



4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Phillip Olsen

Review and approval of agenda.

Review and approval of the minutes of the 6 September 2018 meeting.

5:35 p.m.

Consent Items

- 1. Ohana Mauna Subdivision** – A request to create a new 2-lot subdivision located at 7860 N. Hwy 91, near Smithfield, in the Rural 5 (RU5) Zone.
- 2. Poulsen Fryer Family Farms Subdivision 1st Amendment (formerly Fluckiger Subdivision)** – A request to amend an existing one-lot subdivision by expanding the subdivision boundary, creating two new developable lots and multiple agricultural remainders, and changing the name of the subdivision located on approximately 311.00 acres at 7641 West Highway 30, Petersboro, in the Agricultural (A10) Zone.

Regular Action Items

- 3. Public Hearing (5:40 p.m.): Apple Goat Acres Rezone** – A request for a recommendation of approval to the County Council for a rezone of 16.78 acres, located at 4211 West 2600 North, Benson, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
- 4. Cherry Peak Ski Area CUP 2nd Amendment** – A request for a minor change to Condition #3 from being required “prior to recordation” to “prior to construction.”
- 5. Discussion:** Amendment to Title 17.07 regarding Accessory Apartments
- 6. 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>
<u>Consent Items</u>	
1. Ron Stagg Subdivision 1 st Amendment	2
2. Wellsville Rising Subdivision	2
<u>Continued Items</u>	
3. Creekside Estates Subdivision.....	4
<u>Regular Action Items</u>	
4. Public Hearing (5:45 p.m.): Applewood Hollow RU5 Rezone	4
5. Public Hearing (6:00 p.m.): Walker Property Rezone	5
6. Discussion: Amendment to Title 17.07	6
7. Training: Meeting Procedures	6

Present: Angie Zetterquist, Chris Harrild, Josh Runharr, Nolan Gunnell, Jason Watterson, Rob Smith, Brady Christensen, Jon White, Lee Edwards

1
2 **Christensen** welcomed and **Watterson** gave opening remarks

3
4 **05:31:00**

5
6 **Agenda**

7
8 *Watterson* motioned to accept Agenda; *Gunnell* seconded; **Passed 4, 0.**

9
10 **05:31:00**

11
12 **Minutes**

13
14 *Gunnell* motioned to approve 12 July 2018 minutes; *Watterson* seconded; **Passed 4, 0.**

15
16 **05:32:00**

17
18 **Consent Items**

19
20 **Christensen** informed the public of how consent items work.

21
22 *Smith* motioned to remove item #2 from the consent agenda; *Gunnell* seconded; **Passed 4, 0.**

23
24 **#1 Ron Stagg Subdivision 1st Amendment**

25
26 *Watterson* motioned to recommend approval for #1 on the consent agenda; *Smith* seconded;
27 **Passed 4, 0.**

28
29 **05:35:00**

30
31 **#2 Wellsville Rising Subdivision**

32
33 **Zetterquist** reviewed the staff report for the Wellsville Rising Subdivision.

34
35 **Christensen** informed the public that water issues are not something the planning commission
36 has control over.

37
38 **Staff** and **Commission** discussed access to Lot 1.

39
40 **Theresa Liechty** commented regarding concerns with water.

41
42 **Christensen** responded that water rights being applied for are posted in the newspaper and
43 people can protest the water rights at that time and that the state water engineer controls that.
44

1 **Phil Bankhead** commented that he is representing Darley Springs and with concerns to how the
2 new homes will affect the spring and in opposition to the project.
3
4 **Evan Bankhead** commented that he is representing the Clayton Spring Ditch and with concerns
5 to how the new homes will affect the spring and in opposition to the project.
6
7 **Derrick Henry** commented with concerns with for water, and traffic and concerns for children
8 on the road.
9
10 **Mr. Bankhead** asked about access to Lot 1 and if it meets County Code.
11
12 **Runhaar** responded that access meets County Code.
13
14 **Mr. Bankhead** commented that the road isn't wide enough for a semi to be parked on the road.
15
16 **Jed Willets**, the applicant, commented on traffic, water, wells, and stated that the application
17 met the County requirements.
18
19 **Gunnell** asked about the water rights.
20
21 **Mr. Willets** responded there are 4 water rights in the person's name who owns the property.
22
23 **Gunnell** asked if there would be a point of diversion on each of the 4 lots.
24
25 **Mr. Willets** responded there would be.
26
27 **Smith** asked if a change application had been filed with the state water engineer and if it had
28 been approved.
29
30 **Mr. Willets** responded that the applicant had and he would check on the status of the
31 application.
32
33 **Smith** commented for those who have concerns with water should contact the state engineer.
34
35 **Runhaar** commented that the plat cannot be recorded until the water rights are approved.
36
37 **Mr. Willets** commented that to file the development application required all that information
38 before it could be submitted to planning and zoning in the owner's name.
39
40 **Smith** responded that the water right is not approved until the change application has been
41 approved. One water right is established but the other three are pending.
42
43 **Mr. Bankhead** responded that if the other subdivision floods it is in the summer due to
44 irrigation. However, in the spring all those homes have water in their basements and asked about
45 the access to Lot 1.
46
47 **Runhaar** responded that Lot 1 has to access off the private drive not the intersection.

1 **Staff and Commission** discussed the road, road width, and access to Lot 1.

2
3 *Watterson* motioned to approve the Wellsville Rising Subdivision with findings & the 5
4 conditions, addition of a 6th Condition, and the noted amendment to condition 4 and conclusions;
5 *Smith* seconded; **Passed 4, 0.**

6
7 **06:06:00**

8
9 **#3 Creekside Estates Subdivision**

10
11 **Zetterquist** updated the Commission with the access updates. Smithfield City has provided a
12 letter approving access.

13
14 **Dennis Thornley** read a statement in opposition of the subdivision.

15
16 **Duane Williams** commented that the property is owned jointly by 6 people and will try to do the
17 best they can in regards Mr. Thornley's concerns.

18
19 **Gunnell** inquired about some line work on the subdivision plat.

20
21 **Mr. Williams** responded that it was a utility easement and that is where the lots will be
22 connecting to their utilities.

23
24 *Smith* motioned to approve the Creekside Estates Subdivision with findings, conditions, and
25 conclusions; *Watterson* seconded; **Passed 4, 0.**

26
27 **06:15:00**

28
29 **Regular Action Items**

30 **#4 Public Hearing (5:45 p.m.): Applewood Hollow RU5 Rezone**

31
32 **Smith** recused himself from this agenda item and left the room.

33
34 **Zetterquist** reviewed the staff report for the Applewood Hollow RU5 Rezone.

35
36 **06:22:00**

37
38 *Gunnell* motioned to open the public hearing for the Applewood Hollow Rezone; *Watterson*
39 seconded; **Passed 3, 0.**

40
41 **Laurie Jacobsen** commented in behalf of Nibley City with concerns for access and septic.

42
43 **Brett Skinner** commented on access. The north access is through an easement on his property
44 but the access will need to be looked at if future subdividing were going to occur.

45
46 **Gunnell** asked if Mr. Skinner had a copy of the easement.

1 **Mr. Skinner** replied that his understanding was the easement was limited to the Daines’
2 household. If the access is going to only be the south bridge there should not be an issue.

3
4 **Andrew Daines**, the applicant, commented that he has requested a continuance to address the
5 concerns that have been brought forward.

6
7 **Christensen** commented that if the applicant decides to pursue this application, he needs to
8 contact Nibley City and the County to try and resolve the issues with septic before bringing it
9 back.

10
11 **Edwards** commented this is a legislative act; there is not an appeal to Council.

12
13 **Staff** and **Commission** discussed what water source protection is and how that effects the
14 Commission’s decisions and what the differences are between the different zones. County
15 ordinance prohibits septic tanks to be placed in zones 1 and 2 for a water source protection. The
16 property is located within a higher zone that is not restricted in the County Code.

17
18 **Mr. Daines** commented that this property is zone 4.

19
20 **6:34:00**

21
22 *Watterson* motioned to close the public hearing; *Gunnell* seconded; **Passed 3, 0.**

23
24 **Edwards** commented that a quorum was needed for a motion to continue the item. **Smith**
25 returned.

26
27 *Gunnell* motioned to continue the Applewood Hollow Rezone up to 90 days; *Watterson*
28 *seconded; Passed 4, 0.*

29
30 **06:36:00**

31
32 **#5 Public Hearing (6:00 p.m.): Walker Property Rezone**

33
34 **Zetterquist** reviewed the staff report for the Walker Property Rezone.

35
36 **Staff** and **Commission** discussed the current use of the property.

37
38 **6:40:00**

39
40 *Gunnell* motioned to open the public hearing; *Smith* seconded; **Passed 4, 0.**

41
42 **John Eccles** commented that he was speaking on behalf of the property owner. The owner has
43 made several improvements to the land and is ready to move on to a new project.

44
45 **Per Danfors**, the applicant, commented that the plan was to improve the water source and install
46 a septic system and run a construction business there.

1 **06:43:00**

2

3 ***Gunnell*** motioned to close the public hearing; ***Watterson*** seconded; ***Passed 4, 0.***

4 ***Smith*** motioned to recommend approval to the County Council for the Walker Property Rezone
5 with the stated findings of facts, conditions, and conclusions; ***Gunnell*** seconded; ***Passed 4, 0.***

6

7 **06:44:00**

8

9 **#6 Discussion: Amendment to Title 17.07**

10

11 Moved to October's agenda.

12

13 **#7 Training: Meeting Procedures**

14

15 Moved to October's agenda.

16

17 **06:46:00**

18

19 ***Smith*** motioned to adjourn; ***Gunnell*** seconded; ***Passed 4, 0.***

20

21 **Adjourned**

DRAFT

STAFF REPORT: OHANA MAUNA SUBDIVISION

4 OCTOBER 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: Michael Jenkins

Parcel ID#: 08-016-0023

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

7860 North Hwy 91

north of Smithfield

Current Zoning:

Rural 5 (RU-5)

Acres: 10.99 acres

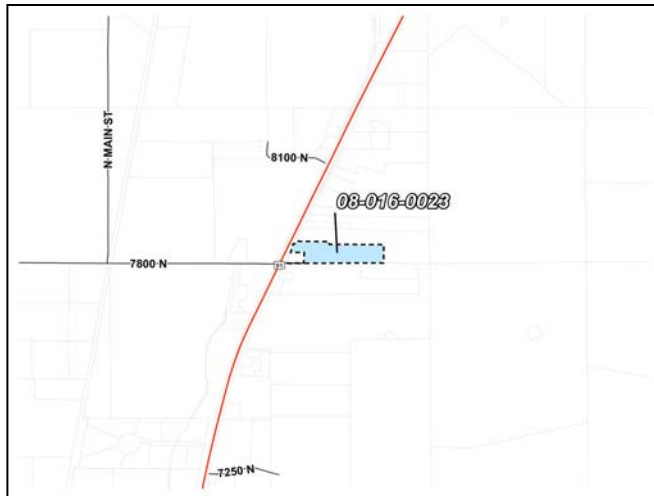
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (19)

A. Request description

1. The Ohana Mauna Subdivision is a request to create a 2-lot subdivision on a 10.99 acre property in the Rural 5 (RU5) Zone.
 - a. Lot 1 will be 8.53 acres, and
 - b. Lot 2 will be 2.46 acres.

B. Parcel legality

2. Parcel status: In 1996, a Conditional Use Permit and variance were approved to allow the division of a one-acre piece of property from 08-016-0023 with no frontage on a public road for the construction of a single family dwelling. A building permit was subsequently issued for single-family dwelling in July 1996 on one-acre. The one-acre lot was later recombined into parcel 08-016-0023 in its present configuration. In May 2018, the applicant submitted an

application for a rezone request to change the zoning to Rural 5 (RU5). That request was approved by County Council on July 10, 2018.

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 (#25-9647/a24164) on file for Lot 1. The water right for Lot 2 is in process (#25-11527, 11528/a44025). Proof of approved water right for Lot 2 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. Lot 1 has an existing home with a septic system and the applicant provided a copy of a septic feasibility letter from BRHD for the proposed Lot 2.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

7. The property has frontage on U.S. Highway 91 on the west side and access to the existing single-family residence via a private road (7800 North) along the south boundary line of the property. Lot 2 will either take access from 7800 North or Highway 91 across Lot 1, but not both.
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. Private Road: Allowed for a maximum of 30 average daily trips (ADT), which is equivalent to 3 houses with a minimum 20-foot wide gravel surface.
 - b. §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.
 - c. 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.
 - d. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - e. §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*
10. A basic analysis of private road (7800 North) is as follows:
 - a. It is wholly located on parcel 08-022-0006, which is part of the H&H Subdivision located immediately to the south of this proposed subdivision.
 - b. It currently provides access to two existing single-family residences, one developable lot of the H& H Subdivision, and surrounding agricultural properties.
 - c. At the time the subject property was sold, the warranty deed included a right-of-way easement for the existing single-family residence. A recorded access easement will be required from the property owner of parcel 08-022-0006 if Lot 2 will also gain access from 7800 North. *See condition #4*

- d. It has a 13-foot wide paved surface with 4-foot gravel shoulders on both sides of the road. *See condition #5*

11. A basic analysis of U.S. Highway 91 is as follows:

- a. Is a state highway that provides access to the general public and is under the jurisdiction of the Utah Department of Transportation (UDOT).
- b. If Lot 2 will take access from 7800 North, UDOT requires approval of an encroachment permit to conduct work in the right-of-way related to improvements to the private road. *See condition #6*
- c. If Lot 2 takes access directly from U.S. Hwy 91 via a driveway at the existing farm access point on Lot 1, UDOT will require approval of a variance for spacing between access points and improvements to the approach along the right-of-way to the driveway access. *See condition #7*
- d. The existing farm access that may become the driveway access to Lot 2 if an access easement is not granted on 7800 North, is a 12-foot wide gravel road with no shoulders. *See condition #8 & #9*

F. Service Provision

- 12. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access, 7800 North, is acceptable. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development. Water supply for fire suppression would be provided by the Smithfield Fire Department. *See condition #9*
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the proposed lots will occur on Highway 91 for Friday collection. The applicant must provide sufficient shoulder space along the highway for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road for collection trucks to get out of the travel lane of the highway during the collection process.

G. Sensitive Areas

- 14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. A canal runs along the west subdivision boundary. Any development and/or road improvements required in this area will require approval from the canal company. *See condition #10*
 - b. An area of steep and moderate slopes is located on Lot 1. Additional review and analysis may be required for any proposed development in this location.

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

- 15. Public notice was posted online to the Utah Public Notice Website on 20 September 2018.
- 16. Notice was published in the Herald Journal on 23 September 2018.
- 17. Notices were posted in three public places on 20 September 2018.
- 18. Notices were mailed to all property owners within 300 feet of the subject property on 20 September 2018.
- 19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (10)

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 a domestic culinary water right in the owner's name for Lot 2. (*See D-4*)
- 2. A Land Disturbance Permit is required for any future development. (*See D-6*)

IF ACCESS FROM 7800 NORTH (Conditions #3-6)

3. Prior to recordation, if Lot 2 will take access from 7800 North, a private road, the applicant must obtain approval of a design exception from the County Council regarding the number of homes allowed on a private road. *(See E-9-e)*
4. Prior to recordation, if Lot 2 will take access from 7800 North, a private road, the applicant must record an access easement granted by the owner of parcel 08-022-0006 for the benefit of Lot 2 and the entry number must be included on the final plat. *(See E-10-c)*
5. Prior to recordation, if Lot 2 will take access from 7800 North, a private road, contingent upon recordation of an access easement and approval of a design exception, the applicant must improve the private road to the minimum County requirements and/or provide evidence that the existing material type and structural fill meets or exceeds the minimum county requirements. The design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, base preparation and construction, and surfacing for the road. Fees for any engineering plan review shall be borne by the proponent. *(See E-10-d)*
6. Prior to recordation, if all requirements for access to Lot 2 from 7800 North have been met and road improvements are required, the applicant must obtain approval of an encroachment permit from UDOT for any work that will occur in the right of way related to the private road improvements. *(See E-11-b)*

IF ACCESS FROM HWY 91 (Conditions #7-9)

7. Prior to recordation, if Lot 2 will take access directly from Hwy 91 at the existing farm access on Lot 1, the applicant must obtain all permits and approvals, including a variance for distance between access points, from UDOT and complete all required improvements in the right-of-way. The applicant must provide a copy of said requirements and permitting to the Development Services Office. *(See E-11-c)*
8. Prior to recordation, if Lot 2 will take access directly from Hwy 91, the plat must be updated to include language prohibiting access to Lot 2 from 7800 North, a private road, as well as include an access easement across Lot 1 for the benefit of Lot 2 either in the Owner's Dedication or as a separately recorded easement with the entry number included on the plat. *(See E-11-d)*
9. Prior to recordation, if Lot 2 will take access directly off of Hwy 91, the applicant must improve the private driveway that provides access to Lot 2. 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-d, F-12)*
10. Prior to any development or road improvements that impact the canal located on the western subdivision boundary, the applicant must obtain approval of the canal company and provide Development Services staff written confirmation from the canal company that the proposed work has been approved and copies of any required permitting. *(See G-14)*

CONCLUSIONS (1)

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

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

Ohana Mauna Subdivision

A Part of the Southeast Quarter of Section 10, Township 13 North, Range 1 East, Salt Lake Base & Meridian, Cache County, Utah

SURVEYOR'S CERTIFICATE

I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, 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 hereafter to be known as Ohana Mauna Subdivision and the same has been correctly surveyed and all streets are the dimensions shown.

