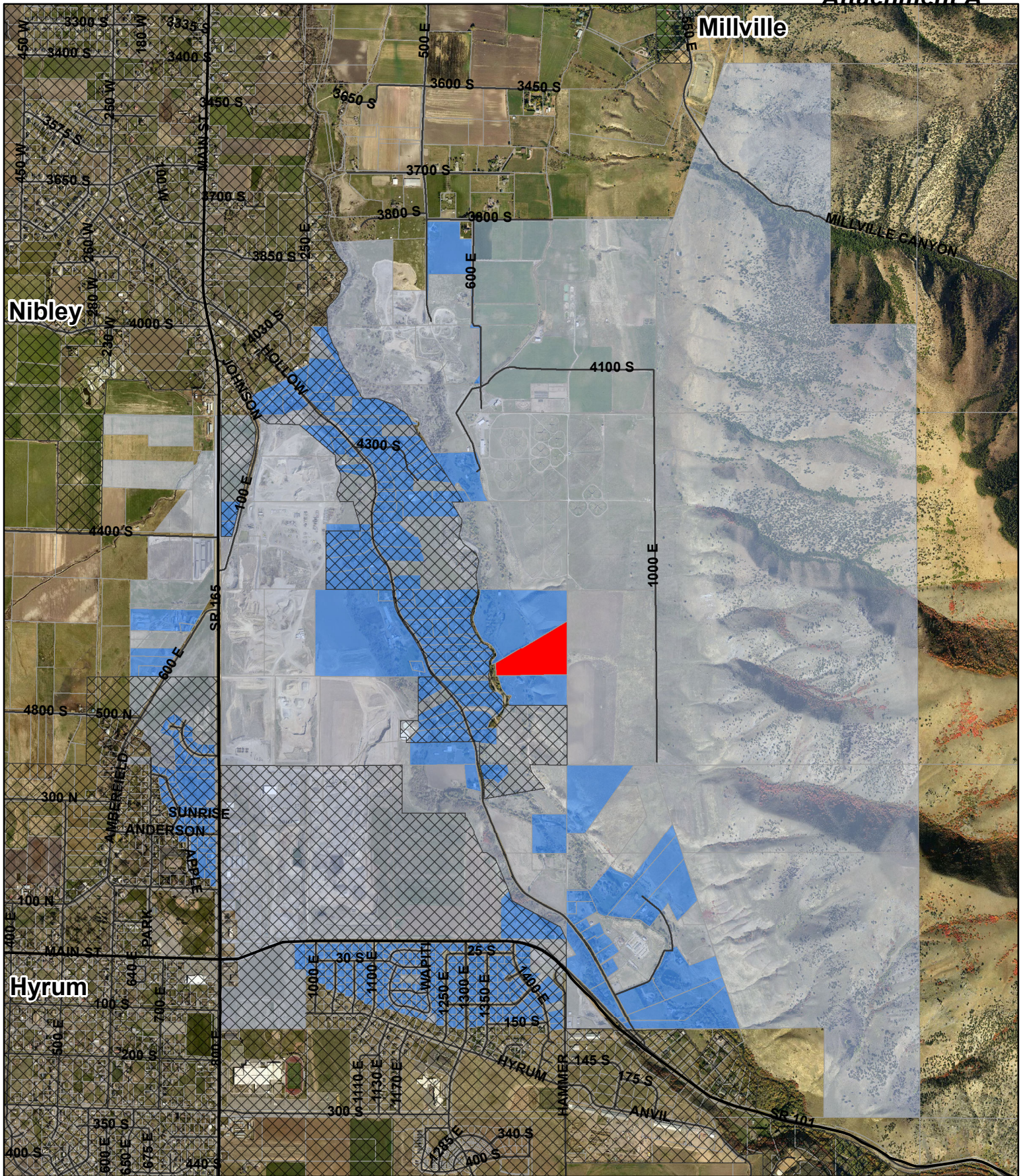
**E. Public Notice and Comment—§17.02.040 Notice of Meetings**

