



4:45 p.m.

Workshop in the County Council Chambers

5:30 p.m.

Call to order

Opening remarks/Pledge – Lane Parker

Review and approval of agenda

Review and approval of the minutes of the 7 March 2019 meeting

5:35 p.m.

Consent Items

1. **Richmond Valley Subdivision 3rd Amendment** – A request to amend an existing 5-lot subdivision by expanding the boundary and adding an adjacent parcel to create Lot 6. The subdivision was formerly known as the Cherry Creek Canyon Subdivision and is located at approximately 3200 East 11000 North, Richmond, in the Forest Recreation (FR40) Zone.

Regular Action Items

2. **Hills of Home Subdivision** – A request to create a new one-lot subdivision with an agricultural remainder located at 10375 South Highway 165, Avon, in the Agricultural (A10) Zone.
3. **Specific Criteria for Rural 2 & Rural 5 Zone Rezone Requests**

Board Member Reports

Staff reports

Adjourn

PUBLIC PARTICIPATION GUIDE: PLANNING COMMISSION

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

WHEN SPEAKING ON AN AGENDA ITEM

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

When it is your turn to speak:

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

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

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

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

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

LIMITS OF JURISDICTION

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



| <u>Item</u> | <u>Page</u> |
|---|-------------|
| <u>Consent Agenda Items</u> | |
| 1. High Creek Properties Subdivision 1 st Amendment | 2 |
| <u>Regular Action Items</u> | |
| 2. DD Auto & Salvage Conditional Use Permit 2 nd Amendment | 2 |
| 3. Specific Criteria for Rural 2 & Rural 5 Zone Rezone Requests | 3 |

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

Start Time: 05:30:00

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

2 **05:30:00**

3 **Agenda**

4 Approved with no changes.

5 **05:36:00**

6 **Minutes**

7 **Gunnell** motioned to approve the minutes from February 7, 2019; **Parker** seconded; **Passed 6, 0.**

8 **05:33:00**

9 **Consent Items**

10 **#1 High Creek Properties Subdivision 1st Amendment**

11 **Olsen** asked about secondary water rights being transferred with the sale of the land.

12 **Staff** and **Commission** discussed water rights. For Planning Commission purposes, only culinary water is
13 required to be proved for a subdivision.

14 **Tom Dilatush** commented that there is no change of ownership for this transaction and secondary water
15 is in place.

16 **Sands** motioned to approve the consent agenda with the stated findings of fact, two conditions, and one
17 conclusion as written; **Watterson** seconded; **Passed 6, 0.**

18 **05:39:00**

19 **Regular Action Items**

20 **#2 DD Auto & Salvage Conditional Use Permit 2nd Amendment**

21 **Zetterquist** reviewed the staff report for the DD Auto & Salvage Conditional Use Permit (CUP) 2nd
22 amendment.

23 **Staff** and **Commission** discussed setback requirements.

24 **David Grange** commented on setbacks.

- 1 **Sands** asked about a stream alteration permit.
- 2 **Mr. Grange** commented the permit process has been put on hold due to conflicts with the neighboring
3 property owner.
- 4 **Gunnell** asked about storm water protection.
- 5 **Mr. Grange** answered that they do have a storm water permit.
- 6 **Christensen** asked is Mr. Grange had a copy of the conditions.
- 7 **Mr. Grange** commented he did and they are trying to remain in compliance.
- 8 **Watterson** motioned to approve the DD Auto & Salvage Conditional Use Permit 2nd amendment with the
9 stated findings of fact, 9 conditions, and 2 conclusions as written; **Gunnell** seconded; **Passed 6, 0.**
- 10 **Zetterquist** left the meeting.
- 11 **05:50:00**
- 12 **#3 Specific Criteria for Rural 2 & Rural 5 Zone Rezone Requests**
- 13 **Harrild** reviewed the criteria options for Rural 2 & Rural 5 Zone Rezone requests.
- 14 **Staff** and **Commission** discussed roads and how they could be affected, how the county wants to develop
15 in the future, good areas to develop, and planning for development. Wording changes regarding
16 annexation for criteria 1 were made and criteria 2 was merged into criteria 1.
- 17 **Vern Fielding** commented in opposition of the proposed criteria due to it restricting development rights.
- 18 **Sands** commented that this does not take away development rights.
- 19 **Mr. Fielding** commented that the applications need to be evaluated on their own merits and a case-by-
20 case basis.
- 21 **Cheryl Burgess** asked about criteria #5.
- 22 **Sands** stated that if it fits the character of the area, it is a possibility that a similar density could go in
23 again.
- 24 **Ms. Burgess** commented in regards to water.
- 25 **Christensen** stated that this commission doesn't oversee or control water rights.
- 26 **Ms. Burgess** asked about transferred water.
- 27 **Gunnell** commented that buying water and transferring water rights is on hold with the state.
- 28 **Ms. Burgess** commented that she has fears of waking up one day to no water.

1 **Gunnell** commented that that is why part of this is being discussed.

2 **Ms. Burgess** commented on water, wells, annexation, and Smithfield City's use of water, and her
3 concerns with the RU2 and RU5 zones.

4 **Staff** and **Commission** discussed greenbelt qualifications on small agricultural remainders. The proposed
5 criteria can be adopted into the ordinance, or can be an amendment to the general plan, or can be adopted
6 as a resolution.

7 **07:21:00**

8 **Adjourned**

DRAFT

STAFF REPORT: RICHMOND VALLEY SUBDIVISION 3RD AMENDMENT

4 APRIL 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: Stephen Shepherd

Parcel ID#: 18-057-0020

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

3200 E 11000 N

East of Richmond

Current Zoning:

Forest Recreation (FR-40)

Acres: 39.7 acres

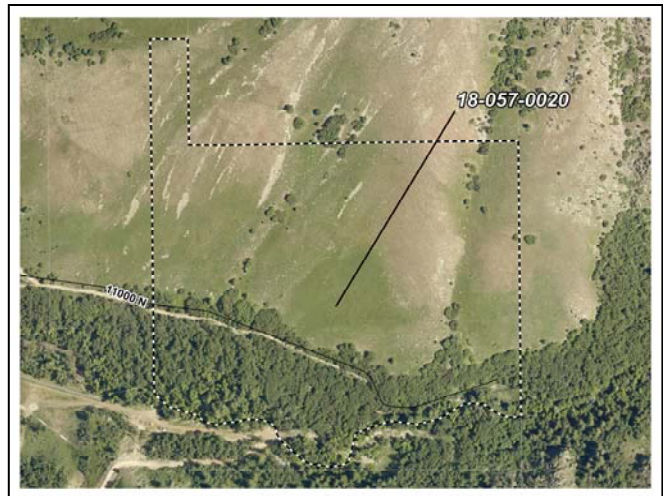
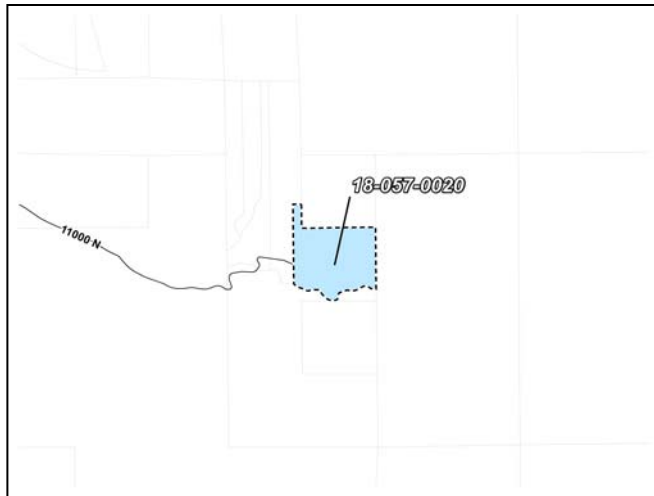
Surrounding Uses:

