



**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 6 December 2018 meeting

**5:35 p.m.**

**Consent Items**

1. **Orton Minor Subdivision 2<sup>nd</sup> Amendment** – A request to create a new buildable lot by changing the 10.0 acre Agricultural Remainder #1 to Lot 2 in an existing one-lot subdivision located at 1087 East 11000 South, Avon, in the Agricultural (A10) Zone.
2. **Tom Pitcher Lot Split Subdivision 1<sup>st</sup> Amendment** – A request to amend the boundary between Lots 1 & 2 and create two additional buildable lots in an existing subdivision located at 5707 North 800 West, Smithfield, in the Rural 2 (RU2) Zone.

**Regular Action Items**

3. **Michael Burton Conditional Use Permit** – A request to operate a home based kennel located at approximately 8480 North 2200 West, Amalga, in the Agricultural (A10) Zone.
4. **Amendment to Title 17.08 regarding Rural 2 & Rural 5 Zones**
5. **Elections for Chair and Vice Chair**

Board Member Reports

Staff reports

Adjourn

## **PUBLIC PARTICIPATION GUIDE: PLANNING COMMISSION**

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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.

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### **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.

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### **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.

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### **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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**Present:** Angie Zetterquist, Josh Runhaar, Chris Sands, Nolan Gunnell, Brady Christensen, Phil Olsen, Lee Edwards, Megan Izatt

1 **Start Time: 05:32:00**

2 **Christensen** welcomed and **Gunnell** gave opening remarks.

3 **05:33:00**

4 **Minutes**

5 **Gunnell** motioned to approve the minutes from the 4 November 2018; **Olsen** seconded; **Passed 4, 0.**

6 **Gunnell** motioned to approve the minutes from the 19 November 2018; **Olsen** seconded; **Passed 4, 0.**

7 **05:35:00**

8 **Agenda**

9 Agenda amended to remove item #2.

10 **05:35:00**

11 **Consent Items**

12 **#1 Brooksby Creek Subdivision 2<sup>nd</sup> Amendment**

13 **#3 Ohana Mauna Subdivision**

14 **Zetterquist** informed the board that the applicant on the Ohana Mauna Subdivision revised the  
15 previously approved subdivision plat to include an agricultural remainder.

16 **Staff** and **Commission** discussed the lot size and the agricultural remainder.

17 **Sands** motioned to approve items #1 and #3 with the stated findings of fact, conditions, and conclusions;

18 **Olsen** seconded the motion; **Passed 4, 0.**

19 **05:40:00**

20 **Continued Items**

21 **#4 Applewood Hollow RU5 Rezone**

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

23 **Staff** and **Commission** discussed access and the number of homes accessing the road.

24 **Andrew Daines** representing the applicant commented on the concerns Nibley City raised in their letter  
25 and the applicant's response.

1 **Sands** commented that he reviewed the information and has concerns regarding the substandard road and  
2 the number of homes on the road.

3 **Mr. Daines** asked if the Fire District's issue with the road be contingent on a building permit being  
4 issued.

5 **Runhaar** responded that typically that can happen but usually the County Council is more apt to approve  
6 an application if it does not add to the infrastructure needs in the County.

7 **Christensen** commented that Nibley City's concerns are valid.

8 **Gunnell** commented that the concerns are addressed in the letter but the letter doesn't state clearly  
9 whether it is allowed or not. There needs to be further study of the issue.

10 **Mr. Daines** commented that Bear River Health Department did give preliminary approval for Lot 2.

11 **Gunnell** motioned to recommend denial to the County Council for the Applewood Hollow RU5 Rezone  
12 with the written findings of fact and conclusions; **Sands** seconded; **Passed 4, 0.**

13 **05:54:00**

14 **Regular Action Items**

15 **#6 Public Hearing (5:50 p.m.): DD Auto & Salvage Rezone**

16 **Zetterquist** reviewed the staff report for DD Auto & Salvage Rezone.

17 **05:58:00**

18 **Olsen** motioned to open the public hearing for DD Auto & Salvage Rezone; **Gunnell** seconded; **Passed 4,**  
19 **0.**

20 **05:58:00**

21 **Sands** motioned to close the public hearing; **Gunnell** seconded; **Passed 4, 0.**

22 **Olsen** motioned to recommend approval to the County Council for DD Auto & Salvage Rezone with the  
23 stated findings of fact and conclusions; **Gunnell** seconded; **Passed 4, 0.**

24 **05:59:00**

25 **#7 Public Hearing (6:00 p.m.): Amendment to Title 17.08**

26 **Runhaar** reviewed the information for the Amendment to Title 17.08 and the reasons behind expiring the  
27 RU2 and the RU5 zone.

28 **Staff** and **Commission** discussed the reasons behind changing Title 17.08 and the County Council's  
29 questions on RU2 and RU5.

1 **06:08:00**

2 *Gunnell motioned to open the public hearing for Amendment to Title 17.08; Sands seconded; Passed 4,*  
3 *0.*

4 **Vern Fielding** commented against the proposal due to having clients who have purchased land with the  
5 intent to rezone land, the housing shortage in Utah, and the cost of housing.

6 **Sands** asked what the size of property his clients own.

7 **Mr. Fielding** responded 50 acres with access from one city road and one county road.

8 **Cheryl Burgess** commented in support of the amendment.

9 **Duane Williams** asked what the general plan would include regarding density.

10 **Runhaar** responded that would be part of the process.

11 **Mr. Williams** responded that Box Elder County has certain areas that the Health Department determines  
12 what density is allowed and commented on the density standards in Cache County.

13 **Alma Burgess** commented in support of the amendment, master plan, and preserving farm land.

14 **Lance Parker** commented in support of general plan but is against expiring the rezone options.

15 **Blake Parker** commented that reducing development rights affects the value of the land and asked what  
16 the County Assessor thought about the amendment.

17 **Guy Jardine** asked if there was a master plan in place currently.

18 **Runhaar** responded that there was one drafted in 1996.

19 **Mr. Jardine** asked how the master plan was going to be done and if public input would be gathered.

20 **Runhaar** responded that workshops will be held where public comment will be welcomed.

21 **06:32:00**

22 *Gunnell motioned to close the public hearing for Amendment to Title 17.08; Olsen seconded; Passed 4,*  
23 *0.*

24 **Commission** and **Staff** discussed what was expected of the Commission for the amendment and how the  
25 amendment would affect applications. **Staff** gave three options for the Commission and the County  
26 Council regarding the RU2 and RU5 zones; the County Council directed that the option to rezone to these  
27 zones be removed until a better plan was in place to help with the criteria for the RU2 and RU5. This is a  
28 legislative decision.

29 *Gunnell motioned to recommend more guidance for the Planning Commission be given by the County*  
30 *Council for rezones; Motion died due to lack of a second.*

1 **Staff** will ask the County Council for a workshop. **Staff** will try and put together two other interim  
2 options regarding more guidance for rezones.

3 **07:24:00**

4 **#5 Red Shed Farms Recreational Center Conditional Use Permit**

5 **Zetterquist** reviewed the staff report for the Red Shed Farms Recreational Center Conditional Use  
6 Permit.

7 **Staff** and **Commissioners** discussed the clay pigeon shooting.

8 **Sands** asked Mr. Jardine about the importance of clay pigeon.

9 **Mr. Jardine** responded not that important because the insurance company doesn't like it.

10 **Sands** responded that he would prefer to not have the clay pigeon shooting.

11 **Mr. Jardine** responded they currently don't use rifles. The site has been used for 3 years but there needs  
12 to be a parking lot and insurance, which requires that he starts charging for use of the facilities.

13 **Sands** responded that this seems like a great use.

14 **Mr. Jardine** responded he would like to be able to skeet shoot personally but it would probably not be  
15 allowed at events.

16 **Christensen** responded he had concerns with noise.

17 **Runhaar** stated the county has no sound ordinance.

18 **Mr. Jardine** stated that his research states he would have to be 1000 feet from any structure but he is fine  
19 if he can't do skeet shooting. There are enough people using the facility that a parking lot is needed.

20 **Cody Webster** commented in support of this and stated he has no problem with the skeet shooting.

21 **Cheryl Burgess** commented in support of the proposal and that it is a good use of the land.

22 **Alma Burgess** commented in support of the proposal and asked about the notification of skeet shooting.

23 **Zetterquist** responded that there is a notification requirement.

24 **Mr. Burgess** stated it's a good area for this type of use.

25 **Gunnell** asked about the insurance concerns and what their requirements are.

26 **Mr. Jardine** responded that he doesn't know their requirements but currently no outside firearms are  
27 allowed and the people using the facility use the equipment there. Low brass is currently used and high  
28 brass isn't allowed.

29 **White** stated people can most likely hear the sound and people do get around the low brass requirement.

