



4:45 p.m.

Workshop in the County Council Chambers

5:30 p.m.

Call to order

Opening remarks/Pledge – Rob Smith

Review and approval of agenda

Review and approval of the minutes of the 1 November 2018 & 19 November 2018 meetings

5:35 p.m.

Consent Items

1. **Brooksby Creek Subdivision 2nd Amendment** – A request to amend the boundaries of Lots 2 & 3 of an existing three-lot subdivision located at 2127 East 11000 North, near Richmond, in the Agricultural (A10) Zone.
2. **Sharon Poppleton Minor Subdivision 1st Amendment** – A request to amend the boundaries of Lots 4 & 5 and the agricultural remainder and divide the amended agricultural remainder into five remainders in an existing 5-lot subdivision located at 5842 South 3200 West, near Wellsville, in the Agricultural (A10) Zone.
3. **Ohana Mauna Subdivision** – A request to revise a previously approved subdivision plat to create a new 2-lot subdivision with an agricultural remainder located at 7860 N. Hwy 91, near Smithfield, in the Rural 5 (RU5) Zone

Continued Items

4. **Applewood Hollow RU5 Rezone** – A request for a recommendation of approval to the County Council for a rezone of 12.50 acres, located at 4642 Hollow Road, near Nibley, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. *Continued from 6 September 2018*

Regular Action Items

5. **Red Shed Farms Recreational Center Conditional Use Permit** – A request for approval to operate a recreational facility featuring indoor and outdoor activities on 5.32 acres located at 6038 North 1200 West, near Smithfield, in the Agricultural (A10) Zone.
6. **Public Hearing (5:50 p.m.): DD Auto & Salvage Rezone** – A request for a recommendation of approval to the County Council for a rezone of 1.1 acres, located at 1976 West 200 North, Logan, from the Commercial (C) Zone to the Industrial (I) Zone.
7. **Public Hearing (6:00 p.m.):** Amendment to Title 17.08 regarding Rural 2 & Rural 5 Zones
8. **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.



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4 **Present:** Angie Zetterquist, Chris Harrild, Josh Runharr, Chris Sands, Nolan Gunnell, Brady Christensen, Phil Olsen, Jason Watterson, Rob Smith, Lane Parker, Lee Edwards, Megan Izatt

5
6 **Start Time: 05:30:00**

7
8 **Christensen** welcomed and **Parker** gave opening remarks.

9
10 **05:32:00**

11 **Agenda**

12 **Staff** requested item #5 be removed from the agenda.

13 ***Watterson** motioned to approve the agenda with the removal of item #5; **Smith** seconded; **Passed 7, 0.***

14
15 **05:33:00**

16 **Minutes**

17 ***Gunnell** motioned to approve the minutes from 4 October 2018; **Watterson** seconded; **Passed 7, 0.***

18
19 **05:35:00**

20 **Regular Action Items**

21 **#1 Public Hearing (5:35 p.m.): Mountain View Meadow Rezone**

22 **Zetterquist** reviewed the staff report for the Mountain View Meadow Rezone.

23 **Staff** and **Commission** discussed the location of the proposal.

24
25 **05:42:00**

26 ***Smith** motioned to open public hearing for the Mountain View Meadow Rezone; **Gunnell** seconded; **Passed 7, 0.***

27 **Sara Lemon** introduced herself as the owner of the property.

28 **Alma Burgess** commented regarding a need for a plan before approving rezone requests for the RU2 and RU5 zones.

29
30 **Brian Dixon** commented on behalf of the Bear River Land Conservancy. The Conservancy owns 30 acres directly north of this property which is flood irrigated to help protect a particular endangered orchid species. Conservancy had minor concerns about development increasing use of herbicides that could negatively impact orchids, but did not oppose the rezone request.

31
32 **05:47:00**

1 **Watterson** motioned to close the public hearing for the Mountain View Meadow Rezone; **Sands**
2 *seconded; Passed 7, 0.*

3
4 **Staff** and **Commission** discussed the application. Mendon has stated they have no intention of
5 annexing the land at this point.

6
7 **Sands** motioned to recommend approval to the County Council for the Mountain View Meadow
8 Rezone to the County Council with the stated findings of fact and one conclusion; **Smith** *seconded;*
9 *Passed 6, 1 (Gunnell voted nay).*

10
11 **05:54:00**

12
13 **Gunnell** recused himself from item #2 due to a conflict of interest.

14
15 **#2 Public Hearing (5:50 p.m.): 6800 South Rezone**

16
17 **Zetterquist** reviewed the staff report for the 6800 South Rezone.

18
19 **Staff** and **Commission** discussed how close the proposed rezone was to Wellsville City and the
20 private road.

21
22 **06:00:00**

23
24 **Olsen** motioned to open the public hearing for the 6800 South Rezone; **Watterson** *seconded;*
25 *Passed 6, 0.*

26
27 **Lisa Niederhauser** commented that she is speaking on behalf of her parents who own the land.
28 The intent is to divide the land into three lots for inheritance purposes for their children.

29
30 **Sands** asked if they had considered the RU5.

31
32 **Ms. Niederhauser** responded that they had not.

33
34 **06:02:00**

35
36 **Parker** motioned to close the public hearing for the 6800 South Rezone; **Watterson** *seconded;*
37 *Passed 6, 0.*

38
39 **Staff** and **Commission** discussed placing a higher density in an area that is currently low density.
40 The possibility of a private road for a subdivision was discussed. Currently a private road can only
41 be used to access 3 lots.

42
43 **Smith** motioned to recommend denial to the County Council for the 6800 South Rezone based on
44 the stated findings of fact and two conclusions; **Watterson** *seconded; Passed 5, 1 (Olsen voted*
45 *nay).*

46
47 **06:09:00**

1 **#3 Public Hearing (6:00 p.m.): Tiny Pine Rezone**

2
3 **Gunnell** rejoined the meeting.

4
5 **Zetterquist** reviewed the staff report for the Tiny Pine Rezone

6
7 **Staff** and **Commission** discussed the public comments received regarding the rezone request
8 including whether the subject property was part of a source water protection area.

9
10 **06:16:00**

11
12 ***Olsen** motioned to open the public hearing for the Tiny Pine Rezone; **Watterson** seconded; **Passed***
13 ***7, 0.***

14
15 **Duane Williams** commented he is acting as an agent for the property owners for the rezone; he
16 also commented in regards to wanting to keep larger lots on the west side of Smithfield, good
17 access, water, and service provisions.

18
19 **Thad Erickson** commented on ground water quality and classification, septic degradation, and
20 how the area fits in the Water Conservancy District.

21
22 **Alma Burgess** commented on water and septic issues, wanting to keep the area agricultural, and
23 the possible negative impacts to the trout farm. The proposed 7-lot subdivision is out of character
24 for the area. He also commented on access and service provisions.

25
26 **Kip Panter** commented on water, the number of wells and septic needed for the proposed
27 development, wanting to keep the area agricultural, traffic and roads.

28
29 **Olsen** asked how many years Mr. Panter lived in his home.

30
31 **Mr. Panter** 6 years and Janilyn Pierson, his neighbor, has been there since the end of 1996.

32
33 **Cheryl Burgess** commented on the non-existence of the Birch Hollow South Subdivision, wanting
34 to keep the area agricultural, water and well permits.

35
36 **Scott Parkinson** commented on traffic, roads, water, surface water, the possible negative impacts
37 to the trout farm, and wanting to keep the area open.

38
39 **Janilyn Pierson** commented that when her home was built soon after a subdivision was denied
40 due to the number of wells and septic systems and the negative impacts to the trout farm. She also
41 commented with concerns for water, roads, and traffic.

42
43 **Cody Webster** commented on the development of the area and it being too much development too
44 fast; he also commented on the increased traffic making the roads unsafe.

45
46 **Jean Hansen** commented that she is against 7 homes going in across the street from her house,
47 and concerns with water.

1 **06:46:00**

2
3 *Watterson* motioned to close the public hearing; *Smith* seconded; **Passed 7, 0.**

4
5 **Staff** and **Commission** discussed the surrounding density of the proposed rezone, concerns for the
6 trout farm and negative impacts that could arise, and road conditions.

7
8 *Parker* motioned to recommend denial to the County Council for the Tiny Pine Rezone based on
9 the stated findings of fact and 2 conclusions; *Smith* seconded; **Passed 7, 0.**

10
11 **06:51:00**

12
13 **#4 Public Hearing (6:15 p.m.): Amendment to Title 17.07**

14
15 **Zetterquist** reviewed the current Title 17.07 definitions for accessory apartment, single family
16 dwelling, and caretaker unit and the proposed changes to those definitions including a new
17 definition for common living area and amendment to 17.09 Schedule of Zoning Uses.

18
19 **Staff** and **Commission** discussed the definitions of a mobile home and a manufactured home.

20
21 **07:04:00**

22
23 *Watterson* motioned to open the public hearing; *Sands* seconded; **Passed 7, 0.**

24
25 **07:04:00**

26
27 *Olsen* motioned to close the public hearing; *Watterson* seconded; **Passed 7, 0.**

28
29 *Olsen* motioned to recommend approval to the County Council for the Amendment to Title 17;
30 *Smith* seconded; **Passed 7, 0.**

31
32 **07:06:00**

33
34 **#5 Determination of Use: Paradise Schnauzers, LLC**

35
36 Removed from agenda.

37
38 **#6 2019 Meeting Dates and Application Deadlines**

39
40 **Zetterquist** reviewed the meeting dates. All will be the 1st Thursday of the month except for July
41 which will be July 11, 2018.

42
43 *Sands* motioned to recommend approval of the 2019 meeting schedule; *Gunnell* seconded; **Passed**
44 **7, 0.**

1 **#7 Upcoming: Elections for Chair and Vice Chair**

2
3 Elections will be held at the next meeting.

4
5 **07:08:00**

6
7 **Staff Reports**

8 **Harrild** informed the Commission that the Benson Irrigation Company has submitted a letter for
9 an expedited hearing for a Conditional Use Permit. Staff does not think it is feasible for a review
10 and discussion to be done in time for an expedited hearing. The County would have to bring on a
11 consultant to do the review. The Commission decided to meet on Monday, November 19 at
12 11:30am.

13
14 **Harrild** informed the Commission of the possible options available for guidelines for the RU2 and
15 RU5 zone. The options will be presented to Council for discussion and direction then brought
16 back to the Commission for a public hearing.

17
18 **Harrild** informed the Commission about drafting the RFP for the update to the General Plan.
19 Staff has begun initial discussions on the RFP, but an executive committee will be created to assist
20 in that effort and the committee will include a representative from the county council, planning
21 commission, a citizen, and staff.

22
23 **Nolan Gunnell** was asked to be the representative from the Commission and he agreed.

24
25 **Adjourn**

26
27 **07:33:00**



Item

Page

Regular Action Items

1. Benson Canal Enclosure Project Conditional Use Permit 2

Present: Angie Zetterquist, Chris Harrild, Chris Sands, Nolan Gunnell, Brady Christensen, Phil Olsen, Jason Watterson, Rob Smith, Lane Parker, Lee Edwards, Megan Izatt

1 **Start Time: 11:30:00**

2

3 **Christensen** welcomed and **Watterson** gave opening remarks

4

5 **11:32:00**

6

7 **Regular Action Items**

8 **#1 Benson Canal Enclosure Project Conditional Use Permit**

9

10 **Zetterquist** reviewed the staff report for Benson Canal Enclosure Project Conditional Use Permit.

11

12

13 **Brad Bearnson** commented that he represents the Benson Canal Company. The company would like to complete the project by April 1, 2019 and the primary purpose is to help conserve water.

14

15

16 **Jan Rhodes** asked about easements, the historical width of the canal, and where she receives her water.

17

18

19 **Christensen** asked if Ms. Rhodes had contacted the Canal Company before this meeting.

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1 **Ms. Rhodes** responded yes.
2
3 **Parker** asked if that was a historic waterway.
4
5 **Ms. Rhodes** responded no that has nothing to do with Benson.
6
7 **Mr. Bearnson** used the map to point out the north canal that goes under the road and stated that
8 there are only 10 shares of water. The owners have refused to allow the canal company to go
9 through their property and so the pipeline was re-engineered to follow the historic pathway of the
10 canal within the bounds of the historic easement. **Mr. Bearnson** pointed out where the new
11 delivery point would be for Ms. Rhodes.
12
13 **Christensen** asked if the ditch would remain.
14
15 **Mr. Bearnson** responded that the ditch would remain but have no water.
16
17 **Gunnell** asked about the location of the pipeline through Ms. Rhodes field.
18
19 **Mr. Bearnson** responded that the original intent was to go underground through the field but
20 because two landowners did not like that idea the pipeline was reengineered to follow the
21 historical path of the canal.
22
23 **Sands** asked about the pipeline being an underground utility.
24
25 **Mr. Bearnson** stated that it would have been underground by at least 30 inches.
26
27 **Parker** asked if there were other property owners that will have to redo ditches or put a pipe in
28 to get the water where needed.
29
30 **Mr. Bearnson** responded that there will still be flood irrigators but it would be better for
31 everyone, over time, to convert to a pressurized system.
32
33 **Sands** asked about the easement.
34
35 **Mr. Bearnson** responded that for Ms. Rhodes property it is going through the historic easement
36 so there is no new easement needed.
37
38 **Sands** asked about the width.
39
40 **Mr. Bearnson** stated that the pipeline will stay within the historic maintenance area of the canal.
41
42 **Watterson** asked if the canal would remain or would it be filled.
43
44 **Mr. Bearnson** responded that the canal would remain.
45
46 **Sands** asked if the easement for the abandoned canal sections change or remain the same.
47

1 **Mr. Bearnson** responded it is the same prescriptive easement that has been around for several
2 decades.
3
4 **Ms. Rhodes** asked if the easement was for Cache County Drainage, not Benson Canal.
5
6 **Mr. Bearnson** responded that historically the easement has been used for drainage but by the
7 Canal Company also.
8
9 **Ms. Rhodes** asked about the width of that easement and how the width is decided.
10
11 **Olsen** responded that most easements for canals are 15 feet from the center of the canal.
12
13 **Ms. Rhodes** asked who decides the width.
14
15 **Olsen** responded that it is typically decided from the center of the canal.
16
17 **Harrild** stated 50 total feet for the prescriptive easement from the top of the canal bank.
18
19 **Ms. Rhodes** asked who decides that.
20
21 **Mr. Eric Frandsen** stated that typically there is an access road or canal bank maintained on one
22 side for maintenance or access for the canal. The intent is to put the pipeline in that
23 maintenance/access road and not to exceed that width. The canal will need to remain open
24 because it is also a drainage ditch for the county.
25
26 **Paul Cardon** commented with concerns regarding non-service of his shares and what is going to
27 happen there regarding compensation, why the pipe is being downsized to smaller sized pipe,
28 how property lines that are determined by the ditch boundary going to be maintained when the
29 ditches are destroyed.
30
31 **Olsen** asked how many acre feet in a share of water.
32
33 **Mr. Cardon** responded that it's dependant on the flow of the Logan River.
34
35 **Christensen** asked if Mr. Cardon had tried to meet with the canal company before this meeting.
36
37 **Mr. Cardon** responded he had.
38
39 **Rick Rees** commented that the old system had a lot or problems and the new system will allow
40 the canal company to minimize the water loss and better service the shareholders. There should
41 be 7.18 gallons of continuous water per share. The company is trying to work with Logan City
42 for more water.
43
44 **Parker** asked if everyone who currently has shares, their shares are still available and all will
45 receive water to their property line.
46