North – Forest Recreation/USFS

South – Forest Recreation/USFS/DNR

East – Forest Recreation/USFS

West – Forest Recreation/DNR



FINDINGS OF FACT (20)

A. Request description

1. The Richmond Valley Subdivision 3rd Amendment (formerly the Cherry Creek Canyon Subdivision) is a request to expand the existing 5-lot subdivision boundary to include an adjacent legal parcel (18-057-0020). There are no changes to Lots 1-5; Lot 6 will be 39.7 acres.
 - a. Lot 1 is parcel 18-057-0021;
 - b. Lot 2 is parcel 18-057-0022;
 - c. Lot 3 is parcel 18-057-0023;
 - d. Lot 4 is parcel 18-057-0024;
 - e. Lot 5 is parcel 18-057-0025; and
 - f. Lot 6 is parcel 18-057-0020.

B. Parcel legality

2. The original subdivision, Cherry Creek Canyon Subdivision, was approved by the County Council on April 8, 2008 and the approved plat recorded on August 7, 2008. The subdivision was amended and approved by the Development Services Director in March 2017. The approved plat was recorded on July 11, 2017. A second amended plat, where the name was changed to Richmond Valley, was approved by the Planning Commission in September 2017; that plat was recorded on 18 October 2017.
3. There is an approved Conditional Use Permit (CUP) for the Cherry Peak Ski Area on portions of the existing subdivision. An amendment to the CUP was approved by the Planning Commission in July 2018, but has not been recorded as of this date. The new Lot 6 is not part of the existing or pending amended CUP for the recreational facility. Only uses allowed in the FR40 Zone are permitted on Lot 6.

C. Authority

4. §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

5. §16.04.080 [A] Water Requirements – A culinary water supply is not required for subdivisions in the FR40 Zone.
6. §16.04.080 [B] Sewage Requirements – The majority of the subdivision, including the proposed Lot 6, lies within a source water protection area. Septic systems are not permitted within zone 1 or 2 of the source water protection area for a culinary water system. *See condition #1*
7. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2*

E. Access

8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
10. §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.
11. 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. §2.1-A-6 Mountain Road, Table 2.2 Roadway Typical Sections: Roads with up to 30 ADT. This category is appropriate for use on forest access roads, mountain roads, back roads, and other special use facilities. Gravel roads are most typical in nature, but some roads have limited improvements or are “two track” in nature.

- d. Table 2.2 Roadway Typical Sections: Mountain roads must meet the minimum standards of a 66-foot-wide right-of-way and two 12-foot wide gravel travel lanes with a five foot clear zone. A single 12-foot wide gravel travel lane may be permitted for a Mountain Road if necessary improvements are made to provide adequate service provision in compliance with the Road Manual, the County Code, and the latest edition of the International Fire Code.
 - e. §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.
 - f. 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.
12. A basic review of the access to the existing lots and the proposed lot identifies the following:
- a. The subdivision gains access from 11000 North.
 - b. 11000 North:
 - i. The County Council adopted Resolution 2013-22 in October 2013 that allowed for the proposed vacation and adoption of the realigned portion of 11000 North. The right-of-way adopted in the resolution consists of an ingress-egress easement 66 feet wide that extends to the forest boundary. The right-of-way was recorded against the subject properties as Entry #1165792. The property owners of the existing 5 lots in the subdivision have previously dedicated this right-of-way to the county with an easement for Richmond City Water as Entry #1138556, but a portion of the proposed Lot 6 was under different ownership at that time and the dedication did not extend to the forest boundary. *See condition #3*
 - ii. Is an existing county facility that provides access to the general public.
 - iii. This roadway was improved to meet the County Road Standards for a local road in the Fall of 2014 up to the location of the Cherry Peak resort’s lodge.
 - iv. The majority of 1100 North consists of a 23-foot paved width with 4-foot wide gravel shoulders. The narrowest sections consist of a 20-22-foot paved width with 0-1-foot wide gravel shoulders.
 - v. A review of the portion of 11000 North going across proposed Lot 6 was not possible due to winter weather conditions. Improvements may be required based on the road review by the Public Works Inspector when weather permits; required improvements must be completed prior to the recordation of the plat. *See condition #4*
 - vi. Localized failures along the improved roadway each year have postponed the county’s acceptance of the work on the roadway. Repair of the localized failures related to the road improvement continues to be the responsibility of the Cherry Peak Ski Area developer and associated road contractor.
 - vii. Outside of the failures that have occurred, the county provides summer and winter maintenance on 11000 North.
 - viii. After the lodge as the road continues east, it is considered a rural or mountain road and consists of an average 30-foot gravel width to a trail head. Then narrows to a 20-foot gravel width, and finally to a 12-foot gravel width to the edge of the forest boundary.

F. Service Provision

- 13. §16.04.080 [C] Fire Control – The County Fire District indicated that the fire department access road must be 20 feet wide with an all-weather surface. Any future structure will also have to comply with the Wildland Urban Interface Code. Water supply for fire suppression would be provided by the Richmond Fire Department. *See condition #5 & #7*

14. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comment on this application; all garbage is haul in/haul out.

