



4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Lane Parker

Review and approval of agenda.

Review and approval of the minutes of the 4 October 2018 meeting.

5:35 p.m.

Regular Action Items

- 1. Public Hearing (5:35 p.m.): Mountain View Meadow Rezone** – A request for a recommendation of approval to the County Council for a rezone of 6.29 acres, located at 5481 West 2000 South, Mendon, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
- 2. Public Hearing (5:50 p.m.): 6800 South Rezone** – A request for a recommendation of approval to the County Council for a rezone of 15.00 acres, located at approximately 2800 West 6800 South, Wellsville, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
- 3. Public Hearing (6:00 p.m.): Tiny Pine Rezone** – A request for a recommendation of approval to the County Council for a rezone of 16.03 acres, located at approximately 5900 North 1200 West, Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
- 4. Public Hearing (6:15 p.m.):** Amendment to Title 17.07 regarding Accessory Apartments
- 5. Determination of Use:** Paradise Valley Schnauzers, LLC
- 6. 2019 Meeting Dates and Application Deadlines**
- 7. Upcoming: Elections for Chair and Vice Chair**

Board Member Reports

Staff reports

Adjourn

PUBLIC PARTICIPATION GUIDE: PLANNING COMMISSION

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

WHEN SPEAKING ON AN AGENDA ITEM

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

When it is your turn to speak:

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

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

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

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

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

LIMITS OF JURISDICTION

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



Item

Page

Consent Items

- 1. Ohana Mauna Subdivision 2
- 2. Poulsen Fryer Family Farms Subdivision 1st Amendment..... 2

Regular Action Items

- 3. Public Hearing (5:40 p.m.): Apple Goat Acres Rezone 2
- 4. Cherry Peak Ski Area CUP 2nd Amendment 3
- 5. Discussion: Amendment to Title 17.07 3
- 6. Training: Meeting Procedures 3

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

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

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

7
8 **05:32:00**

9
10 **Agenda**

11
12 *Gunnell* motioned to accept the agenda as is; *Watterson* seconded; **Passed 5, 0.**

13
14 **05:33:00**

15
16 **Minutes**

17
18 *Gunnell* motioned to approve the minutes from 6 September 2018; *Watterson* seconded; **Passed**
19 **5, 0.**

20
21 **05:34:00**

22
23 **Consent Items**

24
25 **#1 Ohana Mauna Subdivision**

26
27 **#2 Poulsen Fryer Family Farms Subdivision 1st Amendment (Formerly Fluckiger**
28 **Subdivision)**

29
30 *Olsen* motioned to approve the Ohana Mauna Subdivision with the stated findings of fact, 10
31 conditions, and 1 conclusion and the Poulsen Fryer Family Farms Subdivision with the stated
32 findings of fact, 2 conditions, and 1 conclusion; *Sands* seconded; **Passed 5, 0.**

33
34 **05:36:00**

35
36 **Regular Action Items**

37 **#3 Public Hearing (5:40 p.m.): Apple Goat Acres Rezone**

38
39 **Watterson** recused himself due to a conflict of interest.

40
41 **Zetterquist** reviewed the staff report for the Apple Goat Acres Rezone.

42
43 **05:43:00**

44
45 *Olsen* motioned to open the public hearing for the Apple Goat Acres Rezone; *Gunnell* seconded;
46 **Passed 4, 0.**

47 **Jeff Watterson** commented that the proposed rezone is for his daughter to build a home.

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05:44:00

Sands motioned to close the public hearing for the Apple Goat Rezone; Gunnell seconded; Passed 4, 0.

Staff and Commission discussed the location and the possible precedent that could be set if the zone change is approved. The RU5 zone and purpose of the RU5 zone was discussed.

Edwards reminded the Commission that rezones are a legislative decision and the Commission is the recommending body to the County Council, the legislative body.

Olsen motioned to recommend approval to the Cache County Council for the Apple Goat rezone with the stated findings of fact and conclusions; Sands seconded; Passed 3, 1 (Gunnell voted nay).

06:22:00

#4 Cherry Peak Ski Area CUP 2nd Amendment

Harrild reviewed the staff report for the Cherry Peak Ski Area CUP 2nd Amendment. In condition 3 the word “recordation” is being changed to “construction”.

Watterson motioned to approved the Cherry Peak Ski Area CUP 2nd Amendment with the amendment to condition 3; Sands seconded; Passed 5, 0.

06:25:00

#5 Discussion: Amendment to Title 17.07 regarding Accessory Apartments

Zetterquist reviewed the current code regarding accessory apartments.

Staff and Commission discussed the current code, issues that are facing the county regarding accessory apartments, and some possible code changes to help alleviate the issues.

06:59:00

Sands left.

#6 Training: Meeting Procedures

Harrild reviewed the training information.

07:28:00

Adjourned.

STAFF REPORT: MOUNTAIN VIEW MEADOW REZONE

1 November 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: Sara Lemon

Parcel ID#: 11-033-0004

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

5481 West 2000 South
Mendon

Acres: 6.29

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 2 (RU2)

Surrounding Uses:

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



FINDINGS OF FACT (19)

A. Request description

1. A request to rezone a 6.29 acre property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of three (3) separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachments A & B) and in the following text:

a. Land Use Context:

- i.** Parcel status: The property is a legal lot and has been in the generally the same size and configuration since at least 1970, which shows the lot at 6.25 acres. A Zoning Clearance was issued in 1994 for a new single-family dwelling on the property.
- ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (78 parcels) with a dwelling is 3.7 acres; the average size of parcels (157 parcels) without a dwelling is 12.8 acres. Portions of Mendon City lie within one mile of the proposed rezone. Within the municipal area inside the one-mile buffer, the average size of a city parcel (139 parcels) with a house is 1.1 acres; the average size of city parcels (55 parcels) without a house is 2.2 acres (Attachment A).
The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. At 6.29 acres, the subject parcel cannot be divided into any additional lots under the current A10 Zone; a rezone to RU2 would allow a maximum of 3 buildable lots.
- iii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
- iv.** Adjacent uses: The properties adjacent to the subject property are primarily used for agricultural and single family dwellings.
- v.** Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The subject property is located immediately adjacent to the south boundary of Mendon City and is located within the city's future annexation area.
The nearest RU2 zone (parcels 11-048-0008, -0010, -0017, -0018) is located approximately 2.25 miles south of the subject property on State Route 23 (Attachment B). The Rose Hill Subdivision Rezone was a request to rezone a previously approved 2-lot subdivision on 11.48 acres from the A10 to the RU2 zone and was approved by County Council in April 2014 (Ord. #2014-08). The Rose Hill Subdivision was then subsequently amended in August 2014 to add a third buildable lot.

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

- 4.** As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5.** The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use

Ordinance §17.08.030 [A] [1] identifies the purpose of the RU2 Zone and includes the following:

- a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
 - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
 - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.
 7. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

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

8. The subject property has frontage along and gains access from 2000 South and 5400 West, both county roads.
9. The Road Manual specifies the following:
 - a. Local Road: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
10. A basic review of 2000 South identifies the following:
 - a. Is an existing county facility that provides access to the general public.
 - b. Is also identified as 600 South as it passes through a portion of Mendon east of State Route 23.
 - c. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - d. Consists of an average 24-foot paved width with 8-foot wide gravel shoulders.
 - e. Has an unknown depth and type of material under the surface.
 - f. Is maintained year round.
11. A basic review of 5400 West identifies the following:
 - a. Is an existing county facility that provides access to the general public.
 - b. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - c. Consists of an average 26-foot paved width with 6-foot wide gravel shoulders.
 - d. Has an unknown depth and type of material under the surface.
 - e. Is maintained year round.

D. Service Provisions:

12. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the

individual properties must be reevaluated and may require improvements based on the location of any proposed structure on the respective lots. Water supply for fire suppression is provided by the Mendon Fire Department.

13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides service in this area but had no comments on the rezone request.