1 **Mr. Bearnson** stated that the piece of the property Mr. Cardon is referring to is actually
2 supposed to be serviced by Bear River Water, not Benson. There is a dispute with him on that.
3

4 **Mr. Rees** responded the company is evaluating where the water is being used and where the
5 water should be going. The company is trying to accommodate everyone the way that is best.
6

7 **Olsen** asked about allowing flooding from a pressurized system.
8

9 **Mr. Frandsen** responded that it is difficult to allow flooding out of a pressurized system but as
10 long as maintenance is diligent it should be fine. There were supposed to be 12 flood turnouts,
11 but there are only 6 flood turnouts now.
12

13 **Christensen** commented that the commission's oversight here is if the project meets the
14 ordinance requirements for a conditional use permit (CUP).
15

16 **Gunnell** asked about the pipe size and what the psi is expected to be.
17

18 **Mr. Frandsen** stated the pipe ranges in size from 6" to 27" and the PSI should be 55.
19

20 **Gunnell** asked if the end of the line will still be pressurized enough to run a sprinkler system.
21

22 **Mr. Frandsen** stated yes.
23

24 **Sands** asked about the ditches being used for property lines.
25

26 **Mr. Frandsen** stated that it is not his jurisdiction but he doesn't think the ditches can legally be
27 used to help establish property lines and that a licensed surveyor would have to conduct a survey.
28

29 **Mr. Cardon** asked about the abandoned ditches easements.
30

31 **Jotham Hatch** stated that parts of the canal have been used for drainage during the spring time
32 and what the plan is for drainage after the canals are filled.
33

34 **Mr. Bearnson** stated the abandoned easements will cease to exist. For existing drainage systems,
35 Benson Canal Company is following JUB Engineers requirements. Some of the ditches will be
36 closed, others will remain open.
37

38 **Mr. Frandsen** stated that JUB noted 8 to 10 specific locations where the ditches will need to
39 stay open and Benson Canal has agreed to comply with those comments.
40

41 **Mr. Rees** commented that he has been trying to work with the homeowners near Darrel's
42 Appliance about the drainage. The canal is currently partially open and the water can be put in
43 there but there is no outlet for the water to go where both ends of the canal are covered.
44

45 **Watterson** commented that for storm water to go into the section of canal, it has to be pumped
46 into the canal.
47

1 **Mr. Rees** stated that there were plans at one time to put a delivery line in to the Swiss slue but
2 the property owners didn't want that.

3
4 **Harrild** stated the intent from JUB and the requirement of the county is for the canals to remain
5 open in that area for drainage along 2400 West.

6
7 **Commission** and **Staff** discussed the drainage and storm water. The area around Charlie
8 Maughan's Corner has been discussed and reviewed by JUB Engineering and they have signed
9 off on what is going on there.

10
11 **12:19:00**

12
13 **Rob Smith** arrived.

14
15 **Christensen** asked if the intent was to enclose the canal through that area.

16
17 **Mr. Frandsen** stated that the west branch of the canal is where the pipeline is going through in
18 that area.

19
20 **Mr. Rees** stated historically water has been put into the canal in the spring, but there is no quick
21 discharge. There is not an established storm drain in this area.

22
23 **Mr. Hatch** stated that the homeowners don't expect the canal company to be a drainage
24 company. The canal company was just trying to help the homeowners out but that path is going
25 to be removed and a strategy/plan needs to be created to help relieve that drainage problem.

26
27 **Staff** and **Commission** discussed the drainage issues and the need for the canal south of
28 Darrell's Appliance to remain open for drainage.

29
30 **12:45:00**

31
32 ***Gunnell** motioned to approve the Benson Canal Enclosure Project Conditional Use Permit with*
33 *the 11 conditions and 3 conclusions as written; **Parker** seconded; **Passed 7, 0.***

34
35 **12:47:00**

36
37 **Adjourned**

STAFF REPORT: BROOKSBY CREEK SUBDIVISION 2ND AMENDMENT

6 DECEMBER 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: Jerrick Layland

Parcel ID#: 09-044-0082, -0083

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

2127 East 11000 North

Richmond

Current Zoning:

Agricultural (A10)

Acres: 30.0 acres

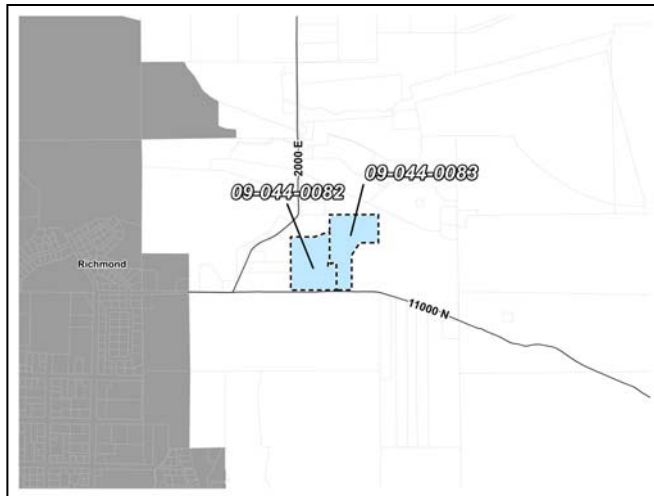
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Forest Recreation

West – Agricultural/Residential



FINDINGS OF FACT (20)

A. Request description

1. The Brooksby Creek Subdivision 2nd Amendment is a request to amend the boundaries between Lots 2 & 3 of an approved 3-lot subdivision.
 - a. Lot 1 will not be amended and will remain at 5.0 acres;
 - b. Lot 2 will increase from 15.0 acres to 17.0 acres; and
 - c. Lot 3 will decrease from 15.0 acres to 13.0 acres.

B. Parcel legality

2. The Brooksby Creek Subdivision was originally approved in 2015 as a one-lot subdivision with an agricultural remainder. In July 2018, a subdivision amendment was approved that reduced the subdivision boundary, created Lots 2 & 3, and removed the agricultural remainder.

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 approved, active water right for Lot 1 (#25-11283/a40880). The water rights Lots 2 & 3 were approved prior to the recording of the plat for the 1st Amendment (#25-11493/a43597 & #25-11523/a43597a) with the State Division of Water Rights.
5. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant provided a copy of a septic feasibility letter from BRHD during the approval process for the subdivision's 1st Amendment, dated May 1, 2017.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1.*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-3 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14" depth of granular borrow, 6" depth of road base, and paved roads required an additional 2.5" depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
11. A basic review of the access to the existing lots identifies the following:
 - a. Primary access to the two proposed lots is from 11000 North, a county road.
 - b. 11000 North:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple dwellings, vacant lots, agricultural parcels, and the Cherry Peak Ski Area.
 - iii. Consists of an average 23-foot paved width with 6-foot wide gravel shoulders.

iv. Is maintained year round.

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 Richmond City Fire Department.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department provides service in this area along the 11000 North for Friday collection. For the proposed amendment, Logan City Environmental did not have any comments, but had previously commented that any future development may be required to improve the shoulder to provide sufficient space to space the containers 3-to-4 feet apart and will not interfere with passing traffic as this is a busy road. Additionally, Logan City Environmental cautions that winter weather conditions can create drifting and slick roads that can limit or cancel collection so residents may have to occasionally hold their material over until the next scheduled collection day.
14. §16.04.080 [D] School Bus Service – The Cache County School District provides a school bus stop at 11200 North 2000 East.

G. Sensitive Areas

15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. Wetlands and moderate slopes may be located within the subdivision boundary, but do not appear to be located on the amended Lots #2 & 3.
 - b. Portions of a zone 2 source water protection area are located along the southern boundary of the subdivision. Proposed septic systems are not permitted within this protection zone.
 - c. In March 2018, prior to the first subdivision amendment application being submitted, staff received a letter from the property owners' of parcel #'s 09-044-0013 & -0053 regarding a surface spring that is located in the middle of the subject property and provides culinary water for the two parcels. The surface spring is identified by its own parcel number 09-044-0019. In the letter, the property owners state they would be commissioning a study to designate a source water protection area around the spring. A copy of the study was provided to staff in July 2018. However, as the county has no authority to implement the study or impose any conditions on the subdivision, the property owner was directed to contact the Utah Department of Environmental Quality/Division of Water Quality and have the report vetted through their process. As of this date, the property owners have not contacted staff again about the spring or the study.
 - d. A fault line crosses this property, but the specific location is not known. A geotechnical report is required as specified in Cache County Ordinance §17.18.060. *See condition #2*

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

16. Public notice was posted online to the Utah Public Notice Website on 19 November 2018.
17. Notice was published in the Herald Journal on 24 November 2018.
18. Notices were posted in three public places on 19 November 2018.
19. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 20 November 2018.
20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (2)

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

1. A Land Disturbance Permit is required for any future development. (*See D-6*)
2. A geotechnical report must be completed for any structures located within a hazard area. (*See G-15-d*)

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Brooksby Creek Subdivision 2nd 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.

General Notes:

A. 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.

B. Storm Water Drainage Note: Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards of 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 exchange, 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).

C. Agricultural Note: Agricultural Uses: Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone and Forest Recreation Zone.

D. Setback Lines for Primary Buildings are: 12.00' on Side Yard; 30.00' on Front Yard; 30.00' on Rear Yard

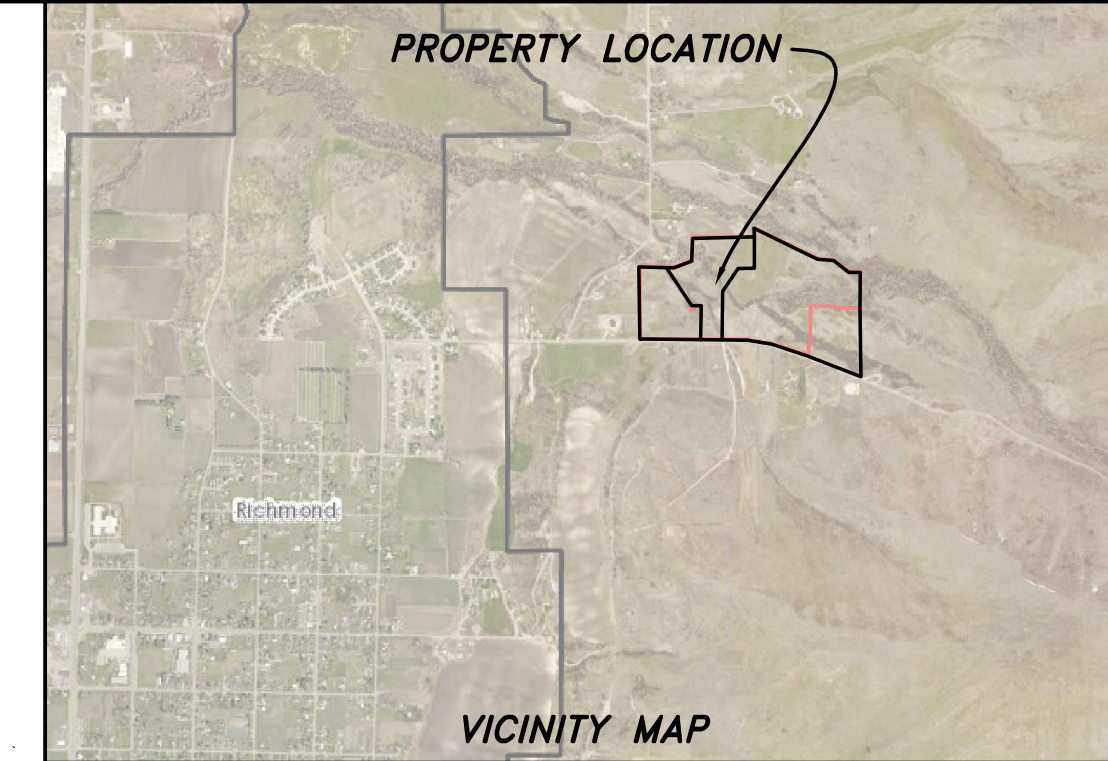
E. There is a "Right-of-Way sufficient to maintain and repair the pipeline through which spring waters are conveyed from the reservoir covering the spring to Property Tax ID No. 09-044-0010" (As Referenced in Correction Warranty Deed recorded as Entry No. 801443 in the Cache County Recorder's Office. Location of the Waterline was determined by dowsing and oral testimony of the contractor building a house on Lot 1 Brooksby Subdivision, who said that they had to re-route the existing waterline around the house.

Brooksby Creek Subdivision Second Amendment

(Amending Lots 2 & 3, Brooksby Creek Subdivision First Amendment)

Cache County, Utah

A Part of the South Half of Section 24,
Township 14 North, Range 1 East, Salt Lake Base & Meridian



PARCEL CURVE DATA				
SEGMENT	LENGTH	RADIUS	DELTA	CHORD LENGTH
C1	120.73'	425.00'	16°16'35"	120.33'

PARCEL LINE DATA		
SEGMENT	DIRECTION	LENGTH
L1	N89°49'03"E	49.50'
L2	S00°10'57"W	49.50'
L3	S89°49'03"W	49.50'
L4	N00°10'57"W	49.50'

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, the whole to be hereinafter known as Brooksby Creek Subdivision First Amendment, and hereby dedicate, grant and convey to Cache County, Utah, all those parts or portions of said tract of land designated as streets the same to be used as public thoroughfares forever, and also dedicate to Cache County those certain strips as easements for public utility, 10' irrigation easement and drainage purposes as shown hereon. The same to be used for the installation, maintenance and operation of public utility service lines, 10' irrigation easement and drainage as may be authorized by Cache County. Utility Easements as shown hereon are for access, installation, maintenance for public and private utilities including provision for irrigation and drainage facilities and appurtenances. We hereby declare the Plat Notices shown hereon are effective and binding.

David Lyle Brooksby "Trustee" of the Helen F. Brooksby Living Trust dated the 22nd day of May, 2012

Jerrick Layland

TRUST ACKNOWLEDGMENT

On this _____ day of _____, 2018, David Lyle Brooksby, Trustee for the Helen F. Brooksby Living Trust dated the 22nd day of May, 2012, personally appeared before me, the undersigned notary public, in and for said county of Cache, in the state of Utah, the signer of the attached owners dedication, one in number, who duly acknowledged to me he signed it freely and voluntarily and for the purpose therein mentioned on behalf of said trust.

ACKNOWLEDGMENT

On this _____ day of _____, 2018, Jerrick Layland personally appeared before me, the undersigned Notary Public in and for said County of Cache, in the State of Utah, the signer of the attached Owners Dedication, one in number, who duly acknowledged to me he signed it freely and voluntarily and for the purpose therein mentioned.

COUNTY PLANNING COMMISSION

THIS PLAT RECOMMENDED FOR APPROVAL BY THE CACHE COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2018.

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.

BEAR RIVER HEALTH DEPARTMENT APPROVAL

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

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

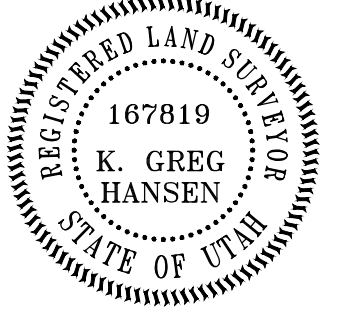
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

SURVEYOR'S CERTIFICATE

I, K. Greg Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Act; and by the Authority of the Owners, I have Completed a Survey of the Property Described and Shown Hereon This Plat in accordance with Section 17-23-17 and have Verified all Measurements, and have Placed Monuments as Represented on this Plat, and have Hereby Subdivided said Tract into Two (2) Lots, know Hereafter as Brooksby Creek Subdivision First Amendment and that the same has been Surveyed and Monuments have been Located and/or Placed on the Ground as Represented on the Plat Hereon.