- 1 **Sands** asked if Mr. Jardine was okay with the requirement for the shooting.
- 2 **Mr. Jardine** stated he is.
- 3 **Edwards** asked if all the shot lands on Mr. Jardine's property.
- 4 **Mr. Jardine** responded that there is a possibility for shot to land on someone else's property.
- 5 **Edwards** stated he would need permission from the other property owner.
- 6 **Mr. Jardine** stated he doesn't think there would be a problem receiving that permission.
- 7 **Sands** asked about the existing structure and the provision that the building complies with code.
- 8 **Mr. Jardine** stated the building has been inspected.
- 9 **Sands** asked if the building had been inspected as a public building.
- 10 **Mr. Jardine** stated he had not.
- 11 **Runhaar** stated that the applicant would have to work with the building inspector and it would need to  
12 comply with fire code to be used as a public building.
- 13 **Mr. Jardine** stated the fire department has seen it and there are sprinklers, extinguishers, and a turn  
14 around for a fire engine.
- 15 **Staff** and **Commission** discussed the need analysis of the state laws regarding shooting and shooting  
16 ranges and how it applies to the property.
- 17 **Gunnell** motioned to approve the Red Shed Farms Recreational Center Conditional Use Permit with the  
18 stated findings of fact, conditions, and conclusions; **Olsen** seconded; **Passed 4, 0.**
- 19 **07:48:00**
- 20 **#8 Elections for Chair and Vice Chair**
- 21 **Runhaar** reviewed the bylaws for elections.
- 22 **Elections will be held in January.**
- 23 **08:00**
- 24 **Adjourned**



**STAFF REPORT: ORTON MINOR SUBDIVISION 2<sup>ND</sup> AMEND.**

3 January 2019

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

**Agent:** Don Seth Farnsworth  
**Staff Determination:** Approval with conditions  
**Type of Action:** Administrative  
**Land Use Authority:** Planning Commission

**Parcel ID#:** 16-047-0114

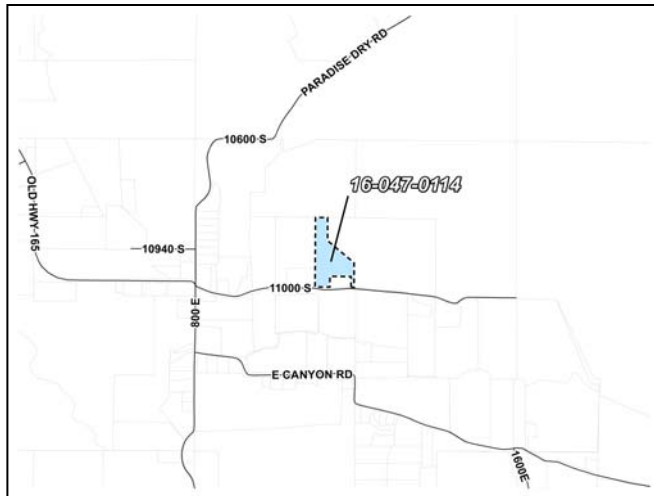
**LOCATION**

*Reviewed by Angie Zetterquist*

**Project Address:**  
 1087 East 11000 South  
 Avon

**Current Zoning:** Agricultural (A10)      **Acres:** 10.0 acres

**Surrounding Uses:**  
 North – Agricultural  
 South – Agricultural/Residential  
 East – Agricultural/Residential  
 West – Agricultural/Residential



**FINDINGS OF FACT (19)**

**A. Request description**

1. The Orton Minor Subdivision 2<sup>nd</sup> Amendment is a request to create a new buildable lot by changing the Agricultural Remainder #1 to Lot 2 in an existing one-lot subdivision with two agricultural remainders. There are no changes to the size or configuration of the subdivision.
  - a. Lot 1 will remain 1.44 acres;
  - b. The new lot 2 will be 10.0 acres; and
  - c. Agricultural Remainder #2 will remain at 43.54 acres.

**B. Parcel legality**

2. The subdivision was originally approved as a 2-lot division in 2004, but was subsequently amended in 2009 to create a one-lot subdivision with two agricultural remainders.

### 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 (#25-10344) on file for Lot 1 and a new domestic water share application is in process for Lot 2 (#25-11547/a44173). Proof of an 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. The applicant has provided a copy of a septic feasibility letter from BRHD for the proposed Lot 2.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2*

### E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
  - a. The layout of proposed roads;
  - b. An analysis of existing roadway compliance with the Road Manual requirements;
  - c. Existing maintenance;
  - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
  - a. §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 exception requests for development on existing roadways must occur through the Design Exception process.
  - f. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information. *See condition #3*

11. A basic review of the access to the existing lots identifies the following:
  - a. Primary access to the property is via 11000 South, a county road.
  - b. 11000 South:
    - i. Is an existing county facility that provides access to the general public.
    - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
    - iii. Consists of an average 20-foot wide chip seal road with 4-foot gravel shoulders then narrows to an 18-foot wide gravel road at the location of the proposed lot. *See condition #3 & #4*
    - iv. Has an unknown depth and type of material under the chip and seal and gravel surfaces. *See condition #3 & #4*
    - v. 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 Paradise Fire Department.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department currently provides service in this area along 11000 South for Wednesday collection. The applicant must provide sufficient shoulder space along the road 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. There are areas of steep ( $\geq 30\%$ ) and moderate slopes (20-30%) located within the subdivision. No development is allowed in areas with steep slopes. Any future development in areas with moderate slopes requires a geo-technical report.

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

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

#### CONDITIONS (4)

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

1. 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. The applicant may pursue a design exception for substandard sections of roadway. If the applicant elects to pursue a design exception, the applicant must obtain approval of a design exception prior to recordation from the County Council regarding the substandard portions of 11000 South that meet the required width. (*See E-10, E-11*)

4. Prior to recording the final plat, the required road improvements must be made to the substandard portions of 11000 South that meet the minimum standards for a local road. The design of the road must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, and base preparation and construction. Fees for any engineering plan and construction review above the base fee collected for road review must be borne by the proponent. *(See E-10, E-11)*

#### CONCLUSIONS (1)

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Based on the findings of fact and conditions noted herein, staff recommends approval of the Orton Minor Subdivision 2<sup>nd</sup> 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.

# Orton Minor Subdivision Amendment No. 2

(Amending the Name of Agricultural Parcel #1 to read Amended Lot 2)

A Part of the North Half of Section 11, Township 9 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 Orton Minor Subdivision Amendment No. 2 and the same had been correctly surveyed and all streets are the dimensions shown.



Date \_\_\_\_\_

### AMENDMENT BOUNDARY

A Part of the North Half of Section 11, Township 9 North, Range 1 East of the Salt Lake Base and Meridian and All of the Agricultural Parcel #1 of the Orton Subdivision Amended, Entry Number 897101 of the Official Records of Cache County

Beginning at the Southwest Corner of said Orton Minor Subdivision Amended, said Point is Located 2481.87 Feet South and 1984.48 Feet East of the Northwest Corner of said Section and Running Thence Along the Perimeter of said Agricultural Parcel #1 the Following Ten (10) Courses: (1) North 00°01'24" East 1187.16 Feet; (2) South 89°44'56" East 200.00 Feet; (3) South 00°01'22" West 590.00 Feet; (4) South 49°56'55" East 583.27 Feet; (5) South 00°01'35" West 407.44 Feet; (6) North 89°25'35" West 53.64 Feet; (7) North 00°01'24" East 180.00 Feet; (8) North 89°25'35" West 348.00 Feet; (9) South 00°01'24" West 180.00 Feet; (10) North 89°25'35" West 245.00 Feet to the Point of Beginning, Containing 10.002 Acres.

### OWNER'S DEDICATION

Know all men by these presents that we the undersigned owners of the tract of land (Parcel 16-047-0114) 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 "Orton Minor Subdivision Amendment No. 2". Further we dedicate and/or quit claim as appropriate the portion of property of [16-047-0114] that lies within 33' of the center line of the existing roadway, and as shown on this plat, to Cache County, for the use of the public forever, and hereby grant to the county the right to make any and all improvements for the construction, maintenance, and repair of said roadway. We hereby set our signatures

Samuel Anthon Johnson Date \_\_\_\_\_

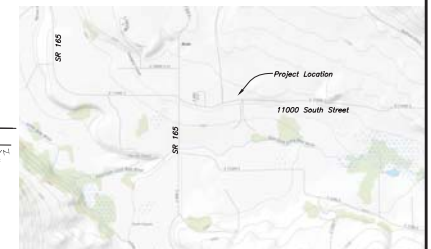
Sally Jean Orton Johnson Date \_\_\_\_\_

### ACKNOWLEDGMENT

State of Utah  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Samuel Anthon Johnson & Sally Jean Orton Johnson, 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 \_\_\_\_\_