Clinton G. Hansen
P.L.S. No. 7881387



Date

SUBDIVISION AMENDMENT BOUNDARY

A Part of the Southeast Quarter of Section 10, Township 13 North, Range 1 East, Salt Lake Base & Meridian

Beginning on the South Line of said Southeast Quarter at a Point Located 774.12 Feet North 89°43'20" West (772.81 Feet North 89°51'37" West by Record of Entry Number 690368) from the Southeast Corner of said Southeast Quarter and Running Thence North 89°43'20" West 1647.95 Feet to the East Right-of-Way Line of State Highway 91; Thence North 25°38'14" East 5.53 Feet Along said Right-of-Way Line; Thence South 89°43'20" East 297.52 Feet (North 89°44'01" East 317.90 Feet by Record); Thence North 89°57'38" West 220.87 Feet (South 89°45'42" West 242.10 Feet by Record) to the said East Right-of-Way Line of State Highway 91; Thence North 25°38'14" East 195.34 Feet Along said East Right-of-Way Line to the Intersection with a Boundary Line Agreement, Entry Number 690368; Thence Along said Boundary Line Agreement the Following Four (4) Courses: (1) South 89°35'22" East 569.68 Feet (South 89°51'44" East 581.39 Feet by Record) to an Existing Fence Line; (2) South 00°16'22" West 46.86 Feet (South by Record) Along said Fence to a Point that is 2.00 Feet North of a Best Fit Alignment of some Old Fence Posts; (3) North 89°59'47" East 907.63 Feet (North 89°49'10" East 907.65 Feet by Record) Parallel with and 2.00 Feet from said Best Fit Fence Alignment to the Intersection with an Existing Fence Line; (4) South 00°30'12" West 318.95 Feet (South 314.81 Feet by Record) Along said Fence Line to the Point of Beginning. Containing 10.964 Acres.

(N 89°51'37" West 772.81' by Record of Boundary Line Agreement Entry Number 690368, July 1998)
774.12'
5335.21'
Cache County Alum Cap Southeast Corner of Section 10, T13N, R1E, SLB&M

OWNER'S DEDICATION

Know all men by these presents that we the undersigned owners of the tract of land depicted and described hereon, having caused the same to be subdivided into lots and streets (as pertains), the whole to be hereinafter known as the "Ohana Mauna Subdivision". Further we dedicate and/or quit claim as appropriate the portion of property of [08-016-0023] that lies within 33' of the center line of the existing Highway 165, and as shown on this plat, to Cache County, for the use of the public forever, and hereby grant to the County the right to make any and all improvements for the construction, maintenance, and repair of said roadway. Further we grant an easement to the Richmond Irrigation Company, as dimensioned hereon, for access, maintenance, repair, upgrades, etc. to their canal that flows through the West edge of Lot 1. Further we hereby grant an easement, to the owner's of Lot 1, a 10.00 foot wide utility and ingress/egress easement, being the South 10.00 feet of Lot 2, including the 5.00 foot strip upon Lot 2 that runs to Highway 91, We hereby set our signatures

Michael E. Jenkins Date Leinani M. Jenkins Date

ACKNOWLEDGMENT

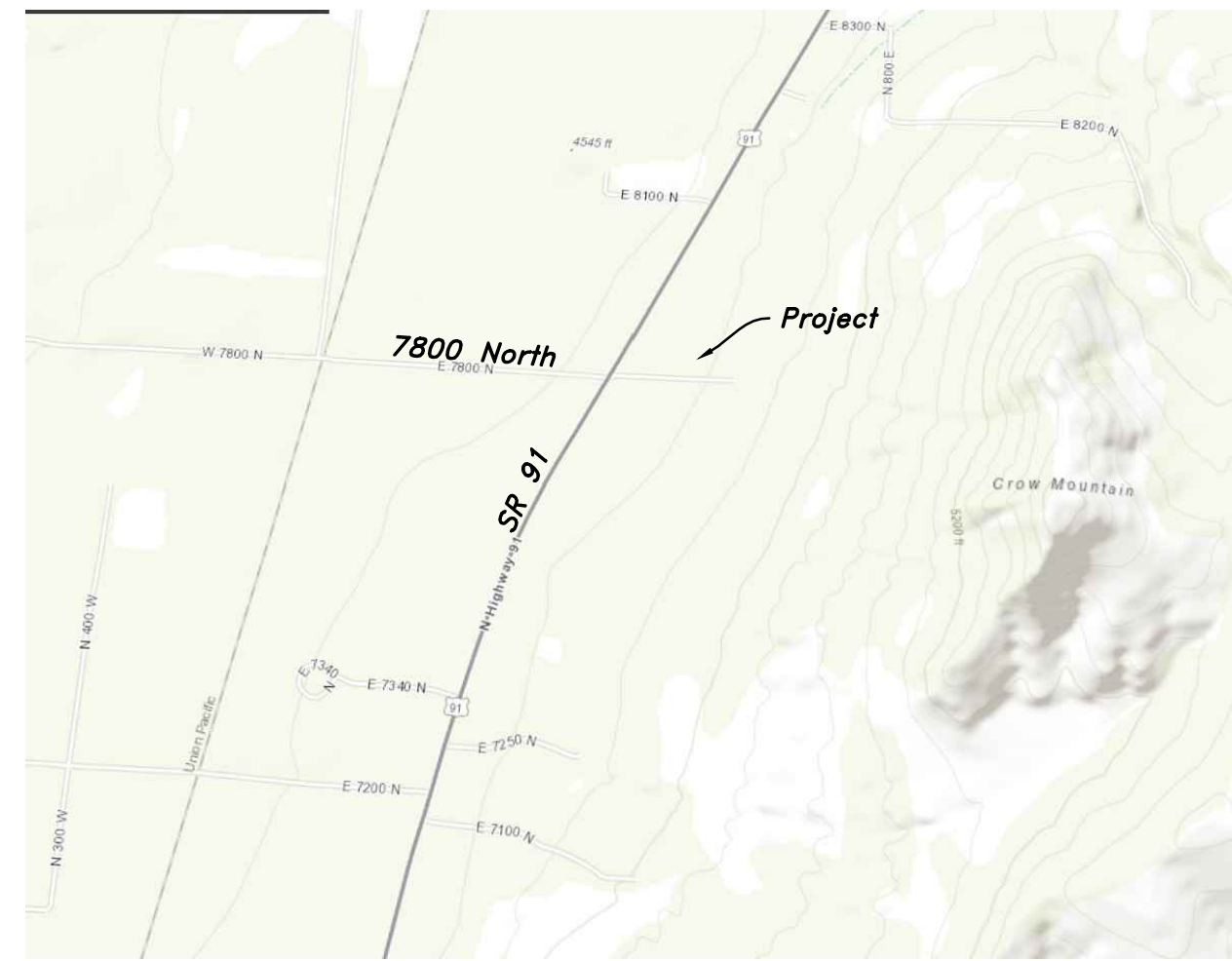
State of Utah
County of _____
On this _____ day of _____, 20____, Michael E. Jenkins & Leinani M. Jenkins, Husband and Wife as Joint Tenants, Personally Appeared before me, the Undersigned Notary Public in and for said County, in the State of Utah, the Signers of the Attached Owners Dedication, whom duly Acknowledged to me they Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

Notary Public

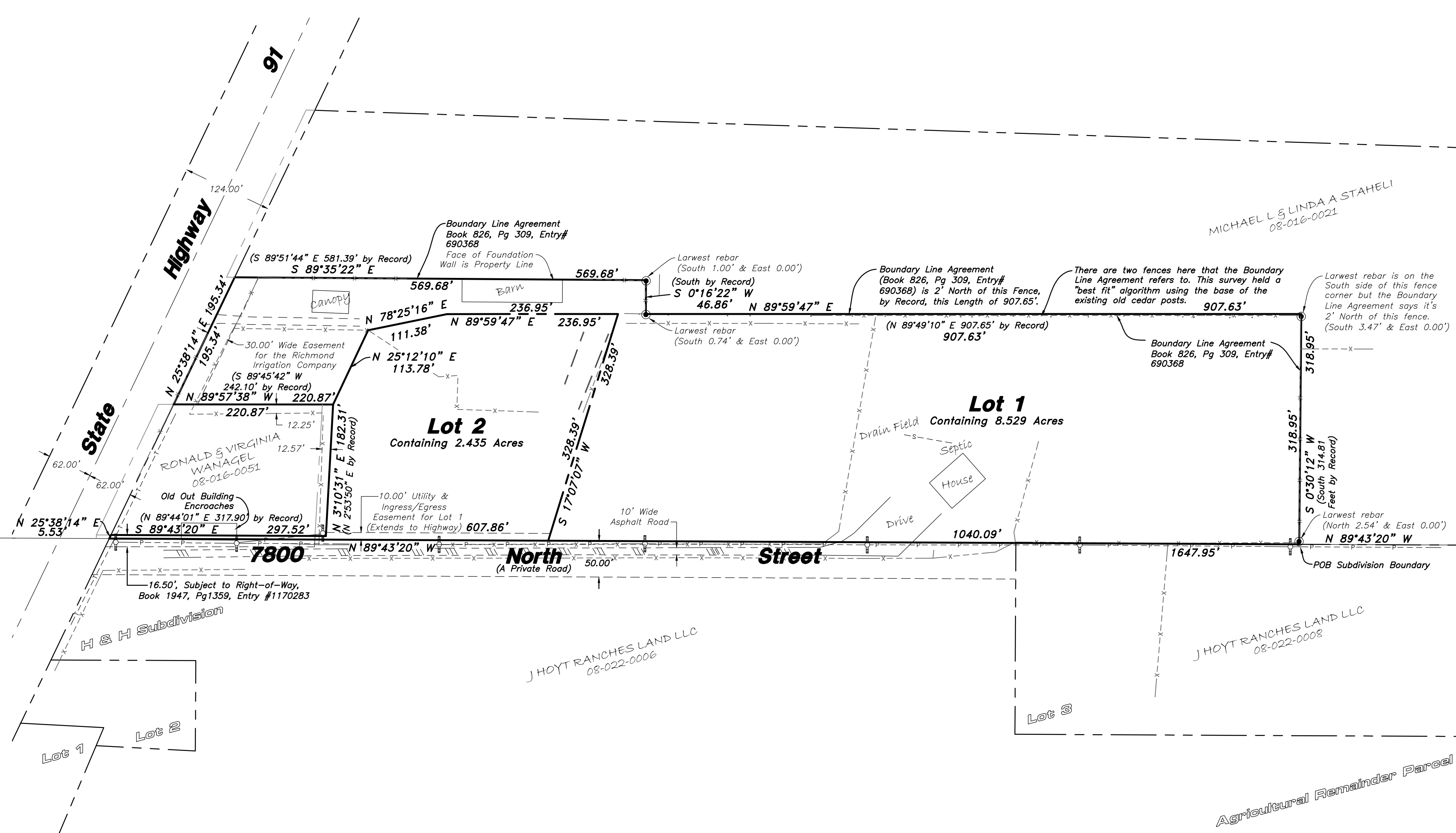
COUNTY RECORDER

State of Utah
County of Cache
This plat has been duly acknowledged, certified, and approved and may lawfully be recorded in Cache County, Utah.

Filed and Recorded:
Filing No.: _____
Date: _____
Time: _____
Book: _____
Page: _____
Request of: _____



Vicinity Map - No Scale



Cache County Brass Cap Set 4-22-81 Southwest Corner of Section 10, T13N, R1E, SLB&M
N 89°43'20" W
Basis of Bearings



RECORD OWNER'S
(08-016-0023)
Michael E & Leinani M Jenkins
7860 North Highway 91, Smithfield UT 84334

DEVELOPER
Michael Jenkins
7860 North Highway 91, Smithfield UT 84334
435-757-3564

- GENERAL NOTES:**
- Culinary Water Note:**
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 Note:**
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.)
 - Setback Lines for Primary Buildings are:**
12.00' on Side Yard; 30.00' on Front Yard; 30.00' on Rear Yard
 - 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.
 - Private Road Notes:**
 - The private exterior road, 7800 North, is not dedicated to Cache County and no maintenance or snow removal will be provided by Cache County.
 - The private interior road, 4600 South, shall be used by all lots/parcels in this subdivision for access to the public road.
 - All lot owners that have frontage on 7800 North, of this subdivision, are responsible for the construction, maintenance, and removal of snow on the private exterior road 7800 North.

- LEGEND**
- Subdivision Boundary Line
 - Lot Line
 - Adjoining property Line
 - Dead Line
 - Easement Line
 - Edge of Hard Surface
 - Existing Concrete Edge
 - Existing Power
 - Existing Canal Flowline
 - Existing Fence Line
 - Existing Comm. Line
 - Existing Septic Line
 - Existing Gravel/Dirt Road
 - Section Corner
 - Found Survey Point
 - Set 5/8" by 24" Rebar With Cap

NARRATIVE
The purpose of this survey was to subdivide the parcel as shown and described hereon. The survey was ordered by DMike Jenkins. The control used to establish the property corners was the existing monumentation within Section 10, Township 13 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearing is the South line of said Section 10, which bears North 89°43'20" West, "Utah Coordinate System 1983 North Zone."

ADVANCED LAND SURVEYING INC
1770 Research Park Way #111
Logan Utah 84341
(p) 435-770-1585 (f) 435-514-5883
www.advancedlsi.com

COUNTY ATTORNEY APPROVAL
I certify that I have examined this plat and approve this plat as to form as required by State law and County ordinance.
Cache County Attorney Date

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 PLANNING COMMISSION
This plat recommended for approval by the Cache County Planning Commission this _____ day of _____ A.D., 20____.
Chairman

BEAR RIVER HEALTH DEPARTMENT APPROVAL
This subdivision described in this plat has been approved by the Bear River Health Department on the _____ day of _____, 20____.
By: _____ Title: _____

Cache County Recorder

STAFF REPORT: POULSEN FRYER FAMILY FARMS SUB. 1ST AMEND.

4 OCTOBER 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: Don Wilcox

Parcel ID#: 12-047-0005, -0007, -0040, -0041, -0042, 12-048-0002, -0025

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

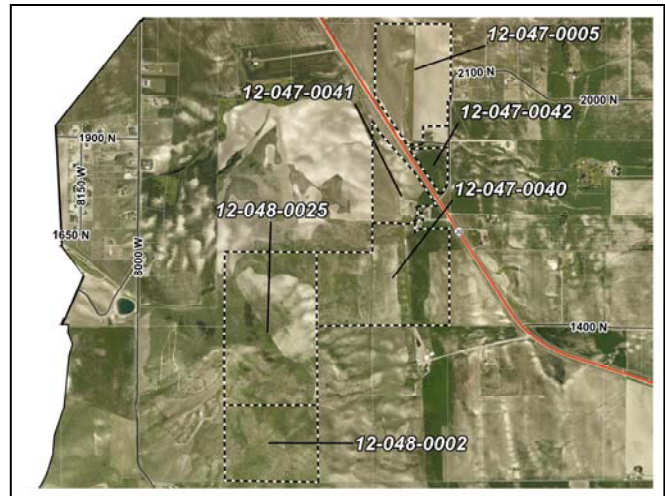
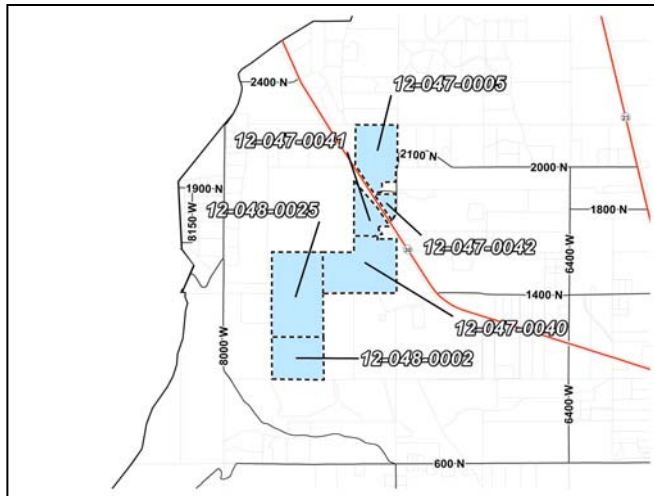
Project Address:

7641 West Highway 30
Petersboro

Current Zoning: Agricultural (A10) **Acres:** 311.11 acres

Surrounding Uses:

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



FINDINGS OF FACT (19)

A. Request description

1. The Poulsen Fryer Family Farms Subdivision 1st Amendment is a request to amend a previously approved subdivision as follows:
 - a. Expand the subdivision boundary from 217.26 acres to approximately 311.11 acres;
 - b. Create two new buildable lots;
 - i. Lot 1 (12-047-0039) has an existing single-family residence and will remain at 3.0 acres;
 - ii. The new Lot 2 will be 7.06 acres; and
 - iii. The new Lot 3 has an existing historic, uninhabited residence and will be 0.50 acres.

- c. Divide remaining property into multiple Agricultural Remainders ranging in size from 24.22 acres to 96.21 acres each;
- d. Change the name of the subdivision from the Fluckiger Subdivision to the Poulsen Fryer Family Farms Subdivision.

B. Parcel legality

2. The Fluckiger Subdivision was approved in June 2011 as a one lot subdivision with three agricultural remainders under one parcel number (12-047-0005) on a total of 217.26 acres. A Boundary Line Adjustment (BLA) was approved by the Land Use Authority in August 2007 that adjusted the subdivision boundary with parcel 12-047-0008, an adjacent parcel that was not part of the original subdivision. Because of the approved BLA, a subdivision amendment was not required at that time. In September 2017, the Agricultural Remainder (12-047-0005) was divided into five separate parcels (12-047-0005, -0040, -0041, -0042, 12-048-0025) with one parcel (12-048-0025) expanding outside the original subdivision boundary by combining it with a portion of 12-048-0002. These five parcels are currently considered restricted, cannot be developed, and can only be used for agricultural purposes. At this time, the applicant is seeking to restore a historic, uninhabited family home on 0.5 acres of 12-047-0041 (Lot 3) and build a new single-family residence on 12-047-0042 (Lot 2). This subdivision amendment request will remove the restrictions once the approved plat is recorded and allow the development of the new Lots 2 & 3. An existing family cemetery located on 12-047-0005 is considered legal, non-conforming and cannot be expanded without additional approvals beyond this subdivision amendment 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. There is an existing single-family residence on Lot 1, but a search of the Utah Division of Water Rights website did not provide information about an existing water right. There is an approved water right for Lot 3 (25-11485/a43460), but the water right for Lot 2 (#25-6449/a11385) has lapsed. Proof of approved water rights for Lots 1& 2 are 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. Lot 3 has an uninhabited historic home with an existing septic system, which BRHD has confirmed is still operational although it has not been used in a number of years. The applicant provided a copy of a septic feasibility letter from BRHD for the proposed Lot 2.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.