Signed this _____ day of _____, 2018.

K. Greg Hansen P.L.S.
Utah Land Surveyor Licence No. 167819



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: _____

CACHE COUNTY RECORDER

AMENDMENT BOUNDARY DESCRIPTION

A PART OF THE SOUTH HALF OF SECTION 24, TOWNSHIP 14 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT LOCATED 2495.29 FEET NORTH 89°48'53" EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24 AND 25.00 FEET NORTH 00°11'18" WEST FROM THE SOUTHWEST CORNER OF SAID SECTION 24;

RUNNING THENCE NORTH 00°11'18" WEST (NORTH 00°11'10" WEST BY RECORD) 918.87 FEET TO AND THEN ALONG THE EAST BOUNDARY OF BROOKSBY SUBDIVISION PER ENTRY NO. 1110232 AS RECORDED IN THE CACHE COUNTY RECORDERS OFFICE TO THE SOUTHWEST CORNER OF LOT 1 BROOKSBY CREEK PER ENTRY NO. 1135332; THENCE ALONG THE BOUNDARY OF SAID LOT 1 THE FOLLOWING THREE (3) COURSES: (1) SOUTH 89°59'48" EAST 404.82 FEET; (2) NORTH 69°33'28" EAST 262.65 FEET; AND (3) NORTH 00°00'12" EAST 286.51 FEET TO GRANTORS NORTH LINE; THENCE NORTH 89°49'04" EAST (NORTH 89°48'50" EAST BY RECORD) 817.15 FEET ALONG SAID NORTH LINE; THENCE SOUTH 00°11'18" EAST 481.77 FEET; THENCE SOUTH 89°48'42" WEST 311.79 FEET; THENCE SOUTH 32°43'20" WEST 253.15 FEET; THENCE SOUTH 00°11'18" EAST 600.66 FEET; THENCE SOUTH 89°49'02" WEST (SOUTH 89°48'50" WEST BY RECORD) 1020.00 FEET TO THE POINT OF BEGINNING. CONTAINING 30.25 ACRES.

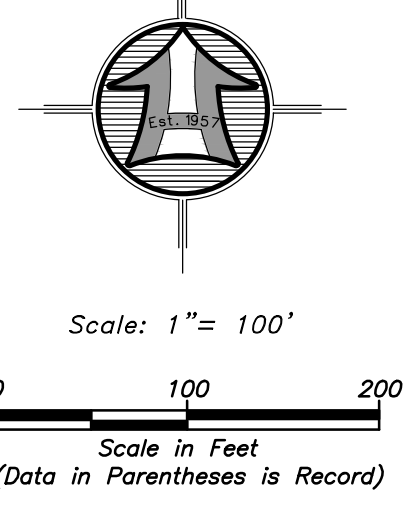
LESS PARCEL NO. 09-044-0019 DESCRIBED BY RECORD AS FOLLOWS:
A PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 14 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT LOCATED EAST 28.5 RODS AND NORTH 26.9 RODS FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER;

RUNNING THENCE EAST 3 RODS; THENCE NORTH 3 RODS; THENCE WEST 3 RODS; THENCE SOUTH 3 RODS TO THE POINT OF BEGINNING. CONTAINING 0.056 ACRES

Narrative / Basis of Bearing

The Purpose of this Survey was to Amend Lots 2 and 3, Brooksby Creek Subdivision First Amendment as shown and described hereon. This Survey was Ordered by Jerrick Layland. The Control used to Establish the Property Corners was Brooksby Creek Subdivision First Amendment recorded as Entry #1202121 and the Existing Cache County Surveyor Monumentation Surrounding Section 24, Township 14 North, Range 1 East, S.L.B.&M. The East Line of the Southeast Quarter of Section 24 was determined by a found "S" rebar at the Northeast corner of the Remainder Parcel and the found AA Hudson Aluminum Cap at the Southeast Quarter of said Section which fit an existing fence line. The East line of the Northeast Quarter of Section 25 was determined by an existing fence line south of 11000 North Street. The basis of bearing is the South line of the Southwest Quarter of said Section from a found RR Spike at the Southwest Corner to a found Rebar at the South Quarter Corner which bears North 89°48'53" East, Utah North, State Plane, Calculated N.A.D.83 Bearing.



- Subject Property Line
- Subdivision Boundary
- Adjoining Property Line
- Internal Lot Lines
- Previous Property Line
- Centerline
- Fault Line
- Flowline Creek
- Existing Edge Asphalt
- Fence Line (Wire)
- Existing Dirt Lane
- Existing Irrigation Line
- Existing Power Line
- Existing Water Line
- Street Monument
- Found rebar set by others
- Set 5/8"x24" Rebar With Cap
- Section Corner
- Calculated Section Corner

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302

Visit us at www.haies.net
Brigham City Ogdan Logan
(435) 723-3491 (801) 399-4905 (435) 752-8272

STAFF REPORT: OHANA MAUNA SUBDIVISION

6 DECEMBER 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

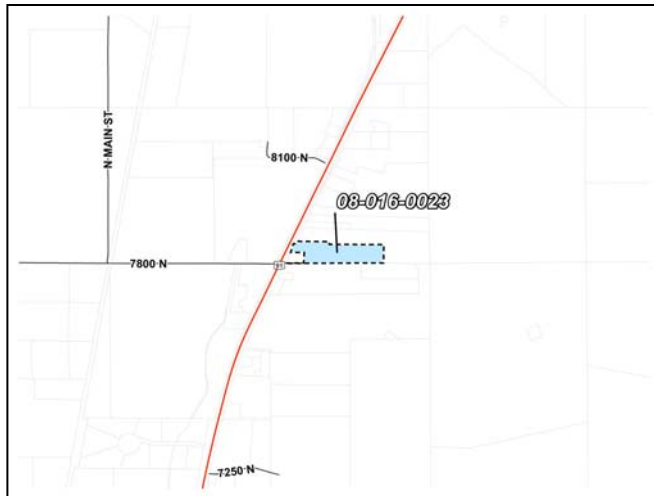
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (19)

A. Request description

1. The current request is to revise a previously approved 2-lot subdivision by amending the configuration of Lots 1 & 2 and creating an agricultural remainder on a 10.99 acre property in the Rural 5 (RU5) Zone.
 - a. Lot 1 will decrease from 8.53 acres to 1.0 acre;
 - b. Lot 2 will increase from 2.46 acres to 2.72 acres; and
 - c. The agricultural remainder will be 7.28 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. A request for approval of a new 2-lot subdivision was approved by the Planning Commission in October 2018. Prior to recording the approved plat, the applicant subsequently decided to revise the approved plat as indicated above, requiring another review and approval by the Planning Commission.

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 take access from Highway 91. Access to Lot 2 from the private road is prohibited.
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. §5.5 Access to State Roads: Any new access, existing access that is being altered, change in land use that utilizes an existing access, or any work within the right-of-way of a State facility is required to obtain the appropriate permits from the Utah Department of Transportation (UDOT) – Region 1. Cache County requires that the applicant for a UDOT permit attend a pre-coordination meeting, referred to as the Cache Access Management Program (CAMP), between the Cache Metropolitan Planning Organization (CMPO), UDOT Region 1, and Cache County.
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. The applicant was not able to obtain a new access easement from the property owner of parcel 08-022-0006 for Lot 2; consequently, Lot 2 must access their lot from Hwy 91. *See condition #3*
 - d. It has a 13-foot wide paved surface with 4-foot gravel shoulders on both sides of the road.
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. Lot 2 will take access directly from U.S. Hwy 91 via a driveway at the existing farm access point, 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 #4*
- c. The existing farm access that will become the driveway access to Lot 2 is a 12-foot wide gravel drive with no shoulders. *See condition #5*

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 #5*
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 #6*
 - 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 19 November 2018.
16. Notice was published in the Herald Journal on 24 November 2018.
17. Notices were posted in three public places on 19 November 2018.
18. Notices were mailed to all property owners within 300 feet of the subject property on 20 November 2018.
19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (6)

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

1. Prior to recordation, 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*)
3. Prior to recordation, the plat must be updated to include language prohibiting access to Lot 2 from 7800 North, a private road. (*See E-10-c*)
4. Prior to recordation, 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 for the access to Lot 2 from Hwy 91. The applicant must provide a copy of said requirements and permitting to the Development Services Office. (*See E-11-b*)
5. Prior to recordation, the applicant must improve the private driveway that provides access to Lot 2 from Hwy 91. 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-10-d, F-12)*

6. 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 revised 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.

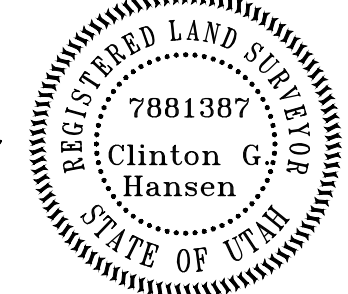
Ohana Mauna Subdivision

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 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 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 and Agricultural Remainder 1, a 10.00 foot wide utility and ingress/egress easement, being the South 10.00 feet of Lot 2 and the South 10.00 feet of Agricultural Remainder 1, including the 5.00 foot strip upon the South Line of Lot 2 that runs to Highway 91. Further we hereby grant a 29.55 foot wide Access and Utility Easement, for access and services to Highway 91, for the Agricultural Remainder Parcel, across Lot 2 and as dimensioned hereon. 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

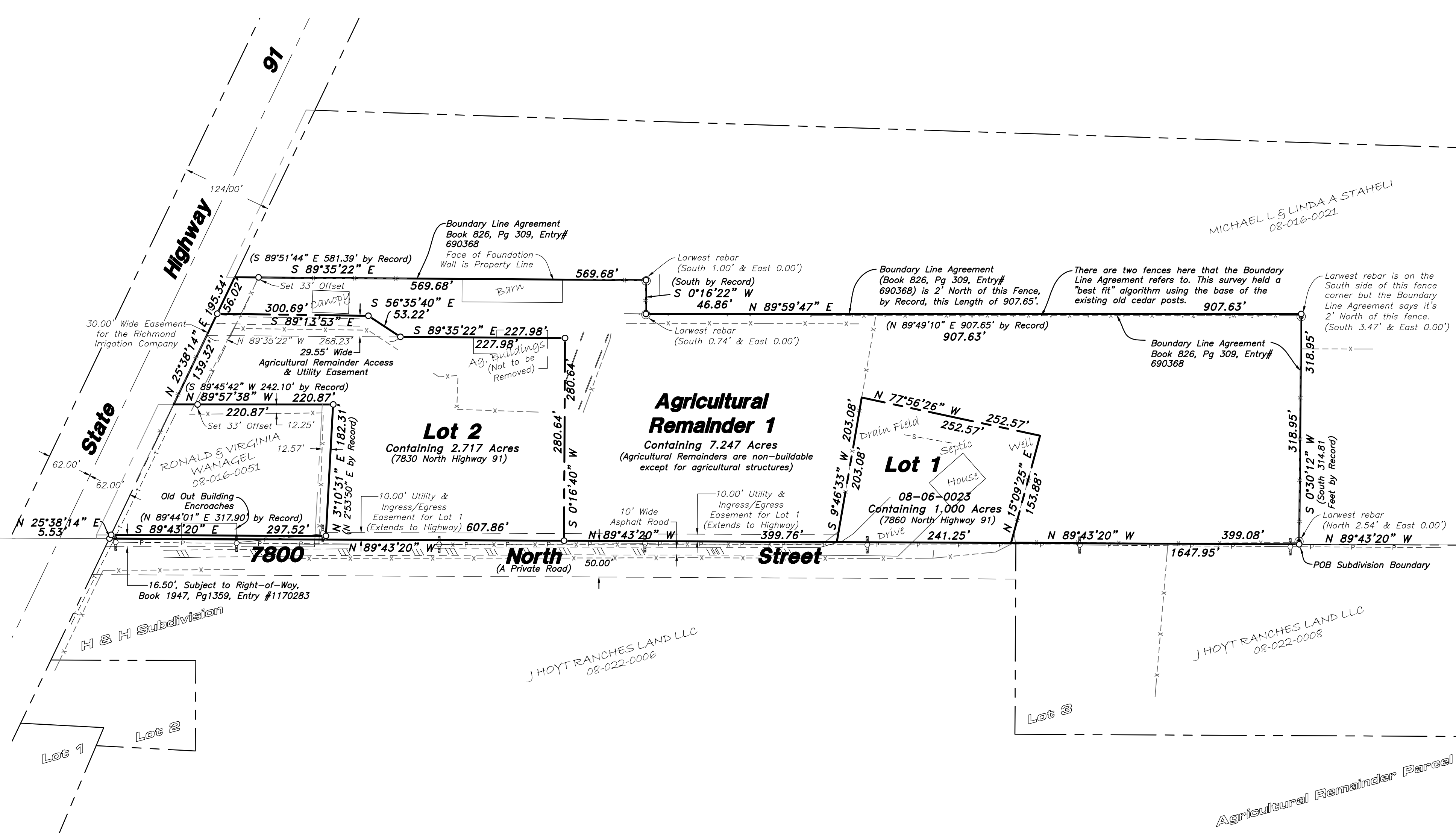
This plat has been duly acknowledged, certified, and approved and may lawfully be recorded in Cache County, Utah.

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

Cache County Recorder



Vicinity Map - No Scale



N 89°43'20" W
Basis of Bearings

Cache County Brass Cap Set 4-22-81 Southwest Corner of Section 10, T13N, R1E, SLB&M

16.50', Subject to Right-of-Way, Book 1947, Pg 1359, Entry #1170283

N 89°43'20" W
North Street (A Private Road)

N 89°43'20" W

N 89°43'20" W

N 89°43'20" W

NORTH



Scale: 1" = 100'
0 100 200
Scale in Feet

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 affected 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 exterior road, 7800 North, 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.

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

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

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: _____



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

STAFF REPORT: APPLEWOOD HOLLOW RU5 REZONE

6 December 2018

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

Agent: Andrew Daines

Parcel ID#: 03-066-0017

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

4642 Hollow Road
Nibley

Acres: 12.5

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 5 (RU5)

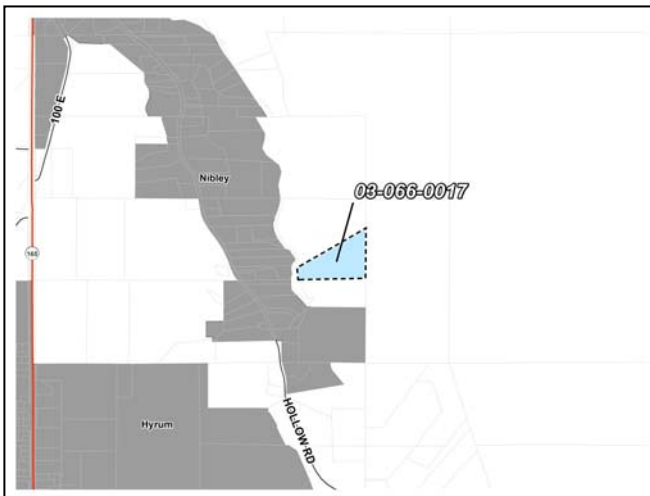
Surrounding Uses:

North – Agricultural/ Residential

South – Agricultural/ Residential

East – Agricultural/Forest Recreation

West – Blacksmith Fork River/Nibley City



FINDINGS OF FACT (19)

A. Request description

1. This rezone request was originally scheduled for the September 2018 Planning Commission meeting, but was continued for up to 90 days for the applicant to work with Nibley City and address the City's concerns regarding the request. The 90 day continuance is now ending and the request must be brought back to the Commission for action.
2. On November 19th, the applicant submitted supplemental materials for the Commission's review (Attachment A). The letter and attached materials are in response to the Nibley City Mayor's letter dated July 10, 2018 (Attachment B), which was included as part of the 6 September 2018 Planning Commission staff report.
3. The request is to rezone a 12.50 acre lot from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. The applicant had previously applied for a rezone to the Rural 2 (RU2) Zone for the

same property, but withdrew the application prior to the July 2018 Planning Commission meeting.