VICINITY MAP - NO SCALE

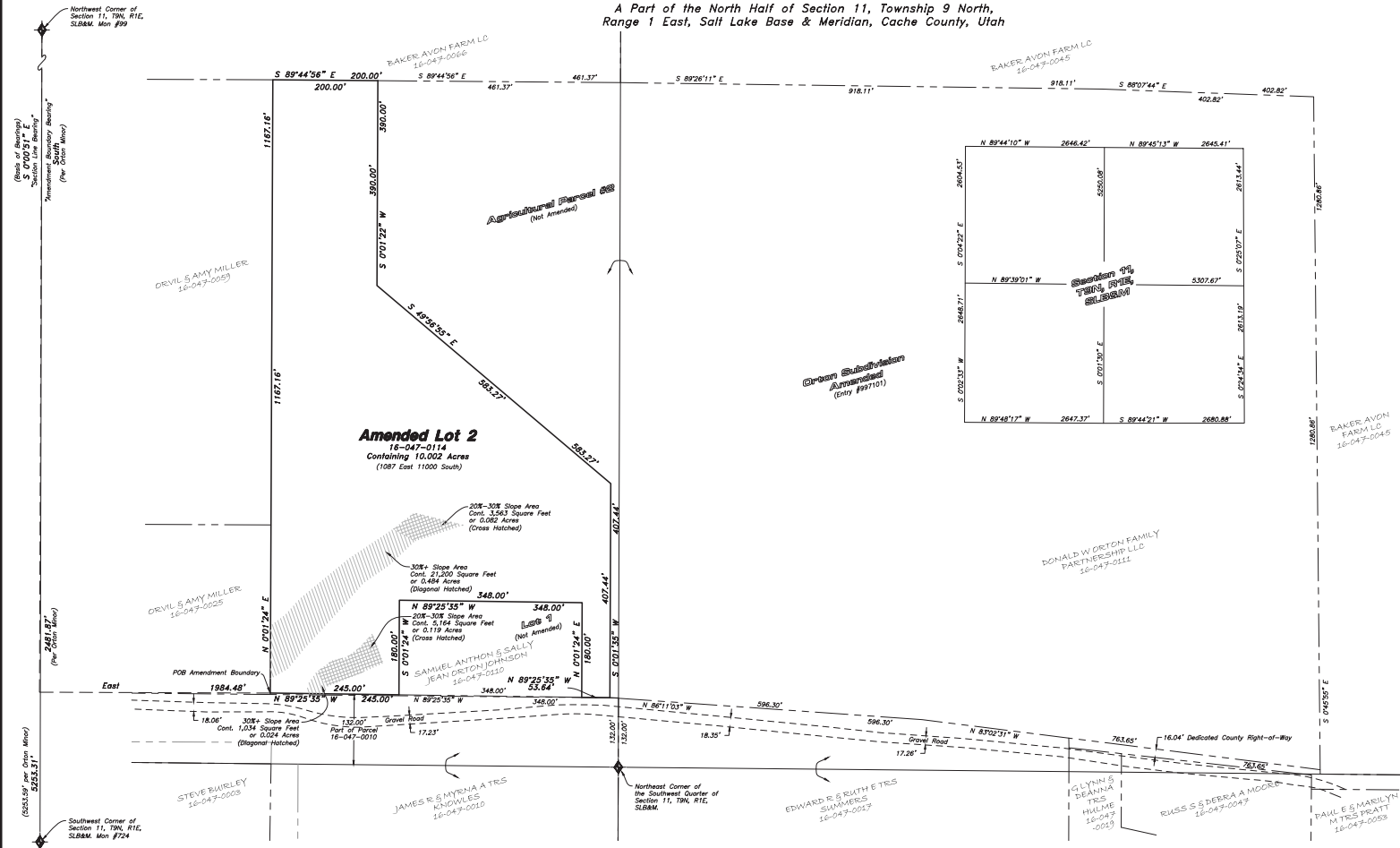
### COUNTY RECORDER

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: \_\_\_\_\_  
Title: \_\_\_\_\_  
Book: \_\_\_\_\_  
Page: \_\_\_\_\_  
Request of: \_\_\_\_\_

Cache County Recorder



**NARRATIVE**  
The purpose of this survey was to amend the subdivision as shown and described hereon. The survey was ordered by Seth Farnsworth. The survey is located in the North Half of Section 11, Township 9 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearing is a line from the Northwest Corner of said Section, which bears South 00°00'51" East. Localized Bearings per the Original Subdivision Plat and Related 0°12'29" from the Utah Coordinate System 1983 North Zone."

**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 rights, awards, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone.

**COUNTY ATTORNEY APPROVAL**  
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.

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\_\_\_\_.

Chairperson \_\_\_\_\_

**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) 435-779-9585 (F) 435-514-5883  
www.advancedland.com



### STAFF REPORT: TOM PITCHER LOT SPLIT SUBDIVISION 1<sup>ST</sup> AMEND.

3 JANUARY 2018

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

**Agent:** Brad & Joni Schumann  
**Staff Determination:** Approval with conditions  
**Type of Action:** Administrative  
**Land Use Authority:** Planning Commission

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

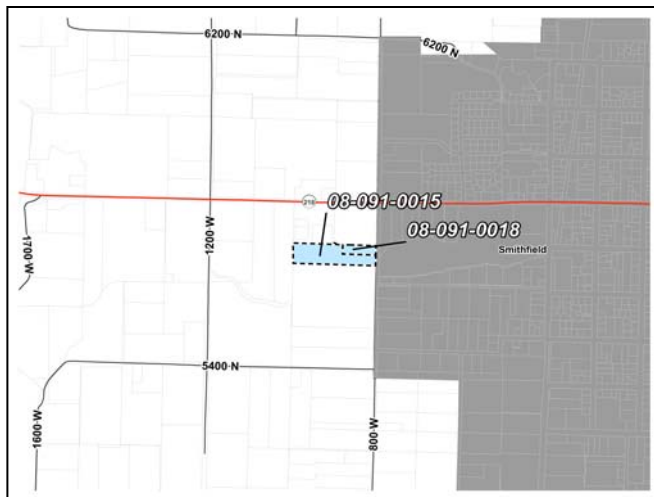
#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**  
 5707 North 800 West  
 Smithfield

**Current Zoning:** Rural 2 (RU-2)      **Acres:** 10.13

**Surrounding Uses:**  
 North – Agricultural/Residential  
 South – Agricultural  
 East – Residential/Smithfield City  
 West – Agricultural



#### FINDINGS OF FACT (17)

##### A. Request description

1. The Tom Pitcher Lot Split Subdivision 1<sup>st</sup> Amendment is a request to adjust the boundary between Lots 1 & 2 and create two additional buildable lots in an existing subdivision.
  - a. Amended Lot 1 will decrease from 8.62 acres to 6.22 acres.
  - b. Amended Lot 2 will increase from 1.53 acres to 1.90 acres.
  - c. Lot 3 will be 1.00 acre; and
  - d. Lot 4 will be 1.00 acre.

##### B. Parcel legality

2. The original division of the property occurred through a lot split subdivision that was recorded in December 2004. On the original plat, Lot 1 was 8.62 acres and Lot 2 was 1.53 acres. A boundary

line adjustment between Lots 1 & 2 was done without land use authority approval in December 2016 making both lots restricted. The boundary line adjustment decreased Lot 1 from 8.62 acres to 8.24 acres and increased Lot 2 from 1.53 acres to 1.91 acres. This subdivision amendment will remove the restrictions on Lots 1 & 2 once the approved plat is recorded and allow development on the new lots.

### 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.

### 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 approved water rights (#25-11508/a43880 & #25-11509/a43881) on file for Lots 3 & 4, but they are not in the property owner's name. Proof of the two approved water rights in the property owner's name for Lots 3 & 4 is required prior to the plat being recorded. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant has provided a copy of a septic feasibility letter from BRHD for proposed Lots 3 & 4.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2*

### E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. A basic review of the access to the existing lots identifies the following:
  - a. The existing & proposed lots gain access either directly or from a private driveway off of 800 West.
  - b. 800 West:
    - i. Is a Smithfield City road that provides access to the general public and is under the jurisdiction of Smithfield City.
    - ii. Lots 2 & 3 will take access directly off of 800 West.
    - iii. Per §5.6(A) of the Road Manual, no development within the unincorporated County shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.
    - iv. The applicant has provided a letter from the Mayor of Smithfield, Jeffrey H. Barnes, dated October 22, 2018, giving approval for access off of 800 West so long as the applicant makes required road improvements including curb, gutter, and sidewalk. (Attachment A) *See condition #3*
  - c. Private driveway:
    - i. Lots 1 & 4 will gain access from a shared private driveway off of 800 West.
    - v. The private driveway is currently 14-foot wide with a fence on both sides.
    - vi. The private driveway must meet all requirements of the Fire Department and the Road Manual prior to recording the plat including the construction of a turnaround. *See condition #4*

### F. Service Provision

10. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable, but a turnaround is required at the end of the private driveway. 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 Fire Department.

11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department currently provides service in this area along 800 West for Friday collection. Any future development will also be required to locate containers on 800 West and may require that the applicant provide sufficient shoulder space to place the containers 3-to-4 feet apart as to not interfere with passing traffic.

#### **G. Sensitive Areas**

12. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. FEMA FIRM Floodplain and floodplain buffer has been identified on portions of the proposed subdivision. Any future development must meet current Code requirements.
  - b. A canal is located along the north subdivision boundary. Development is not permitted adjacent to waterways, additional setbacks are required.
  - c. The properties are located within the Airport Influence Area. Disclosure of airport proximity to future property owners is required per §17.17.060 Schedule of Uses. *See condition #5*

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

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

#### **CONDITIONS (5)**

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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 domestic culinary water rights in the property owner's name for Lots 3 & 4. *(See D-4)*
2. A Land Disturbance Permit is required for any future development. *(See D-6)*
3. Prior to recordation, the applicant must improve 800 West to meet the requirements of Smithfield City. The applicant must obtain any required Smithfield City permitting for access from 800 West and provide a copy of said requirement and permitting to the Development Services Office. *(See E-9-b)*
4. Prior to recordation, the applicant must improve the private driveway that provides access to the subdivision to meet the turnaround requirements of the Fire Department. The turnaround must be included on the plat and the plans must be reviewed and approved by the Fire Department to ensure that the turnaround 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 turnaround meets fire requirements. *(See E-9-c)*
5. The applicant must disclose to future property owners that the subdivision is located within the Airport Influence Area. *(See G-12)*

#### **CONCLUSIONS (1)**

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Based on the findings of fact and conditions noted herein, staff recommends approval of the Tom Pitcher Lot Split Subdivision 1<sup>st</sup> 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.

# SMITHFIELD CITY CORPORATION

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

*OFFICIALS*

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

*COUNCIL MEMBERS*

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

October 22, 2018

Brad & Joni Schuman  
5707 North 4400 West  
Smithfield, UT 84335

Brad & Joni:

Smithfield City has been asked to provide a letter approving access onto 800 West, a Smithfield City Street for the two (2) lot subdivision you are proposing.

Smithfield City treats this subdivision request the same as if the subdivision was located within the city boundaries.

You would be required to follow all requirements found in in our city code section 16, and our most current version of the Smithfield City Construction and Engineering Standards. Both can be located at <http://Smithfield.municipalcodeonline.com>.

Improvements along 800 west include: improving the width of 800 west, curb, gutter, sidewalk and storm drain improvements for the entire frontage of your parcel, including the private drive access. You would need to submit an engineered plan showing all improvements and widths along with an excavation permit. Once the plan and permit is approved by the City Engineer you would be granted access to 800 west for the 2 lot subdivision.