- 13. Public notice was posted online to the Utah Public Notice Website on 22 August 2018.
- 14. Notice was published in the Herald Journal on 26 August 2018.
- 15. Notices were posted in three public places on 22 August 2018.
- 16. Notices were mailed to all property owners within 300 feet and cities within 1-mile on 23 August 2018.
- 17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONCLUSIONS (3)**

Based on the findings of fact noted herein, the Applewood Hollow Rezone is hereby recommended for denial to the County Council as follows:

- 1. The property lacks adequate provision of public services including emergency access, refuse collection, and public infrastructure.
- 2. The existing, substandard private access road currently exceeds the number of single-family dwellings allowed on a private road per the Road Manual.
- 3. The access is from a Nibley City road and given the location of the property, the issues with infrastructure would be better addressed as part of a Nibley City development, not a county development on a municipal road.



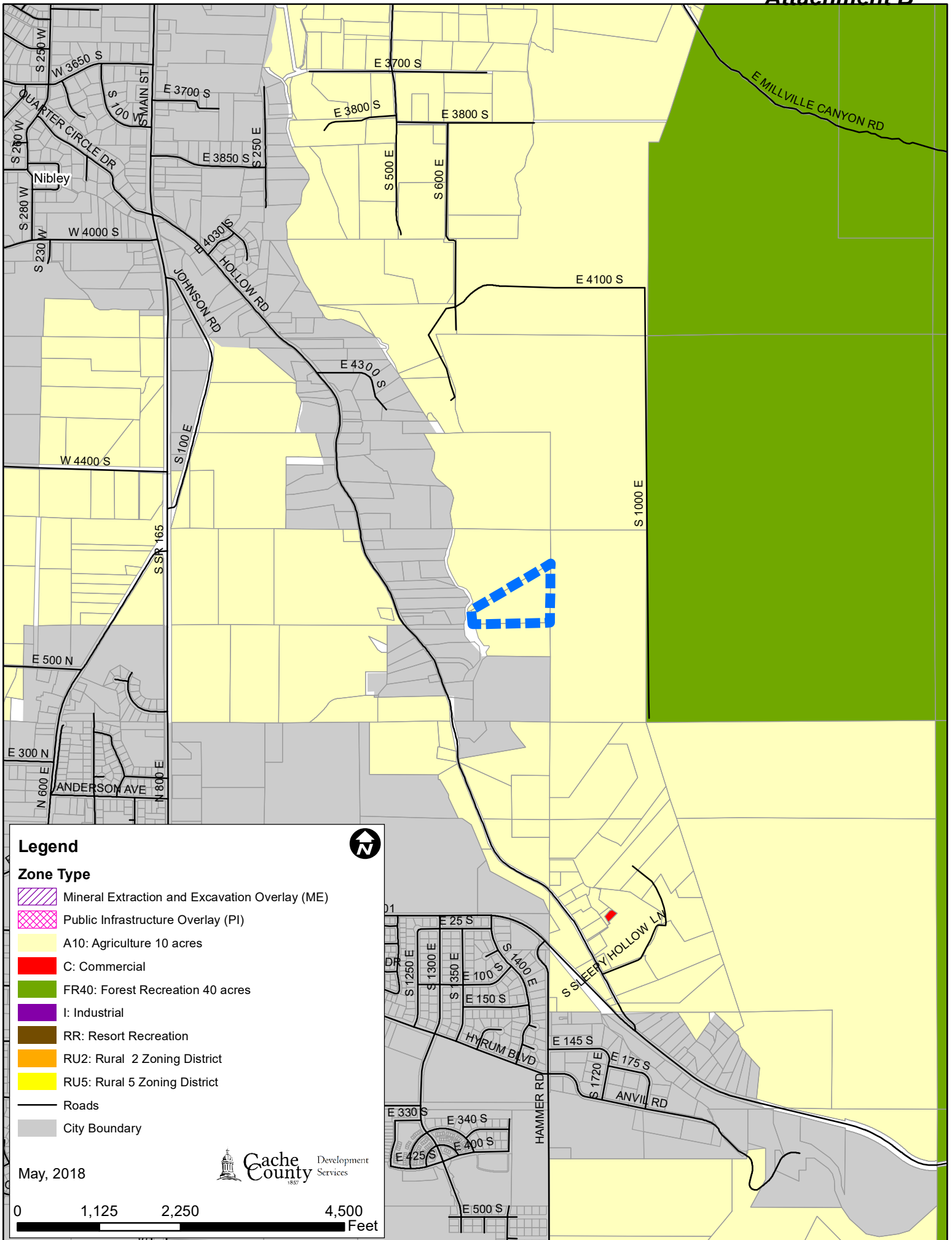
**Legend**

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

**Average Parcel Size Without a Home: 11.8 Acres (76 Parcels)**  
**Average Parcel Size With a Home: 7.2 Acres (34 Parcels)**  
**Average Parcel Size Without a Home Hyrum or Nibley City: 3.4 Acres (69 Parcels)**  
**Average Parcel Size With a Home Hyrum or Nibley City: 0.7 Acres (389 Parcels)**



June 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

May, 2018

Cache County Development Services

0 1,125 2,250 4,500 Feet



Mayor  
Shaun Dustin



Council Members  
Tim Ramirez  
Norman Larsen  
Larry Jacobsen  
Kathryn Beus  
Tom Bernhardt

July 10, 2018

Cache County Planning Commission  
Via Email

RE: Daines Property Rezone Request for Parcel #: 03-066-0017

Dear Cache County Council and Planning Commission,

This letter is regarding the request before you to rezone parcel 03-066-0017 from Agricultural (A10) to Rural 2 (RU2). As mentioned in the Cache County Planning Commission staff report, this rezone would have the greatest impact on Nibley City. Nibley City has several concerns with this proposal, which are summarized here and detailed below:

1. The parcel is currently accessed only by private roads, which already have more than the legal number of houses being accessed from them,