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

14. Public notice was posted online to the Utah Public Notice Website on 17 October 2018.

15. Notice was published in the Herald Journal on 20 October 2018.

16. Notices were posted in three public places on 18 October 2018.

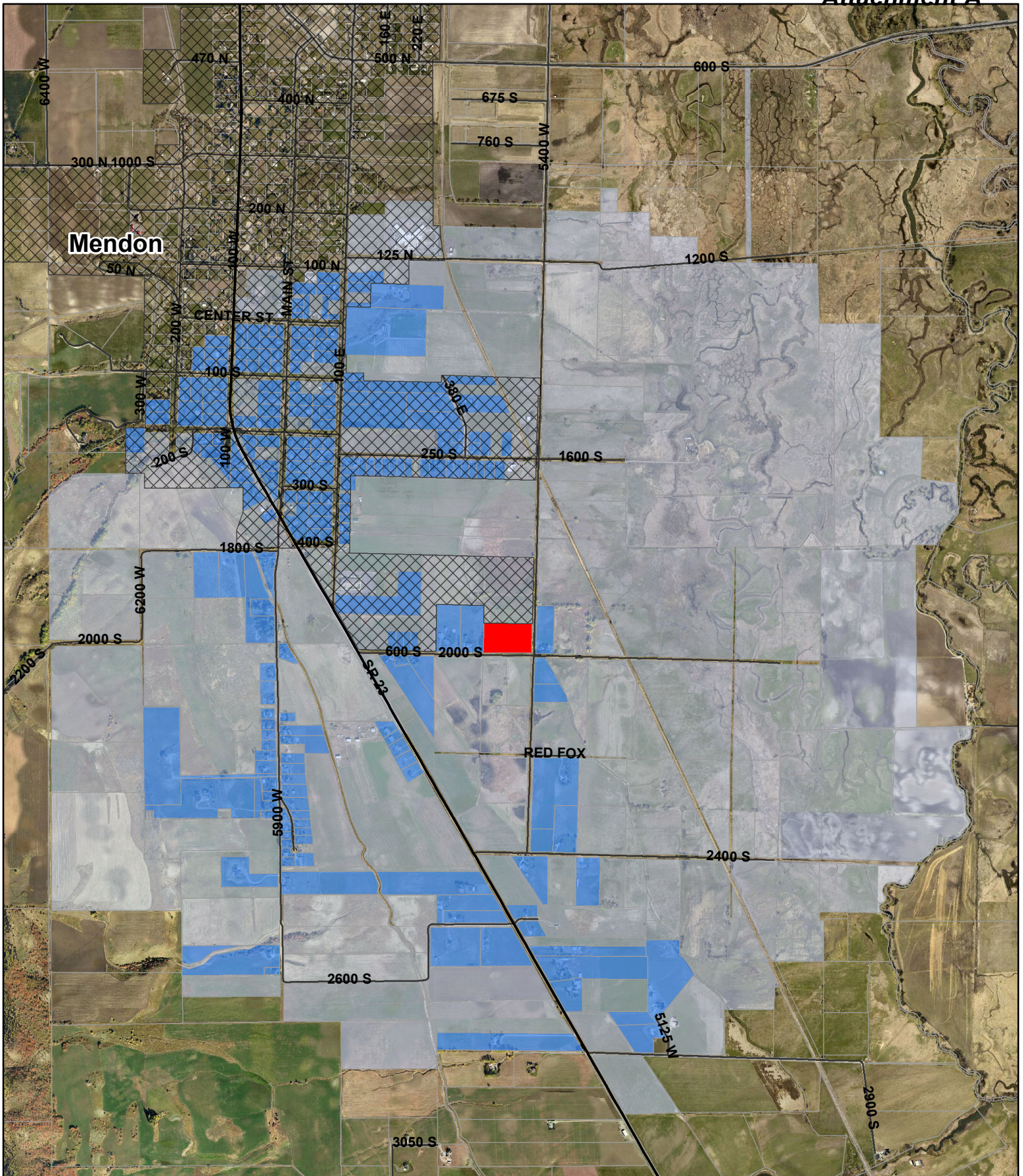
17. Notices were mailed to all property owners within 300 feet on 18 October 2018.

18. Mendon City was notified by email on 18 October 2018.

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

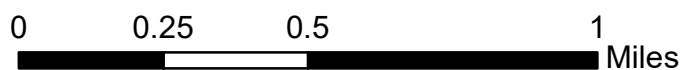
CONCLUSION

The Mountain View Meadow Rezone, a request to rezone 6.29 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.



Legend

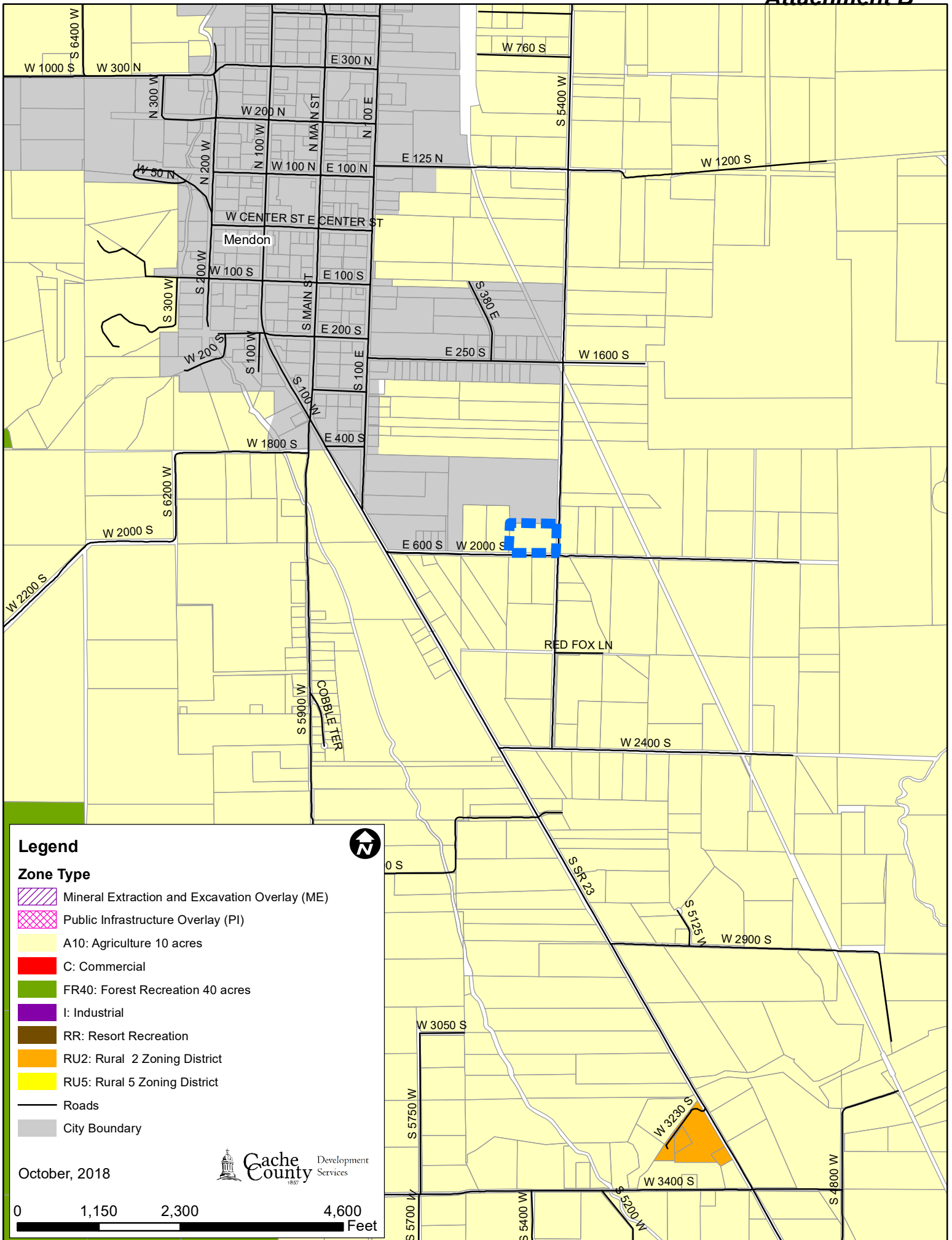
- Parcels
- Proposed Rezone
- Parcels with Dwellings
- Parcels in 1 Mile Buffer



Average Parcel Size Without a Home: 12.8 Acres (157 Parcels)
Average Parcel Size With a Home: 3.7 Acres (78 Parcels)
Average Parcel Size Without a Home in Mendon City: 2.2 Acres (55 Parcels)
Average Parcel Size With a Home in Mendon City: 1.1 Acres (139 Parcels)














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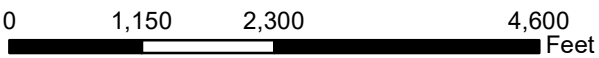
Legend

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



October, 2018



STAFF REPORT: 6800 SOUTH REZONE

1 November 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: Lisa Niederhauser

Parcel ID#: 10-046-0010

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

~2800 West 6800 South
Wellsville

Acres: 15.00

Surrounding Uses:

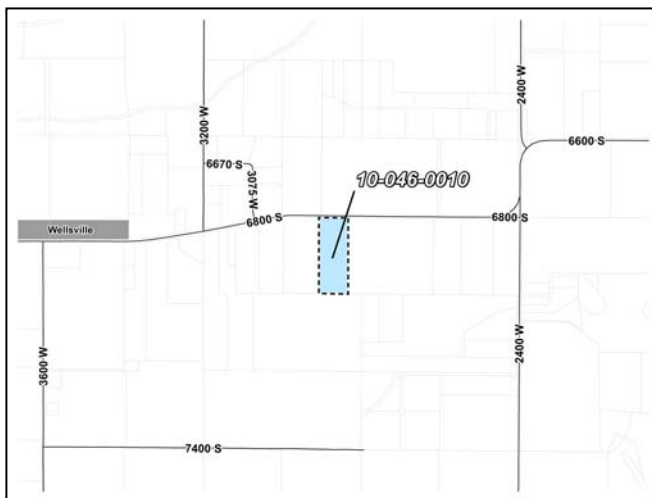
North – Agricultural/ Residential
South – Agricultural/ Residential
East – Agricultural/ Residential
West – Agricultural/ Residential