- 10.** The Road Manual specifies the following:
 - a.** Private Road: Allowed for a maximum of 30 average daily trips (ADT), which is equivalent to 3 houses with a minimum 20-foot wide gravel surface.
 - 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 gravel roads requires 14" depth of granular borrow, 6" depth of road base, and paved roads required an additional 2.5" depth of asphalt.
 - f.** §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - g.** §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.
- 11.** A basic review of the access to the existing lots identifies the following:
 - a.** The lots gain access from Highway 30, 7200 West, 1900 North, and 1600 North.
 - b.** Hwy 30:
 - i.** Is a state highway that provides access to the general public and is under the jurisdiction of the Utah Department of Transportation (UDOT).
 - ii.** Any access to the subdivision from Hwy 30 requires UDOT approval.
 - c.** 7200 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 34-foot paved width with 10-foot wide gravel shoulders.
 - iv.** Has an unknown depth and type of material under the chip and seal surface.
 - v.** Is maintained year round
 - d.** 1900 North:
 - i.** Is an existing county facility that provides access to Lot 1 and parcel 12-047-0005, the agricultural remainder with the legal, non-conforming family cemetery.
 - ii.** Consists of an average 22-foot paved width with 5-foot wide gravel shoulders.
 - iii.** Is not maintained year round.
 - iv.** There are no additional buildable lots proposed as part of this subdivision amendment on this road as a result there will be no impact to average daily trips
 - e.** 1600 North:
 - i.** Is a private road that provides access to three existing single-family residences, including the historic family residence, and agricultural parcels.
 - ii.** Consists of an average 22-foot gravel road with no shoulders.

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 Mendon Fire Department.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department currently provides service in this area along Hwy 30 for Monday collection. The applicant must provide sufficient shoulder space along the highway for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road for collection trucks to get out of the travel lane of the highway during the collection process.

G. Sensitive Areas

14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. GIS data indicates there are areas of geologic hazards including landslides and landslidescarps 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).
 - b. There are areas of steep ($\geq 30\%$) and moderate slopes (20-30%) located within the subdivision. No development is allowed in areas with steep slopes. Any future development in areas with moderate slopes requires a geo-technical report.
 - c. Portions of the subdivision are allocated within the Wildfire Hazard Areas and Wildland-Urban Interface. Additional requirements and standards may apply. Contact the Cache County Fire District for more information.
 - d. Additional review and analysis may be required for any proposed development in these sensitive area locations.

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

15. Public notice was posted online to the Utah Public Notice Website on 20 September 2018.
16. Notice was published in the Herald Journal on 23 September 2018.
17. Notices were posted in three public places on 20 September 2018.
18. Notices were mailed to all property owners within 300 feet of the subject property on 20 September 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:

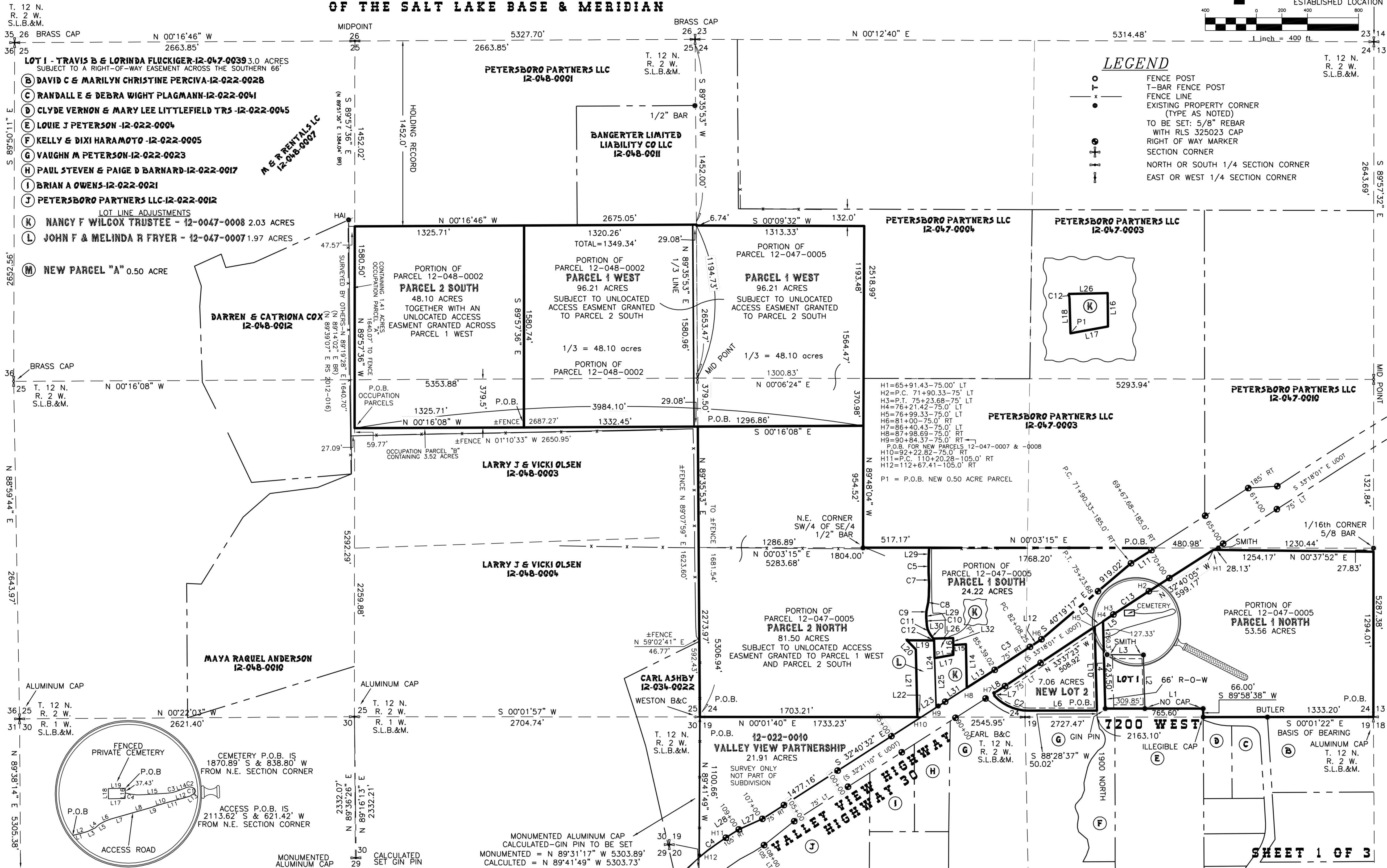
1. Prior to recordation, the applicant must provide proof of a domestic culinary water right in the owner's name for Lots 1 & 2. (*See D-4*)
2. A Land Disturbance Permit is required for any future development. (*See D-6*)

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Poulsen Fryer Family Farms Subdivision 1st Amendment as:

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

**POULSEN FRYER FAMILY FARMS SUBDIVISION
WITH LOT LINE ADJUSTMENTS
SECTIONS 24 & 25, TOWNSHIP 12 NORTH, RANGE 2 WEST
OF THE SALT LAKE BASE & MERIDIAN**



SURVEYOR'S CERTIFICATE

I, JEFF S. HANSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 325023 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACTS OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT INTO LOTS AND AGRICULTURAL PARCELS. HERINAFTER TO BE KNOWN AS THE:
"FLUCKIGER AMENDED SUBDIVISION WITH LOT LINE ADJUSTMENTS"
AND THE SAME HAS BEEN CORRECTLY SURVEYED, AND HAVE OR WILL SET PROPERTY CORNERS AT THE LOCATIONS DELINEATED HEREIN.

**ELECTRONIC
REVIEW
COPY**

NOTES
NO STORM WATER DRAINAGE SHALL BE ALLOWED TO FLOW FROM ANY PORTION OF ANY SUBDIVISION LOT TO ANY ADJOINING LOTS, PARCELS, DITCHES, CANALS, OR WATERWAYS WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE AFFECTED PARTY.

COUNTY BUILDING SETBACKS ARE 30' FRONT YARD, 30' REAR YARD, 12' SIDE YARD, 20' SIDE YARD ALONG A ROAD, AND 50' ALONG A WATERWAY. BUILDING SETBACKS ARE FOR PRIMARY BUILDINGS.

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 THE PERMITTED USES IN THE AGRICULTURAL ZONE.

CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY AND ADEQUACY OF CULINARY WATER FOR THE LOTS IDENTIFIED ON THIS PLAT. ALL OWNERS ARE ADVISED OF THE REQUIREMENT TO OBTAIN A CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF A BUILDING PERMIT.

LOT 2 BUILDING SETBACKS ARE 30' ALONG THE HIGHWAY, 30' ALONG 7200 WEST, AND 20' ALONG 1900 NORTH. BUILDING SETBACKS ARE FOR PRIMARY BUILDINGS.

OWNER'S ACKNOWLEDGMENT

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND AGRICULTURAL PARCELS TO BE HERINAFTER KNOWN AS THE:
"FLUCKIGER AMENDED SUBDIVISION WITH LOT LINE ADJUSTMENTS"

DO HEREBY WARRANT AND SAVE THE COUNTY HARMLESS FROM OR AGAINST ANY EASEMENTS AND INCUMBRANCES AND DO HEREBY DEDICATE TO CACHE COUNTY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS INTENDED FOR PUBLIC USE.

IN WITNESS WE HAVE HEREUNTO SET OUR SIGNATURES THIS _____ DAY OF _____ A.D. 20____.

JOHN F. FRYER 7629 WEST HIGHWAY 30 PETERSBORO, UTAH 84325 VALLEY VIEW FARM PARTNERSHIP (SUBDIVISION) (PARCEL 12-047-0007 LLA)	MELINDA R. FRYER 7639 WEST HIGHWAY 30 PETERSBORO, UTAH 84325 VALLEY VIEW FARM PARTNERSHIP (SUBDIVISION) (PARCEL 12-047-0007 LLA)
---	--

NANCY F. WILCOX 7645 WEST HIGHWAY 30 PETERSBORO, UTAH 84325 VALLEY VIEW FARM PARTNERSHIP (SUBDIVISION) (TRUSTEE PARCEL 12-047-0007 LLA)	MERLIN KENT FRYER 3360 NORTH 2350 EAST LAYTON, UTAH 84325 VALLEY VIEW FARM PARTNERSHIP (SUBDIVISION) (SUBDIVISION)
---	--

JAN FRYER WALKER
4391 SOUTHER 2900 WEST
ROY, UTAH 84067
VALLEY VIEW FARM PARTNERSHIP (SUBDIVISION)

LLA = LOT LINE ADJUSTMENT

COUNTY SURVEYOR'S CERTIFICATE
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.
DATE _____ CHIEF DEPUTY COUNTY SURVEYOR

COUNTY ATTORNEY APPROVAL
APPROVED AS TO FORM _____ DAY OF _____ A.D. 20____
THIS _____
ATTORNEY

CACHE COUNTY COUNCIL
THIS PLAT HAS BEEN REVIEWED BY THE CACHE COUNTY COUNCIL
ON _____, 20____
AT WHICH TIME BY MAJORITY VOTE IT HAS BEEN APPROVED.
CHAIRPERSON _____ ATTESTED TO BY THE COUNTY CLERK _____

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

CACHE COUNTY PLANNING COMMISSION
THIS PLAT HAS BEEN REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON _____, 20____
IT IS THE RECOMMENDATION OF THIS BOARD TO APPROVE/DENY THIS SUBDIVISION BASED ON FINDINGS.
CHAIRPERSON _____

BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL
THE SUBDIVISION DESCRIBED HEREON HAS BEEN APPROVED BY THE BEAR RIVER DISTRICT HEALTH DEPARTMENT.
THIS _____ DAY OF _____, 20____.
HEALTH DIRECTOR _____

JSH
SURVEYING & DRAFTING INC.
P.O. BOX 300 • WELLSVILLE, UTAH 84339
(435) 245-9090 • TOLL FREE 1-888-420-0268 • FAX (435) 255-9669

OLD PARCEL 12-047-0007 LEGAL DESCRIPTION

BEGINNING AT THE INTERSECTION OF THE WEST SIDE OF STATE ROAD 30 AND THE EAST SECTION LINE OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE 64 FEET NORTHWESTERLY ALONG ROAD; THENCE WEST 500 FEET; THENCE SOUTH 130 FEET; THENCE EAST 648 FEET; THENCE NORTHWESTERLY TO BEGINNING, LESS PARCEL TO UDOT FOR HIGHWAY, ENTRY #928182 CONTAINING 1.62 ACRES MORE OR LESS, TOGETHER WITH 20 FOOT WATER LINE RIGHT-OF-WAY. BOOK 483 PAGE 397.

NEW PARCEL 12-047-0007 LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE THERON WESTON BAR AND CAP FOUND AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION BEARS NORTH 00°01'40" EAST 2,545.95 FEET AND BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE SECTION BEARS SOUTH 89°35'53" WEST 5,306.94 FEET; AND RUNNING THENCE NORTH 00°01'40" EAST 1733.23 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, THE VALLEY VIEW HIGHWAY, AT APPROXIMATE ENGINEERS STATION 92+22.82 - 75 FEET RIGHT PER UDOT PROJECT STP-0030(20)99; THENCE NORTH 32°40'32" WEST (NORTH 32°21'10" WEST PER UDOT PLANS) 138.44 FEET TO APPROXIMATE ENGINEERS STATION 90+84.37 - 75 FEET RIGHT AND IS THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTH 88°13'27" WEST 525.36 FEET TO THE CENTER OF AN EXISTING GATE; THENCE SOUTH 00°18'08" WEST 212.41 FEET; THENCE NORTH 45°59'25" EAST 100.84 FEET; THENCE NORTH 88°41'30" EAST 528.57 FEET TO QUARTER SECTION LINE; THENCE NORTH 00°01'40" EAST 30.02 FEET TO STATE HIGHWAY RIGHT-OF-WAY; THENCE NORTH 32°40'32" WEST (NORTH 32°21'10" WEST PER UDOT PLANS) 138.44 FEET TO THE POINT OF BEGINNING, CONTAINING 1.97 ACRES.

OLD PARCEL 12-047-0008 LEGAL DESCRIPTION

BEGINNING ON THE WEST LINE OF STATE HIGHWAY 30, AT A POINT WEST 91.28 FEET AND SOUTH 677.36 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 88°54'45" WEST 377.93 FEET; THENCE NORTH 9°59'40" WEST 114.29 FEET; THENCE SOUTH 89°42'33" WEST 78.54 FEET; THENCE NORTH 3°36'57" WEST 113.37 FEET; THENCE NORTH 89°06'12" EAST 341.86 FEET TO WEST LINE OF HIGHWAY 30; THENCE SOUTH 32°21'10" EAST 264.55 FEET ALONG HIGHWAY TO BEGINNING, CONTAINING 1.89 ACRES MORE OR LESS. LESS PARCEL TO UDOT FOR HIGHWAY ENTRY # 928181.

NEW PARCEL 12-047-0008 LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE THERON WESTON BAR AND CAP FOUND AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION BEARS NORTH 00°01'40" EAST 2,545.95 FEET AND BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE SECTION BEARS SOUTH 89°35'53" WEST 5,306.94 FEET; AND RUNNING THENCE NORTH 00°01'40" EAST 1733.23 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, THE VALLEY VIEW HIGHWAY, AT APPROXIMATE ENGINEERS STATION 92+22.82 - 75 FEET RIGHT PER UDOT PROJECT STP-0030(20)99; THENCE NORTH 32°40'32" WEST (NORTH 32°21'10" WEST PER UDOT PLANS) 138.44 FEET TO APPROXIMATE ENGINEERS STATION 90+84.37 - 75 FEET RIGHT AND IS THE TRUE POINT OF BEGINNING; AND RUNNING THENCE NORTH 32°40'32" WEST (NORTH 32°21'10" WEST PER UDOT PLANS) 285.68 FEET TO APPROXIMATE ENGINEERS STATION 87+98.69 - 75 FEET RIGHT; THENCE SOUTH 88°46'29" WEST 341.99 FEET; THENCE SOUTH 03°55'47" EAST 99.35 FEET; THENCE NORTH 89°23'43" EAST 76.96 FEET; THENCE SOUTH 10°18'30" EAST 149.22 FEET; THENCE NORTH 88°13'27" EAST 385.87 FEET TO THE POINT OF BEGINNING, CONTAINING 2.03 ACRES.

PARCEL 12-022-0010 LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE THERON WESTON BAR AND CAP FOUND AT THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE WEST QUARTER CORNER OF SAID SECTION BEARS NORTH 00°01'40" EAST 2,545.95 FEET AND THE CALCULATED SOUTHEAST CORNER OF SAID SECTION BEARS SOUTH 89°41'49" EAST 5,303.73 FEET, THE ALUMINUM CAP AT THE 1989 MONUMENTED LOCATION BEARS SOUTH 89°31'17" EAST 5,303.89 FEET; AND RUNNING THENCE NORTH 00°01'40" EAST 1733.23 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, THE VALLEY VIEW HIGHWAY, AT APPROXIMATE ENGINEERS STATION 92+22.82 - 75 FEET RIGHT PER UDOT PROJECT STP-0030(20)99; THENCE SOUTH 32°40'32" EAST (SOUTH 32°21'10" EAST PER UDOT PLANS) 1477.16 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS STATION 107+00 - 75 FEET RIGHT; THENCE SOUTH 24°08'42" EAST 202.24 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS STATION 109+00 - 105 FEET RIGHT; THENCE SOUTH 32°40'32" EAST (SOUTH 32°21'10" EAST PER UDOT PLANS) 120.28 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS P.C. STATION 110+20.28 - 105 FEET RIGHT; THENCE SOUTHEASTERLY 260.89 FEET ALONG THE ARC OF A 2014.86 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 07°25'07" AND A LONG CHORD THAT BEARS SOUTH 36°23'06" EAST 260.70 FEET TO CALCULATED SECTION LINE AT APPROXIMATE ENGINEERS STATION 112+67.41 - 105 FEET RIGHT; THENCE NORTH 89°41'49" WEST 1100.66 FEET TO THE POINT OF BEGINNING, CONTAINING 21.91 ACRES.