Sincerely,

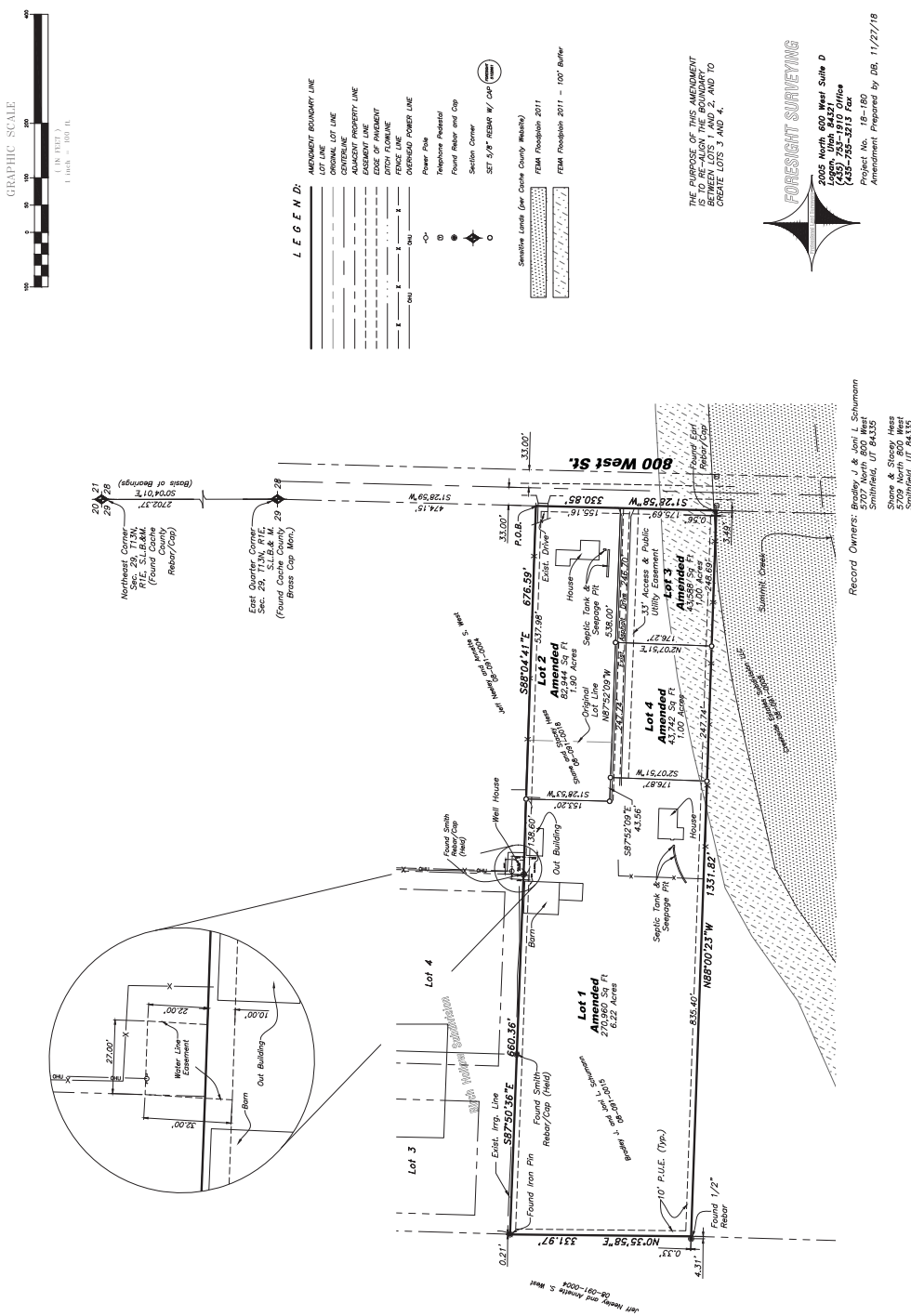


Jeff Barnes  
Mayor



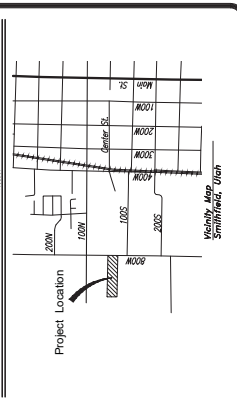
# Tom Pitcher Lot Split Subdivision 1st Amendment

Amending the Boundary Line Between Lots 1 and 2, and creating Lots 3 and 4  
A PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH,  
RANGE 1 EAST OF THE S.L.B.&M. SMITHFIELD, CACHE COUNTY, UTAH



**SURVEYOR'S CERTIFICATE**  
I, JEFF C. WELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OFFICE I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN HEREAFTER TO BE KNOWN AS: TOM PITCHER LOT SPLIT SUBDIVISION 1st AMENDMENT. THE DIMENSIONS SHOWN ARE THE DIMENSIONS SHOWN.

**Subdivision Amendment Boundary**  
A PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 800 WEST STREET LOCATED SOUTH 07°28'58" WEST, A DISTANCE OF 474.15 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 29 AND RUNNING THENCE SOUTH 07°28'58" WEST, A DISTANCE OF 100.00 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE TO A FENCE LINE, THENCE NORTH 88°00'23" WEST (N88°15'09"W, B.R.), A DISTANCE OF 1,331.82 FEET, THENCE NORTH 00°35'59" EAST (N00°21'12"E, B.R.), A DISTANCE OF 660.36 FEET (S87°50'35"E, 660.00' B.R.) ALONG THE SOUTH LINE OF BIRCH HOLLOW SUBDIVISION TO THE SOUTHEAST CORNER OF SAID SUBDIVISION AND A HOLLOW SUBDIVISION TO THE SOUTHWEST CORNER OF SAID SUBDIVISION AND A DISTANCE OF 676.39 FEET TO THE POINT OF BEGINNING, CONTAINING 10.13 ACRES.



**OWNER'S DEDICATION**  
THE UNDERSIGNED, BEING ALL OWNERS OF SAID RECORD OF THE PROPERTY DESCRIBED ABOVE, DO HEREBY DEDICATE TO THE PUBLIC THE RIGHT OF ACCESS AS THE TOM PITCHER LOT SPLIT SUBDIVISION 1st AMENDMENT. ACCESS SHALL BE PROVIDED TO THE PUBLIC THROUGH THE RIGHT OF WAY SHOWN ON THIS PLAN AND DEDICATION THIS DAY.

Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

Brady J. Schumann  
Jani L. Schumann  
Shane Hess  
Stacy Hess

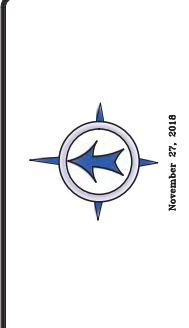
**ACKNOWLEDGMENT**  
I, \_\_\_\_\_, County of CACHE, State of UTAH, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, in and for said County of Cache, in the State of Utah, the signers of the attached owners' dedication, in numbers who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

NOTARY PUBLIC

**ACKNOWLEDGMENT**  
I, \_\_\_\_\_, County of UTAH, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, the undersigned notary public, in and for said County of Cache, in the State of Utah, the signers of the attached owners' dedication, and voluntarily and for the purpose therein mentioned.

NOTARY PUBLIC

COUNTY RECORDER'S NO. \_\_\_\_\_  
STATE OF UTAH, COUNTY OF \_\_\_\_\_, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ TIME: \_\_\_\_\_ FEEL: \_\_\_\_\_  
INDEXED \_\_\_\_\_  
FILED IN: FILE OF PLATS \_\_\_\_\_ COUNTY RECORDER



**FORESIGHT SURVEYING**  
2005 North 600 West Suite D  
Cody, UT 84303  
(435) 752-1810 Office  
(435) 752-1811 Fax

Project No. 19-180  
Amendment Prepared by DR, 11/27/18

**DEPUTY COUNTY SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT I HAVE HAD THIS PLAN EXAMINED AND FOUND IT TO BE IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

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

**COUNTY ATTORNEY APPROVAL**  
I CERTIFY THAT I HAVE EXAMINED THIS PLAN AND APPROVE THE PLAN AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE: \_\_\_\_\_  
CACHE COUNTY ATTORNEY

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

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_ CHAIR

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

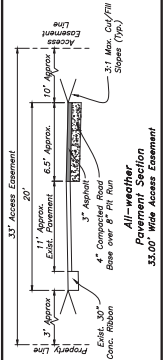
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

# Tom Pitcher Lot Split Subdivision 1st Amendment

**GENERAL NOTES:**

1. Utility Meter: Coche County has not determined the availability or adequacy of utility water to any of the lots identified, all owners are advised of the requirements to obtain an approved Coche County water meter and comply with all other requirements for the installation of a Coche County water meter.
2. Easements: This project is subject to all easements shown on this plan. The applicant is responsible for obtaining all necessary easements, including but not limited to, any easement for a storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent parcel (including easements for the maintenance of adjacent property lines), ditch or canal easements, Coche County, or the State Water Engineer's Office.
3. Agricultural Uses: Current and future property owners must be aware that they will be subject to the rights, burdens and encumbrances associated with agricultural activities which are permitted uses in the Applicant's Zone and Forest Riparian Zone.
4. Purpose to Utah Code Ann. 54-2-27 this bill compels the owner(s) of utility facilities to provide a public utility easement along with all of the rights and duties described therein.
5. Purpose to Utah Code Ann. 17-27-6(2)(3)(5)(6) Rocky Mountain Power complete delivery of the ALE as described in this bill and agreement this bill solely for the purpose of the ALE. Rocky Mountain Power agrees to provide the ALE as described in this bill and agreement this bill solely for the purpose of the ALE. This agreement shall not constitute a transfer of title to the ALE. Rocky Mountain Power is not responsible for the design, construction, operation, maintenance or repair of the ALE. Rocky Mountain Power is not responsible for the design, construction, operation, maintenance or repair of the ALE. Rocky Mountain Power is not responsible for the design, construction, operation, maintenance or repair of the ALE.