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 2 (RU2)



FINDINGS OF FACT (18)

A. Request description

1. A request to rezone a 15.00 acre property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of seven (7) separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachments A & B) and in the following text:

a. Land Use Context:

- i.** Parcel status: The property is a legal lot and has been in the same size and configuration since at least 1970. A Conditional Use Permit was approved in January 1996 to allow a one-acre division of the property for the construction of a single family dwelling, but it was never recorded and is void. There is no record of any other permits issued on this property.
- ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (54 parcels) with a dwelling is 10.2 acres; the average size of parcels (86 parcels) without a dwelling is 32.7 acres. A small portion of Wellsville City lies within one mile of the proposed rezone. Within the municipal area there are two parcels without a home with an average size of 10.06 acres (Attachment A).
The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. At 15.00 acres, the subject parcel cannot be divided into any additional lots under the current A10 Zone; a rezone to RU2 would allow a maximum of 7 buildable lots.
- iii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
- iv.** Adjacent uses: The properties adjacent to the subject property are primarily used for agricultural and single family dwellings.
- v.** Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The subject property is located approximately 0.75 miles away from an eastern boundary line of Wellsville City and is located within the city's future annexation area.
The nearest higher density zone is a RU5 zone (parcel 01-065-0007) located approximately 2.25 miles east of the subject property by the most direct road route (Attachment B). The Cache Valley View Estates Rezone was a request to rezone a 16.58 acre property from the A10 to the RU5 zone and was approved by County Council in June 2011 (Ord. #2011-10). The three-lot View of the Valley Subdivision was recently approved in July 2018 by the Planning Commission.

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

- 4.** As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5.** The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use

Ordinance §17.08.030 [A] [1] identifies the purpose of the RU2 Zone and includes the following:

- a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
 - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
 - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.
 7. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

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

8. The subject property has frontage along and gains access from 6800 South, a county road.
9. The Road Manual specifies the following:
 - a. Local Road: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
10. A basic review of 6800 South identifies the following:
 - a. Is an existing county facility that provides access to the general public.
 - b. Is also identified as 1600 South as it passes through a portion of Wellsville east of US Hwy 89/91.
 - c. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - d. Consists of an average 26-foot paved width with 6-foot wide gravel shoulders.
 - e. Has an unknown depth and type of material under the surface.
 - f. Is maintained year round.

D. Service Provisions:

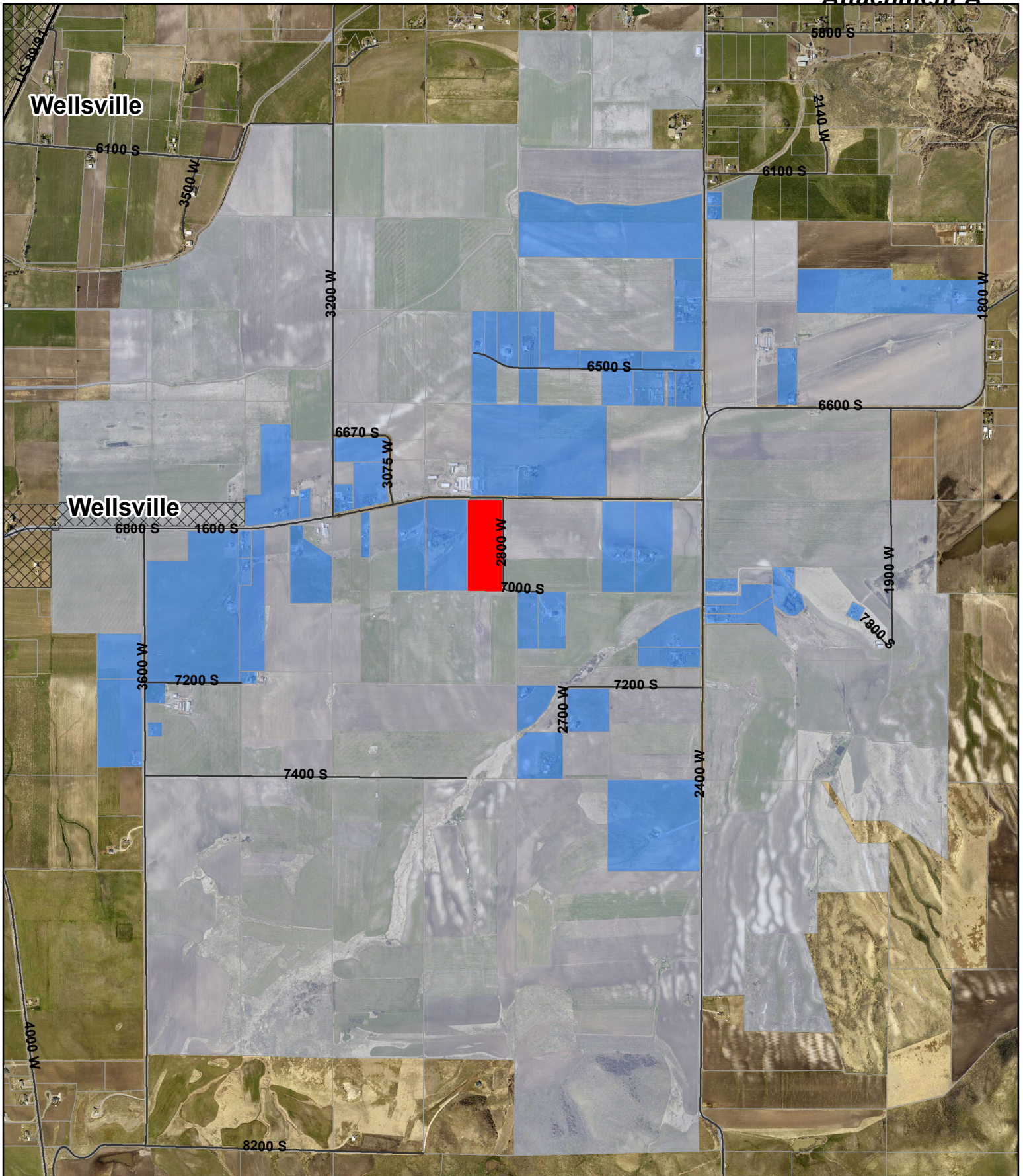
11. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the individual properties must be reevaluated and may require improvements based on the location of any proposed structure on the respective lots. Water supply for fire suppression is provided by the Wellsville Fire Department.
12. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides service in this area but had no comments on the rezone request.

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

13. Public notice was posted online to the Utah Public Notice Website on 17 October 2018.
14. Notice was published in the Herald Journal on 20 October 2018.
15. Notices were posted in three public places on 18 October 2018.
16. Notices were mailed to all property owners within 300 feet on 18 October 2018.
17. Wellsville City was notified by email on 18 October 2018.
18. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

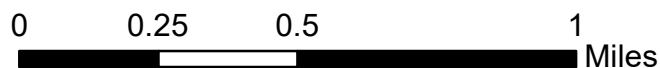
CONCLUSION

The 6800 South Rezone, a request to rezone 15.0 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