NEW PARCEL 0.50 ACRE PARCEL "A" LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE THERON WESTON BAR AND CAP FOUND AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION BEARS NORTH 00°01'40" EAST 2,545.95 FEET AND BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE SECTION BEARS SOUTH 89°35'53" WEST 5,306.94 FEET; AND RUNNING THENCE NORTH 00°01'40" EAST 1733.23 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, THE VALLEY VIEW HIGHWAY, AT APPROXIMATE ENGINEERS STATION 92+22.82 - 75 FEET RIGHT PER UDOT PROJECT STP-0030(20)99; THENCE NORTH 32°40'32" WEST (NORTH 32°21'10" WEST PER UDOT PLANS) 138.44 FEET TO APPROXIMATE ENGINEERS STATION 90+84.37 - 75 FEET RIGHT; THENCE SOUTH 88°13'27" WEST 385.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88°13'27" WEST 139.49 FEET TO THE CENTER OF AN EXISTING GATE AND THE CENTER OF AN EXISTING FARM ROAD; THENCE 15.35 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 35°11'20" AND A LONG CHORD THAT BEARS SOUTH 70°37'47" WEST 15.11 FEET; THENCE NORTH 01°18'08" WEST 154.81 FEET; THENCE NORTH 89°23'43" EAST 130.52 FEET; THENCE SOUTH 10°18'30" EAST 149.22 FEET TO THE POINT OF BEGINNING, CONTAINING 0.50 ACRE.

OCCUPATION PARCEL "A" LEGAL DESCRIPTION

AN EXISTING AND LONG OCCUPIED PARCEL OF GROUND LOCATED IN SECTION 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE THERON WESTON BAR AND CAP FOUND AT THE COMMON EAST CORNER TO SECTIONS 24 AND 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE ALUMINUM CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION 25 BEARS SOUTH 00°01'57" WEST 2,704.74 FEET AND THE BRASS CAP FOUND AT THE COMMON WEST CORNER TO SAID SECTIONS BEARS SOUTH 89°35'53" WEST 5,306.94 FEET; AND RUNNING THENCE SOUTH 89°35'53" WEST 2273.97 FEET TO A POINT 23 RODS OR 379.5 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE SOUTH 00°16'08" EAST 2687.24 FEET TO A POINT ON THE CENTER OF SECTION LINE, NORTH 89°57'36" WEST OF THE ALUMINUM CAP FOUND AT THE EAST QUARTER CORNER OF SECTION 25, AND IS THE TRUE POINT OF BEGINNING; AND RUNNING THENCE NORTH 89°57'36" WEST ALONG THE CENTER OF SECTION LINE 1580.50 FEET TO A POINT SOUTH 89°57'36" EAST 1,452.02 OF THE CALCULATED MIDPOINT OR WEST QUARTER CORNER OF SECTION 25; THENCE SOUTH 00°16'46" EAST 47.57 FEET TO THE NORTH LINE OF PARCEL 12-048-0012 PER RECORD OF SURVEY 2012-016; THENCE NORTH 89°19'28" EAST (NORTH 89°14'02" EAST BY RECORD AND NORTH 89°39'07" EAST PER SURVEY 2012-016) ALONG SAID SURVEYED LINE 1640.70 FEET TO FENCE; THENCE NORTH 01°10'33" WEST ALONG FENCE 27.09 FEET TO CENTER OF SECTION LINE; THENCE NORTH 89°57'36" WEST 59.77 FEET TO THE POINT OF BEGINNING, CONTAINING 1.41 ACRES.

OCCUPATION PARCEL "B" LEGAL DESCRIPTION

AN EXISTING AND LONG OCCUPIED PARCEL OF GROUND LOCATED IN SECTION 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE THERON WESTON BAR AND CAP FOUND AT THE COMMON EAST CORNER TO SECTIONS 24 AND 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE ALUMINUM CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION 25 BEARS SOUTH 00°01'57" WEST 2,704.74 FEET AND THE BRASS CAP FOUND AT THE COMMON WEST CORNER TO SAID SECTIONS BEARS SOUTH 89°35'53" WEST 5,306.94 FEET; AND RUNNING THENCE SOUTH 89°35'53" WEST 2273.97 FEET TO A POINT 23 RODS OR 379.5 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE SOUTH 00°16'08" EAST 2687.24 FEET TO A POINT ON THE CENTER OF SECTION LINE, NORTH 89°57'36" WEST OF THE ALUMINUM CAP FOUND AT THE EAST QUARTER CORNER OF SECTION 25, AND IS THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTH 89°57'36" EAST 59.77 FEET TO FENCE; THENCE NORTH 01°10'33" WEST 2650.95 FEET TO FENCE CORNER; THENCE NORTH 89°07'56" EAST 1623.60 FEET TO FENCE ANGLE POINT; THENCE NORTH 59°02'41" EAST 46.77 FEET TO SECTION LINE, 592.43 FEET WEST OF THE NORTHEAST CORNER OF SECTION; THENCE SOUTH 89°35'53" WEST 1681.54 FEET; THENCE SOUTH 00°16'08" EAST 2687.24 FEET TO THE POINT OF BEGINNING, CONTAINING 3.52 ACRES.

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH AND SET THE PROPERTY CORNERS FOR PARCEL 12-022-0010, TO ESTABLISH THE BOUNDARY FOR PARCEL 12-048-0002 AND ADD SAID PARCEL TO, AND TO AMEND THE FLUCKIGER SUBDIVISION AND RENAME IT TO POULSEN FRYER FAMILY FARMS SUBDIVISION, TO ESTABLISH AND PERFORM A LOT LINE ADJUSTMENT FOR PARCELS 12-047-0007 AND -0008 AND DIVIDE OFF THE OLD HOUSE (NEW 0.50 ACRE PARCEL "A"). THE SURVEY WAS ORIGINALLY ORDERED BY JOHN "JACK" FRYER AND SUBSEQUENTLY BY DON WILCOX. THE BASIS OF BEARING IS AS SHOWN HEREON AND WAS ESTABLISHED BY PERFORMING A ONE POINT GPS CALIBRATION ON THE ALUMINUM CAP FOUND AT THE NORTHEAST CORNER OF SECTION 30, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN. THE CONTROL USED TO ESTABLISH THE PROPERTY LINES WAS THE EXISTING SECTION CORNER MONUMENTATION, CALCULATED SECTION CORNERS, STATE RIGHT-OF-WAY MARKERS, PROPERTY CORNER MONUMENTS, FENCE LINES, HISTORICAL OCCUPATION OR FIELD SEPARATIONS IN THE AREA, AND COUNTY AND STATE RECORDS.

SECTIONS 19, 24, & 25 WERE ESTABLISHED AS ILLUSTRATED HEREON. I DO NOT AGREE WITH THE CURRENTLY MONUMENTED LOCATIONS FOR THE NORTHEAST AND EAST QUARTER CORNER LOCATIONS OF SECTION 30. THEY ARE, IN MY OPINION, IN THE WRONG LOCATION. THE EAST QUARTER CORNER NEEDS TO BE LOCATED IN THE CENTER OF THE ROAD AND APPROXIMATELY 30 FEET NORTH OF THE CURRENT LOCATION, WHICH WAS ESTABLISHED BY A STRAIGHT LINE SINGLE PROPORTION METHOD. I DO NOT FEEL COMFORTABLE USING THIS MONUMENT AS THE TRUE QUARTER CORNER, AS THE EVIDENCE SUPPORTING MOVING THIS CORNER IS STRONG. THEREFORE I HAVE CALCULATED A LOCATION THAT IS, IN MY OPINION, IN A MORE ACCURATE, RELIABLE AND LEGALLY DEFENDABLE LOCATION. THIS CORNER WAS CALCULATED BY HOLDING THE MONUMENTED WEST QUARTER CORNER AND THE LYON BAR AND CAP FOUND AT THE SOUTHEAST CORNER OF THE PETERSEN PLACE SUBDIVISION AND PROJECTING THIS LINE EAST TO THE CALCULATED SECTION LINE. THIS PROVIDES VERY FAVORABLE RESULTS WHEN COMPARED TO THE HISTORICAL OCCUPATION AND FENCING. A COTTON GIN PIN IS TO BE SET AT THIS LOCATION. THE NORTHEAST SECTION CORNER WAS CALCULATED BY HOLDING A POINT 49.5 FEET SOUTH OF THE HELD WESTON BAR AND CAP MONUMENTING THE NORTHWEST SECTION CORNER AND AN OLD CEDAR FENCE POST APPROXIMATELY 200.6 FEET EAST OF THE NORTHWEST CORNER OF NORTH PARCEL 12-034-0006 FOR THE ALIGNMENT OF THE SOUTH RIGHT-OF-WAY LINE OF THE 49.5 FOOT RIGHT-OF-WAY FOR 1400 NORTH STREET AS DEDICATED TO CACHE COUNTY IN 1892 BY QUIT CLAIM DEED #7543, FOUND IN BOOK 2, PAGE 318, THEN OFFSETTING THIS LINE 49.5 FEET NORTH AND INTERSECTING IT WITH THE EXTENSION OF THE EAST SECTION LINE AS CURRENTLY MONUMENTED. THIS HAS PROVIDED VERY FAVORABLE RESULTS AND IS, IN MY OPINION IN A MUCH MORE HARMONIOUS LOCATION THAN THE CURRENTLY MONUMENTED LOCATION.

THE STATE HIGHWAY WAS ESTABLISHED PER FOUND STATE RIGHT-OF-WAY MARKERS AND THE ABOVE REFERENCED U.D.O.T. MAPS.

THERE IS A GAP BETWEEN THE CURRENT DEED LOCATIONS OF PARCEL 12-048-0002 WITH PARCELS 12-048-0001 AND 12-048-0011. THE COMMON LINE, OR THE WEST LINE OF SURVEYED PARCEL 12-048-0002 WAS ESTABLISHED ALONG A LINE 1452.0 FEET EAST OF THE WEST LINE OF SECTION 25 PER DEED CALLS FOR PARCELS 12-048-0001 AND -0011. IT IS MY OPINION THAT THE DEED CALL OF TO A POINT 1452 FEET EAST IS A CALL TO AN ARTIFICIAL MONUMENT AND THEREFORE IS CONTROLLING.

THERE IS A CONFLICT IN THE HISTORICAL OCCUPATION/FENCED LINE FOR THE SOUTH AND EAST LINES OF PARCEL 12-048-0002 AND ALONG THE SOUTH LINE OF SECTION 25. LEGAL DESCRIPTIONS HAVE BEEN PROVIDED TO AID THE FRYER FAMILY IN OBTAINING TITLE TO THE OCCUPIED PROPERTY. A REVIEW OF AERIAL PHOTOS INDICATE THAT THESE FENCES HAVE BEEN IN PLACE FOR WELL OVER 20 YEARS AND IT IS MY OPINION THAT THE REQUIREMENTS FOR OWNERSHIP BY ACQUIESCENCE HAVE MORE THAN LIKELY BEEN MET AND OWNERSHIP OF THESE AREAS SHOULD BE WITH THE FRYERS.

THE WEST LINE OF THE NORTHERN MOST PARCEL OF THE ORIGINAL FLUCKIGER SUBDIVISION WAS ESTABLISHED AT A HISTORICAL OCCUPATION LINE. THIS LINE IS HEAVILY LINED WITH ROCKS FROM THE NEIGHBORING DRY FARMS AND THERE ARE REMNANTS OF AN OLD FENCE LINE. THIS LINE IS APPROXIMATELY 15 TO 28 FEET EAST OF THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 24. THIS IS ALSO THE SAME LINE HELD FOR THE FIRST FLUCKIGER SUBDIVISION. A BOUNDARY LINE AGREEMENT IS SUGGESTED AS THIS LINE DEVIATES FROM THE HISTORICAL 1/16TH SECTION LINE.

I DO NOT AGREE WITH THE WEST LINE OF PARCEL 5, ON THIS DRAWING, AS PREVIOUSLY SURVEYED FOR THE FLUCKIGER SUBDIVISION. A DIFFERENCE OF APPROXIMATELY 8 FEET WAS FOUND. I HAVE ESTABLISHED THIS LINE AT THE DEED LOCATION OF 132 FEET EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 24.

THERE IS A SMALL PRIVATE FAMILY OWNED CEMETERY ON THE NORTHERN MOST PARCEL. LEGAL DESCRIPTIONS HAVE BEEN PROVIDED FOR THE FENCED OFF CEMETERY AREA AS WELL AS THE ACCESS ROAD TO THE CEMETERY FOR THE PURPOSE OF PROVIDING EASEMENTS FOR AND TO PROTECT THIS PRIVATE CEMETERY. IN 2010 I WORKED ON A PRIVATE FAMILY CEMETERY IN RICH COUNTY AND IT WAS DETERMINED THAT THE CEMETERY SHOULD REMAIN AS PART OF THE MAIN PARCEL THAT IT WAS CONTAINED IN BUT THAT EASEMENTS SHOULD BE CREATED TO PROTECT THE CEMETERY AND ITS ACCESS. INITIAL FIELD WORK COMPLETED 3-24-18.

PARCEL 1 SOUTH AGRICULTURAL PARCEL LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN THE EAST HALF OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE ALUMINUM CAP FOUND AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION BEARS SOUTH 00°01'22" EAST 2,727.47 FEET AND THE NORTHWEST CORNER OF THE SECTION BEARS NORTH 89°57'32" WEST 5,287.38 FEET; AND RUNNING THENCE NORTH 89°57'32" WEST 1321.84 FEET TO 5/8 BAR FOUND AT THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°03'15" WEST 1711.42 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, THE VALLEY VIEW HIGHWAY, AT APPROXIMATE ENGINEERS STATION 69+67.68 - 185 FEET RIGHT PER UDOT PROJECT STP-0030(20)99, SAID POINT BEING THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES, 1) SOUTH 32°40'05" EAST (SOUTH 33°18'01" EAST PER UDOT PLANS) 222.65 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS P.C. STATION 71+90.33 - 185 FEET RIGHT; 2) THENCE SOUTH 40°19'17" EAST 919.02 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS STATION 81+00 - 75 FEET RIGHT; 3) THENCE SOUTH 33°37'23" EAST 108.25 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS P.C. STATION 82+08.25 - 75 FEET RIGHT; 4) THENCE SOUTHEASTERLY 329.50 FEET ALONG THE ARC OF A 19925.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 00°56'51" AND A LONG CHORD THAT BEARS SOUTH 33°08'58" EAST 329.50 FEET TO RIGHT-IF-WAY MARKER AT ENGINEERS P.T. STATION 85+39.02 - 75 FEET RIGHT; 5) THENCE SOUTH 32°40'32" EAST 259.69 FEET TO APPROXIMATE ENGINEERS STATION 87+98.69 - 75 FEET RIGHT AND THE NORTHEAST CORNER OF THE NANCY WILCOX PARCEL 12-047-0007; THENCE FOLLOWING THE BOUNDARY OF SAID PARCEL THE FOLLOWING TWO COURSES, 1) SOUTH 88°46'29" WEST 341.99 FEET; 2) THENCE SOUTH 03°55'47" EAST 99.35 FEET TO NEW 0.50 ACRE PARCEL; THENCE FOLLOWING SAID NEW PARCEL THE FOLLOWING TWO COURSES, 1) THENCE SOUTH 89°23'43" WEST 53.56 FEET; 2) THENCE SOUTH 01°18'18" EAST 154.81 FEET TO THE CENTER OF AN EXISTING FARM ROAD; THENCE FOLLOWING THE CENTERLINE OF AN EXISTING FARM ROAD THE FOLLOWING NINE COURSES, 1) THENCE SOUTH 53°02'07" WEST 35.81 FEET; 2) THENCE SOUTHWESTERLY 78.41 FEET ALONG THE ARC OF A 151.67 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 29°37'11" AND A LONG CHORD THAT BEARS SOUTH 67°50'43" WEST 77.54 FEET TO A POINT OF COMPOUND CURVE; 3) THENCE WESTERLY 65.16 FEET ALONG THE ARC OF A 583.40 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 6°23'57" AND A LONG CHORD THAT BEARS SOUTH 85°51'16" WEST 65.12 FEET; 4) THENCE SOUTH 89°03'15" WEST 19.62 FEET; 5) THENCE WESTERLY 55.39 FEET ALONG THE ARC OF A 205.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 15°28'53" AND A LONG CHORD THAT BEARS NORTH 83°12'19" WEST 55.22 FEET TO A POINT OF REVERSE CURVE; 6) THENCE WESTERLY 89.73 FEET ALONG THE ARC OF A 429.93 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 11°57'30" AND A LONG CHORD THAT BEARS NORTH 81°26'37" WEST 89.57 FEET TO A POINT OF COMPOUND CURVE; 7) THENCE WESTERLY 191.13 FEET ALONG THE ARC OF A 1908.22 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05°44'19" AND A LONG CHORD THAT BEARS SOUTH 89°42'28" WEST 191.05 FEET TO A POINT OF REVERSE CURVE; 8) THENCE WESTERLY 91.45 FEET ALONG THE ARC OF A 918.31 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05°42'20" AND A LONG CHORD THAT BEARS SOUTH 89°41'29" WEST 91.41 FEET; 9) THENCE NORTH 87°54'22" WEST 100.93 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 24; THENCE NORTH 00°03'15" EAST 1768.20 FEET TO THE POINT OF BEGINNING, CONTAINING 24.22 ACRES.

CORPORATE ACKNOWLEDGEMENT

VALLEY VIEW FARM PARTNERSHIP
FOR SUBDIVISION AMENDMENT AND LOT LINE ADJUSTMENTS

STATE OF UTAH
COUNTY OF _____

ON THIS _____ DAY OF _____, 20____

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY

PUBLICLY, IN AND FOR SAID STATE AND COUNTY, _____ NAME _____

AFTER BEING DULY SWORN ACKNOWLEDGED TO ME THAT _____ HE/SHE _____

IS THE _____ OF SAID CORPORATION AND THAT _____ TITLE _____

SIGNED THE OWNER'S DEDICATION FREELY, VOLUNTARILY AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

RESIDING IN _____ COUNTY, UTAH

LOT LINE ADJUSTMENT ACKNOWLEDGMENT

TO WHOM IT MAY CONCERN:

JOHN F & MELINDA R FRYER, OWNERS OF A PARCEL OF GROUND LOCATED WITHIN THE COUNTY LIMITS OF CACHE COUNTY, UTAH WITH THE CURRENT TAX IDENTIFICATION NUMBER 12-047-0007; AND NANCY F WILCOX, A TRUSTEE OF THE _____ NAME AND DATE OF TRUST _____

OWNER OF A PARCEL OF GROUND LOCATED WITHIN THE COUNTY LIMITS OF CACHE COUNTY WITH THE CURRENT TAX IDENTIFICATION NUMBER OF 12-047-0008:

AND JOHN F. FRYER, MELINDA R. FRYER, MERLIN KENT FRYER, NANCY F WILCOX, AND JAN FRYER WALKER, MEMBERS OF THE VALLEY VIEW FARM PARTNERSHIP, A CORPORATION AND OWNER/S OF A PARCEL OF GROUND LOCATED WITHIN THE COUNTY LIMITS OF CACHE COUNTY, UTAH WITH CURRENT TAX IDENTIFICATION NUMBER 12-047-0005;

HAVE CAUSED THE SAME TO BE ADJUSTED AS DESCRIBED AND ILLUSTRATED WITHIN THIS DOCUMENT.