G. Sensitive Areas

15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area

- a. Steep and Moderate Slopes: The majority of the property within the subdivision boundary contains Steep and Moderate Slopes. Development is not permitted in Steep Slope areas, and any development within Moderate Slope areas shall require a geotechnical report. *See condition #6.*
- b. Geologic Hazards: A USGS identified fault zone crosses all the lots of the existing subdivision. A geotechnical report is required prior to future development on any of the subdivision lots. *See condition #6*
- c. Geologic Hazards: There are two identified landslide areas on property within the subdivision boundary. One is on the south end and covers portions of parcels 18-054-0003, 18-054-0005, 18-054-0006, and 18-057-0003. The other is on the northwestern boundary and covers a portion of parcel 18-054-0006. A geotechnical report is required prior to development in these areas. *See condition #6.*
- d. Wildfire Hazards: The majority of the property within the subdivision boundary consists of area with a medium to high wildfire hazard. *See condition #7*
- e. Source Water Protection Areas: The majority of the subdivision, including the proposed Lot 6, lies within a source water protection area. Septic systems are not permitted within zone 1 or 2 of the source water protection area for a culinary water system. *See condition #1*

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

16. Public notice was posted online to the Utah Public Notice Website on 21 March 2019.
17. Notice was published in the Herald Journal on 23 March 2019.
18. Notices were posted in three public places on 21 March 2019.
19. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 21 March 2019.
20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (7)

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. Septic systems are not permitted within zone 1 or 2 of the existing source water protection plan for a culinary water system. (*See D-6, G-15-e*)
2. A Land Disturbance Permit is required for any future development. (*See D-6*)
3. Prior to recordation, the applicant must dedicate the remaining portion of the right-of-way on Lot 6 to the county either in the Owner's Dedication on the plat or a separate recorded instrument with the County Recorder's Office and provide a copy of the recorded document to the Development Services Office. (*E-12-b-i*)
4. When weather conditions permit, the public works inspector must complete a road review of 11000 North from the ski resort lodge to the forest boundary on the eastern boundary of proposed Lot 6 to determine what improvements are required on the county road. The developer must complete any required improvements prior to recording the subdivision plat. (*E-12-b-v*)
5. Prior to recordation, the applicant must improve the county road to the minimum County requirements and/or provide evidence that the existing material type and structural fill meets or exceeds the minimum county requirements. The design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer and County Fire District for compliance with applicable codes. A full set of engineered design and construction

plans must be submitted and must address issues of grade, drainage, base preparation and construction, and surfacing for the road. Fees for any engineering plan review shall be borne by the proponent. (*See F-13*)

6. A geotechnical report is required prior to future development on any of the subdivision lots that contain Moderate Slopes or Geologic Hazards. (*See G-15-a, G-15-b, G-15-c*)
7. A fire protection report is required for any development on the properties within the Wildfire Hazard Areas as specified in 17.18 Sensitive Areas of the County Land Use Ordinance. (*See F-13, G-15-d*)

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Richmond Valley Subdivision 3rd Amendment as:

1. The Planning Commission is authorized to act as the Land Use Authority for this application (*See C-4*), and;
2. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.



RICHMOND VALLEY

(3RD AMENDMENT OF CHERRY CREEK CANYON SUBDIVISION)

FINAL PLAT

SURVEY CERTIFICATE

STEVEN C. EARL, A PROFESSIONAL LAND SURVEYOR, HOLD CERTIFICATE NO. 19179, HAS SURVEYED THE ABOVE DESCRIBED TRACT OF LAND AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE ACCURATELY DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, THE WHOLE TO BE OF GENERAL SUBDIVISION, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

LEGAL DESCRIPTION

PART OF SECTIONS 20 AND 28, TOWNSHIP 14 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN, BEING THE SAME AS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N00°38'10"W 5278.40 FEET ALONG THE WEST LINE OF SAID SECTION 28 TO THE WEST 1/4 CORNER OF SAID SECTION 28; SAID SECTION 28 TO THE SOUTH SIXTEENTH CORNER COMMON TO SECTIONS 19 AND 28; THENCE N00°00'00"E 1520.00 FEET TO THE SOUTHWEST 1/4 CORNER OF SAID SECTION 28; THENCE S13°24'24"E TO THE WEST SIXTEENTH CORNER COMMON TO SAID SECTIONS 20 AND 28; THENCE S00°38'10"E 1318.60 FEET TO THE NORTHWEST SIXTEENTH CORNER OF SAID SECTION 28; THENCE N00°00'00"E 1320.00 FEET TO THE CENTER-NORTH SIXTEENTH CORNER OF SAID SECTION 28; THENCE N00°00'00"E 1318.60 FEET TO THE CENTER-NORTH SIXTEENTH CORNER OF SAID SECTION 28; THENCE N00°00'00"E 1320.00 FEET TO THE CENTER-SOUTH SIXTEENTH CORNER OF SAID SECTION 28; THENCE S13°24'24"E TO THE SOUTH QUARTER CORNER OF SAID SECTION 28; THENCE N00°00'00"W 2840.00 FEET TO THE POINT OF BEGINNING, CONTAINING 280.35 ACRES, MORE OR LESS.

OWNER DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SURVEYED INTO LOTS AND STREETS, THE WHOLE TO BE OF GENERAL SUBDIVISION, SUBDIVISION, FURTHERMORE, WE INCORPORATE THE NOTES AND RESTRICTIONS AS LISTED HEREON.

BY: MARK HALL
BY: DRH HOLDINGS, LLC
BY: MANAGING MEMBER
BY: CHERRY PEAK RECREATIONAL RESERVE, LLC
BY: MANAGING MEMBER
BY: CHERRY PEAK DEVELOPMENT RESERVE, LLC
BY: MANAGING MEMBER

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF CACHE
ON THIS ____ DAY OF _____, IN THE YEAR 2018, BEFORE ME BY FULLY EXECUTED ON THIS DOCUMENT, AND ACKNOWLEDGED THAT SAID DOCUMENT WAS SIGNED BY HIM OR HER, AND THAT SAID DOCUMENT WAS SIGNED BY THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGMENT

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COUNTY OF CACHE
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NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGMENT

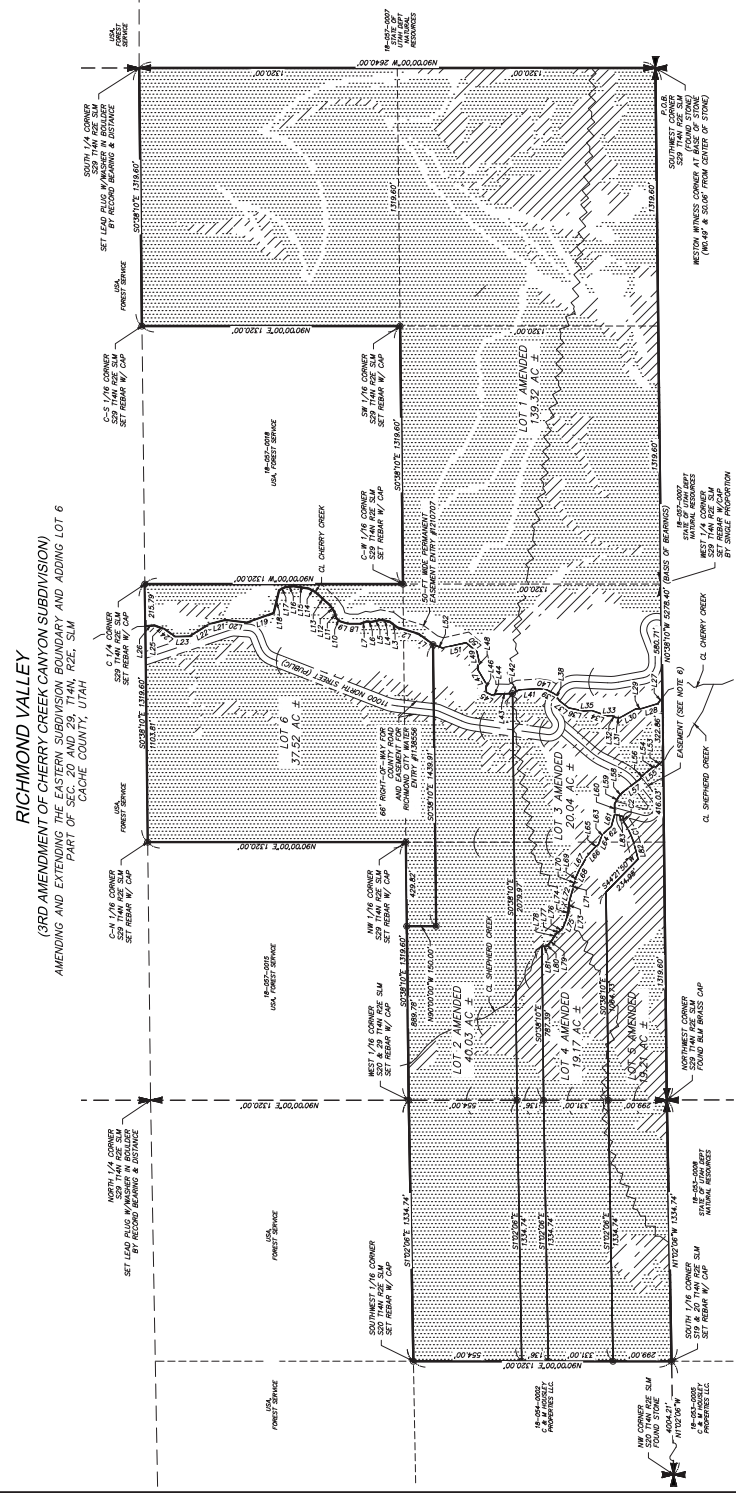
STATE OF UTAH
COUNTY OF CACHE
ON THIS ____ DAY OF _____, IN THE YEAR 2018, BEFORE ME BY FULLY EXECUTED ON THIS DOCUMENT, AND ACKNOWLEDGED THAT SAID DOCUMENT WAS SIGNED BY HIM OR HER, AND THAT SAID DOCUMENT WAS SIGNED BY THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

COUNTY RECORDER

STATE OF UTAH
COUNTY OF CACHE
THIS PLAT HAS BEEN FULLY ACKNOWLEDGED, CERTIFIED, AND APPROVED AND MAY LAWFULLY BE RECORDED IN CACHE COUNTY, UTAH.

DATE: _____ TIME: _____
REQUEST OF: _____
CACHE COUNTY RECORDER



NOTES & RESTRICTIONS

1. THE MAJORITY OF THIS SUBDIVISION IS WITHIN ZONE 2 OF A SOURCE WATER PROTECTION PLAN. NO SEPTIC SYSTEM SHALL BE PERMITTED WITHIN A ZONE 1 PLAN FOR ANY CULINARY WATER SYSTEM. PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SOURCE, SOUND, AND SMELL ASSOCIATED WITH AGRICULTURAL ACTIVITIES WHICH ARE PERMITTED UNDER CULINARY WATER SOURCE, AND COUNTY HAS NOT DETERMINED THE AVAILABILITY OR AVAILABILITY OF CULINARY WATER SOURCE TO OBTAIN AN APPROVED CULINARY WATER SOURCE, AND COMPLY WITH ALL OTHER REQUIREMENTS FOR BUILDING PERMIT.

2. SHALL BE SUBJECT TO THE ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

3. SHALL BE SUBJECT TO THE ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

4. SHALL BE SUBJECT TO THE ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

5. SHALL BE SUBJECT TO THE ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

6. SHALL BE SUBJECT TO THE ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

7. SHALL BE SUBJECT TO THE ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

8. SHALL BE SUBJECT TO THE ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

ACKNOWLEDGMENT

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COUNTY OF CACHE
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NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGMENT

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A NOTARY PUBLIC COMMISSIONED IN UTAH

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NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

DEPUTY COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT AND THE MINIMUM STANDARDS FOR PLATS RECORDED BY THE COUNTY ORDINANCE AND STATE LAW.

DATE: _____ TIME: _____
DEPUTY COUNTY SURVEYOR

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THIS PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE: _____ TIME: _____
CACHE COUNTY ATTORNEY

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THIS PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE: _____ TIME: _____
CACHE COUNTY ATTORNEY

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THIS PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE: _____ TIME: _____
CACHE COUNTY ATTORNEY

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THIS PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE: _____ TIME: _____
CACHE COUNTY ATTORNEY

DIRECTOR OF DEVELOPMENT SERVICES

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY DIRECTOR OF DEVELOPMENT SERVICES ON THIS ____ DAY OF _____.
DATE: _____ TIME: _____
DIRECTOR

DIRECTOR OF DEVELOPMENT SERVICES

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY DIRECTOR OF DEVELOPMENT SERVICES ON THIS ____ DAY OF _____.
DATE: _____ TIME: _____
DIRECTOR

DIRECTOR OF DEVELOPMENT SERVICES

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY DIRECTOR OF DEVELOPMENT SERVICES ON THIS ____ DAY OF _____.
DATE: _____ TIME: _____
DIRECTOR

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DATE: _____ TIME: _____
DIRECTOR



SITE FEATURES

**RICHMOND VALLEY
(2ND AMENDMENT OF CHERRY CREEK CANYON SUBDIVISION)**

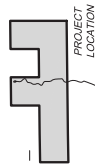


Castle #1 Subdiv.
195 S. F. ...
Logans, UT 84321
TEL: 801.468.1101
FAX: 801.468.1102
WWW: www.ci-engineering.com
21 JANUARY 2019
SCALE: 1" = 100'
CALCULATED BY: S. EARL
CHECKED BY: M. DAVY
APPROVED BY: S. EARL
PROJECT NO.: 190118B
SHEET:
2 of 3