2. There are unanswered questions about legal access to the parcel,
3. There are significant challenges related to providing utilities to the site, and
4. There is a risk of septic tanks contaminating Nibley's Source Water Protection Zone.

Our first concern is related to access to the property. The only way to access this property is from Hollow Road, which is a Nibley City road. Also, portions of the private roads used to access the parcel are within Nibley City boundary. Nibley is concerned that these private roads are inadequate to serve development on the parcel. In addition, these private roads already serve more homes than Nibley City Code allows.

Nibley City's Subdivision Ordinance, §11-5-5 (G), states the following about road development within Subdivisions:

1. Private roads are allowed for areas of three (3) lots or less. The cross section of the road shall include: twenty feet (20') of asphalt, two feet (2') of shoulder on each side and four (4) to six feet (6') (each side) for stormwater swale. These roads shall be built to the standards of the Nibley City design standards and specifications and shall include five foot (5') sidewalks where required by City ordinance.
2. Developments of four (4) to seven (7) lots shall have a publicly dedicated roadway with a fifty foot (50') cross section as follows: twenty five feet (25') of asphalt, and the following on each side of the road: 2.5 feet of curb and gutter, four feet (4') of planting strip, five foot (5') sidewalk and one foot (1') strip to property line. These roads shall be built to the standards of the Nibley City design standards and specifications.
3. All other developments shall have roadways that conform to this section.

Nibley is concerned that, if the property owner were to be granted a rezone, that could result in potentially a half dozen more homes using a private access road. There are already at least nine lots total that have access to the private roads at 4700 S and 4900 S on Hollow Road, about half of which are currently in the unincorporated area and need to cross one of the two private bridges. Both of these roads and bridges would need major improvements before they could be dedicated as public roads. If the applicant were to annex into the City to do a subdivision, they would need to improve at least one of the private roads to public standards, including a bridge.