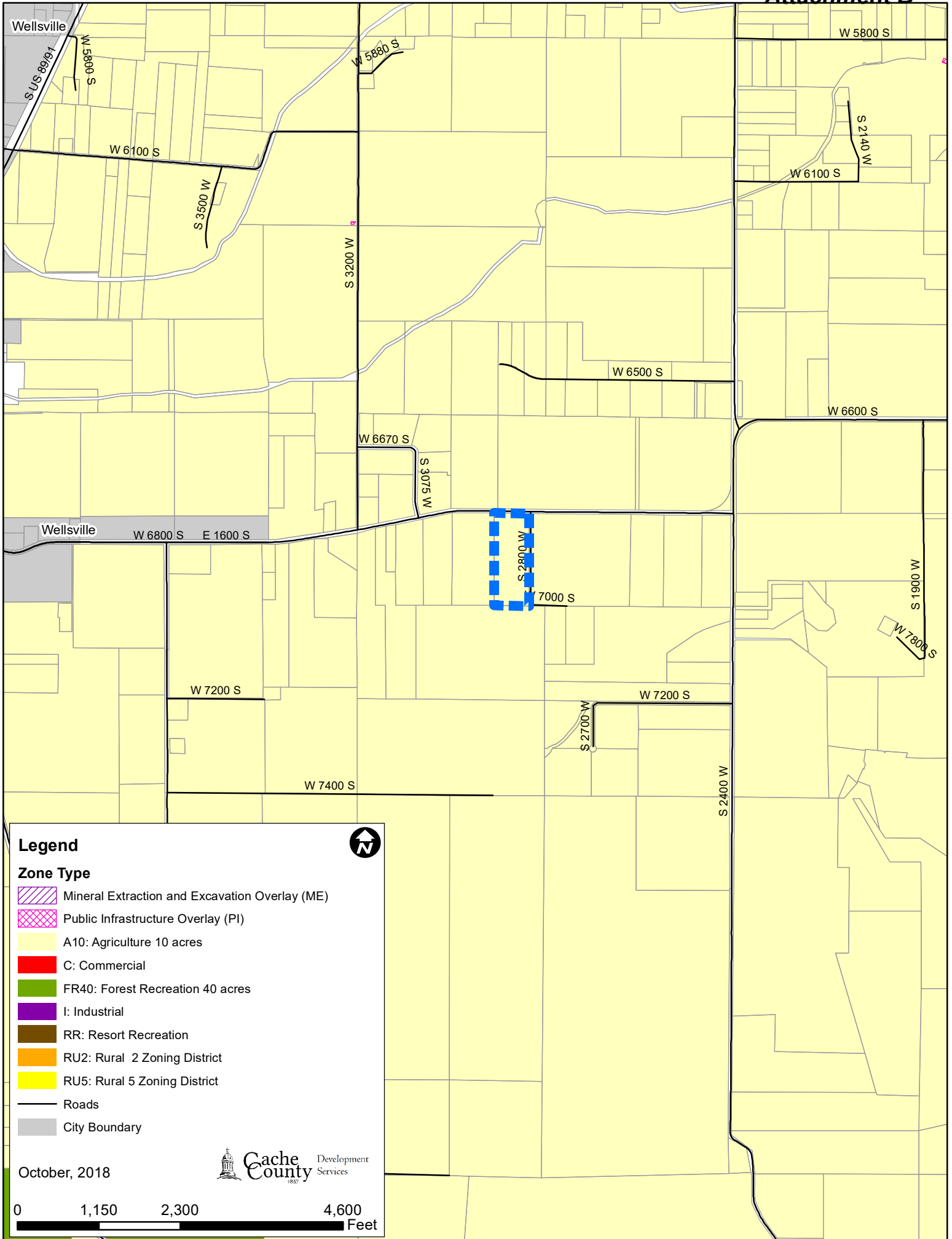


Legend

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














Average Parcel Size Without a Home: 32.7 Acres (86 Parcels)
Average Parcel Size With a Home: 10.2 Acres (54 Parcels)
Average Parcel Size Without a Home in Wellsville City: 10.06 Acres (2 Parcels)



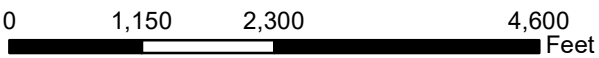
Legend

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



October, 2018



STAFF REPORT: TINY PINE REZONE

1 November 2018

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

Agent: Duane Williams

Parcel ID#: 08-089-0008

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

~5900 North 1200 West
Smithfield

Acres: 16.03

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 2 (RU2)

Surrounding Uses:

North – Agricultural/ Residential

South – Agricultural/ Residential

East – Agricultural/ Residential

West – Agricultural/ Residential



FINDINGS OF FACT (18)

A. Request description

1. A request to rezone a 16.03 acre property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of eight (8) separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachments A & B) and in the following text:

a. Land Use Context:

- i.** Parcel status: The property is a legal lot and has been in the same size and configuration since at least 1970. There is no record of any permits issued on this property.
- ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (51 parcels) with a dwelling is 6.5 acres; the average size of parcels (187 parcels) without a dwelling is 10.6 acres. Portions of Smithfield City and Amalga also lie within one mile of the proposed rezone. Within the municipal areas inside the one-mile buffer, the average size of a city parcel (245 parcels) with a house is 0.7 acres, which includes three parcels with a total of 60 units. Two of the parcels include 49 mobile homes and the other parcel has an 11-unit apartment complex. The average size of city parcels (59 parcels) without a house is 2.3 acres (Attachment A). The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. At 16.03 acres, the subject parcel cannot be divided into any additional lots under the current A10 Zone; a rezone to RU2 would allow a maximum of 8 buildable lots.
- iii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
- iv.** Adjacent uses: The properties adjacent to the subject property are primarily used for agricultural and single family dwellings.
- v.** Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The subject property is located on the edge of the western boundary of the Smithfield City future annexation area.

The nearest RU2 zones (parcels 08-208-0001, -0002, -0003, -0004, 08-091-0004, 08-091-0015, -0018) are located east of the subject property on State Route 218 and on 800 West in Smithfield (Attachment B). The Birch Hollow Rezone was a request to rezone two 5-acre properties from the A10 to the RU2 zone and was approved by County Council in May 2017 (Ord. #2017-06). The properties are now part of a 4-lot subdivision (“Birch Hollow Subdivision”) approved by the Planning Commission in January 2018. Immediately east of this RU2 zone, is the West Acres Rezone that was approved by the County Council in March 2018 (Ord. # 2018-03); the property has not been subdivided. South of the West Acres Rezone is the Birch Hollow South Rezone that was approved by the County Council in June 2018 (Ord. #2018-07).

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

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [A] [1] identifies the purpose of the RU2 Zone and includes the following:
 - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
 - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
 - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.
7. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

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

8. The subject property has frontage along and gains access from 1200 West, a county road.
9. The Road Manual specifies the following:
 - a. Local Road: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
10. A basic review of 1200 West identifies the following:
 - a. Is an existing county facility that provides access to the general public.
 - b. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - c. Consists of an average 22-foot paved width with 6-foot wide gravel shoulders.
 - 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 evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the individual properties must be reevaluated and may require improvements based on the location of any proposed structure on the respective lots. Water supply for fire suppression is provided by the Smithfield Fire Department.

12. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides service in this area but had no comments on the rezone request.

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

13. Public notice was posted online to the Utah Public Notice Website on 17 October 2018.

14. Notice was published in the Herald Journal on 20 October 2018.

15. Notices were posted in three public places on 18 October 2018.

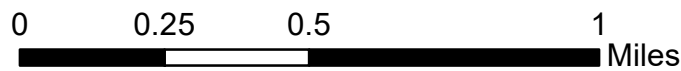
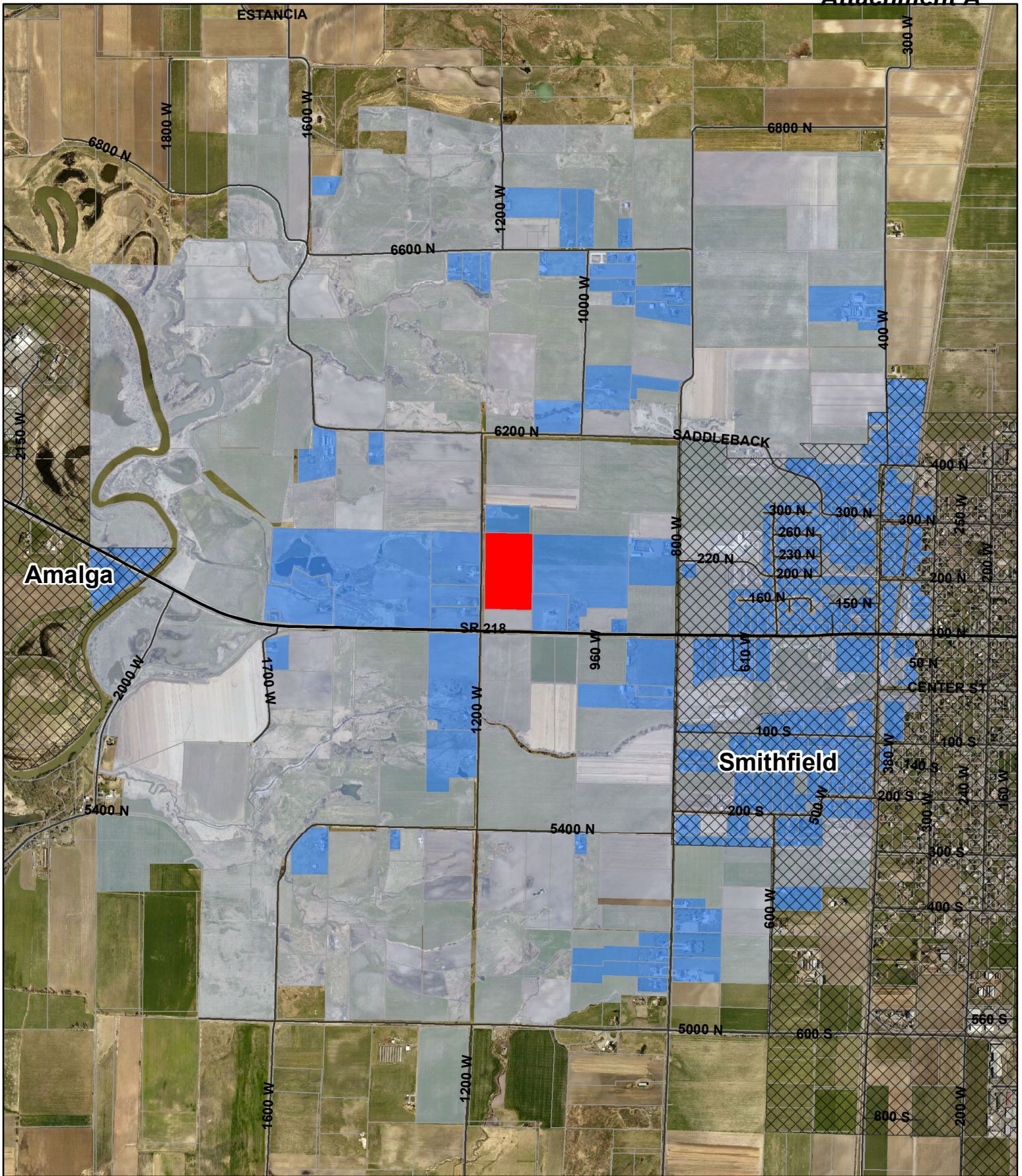
16. Notices were mailed to all property owners within 300 feet on 18 October 2018.