4. This rezone may allow the parcel to be legally divided into a maximum of two (2) separate lots as part of a subdivision process.

5. 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 C & D) and in the following text:

a. Land Use Context:

i. Parcel status: A building permit was issued in August 1977 for a single-family residence on 10.0 acres. In January 1992, a boundary line adjustment was done between parcel 03-066-0017 and 03-066-0025 with a recorded deed. At that time, the subject parcel increased from 10.0 acres to 12.5 acres, and as no additional parcels were created, the subject property is considered a legal parcel.

ii. Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (34 parcels) with a dwelling is 7.2 acres; the average size of parcels (76 parcels) without a dwelling is 11.8 acres. Portions of Nibley City and Hyrum City also lie within one mile of the proposed rezone. Within the City areas inside the one-mile buffer, the average size of a city parcel (389 parcels) with a house is 0.7 acres; the average size of city parcels (69 parcels) without a house is 3.4 acres (Attachment A).

The proposed RU5 zone allows a maximum density of 1 lot for every 5 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 12.50 acres of property, the subject parcel cannot be divided into any additional lots under the current A10 Zone; a rezone to RU5 would allow one additional buildable lot in addition to the existing lot.

iii. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU5 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU5 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU5 Zone:

- Agricultural Manufacturing
- Recreational Facility
- Cemetery
- Private Airport
- Concentrated Animal Feed Operation
- Livestock Auction Facility
- Topsoil Extraction

iv. Adjacent uses: The properties adjacent to the subject property are primarily used for agricultural and single family dwellings.

v. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The western boundary of the proposed rezone borders Nibley City.

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

cities. Properties to the east are primarily located in the Forest Recreation (FR40) Zone.

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

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

6. 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.
7. 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.”
8. 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

9. A basic review of the access to the existing subdivision identifies the following:
 - a. The existing lot does not have frontage on a county road and the property is accessed from a private road that connects to Hollow Road, a Nibley City road at this location.
10. Hollow Road:
 - a. Is a Nibley City road.
 - b. At the time of the previous rezone request, the Mayor of Nibley City, Shaun Dustin, provided staff with a letter dated July 10, 2018, detailing the City’s concerns about the possible rezone to RU2 (Attachment A). With the submittal of the new rezone request, Nibley City acknowledged that a lower density (i.e., RU5 instead of RU2) mitigates some impacts, but reiterated that their concerns in the July 10, 2018 letter remain, as follows:
 - i. The parcel is currently accessed only by private roads, which already have more than the legal number of houses being accessed from them,
 - ii. There are unanswered questions about legal access to the parcel,
 - iii. There are significant challenges related to providing utilities to the site, and
 - iv. There is a risk of septic tanks contaminating Nibley’s Source Water Protection Zone.
 - c. If the rezone is approved, any future application for a subdivision that proposes access off this portion of Hollow Road must provide express written approval from Nibley City allowing development to access Hollow Road.
11. Private Access Road:
 - a. Is a private road that connects to Hollow Road in Nibley City at two points: at approximately 4900 Hollow Road to the south and 4700 Hollow Road to the north. The distance between these two points is approximately 0.75 miles and crosses the Blacksmith Fork twice over two bridges. The condition of the bridges is unknown.

- b. The private road crosses multiple private properties and is split between the jurisdiction of Nibley City and the County.
- c. An initial review of the private access road from the south entry off of Hollow Road to the subject property shows the road varies in width from 12-to-19 feet and the surface material appears to be primarily dirt with gravel in places. The northern portion of the private road from the subject property to 4700 Hollow Road including the north bridge has not been reviewed.
- d. The road provides access to multiple properties both in the county and Nibley City.
- e. The County Road Manual does not permit private roads to provide access to more than three single-family dwellings.
- f. Additionally, per the definition in the Manual, private roads are not intended to be through roads. The County does not maintain private roads
- g. Exceptions have been allowed for previous requests to allow private roads that serve more than three single-family dwellings. However, the County Road Department has discouraged the continuance of this practice, and roads serving more than 3 single-family dwellings must be on public roads.
- h. Resolution No. 2015-20 – In August 2015, the Cache County Council reviewed the impact of new development along unimproved roadways on the safety and welfare of citizens of Cache County. Further, the Council determined that given the existing budget constraints there is not funding sufficient for the existing roadways to be properly maintained. Consequently, the Council adopted Resolution No. 2015-20 limiting expansion of road services on substandard roads including no expansion of winter maintenance and no acceptance of new roadways, gravel or paved. Constructing a new public road to potentially service these developments is inconsistent with the County Resolution.

D. Service Provisions:

- 12. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road does not meet fire code. The access road must be improved to Fire Department standards during the subdivision process if the rezone is approved. Water supply for fire suppression is provided by the Hyrum City Fire Department.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental does not provide service on the private road. Containers must be placed on Hollow Road for Wednesday collection.
- 14. §16.04.080 [D] School Bus Service – School bus service is located at a stop at 4700 S. Hollow Road, Nibley.

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

- 15. Public notice was posted online to the Utah Public Notice Website on 22 August 2018 and 19 November 2018.
- 16. Notice was published in the Herald Journal on 26 August 2018 and 24 November 2018.
- 17. Notices were posted in three public places on 22 August 2018 and 19 November 2018.
- 18. Notices were mailed to all property owners within 300 feet and cities within 1-mile on 23 August 2018. As a continued item, no new notices were mailed to property owners for the 6 December 2018 meeting. Nibley City was notified by email on 21 November 2018.
- 19. At this time, no additional written public comment regarding this proposal has been received by the Development Services Office.

CONCLUSIONS (3)

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

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

received
11/19/18

Andrew Daines

505 Blvd
Logan, UT 84321

19th November, 2018

Cache County Development Services

Attn: Angie Zetterquist
199 North Main
Logan, UT 84321

RE: Applewood Hollow RU5 Rezone, Parcel ID#: 03-066-0017

Dear Development Services Department,

This letter is in response to the Nibley City Mayor's letter dated July 10, 2018 regarding our application for rezone request for the above referenced parcel, and to provide development services staff the necessary documentation to move forward with the December 2018 planning and zoning commission process. The following points address the Mayor's concerns.

1. The parcel in question is accessed by private roads, but currently has only one house being accessed by said road.
2. Legal access has been established since purchase of the property in 1995.
3. All utilities for the parcel are currently available onsite. At no point have the applicants requested utility services from Nibley City.
4. The proposed parcel is in one of the least restrictive source water protection zones for septic permit approval.

Regarding item number 1 above. The parcel will be accessed via the existing private road as seen on the Blacksmith Fork Heights Subdivision, Phase 1 Final Plat (see attached Enclosure #1). Access by any lots in this phase 1 subdivision are allowed per the recorded plat under note number 9 and states, "Access, utilities and addressing for Lots 1 & 2 will come from Hollow Road". Additionally, phase 2 of this subdivision across the Blacksmith Fork River has not been proved up for development of additional lots, thus leaving only one house being accessed from this private road. The current applicant owns both parcels that will provide access to the proposed rezone.

Regarding Item number 2 legal access has been established since the original purchase of the property in 1995 which included a 60 foot right-of-way. Legal access was reaffirmed in 2013 via recorded QUIT-CLAIM DEEDS (see attached Enclosure #2) with the Cache County Recorder

establishing the permanent location of that right-of-way. Included in these QUIT-CLAIM DEEDS was a change from a 60 foot right-of-way to a 65 foot right-of-way at 4870 South Street, which was to assist in the phase 1 Blacksmith Fork Heights Subdivision development. Per the recorded plat, Phase 1 lots do not access the private road as discussed above. The applicant reaffirms that the deeded right-of-way has been in existence since the 1995 purchase.

Item number 3 as pertains to utilities. Again, at no point have the applicants requested utility services be provided by Nibley City since the parcel in question is located in Cache County. Additionally, natural gas, water, and electricity are already available on the property. Currently there are existing easements and supply lines in place for each utility access to the proposed rezone properties. An electrical transformer to supply power to the proposed additional home has been present for several years. As regards the water well right, see attached order from the State Engineer for permanent change application from 2017 (Enclosure #3).

For item number 4, please see the attached letter from the Bear River Health Department (Enclosure #4), which has administrative jurisdiction over septic systems. Regarding public drinking water source protection zones as pertains to the parcel in question, the letter is clear on allowing septic systems within DWSPZ zones three and four. Attached is a map printed from the Utah DEQ Interactive system identifying that the parcel in question lies within zone four, the least restrictive zone (Enclosure #5). Finally, the proposed parcel for septic tank placement is well over 300 feet from the Nibley City border, and lies well beyond 100 feet East of the Blacksmith Fork River.

Finally, the applicants have never made any request for annexation into Nibley City, and do not plan on doing so. The applicants are engaged in the ongoing agricultural use of this property and has been so engaged for some 30 years. While the property borders on the boundary of Nibley City, no additional subdividing is planned beyond the RU5 rezone. With the applicants' increasing age they desire that one of their son's establish a home adjacent to the existing family home for the purposes of continuing that agricultural use. This home is for the express purpose of keeping the agricultural use ongoing. It is not for the purpose of beginning a Nibley City subdivision or additional County subdivision. The County should be supportive of families which wish to continue their agricultural uses.

The applicants and their representative appreciate the opportunity to present this information for your ongoing consideration of this rezone request. We also appreciate the planning and zoning board members for extending the 90 day extension.

With all four of these issues addressed, the applicant requests to be added to the next available County Planning and Zoning meeting to continue the process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Daines", written over a horizontal line.

Andrew Daines

Enclosure #1 "Blacksmith Fork Heights Subdivision Plat" (2 pages)

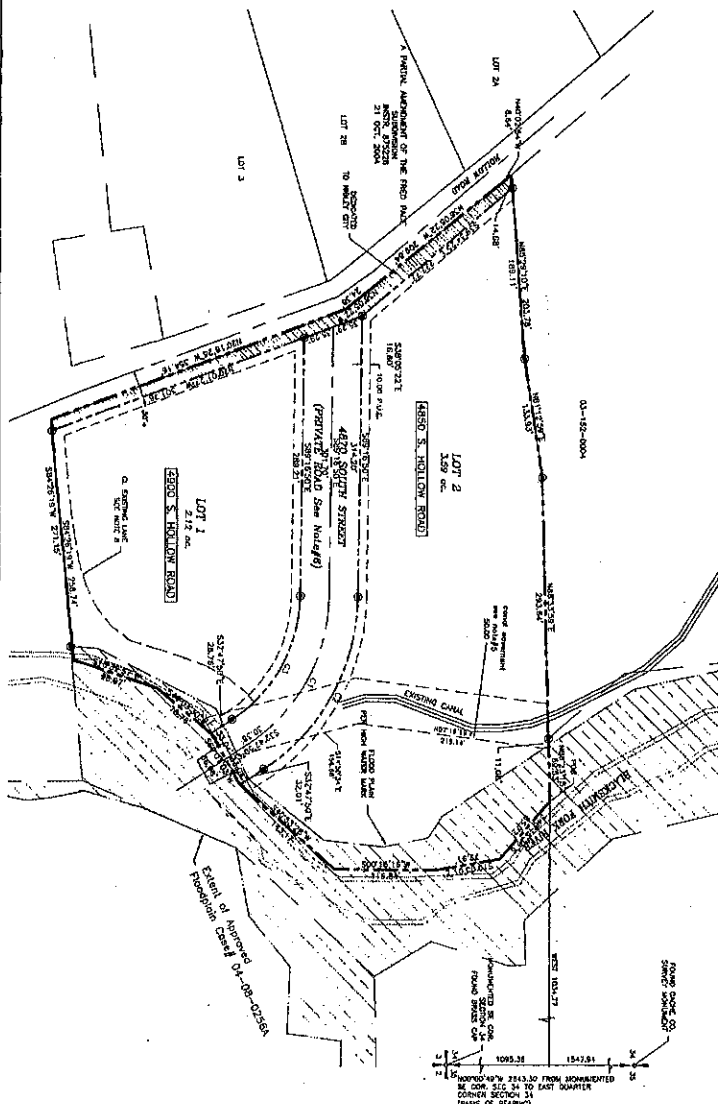
Enclosure #2 "Recorded QUIT-CLAIM DEEDS" (6 pages)

Enclosure #3 "Order from the State Engineer" (3 pages)

Enclosure #4 "Bear River Health Department" (1 page)

Enclosure #5 "Utah DEQ Interactive Map" (2 pages)

**BLACKSMITH FORK HEIGHTS
SUBDIVISION, PHASE 1
FINAL PLAT**
PART OF THE SE1 OF SECTION 34,
TOWNSHIP 11 NORTH, RANGE 1 EAST,
SALT LAKE BASELINE & MERIDIAN



CURVE TABLE

LINE	LENGTH	START ANG	SECT BERING	ENDNG LENGTH	ENDNG ANG
1	276.70	270.00	1.0000	270.00	270.00
2	116.43	187.20	0.2620	187.20	187.20

LEGEND

SURVEY BOUNDARY
 LOT LINE
 EASEMENT
 RIGHT OF WAY
 EMINENT DOMAIN AND EASEMENT
 PROPOSED TO BE ADDED CITY
 100 FT FLOOD PLAIN

- NOTES**
1. Existing easements are as shown.
 2. Lot area is 2.00 acre, more or less.
 3. The proposed subdivision is shown in the plat. The plat is to be recorded in the Salt Lake County Recorder's Office.
 4. The plat is subject to the Salt Lake County Recorder's Office's jurisdiction.
 5. The plat is subject to the Salt Lake County Recorder's Office's jurisdiction.
 6. The plat is subject to the Salt Lake County Recorder's Office's jurisdiction.
 7. The plat is subject to the Salt Lake County Recorder's Office's jurisdiction.
 8. The plat is subject to the Salt Lake County Recorder's Office's jurisdiction.
 9. The plat is subject to the Salt Lake County Recorder's Office's jurisdiction.
 10. The plat is subject to the Salt Lake County Recorder's Office's jurisdiction.

COUNTY RECORDER
SALT LAKE COUNTY
RECORDED
2012-2449

PLANNING COMMISSION APPROVAL AND ACCEPTANCE
APPROVED BY THE PLANNING COMMISSION ON [Date] AT [Time] FOR THE REASON THAT THE PLAT COMPLETES THE SUBDIVISION AND IS IN ACCORDANCE WITH THE SUBDIVISION ACT.