Nibley's second concern is related to legal access to the property. Since there are so many lots that currently access from the private roads that are used to access this parcel, it is questionable whether or not those roads and the attached easements would allow expanded impact, or if the owners of those roads would agree to the expanded impact. Before any rezone, Nibley City would like for those questions to be answered before any approval of a change of land use.

Nibley's third concern is about the utility services for the area. Nibley City code does not allow the City to provide utility services beyond city limits. Even if the applicant were to petition for annexation into Nibley, there would be some significant physical and financial barriers to connecting to the City's utility systems. Specifically, the property is located at a higher elevation than the water lines, the property is located several hundred feet away from the utility lines, there is no clear right-of-way dedicated for the utility connection, and the utilities would have to be brought across the Blacksmith Fork River.

In addition, if sewer lines were not extended to the property and septic tanks were considered as an option, Nibley City would have grave concerns with the installation of septic tanks in this area. This parcel is located in the City's Source Water Protection Zone for one of Nibley's culinary water wells.

We thank you for considering our concerns in regard to the Daines' rezone request, and we support the staff recommendation of denying the rezone request.

Sincerely,



Shaun Dustin  
Mayor

### STAFF REPORT: WALKER PROPERTY REZONE

6 September 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:** Per-Ole Danfors

**Parcel ID#:** 03-058-0022

**Staff Recommendation:** Approval

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

~1500 W 4400 S

Near Hyrum

**Current Zoning:**

Agricultural (A10)

**Acres:** 10.00

**Proposed Zoning:**

Industrial (I)

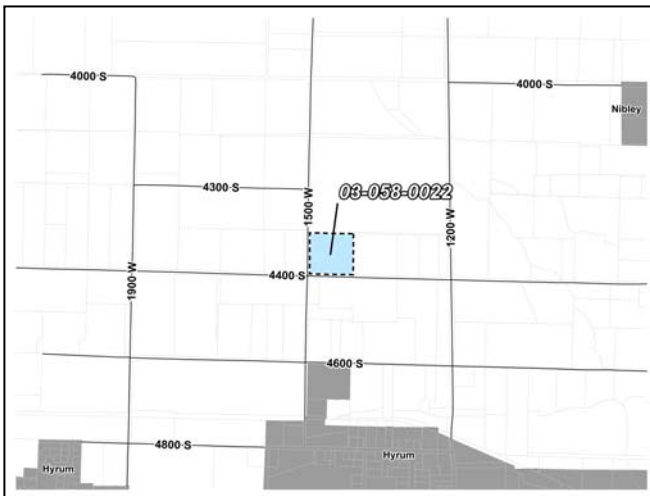
**Surrounding Uses:**

North – Agricultural/Public Infrastructure

South – Agricultural/Hyrum City

East – Agricultural

West – Agricultural



### FINDINGS OF FACT (18)

#### A. Request description

1. A request to rezone a 10.00-acre parcel from the Agricultural (A10) Zone to the Industrial (I) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Industrial (I) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the Industrial Zone will be addressed as part of each respective approval process required prior to site development activities.
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 (Attachment A & B) and in the following text:

**a. Land Use Context:**

- i.** Parcel status: The subject property is a legally created parcel. The property is currently developed with accessory structures; there are no habitable buildings onsite.
- ii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the Industrial (I) Zone allows for a variety of uses, including the following uses that are allowed as a conditional use in the Industrial Zone but are not permitted in the current A10 Zone:

- General Manufacturing
- Storage and Warehousing
- Self-service Storage Facility
- General Vehicle Repair
- Mobile Food Truck (as a zoning clearance)
- Sexually-oriented Businesses
- Telecommunication Facility
- Crematorium
- Commercial Kennels/Animal Shelters

- iii.** Adjacent uses: The majority of properties surrounding the subject parcel within a one-mile buffer (Attachment A) are currently zoned A10 and are used for agricultural and/or residential purposes. Immediately to the north of the sight is a water filtration plant. Further north, there is a property zoned Commercial with a self-storage facility. Less than a mile away to the south are multiple parcels zoned Industrial where a meat processing plant is located. The northernmost point of the Hyrum City boundary is 0.30 miles from the subject property.