8. Setback lines are for primary buildings only.  
Front: 30.00'  
Side: 12.00'  
Slope along Highway: 30.00'



LEGAL DESCRIPTION - Lot 1  
A PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH,  
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.  
BEGINNING AT A POINT LOCATED SOUTH 01°29'56" WEST, A DISTANCE OF 474.15 FEET TO THE NORTHWEST CORNER OF SAID QUARTER CORNER OF SAID SECTION 29, AND RUNNING THENCE SOUTH 01°29'53" WEST, A DISTANCE OF 153.00 FEET, THENCE SOUTH 87°52'09" EAST, A DISTANCE OF 1079.37 FEET, THENCE NORTH 89°02'23" WEST, A DISTANCE OF 833.40 FEET, THENCE NORTH 00°55'38" EAST, A DISTANCE OF 331.97 FEET, THENCE SOUTH 87°50'36" EAST, A DISTANCE OF 138.60 FEET TO THE POINT OF BEGINNING.  
CONTAINING 6.22 ACRES

LEGAL DESCRIPTION - Lot 2  
A PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH,  
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.  
BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 800 WEST STREET LOCATED SOUTH 01°29'58" WEST, A DISTANCE OF 474.15 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 29, AND RUNNING THENCE ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, THENCE NORTH 87°52'09" WEST, A DISTANCE OF 538.00 FEET, THENCE NORTH 01°29'53" EAST, A DISTANCE OF 153.00 FEET, THENCE SOUTH 87°50'36" EAST, A DISTANCE OF 1079.37 FEET TO THE POINT OF BEGINNING.  
CONTAINING 1.00 ACRES

LEGAL DESCRIPTION - Lot 3  
A PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH,  
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.  
BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 800 WEST STREET LOCATED SOUTH 01°29'58" WEST, A DISTANCE OF 474.15 FEET AND SOUTH 01°29'58" WEST, A DISTANCE OF 153.00 FEET TO THE WEST RIGHT-OF-WAY CORNER OF SAID SECTION 29 AND RUNNING THENCE ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, THENCE NORTH 87°52'09" WEST, A DISTANCE OF 538.00 FEET, THENCE NORTH 01°29'53" EAST, A DISTANCE OF 153.00 FEET, THENCE SOUTH 87°50'36" EAST, A DISTANCE OF 1079.37 FEET TO THE POINT OF BEGINNING.  
CONTAINING 1.00 ACRES

LEGAL DESCRIPTION - Lot 4  
A PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH,  
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.  
BEGINNING AT A POINT LOCATED SOUTH 01°29'58" WEST, A DISTANCE OF 474.15 FEET AND SOUTH 01°29'58" WEST, A DISTANCE OF 153.00 FEET TO THE WEST RIGHT-OF-WAY CORNER OF SAID SECTION 29 AND RUNNING THENCE ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, THENCE NORTH 87°52'09" WEST, A DISTANCE OF 538.00 FEET, THENCE NORTH 01°29'53" EAST, A DISTANCE OF 153.00 FEET, THENCE SOUTH 87°50'36" EAST, A DISTANCE OF 1079.37 FEET TO THE POINT OF BEGINNING.  
CONTAINING 1.00 ACRES

LEGAL DESCRIPTION - EXISTING 10' WATERLINE / UTILITY EASEMENT  
BEGINNING AT A POINT LOCATED NORTH 89°04'41" WEST, A DISTANCE OF 537.98 FEET FROM THE NORTHEAST CORNER OF TOM PITCHER LOT SPLIT SUBDIVISION, THENCE SOUTH 89°04'41" WEST, A DISTANCE OF 153.62 FEET, THENCE NORTH 03°28'11" EAST, A DISTANCE OF 32.00 FEET, THENCE SOUTH 89°04'41" EAST, A DISTANCE OF 537.98 FEET, THENCE NORTH 89°04'41" WEST, A DISTANCE OF 153.62 FEET, THENCE SOUTH 89°04'41" WEST, A DISTANCE OF 32.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.05 ACRES

**STAFF REPORT: MICHAEL BURTON CONDITIONAL USE PERMIT**

3 January 2019

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 Burton

**Parcel ID#:** 08-013-0006

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

**PROJECT LOCATION**

*Reviewed by Angie Zetterquist*

**Project Address:**

~8480 North 2200 West

Amalga

**Current Zoning:**

Agricultural (A10)

**Acres:** 10.0

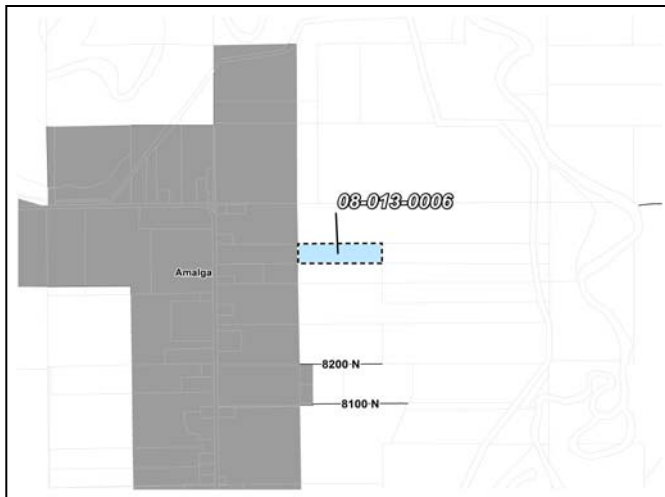
**Surrounding Uses:**

North – Agricultural

South – Agricultural/Residential

East – Agricultural

West – Agricultural/Residential/Amalga



**FINDINGS OF FACT (29)**

**A. Request description**

1. The Michael Burton Conditional Use Permit (CUP) is a request to operate a home based kennel, Use Type 3200, on a 10.0 acre property located in the Agricultural (A10) Zone.
2. Per the Letter of Intent (Attachment A), the applicant is proposing to operate a home based kennel with up to 50 adult dogs in a 576-square-foot building. The applicant currently operates the same type of facility on the parcel immediately to the west of the subject property in Amalga Town. The applicant has stated the Amalga property will be sold and they will build a home and shift their operation to the subject property. **See condition #1**
  - a. Construction
    - i. The applicant has provided a site plan that shows a general layout of the subject property (Attachment B).

- ii. The subject property is currently vacant. In the Letter of Intent, the applicant states a new home (approximately 2,220 square feet) will be built to accommodate the requested home based kennel and a separate 24' x 24' structure will be built to house the kennel. As the request is for a home based kennel, the new home must be constructed prior to recordation of the CUP for the kennel use. *See condition #2*
  - iii. Per the Letter of Intent, the kennel will be built per the United States Department of Agriculture (USDA) specifications and will be insulated with waterproof walls. The structure will also be equipped with heating and air-conditioning. There will be dog doors around the kennel that allows the dogs to exit the kennel into a cement run enclosed with a chain link fence. Beyond the chain link fence is a yard for the dogs surrounded by a 6-foot tall vinyl fence to ensure the dogs are confined to the area and to limit unauthorized entry.
- b. Operation**
- i. The applicant states that the kennel will operate in the same manner as their current facility. The current facility, as confirmed by the facility's website ([www.paradisevalleyschnauzers.com](http://www.paradisevalleyschnauzers.com)), operates as a limited liability company, Paradise Valley Schnauzers, LLC, registered with the State of Utah.
  - ii. The website is active and provides detailed information about the operation including providing lists of available puppies, prices (\$1,800-3,500/puppy), breeding pairs, and expected litters. The facility also provides genetic testing services for their puppies as well as delivery to buyers via major airlines.
  - iii. Included on the website is a copy of the facility's USDA license, which indicates that the facility is license as a Class A Breeder (Certificate #87-A-0052) under the Animal Welfare Act (7 U.S.C. 2131, et seq) (Attachment C). The Animal Welfare Act was enacted to protect certain animals from inhumane treatment and neglect and applies to dealers, exhibitors, transporters, and researchers and exempts normal farm-type operations that raise, or buy, or sell animals only for food or fiber (i.e., dairy farms). Paradise Valley Schnauzers, LLC, does not fall into any exempt business under the Act and is required to be regulated as they do not qualify as "hobby dealers" (i.e., small scale breeders with gross sales under \$500) or "retail pet stores" or "direct sales" both of which require that the pets are sold in person at a place where the seller, buyer, and animal are all physically present. Information provided on the applicant's website indicates that most puppies are sold to out-of-state customers and shipped by major airlines.
  - iv. In the letter of intent, the applicant states there will be no employees other than the residents of the new home. Additionally, customers do not visit the property.
  - v. There is no signage proposed for the proposed use and any equipment associated with the use is stated to be "regular yard equipment" in the letter of intent.
  - vi. Kennel waste will be collected in buckets with sealed lids and transported to the landfill.

## **B. Parcel Legality**

- 3. The subject property has not changed size or configuration since August 8, 2006 and is a legal parcel. There are no existing structures on the property.

## **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:

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

  1. A home based kennel shall consist of no more than twelve (12) adult dogs. More than twelve (12) dogs may be permitted as a home based kennel if it is otherwise shown by the applicant that:
    - a. Impacts can be mitigated by distance, vegetation, geography, and/or structures.
    - b. The kennel is secondary to the home and the use of the property is not primarily for commercial purposes.
  2. All kennel facilities must be a minimum of fifty feet (50') from the property boundary.
  3. Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.
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.
10. Commercial kennel: Per the applicant, the number of adult dogs proposed for the requested home based kennel is between 42-50.
  - a. A commercial kennel/animal shelter (Use Type 3300), per the County Code definition, is any establishment at which the boarding, grooming, breeding, raising, and/or otherwise keeping of thirteen (13) or more adult dogs or cats is the primary use of a legal parcel or the requirements of a home based kennel cannot be met.

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

11. 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.

12. The primary activity of the proposed home based kennel is to house and breed up to 50 adult dogs in a 576-square-foot structure located on the same property as the operators' residence. There are no employees and customers do not visit the property.

13. The proposed home based kennel facility will be located on a 10-acre property and is largely surrounded by agricultural properties. The closest residence is the applicant's existing home located approximately 400 feet west of the property line for the proposed facility.

**F. Adequate service provision *See conclusion #1***

14. 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.

15. Access: The subject property does not have frontage along a public or private road and is land locked.

- 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.