ELECTRONIC
REVIEW
COPY

TRUSTEE ACKNOWLEDGMENT

STATE OF UTAH

COUNTY OF _____

ON THIS _____ DAY OF _____, 20____

PERSONALLY APPEARED BEFORE ME NANCY F WILCOX

AS A TRUSTEE OF THE _____ NAME OF _____ TRUST,

DATED XXXXXXXX XX, XXXX

A SIGNER OF THE HEREON LOT LINE ADJUSTMENT OWNERS ACKNOWLEDGMENT, WHO DULY ACKNOWLEDGED TO ME THAT SHE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC _____

PARCEL 1 NORTH AGRICULTURAL PARCEL AND LOT 1

A PARCEL OF GROUND LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. DESCRIBED AS FOLLOWS:

BEGINNING AT THE ALUMINUM CAP FOUND AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION BEARS SOUTH 00'01'22" EAST 2,727.47 FEET AND THE NORTHWEST CORNER OF THE SECTION BEARS NORTH 89'57'32" WEST 5,287.38 FEET; AND RUNNING THENCE SOUTH 00'01'22" EAST 1333.20 FEET TO NORTH LINE OF COUNTY ROAD, BEING 7200 WEST; THENCE ALONG SAID ROAD THE FOLLOWING TWO COURSES, 1) SOUTH 89'58'38" WEST 66.00 FEET; 2) THENCE SOUTH 00'01'22" EAST 765.63 FEET TO THE NORTH LINE OF OLD 1900 NORTH STREET; THENCE SOUTH 88'28'46" WEST ALONG SAID NORTH LINE 683.78 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, THE VALLEY VIEW HIGHWAY, AT APPROXIMATE ENGINEERS STATION 76+21.42 - 75 FEET LEFT; THENCE NORTHWESTERLY ALONG THE HIGHWAY THE FOLLOWING THREE COURSES, 1) NORTH 33'37'23" WEST 97.74 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS P.T. STATION 75+23.68 - 75 FEET LEFT; 2) THENCE NORTHWESTERLY 332.11 FEET ALONG THE ARC OF A 19925.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 00'57'18" AND A LONG CHORD THAT BEARS NORTH 33'08'44" WEST 332.10 FEET TO ENGINEERS P.C. STATION 71+90.33 - 75 FEET LEFT; 3) THENCE NORTH 32'40'05" WEST 599.17 FEET TO APPROXIMATE ENGINEERS STATION 65+91.43 - 75 FEET LEFT AND A POINT ON THE PROJECTION OF A HISTORICAL OCCUPATION AND FENCE LINE FROM THE NORTH; THENCE NORTH 00'37'52" EAST ALONG SAID OCCUPATION LINE 1254.17 FEET TO THE NORTH LINE OF SAID SECTION AT A POINT 27.83 FEET EAST OF A 5/8 BAR FOUND AT THE EAST ONE SIXTEENTH CORNER OF SECTIONS 24 AND 13; THENCE SOUTH 89'57'32" EAST 1294.01 FEET TO THE POINT OF BEGINNING. CONTAINING 56.56 ACRES.

CEMETERY ACCESS EASEMENT LEGAL DESCRIPTION

AN EXISTING ACCESS ROAD LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. DESCRIBED AS FOLLOWS:

BEGINNING AT THE ALUMINUM CAP FOUND AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION BEARS SOUTH 00'01'22" EAST 2,727.47 FEET AND THE NORTHWEST CORNER OF THE SECTION BEARS NORTH 89'57'32" WEST 5,287.38 FEET; AND RUNNING THENCE SOUTH 2113.62 FEET AND WEST 621.42 FEET TO A POINT ON THE NORTH LINE OF OLD 1900 NORTH STREET AND THE PROJECTION OF THE APPROXIMATE CENTERLINE OF AN EXISTING ACCESS ROAD; AND RUNNING THENCE ALONG SAID CENTERLINE THE FOLLOWING, NORTH 13'09'52" WEST 37.03 FEET; THENCE NORTH 16'08'29" WEST 33.37 FEET; THENCE NORTH 25'12'42" WEST 39.20 FEET; THENCE NORTH 40'51'44" WEST 26.26 FEET; THENCE NORTH 28'22'33" WEST 30.03 FEET; THENCE NORTH 20'02'05" WEST 26.59 FEET; THENCE NORTH 16'05'41" WEST 106.31 FEET; THENCE NORTH 15'48'27" WEST 88.06 FEET; THENCE NORTH 18'56'46" WEST 28.64 FEET; THENCE NORTH 17'06'26" WEST 35.50 FEET; THENCE NORTH 15'22'44" WEST 92.56 FEET; THENCE NORTH 16'01'12" WEST 30.09 FEET; THENCE NORTH 33'36'45" WEST 19.93 FEET; THENCE WESTERLY 27.01 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 103'09'53" AND A LONG CHORD THAT BEARS NORTH 85'11'42" WEST 23.51 FEET, TO A POINT OF COMPOUND CURVE; THENCE SOUTHERLY 33.53 FEET ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 64'01'50" AND A LONG CHORD THAT BEARS SOUTH 11'12'27" WEST 31.81 FEET; THENCE SOUTH 20'48'28" EAST 50.23 FEET; THENCE SOUTHERLY 44.84 FEET ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17'07'44" AND A LONG CHORD THAT BEARS SOUTH 12'14'36" EAST 44.68 FEET; THENCE SOUTH 03'40'44" EAST 112.88 FEET; THENCE SOUTHERLY 83.48 FEET ALONG THE ARC OF A 254.82 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 18'46'14" AND A LONG CHORD THAT BEARS SOUTH 05'42'23" WEST 83.11 FEET TO A POINT IN THE CENTER OF AN EXISTING GATE AND THE POINT OF TERMINATION.

CEMETERY EASEMENT PARCEL LEGAL DESCRIPTION

AN EXISTING PRIVATE CEMETERY LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. DESCRIBED AS FOLLOWS:

COMMENCING AT THE ALUMINUM CAP FOUND AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION BEARS SOUTH 00'01'22" EAST 2,727.47 FEET AND THE NORTHWEST CORNER OF THE SECTION BEARS NORTH 89'57'32" WEST 5,287.38 FEET; AND RUNNING THENCE SOUTH 1870.89 FEET AND WEST 838.80 FEET TO THE NORTHWEST CORNER OF A PRIVATE CEMETERY; AND RUNNING THENCE SOUTH 88'49'42" EAST 47.00 FEET; THENCE SOUTH 01'03'31" EAST 77.00 FEET; THENCE SOUTH 88'43'56" WEST 46.50 FEET; THENCE NORTH 01'23'36" WEST 79.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3644.71 SQUARE FEET OR 0.084 ACRES.

LOT 2 LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN THE EAST HALF OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. DESCRIBED AS FOLLOWS:

COMMENCING AT THE ALUMINUM CAP FOUND AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION BEARS SOUTH 00'01'22" EAST 2,727.47 FEET AND THE NORTHWEST CORNER OF THE SECTION BEARS NORTH 89'57'32" WEST 5,287.38 FEET; AND RUNNING THENCE SOUTH 00'01'22" EAST 2163.10 FEET; THENCE SOUTH 88'28'37" WEST 50.02 FEET TO THE INTERSECTION OF THE SOUTH LINE OF 1900 NORTH AND THE WEST LINE OF 7200 WEST AND IS THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTH 00'01'23" EAST 533.70 FEET; THENCE SOUTHWESTERLY 301.35 FEET ALONG THE ARC OF A 370.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 46'39'55" AND A LONG CHORD THAT BEARS SOUTH 23'18'35" WEST 293.09 FEET; THENCE SOUTH 85'42'51" WEST 22.63 FEET TO STATE RIGHT-OF-WAY MARKER FOUND AT ENGINEERS STATION 86+40.43 - 75.0 FEET LEFT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, THE VALLEY VIEW HIGHWAY; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES, 1) NORTH 32'40'32" WEST (NORTH 32'21'10" WEST PER UDOT PLANS) 101.44 FEET TO STATE RIGHT-OF-WAY MARKER FOUND AT ENGINEERS P.T. STATION 85+39.02 - 75 FEET LEFT; 2) THENCE NORTHWESTERLY 331.98 FEET ALONG THE ARC OF A 20075.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00'56'51" AND A LONG CHORD THAT BEARS NORTH 33'08'58" WEST 331.98 FEET TO STATE RIGHT-OF-WAY MARKER FOUND AT ENGINEERS P.C. STATION 82+08.25 - 75 FEET LEFT; 3) THENCE NORTH 33'37'23" WEST (NORTH 33'18'01" WEST PER UDOT PLANS) 508.92 FEET TO APPROXIMATE ENGINEERS STATION 76+99.33 - 75 FEET LEFT AND THE SOUTH LINE OF 1900 NORTH; THENCE NORTH 88'28'37" EAST ALONG THE SOUTH LINE OF 1900 NORTH 656.66 FEET TO THE POINT OF BEGINNING. CONTAINING 7.06 ACRES.

PARCEL 1 MID AGRICULTURAL PARCEL LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN THE EAST HALF OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. DESCRIBED AS FOLLOWS:

COMMENCING AT THE ALUMINUM CAP FOUND AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION BEARS SOUTH 00'01'22" EAST 2,727.47 FEET AND THE NORTHWEST CORNER OF THE SECTION BEARS NORTH 89'57'32" WEST 5,287.38 FEET; AND RUNNING THENCE NORTH 89'57'32" WEST 1321.84 FEET TO 5/8 BAR FOUND AT THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00'03'15" WEST 1711.42 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, THE VALLEY VIEW HIGHWAY, AT APPROXIMATE ENGINEERS STATION 69+67.68 - 185 FEET RIGHT PER UDOT PROJECT STP-0030(20)99, SAID POINT BEING THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES, 1) SOUTH 32'40'05" EAST (SOUTH 33'18'01" EAST PER UDOT PLANS) 222.65 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS P.C. STATION 71+90.33 - 185 FEET RIGHT; 2) THENCE SOUTH 40'19'17" EAST 919.02 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS STATION 81+00 - 75 FEET RIGHT; 3) THENCE SOUTH 33'37'23" EAST 108.25 FEET TO STATE RIGHT-OF-WAY MARKER AT ENGINEERS P.C. STATION 82+08.25 - 75 FEET RIGHT; 4) THENCE SOUTHEASTERLY 329.50 FEET ALONG THE ARC OF A 19925.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 00'56'51" AND A LONG CHORD THAT BEARS SOUTH 33'08'58" EAST 329.50 FEET TO RIGHT-OF-WAY MARKER AT ENGINEERS P.T. STATION 85+39.02 - 75 FEET RIGHT; 5) THENCE SOUTH 32'40'32" EAST 259.69 FEET TO APPROXIMATE ENGINEERS STATION 87+98.69 - 75 FEET RIGHT AND THE NORTHEAST CORNER OF THE NANCY WILCOX PARCEL 12-047-0007; THENCE FOLLOWING THE BOUNDARY OF SAID PARCEL THE FOLLOWING FOUR COURSES, 1) SOUTH 88'46'29" WEST 341.99 FEET; 2) THENCE SOUTH 03'55'47" EAST 113.37 FEET; 3) THENCE NORTH 89'25'43" EAST 78.54 FEET; 4) THENCE SOUTH 10'18'30" EAST 135.02 FEET TO THE NORTH LINE OF THE JOHN F AND MELINDA R FRYER PARCEL 12-047-0007; THENCE SOUTH 88'13'27" WEST 139.49 FEET TO THE NORTHWEST CORNER OF SAID PARCEL, BEING LOCATED AT THE CENTER OF AN EXISTING GATE; THENCE LEAVING SAID PARCEL AND FOLLOWING THE CENTERLINE OF AN EXISTING FARM ROAD THE FOLLOWING TEN COURSES, 1) WESTERLY 15.35 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35'11'20" AND A LONG CHORD THAT BEARS SOUTH 70'37'47" WEST 15.11 FEET; 2) THENCE SOUTH 53'02'07" WEST 35.81 FEET; 3) THENCE SOUTHWESTERLY 78.41 FEET ALONG THE ARC OF A 151.67 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 29'37'11" AND A LONG CHORD THAT BEARS SOUTH 67'50'43" WEST 77.54 FEET TO A POINT OF COMPOUND CURVE; 4) THENCE WESTERLY 65.16 FEET ALONG THE ARC OF A 583.40 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 15'28'53" AND A LONG CHORD THAT BEARS NORTH 83'12'19" WEST 55.22 FEET TO A POINT OF REVERSE CURVE; 5) THENCE WESTERLY 191.13 FEET ALONG THE ARC OF A 1908.22 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05'44'19" AND A LONG CHORD THAT BEARS NORTH 81'26'37" WEST 89.57 FEET TO A POINT OF COMPOUND CURVE; 6) THENCE WESTERLY 91.45 FEET ALONG THE ARC OF A 918.31 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05'42'20" AND A LONG CHORD THAT BEARS SOUTH 89'41'29" WEST 91.41 FEET; 7) THENCE WESTERLY 91.45 FEET ALONG THE ARC OF A 205.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 15'28'53" AND A LONG CHORD THAT BEARS NORTH 83'12'19" WEST 55.22 FEET TO A POINT OF REVERSE CURVE; 8) THENCE WESTERLY 89.73 FEET ALONG THE ARC OF A 429.93 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 11'57'30" AND A LONG CHORD THAT BEARS NORTH 81'26'37" WEST 89.57 FEET TO A POINT OF COMPOUND CURVE; 9) THENCE WESTERLY 191.13 FEET ALONG THE ARC OF A 1908.22 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05'44'19" AND A LONG CHORD THAT BEARS SOUTH 89'41'29" WEST 91.41 FEET; 10) THENCE NORTH 87'54'22" WEST 100.93 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 24; THENCE NORTH 00'03'15" EAST 1768.20 FEET TO THE POINT OF BEGINNING. CONTAINING 24.68 ACRES.

PARCEL 2 NORTH AGRICULTURAL PARCEL LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN SECTIONS 24 AND 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. DESCRIBED AS FOLLOWS:

BEGINNING AT THE THERON WESTON BAR AND CAP FOUND AT THE COMMON EAST CORNER TO SECTIONS 24 AND 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION 24 BEARS NORTH 00'01'40" EAST 2,545.95 FEET AND THE BRASS CAP FOUND AT THE COMMON WEST CORNER TO SAID SECTIONS BEARS SOUTH 89'35'53" WEST 5,306.94 FEET; AND RUNNING THENCE NORTH 00'01'40" EAST 1703.21 FEET; THENCE SOUTH 88'41'30" WEST 528.57 FEET; THENCE SOUTH 45'59'25" WEST 100.84 FEET; THENCE NORTH 00'18'08" EAST 212.41 FEET TO THE CENTER OF AN EXISTING GATE AND A NON-TANGENT POINT ON A CURVE, OF WHICH THE RADIUS POINT BEARS SOUTH 01'46'33" EAST 25.00 FEET; THENCE WESTERLY FOLLOWING THE CENTERLINE OF AN EXISTING FARM ROAD THE FOLLOWING TEN COURSES, 1) WESTERLY 15.35 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35'11'20" AND A LONG CHORD THAT BEARS SOUTH 70'37'47" WEST 15.11 FEET; 2) THENCE SOUTH 53'02'07" WEST 35.81 FEET; 3) THENCE SOUTHWESTERLY 78.41 FEET ALONG THE ARC OF A 151.67 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 29'37'11" AND A LONG CHORD THAT BEARS SOUTH 67'50'43" WEST 77.54 FEET TO A POINT OF COMPOUND CURVE; 4) THENCE WESTERLY 65.16 FEET ALONG THE ARC OF A 583.40 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 6'23'57" AND A LONG CHORD THAT BEARS SOUTH 85'51'16" WEST 65.12 FEET; 5) THENCE SOUTH 89'03'15" WEST 19.62 FEET; 6) THENCE WESTERLY 55.39 FEET ALONG THE ARC OF A 205.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 15'28'53" AND A LONG CHORD THAT BEARS NORTH 83'12'19" WEST 55.22 FEET TO A POINT OF REVERSE CURVE; 7) THENCE WESTERLY 89.73 FEET ALONG THE ARC OF A 429.93 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 11'57'30" AND A LONG CHORD THAT BEARS NORTH 81'26'37" WEST 89.57 FEET TO A POINT OF COMPOUND CURVE; 8) THENCE WESTERLY 191.13 FEET ALONG THE ARC OF A 1908.22 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05'44'19" AND A LONG CHORD THAT BEARS SOUTH 89'42'28" WEST 191.05 FEET TO A POINT OF REVERSE CURVE; 9) THENCE WESTERLY 91.45 FEET ALONG THE ARC OF A 918.31 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05'42'20" AND A LONG CHORD THAT BEARS SOUTH 89'41'29" WEST 91.41 FEET; 10) THENCE NORTH 87'54'22" WEST 100.93 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 24; THENCE SOUTH 00'03'15" WEST 517.17 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24; THENCE NORTH 89'48'04" WEST 954.52 FEET; THENCE SOUTH 00'16'08" EAST 1296.86 FEET TO SECTION LINE; THENCE SOUTH 89'35'53" WEST 2273.97 FEET TO THE POINT OF BEGINNING. CONTAINING 81.50 ACRES.