Within the one-mile buffer of unincorporated county area surrounding the property, there are only 4 parcels, of 225 total, with a home located on it (Attachment B). Portions of Hyrum City and Nibley City are within the one-mile buffer and there are 333 parcels, of a total of 455, with a home in those cities.

- iv.** The subject property is located within the Hyrum City future annexation area. As the property is not immediately contiguous to Hyrum City, the applicant was not required to provide a letter from the city in regards to annexation of the property. The City was notified as part of the public notice process. Staff spoke with Ron Salvesson, the City Administrator, on 28 August. Mr. Salvesson stated that the future land use plan for that area is industrial and agricultural. Further, he agreed the rezone request is in line with the future land use plan and consistent with existing uses: JBS facilities, sewer plant, compost business, feed yard, etc. Hyrum City has no objection to the proposed rezone.

**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 Industrial (I) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [F] identifies the purpose of the Industrial Zone and includes the following:
  - a.** “To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect

upon the surrounding properties. The purpose of this zone is also to promote the economic well-being of the citizens and to broaden the tax base.

b. 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 Industrial (I) 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. The subject property has frontage along 1500 West and 4400 South, both county roads.

8. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

9. The Road Manual specifies the following:

a. Table 2.2 – Roadway Typical Sections, Footnote #6 indicates that development of a commercial or industrial nature must meet the minimum requirements of a local road.

b. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.

c. 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.

d. §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.

e. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for paved roads requires gravel roads requires 14” depth of granular borrow and 6” depth of road base.

10. A basic analysis of 1500 West is as follows:

a. Is an existing county facility that provides access to the general public.

b. Currently provides access to multiple vacant and agricultural parcels.

c. Consists of an average 21-foot paved width with 8-foot wide gravel shoulders.

d. Has an unknown depth and type of material under the surface.

a. Is maintained year round.

11. A basic analysis of 4400 South is as follows:

a. Is an existing county facility that provides access to the general public.

b. Currently provides access to multiple vacant and agricultural parcels.

c. Consists of an average 23-foot paved width with 4-foot wide gravel shoulders.

d. Has an unknown depth and type of material under the surface.

e. Is maintained year round.

**D. Service Provisions:**

12. §16.04.080 [C] Fire Control – The County Fire District reviewed the request and stated that the Fire District will require a water source for fire protection for all properties zoned industrial.