16. A basic review of the access to the subject property identifies the following:

- a. The proposed kennel facility will gain access from 2400 West, an Amalga Town road, and then cross parcel 08-013-0005 along a private driveway easement to the subject property.
- b. 2400 West:
  - i. Is an existing Amalga Town facility that provides access to the general public and is under the jurisdiction of Amalga Town.
  - ii. Per §5.6(A) of the Road Manual, no development within the unincorporated County shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.
  - iii. The applicant has provided a letter from the Mayor of Amalga Town, David Wood, dated September 1, 2018, giving approval for access off of 2400 West. (Attachment A) *See condition #3*
- c. Private driveway:
  - i. A proposed private driveway must meet all requirements of the Fire Department and the Road Manual including the construction of a turnaround. *See condition #4 & #5*



## 17. Parking:

- a. §17.22 Off Street Parking Standards – All uses included under Use Index 3000, Sales and Services, require either one parking space per 250 square feet or 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. Additionally, if the use requires more than 5 parking stalls, a Parking Analysis that conforms to §17.07.040 General Definitions and §17.22 Off Street Parking Standards must be completed and include evidence of licensure from the State of Utah for the licensed professional who prepares the document.
  - i. Based on the square footage of the proposed kennel structure (576 square feet), 3 parking spaces would be required.
  - ii. The applicant has stated in his letter of intent that no customers at the property and they are closed to visitors at all times.
  - iii. Given that the proposed use, both based on the square footage of the kennel structure and the letter of intent, will require less than 5 parking spaces, a parking analysis prepared by a licensed professional is not required. In lieu of a parking analysis, the applicant must submit a site plan that demonstrates a parking area for three vehicles is available in the driveway for the residence or another permitted location. *See condition #6*

18. Solid Waste Disposal – Logan City Environmental currently provides collection services on Mondays along 2400 West. 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.

19. Fire Control – The County Fire District has reviewed the proposed use and did not have any concerns with the use. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development.

20. Water Requirements – Kennel facilities do not require confirmation of water rights, but proof of a domestic culinary water right is required for the single-family residence that is part of the home based kennel. *See condition #2*

21. Septic – A septic feasibility analysis is not required for kennel facilities. However, a septic system is required for the new residence associated with the home based kennel. *See condition #2*

## G. Impacts and mitigation *See conclusion #1*

22. 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.”

23. 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.

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

- a. The definition for a home based kennel requires that the kennel be secondary to a dwelling unit and limits the number of adult dogs to 12 unless impacts can be mitigated by distance, vegetation, geography, and/or structures.

- i. The applicant has stated in the letter of intent that a 2,200-square-foot new home is being built on the subject property; a commercial kennel does not permit a single family dwelling, although a 1,000-square-foot caretaker unit could be constructed on-site per the Code. *See condition #2*
  - ii. The subject property is 10-acres in size and generally surrounded by agricultural uses with the closest residence being the applicant's existing residence and kennel located on the parcel immediately west of the proposed site, which will be sold.
  - iii. The proposed kennel structure will be a separate building and is required to be located a minimum of fifty feet (50') from the property line.
  - iv. The proposed kennel must be accessory to the new single-family residence and meet setback and noise requirements of the Code to mitigate the anticipated detrimental effects of the proposed 42-50 dog home based kennel. If the requirements cannot be met, the applicant must apply and obtain the required approvals as a commercial kennel. *See conditions #2 & #7*
- b. Noise: The proposed use may result in negative noise impacts on the surrounding properties. A sound level impact and assessment report has been provided (Attachment D). This report identifies that measurement were taken to identify whether noise levels at the site due to the presence of a dog kennel exceeded 10 dBA (Leq) over ambient conditions at any time of the day or night. The result of the study indicated that noise level did not exceed the county requirement for a home based kennel. Any detrimental noise effect must be mitigated by the applicant so as to limit the impact on surrounding properties. *See condition #8*

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

- 25. Public notice was posted online to the Utah Public Notice Website on 20 December 2018.
- 26. Notice was published in the Herald Journal on 22 December 2018.
- 27. Notices were posted in three public places on 20 December 2018.
- 28. Notices were mailed to all property owners within 300 feet of the subject property and to Amalga Town on 20 December 2018.
- 29. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

#### CONDITIONS (8)

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, a certificate of occupancy must be issued for the new single-family residence on the subject property. *See A-2-a-ii, F-20, F-21, G-24-a-i, G-24-a-iv*
- 3. Prior to recordation, the applicant must complete any road improvements on 2400 West required by Amalga Town for the access to the subject property. The applicant must obtain any required Amalga Town permitting for access from 2400 West and provide a copy of said requirement and permitting to the Development Services Office. *See F-16-b*
- 4. Prior to recordation, the applicant must improve the private driveway that provides access to the subject property to meet the requirements of the Fire Department, including adding a turnaround. The plans must be reviewed and approved by the Fire Department to ensure that the turnaround 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 and turnaround meets fire requirements. *See F-16-c*

5. A copy of the recorded easement across parcel 08-013-0005 to the subject property must be provided to Development Services staff upon the sale of parcel 08-013-0005. *See F-16-c*
6. Prior to recordation, the applicant must submit a site plan that identifies a parking area for three vehicles either in the driveway for the new single-family residence or in another permitted location. *See F-17*
7. The applicant must comply with all County Code requirements for a home based kennel for up to fifty (50) adult dogs. If the use does not conform to those requirements, the applicant must apply and obtain the required approvals as a commercial kennel. *See G-24-a*
8. 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-24-b*

## CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Michael Burton 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 – CONDITIONAL USE PERMIT

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

1. A. This building will be used as an indoor dog kennel. It will be heated and have AC as needed. It will be 24' x 24', 576 sq. feet. It will be used to house our dogs.
- B. There are no other employees other than ourselves. *42 dogs - adults* *KB*
- C. There are no business hours as we do not have any customers, we are closed to any visitors at all times.
- D. There are no customers or employees, so no parking needed for this. We do have occasional deliveries from UPS and FEDX, so we will have a hammer head driveway.
- E. We do not have any signage.
- F. We only have regular yard equipment.
- G. We have buckets with sealed lids that we use to pick up waste and take the buckets to the land fill.

2. See attached site plan.

3. New construction:

The proposed is for a new home to built on the 10 acre parcel within Cache County limits along with a dog kennel. The new home will be approx. 2200 sq. feet and the kennel will be 24'x24'. The entire area that our home and kennel will be on will be approx. an acre of this 10 acre parcel.

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

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

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

This 10 acre parcel within Cache county that we own and plan to build our new home and kennel on, it is completely private with no homes or buildings near it on 3 sides, with the closet home being approx. a mile away to the south. This 10 acre parcel is entirely out by itself with farm ground surrounding it...on the west side in our existing home we live in now, the proposed new kennel will be 800' to 1000' away from our

existing home and will have no impacts on it as far as noise, smells, etc. and there will no impacts on anyone else since this 10 acre parcel is so isolated. Our existing home and kennel are in Amalga city limits on another 10 acre parcel. **The PRIMARY use of both of these two 10 acre parcels is farming of alfalfa, corn and grain.** Our current home and kennel only take up approx.. one acre of our current 10 acre parcel and then proposed new home and kennel will approx. the same which is a very small footprint on a 10 acre parcel.

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

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

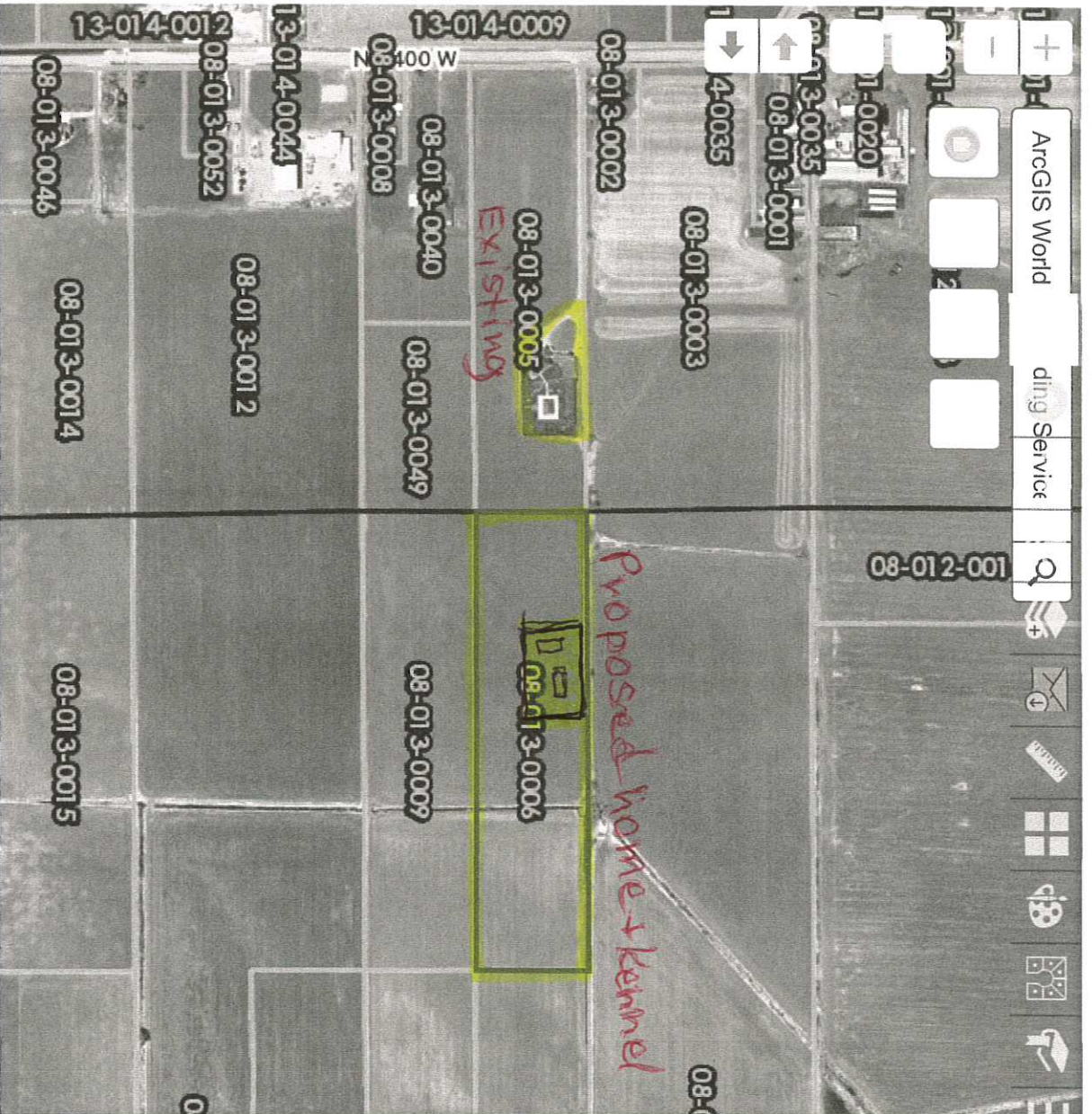
In the Cache county ordinances defining a Home Based Kennel compared to a Commercial Kennel, our place DOES NOT fall into the definition of a Commercial kennel because **our kennel is SECONDARY to our home and also the bulk of the 10 acres used for farming, it is NOT the primary use of this 10 acre parcel...**in your ordinance it states that we can apply for a Home Based kennel if we meet the listed requirements which we 100% do. Because this parcel is so private and no one would be effected by the dogs it is a perfect place for our home and kennel with no impacts on one.