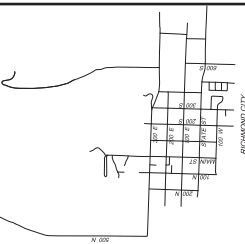
SHEET DESCRIPTION

PROJECT TITLE

VICINITY MAP



PROJECT LOCATION



SLOPE CALCULATIONS

- LOT 1 AREA OF STEEP SLOPE: 103.4 AC
AREA OF MODERATE SLOPE: 63.2 AC
- LOT 2 AREA OF STEEP SLOPE: 36.6 AC
AREA OF MODERATE SLOPE: 26.2 AC
- LOT 3 AREA OF STEEP SLOPE: 11.9 AC
AREA OF MODERATE SLOPE: 6.4 AC
- LOT 4 AREA OF STEEP SLOPE: 1.1 AC
AREA OF MODERATE SLOPE: 0.2 AC
- LOT 5 AREA OF STEEP SLOPE: 10.4 AC
AREA OF MODERATE SLOPE: 7.7 AC
- LOT 6 AREA OF STEEP SLOPE: 10.0 AC
AREA OF MODERATE SLOPE: 1.75 AC
- TOTAL SUBDIVISION AREA OF STEEP SLOPE: 203.4 AC
AREA OF MODERATE SLOPE: 31.45 AC

KEY NOTE LEGEND

- 1 CHERRY PEAR OR LODGE
- 2 PARKING LOT
- 3 SNOW MAKING RESERVOIR
- 4 SNOW FENCE
- 5 GRAVEL ROAD
- 6 PAVED ROAD
- 7 50' OFF CORNER & 50' OFF INTERNAL LEFT SHANK
- 8 50' OFF CORNER & 50' OFF INTERNAL & LANDING AREA
- 9 50' OFF CORNER & 50' OFF INTERNAL
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- 100 50' OFF CORNER & 50' OFF INTERNAL



0 75' 150'
300'
GRAPHIC SCALE: 1" = 150'

SOUTH 1/4 CORNER
SET BY REBAR W/ CAMP
BY RECORD RECORDING & DISTANCE

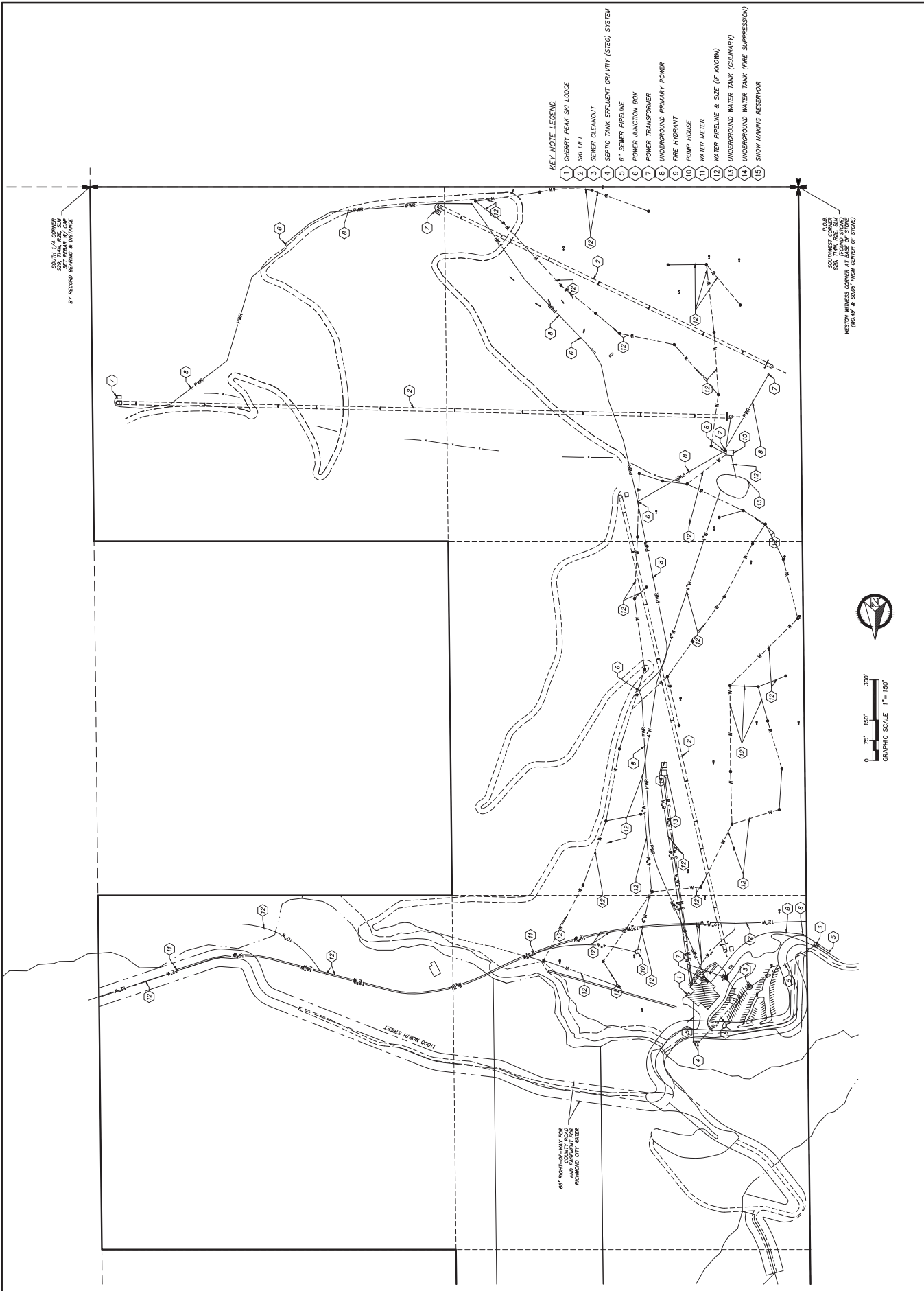
P.O.B.
SOUTH 1/4 CORNER
SET BY REBAR W/ CAMP
BY RECORD RECORDING & DISTANCE

68' FRONT-OF-WAY FOR
AND LANDING FOR
RICHMOND CITY WATER

SURVEY NARRATIVE
THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF ...
WERE FOUND AS SHOWN. 1/8 CORNERS AND 1/8 CORNERS THAT WERE SET ...
MONUMENTS THAT WERE FOUND AT THESE CORNER LOCATIONS.
THE BASE OF BEARINGS USED WAS GEOMETRIC BASED ON A SINGLE ...
POINT NORTH PROJECTION FROM THE NORTHWEST CORNER OF SECTION 29.
REBAR W/ CAMP STAMPED "STEVEN C. EARL PLS 318273" WERE SET AT ...
ALL CORNERS. ENGINEERS NOTES.