13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

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

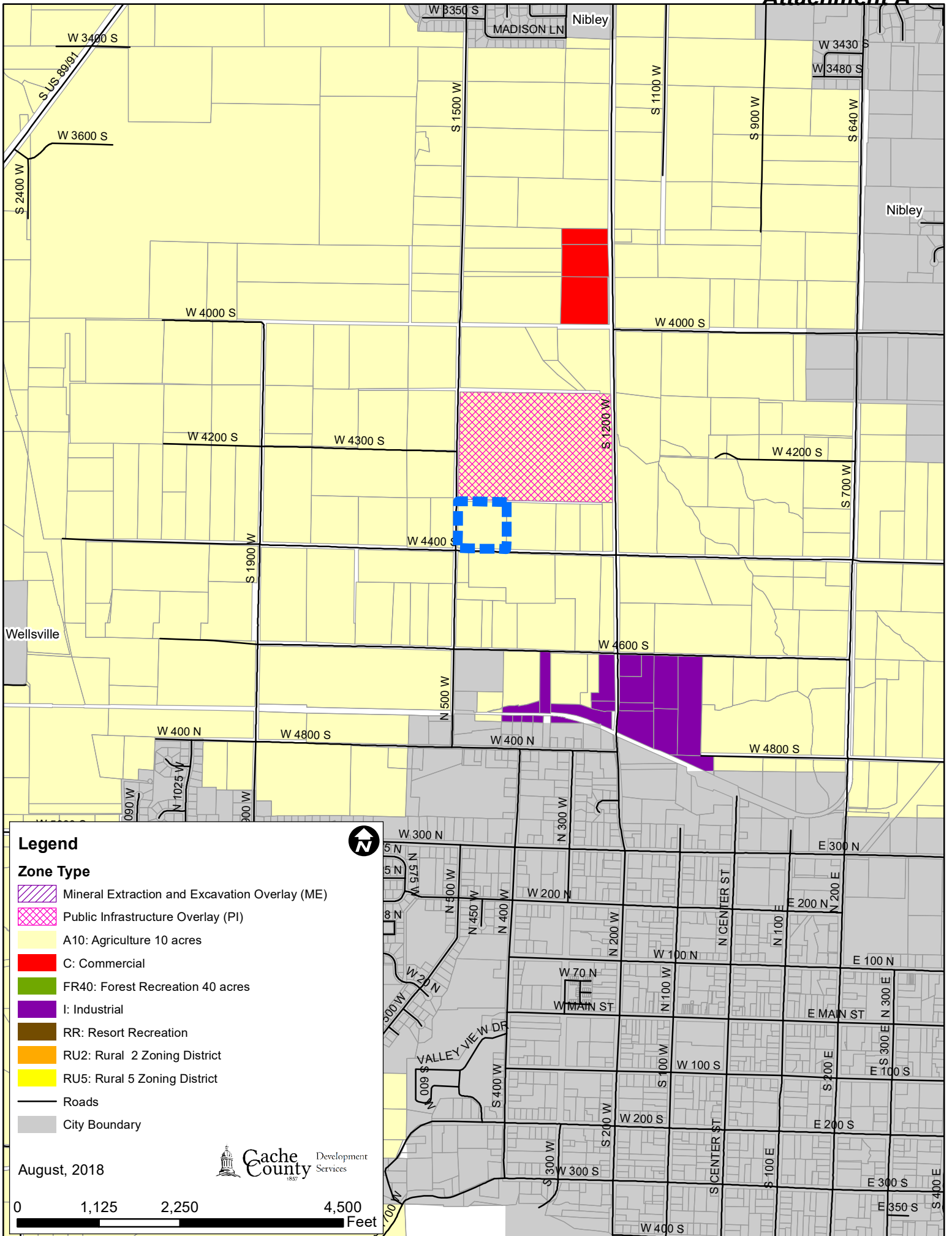
14. Public notice was posted online to the Utah Public Notice Website on 22 August 2018.
15. Notice was published in the Herald Journal on 26 August 2018.
16. Notices were posted in three public places on 22 August 2018.
17. Notices were mailed to all property owners within 300 feet of the subject property on 24 August 2018. Hyrum City was notified by email and staff discussed the proposed rezone with the City Administrator by phone. Hyrum City does not have any objection to the request.
18. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONCLUSION (1)**

---












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

1. The location of the subject property is compatible with the purpose of the Industrial (I) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - a. Is adjacent to the Hyrum City boundary and located within their future annexation area. The future annexation area land use plan calls for this area to be industrial and agricultural.
  - b. Allows for industrial development in an area with minimal residential development, which would limit conflict or deleterious effects upon surrounding properties.