PARCEL 2 SOUTH AGRICULTURAL PARCEL LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN SECTIONS 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. DESCRIBED AS FOLLOWS:

COMMENCING AT THE THERON WESTON BAR AND CAP FOUND AT THE COMMON EAST CORNER TO SECTIONS 24 AND 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION 24 BEARS NORTH 00'01'40" EAST 2,545.95 FEET AND THE BRASS CAP FOUND AT THE COMMON WEST CORNER TO SAID SECTIONS BEARS SOUTH 89'35'53" WEST 5,306.94 FEET; AND RUNNING THENCE SOUTH 89'35'53" WEST 2273.97 FEET TO A POINT 23 RODS OR 379.5 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE SOUTH 00'16'08" EAST 1361.53 FEET TO THE TRUE POINT OF BEGINNING; AND RUNNING THENCE SOUTH 00'16'08" EAST 1325.71 FEET TO A POINT ON THE CENTER OF SECTION LINE, NORTH 89'57'36" WEST OF THE ALUMINUM CAP FOUND AT THE EAST QUARTER CORNER OF SECTION 25; THENCE NORTH 89'57'36" WEST ALONG THE CENTER OF SECTION LINE 1580.50 FEET TO A POINT SOUTH 89'57'36" EAST 1452.02 OF THE CALCULATED MIDDPOINT OF WEST QUARTER CORNER OF SECTION 25; THENCE NORTH 00'16'46" WEST PARALLEL TO AND 1452 FEET EAST OF THE WEST LINE OF SAID SECTION 25 A DISTANCE OF 1325.71 FEET; THENCE SOUTH 89'57'36" EAST 1580.74 FEET TO THE POINT OF BEGINNING. CONTAINING 48.10 ACRES.

ELECTRONIC REVIEW COPY

PARCEL 1 WEST AGRICULTURAL PARCEL LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN SECTIONS 24 AND 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. DESCRIBED AS FOLLOWS:

COMMENCING AT THE THERON WESTON BAR AND CAP FOUND AT THE COMMON EAST CORNER TO SECTIONS 24 AND 25, TOWNSHIP 12 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE STEVE EARL CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION 24 BEARS NORTH 00'01'40" EAST 2,545.95 FEET AND THE BRASS CAP FOUND AT THE COMMON WEST CORNER TO SAID SECTIONS BEARS SOUTH 89'35'53" WEST 5,306.94 FEET; AND RUNNING THENCE SOUTH 89'35'53" WEST 2273.97 FEET TO A POINT 23 RODS OR 379.5 FEET EAST OF THE COMMON QUARTER CORNER TO SECTIONS 24 AND 25 AND IS THE TRUE POINT OF BEGINNING; AND RUNNING THENCE NORTH 00'16'08" WEST 1296.86 FEET; THENCE NORTH 89'48'04" WEST 1564.47 FEET TO A POINT 6 RODS OR 132 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24; THENCE SOUTH 00'09'32" WEST 1313.33 FEET TO SECTION LINE; THENCE SOUTH 89'35'53" WEST 6.74 FEET TO A POINT 1452 WEST OF THE WEST LINE OF SECTION 25; THENCE SOUTH 00'16'46" EAST PARALLEL TO SAID WEST SECTION LINE 1349.34 FEET; THENCE SOUTH 89'57'36" EAST 1580.74 FEET TO A POINT 23 RODS OR 379.5 FEET EAST OF THE CENTER OF SECTION; THENCE NORTH 00'16'08" WEST 1361.53 FEET TO THE POINT OF BEGINNING. CONTAINING 96.21 ACRES.

SHEET 2 OF 3

Cemetery Curve Table with columns: Curve #, LENGTH, RADIUS, DELTA, BEARING, CHORD. Rows C1-C4.

Property Curve Table with columns: Curve #, LENGTH, RADIUS, DELTA, BEARING, CHORD. Rows C1-C6.

Cemetery Line Table with columns: Line #, Length, Direction. Rows L1-L19.

Property Line Table with columns: Line #, Length, Direction. Rows L1-L19.

CORPORATE ACKNOWLEDGEMENT

VALLEY VIEW FARM PARTNERSHIP FOR SUBDIVISION AMENDMENT AND LOT LINE ADJUSTMENTS. STATE OF UTAH, COUNTY OF... ON THIS... DAY OF... 20... PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY... AFTER BEING DULY SWORN ACKNOWLEDGED TO ME THAT... IS THE... OF SAID CORPORATION AND THAT... SIGNED THE OWNER'S DEDICATION FREELY, VOLUNTARILY AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED. MY COMMISSION EXPIRES... NOTARY PUBLIC RESIDING IN... COUNTY, UTAH

CORPORATE ACKNOWLEDGEMENT

VALLEY VIEW FARM PARTNERSHIP FOR SUBDIVISION AMENDMENT AND LOT LINE ADJUSTMENTS. COUNTY OF... ON THIS... DAY OF... 20... PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY... AFTER BEING DULY SWORN ACKNOWLEDGED TO ME THAT... IS THE... OF SAID CORPORATION AND THAT... SIGNED THE OWNER'S DEDICATION FREELY, VOLUNTARILY AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MY COMMISSION EXPIRES... NOTARY PUBLIC RESIDING IN... COUNTY, UTAH

CORPORATE ACKNOWLEDGEMENT

VALLEY VIEW FARM PARTNERSHIP FOR SUBDIVISION AMENDMENT AND LOT LINE ADJUSTMENTS. COUNTY OF... ON THIS... DAY OF... 20... PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY... AFTER BEING DULY SWORN ACKNOWLEDGED TO ME THAT... IS THE... OF SAID CORPORATION AND THAT... SIGNED THE OWNER'S DEDICATION FREELY, VOLUNTARILY AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MY COMMISSION EXPIRES... NOTARY PUBLIC RESIDING IN... COUNTY, UTAH

CORPORATE ACKNOWLEDGEMENT

VALLEY VIEW FARM PARTNERSHIP FOR SUBDIVISION AMENDMENT AND LOT LINE ADJUSTMENTS. COUNTY OF... ON THIS... DAY OF... 20... PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY... AFTER BEING DULY SWORN ACKNOWLEDGED TO ME THAT... IS THE... OF SAID CORPORATION AND THAT... SIGNED THE OWNER'S DEDICATION FREELY, VOLUNTARILY AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MY COMMISSION EXPIRES... NOTARY PUBLIC RESIDING IN... COUNTY, UTAH

COUNTY SURVEYOR'S CERTIFICATE. I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE. DATE CHIEF DEPUTY COUNTY SURVEYOR

COUNTY ATTORNEY APPROVAL. APPROVED AS TO FORM THIS... DAY OF... A.D. 20... ATTORNEY

CACHE COUNTY COUNCIL. THIS PLAT HAS BEEN REVIEWED BY THE CACHE COUNTY COUNCIL ON... 20... AT WHICH TIME BY MAJORITY VOTE IT HAS BEEN APPROVED. CHAIRPERSON ATTESTED TO BY THE COUNTY CLERK

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

CACHE COUNTY PLANNING COMMISSION. THIS PLAT HAS BEEN REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON... 20... IT IS THE RECOMMENDATION OF THIS BOARD TO APPROVE/DENY THIS SUBDIVISION BASED ON FINDINGS. CHAIRPERSON HEALTH DIRECTOR

BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL. THE SUBDIVISION DESCRIBED HEREON HAS BEEN APPROVED BY THE BEAR RIVER DISTRICT HEALTH DEPARTMENT. THIS... DAY OF... 20... HEALTH DIRECTOR

JSH SURVEYING & DRAFTING INC. P.O. BOX 300 • WELLSVILLE, UTAH 84339 (435) 245-9090 • TOLL FREE 1-888-420-0268 • FAX (435) 255-9669

STAFF REPORT: APPLE GOAT ACRES REZONE

4 October 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: Terri Watterson

Parcel ID#: 12-018-0011

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

4211 West 2600 North
Benson

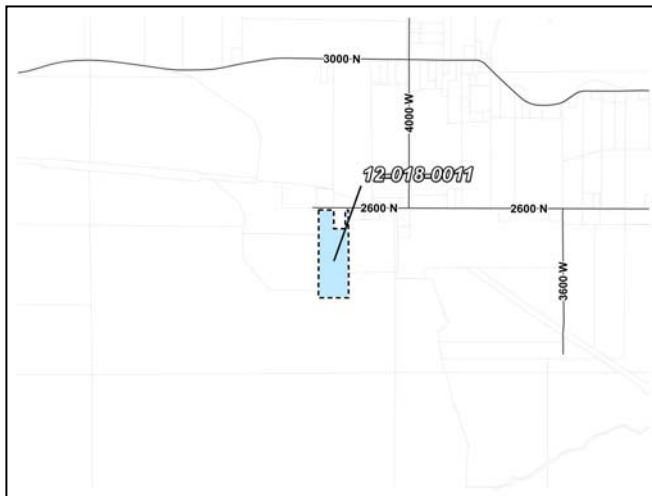
Acres: 16.78

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 5 (RU5)

Surrounding Uses:

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



FINDINGS OF FACT (17)

A. Request description

1. A request to rezone a 16.78 acre lot from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of three (3) separate lots as part of a subdivision process; however, the presence of wetlands will likely limit the maximum development potential to two (2) separate lots.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachments A & B) and in the following text:

a. Land Use Context:

- i.** Parcel status: A building permit was issued in June 1997 for a single-family residence on 16.78 acres, the same size and configuration at the present time. The subject property is considered a legal parcel.
- ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (56 parcels) with a dwelling is 4.5 acres; the average size of parcels (89 parcels) without a dwelling is 16.2 acres (Attachment A). There are no incorporated cities within the one-mile buffer area.

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 16.78 acres of property, the subject parcel cannot be divided into any additional lots under the current A10 Zone; a rezone to RU5 would allow a maximum of two additional buildable lot in addition to the existing lot subject to confirmation of developable acreage.
- 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 agriculture 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 nearest municipality that borders the proposed rezone area is Logan City near the airport, which is more than 2.5 miles away. The subject property is not located within a future annexation area.

There are no other RU5 zones within a five-mile radius of the subject property (Attachment B). The nearest zones that are not A10 is an Industrial Zone approximately 2 miles away as the crow flies. The Industrial Rezone was approved in 2007 for the purpose of establishing an industrial park, but no development has occurred since the rezone approval. The nearest higher density residential, Rural 2 (RU2) Zone, is located in Petersboro, approximately 5 miles away by the most direct measurement.

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. The subject property has frontage along 2600 North, a county road.

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. §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 paved roads requires: 14” depth of granular borrow, 6” depth of road base, and 2.5” of asphalt.

10. A basic analysis of 2600 North is as follows:

- a. Is an existing county facility that provides access to the general public.
- b. Currently provides access to multiple residential and agricultural parcels.
- c. Consists of an average 17-foot paved width with 4-foot wide gravel shoulders, for a total width of 25 feet.
- d. Has an unknown depth and type of material under the surface.
- e. Is maintained year round.

D. Service Provisions:

11. §16.04.080 [C] Fire Control – The County Fire District stated they had no issues with the rezone request. However, future development requiring access to the property must be reevaluated and may require improvements based on the location of any proposed structure.

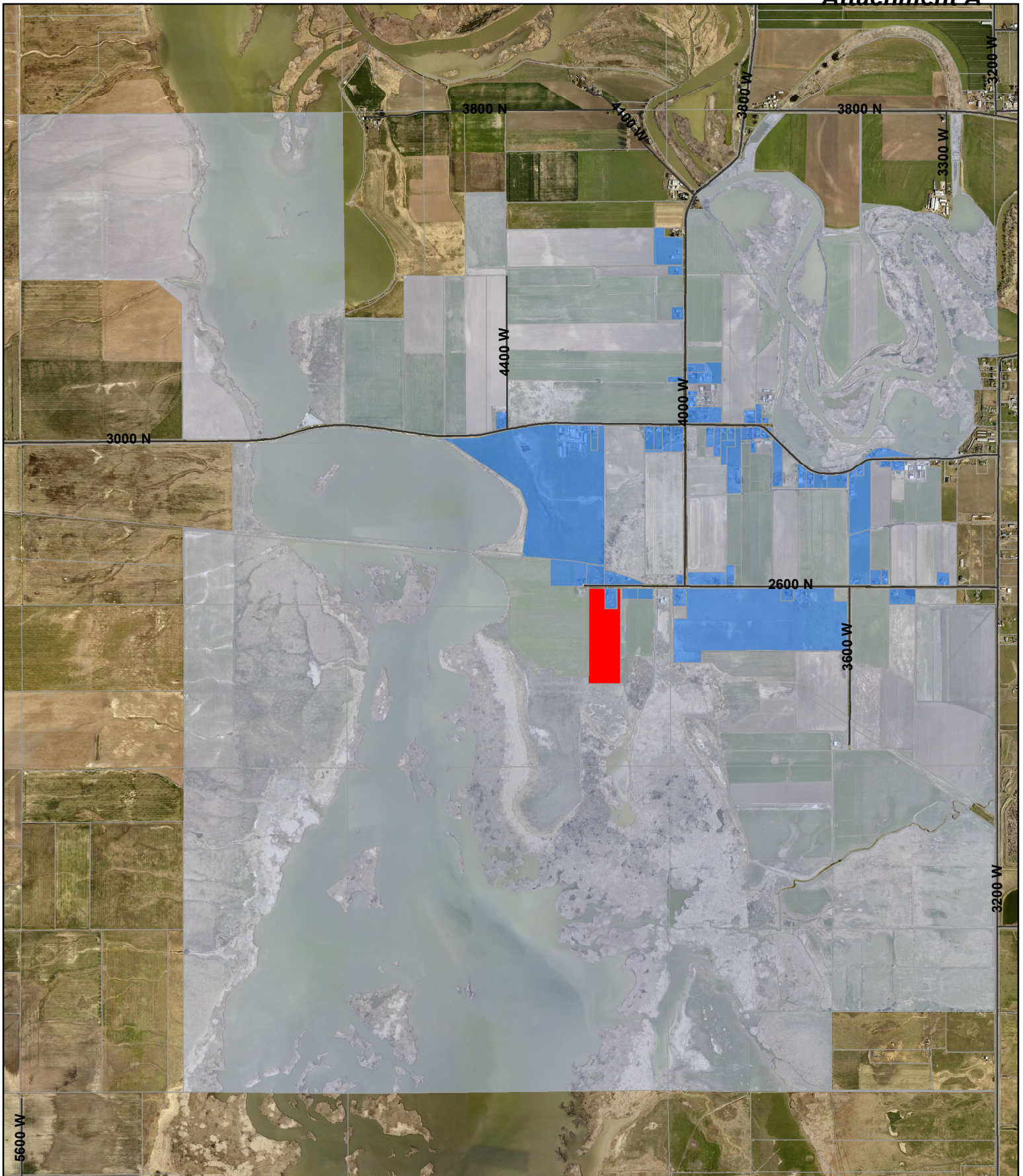
12. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental did not have any comments on rezone request, but future development will require residential carts to be placed on 2600 North for Monday collection and an adequate turn-around must be maintained at the end of 2600 North.

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





13. Public notice was posted online to the Utah Public Notice Website on 20 September 2018.
14. Notice was published in the Herald Journal on 26 August 2018.
15. Notices were posted in three public places on 23 September 2018.
16. Notices were mailed to all property owners within 300 feet on 20 September 2018.
17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

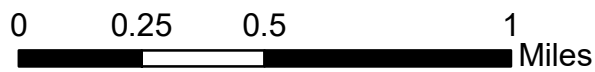
CONCLUSIONS

The Apple Goat Acres Rezone, a request to rezone 16.7899 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.



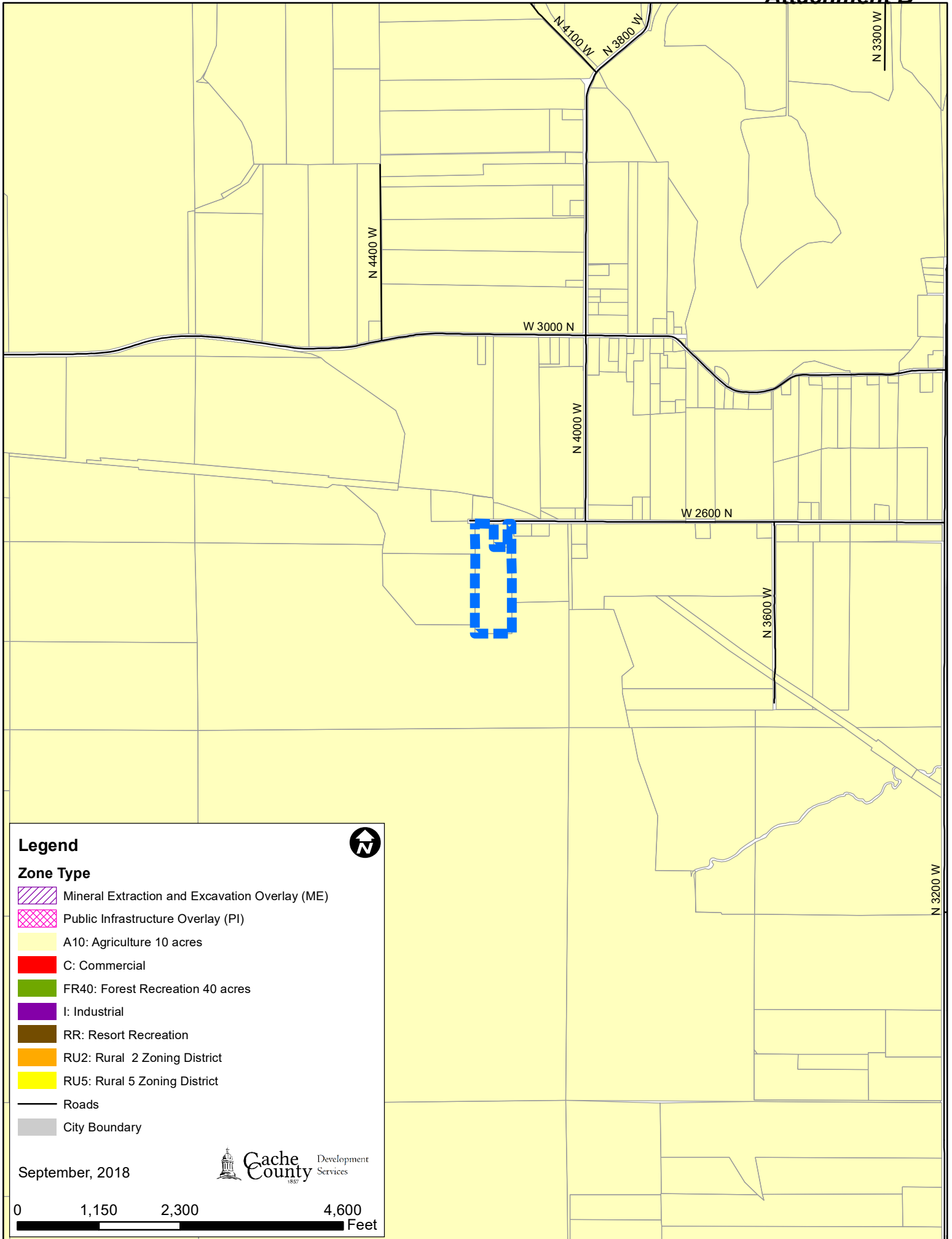
Legend

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



September 2018

Average Parcel Size Without a Home: 16.2 Acres (89 Parcels)
Average Parcel Size With a Home: 4.5 Acres (56 Parcels)