Checked by: [Signature]
 Date: 21 JANUARY 2019
 Scale: 1" = 150'
 Calculated by: [Signature]
 S. EARL
 Approved by: [Signature]
 Date: 1999 FEB
 Sheet: 1999 FEB
 Project Title:



STAFF REPORT: HILLS OF HOME SUBDIVISION

4 APRIL 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: Zan Summers

Parcel ID#: 16-040-0007

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

~41 West 10500 South

Avon

Current Zoning:

Agricultural (A10)

Acres: 26.60 acres

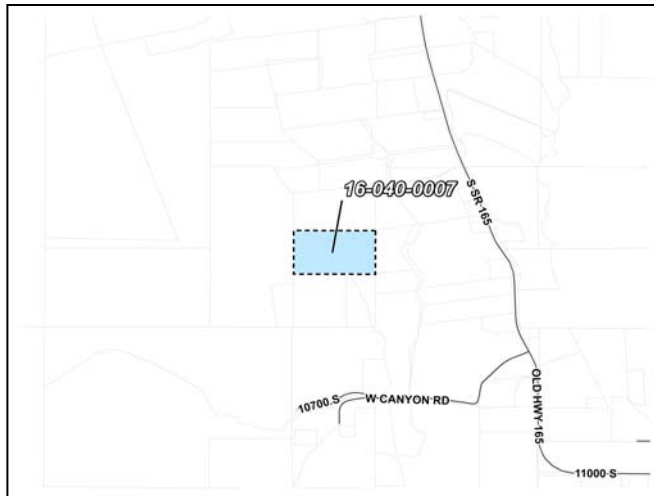
Surrounding Uses:

North – Agricultural

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural



FINDINGS OF FACT (19)

A. Request description

1. The Hills of Home Subdivision is a request to create a 1-lot subdivision with an Agricultural Remainder on 26.60 acres in the Agricultural (A10) Zone.
 - a. A boundary line adjustment with parcel #16-040-0003, located immediately north of the subject property, will be done to accommodate the proposed subdivision.
 - b. Parcel #16-040-0003 will decrease from 20.59 acres to 15.74 acres;
 - c. Lot 1 will be 10.87 acres, and
 - d. The Agricultural Remainder will be 15.73 acres.

B. Parcel legality

2. Parcel status: In 2011, a Conditional Use Permit (Attachment A) was approved to allow a gravel pit to operate on a 2-acre area of the subject property. At the time of the approval, it was

anticipated that resource extraction would occur for a period of about 10 years. According to the applicant, there is no resource extraction currently occurring, but a firm date as to when the operations ceased is not known at this time. Further, the applicant believes that the contract for resource extraction between the property owner and Legrand Johnson Construction expires on January 1, 2020, but, again, no documentation has been received by staff to confirm the applicant's statements. A visual inspection of the site reflects that the extraction area has not been fully reclaimed, which is a requirement of the originally approved CUP. *See condition #1*

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 a developable lot. The State Division of Water Rights has an approved water right (#25-11546/a81451) on file for Lot 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 1.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

7. The property does not have frontage on a public road. Rather, the proposed subdivision takes access from a private road, 10500 South Street, that connects to State Highway 165, a UDOT facility.
8. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
9. The Road Manual specifies the following:
 - a. Private Road: Allowed for a maximum of 30 average daily trips (ADT), which is equivalent to 3 houses with a minimum 20-foot wide gravel surface.
 - b. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - c. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14" depth of granular borrow, 6" depth of road base, and paved roads required an additional 2.5" depth of asphalt.
10. A basic analysis of private road (10500 South) is as follows:
 - a. It is located on parcels 16-035-0004 (Lee Nelson Minor Subdivision), 16-035-0025, 16-040-0009 (Tom Nelson Lot Split Subdivision), and 16-040-0007, the subject property. The three properties are currently owned by the same entity (i.e., Lee K & Valeen B Nelson Trust). The property owner has provided for a 25 foot right of way access and utility easement from the left and right of the centerline of the roadway as part of the Owner's Dedication on the proposed subdivision plat. *See condition #3*
 - b. It crosses over the Little Bear River via a 20-wide bridge. *See condition #4 & #5*
 - c. From S.R. 165, the private road runs approximately 3,000 linear feet to the access proposed for Lot 1.
 - d. It currently provides access for the gravel pit on the subject property, one existing single-family residence and one developable lot immediately south of the proposed subdivision, as well as providing farm access to surrounding agricultural properties.

- e. It varies in width from 14-18 feet and is composed of gravel and dirt. *See condition #4 & #5*

F. Service Provision

- 12. §16.04.080 [C] Fire Control – The County Fire District is requiring a turn-around at the end of the private road that meets their requirements. At the time of the previously approved CUP for the gravel pit, the County Fire District required that the access road be a minimum of 20-feet in width and a weight limit sign be posted on the bridge. The current road review indicates that the road no longer meets that minimum requirements and must be brought back into compliance. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development. Water supply for fire suppression would be provided by the Paradise Fire Department. *See condition #5*
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the proposed lots will occur on Highway 165 for Wednesday collection. The applicant must provide sufficient shoulder space along the highway for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road for collection trucks to get out of the travel lane of the highway during the collection process. Logan City Environmental has also noted that there is a steep drop-off along this shoulder area, which may require shoulder widening to allow for proper cart placement and spacing and to prevent carts from tipping over.

G. Sensitive Areas *See condition #6*

- 14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. Portions of the subdivision are located within the FEMA floodplain and the County’s 100-foot flood plain buffer. Additional review and analysis may be required for any proposed development in this location.
 - b. An area of steep and moderate slopes is located in the proposed subdivision including in the gravel pit location. Additional review and analysis may be required for any proposed development in this location.

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

- 15. Public notice was posted online to the Utah Public Notice Website on 21 March 2019.
- 16. Notice was published in the Herald Journal on 23 March 2019.
- 17. Notices were posted in three public places on 21 March 2019.
- 18. Notices were mailed to all property owners within 300 feet of the subject property on 21 March 2019.
- 19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (6)

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

- 1. Prior to recordation the applicant must provide a written statement from the property owner stating if the gravel permit has ceased operation and, if so, must fully reclaim the property where the mineral extraction occurred per the CUP conditions of approval. *(See B-2)*
- 2. A Land Disturbance Permit is required for any future development. *(See D-6)*
- 3. Prior to recordation, the access easement to the proposed subdivision from the private road, 10500 South, must be confirmed on the plat in the Owner’s Dedication or recorded separately against all impacted properties and copies of the recorded easements provided to the Development Services Department. *(See E-10-a)*
- 4. Prior to recordation, if the gravel pit is still operating, the applicant must ensure that all road improvements required by the County Engineer in his April 26, 2011 memorandum and referenced in the staff report during the CUP approval process have been met (Attachment B).

The applicant must work with the County Engineer to confirm the previously required road improvement have been completed and maintained. *(See E-10-b, E-10-e)*

5. Prior to recordation, the private road, 10500 South, must be improved to meet the minimum 20-wide all-surface material with the required turnaround at the end of the private road, per the County Fire District's requirements. Additionally, the Fire District had previously required that a weight limit sign be posted on the bridge to ensure it is adequate for emergency access. The design of all roads providing access to the development must be reviewed and approved by the County Fire District for compliance with applicable codes. *(See E-10-b, E-10-e, F12)*
6. For any development or road improvements located in a sensitive area, additional review and analysis may be required.