17. Smithfield City was notified by email on 18 October 2018.

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

CONCLUSION

The Tiny Pine Rezone, a request to rezone 16.03 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.



Legend

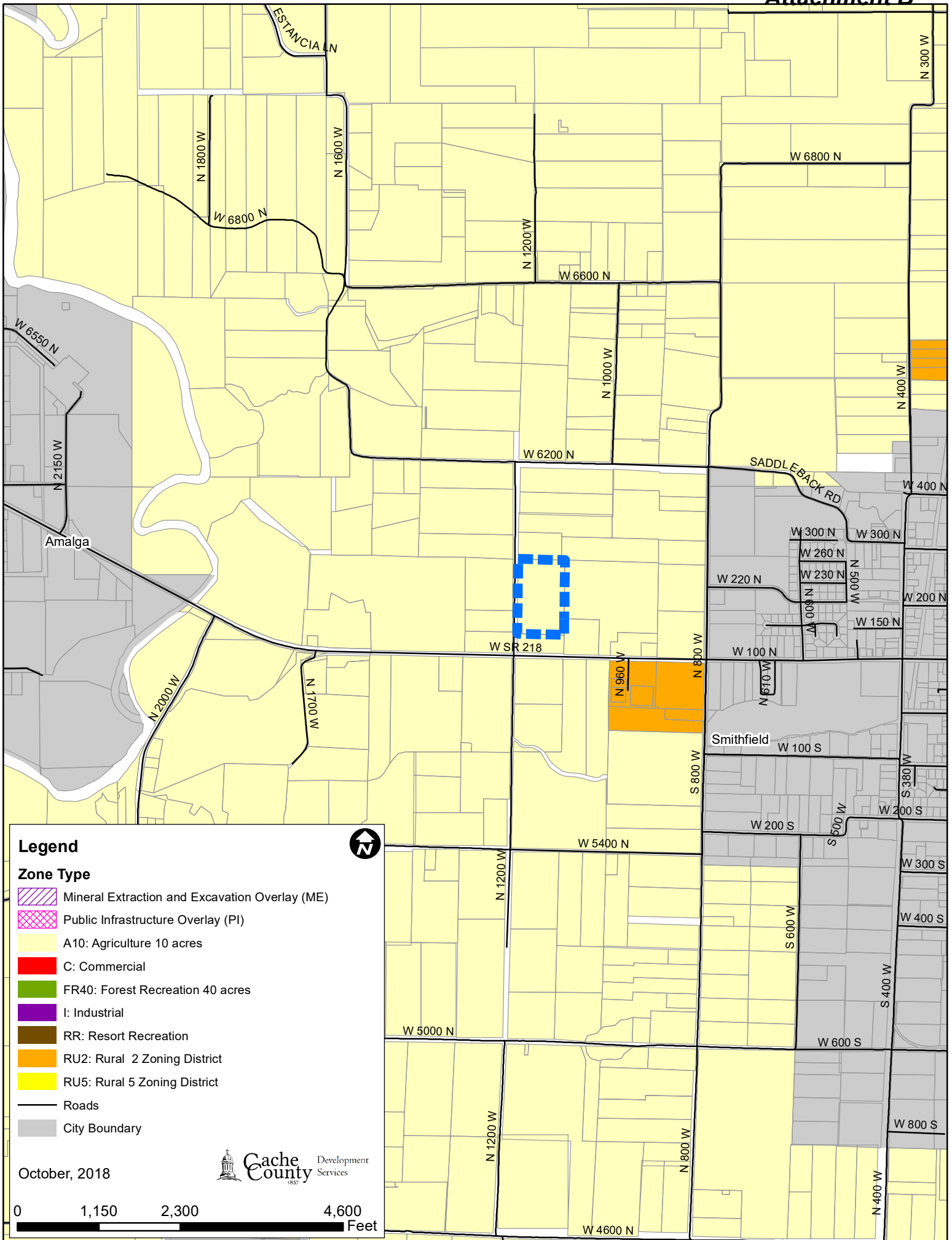
- Parcels
- Proposed Rezone
- Parcels with Dwellings
- Parcels in 1 Mile Buffer

Average Parcel Size Without a Home: 10.6 Acres (187 Parcels)
Average Parcel Size With a Home: 6.5 Acres (51 Parcels)
Average Parcel Size Without a Home in a City: 2.3 Acres (59 Parcels)
Average Parcel Size With a Home in a City: 0.7 Acres (245 Parcels*)
 *60 units/3 lots



October 2018





Legend

Zone Type

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

October, 2018

Cache County Development Services

0 1,150 2,300 4,600 Feet

Existing definitions:

17.07.030: Use Related Definitions

1100 SINGLE FAMILY DWELLING: A building containing only one dwelling unit. Accessory kitchens may be approved as long as there is no ability to serve as a second dwelling unit. The building may be a manufactured home, a mobile home, or other permitted structure on a permanent foundation. Only one dwelling unit is allowed per legal lot/parcel.

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.

Definition to be deleted

17.07.040: General Definitions

CARETAKER'S RESIDENCE: A single family dwelling unit accessory to a commercial or industrial use for occupancy by the person who oversees the nonresidential operation, and his or her family.

Reason: definition revised and moved to 17.07.030 as Use Type 1600 and use type added to 17.09 Schedule of Zoning Uses.

Proposed definitions

17.07.030: Use Related Definitions

1100 SINGLE FAMILY DWELLING: A structure containing one dwelling unit. The following requirements also apply:

1. Only one (1) dwelling unit is allowed per legal lot/parcel with the exception of a single accessory apartment.
2. The structure must be a manufactured home, mobile home, or other permitted structure on a permanent foundation.
3. With the approval of the Land Use Authority, this use may allow more than one kitchen if it does not result in the creation of a second dwelling unit.
4. Uses considered accessory to the primary single family dwelling include: accessory apartment, accessory/agricultural structures, home based business, guest house, swimming pool, and similar accessory uses.

Proposed definitions**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 that is within a single family dwelling. An accessory apartment must comply with the following requirements:*

1. Location:
 - a. *Only one (1) accessory apartment is allowed per legal lot.*
 - b. Must be within an existing single family dwelling through an internal conversion of the existing dwelling unit (e.g., basement, attic) maintaining an internal connection between common living area(s) that meets the size, design, and other requirements of this definition, or
 - c. An addition to the existing single family dwelling containing an internal connection between common living area(s) of the accessory apartment and the single family dwelling that meets the size, design, and other requirements of this definition, or
 - d. New construction of a single-family dwelling with an attached accessory apartment that meets the size, design, and other requirements of this definition.
 - e. An accessory apartment must not be detached from the primary dwelling unit on the subject property. An accessory apartment opening into a garage or storage area does not meet the intent of the ordinance and is not permitted.
2. Size: Accessory apartments cannot exceed thirty (30%) percent of the square footage of the primary dwelling unit up to a maximum of one thousand (1,000) square feet.
3. Design:
 - a. Accessory apartments must share a common wall and roof for a minimum of twenty (20) linear feet with the primary dwelling and include an internal connection into a common living area of the primary dwelling. The internal connection can be closed off by a door. A basement or attic accessory apartment meets this requirement with the common floor, but must maintain an internal connection to the primary dwelling.
 - b. External appearance: The architectural style, building materials, and building colors of an accessory apartment must be compatible and consistent with the primary dwelling. If an addition to an existing single-family dwelling is built to create an accessory apartment, the addition must also tie into the existing roof line.
 - c. Entrance: An exterior entrance to an accessory apartment must be on the side or rear of the primary single family dwelling.
4. Permits and Approvals:
 - a. Must apply for and obtain approval of a Zoning Clearance prior to applying for a building permit. Application materials must include floor plans and elevations to confirm size, design, and other requirements of this definition.
 - b. *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.*
5. *The primary single family dwelling unit or the accessory apartment must remain owner occupied.*

Proposed definitions

17.07.030: Use Related Definitions

- 1600 CARETAKER'S RESIDENCE: A dwelling unit accessory to a commercial or industrial use for occupancy by the person who oversees the nonresidential operation, and his or her family. A caretaker's residence must be attached to, and cannot exceed thirty (30%) percent of the square footage of, the structure with the primary nonresidential operation up to a maximum of one thousand (1,000) square feet in size.