Legend

Zone Type

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

September, 2018

Cache County Development Services

0 1,150 2,300 4,600 Feet

STAFF REPORT: CHERRY PEAK SKI AREA CUP 2ND AMENDMENT

4 October 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: John Chadwick
Staff Determination: Approval with conditions
Type of Action: Administrative
Land Use Authority: Planning Commission

Parcel ID#: 18-057-0020, -0021, -0022, -0023, -0024, -0025

PROJECT LOCATION

Reviewed by Angie Zetterquist

Project Address:

3200 East 11000 North
 Richmond

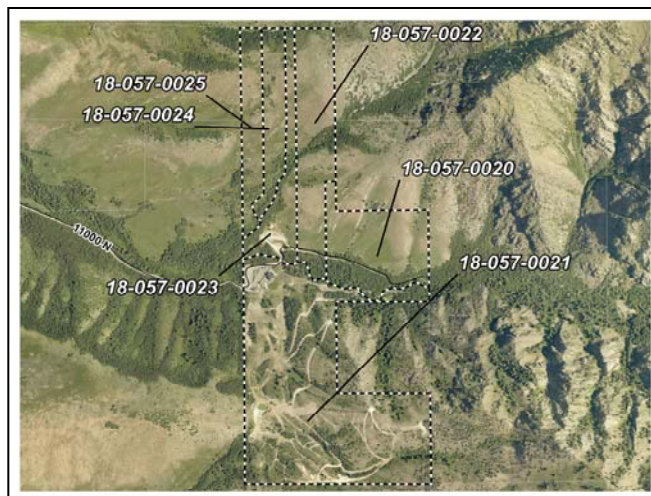
Current Zoning:

Forest Recreation (FR40)

Acres: 240.0

Surrounding Uses:

North – Forest Recreation
 South – Forest Recreation
 East – Forest Recreation
 West – Forest Recreation



FINDINGS OF FACT (35)

A. Request description

1. The Cherry Peak Ski Area Conditional Use Permit (CUP) 2nd Amendment is a request to amend an existing CUP for a recreational facility (i.e., ski resort), Use Type 4100, located in the Forest Recreation (FR40) Zone.
2. The applicant is proposing to amend the existing CUP as follows:
 - a. Remove parcels 18-057-0024 & 18-057-0025 from the existing CUP;
 - b. Add parcel 18-057-0020 to the CUP;
 - c. Allow more than 1,000 people on-site without approval of a Special Event Permit;
 - d. Create an additional ski run;
 - e. Provide additional parking areas, both permanent and temporary; and
 - f. Construct additional operational improvements as detailed in the Letter of Intent.

3. The Letter of Intent (Attachment A) provides more detail on the proposed changes to the recreational facility: *See condition #1*
 - a. Construction *See condition #2*
 - i. The applicant has provided a site plan that shows a general layout of the proposed improvements to the facility (Attachment B).
 - ii. Two future permanent parking areas are proposed on parcel 18-057-0021. One area is north of the existing lodge on the north side of the county road; the other is east of the lodge on the south side of the road. From the aerial photo on the GIS maps, both areas appear to be heavily timbered and may have some areas of moderate slopes. *See condition #3*
 - iii. Two temporary parking areas for events in the off-season are also proposed. One temporary parking area is east of the lodge, south of the magic carpet and the proposed permanent parking area; the other is located on parcel 18-057-0020 south of the county road appears to be heavily timbered and may have some areas of moderate slopes. *See condition #3*
 - iv. A new ski run is proposed for parcel 18-057-0020 where the temporary event parking will be located in the off-season.
 - v. A new cable tow/magic carpet for the tubing hill is proposed south and east of the existing magic carpet.
 - b. Operation
 - i. Parcels 18-057-0024 & 18-057-0025 will be removed from the CUP boundary. *See condition #4*
 - ii. Parcel 18-057-0020 will be added to the CUP boundary.
 - iii. Events at the facility in excess of 1,000 people will no longer require approval of a separate Special Event Permit for each occurrence as was previously required. In the absence of filing a permit for each special event, the applicant will:
 - a. Have the Ski Patrol members staff events including concerts, mountain biking events, and ski days to provide medical assistance;
 - b. Have the Sheriff's Office and Fire Department on-site for events to oversee event parking;
 - c. Provide additional off-site parking with transportation to and from the event site for events that necessitate the extra parking;
 - d. Any off-site parking areas must be reviewed and approved by the Fire Marshal and Sheriff's office; and
 - e. Ensure pedestrians do not walk down the canyon road to off-site parking areas after events conclude.
 - iv. All other operational aspects of the recreational facility will remain in effect permitted under the previously approved Conditional Use Permit and amendment.

B. Parcel Legality

4. The original CUP for a resort was approved in 2012 and amended in 2016. Another amendment was reviewed in 2017, but the applicant withdrew the request before the permit was recorded.
5. All conditions and requirements as stipulated by the original CUP and the 1st Amendment to the CUP will continue and will also apply to this CUP amendment request. *See condition #5*
6. In 2017, a subdivision amendment was approved that reconfigured and renumbered the parcels that were part of the original CUP approval and 2016 CUP Amendment. The 2017 subdivision amendment changed the name of the subdivision from the Cherry Creek Canyon Subdivision to the Richmond Valley Subdivision, added adjacent parcels, and reconfigured all the lots. The

result was that the Richmond Valley Subdivision includes the following legal parcels: 18-057-0021, -0022, -0023, -0024, & -0025.

7. Parcel 18-057-0020 is not part of the Richmond Valley Subdivision, but is a legal lot under the Policy for Determination of Parcel Legality dated 29 August 2013. Prior to submitting this request, the parcel was combined with three adjacent parcels, which were all restricted. Combining the parcels into one removed the restriction.

C. Conditional Uses *See conclusion #1*

8. §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
 - a. Compliance with law;
 - b. Health, safety, and welfare;
 - c. Adequate service provision;
 - d. Impacts and mitigation.

D. Compliance with law *See conclusion #1*

9. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
10. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
11. The parcel that is the subject of the conditional use permit request is a legal parcel zoned Agricultural (A10).
12. §17.07.030, Use Related Definitions defines this use as
 - a. “4100 Recreational Facility: a place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than 30 days per year and may also include incidental transient lodging accommodation for up to 15 rooms.” This use also includes the following specific uses: ski facility, golf course, and campground.
13. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Forest Recreation (FR40) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

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

14. The County Land Use Ordinance stipulates that:
 - a. Proposed CUP’s must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
15. The primary activity of the existing recreational facility is a ski facility with additional off-season, summer activities permitted, as approved under the 2016 CUP amendment, including:
 - a. Weddings and receptions,
 - b. Lift-assisted mountain biking,
 - c. Concerts and dances,

- d. Overnight youth campouts and other religious-group related activities,
- e. Temporary waterslides,
- f. Zip lines,
- g. Horseback riding,
- h. Climbing walls,
- i. Frisbee golf.

16. The original CUP limited the occupancy of the facility to 1,000 people due to limitations regarding culinary water and sewer. As both culinary water and sewer are provided by Richmond City, the 1,000 person limit is not necessary.
17. The applicant must submit a general fire prevention and emergency medical services plan that has been reviewed by the Fire Department to the Department of Development Services prior to recordation. *See condition #6*
18. The applicant must submit a security plan and/or law enforcement response plan to the Department of Development Services prior to recordation. *See condition #7*
19. The applicant must notify and coordinate with law enforcement, fire prevention and emergency services prior to each event with a reasonably anticipated turnout of more than a 1,000 people. *See condition #8*

F. Adequate service provision *See conclusion #1*

20. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.
21. Access: The recreational facility is access from 11000 North, a county road.
 - a. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
 - b. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
 - c. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - i. The layout of proposed roads;
 - ii. An analysis of existing roadway compliance with the Road Manual requirements;
 - iii. Existing maintenance;
 - iv. And any additional impacts to the proposed development access roads.
 - d. The Road Manual specifies the following:
 - i. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - ii. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - iii. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.

- iv. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
 - v. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - vi. §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.
22. A basic review of the access to the existing lots identifies the following:
- a. The recreational facility gains access from the county road 11000 North.
 - b. 11000 North:
 - i. Was initially improved to meet the County Road Standards in the Fall of 2014.
 - ii. The majority of the road consists of a 22-foot paved width with 4-foot gravel shoulders.
 - iii. Is an existing county facility that provides access to the general public.
 - iv. Localized failures along the improved roadway each year have postponed the county’s acceptance of the work on the roadway. Repair of the localized failures related to the road improvement continues to be the responsibility of the Cherry Peak Ski Area developer and associated road contractor.
 - v. Outside of the failures that have occurred, the county provides summer and winter maintenance on 11000 North.
 - vi. County adoption of the improved roadway is dependent on the provision by the developer of a warranty bond for the work completed on the roadway. From the time that the roadway was completed until now, the developer has not provided a warranty bond on the completed road work. The County shall not accept full responsibility of the road until all necessary repairs have been made and the warranty period of the warranty bond has been accomplished. *See condition #9*
 - vii. A review of the road was completed in June 2018 by the County Road Department and a punch list of items that needs to be completed was prepared and given to the applicant.
23. Parking:
- a. §17.22 Off Street Parking Standards – All uses included under Use Index 4000, Cultural, Entertainment, Recreation Uses, require a Parking Analysis be conducted to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. As an existing use, a parking analysis is not required, however, the applicant must submit a parking plan that details the design of the new permanent parking lots including dimensions of parking stalls, drive aisles, entry/exit, etc. *See condition #3*
24. Solid Waste Disposal – Logan City Environmental had no comments on the amendment, but did state that in the past there have been access issues for the collection trucks to get to dumpsters and carts; applicant must ensure that access is clear for collection trucks.
25. Fire Control – The County Fire District has reviewed the proposed plans and visited the site. The access meets the fire code requirements. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development. The facility has a fire hydrant on site for fire protection.
26. Water Requirements – The recreational facility is connected to Richmond City for their water supply. The applicant reports that their water usage has been significantly under the original

State estimates and has listed their usage by month over the last 11 months in the Letter of Intent.

27. Septic – The recreational facility is connected to the Richmond City sewer system.

G. Impacts and mitigation *See conclusion #1*

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

29. The County Land Use Ordinance stipulates that:

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

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

- a. Parking: The recreational facility is expected to draw a large number of vehicles to the site during events. Permanent and temporary parking areas must be clearly marked to allow for clear drive aisles, turn around areas, and ensure that vehicles do not block emergency access to the site. Any use of off-site parking for large events must be reviewed and approved by the Fire Department and transportation provided by the applicant from the parking area to the event site and back. *See conditions #3 & #10*
- b. Emergency Response: The nature of the recreational facility may result in increased need for emergency services. Coordination with law enforcement and emergency services prior to events will assist in ensuring adequate and efficient emergency response in case of emergencies. *See conditions #6, #7, #8*
- c. Noise: The proposed use may result in negative noise impacts on the surrounding properties, especially on event days, specifically concerts. The applicant must comply with current noise standards when operating the facility so as to limit the impact on surrounding properties.
- d. Light Pollution: The use of lights for events held at night, including skiing, have the potential for light pollution. The original CUP approval required that all outdoor lighting of the ski area shall be down lit and dark sky compliant and shall be fully shielded and oriented toward the slopes at the appropriate height to reduce glare and mitigate light trespass to surrounding properties. The applicant must evaluate the current condition of the lighting and ensure they are still compliant with the condition of approval.

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

31. Public notice was posted online to the Utah Public Notice Website on 28 June 2018.

32. Notice was published in the Herald Journal on 1 July 2018.

33. Notices were posted in three public places on 28 June 2018.

34. Notices were mailed to all property owners within 300 feet of the subject property on 28 June 2018.

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

CONDITIONS (10)

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

1. The applicant and operator(s) must abide by the information as provided in the application and the information as identified in this report and must comply with the conditions of approval. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See A-3*
2. All temporary and permanent structures require approval of a Zoning Clearance and may require a Building Permit. The applicant must obtain the required approvals and permits prior to installation or construction. *See A-3-a*
3. Prior to ~~recording~~ construction, the applicant must, submit a design plan for the proposed parking areas, permanent and temporary. A geotechnical report may be required if any of the areas contain moderate slopes. *See A-3-a-ii & iii, F-24, G-31-a REVISED 4 OCTOBER 2018*
4. No activities of the recreational facility are permitted on parcels 18-057-0024 & 18-057-0025. *See A-3-b*
5. All other operational aspects of the recreational facility will remain in effect permitted under the previously approved Conditional Use Permit and amendment and all conditions and requirements as stipulated by the original CUP and 1st Amendment will continue and also apply to this amendment. *See B-5*
6. Prior to recordation, the applicant must submit a general fire prevention and emergency medical services plan that has been reviewed by the Fire Department to the Department of Development Services. *See E-17, G-31-b*
7. Prior to recordation, the applicant must submit a security plan and/or law enforcement response plan to the Department of Development Services. *See E-19, G-31-b*
8. The applicant or operator(s) must notify and coordinate with law enforcement, fire prevention and emergency services to provide services as needed. *See E-20, G-31-b*
9. Prior to recordation, the applicant must make all necessary repairs to the 11000 North. A one year warranty period will commence once a warranty bond has been submitted to and accepted by the County. Following the one year period, the county may accept full responsibility for the road after conducting a final inspection. Any failures to the improvements must be made prior to county acceptance. *See F-23-b-vi*
10. For events that require off-site parking, the applicant must coordinate with the Fire Department to determine an appropriate location. Further, the applicant must provide transportation from the off-site parking area to the event site and back again. Pedestrians are prohibited from walking along the canyon road either to or from the off-site parking and the event; the applicant is solely responsible for ensuring pedestrians do not walk along the canyon road. *See G-31-a*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Cherry Peak Ski Area CUP 2nd Amendment is hereby approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *See B,C, D, E, F, G*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *See D-6*

Letter of Intent

June 4 2018

Cherry Peak Resort LLC Conditional Use Permit Modification

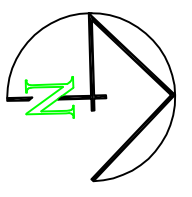
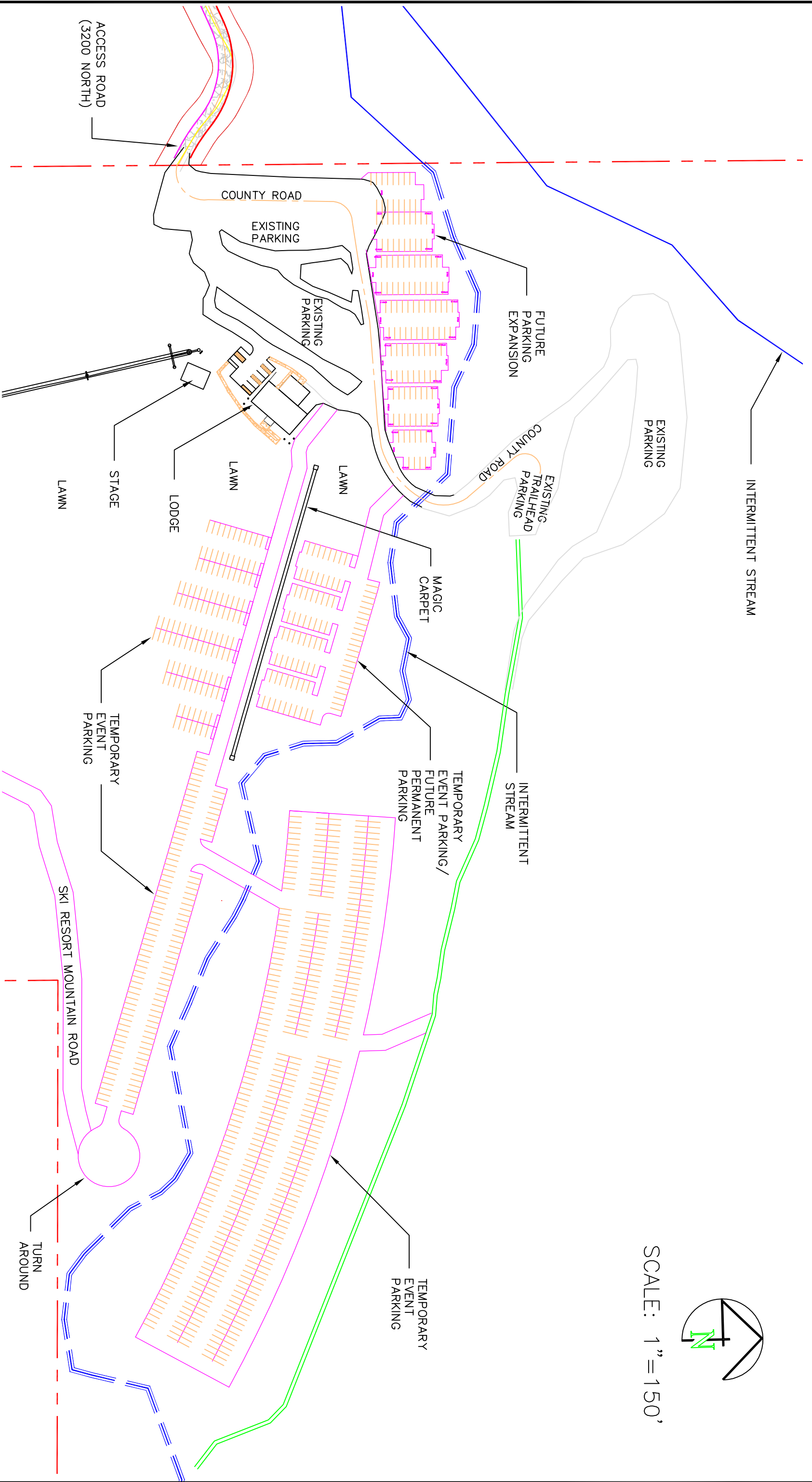
As per the request of Chris Harrild from Cache County P&Z we are requesting some modifications to our current Conditional Use Permit. In the past we have done concerts with special event permits. With the following modifications this will no longer be required and will reduce the work load of staff and the Resort.