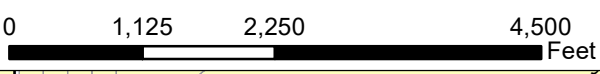
**Legend**

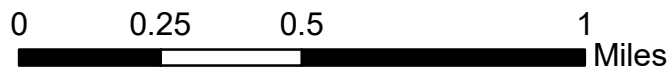
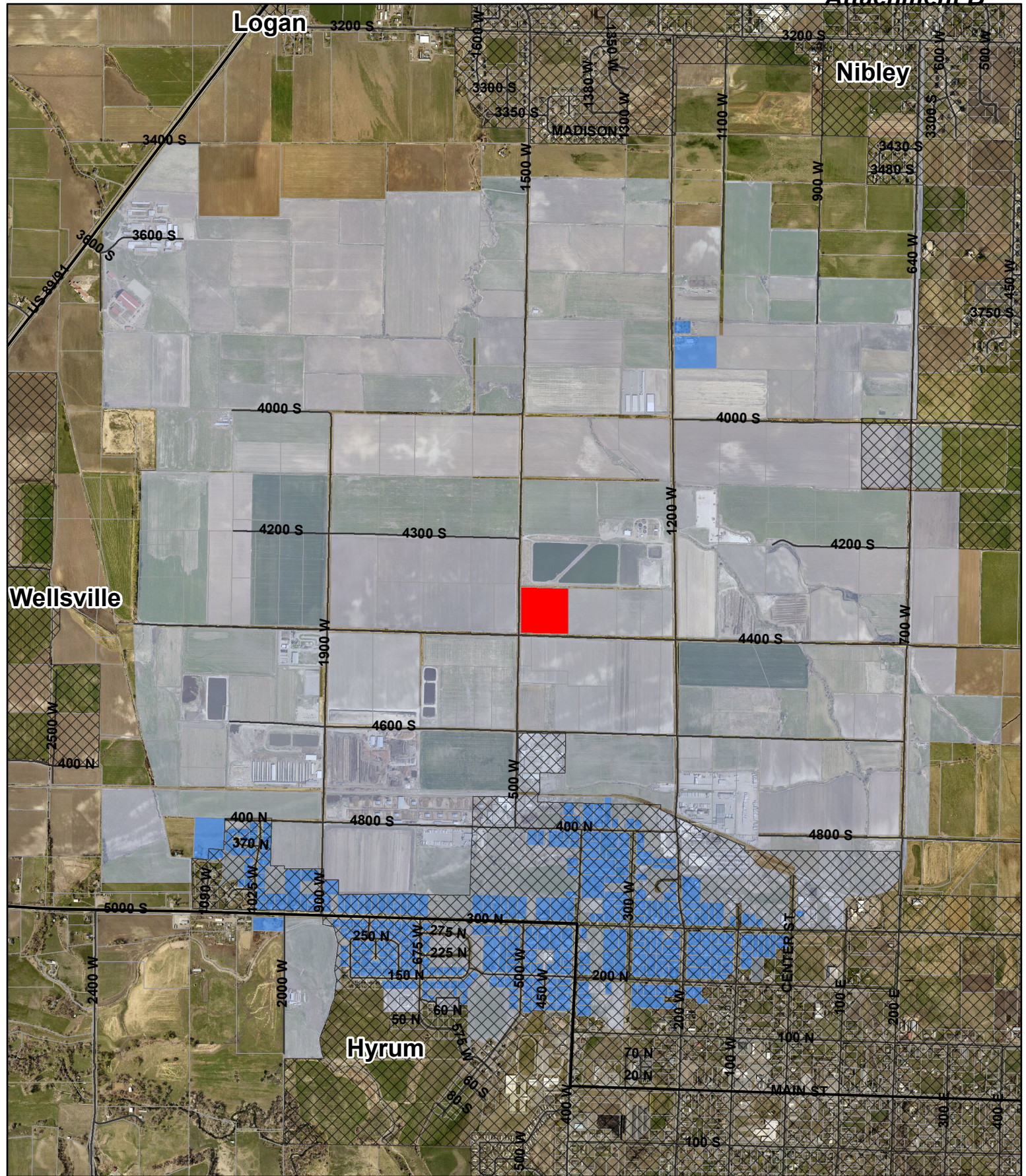
**Zone Type**

-  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



August, 2018





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

**Average Parcel Size Without a Home: 8.3 Acres (221 Parcels)**  
**Average Parcel Size With a Home: 3.5 Acres (4 Parcels)**  
**Average Parcel Size Without a Home Hyrum or Nibley City: 0.5 Acres (122 Parcels)**  
**Average Parcel Size With a Home Hyrum or Nibley City: 0.7 Acres (333 Parcels)**





*Accessory apartments* are currently allowed in the RU2, RU5, A10, and RR zones with approval of a Zoning Clearance.