Proposed definitions

17.07.040: General Definitions

COMMON LIVING AREA: An enclosed area or room which is available for use by more than one person, is intended as a gathering area for living, cooking, or recreational purposes, and is a habitable space as defined by the building code. Examples include: living room, kitchen, family room, recreational room, laundry room, and similar areas. Common areas that do not meet this definition include: corridors, stairways, hallways, breezeways, bathrooms, closets, garage, storage room, patio, sunroom, and similar areas.

Amendments to 17.09 Schedule of Zoning Uses

Proposed addition of Use Type/Index
17.09.030: Schedule of Uses by Zoning District

Index	Description	Base Zone							Overlay Zone		
		RU2	RU5	A10	FR40	RR	C	I	ME	PI	
1000	Residential										
1600	Caretaker's Residence	N	N	N	N	N	ZC	ZC	N	-	

MEMORANDUM: DETERMINATION OF USE

1 November 2018

To: Planning Commission

Subject: Paradise Valley Schnauzer Conditional Use Permit – Determination of Use

The applicant, Mike Burton, has submitted a request for the Planning Commission to review his proposed land use, a kennel with forty-seven (47) adult dogs, and make a determination as to whether or not it qualifies as a Use Type 3200 Home Based Kennel (Attachment A).

On September 5, 2018, the applicant submitted a Conditional Use Permit (CUP) application proposing a Home Based Kennel on a vacant county parcel (#08-013-0006) in the Agricultural (A10) Zone. Upon review of the submittal materials, including, but not limited to, the Letter of Intent and a 6 September 2018 email providing information on the number of adult dogs (47) that will be housed at the proposed kennel, the Director of Development Services determined that the proposed kennel would be the primary use of the property (Attachment B). As part of the definition for Use Type 3300 Commercial Kennel, the Director or Planning Commission has the authority to determine if any establishment at which the boarding, grooming, breeding, raising, and/or otherwise keeping of 13 or more adult dogs or cats is the primary use of a legal parcel (*see full definition below*).

Based on the Director's determination, the primary use of the property as proposed is a Commercial Kennel (Use Type 3300), not a Home Based Kennel. As a Commercial Kennel is not permitted in the Agricultural (A10) Zone, the 5 September 2018 CUP application was subsequently closed and a refund issued.

The applicant is now seeking a determination of use review by the Planning Commission.

Per §17.06.030 Burden of Proof, the applicant has the burden of proving that the application meets the ordinance requirements for any zoning clearance or conditional use.

Staff has identified general information as it pertains to the proposed use to assist the Planning Commission in arriving at a decision on the determination of use review. Definitions, found in §17.07 of the Zoning Regulations, for both Use Type 3200 Home Based Kennel and 3300 Commercial Kennel/Animal Shelter are as follows:

3200 HOME BASED KENNEL: Any establishment, accessory to a dwelling unit and/or adjacent to a neighboring parcel under the same ownership, at which seven (7) or more adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes a single, incidental litter in a twelve (12) month period. A home based kennel must comply with the following requirements:

1. *A home based kennel shall consist of no more than twelve (12) adult dogs. More than twelve (12) dogs may be permitted as a home based kennel if it is otherwise shown by the applicant that:
 - a. *Impacts can be mitigated by distance, vegetation, geography, and/or structures.*
 - b. *The kennel is secondary to the home and the use of the property is not primarily for commercial purposes.**

2. All kennel facilities must be a minimum of fifty feet (50') from the property boundary.
3. Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

3300 COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment at which the boarding, grooming, breeding, raising, and/or otherwise keeping of thirteen (13) or more adult dogs or cats is the primary use of a legal parcel as determined by the Director or Planning Commission, or the requirements of a home based kennel cannot be met. A commercial kennel/animal shelter must comply with the following requirements:

1. All kennel facilities must be a minimum of fifty feet (50') from the property boundary and a minimum of twenty feet (20') from a caretaker's residence.
2. Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

DOG, ADULT: A dog is considered an adult when it is six (6) months of age or older.

Although the number of dogs was not included in the original CUP letter of intent or in the revised letter of intent, according to a 6 September 2018 email from the applicant to staff, the kennel will have 47 adult dogs. The stated number of dogs (47) is the same number as housed at the applicant's current kennel located in Amalga Town on a parcel (#08-013-0005) immediately adjacent to the west of the subject property. As stated in the definition above, home based kennels allow a maximum of 12 adult dogs and require that the kennel be secondary to the home and the use of the property is not primarily for commercial purposes.

The current facility in Amalga Town is registered as a limited liability company (Paradise Valley Schnauzers, LLC) with the State of Utah. LLC's are a common business structure that provides protections to business owners so that their personal assets are protected from creditors seeking redress of business debts. The facility also has an active website, www.paradisivalleyschnauzers.com, that lists available puppies, prices (\$1,800-3,500/puppy), breeding pairs, expected litters, and describes services provided including genetic testing and delivery service by major airlines.

As mentioned in the applicant's revised Letter of Intent, the facility is licensed by the United States Department of Agriculture (USDA), which the applicant argues proves that the facility is no different than a dairy farm. However, upon further review of the USDA license, a copy of which is available on the facility's website (Attachment C), the document indicates the facility is licensed as a Class A Breeder (Certificate #87-A-0052) under the Animal Welfare Act (7 U.S.C. 2131 et seq).

The Animal Welfare Act was enacted to protect certain animals from inhumane treatment and neglect and applies to dealers, exhibitors, transporters, and researchers and exempts normal farm-type operations that raise, or buy, or sell animals only for food or fiber (i.e., dairy farms). Paradise Valley Schnauzers, LLC, does not fall into any exempt business under the Act and is required to be regulated as they do not



qualify as “hobby dealers” (i.e., small scale breeders with gross sales under \$500) or “retail pet stores” or “direct sales” both of which require that the pets are sold in person at a place where the seller, buyer, and animal are all physically present. Information provided on the applicant’s website indicates that most puppies are sold to out-of-state customers and shipped by major airlines.

Both the existing facility and the proposed facility are located on 10-acre parcels. The applicant has not provided any information as to why he is seeking to relocate the existing facility one parcel to the east, moving it from a municipal jurisdiction (i.e., Amalga Town) to the county jurisdiction. Based on the aerial imagery for the existing facility, the area devoted to the kennel building and kennel grounds measures approximately 0.57 acres and the single-family dwelling and surrounding curtilage measure approximately 0.40 acres, not including the driveway (Attachment D). The rest of the property is undeveloped (8.93 acres) and the applicant states it is used for agricultural crop production. Based on the proposed site plan submitted, the new facility would be set up in a similar fashion. The applicant argues that based on the physical footprint used for the proposed kennel in comparison to the total size of the property that the kennel is secondary to the other uses on the property. However, the physical area utilized by a land use alone does not determine what uses have the most impact on a property or generate the most income, which is why the Code specifically allows for the Director and Planning Commission to exercise their authority to determine primary and secondary uses.

The applicant also submitted a noise study with the 5 September 2018 CUP application, but failed to provide the required information supporting the qualifications of the person who performed the study. Staff has requested this information but it has not yet been provided.

CONCLUSION

Staff recommends that the Planning Commission follow the Director of Development Services determination that the proposed use is a Commercial Kennel (Use Type 3300).



**DETERMINATION OF USE
PARADISE VALLEY SCHNAUZERS, LLC**

PLANNING COMMISSION CONCLUSION

Based on the findings of fact noted in the Determination of Use memorandum dated 1 November 2018, the Planning Commission has concluded that the Paradise Valley Schnauzers, LLC, proposed use is classified as a Use Type 3300 Commercial Kennel as follows:

1. As per the §17.07 definition of Use Type 3300 Commercial Kennel, the Planning Commission is authorized to determine whether any establishment boarding, grooming, breeding, raising, and/or otherwise keeping thirteen (13) or more adults dogs is the primary use of a legal parcel.
2. The proposed use meets the definition of Use Type 3300 Commercial Kennel under §17.07 of the Cache County Code and is the primary use of the property as it:
 - a. Will board and breed forty-seven (47) adult dogs resulting in multiple litters per year;
 - b. Is regulated as a Class A Breeder with the United States Department of Agriculture under the Animal Welfare Act, which exempts “hobby dealers” and farm-type operations that raise and sell animals for food or fiber;
 - c. Is a commercial entity that is structured and registered as a Limited Liability Company.