The reason for this application is to Amend CUP to remove the condition that a special event permit is required for more than 1000 people attending the Ski Area in a day. Create one additional ski run. Create a new location for a possible cable tow or magic carpet. Provide areas for both temporary and future permanent parking. Expand the area of the CUP to include additional property to the east and remove some property to the north.

1. The Resort has a six inch sewer line that is connected to the Richmond City Sewer. Originally the Ski Area was planning on a drain field but decided to connect to the sewer instead.
2. Water usage has been way under the original State estimates. In the last 11 months our water consumption for the lodge has been 268,200 gallons. We are connected to City Water. Consumption for the last 11 recorded months is as follows: July 85,000 gallons, August 80,700, Sept. 37,200, Oct. 11,900, Nov. 3,700, Dec. 7,500, Jan. 15,700, Feb. 10,800, Mar 9,500 April-May 6,200. For the months of July, August and part of September we had a broken water line that had to be repaired. That is the reason the consumption was significantly higher during those months. When estimated with the water lost through the break we are really using only about 120,000 gallons per year.
3. For Medical our Ski Patrol is on staff at Concerts, Mountain Biking and Ski Days
4. To oversee event parking, fire and security the Sheriffs office and Fire Department are in attendance. They also ensure no down canyon foot traffic after the events.
5. Any additional parking which does not fit by the lodge will be located offsite and transportation provided as needed with the approval of the Fire Marshal where necessary.
6. Future permanent and temporary parking size and location are identified on the additional parking plan. (see parking plan)
7. The additional property to be added to the C.U.P. is tax# 18-057-0020, and the small northeastern portion of 18-057-0021.
8. The cable tow or magic carpet for tubing is located on the Additional Run and Cable tow Location map (see attached)
9. The small additional ski run is located in blue on the previous map.
10. The property to be removed from the CUP is identified by tax #s 18-057-0025 and 18-057-0024

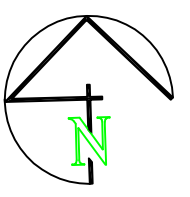
Cherry Peak Resort LLC

John D. Chadwick CEO

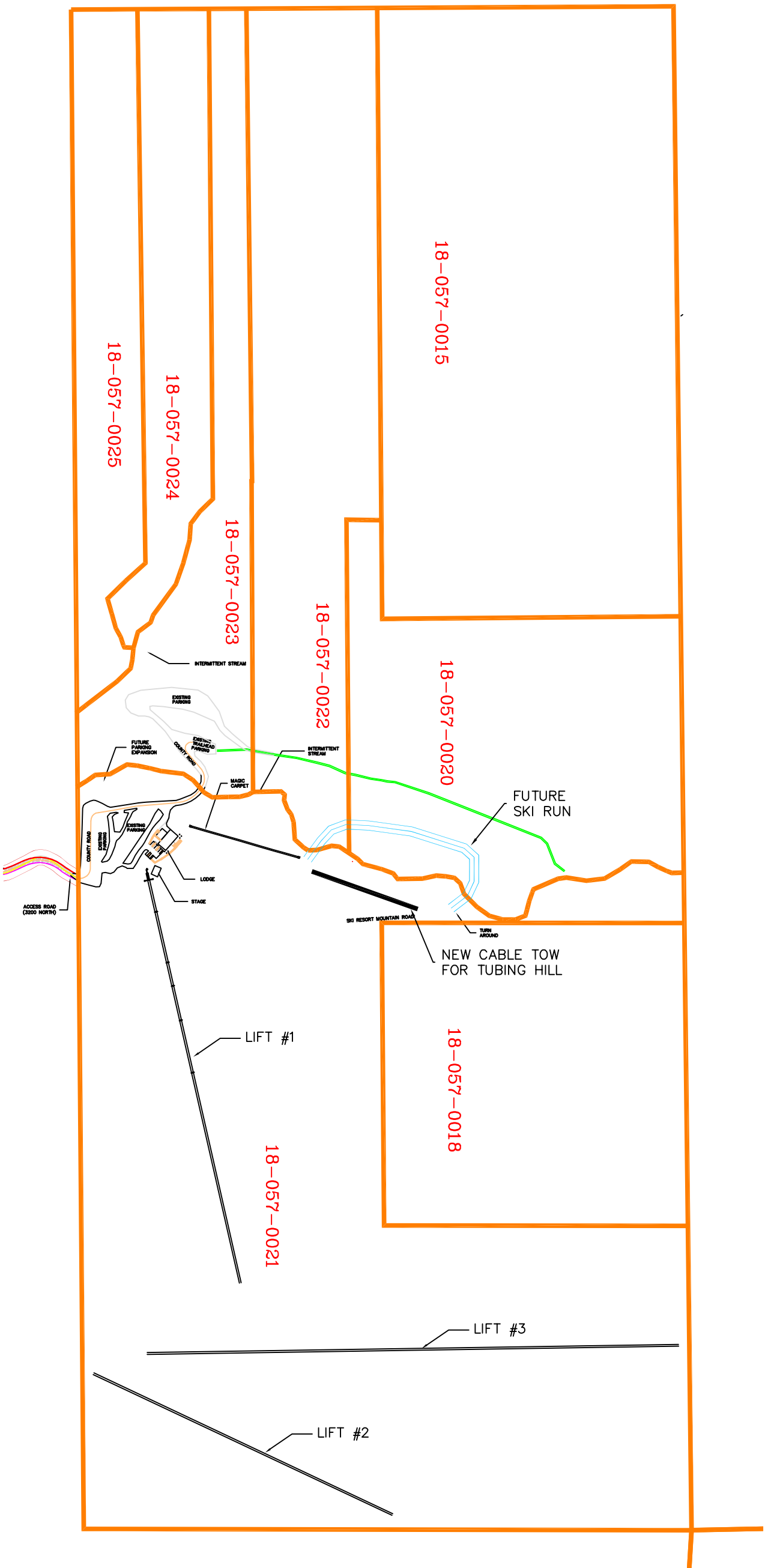


SCALE: 1"=150'

Cherry Peak Ski Resort— Additional Parking Plan



SCALE: 1"=500'



*Cherry Peak Ski Resort—
Additional Run and Cable Tow Location*

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.



ARTICLE 1 - OBJECTIVES

1-1. This commission, established in conformance with the motion adopted by the Cache County Commission on the 20th day of December, 1950, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of State Code Ann. §17-27a Part 3.

1-2. The official title of this Commission shall be the "Cache County Planning Commission".

ARTICLE 2 - MEMBERS

2-1. The Cache County Planning Commission shall consist of (7) voting members. A member of the County Council shall be appointed as an ex-officio member of the Planning Commission and shall be a non-voting member. The Director of Development Services shall serve as an ex-officio member of the Planning Commission and shall be a non-voting member.

2-2. The term of the member from the County Council shall be a one year term or as otherwise designated. As the term of the members first appointed to this Commission, or their replacements, expire, their successors shall be appointed for terms of three (3) years or to fulfill the previously designated term. Each member shall be recommended by the County Executive and evaluated and confirmed by the County Council prior to their appointment or reappointment to the Planning Commission.

2-3. The Council may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not County employees.

ARTICLE 3 - OFFICERS AND THEIR SELECTION

3-1. The officers of the Planning Commission shall consist of a Chair, a Vice-Chair, and a Secretary. If no Secretary is elected from among the serving Planning Commissioners, the Director of Development Services, or their designee, will serve as Secretary of the Commission.

3-2. Nomination of officers shall be made by the general membership of the Planning Commission at the regularly scheduled December meeting of the Commission each year. The election of officers shall follow immediately.

3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He/She shall take office January 1st, the following year and serve for one (1) year or until their successor shall take office.

ARTICLE 4 - DUTIES OF OFFICERS

4-1. The Chair shall be an appointed member of the Commission and shall:

4-1-1. Preside at all meetings.

4-1-2. Appoint committees, special and/or standing and liaisons.

4-1-3. Rule on all procedural questions (subject to a reversal by a majority vote of the members present).

4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.

4-1-5. Represent the Commission before the County Council and other public bodies except when this responsibility has been delegated to an appropriate official or Commission member.

4-1-6. Carry out other duties as assigned by the Commission.

4-1-7. Fill any vacancies in the offices of Vice-Chair or Secretary by appointment lasting through January 1st of the following year.

4-2. The Vice-Chair shall be an appointed member of the Commission and shall:

4-2-1. Act in the absence or inability of the Chair to act.

4-2-2. Have the powers to function in the same capacity as the Chair in cases of the Chair's inability to act.

4-2-3. Fill immediately any vacancy in the office of Chair through January 1st of the following year.

4-2-4. Be responsible for the orientation of new members of the Commission.

4-3. The Secretary shall:

4-3-1. Keep a written record of all business transacted by the Commission.

4-3-2. Keep a file of all official records and reports of the Commission.

4-3-3. Certify all minutes of the Commission.

4-3-4. Give notice of all hearings and public meetings.

4-3-5. Attend to the correspondence of the Commission.

4-3-6. Keep a set of minutes.

4-3-7. Prepare and be responsible for the publishing of all advertisements relating to public hearings.

4-3-8. If the Secretary is an appointed member of the Commission, the Secretary may, with the consent of the Commission, delegate any of the above responsibilities of the Secretary to the Director of Development Services (or similar official), except that the certification of minutes of the Commission may not be delegated.

ARTICLE 5 - STANDING AND SPECIAL COMMITTEES

5-1. Any standing committees may be appointed by the Chair.

5-2. Any special committees may be appointed by the Chair and shall function for a duration as set by the Chair. The duties and responsibilities of any special committee shall be clearly defined and outlined at a regularly schedule Planning Commission meeting.

5-3. Each standing and special committee shall prepare a written report of meetings held to become a part of the permanent records of the Commission.

ARTICLE 6 - MEETINGS

6-1. Regular meetings of the Commission shall be held on the first Thursday of each month, commencing at 5:30pm and ending at 8:00pm. Meetings may be extended beyond 8:00 p.m. with the approval of a majority of the members present. When a meeting date falls on a legal holiday, the meeting shall be held on the week following unless otherwise designated by the Commission.

6-1-1 Commission public hearings shall be held during the regular meeting on the first Thursday of each month.

6-2. Special meetings shall be called at the request of the Chair or at the request of any three members of the Commission. Written notice which states the time and purpose of the special meeting shall be given to each member at least five (5) days prior to such meetings. Noticing of special meetings shall be made in compliance with State Code Ann. §17-27a Part 2 and §17-53 Part 4.

6-3. A majority of the membership of the Commission shall constitute a quorum. When a quorum is present, a majority vote of the members present is sufficient for the adoption of any motion. Voting may be a roll call, in which case a record shall be kept as part of the minutes. Any member shall have the right to demand a roll call vote.

6-4. Meetings shall be open to the public except when deemed necessary, in which case the Commission may go into Executive (closed) Session, when the provisions of the Utah Open and Public Meetings Act, State Code Ann §17-53 Part 4, shall be in effect.

6-5. The rules contained in the current edition of Roberts Rules of Order Newly Revised shall govern the Planning Commission in all cases to which they are applicable and in which they are not inconsistent with the Bylaws, any special rules of order the Planning Commission may adopt, and County or State code that regulates the Planning Commission or its meetings.

ARTICLE 7 - ORDER OF BUSINESS

7-1. The order of business for a Regular Meeting shall be:

7-1-1. Call to Order by the Chair

7-1-2. Roll call by the Secretary

7-1-2-1. Determination of a quorum

7-1-3. Approval of agenda

7-1-4. Approval of minutes

7-1-5. Report of the Secretary

7-1-6. Consent Agenda

7-1-9. Agenda Items

7-1-9-1. Public Comment

7-1-9-2. Public Hearings

7-1-10. Report of Special Committees

7-1-11. Liaison Reports

7-1-12. Zoning Administrator's Report

7-1-13. Adjournment

7-2. The Zoning Administrator is authorized to prepare for each meeting a consent agenda for consideration by the Commission. The consent agenda may include any item believed by the Zoning Administrator to meet all required ordinances, be routine, and not controversial in nature.

7-2-1. A single motion and vote in favor thereof shall approve all items on the consent agenda.

7-2-2. Any member of the Commission may request to have any item removed from the consent agenda. Such request need not be seconded. Such item shall then be taken up for discussion by the Commission as a regular agenda item.

7-3. Public Comment portion of the meeting will be limited to 30 minutes for each agenda item unless otherwise specified by the Chair.

7-3-1. The agent for the agenda item will be limited to a 5 minute period of open discussion, with additional time allowed to respond to questions of the Planning Commission.

7-3-2. Individual speakers from the public will be limited to 3 minutes each unless prior approval is obtained from the Chair.

ARTICLE 8 – COMMUNICATION AND CORRESPONDENCE

8-1. To ensure that the decision-making process is fair and impartial, the Planning Commission is to abide by certain standards regarding "ex parte" communication on cases under review.

8-1-1. Ex parte communication is defined as "oral or written, off-the record communication made to or by commissioners or commission decision-making personnel, without notice to parties, that is directed to the merits or outcome of an on-the-record proceeding."

8-1-2. If prohibited ex parte communication is attempted, the Commissioner involved should first attempt to stop the party from engaging in prohibited behavior, then document the attempt and notify the Secretary. The Secretary will then enter a statement into the public file and make copies of the statement available to other parties in the case.

8-2. If the Planning Commission and/or a Commissioner determines that there is a conflict of interest on an agenda item, that Planning Commissioner shall not participate in the discussion or action on that agenda item. In such event, the Planning Commissioner shall seat themselves in the audience or leave the room. For purposes of determining the existence of a quorum, that Commissioner shall not be counted.

8-3. It shall be the duty of the Secretary to communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

8-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Chair or Vice-Chair.

ARTICLE 9 - AMENDMENTS

9-1. These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire Planning Commission and approval by the County Council.

Open and Public Meetings Act

A Summary of Key Provisions for Legislators | April 2017



The Open and Public Meetings Act (OPMA) requires that members of a public body be "provided with annual training on the requirements of [the Open and Public Meetings Act]" (Section 52-4-104). This document is intended to meet that requirement and to help legislators understand the OPMA. This summary is intended for a state legislative audience and does not exhaustively address requirements for other public bodies. Defined terms are bolded throughout and defined at the end of the document.

OPMA states that its goal is to ensure that the state, its agencies, and its political subdivisions deliberate and take action openly (Section 52-4-102).

Public Notice (Section 52-4-202)

A public body is required to provide public notice of a meeting at least 24 hours before the meeting. The public notice is required to:

- specify the date, time, and place of the meeting;
- include an agenda that lists specific topics the public body will consider;
- be posted on the Utah Public Notice Website and at the location of the meeting; and
- be provided to a newspaper or local media correspondent.

A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.

Minutes and Recordings (Section 52-4-203)

- A public body is required to keep written minutes and a recording of all meetings. However, a recording is not required for a site visit if no vote or action is taken by the public body.
- Draft minutes are required to be made available to the public within 30 days after the meeting.
- Within three business days after a public meeting, a recording of the open portions of the meeting are required to be posted on the Utah Public Notice Website.
- Within three business days after approving written minutes, the approved minutes and any public materials distributed at the meeting are required to be:
 - posted on the Utah Public Notice Website; and
 - made available at the public body's office.

2017 Amendments to OPMA

S.B. 97- Public Meeting Minutes Amendments

- Allows a **public body** to satisfy a requirement that its minutes include the substance items discussed in the meeting by publishing minutes online that provide links to the recording for each matter discussed at the meeting.
- Modifies a provision relating to the availability of approved minutes and public materials that are available to the public at the **meeting**.

Now subject to OPMA:

- Governmental nonprofit entities ([H.B. 55](#))
- Public school membership associations ([H.B. 413](#))
- Metro townships (clarification; [S.B. 138](#))

Now exempt from OPMA:

- Economic Development Legislative Liaison Committee ([H.B. 25](#))

Closed Meetings (Sections 52-4-204 and 52-4-205)

A public body may hold a closed meeting only for certain reasons, including the discussion of:

- a person's character, competence, or health;
- strategy for collective bargaining;
- pending or imminent litigation;
- an acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- the investigation of criminal conduct;
- the receipt or review of ethics complaints by the Independent Legislative Ethics Commission;
- certain matters under the jurisdiction of a legislative ethics committee;

- certain legislative or political subdivision ethics complaint matters; and
- certain deliberations and decision making involved in the procurement process.

A public body may close a meeting only by a two-thirds vote with a quorum present. A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

A vote is not required to close a meeting for the Independent Legislative Ethics Commission to review an ethics complaint if the publicly distributed agenda for the meeting states that the meeting will be closed.

Emergency Meetings (Section [52-4-202](#))

A public body or a specified body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require urgent consideration. However, a public

body may not hold an emergency meeting unless it attempts to notify all members of the public body and a majority of its members approve the meeting.

Electronic Meetings (Sections [52-4-207](#) and [52-4-209](#) and [IR-3-1-105](#))

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings. The Legislature's Interim Rule [3-1-105](#) governs electronic legislative meetings and states that a committee member may participate in a public meeting from a remote location if:

- the member will be more than 50 miles away from the meeting location;
- the member requests permission of the chair to participate from a remote location; and
- the chair obtains permission from the speaker of the House of Representatives and president of the Senate to conduct an electronic meeting.

Penalties (Sections [52-4-302](#) and [52-4-305](#))

Open Meetings- Any final action taken in a meeting that is in violation of OPMA is voidable by a court.

Closed Meetings- It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of OPMA.

Definitions (Section [52-4-103](#))

Meeting means a convening of a public body or a specified body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body or the specified body has jurisdiction or advisory power.

Does not include a chance or social gathering, a convening of a public body that has both legislative and executive responsibilities in certain circumstances, or a convening of the State Tax Commission to consider a confidential tax matter.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue; and
- is vested with the authority to make decisions regarding the public's business.

Does not include a political party, political group, or political caucus, or a conference committee, rules committee, or sifting committee of the Legislature.