Chapter 17.07.030 Use Related Definitions

- 1120     **ACCESSORY APARTMENT:** One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit located within an existing primary dwelling unit. An accessory apartment must comply with the following requirements:
1.     Be located within an existing single-family dwelling which has been designated, built, or converted to accommodate an independent housing unit.
  2.     Must be approved by the Bear River Health Department and County Building Department with respect to sanitation, water, drainage, and all applicable health codes and requirements and must also comply with all applicable Land Use, Building, and Safety Codes, including the obtaining of a building permit.
  3.     Only one (1) accessory apartment is allowed per legal lot.
  4.     The existing primary single-family dwelling unit or the accessory apartment must remain owner occupied.

**ISSUES:** In the current real estate market where affordable land and homes are scarce, staff has fielded numerous requests from residents looking to find alternative housing solutions. If a property cannot be divided to accommodate another dwelling, an option under the current Code is to add an accessory apartment to an existing single-family residence for their children, aging parents, or as a rental for additional income. With the increase in requests for accessory apartments, it has become clear to staff that there are some issues with the current code.

- Lack of clarity in the definition: “*Be located **within** an existing single-family dwelling*”. If the accessory apartment is part of a new addition to the house, what is “within”. Does a breezeway connection count? Attached via a laundry room? What percentage of walls must be connected, etc.?
- No limitation as to size. “Accessory” requires that the use or structure be subordinate to the primary use. However, with no size limitation, there have been applications submitted for very large additions to accommodate an accessory apartment, resulting in what is essentially a duplex.
- Lack of design standards to help ensure “subordinate” nature (i.e., entry on side or rear, connected by same roofline, maximum size, etc.)
- “Accessory apartment” versus a “guest room”. Many inquiries from residents include wanting to add a guest room to a detached garage or an independent detached structure. There is no definition or allowance for “guest room” in the Code. Also, there are no limitations on plumbing in accessory structures such as a garage or shed, which could easily be converted to a guest room. If detached guest rooms are allowed, should a property be permitted to have an accessory apartment in addition to a guest room?

**POSSIBLE CODE CHANGES:**

- Clarify language in definition for “accessory apartment”:
  - Add a maximum size limitation:
    - Max. 650-1,000 square feet.
  - Accessory apartment cannot be on separate utility meters or septic system.
  - Must be attached to existing single-family residence; cannot be detached.
  - Add design standards:
    - Entry must be located on the side or rear of the existing structure to maintain appearance as a single-family residence.
    - If building an addition to create an accessory apartment, the addition must tie in to the existing roof line and be attached to the existing residence by a minimum amount of linear connection (i.e., a breezeway is not sufficient)
    - Exterior materials must match existing residence.
- Add language to “1130: Accessory/Agriculture Structures” definition that limits bathroom facilities to half bath only (i.e., toilet and sink, no bathing facilities except if there is a swimming pool).
- Add definition for “guest room” under Residential Uses:
  - Allow detached guest rooms with bedroom and bath only.
  - Maximum size 300 square feet (i.e., typical hotel room is 325 square feet).
  - Limit one guest room per lot.
  - Must meet setback requirements for a primary structure.
  - Cannot be used as a rental unit.
  - Cannot be converted to an accessory apartment.
  - Mobile homes, recreational vehicles, or other portable structures cannot be used as a “guest room” under this definition.