APPROVED this 1st day of November, 2018, by a ___ - ___ vote of the Planning Commission.

PLANNING COMMISSION

Brady Christensen, Chair
Planning Commission

LETTER OF INTENT – CONDITIONAL USE PERMIT

FOR DOG KENNEL AND NEW HOME AT 8480 N 2200 W CACHE COUNTY, UT.
(APPROX.)

1. A. This building will be used as an indoor dog kennel. It will be heated and have AC as needed. It will be 24' x 24', 576 sq. feet. It will be used to house our dogs.

B. There will be no employees.

C. There are no business hours as we do not have any customers.

D. There are no customers or employees, so no parking needed for this. We do have occasional deliveries from UPS and FEDX, so we will have a hammer head driveway.

E. We do will not have any signage.

F. We will not have any equipment except a lawn mower and lawn equipment.

G. We have buckets with sealed lids that we use to pick up waste and take the buckets to the land fill so there is never any smell.

2. See attached site plan.

3. New construction: Building will be 24' x 24', will be framed with vinyl siding.

Insulated with waterproof walls inside per USDA requirements. There will be dog doors for the dogs to go in and out. There will be outdoor cement runs with chain link fencing. There will be a 6' high vinyl privacy fence around the entire yard surrounding the kennel to keep dogs in and other animals/people out.

The yard will be fully landscaped with grass, shrubs, trees etc.

The yard and kennel will have nice curb appeal and will hardly show the appearance of a kennel.

We have a 10 acre parcel within Cache county, it is completely private with no homes or buildings near it on 3 sides, only farm ground surrounds it...on the west side in our home we live in now, the proposed new kennel will be 800' to 1000' away from our existing home and will have no impacts on it. Our existing home and kennel are in Amalga city limits on another 10 acre parcel. The PRIMARY use of this 10 acre is farming of alfalfa, corn and grain.

Per the pictures we sent to you of our existing home and kennel which is part of our backyard, you can see what the proposed new home and kennel will look similar too in size, etc.

This 10 acre parcel is used primarily for farming, with the kennel being used secondary...it is simply part of our back yard. The new home and kennel will use approx. 1 acre of the 10 total acres of this parcel, it will be entirely fenced...please see existing home and kennel. Our small kennel is simply part of our back yard and if we took the dogs away it would be simply a backyard...our backyard is approx.. ¾ of an acre.

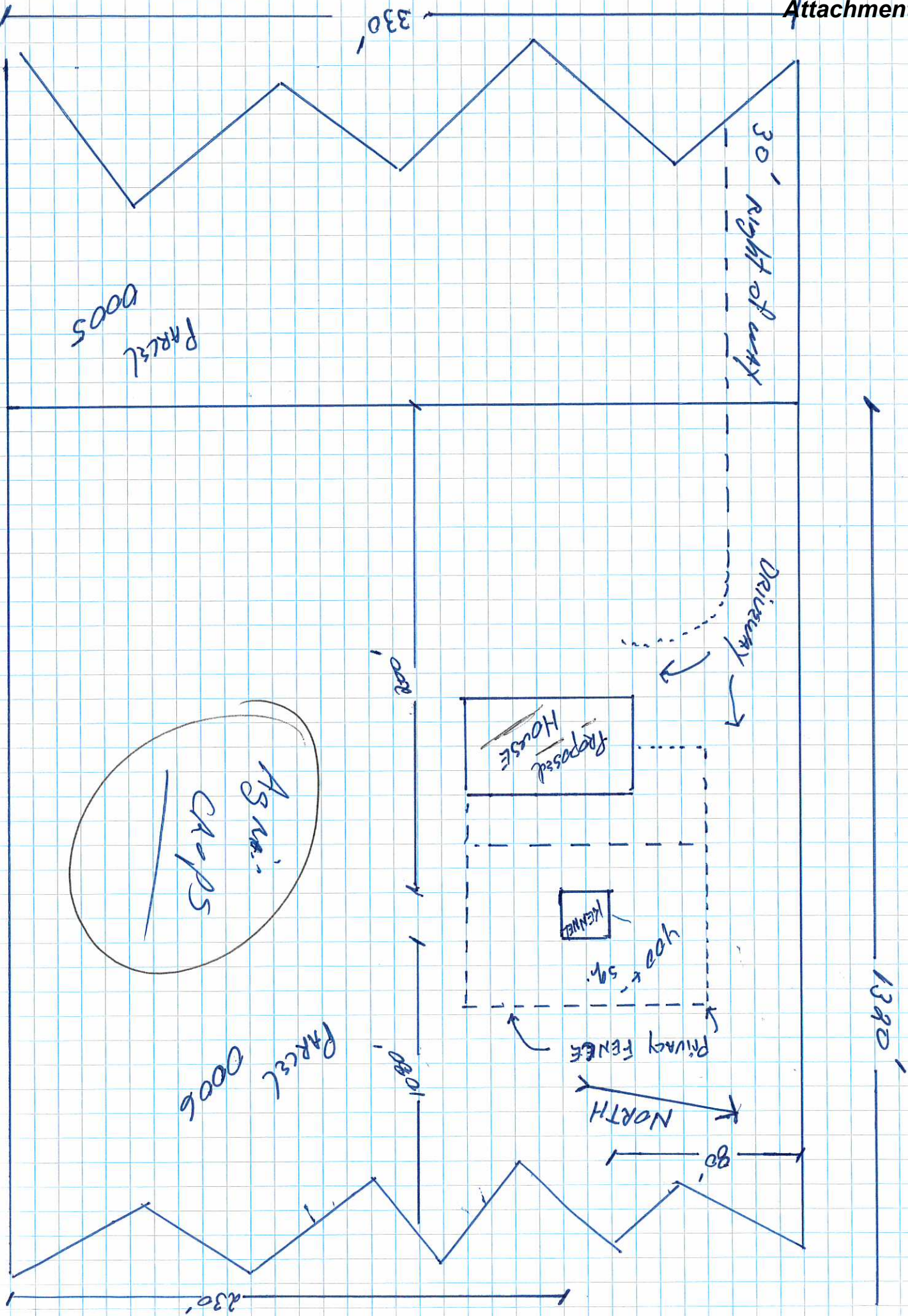
In the Cache county ordinances defining a Home Based Kennel compared to a Commercial Kennel, our place DOES NOT fall into the definition of a Commercial kennel because **our kennel is SECONDARY to our home and also the bulk of the 10 acres used for farming, it is NOT the primary use of this 10 acre parcel...**in your ordinance it states that we can apply for a Home Based kennel if we meet the listed requirements which we 100% do. **You do not state in your ordinance that a certain amount of dogs constitutes a commercial kennel, it simply says we can apply for a Home Based kennel with more than 12 dogs by meeting the requirements, which we have done and no where does it say anything about the amount of dogs whether it be 13 or 60 to apply for a Home Based Kennel...**because this parcel is so private and no one would be effected by the dogs it is a perfect place for our home and kennel.

Your ordinance for a Commercial kennel actually would not work for any kennel since it would be very impractical and frankly ridiculous for a dog kennel in a commercial zone, every other county in Utah specifically says that **NO DOG KENNEL WILL BE ALLOWED IN COMMERCIAL ZONES**, so why is Cache County the only county to try and force kennels into a commercial zone of any kind? We are licensed under the USDA, same as dairies, etc...we are inspected by the same inspectors from the USDA that inspect all other agricultural businesses and thus dog kennels should be in in the Ag zone, **a USDA kennel is an Agricultural business, not a commercial business....**to force dog kennels to be in the commercial zone just because we sell the pups would also require you to force dairies and any business that is agricultural to also be in a commercial zone, we are all the same, all under the rules of the USDA. You cannot lump a dog kennel into the same category as an animal shelter, they are NOT the same at all...we do not have customers, we do not have employees, we do not have business hours....we do not fit into your definition of a Commercial Kennel because of all of this and because we are a simple home based business...we sell our puppies to people and transport them to the airport...we DO NOT allow any visitors at all except for the USDA inspectors.

We would ask that the Director or Planning Commission review our particular case and approve us for a Home Based Kennel since we have met your requirements per your ordinances for such and there will be no impact on anyone around us.