Thanks,

Mike and Karie Burton

# Parcel & Zoning Viewer

[clear browser's cache help /](#) [NEW 300 ft mailing list help](#)



## Enhanced Search

By Shape    By Value    By Spatial    Results

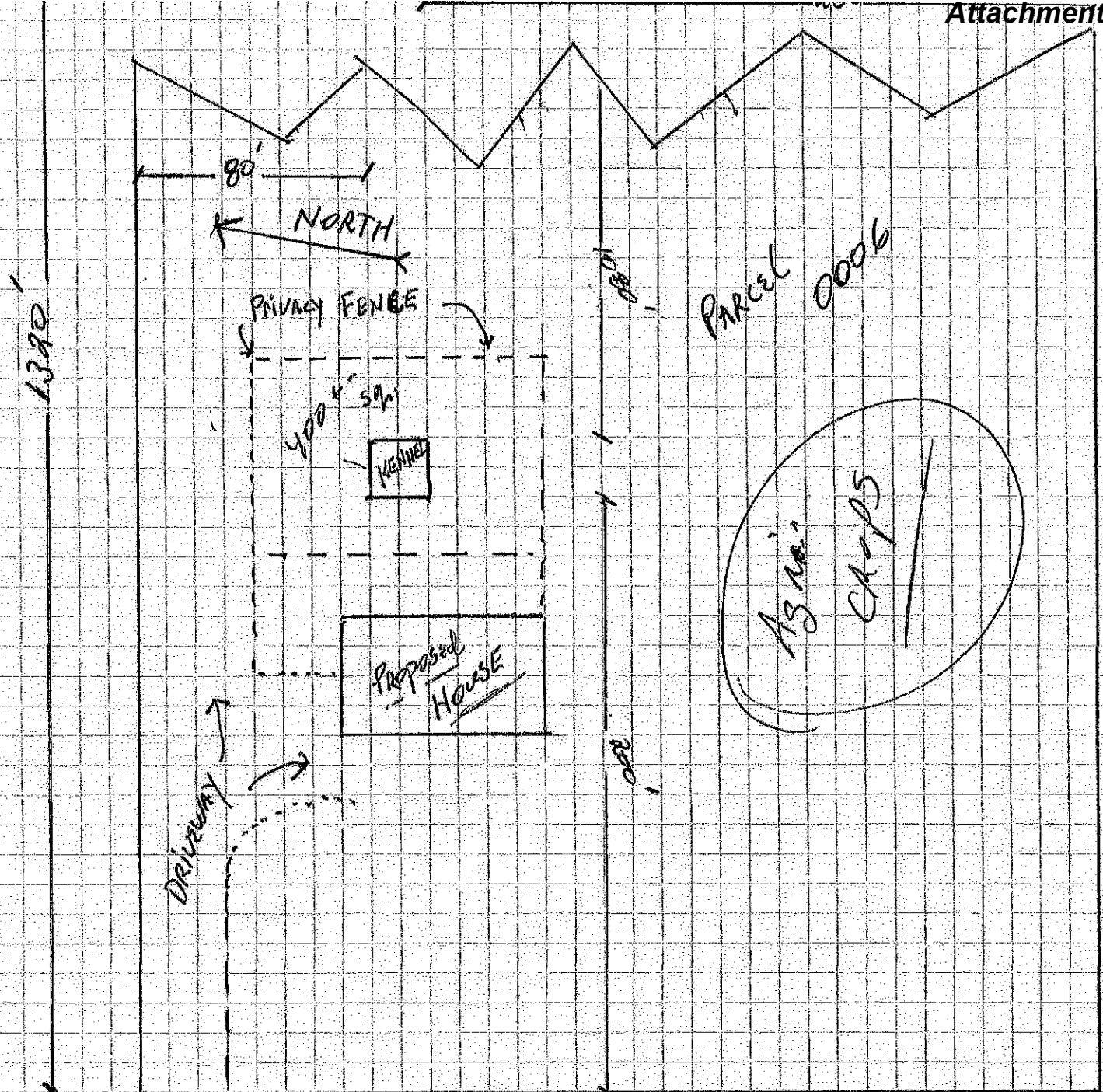
Optionally apply a search distance:

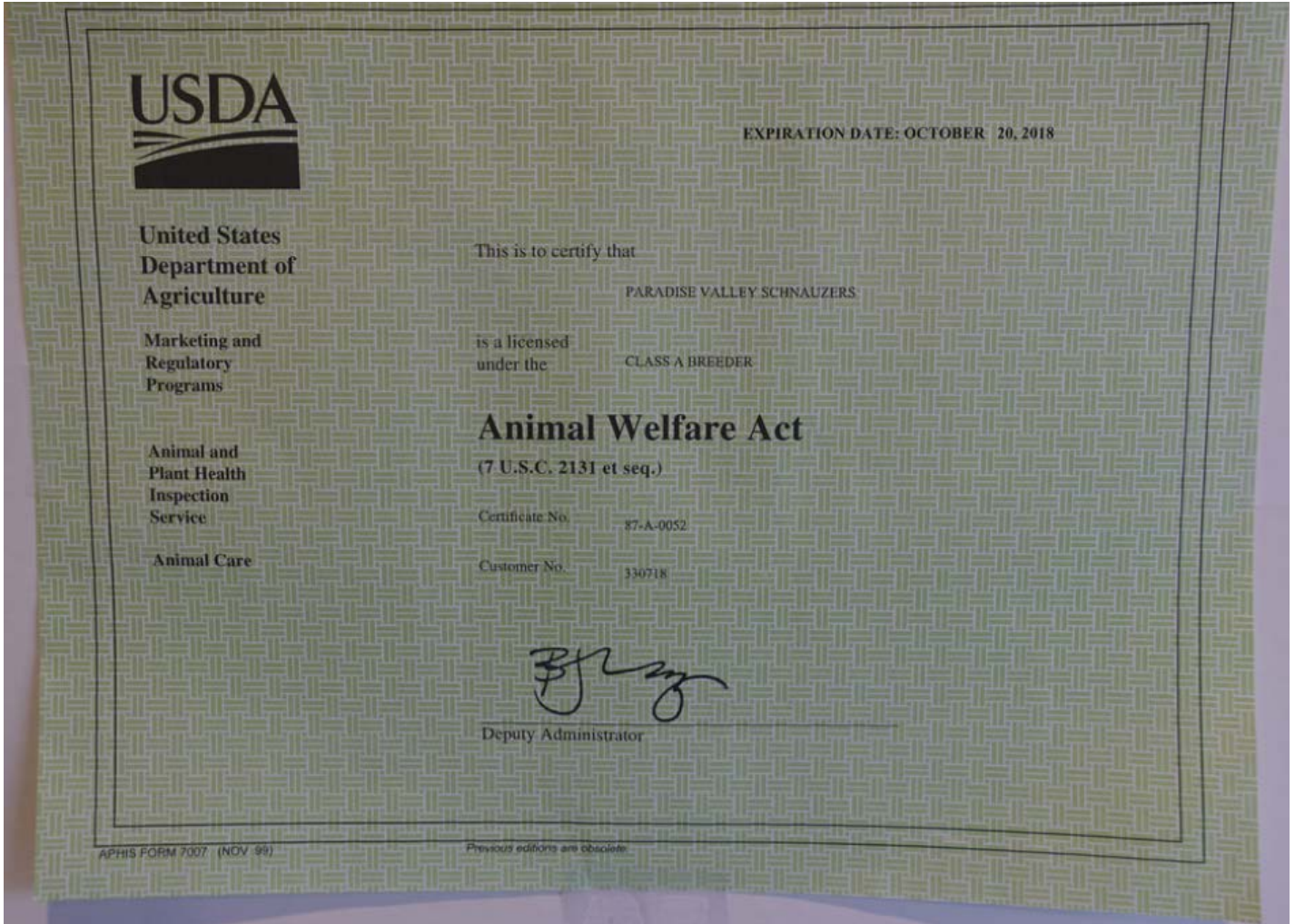
5    Feet

Search features of:

Parcels

Using one of these spatial relationships:





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

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

Source: USDA Animal and Plant Inspection Service website





December 3, 2018

Paradise Valley Schnauzers  
8480 North 2400 West  
Amalga, Utah 84335

Attn: Ms. Karie Burton

Re: Limited Sound Monitoring  
Paradise Valley Schnauzers Property  
8480 North 2400 West  
Amalga, Utah

WT Job No. 6128JA207

Western Technologies Inc. has completed a limited sound monitoring survey of the above Property at the request of Karie Burton with Paradise Valley Schnauzers. WT visited the site on November 29, 2018 and monitored for 2 hours between approximately 11:30 AM and 1:30 PM with a Larson Davis Sound Track LxT1 Environmental & Occupational Noise Meter. The average decibel levels (Laeq A-weighted) during the time measured were found to be:

Measurement 001 – Average Level – 42.3 dB  
Measurement 002 – Average Level – 33.7 dB  
Measurement 003 – Average Level – 30.9 dB

Measurement 001 was taken at the northwestern Property line and provides the typical ambient noise level. Measurement 002 was taken at the northeastern Property corner; measurement 003 was taken at the southeastern Property corner. Readings between 50 to 70 dB would be equivalent to a quiet office or conversational speech. Readings near 80 dB would be equivalent to garbage disposal (US Department of Transportation).