CONCLUSIONS (1)

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

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

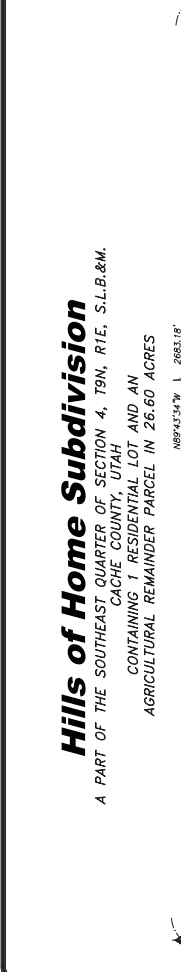
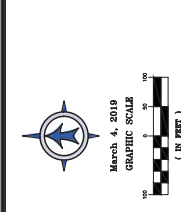
Hills of Home Subdivision

A PART OF THE SOUTHEAST QUARTER OF SECTION 4, T9N, R1E, S.L.B.&M.
CACHÉ COUNTY, UTAH
AGRICULTURAL REMAINDER PARCEL IN 26.60 ACRES

Sensitive Area Calculations

| | |
|--------------------------|-------------|
| Total Area: | 26.60 Acres |
| Floodplain: | 5.088 Acres |
| 100ft Floodplain Buffer: | 2.747 Acres |
| Wetlands: | 0.137 Acres |
| 20% Slopes: | 1.330 Acres |
| 30% Slopes: | 1.302 Acres |
| 7%: | 0.58 Acres |

Notes: All areas shown are based on information from Cache County GIS.



GENERAL NOTES:

- The plat is based on a survey conducted by Foresight Surveying, Inc. on or about 03/04/19. The survey was conducted in accordance with the Utah Surveying Act, Chapter 20B, Utah Code, and the Utah Surveying Rules and Regulations, Chapter 20B-1, Utah Code. The survey was conducted using a total station and a GPS receiver. The survey was conducted in accordance with the Utah Surveying Act, Chapter 20B, Utah Code, and the Utah Surveying Rules and Regulations, Chapter 20B-1, Utah Code.
- The plat is based on a survey conducted by Foresight Surveying, Inc. on or about 03/04/19. The survey was conducted in accordance with the Utah Surveying Act, Chapter 20B, Utah Code, and the Utah Surveying Rules and Regulations, Chapter 20B-1, Utah Code. The survey was conducted using a total station and a GPS receiver. The survey was conducted in accordance with the Utah Surveying Act, Chapter 20B, Utah Code, and the Utah Surveying Rules and Regulations, Chapter 20B-1, Utah Code.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED LOTS AND STREETS DO HEREBY DEDICATE AND CONVEY TO THE PUBLIC THE RIGHT OF ACCESS AND TRAVEL ALONG THE 10500 SOUTH STREET AS AN ACCESS AND TRAVEL EASEMENT.

TRUSTEE ACKNOWLEDGMENT

I, Jeff C. Nelson, County of Utah, do hereby certify that I am a registered land surveyor in the State of Utah, and I further certify that by authority of the State of Utah, I have prepared this plat and that the same is a true and correct copy of the original as shown on this day of March, 2019, at North Rangely, Utah. I have also certified that the same has been correctly surveyed and all streets are the dimensions shown.

Subdivision Boundary

A PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 9 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

BEING A POINT LOCATED NORTH 02°29'03" EAST, A DISTANCE OF 1063.04 FEET FROM THE POINT OF BEGINNING TO THE POINT OF BEGINNING OF THIS SUBDIVISION. BEING A POINT LOCATED NORTH 02°29'03" EAST, A DISTANCE OF 1063.04 FEET FROM THE POINT OF BEGINNING TO THE POINT OF BEGINNING OF THIS SUBDIVISION. BEING A POINT LOCATED NORTH 02°29'03" EAST, A DISTANCE OF 1063.04 FEET FROM THE POINT OF BEGINNING TO THE POINT OF BEGINNING OF THIS SUBDIVISION.

Surveyor's Certificate

I, Jeff C. Nelson, County of Utah, do hereby certify that I am a registered land surveyor in the State of Utah, and I further certify that by authority of the State of Utah, I have prepared this plat and that the same is a true and correct copy of the original as shown on this day of March, 2019, at North Rangely, Utah. I have also certified that the same has been correctly surveyed and all streets are the dimensions shown.

County Recorder's Note

STATE OF UTAH, COUNTY OF Utah, RECORDED AND FILED AT THE REQUEST OF: Lee Nelson, DATE: 03/04/19, TIME: 10:00 AM, AS ABSTRACTED: 16-040-006, INDEXED: 16-040-006, FILED IN: FILE OF PLATS, COUNTY RECORDER: Jeff C. Nelson

Cache County Planning Commission

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE SUBDIVISION DESCRIBED IN THIS PLAT AS BEING APPROVED BY THE BEAR RIVER HEALTH DEPT. APPROVAL

Cache County Attorney

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE SUBDIVISION DESCRIBED IN THIS PLAT AS BEING APPROVED BY THE BEAR RIVER HEALTH DEPT. APPROVAL

Cache County Surveyor

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND 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 Planning Commission

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Cache County Council

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THE _____ DAY OF _____, 20____.

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CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

Attachment A

JOSH RUNHAAR, AICP
 DIRECTOR / ZONING ADMINISTRATOR
 PAUL BERTSON
 CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1640 ♦ FAX (435)755-1987

Project Name: Nelson Resource Gravel Pit

Agent: Duane Smith

Request: Conditional Use Permit

Tax ID: 16-040-0003, 16-040-0007

Current Zoning: Agricultural (A-10)

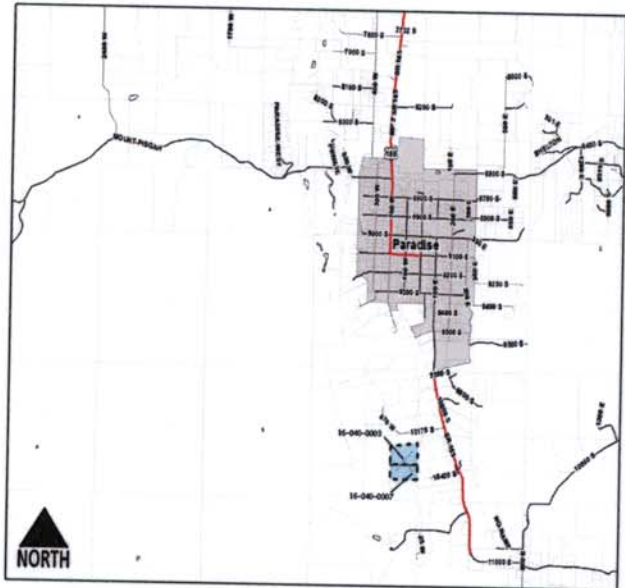
Project Address: 10375 South Old Highway 165
 Paradise, Utah 84328

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

Type of Action: Final Decision

Staff Advisement: Approval with conditions

Reviewed by: Christopher S. Harrild, Planner II



PURPOSE: To review and provide a decision concerning a request for a Conditional Use Permit to allow a gravel pit in the Agricultural (A-10) Zone.