Thanks

Karie and Mike Burton





MEMORANDUM: DETERMINATION OF USE

7 September 2018

To: Michael Burton**Subject:** Paradise Valley Schnauzer Conditional Use Permit

A Conditional Use Permit (CUP) application was submitted on September 5, 2018, proposing a Home Based Kennel (Use Type 3200) on a vacant county parcel (#08-013-0006) in the Agricultural (A10) Zone. Upon review of the submittal materials, including, but not limited to, the Letter of Intent and a 6 September 2018 email providing information on the number of adult dogs that will be housed at the proposed kennel, the Director of Development Services has determined that the proposed kennel would be the primary use of the property. As the primary use of the property, the kennel as proposed is a Commercial Kennel (Use Type 3300), not a Home Based Kennel. A commercial kennel is not permitted in the Agricultural (A10) Zone.

The basis of this determination involved a review of the definitions for both Use Type 3200 Home Based Kennel and 3300 Commercial Kennel/Animal Shelter as compared against the information provided by the applicant. Zoning Regulations for Cache County are found in Title 17 of the County Code and definitions for use types are found in §17.07. The definitions are as follows:

3200 HOME BASED KENNEL: Any establishment, accessory to a dwelling unit and/or adjacent to a neighboring parcel under the same ownership, at which seven (7) or more adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes a single, incidental litter in a twelve (12) month period. A home based kennel must comply with the following requirements:

1. *A home based kennel shall consist of no more than twelve (12) adult dogs. More than twelve (12) dogs may be permitted as a home based kennel if it is otherwise shown by the applicant that:
 - a. *Impacts can be mitigated by distance, vegetation, geography, and/or structures.*
 - b. *The kennel is secondary to the home and the use of the property is not primarily for commercial purposes.**
2. *All kennel facilities must be a minimum of fifty feet (50') from the property boundary.*
3. *Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.*

3300 COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment at which the boarding, grooming, breeding, raising, and/or otherwise keeping of thirteen (13) or more adult dogs or cats is the primary use of a legal parcel as determined by the Director or Planning Commission, or the requirements of a home based kennel cannot be met. A commercial kennel/animal shelter must comply with the following requirements:

1. *All kennel facilities must be a minimum of fifty feet (50') from the property boundary and a minimum of twenty feet (20') from a caretaker's residence.*
2. *Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.*

Page 1 of 2



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

According to the applicant’s 6 September 2018, the kennel will have 47 adult dogs, which is the same number as housed at the applicant’s current kennel located in Amalga Town. An “adult dog” is defined as being six (6) months of age or older. Home based kennels allow a maximum of 12 adult dogs and require that the kennel be secondary to the home and the use of the property is not primarily for commercial purposes.

Based on the number of adult dogs and information provided by the applicant in the Letter of Intent, photographs, and on the website (www.paradisevalleyschnauzers.com), the Director has determined that the primary use of the subject property is a commercial kennel, not residential.

A commercial kennel is only allowed with an approved CUP in the Commercial (C) or Industrial (I) Zones. To establish a commercial kennel on the subject property, the applicant must submit a rezone request to change the zone to either the Commercial or Industrial Zone. If the County Council approves the request, the applicant would then submit a CUP application for the commercial kennel. A caretaker’s unit (i.e., residential structure) would be allowed on-site.

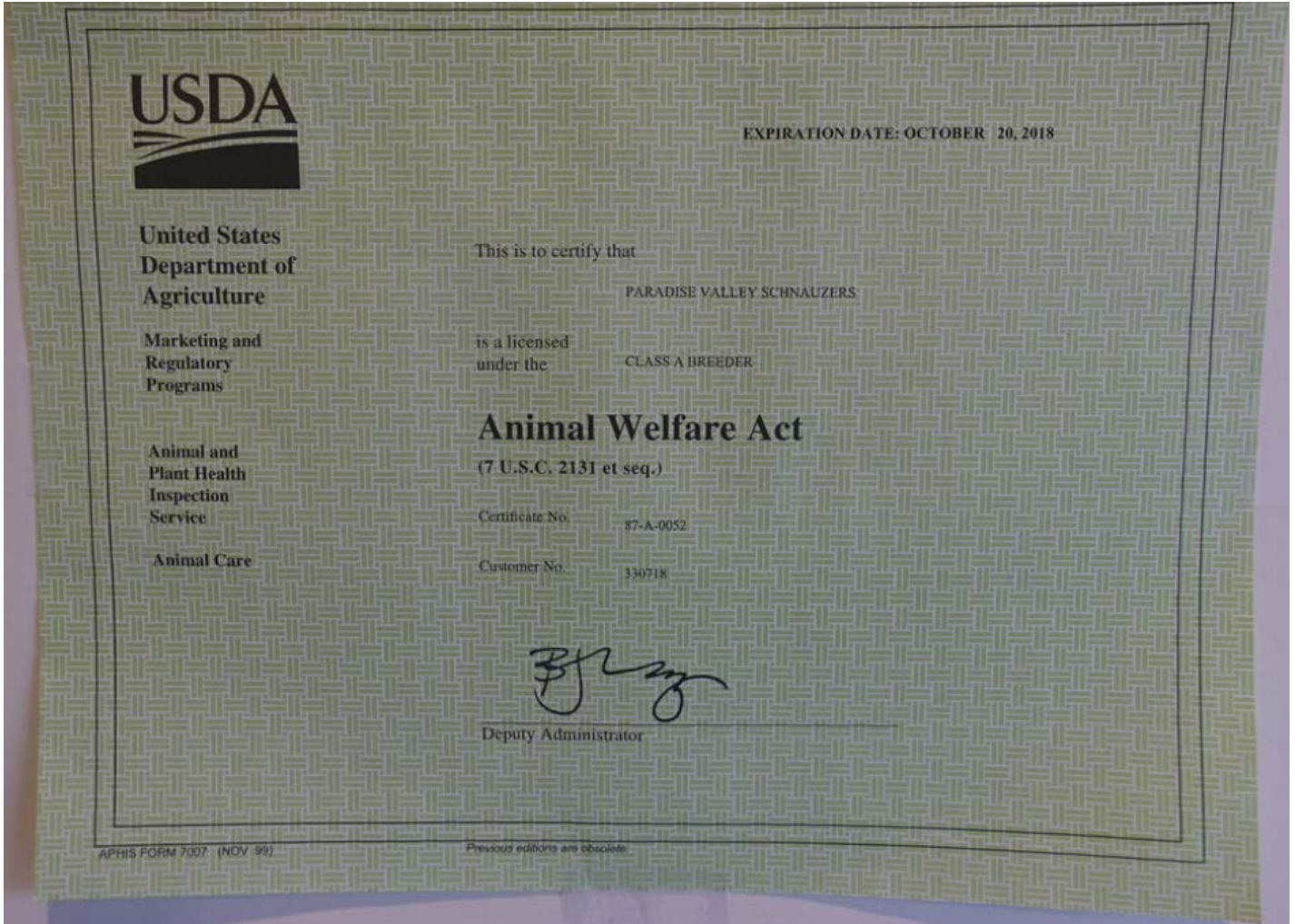
As the request for a home based kennel in the CUP application cannot be processed based on this determination, a full refund will be processed and sent to the applicant and the file closed.



Director of Development Services

9/7/2018

Date



Source: <http://www.paradisevalleyschnauzers.com/>

Certificate/Customer Type L = License R = Registrant Renewal Date	Legal Name	DBA Name	City	State
L - Breeder Oct 20, 2019	Paradise Valley Schnauzers		Amalga	UT

Source: USDA Animal and Plant Inspection Service website





2019 MEETING DATES AND APPLICATION DEADLINES					
PLANNING COMMISSION (1 st Thursday of each month*)		COUNTY COUNCIL (2nd & 4th Tuesday*)		BOARD OF ADJUSTMENTS (3 rd Thursday of each month)	
Application Deadline 3:00 PM	MEETING DATE 5:30 PM	MEETING DATE 5:00 PM		Application Deadline 3:00 PM	MEETING DATE 6:00 PM
6 Dec	3 Jan	8 Jan	22 Jan	26 Dec	17 Jan
9 Jan	7 Feb	12 Feb	26 Feb	30 Jan	21 Feb
6 Feb	7 Mar	12 Mar	26 Mar	27 Feb	21 Mar
6 Mar	4 Apr	9 Apr	23 Apr	27 Mar	18 Apr
3 Apr	2 May	14 May	28 May	24 Apr	16 May
1 May	6 Jun	11 Jun	25 Jun	29 May	20 Jun
5 Jun	11 Jul*	9 Jul	30 Jul*	26 Jun	18 July
3 Jul	1 Aug	13 Aug	27 Aug	31 Jul	15 Aug
7 August	5 Sep	10 Sep	24 Sep	28 Aug	19 Sep
4 Sep	3 Oct	8 Oct	22 Oct	25 Sep	17 Oct
2 Oct	7 Nov	12 Nov	26 Nov	30 Oct	21 Nov
6 Nov	5 Dec	3 Dec*	10 Dec*	27 Nov	19 Dec