CITY ENGINEER CERTIFICATE
I, the undersigned, City Engineer of Salt Lake County, Utah, do hereby certify that the above and foregoing plat is a correct and true copy of the original as shown to me by the applicant and that the same complies with all the provisions of the Subdivision Act.

OWNERS DECLARATION
I, the undersigned, being the owner of the land shown in the above and foregoing plat, do hereby declare that the same is a correct and true copy of the original as shown to me by the applicant and that the same complies with all the provisions of the Subdivision Act.

UTILITY EASEMENT DEDICATION
I, the undersigned, being the owner of the land shown in the above and foregoing plat, do hereby dedicate to the public the utility easements shown in the plat for the use and benefit of the public.

INDIVIDUAL ACKNOWLEDGMENT
I, the undersigned, do hereby acknowledge that I am the owner of the land shown in the above and foregoing plat and that I have executed this plat voluntarily and without any duress, coercion, or fraud.

ALLIANCE CONSULTING ENGINEERS

120 EAST 200 SOUTH, SUITE 9
SALT LAKE CITY, UTAH 84101
(801) 524-3100

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed Surveyor in the State of Utah, do hereby certify that the above and foregoing plat is a correct and true copy of the original as shown to me by the applicant and that the same complies with all the provisions of the Subdivision Act.

BOUNDARY DESCRIPTION

Part of the East 1/4 of Section 34, Township 11 North, Range 1 East, Salt Lake Base and Meridian. The boundary is described as follows: [Detailed boundary description text]

2012-2449

Side yard:

- All lots = 15 feet from adjacent lot
- Corner lots = 25 feet side on street
- Rear yard = 30 feet
- Slope setback = 15 feet from the toe of the hill per IBC 1805.3.1. Field verified.

2. Lot easements unless otherwise noted are as follows:

- Front yard = 10 feet
- Side yard:
 - All lots = 5 feet for interior lots
 - Corner lot = 20 feet from street
- Rear yard = 10 feet

3. This property is located in the vicinity of property that is used for agricultural purposes. It may be anticipated that such agricultural uses and activities may or may not in the future be conducted in this area and that such uses are previously existing uses. Agricultural uses and situations must be sound agricultural practices and not bear a direct threat to public health and safety.

4. Areas in Nibley City have groundwater problems due to the varying depths of a fluctuating water table. The City's approval of a building permit or construction plans does not constitute a representation by the City that building at any specified elevation or location will solve subsurface or groundwater problems. In addition, concerns for building elevations and/or grading and drainage are unique to each building lot site. Responsibility for these stated concerns, and all other such concerns related to a lot or other building site, remains solely with the building permit applicant, property owner and/or contractor. Nibley City is not responsible for other such concerns, including, but not limited to, building location and/or elevation, site grading and drainage.

5. This easement is for the operation and maintenance of the canal.

6. The ownership, control and uses of the private road right of way is for JH & HF LLC, all lot owners in this subdivision and others with existing access rights. The City of Nibley and all utility companies have the right to use the road for ingress, egress, installation and maintenance purposes.

7. Finished building elevation for Lots 1 and 2 must be above 100-yr floodplain.

8. Lot 1 is subject to a temporary right-of-way recorded in in Book 470 Page 584 recorded in the Cache County Courthouse. Said right of way to extinguish upon development of adjoining property and dedication of a permanent sixty-six foot right of way.

9. Access, utilities and addressing for Lots 1 & 2 will come from Hollow Road.

10. ROW (Road) Development - upon use of ROW for a road and utilities-full construction plans must be submitted, reviewed, and approved by the City prior to construction and use.

BOUNDARY DESCRIPTION

Part of the Southeast Quarter, Range 1 East of the Salt Lake follows:

Commencing at the monument 34, Township 11 North, Range 1 East of the thence N 00°00'49" W 1093.56 Southeast Quarter of said Sect to the POINT OF BEGINNING and

- thence S48°15'30"E 85.72 feet
- thence S10°03'01"E 72.91 feet
- thence S00°16'16"W 116.84 feet
- thence S40°53'28"W 143.17 feet
- thence S60°01'03"W 66.05 feet
- thence S40°03'30"W 78.78 feet
- thence S18°32'57"W 98.97 feet
- thence S84°26'19"W 271.15 feet
- thence N20°18'26"W 354.16 feet
- thence N38°05'22"W 24.38 feet
- thence continue northwesterly 209.84 feet;

thence N40°02'54"W 6.64 feet; thence along the north line of recorded June 8, 1990 under courses:

- 1) thence N85°29'10"E 203.78 Record);
- 2) thence N81°12'59"E 133.93 Record);
- 3) thence N88°33'59"E 293.64 Record);
- thence N88°23'15"E 69.53 feet containing 6.67 acres, more or less

SURVEYOR'S NOTES

- 1. The purpose of this survey is Lot 5 of the Fred Pace Subdivision Blacksmith Fork Heights Subdivision
- 2. The basis of bearing is monumented Southeast Corner Section 34, Township 11 North Baseline and Meridian.
- 3. The survey was requested by Frank.
- 4. The north line as established Fred Pace Subdivision using and record distances.

UTILITY EASEMENT DEDICATION

MARGARET F. PACE OWNER OF THE PROPERTY SET FORTH AND DESCRIBED IN THIS PLAT, HEREBY OFFERS AND CONVEYS TO ALL PUBLIC UTILITY AGENCIES, THEIR SUCCESSORS AND PERMANENT EASEMENT AND RIGHT-OF-WAY OVER, ...



ALLIAN

150 EAST LOG

(4)

ACCOMMODATION

Cache Title Company, Inc. 00047982

MAIL TAX NOTICE TO
4642 Hollow Rd
Nibley, UT 84321

Ent 1081996 Bk 1756 Pg 2
Date: 22-Feb-2013 02:37 PM Fee \$12.00
Cache County, UT
Michael Gleed, Rec. - Filed By JR
For CACHE TITLE COMPANY

QUIT-CLAIM DEED

FRED G. PACE

Grantors
of Logan, County of CACHE, State of Utah, hereby QUIT-CLAIM to

ELAINE S. DAINES AND JONATHAN H. DAINES, TRUSTEES OF THE ELAINE S. DAINES
REVOCABLE TRUST, dated 21st day of November 1996


Grantees of 4870 South St (Private Road), Nibley, UT 84321
for the sum of TEN DOLLARS and other good and valuable consideration the following tract of land in CACHE
County, State of UTAH:

A Right-of-Way for ingress and egress over 4870 South Street, a Private Road and Bridge access, AS
SHOWN BY THE OFFICIAL PLAT OF, Blacksmith Fork Heights Subdivision Phase 1, filed November
19, 2012, as Filing No. 1075902 in the office of the Recorder of CACHE County, Utah.

Tax Parcel No. 03-152-0009

WITNESS, the hand of said grantors, this 20th day of February, 20 13.

ACCOMMODATION RECORDING ONLY
Cache Title Company assumes no
liability or responsibility in
connection with this document.



Fred G. Pace

STATE OF UTAH

)ss.

COUNTY OF CACHE

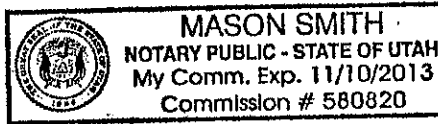
On this 20th day of February, 20 13, personally appeared before me Fred G. Pace, the above named person(s) and the signers of the within instrument, who duly acknowledged to me that they executed the same.

[Handwritten Signature]

NOTARY PUBLIC

My Commission Expires: 11/10/13

My residence is: Levan, UT



Ent 1081996 Bk 1756 Pg 3

ACCOMMODATION

Cache Title Company, Inc. 00047982

MAIL TAX NOTICE TO

Nibley, UT 84321

Ent 1081997 Bk 1756 Pg 4
Date: 22-Feb-2013 02:37 PM Fee \$12.00
Cache County, UT
Michael Gleed, Rec. - Filed By JA
For CACHE TITLE COMPANY

QUIT-CLAIM DEED

NANCY P. MURPHEY

Grantors
of Logan, County of **CACHE**, State of Utah, hereby QUIT-CLAIM to

ELAINE S. DAINES AND JONATHAN H. DAINES, TRUSTEES OF THE ELAINE S. DAINES REVOCABLE TRUST, dated 21st day of November 1996

Grantees of 4870 South St (Private Road), Nibley, UT 84321
for the sum of TEN DOLLARS and other good and valuable consideration the following tract of land in **CACHE** County, State of **UTAH**:

A Right-of-Way for ingress and egress over 4870 South Street, a Private Road and Bridge access, AS SHOWN BY THE OFFICIAL PLAT OF, Blacksmith Fork Heights Subdivision Phase 1, filed November 19, 2012, as Filing No. 1075902 in the office of the Recorder of **CACHE** County, Utah.

Tax Parcel No. 03-152-0009

WITNESS, the hand of said grantors, this 20th day of February, 20 13.



Nancy P. Murphey

ACCOMMODATION RECORDING ONLY
Cache Title Company assumes no liability or responsibility in connection with this document.

STATE OF UTAH

COUNTY OF ~~CACHE~~ DAVIS)ss.

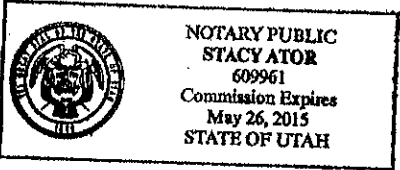
On this 20th day of February, 20 13, personally appeared before me Nancy P. Murphey, the above named person(s) and the signers of the within instrument, who duly acknowledged to me that they executed the same.

[Handwritten Signature]

NOTARY PUBLIC

My Commission Expires: May 26, 2015

My residence is: Bountiful, Utah
84010



Ent 1081997 Bk 1756 Pg 5

CACHE TITLE COMPANY, INC. NO. 00047982

Mail Tax Notice to:
4642 Hollow Road
Nibley, UT 84321

Ent 1081998 Bk 1756 Pg 6
Date: 22-Feb-2013 02:38 PM Fee \$12.00
Cache County, UT
Michael Gleed, Rec. - Filed By JA
For CACHE TITLE COMPANY

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by Fred G. Pace as Personal Representative for the Estate of Margaret F. Pace, deceased of Logan, State of Utah, as Grantor to ELAINE S. DAINES AND JONATHAN H. DAINES, OR THEIR SUCCESSORS, AS TRUSTEES OF THE ELAINE S. DAINES REVOCABLE TRUST DATED THE 21ST DAY OF NOVEMBER, 1996, as Grantees of 4642 Hollow Drive, Nibley, UT 84321.

Whereas Grantor is the qualified Personal Representative of said estate, filed as Probate No. 083100110 in the First Judicial district Court in and for CACHE County, State of Utah.

THEREFORE, for value consideration received Grantor hereby quit claims to Grantee all of the estate's interest in the following described real property located in CACHE County, State of Utah:

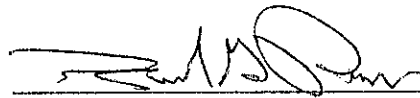
Any property lying West of the following described property and running to the East bank of the BlackSmith Fork River.

Beginning in the Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 34, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and running thence South 1°23'37" West 463.2 feet along the East line of section; thence West 841.96 feet to the East bank of Blacksmith Fork River; thence Northeasterly along river (see Book 470, Page 584) to a point South 88°32'18" West of the beginning; thence North 88°32'18" East 1040.05 feet to the beginning.

Tax Parcel No. 03-066-0033

EXECUTED this 21 day of February, 2013.

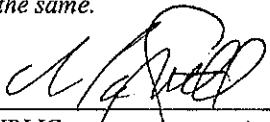
ACCOMMODATION RECORDING ONLY
Cache Title Company assumes no liability or responsibility in connection with this document.



Fred G. Pace
Personal Representative of the Estate of Margaret F. Pace

STATE OF UTAH
COUNTY OF Cache

On the 21 day of February, 2013, personally appeared before me Fred G. Pace, Personal Representative of the Estate of Margaret F. Pace, the signer of the within instrument who acknowledged to me that he executed the same.



NOTARY PUBLIC
Commission Expires: 11/10/13
Residing at: Logan UT



Ent 1081998 Bk 1756 Pg 7



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director *State Engineer/Division Director*

ORDER OF THE STATE ENGINEER
For Permanent Change Application Number 25-11411 (a42424)

Permanent Change Application Number 25-11411 (a42424) in the name of Jonathan Hill Daines II, was filed on March 17, 2017, to change the point of diversion, place of use, and uses of 1.2 acre-feet (af) of water as evidenced by Water Right Number 25-11411. Heretofore, the water has been diverted from a well located North 880 feet and West 940 feet from the SE Corner of Section 16, T10N, R1E, SLB&M (30-inch well, 25-50 feet deep). The water has been used for the sole supply of 0.4 acre irrigation (group total of 45.9713 acres) from April 1 to October 31. The water has been used in all or portion(s) of Section 16, T10N, R1E, SLB&M.

Hereafter, it is proposed to divert 1.2 acre-feet of water from points of diversion changed to: (1) Well - North 1328 feet and West 903 feet from the SE Corner of Section 34, T11N, R1E, SLB&M (existing 8-inch well, 260 feet deep); (2) Well - North 1081 feet and West 757 feet from the SE Corner of Section 34, T11N, R1E, SLB&M (6-inch well, 100-300 feet deep). The water is to be used for the irrigation of 0.25 acre from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (EDU). The place of use of the water is being changed to all or portion(s) of Section 34, T11N, R1E, SLB&M.

Notice of the application was published in The Herald Journal on April 6 and 13, 2017. No protests were received.

It is the opinion of the State Engineer that this change application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application which can be demonstrated by the completion of the project as proposed in the change application.

It is, therefore, **ORDERED** and Permanent Change Application Number 25-11411 (a42424) is hereby **APPROVED** subject to prior rights and the following condition:

To accommodate the approval of this permanent change application, the use of 1.2 acre-feet of water to be used for sole supply of 0.4 acre irrigation (group total of 45.9713 acres) from April 1 to October 31 at the historical point of diversion and place of use must cease.

The State Engineer has statutory responsibility to create and maintain water right records based on an administrative process outlined in statute. The State Engineer is not authorized by statute to adjudicate water right title or the validity of established water rights. It is noted that failure to exercise a water right within the statutory period could render all or a portion of a water right invalid through forfeiture. Parties who wish to challenge the validity of a water right are advised that a declaration of forfeiture is a judicial action and the courts are available to pursue such suits. (UCA 73-1-4).

ORDER OF THE STATE ENGINEER
Permanent Change Application Number
25-11411 (a42424)
Page 2

As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before June 30, 2022, or a request for extension of time must be acceptably filed and subsequently approved; otherwise the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses, and extent of your water right. Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this permanent change application.

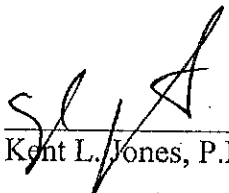
ORDER OF THE STATE ENGINEER
Permanent Change Application Number
25-11411 (a42424)
Page 3

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.

Your contact with this office, should you need it, is with the Northern Regional Office. The telephone number is 435-752-8755.


This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 20th day of June, 2017.