According to the Home Kennels definition (3200) in Title 17.07.030 of Cache County Codes, the noise levels from the kennel must not exceed 10 decibels above the ambient noise levels at the Property line. It appears the expected kennel noise levels are below the site-specific maximum of **52.3 dB** allowed by the county code.

This report completes the agreed scope of services. If you have any questions or if we may be of further assistance to you, please do not hesitate to contact us. Thank you for allowing us to provide these services.

Sincerely,  
**WESTERN TECHNOLOGIES INC.**

**Reviewed by:**

Sarah Reddinger  
Environmental Technician

Robert Wenzel, PE  
Director of Environmental Services

Attachments: Figure 1, Noise Level Measurement Locations  
Sound Level Measurement Reports (001-003)

# Measurement Report

## Report Summary

Meter's File Name	LxT_Data.001	Computer's File Name	SLM_0005532_LxT_Data_001.00.ldbin
Meter	LxT1 0005532		
Firmware	2.302		
User	WT	Location	
Description	Dog Kennel		
Note			
Start Time	2018-11-29 11:25:47	Duration	0:17:48.1
End Time	2018-11-29 11:43:36	Run Time	0:17:48.1
		Pause Time	0:00:00.0

## Results

### Overall Metrics

LA <sub>eq</sub>	42.3 dB		
LAE	72.6 dB	SEA	--- dB
EA	2.0 μPa²h		
EA8	54.9 μPa²h		
EA40	274.3 μPa²h		
LZ <sub>peak</sub>	101.5 dB	2018-11-29 11:25:52	
LAF <sub>max</sub>	76.7 dB	2018-11-29 11:25:52	
LAF <sub>min</sub>	36.8 dB	2018-11-29 11:25:58	
LA <sub>eq</sub>	42.3 dB		
LC <sub>eq</sub>	44.8 dB	LC <sub>eq</sub> - LA <sub>eq</sub>	2.5 dB
LAI <sub>eq</sub>	53.5 dB	LAI <sub>eq</sub> - LA <sub>eq</sub>	11.2 dB

### Exceedances

	Count	Duration
LAF > 85.0 dB	0	0:00:00.0
LAF > 115.0 dB	0	0:00:00.0
LZ <sub>peak</sub> > 135.0 dB	0	0:00:00.0
LZ <sub>peak</sub> > 137.0 dB	0	0:00:00.0
LZ <sub>peak</sub> > 140.0 dB	0	0:00:00.0

### Community Noise

<b>LDN</b>	<b>LDay</b>	<b>LNight</b>	
--- dB	--- dB	0.0 dB	
<b>LDEN</b>	<b>LDay</b>	<b>LEve</b>	<b>LNight</b>
--- dB	--- dB	--- dB	--- dB

### Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L <sub>eq</sub>	42.3 dB		44.8 dB		--- dB	
LF <sub>(max)</sub>	76.7 dB	2018-11-29 11:25:52	--- dB		--- dB	
LF <sub>(min)</sub>	36.8 dB	2018-11-29 11:25:58	--- dB		--- dB	
L <sub>Peak(max)</sub>	--- dB		--- dB		101.5 dB	2018-11-29 11:25:52

### Overloads

<b>Count</b>	<b>Duration</b>
0	0:00:00.0

### Statistics

LAF 5.0	41.9 dB
LAF 10.0	40.7 dB
LAF 33.3	39.2 dB
LAF 50.0	38.9 dB
LAF 66.6	38.7 dB
LAF 90.0	38.4 dB

# Measurement Report

## Report Summary

Meter's File Name	LxT_Data.003	Computer's File Name	SLM_0005532_LxT_Data_003.00.ldbin
Meter	LxT1 0005532		
Firmware	2.302		
User	WT	Location	
Description	Dog Kennel		
Note			
Start Time	2018-11-29 12:54:18	Duration	0:47:57.3
End Time	2018-11-29 13:42:15	Run Time	0:47:57.3
		Pause Time	0:00:00.0

## Results

### Overall Metrics

LA <sub>eq</sub>	30.9 dB		
LAE	65.5 dB	SEA	--- dB
EA	0.4 μPa <sup>2</sup> h		
EA8	3.9 μPa <sup>2</sup> h		
EA40	19.7 μPa <sup>2</sup> h		
LZ <sub>peak</sub>	79.6 dB	2018-11-29 12:54:18	
LAF <sub>max</sub>	55.7 dB	2018-11-29 12:54:18	
LAF <sub>min</sub>	27.7 dB	2018-11-29 13:27:24	
LA <sub>eq</sub>	30.9 dB		
LC <sub>eq</sub>	35.0 dB	LC <sub>eq</sub> - LA <sub>eq</sub>	4.1 dB
LAI <sub>eq</sub>	33.9 dB	LAI <sub>eq</sub> - LA <sub>eq</sub>	3.0 dB

### Exceedances

	Count	Duration
LAF > 85.0 dB	0	0:00:00.0
LAF > 115.0 dB	0	0:00:00.0
LZ <sub>peak</sub> > 135.0 dB	0	0:00:00.0
LZ <sub>peak</sub> > 137.0 dB	0	0:00:00.0
LZ <sub>peak</sub> > 140.0 dB	0	0:00:00.0

### Community Noise

<b>LDN</b>	<b>LDay</b>	<b>LNight</b>	
--- dB	--- dB	0.0 dB	
<b>LDEN</b>	<b>LDay</b>	<b>LEve</b>	<b>LNight</b>
--- dB	--- dB	--- dB	--- dB

### Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L <sub>eq</sub>	30.9 dB		35.0 dB		--- dB	
LF <sub>(max)</sub>	55.7 dB	2018-11-29 12:54:18	--- dB		--- dB	
LF <sub>(min)</sub>	27.7 dB	2018-11-29 13:27:24	--- dB		--- dB	
L <sub>peak(max)</sub>	--- dB		--- dB		79.6 dB	2018-11-29 12:54:18

### Overloads

Count	Duration
0	0:00:00.0

### Statistics

LAF 5.0	33.7 dB
LAF 10.0	32.3 dB
LAF 33.3	29.2 dB
LAF 50.0	28.4 dB
LAF 66.6	28.2 dB
LAF 90.0	28.0 dB

# Measurement Report

## Report Summary

Meter's File Name	LxT_Data.002	Computer's File Name	SLM_0005532_LxT_Data_002.00.ldbin
Meter	LxT1 0005532		
Firmware	2.302		
User	WT	Location	
Description	Dog Kennel		
Note			
Start Time	2018-11-29 11:49:30	Duration	1:03:06.1
End Time	2018-11-29 12:52:36	Run Time	1:03:06.1
		Pause Time	0:00:00.0

## Results

### Overall Metrics

LA <sub>eq</sub>	33.7 dB		
LAE	69.5 dB	SEA	-- dB
EA	1.0 μPa <sup>2</sup> h		
EA8	7.5 μPa <sup>2</sup> h		
EA40	37.3 μPa <sup>2</sup> h		
LZ <sub>peak</sub>	87.5 dB	2018-11-29 11:49:36	
LAF <sub>max</sub>	67.7 dB	2018-11-29 11:58:14	
LAF <sub>min</sub>	28.0 dB	2018-11-29 12:40:21	
LA <sub>eq</sub>	33.7 dB		
LC <sub>eq</sub>	34.5 dB	LC <sub>eq</sub> - LA <sub>eq</sub>	0.9 dB
LAI <sub>eq</sub>	41.5 dB	LAI <sub>eq</sub> - LA <sub>eq</sub>	7.8 dB

### Exceedances

	Count	Duration
LAF > 85.0 dB	0	0:00:00.0
LAF > 115.0 dB	0	0:00:00.0
LZ <sub>peak</sub> > 135.0 dB	0	0:00:00.0
LZ <sub>peak</sub> > 137.0 dB	0	0:00:00.0
LZ <sub>peak</sub> > 140.0 dB	0	0:00:00.0

### Community Noise

<b>LDN</b>	<b>LDay</b>	<b>LNight</b>	
-- dB	-- dB	0.0 dB	
<b>LDEN</b>	<b>LDay</b>	<b>LEve</b>	<b>LNight</b>
-- dB	-- dB	-- dB	-- dB

### Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L <sub>eq</sub>	33.7 dB		34.5 dB		-- dB	
LF <sub>(max)</sub>	67.7 dB	2018-11-29 11:58:14	-- dB		-- dB	
LF <sub>(min)</sub>	28.0 dB	2018-11-29 12:40:21	-- dB		-- dB	
L <sub>Peak(max)</sub>	-- dB		-- dB		87.5 dB	2018-11-29 11:49:36

### Overloads

Count	Duration
0	0:00:00.0

### Statistics

LAF 5.0	33.6 dB
LAF 10.0	32.0 dB
LAF 33.3	29.8 dB
LAF 50.0	29.3 dB
LAF 66.6	29.1 dB
LAF 90.0	28.7 dB



PROJECT: Paradise Valley Schnauzers Noise Study

JOB NO.: 6128JA207

FIGURE 1 – NOISE METER PLACEMENT

**Western Technologies Inc.**  
 The Quality People  
 Since 1955  
 wt-us.com

*Geotechnical  
 Environmental  
 Inspections  
 Materials*





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.