Boyd Clayton Fox
Kent L. Jones, P.E., State Engineer

Mailed a copy of the foregoing Order this 20th day of June, 2017 to:

Jonathan Hill Daines II
4642 Hollow Road
Nibley, UT 84321

BY: 
Sonia R. Nava, Applications/Records Secretary



Executive Director - Lloyd C. Berntzen, M.P.A.
Deputy Director - Todd Barnett

Environmental Health Division
Division Director - Grant Kolord, M.S., L.E.H.S.
www.brhd.org

September 6, 2018

Cache County Planning and Zoning
179 N Main
Logan, UT 84321

To whom it may concern:

RE: Septic systems in public drinking water source protection zones (PDWSPZ)

An issue has come up regarding the proposal to install a septic system in a PDWSPZ. A new home is proposed to be built on parcel number 03-066-0017, Cache County, which will require a septic system to be located in Nibley City's PDWSPZ three and four. Nibley City is concerned of the potential contamination from the proposed septic system.

Septic systems are administered under R317-4, Utah Administrative Code, by the Department of Environmental Quality as authorized by Title 19 Chapter 5, Utah Code. Bear River Health Department has jurisdiction to administer R317-4. Per R317-4-13 Table 2 note (c), The minimum setback distance of a septic system to a PDWSPZ shall be consistent with Rule R309-600. R309-600-6 (v) defines a septic system as a "Pollution Source." A "Pollution Source" may not be located within zone two per R309-600-13 (b) (ii). R309-600 does not disallow the location of a septic system within DWSPZ three and four.

Because pollution sources such as septic systems may be located within PDWSPZ Three and Four, local city/county government agencies are ultimately responsible for protecting their PDWSPZ. Bear River Health Department may issue a septic permit in a PDWSPZ three or four if the local governing agency has not established ordinances that would restrict such action.

Sincerely,

 A handwritten signature in black ink, appearing to read "Richard Worley", is written over a large, stylized signature graphic.

Richard Worley
Division of Environmental Health

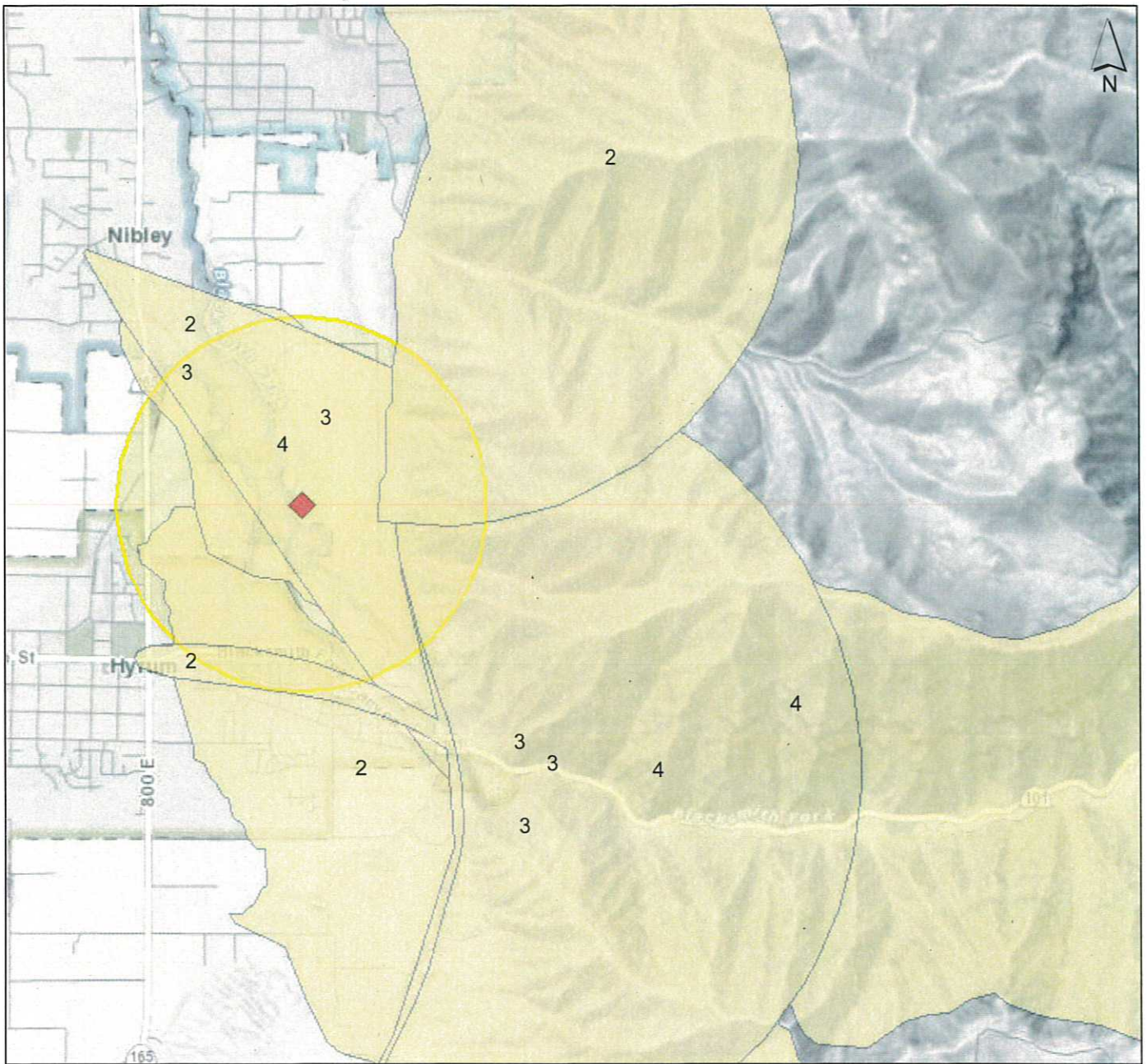
John C. Bailey Building: 655 East 1300 North • Logan, UT 84341 • Phone: (435) 792-6900

Environmental Health Services Building: 85 East 1800 North • Logan, UT 84341 • Phone: (435) 792-0500 • Fax: (435) 752-1570

Brigham City: 882 South 800 West • Brigham City, UT 84302 • Phone: (435) 695-2070 • Fax: (435) 723-6747

Randolph: 275 North Main • Randolph, UT 84064 • Phone: (435) 783-2445 • Fax: (435) 793-2444

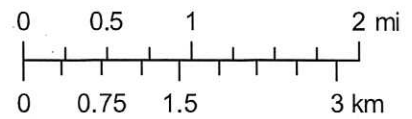
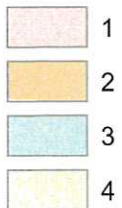
Printed from the Utah DEQ Interactive Map



9/6/2018

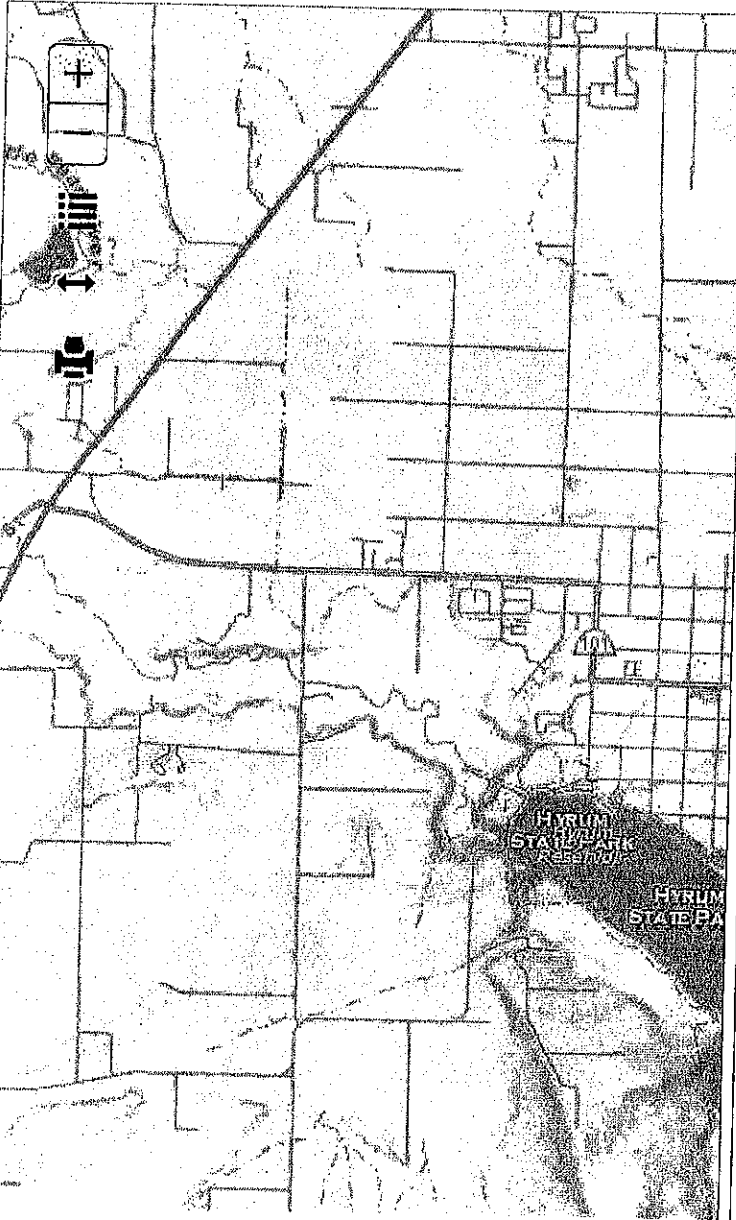
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Ground Water Protection Zones



Training Videos (http://168.178.6.56/TabsPage.aspx?All_PageConfigID=49066&DivName=All) | Disclaimer
 (http://168.178.6.56/TabsPage.aspx?All_PageConfigID=49066&DivName=All) | Version: 1.4.0

Utah Environmental Interactive Map



Select Query Layers

Define Search Criteria

Street Address ▼

Address

4642 Hollow Road

Zip or City

Nibley

1

Search

Clear Search

Hide Grid

Download Search Results (27)

select format ▼

Process Download

Id	Name	Type	Address	City
<input type="checkbox"/>	Ground Water Protection Zones (hover over icon for leg			

Mayor
Shaun Dustin



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

July 10, 2018

Cache County Planning Commission
Via Email

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

Dear Cache County Council and Planning Commission,

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

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

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

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

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

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

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

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

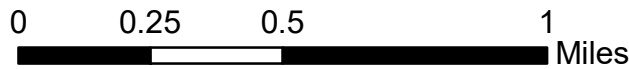
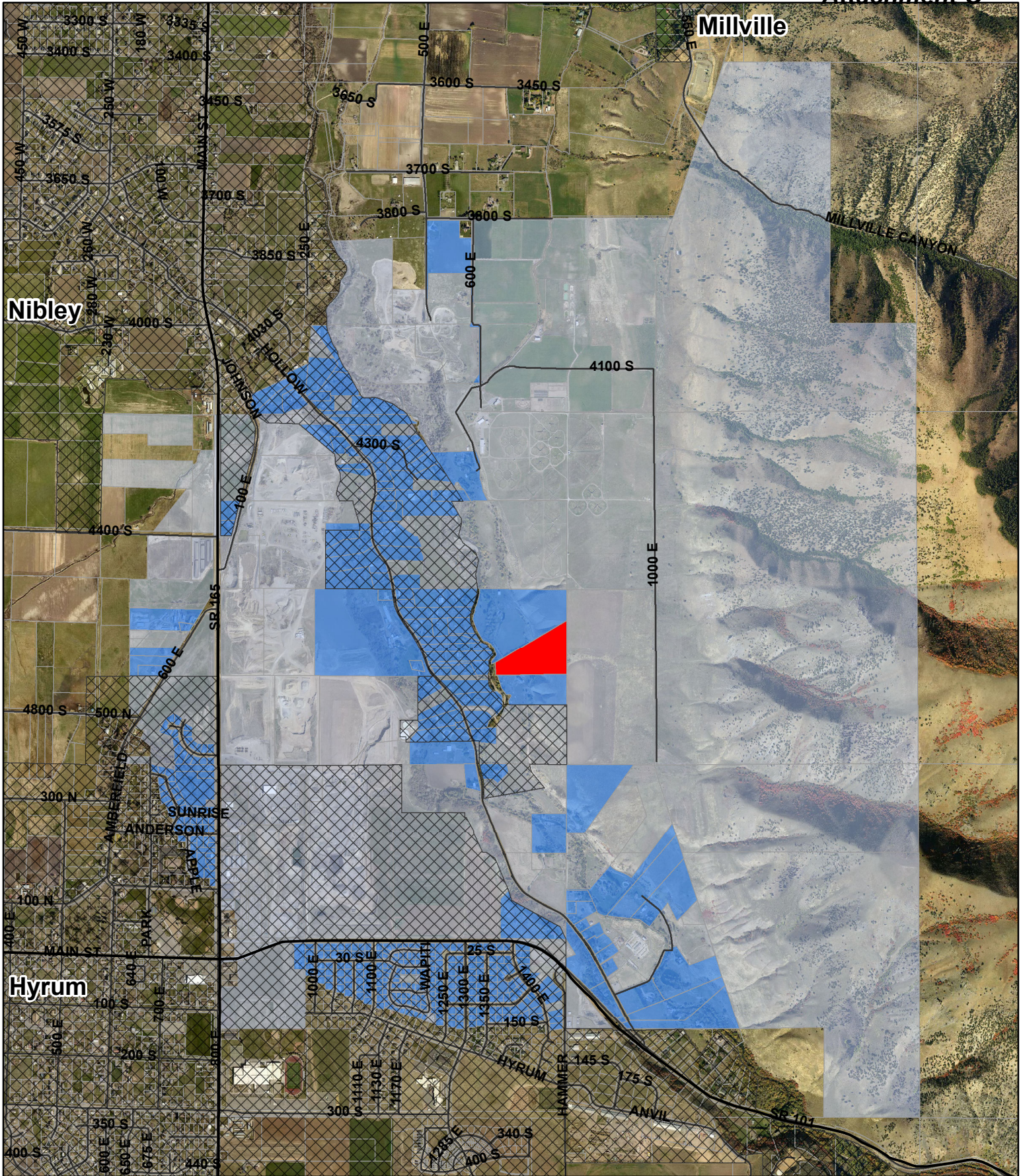
In addition, if sewer lines were not extended to the property and septic tanks were considered as an option, Nibley City would have grave concerns with the installation of septic tanks in this area. This parcel is located in the City's Source Water Protection Zone for one of Nibley's culinary water wells.

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

Sincerely,



Shaun Dustin
Mayor



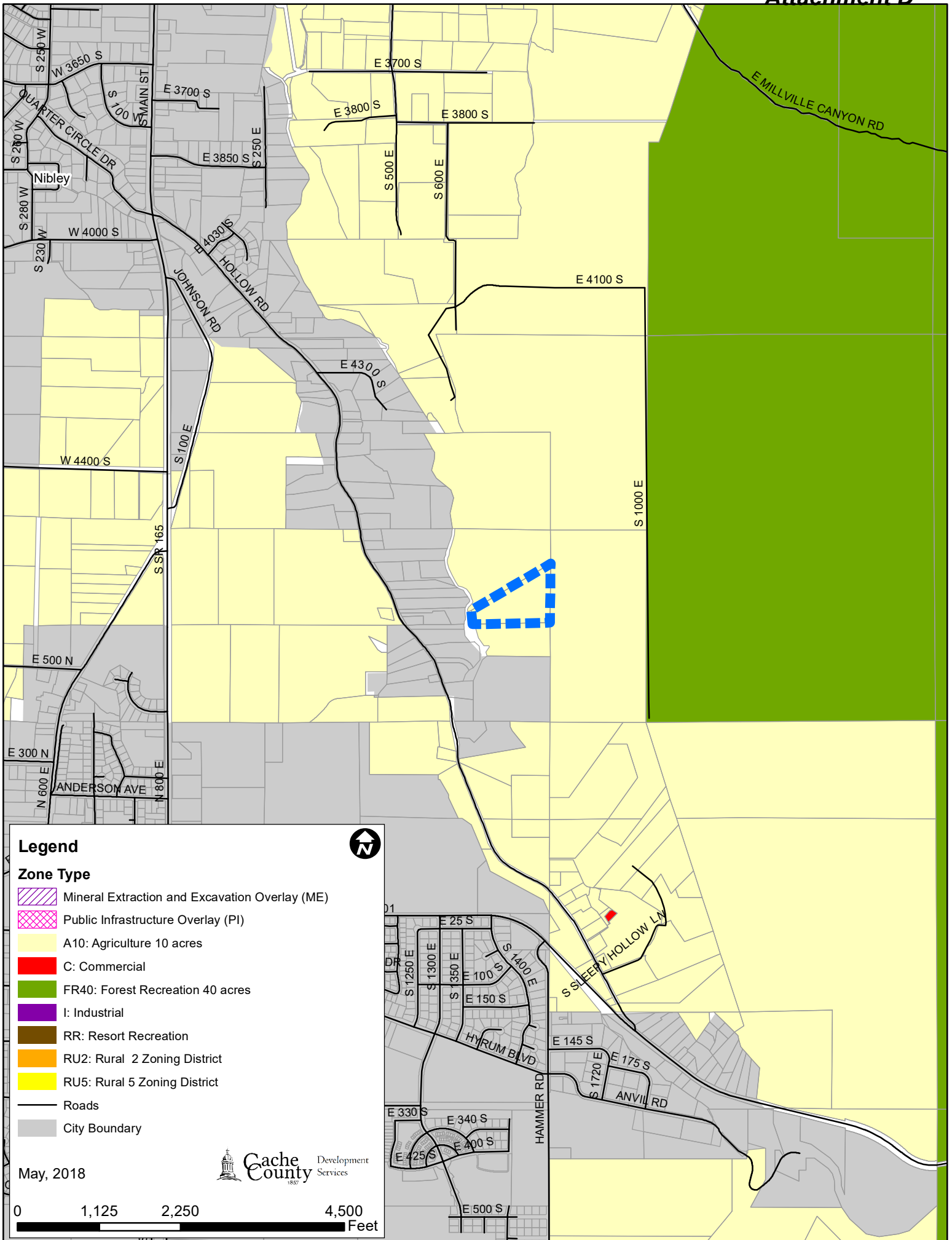
Legend

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

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














June 2018



Legend

Zone Type

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



May, 2018



0 1,125 2,250 4,500 Feet

STAFF REPORT: RED SHED FARMS RECREATIONAL CENTER CUP

6 December 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: Domani P. Jardine

Parcel ID#: 08-089-0007

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

PROJECT LOCATION

Reviewed by Angie Zetterquist

Project Address:

6038 North 1200 West
Smithfield

Current Zoning:

Agricultural (A10)

Acres: 5.32

Surrounding Uses:

North – Agricultural

South – Agricultural/Residential

East – Agricultural

West – Agricultural



FINDINGS OF FACT (28)

A. Request description

1. The Red Shed Farms Recreational Center Conditional Use Permit (CUP) is a request to operate a recreational facility, Use Type 4100, on a 5.32 acre property located in the Agricultural (A10) Zone.
2. Per the Letter of Intent (Attachment A), the applicant is proposing to operate a recreational center at the site for gatherings and events including, but not limited to, agritourism and garden educational activities, executive training, weddings, life celebrations, receptions, birthdays, corporate events, and a variety of outdoor activities. **See condition #1**
 - a. Construction
 - i. The applicant has provided a site plan that shows a general layout of the recreational facility (Attachment B).

- ii. There are existing structures and facilities on-site to accommodate the use; no new construction is proposed at this time.
- iii. The primary structure for the recreational facility is a 5,184-square-foot shed/storage built in 2013 (Permit #3114). The applicant states in the Letter of Intent that the structure includes a large gathering room, utility room with garage door access, food catering and preparation areas including a serving bar, two large ADA restrooms, an office, storage areas, and has utilities connected. The existing building permit does not reflect the listed improvements and the applicant must confirm with County Building officials that the structure meets code requirements for the proposed use. *See condition #2*

b. Operation

- i. In the letter of intent, the applicant states there will be multiple outdoor activities including: community gardens, bocce ball court, horse shoe pit, volley ball court, golf putting greens, clay pigeon shooting, and other outdoor type games. Indoor activities held in the 5,184-square-foot shed include basketball, pickle ball, table tennis, and the like in addition to acting as an event center for gatherings such as weddings, life celebrations, receptions, birthdays, corporate events, and educational activities.
- ii. The applicant states the recreational facility would be available daily from 7:00am to 11:00pm. Activities at the recreational facility are anticipated to occur year round as the shed structure does have utilities connected.
- iii. Food preparation is not permitted on site. Any food or refreshments would be prepared offsite or provided by a catering service.
- iv. The applicant has designated parking areas primarily on the south portion of the property to the east of the shed structure. Accessible ADA parking stalls are located on the west side of the shed structure and future parking areas are identified on the site plan. Future parking areas area also identified. *See condition #3*
- v. The applicant currently has no employees and expects to have part-time workers for limited times during the year.
- vi. Equipment necessary for the operation of the facility will be stored onsite, but must be screened from view of the road and cannot be stored in designated parking areas. *See condition #4*
- vii. Any proposed signage will require review and approval of a zoning clearance. *See condition #5*

B. Parcel Legality

- 3. The subject property has not changed size or configuration since August 8, 2006 and is a legal parcel. Building permits were issued in 2013 for the construction of a single-family residence and a detached shed/storage accessory structure. Another 720-square-foot storage shed was built in 2017.

C. Conditional Uses *See conclusion #1*

- 4. §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*

5. 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.
6. §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*
7. The parcel that is the subject of the conditional use permit request is a legal parcel zoned Agricultural (A10).
8. §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.
9. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) 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*

10. 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.
11. The primary activity of the proposed recreational facility is an indoor event center located within the shed structure with a wide variety of other outdoor activities proposed on the 5.32 acre property. No food preparation is allowed onsite; any events providing food or refreshments must prepare food off-site or use a catering service.
12. Of the proposed outdoor activities, clay pigeon shooting may pose a risk to the health, safety, and welfare to persons in the vicinity and may unreasonably interfere with the lawful use of surrounding property. Per the site plan, the clay pigeon area is generally located in the center of the property with the shooting area directed north and east away from the road, adjacent to parking and garden areas. The shooting area is located approximately 150 feet to the nearest property line directly north of the shooting area and approximately 375 feet to the furthest point along the eastern property line. Properties to the north and east of the shooting range appear to be strictly used for agricultural purposes with no residential structures present. However, the surrounding properties allow development of single-family residences under the current zoning. The closest residential structure north and east of the probable shooting area is located about 1/3 mile to the north on the north side of 6200 North. To mitigate potential impacts, the applicant must submit a detailed plan for the clay pigeon activity that addresses types of shotguns used, probable shotgun ranges, identifies shooting area and restricted areas, mitigation measures, and best practices to communicate with adjacent property owners to

reduce impacts when this activity is conducted. If residential development is constructed on an adjacent property, the plan must be reviewed to ensure the clay pigeon shooting does not unreasonably interfere with the residential use. *See condition #6*

F. Adequate service provision *See conclusion #1*

13. 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.

14. Access: The subject property has frontage along 1200 West, 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.

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

- a. The proposed recreational facility gains will gain access from the county road 1200 West.
- b. The property currently has 3 access points off of 1200 West; one primary access to the house and shed structure located on the south end of the property and two farm accesses.
- c. 1200 West:
 - i. Is an existing county facility that provides access to the general public.

- ii. Currently provides access to multiple residential and agricultural parcels.
- iii. Is a 20-foot wide paved road with 8-foot gravel shoulders.
- iv. Has an unknown depth and type of material of the sub-base, base, and paved surface.
- v. Is maintained year round. *See condition #7*

16. 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. The Parking Analysis must conform to §17.07.040 General Definitions and §17.22 Off Street Parking Standards and include evidence of licensure from the State of Utah for the licensed professional who prepares the document. *See condition #8*

17. Solid Waste Disposal – Logan City Environmental currently provides collection services on Fridays along 1200 West. If needed, additional carts are available at this location. Sufficient shoulder space must be provided along the side of the road for all refuse and recycle containers. Containers must be placed 3 to 4 feet apart and located far enough off the road as to not interfere with passing traffic.

18. 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. Water supply for fire suppression would be provided by the Smithfield City Fire Department.

19. Water Requirements – Recreational facilities do not require confirmation of domestic culinary water rights.

20. Septic – The applicant states in the Letter of Intent that the Bear River Health Department reviewed the existing septic system for the shed structure and concluded it was adequate to handle the proposed use. Applicant must provide written confirmation of Bear River Health Department review. *See condition #9*

G. Impacts and mitigation *See conclusion #1*

21. 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.”

22. 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.

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

- a. **Parking:** The recreational facility may draw a large number of vehicles to the site during events. The parking area should be clearly marked to allow for clear drive aisles, turn around areas, and ensure that vehicles do not block emergency access to the site. *See condition #6*
- b. **Safety:** The nature of the clay pigeon outdoor activity may result in negative impacts to adjacent properties if the shotgun range exceeds the property line boundaries of the recreational facility. A detailed plan that identifies types of shotguns to be used, probable

ranges, and mitigation measures will assist in ensuring there are no safety issues and/or unreasonable impacts of the proposed activity on adjacent properties. *See condition #6*

- c. Noise: The proposed use may result in negative noise impacts on the surrounding properties, especially during outdoor activities including clay pigeon shooting. This detrimental effect must be substantially mitigated by the applicant so as to limit the impact on surrounding properties. *See condition #10*

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

24. Public notice was posted online to the Utah Public Notice Website on 19 November 2018.
25. Notice was published in the Herald Journal on 24 November 2018.
26. Notices were posted in three public places on 19 November 2018.
27. Notices were mailed to all property owners within 300 feet of the subject property on 20 November 2018.
28. 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-2*
2. Prior to recordation, any structures to be used as part of this permit must meet all zoning and building code requirements for a recreational facility. Written confirmation from the County Building Division must be provided to the Planning and Zoning Division to confirm code compliance. *See A-2-a-iii*
3. Prior to recordation, the applicant must, based on the results of the Parking Analysis, submit a site plan that shows the parking area provides the required number of parking spaces and is clearly marked allowing for clear drive aisles, turn-around areas, and ensures that vehicles will not block emergency access to the site. *See A-2-b-iv, G-28*
4. The equipment stored on-site to maintain the recreational facility must not be stored in the required parking area and must be screened from the roadway. *See A-2-b-vi*
5. Any proposed signage must apply for and obtain approval of a Zoning Clearance and building permit, if necessary, prior to installation. *See A-2-b-vii*
6. Prior to recordation, the applicant must submit a detailed plan for the clay pigeon activity that addresses types of shotguns used, probable shotgun ranges, identifies shooting area and restricted areas, mitigation measures, and best practices that consider the health, safety, and welfare of persons in the vicinity. *See E-12, G-23-b*
7. Prior to recordation, the applicant must obtain approval of a design exception from the County Council regarding the surface material type and structural fill of 1200 West. *See F-15-c*
8. Prior to recordation, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Office for the review and approval of the Director to determine the number of parking spaces needed for the facility. Evidence of professional licensure in the State of Utah must also be provided by the person preparing the analysis. *See F-16-a, G-23-a*
9. Prior to recordation, the applicant must provide evidence of Bear River Health Department review and approval that the existing septic system for the shed structure is adequate for the recreational facility. *See F-20*

10. The applicant must mitigate the detrimental effect of noise impacts when operating the facility so as to limit the impact on surrounding properties. *See G-23-c*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Red Shed Farms Recreation Center CUP 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

Red Shed Farm Recreation Center

4100 Recreation Facility.

Currently we have a recreational center that is used for family parties, church activities, non-profit organizations and clubs for events, education, training, and general gatherings. We have not received any compensation for this only asked that gatherings are appropriate and respectable. We ask if food or refreshments are served that it be prepared offsite or by a catering service, no-cooking or food preparation is allowed on site. We do require the groups to clean the facility afterword's.

Our recreational center is, located on the Red Shed Farm Community Gardens project. The building is 5,184 sq. ft and has several features including a a large gathering room, utility room with garage type door access, food catering and preparation areas including a serving bar, two large ADA restrooms with changing and rest areas, office, and storage areas. The building has all utilities, so it is usable year-round.

On the property we have several community garden areas of approximately 2500 sq. Ft that we provide to local families and students to grow gardens. We help prepare and provide tools and equipment including limited water for the gardeners to help promote the garden areas. We have not received compensation for this only ask the gardeners keep the areas clean and weed free.

On site as part of our facility we have bocce ball court, horse shoe pit, volley ball court, golf putting greens, clay pigeon shooting range, and several other outdoor type gaming areas. Indoor we have an open recreational area that accommodates basketball, pickle ball, table tennis, bean bag, etc...

We plan on using the recreational facility for gatherings and events that may including, but not limited to agritourism activities, garden educational activities, executive training, weddings, life celebrations, receptions, birthdays, corporate events, school and church activities. We do not or will not provide food services, only offsite catering services arranged by the group will be allowed.

We currently have no employees and would expect part time and limited care takers at certain times during the year.

Hours of operations will be as necessary limited to 7:00 AM thru 11:00 PM daily.

Parking: Currently we have several areas for parking provided and can increase parking as necessary using additional area in the South East area of the property. There are areas for ADA / Handicap parking stalls at the front of the building.

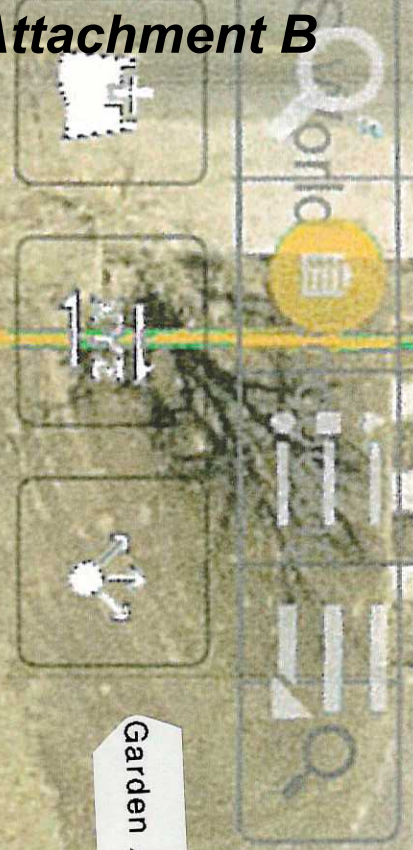
Signage to be determined, currently we use a banner hung in April and removed in September.

Equipment: We have equipment necessary for operation.

Currently we use Logan City Garbage Collection and do not anticipate a large difference from our current use. We ask the catering companies to take generated waste with them when services are completed. If there are needs for dumpsters in the future this can be provided by Logan City.

We reviewed the septic system with Richard Worley Bear River Heath Department, the building is on a separate septic system as is adequate to handle the proposed use.

N 1200 W



Garden Areas

Garden Areas

Garden Areas

Future Parking

Bocce Ball Court

Horseshoe Pit

Obv Pigeon

Volley Ball Court

Putting Green

Recreational Center

ADA Parking

Future Parking

Parking

Parking

Future Parking

08-089-0007



STAFF REPORT: DD AUTO & SALVAGE REZONE

6 December 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: David Grange

Parcel ID#: 05-060-0021

Staff Recommendation: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

~1976 West 200 North
Logan

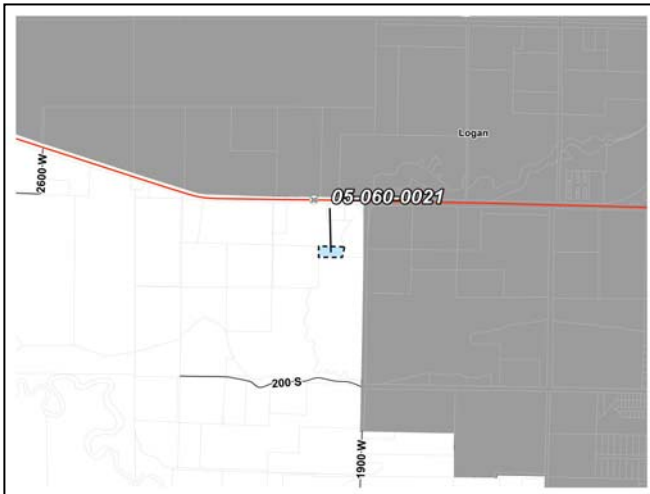
Acres: 1.30

Current Zoning:
Commercial (C)

Proposed Zoning:
Industrial (I)

Surrounding Uses:

North – Industrial
South – Agricultural
East – Agricultural/Logan City
West – Agricultural



FINDINGS OF FACT (17)

A. Request description

1. A request to rezone a 1.30-acre parcel from the Commercial (C) Zone to the Industrial (I) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Industrial (I) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the Industrial Zone will be addressed as part of each respective approval process required prior to site development activities.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachment A & B) and in the following text:

a. Land Use Context:

- i.** Parcel status: Per information from the Recorder's Office, a portion of the subject property was unclaimed land that was not identified in the legal descriptions for any adjacent properties. As a result, the applicant quit claimed the property to himself in February 2018. The quit claim deed stated the unclaimed property would become part of parcel 05-059-0012, also owned by the applicant. However, due to a pending Conditional Use Permit on that parcel, the unclaimed piece could not be added to it without impacting the CUP. Consequently, the unclaimed property was then divided from 05-059-0012 and a new parcel number was created. As the property was divided without land use authority, the subject property is considered restricted. The restriction can be resolved by amending the CUP to incorporate the expanded boundary and combining this piece with 05-059-0012.
- ii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the Industrial (I) Zone allows for a variety of uses, including the following uses that are allowed as a conditional use in the Industrial Zone but are not permitted in the current Commercial Zone:
 - General Manufacturing
 - Storage and Warehousing
 - Transport Services
 - Sexually-oriented Businesses
 - Crematorium
 - Commercial Kennels/Animal Shelters
- iii.** Adjacent uses: The majority of properties surrounding the subject parcel to the south and west within a one-mile buffer (Attachment A) are currently zoned A10 and are used for agricultural purposes. There is one commercially zoned property to the west approximately one-half mile where the humane society is located. Immediately to the north of the site are the DD Auto salvage yards zoned Industrial. Logan City boundaries are located to the north of the site on the other side of SR 30/200 North and to the east of 1900 West. To the east are commercially zoned properties as well as the Logan City landfill.

Within the one-mile buffer of unincorporated county area surrounding the property, there are 19 parcels, of 85 total, with a home (Attachment B). The portions of Logan City within the one-mile buffer include 75 parcels with a home, of a total of 258.
- iv.** The subject property is located within the Logan City future annexation area. As the property is not immediately contiguous to Logan City, the applicant was not required to provide a letter from the city in regards to annexation of the property. The City was notified as part of the public notice process. As of this date, staff has not received any comment from the City.

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

- 4.** As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5.** The current County Land Use Ordinance does not specify appropriate locations for the Industrial (I) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [F] identifies the purpose of the Industrial Zone and includes the following:

- a. “To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well-being of the citizens and to broaden the tax base.
 - b. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Consideration of impacts related to uses allowed within the Industrial (I) Zone will be addressed as part of each respective approval process required prior to site development activities.

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

- 7. The subject property is land locked and does not have frontage along a public road. Access to the property is from 200 North (SR30) through the adjacent parcel 05-059-0012, which is also owned by the applicant.
- 8. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
- 9. A basic analysis of 200 North (SR30) 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. Future development of the subject parcel will have to have UDOT approval for access.
 - c. Is maintained year round.

D. Service Provisions:

- 10. §16.04.080 [C] Fire Control – The County Fire District reviewed the request and had no issues with the rezone request.
- 11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

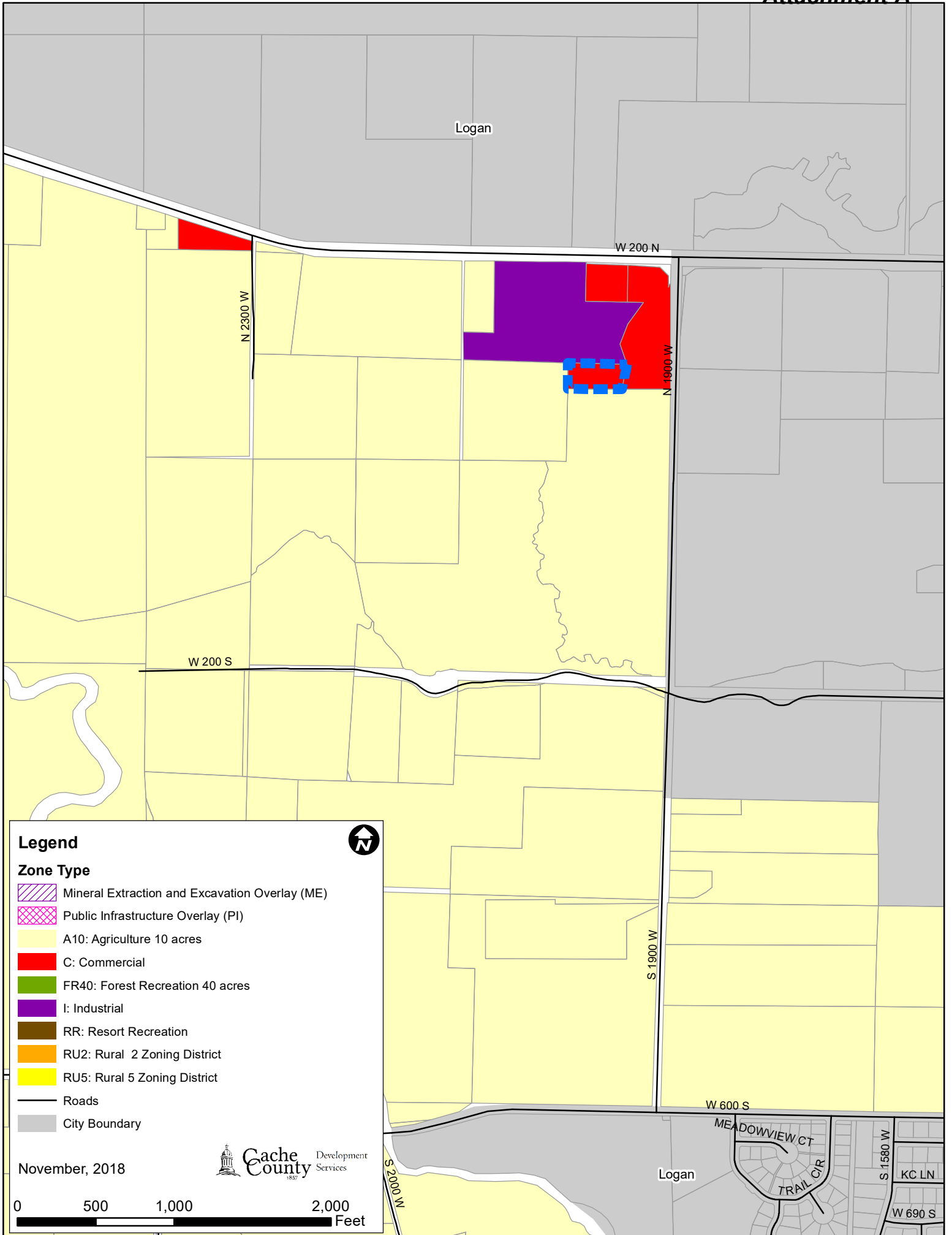
E. Public Notice and Comment—§17.02.040 Notice of Meetings

- 12. Public notice was posted online to the Utah Public Notice Website on 19 November 2018.
- 13. Notice was published in the Herald Journal on 24 November 2018.
- 14. Notices were posted in three public places on 19 November 2018.
- 15. Notices were mailed to all property owners within 300 feet of the subject property on 20 November 2018.
- 16. Logan City was notified by email on 21 November 2018.
- 17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONCLUSION (1)

Based on the findings of fact noted herein, the DD Auto & Salvage Rezone is hereby recommended for approval to the County Council as follows:

- 1. The location of the subject property is compatible with the purpose of the Industrial (I) Zone as identified under §17.08.030[A] of the Cache County Code as it:
 - a. Allows for industrial development in an area with minimal residential development, which would limit conflict or deleterious effects upon surrounding properties.



Logan

W 200 N

N 2300 W

N 1900 W

W 200 S

S 1900 W

W 600 S

S 2000 W

MEADOWVIEW CT

TRAIL CIR

S 1580 W

KC LN












W 690 S

Logan

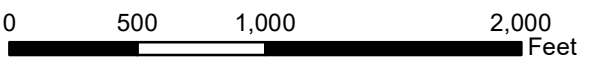
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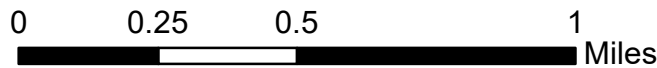
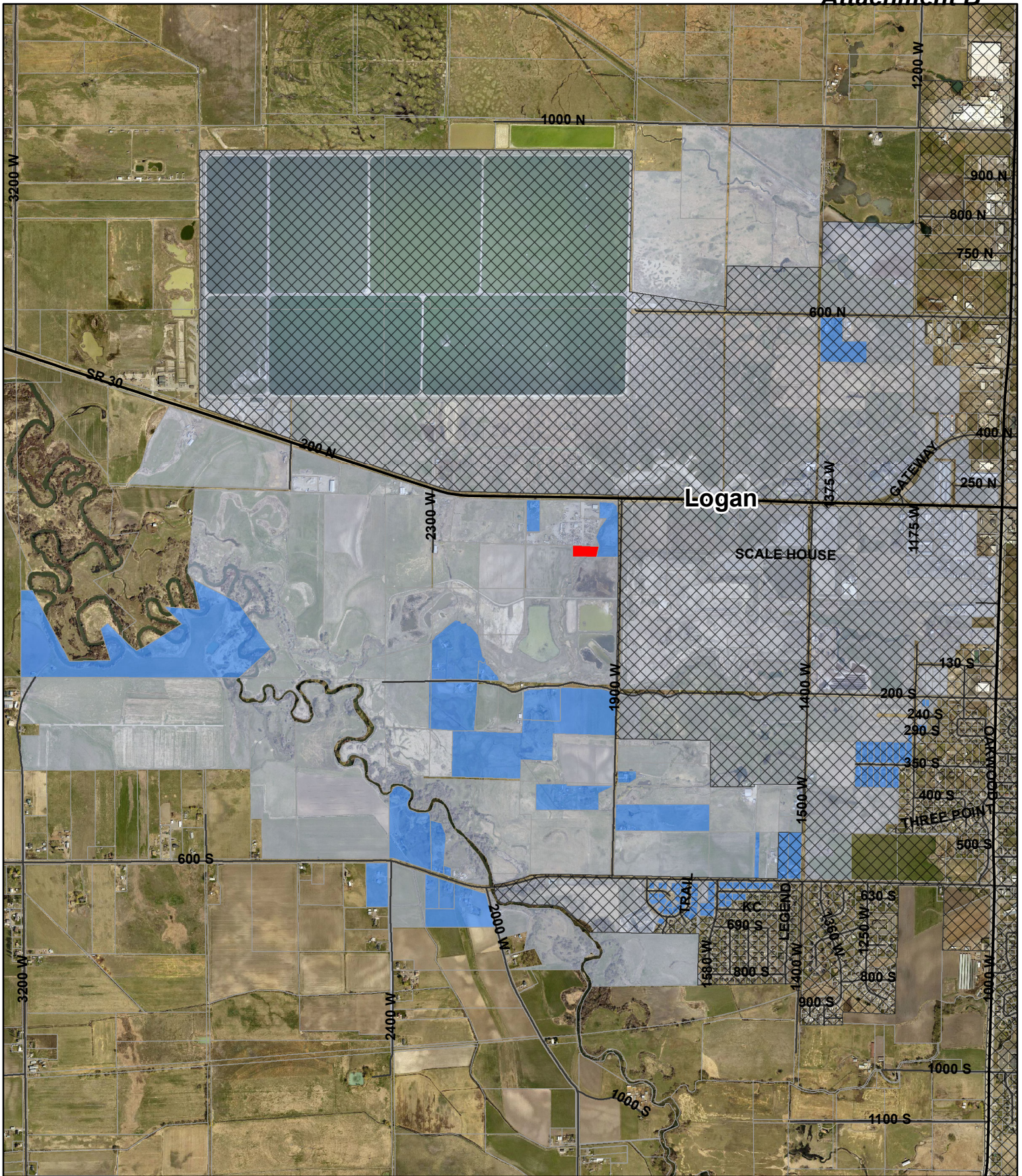


Zone Type

-  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

November, 2018





Legend

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

Average Parcel Size Without a Home: 12.7 Acres (66 Parcels)
Average Parcel Size With a Home: 9.9 Acres (19 Parcels)
Average Parcel Size Without a Home in Logan City: 3.2 Acres (183 Parcels)
Average Parcel Size With a Home in Logan City: 0.4 Acres (75 Parcels)



November 2018



As requested by the County Planning Commission and Council, the Development Services staff has prepared a code amendment that adds a sunset clause to the county code for further RU2 or RU5 rezone requests. This will allow the county to establish a plan for higher density growth and development following the completion of General Plan.

Title 17.08 is amended to remove the option to rezone to the RU2 and RU5 Zones as follows:

17.08.030: Purpose of Base Zoning Districts

~~The following provide the purpose(s) of each of Cache County's established base zoning districts:~~

A. Rural 2 Zone (RU2):

- 1. ~~As of (date here), the option to rezone property to the RU2 Zone will expire. Existing property that has previously been rezoned to the RU2 Zone will continue under the purpose and rules of that zone.~~
- 2. ~~Existing RU2 Zone property~~ ~~to~~ allows 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.
- 3. ~~The RU2 Zone is intended~~ ~~to~~ implement the policies of Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
- 4. 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.

B. Rural 5 Zone (RU5):

- 1. ~~As of (date here), the option to rezone property to the RU5 Zone will expire. Existing property that has previously been rezoned to the RU5 Zone will continue under the purpose and rules of that zone.~~
- 2. ~~Existing RU5 Zone property~~ ~~to~~ allows for residential estate 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.
- 3. ~~The RU5 Zone is intended~~ ~~to~~ implement the policies of Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
- 4. 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.



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.