PROJECT SUMMARY

The applicant is requesting approval to locate a gravel extraction operation at approximately 10375 South Old Highway 165 in the Agricultural (A-10) Zone.

Actual gravel extraction will occur over a 2 acre portion of 42.34 acres of property on parcel #'s 16-040-0003 and 16-040-0007 and is accessed via a private road 10400 South. The Cache County Ordinance allows extraction operations, of less than a sum total of 5 acres, as a conditional use in the Agricultural (A-10) Zone without the need for a rezone to the Mineral Extraction and Excavation (ME) Zone. However, these operations must still operate under the standards of the Mineral Extraction and Excavation Zone as detailed in Title 17.13.

Access:

- Access to the private road 10400 South from the County Road Old Highway 165 is adequate. At this access point, Old Highway 165 is a 23' wide paved surface.
- Access to the extraction area from 10400 South is inadequate. The applicant has acknowledged that this access will need to be upgraded to support truck traffic. The County Engineer has provided the applicant with a review of recommended improvements to 10400 South that will bring it to an adequate standard.

Service Provision:

- The proposed extraction operation is being developed in an area without adequate water supply for fire suppression; however, there are no proposed structures on the site.

Additional information:

The applicant estimates that approximately 200,000 cubic yards of gravel material will be excavated over a 10 year period. A crusher will not be used at this site. Reclamation of extraction areas will begin during the third year of excavation activities. The reclaimed property will be returned to

agricultural production following excavation and the resulting slopes shall be consistent with the surrounding area and shall be no steeper than existing slopes.

STAFF DETERMINATION

It is staff's determination that the Nelson Resource Gravel Pit, a request to allow a gravel extraction operation on 2 acres for property located at approximately 10375 South Old Highway 165 with TIN #'s 16-040-0003 and 16-040-0007 is in conformance with the Cache County Ordinance and should be approved. This determination is based on the following findings of fact:

FINDINGS OF FACT:

1. The Nelson Resource Gravel Pit Conditional Use Permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Nelson Resource Gravel Pit Conditional Use Permit has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Nelson Resource Gravel Pit Conditional Use Permit is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.

CONDITIONS OF APPROVAL

The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. The Mineral Extraction and Excavation Master Plan shall be reviewed and approved by the Cache County Engineer prior to the commencement of any site development activities or gravel extraction on this site.
2. All extraction and excavation operations shall comply with the minimum operational requirements as per Cache County Code §17.13.060 Minimum Requirements.
3. Any expansion of the approved conditional use permit shall require review and approval by the County Planning Commission prior to the expansion.
4. The termination of the specific project as detailed in the master plan and the completion of reclamation of the site shall terminate the conditional use permit and use of the extraction area as a gravel pit.
5. Prior to issuance of the Conditional Use Permit the applicant shall obtain and supply a copy of all necessary Federal, State, and local permits as required. This specifically includes the necessary State of Utah storm water permit.





16-040-0006

16-040-0008

16-040-0009

16-040-0007

16-040-0003

16-035-0002

16-040-0010

16-035-0017

16-035-0025

16-035-0016

16-035-0003

16-035-0008

16-035-0024

16-035-0011

16-035-0004

16-035-0012

Note: Property lines on this map are for display purposes only, and are not legal representations.

 1 inch = 293 feet

Letter of Intent

It is the intent of LeGrand Johnson Construction to remove from the proposed property approximately 200,000 cubic yards of pit run material over a period of 10 years. The removed pit run would be used in the construction of projects close to the property or where deemed economically viable to use the material versus other sources.

Prior to removal of material the property to have material removed from it will be striped of topsoil and organic material and stockpiled for future replacement when needed. The access road will be upgraded to allow truck traffic and the access to Hwy. 165 will be realigned according to Cache County Road Department. Reclamation of property will start during the third year after removal has started, reclamation will be done at the same time mining is being done and property will be returned to agriculture after material removal has taken place. The resulting slopes will be returned to slopes consistent with the surrounding areas but in no case steeper than what exists at the present.

At this time LeGrand Johnson Construction Company has no intention of setting a crusher on site and would approach the County for an addition to the proposed permit should market demand deem it necessary. We however do plan at times to use a portable screen to process material on an as needed basis. The addition of a screen deck to the project will not change any other phase of material removal or reclamation.

We feel the addition of road building materials in this part of the valley will add a needed product in a needed part of the county. In reality it will reduce the distance material will need to be transported to construction sites in this part of the valley. The site is remote and the visual impact to others will be minimal and the impact to the environment will be minimal. The resulting property after mining and reclamation will be much more useable than it is in its natural state. The owners are very pleased with the resulting property and are looking forward to it being returned to agriculture.

LeGrand Johnson Construction Company



CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

Attachment A
 JOSH RUNHAAR, AICP
 DIRECTOR / ZONING ADMINISTRATOR
 PAUL BERNTSON
 CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1640 ♦ FAX (435)755-1987

Conditional Use Permit (This permit does not give clearance for a Building Permit.)

Date issued 9-12-11 Receipt # 5687 Permit # 1212-11

Ent 1049318 Bk 1679 Pg 283
 Date: 12-Sep-2011 01:59 PM Fee \$15.00
 Cache County, UT
 Michael Gleed, Rec. - Filed By SG
 For LEE AND VALENE NELSON

LEGAL DESCRIPTION ATTACHED

Purpose

To allow a gravel pit in the Agricultural (A-10) Zone.

OWNERS' NAME: Lee K. & Valeen B. Nelson Trust

ZONE: Agricultural (A-10)

PROJECT NAME: Nelson Resource Gravel Pit

TAX #: 16-040-0003, 16-040-0007

AGENT'S NAME: Duane Smith

of ACRES: 2 acres of 42.34 acres

PROJECT ADDRESS: 10375 South Old Highway 165
 Smithfield, Utah 84335

APPROVAL DATE: 04 August 2011

Conditions PARADISE, UT 84328

1. The Mineral Extraction and Excavation Master Plan shall be reviewed and approved by the Cache County Engineer prior to the commencement of any site development activities or gravel extraction on this site.
2. All extraction and excavation operations shall comply with the minimum operational requirements as per Cache County Code §17.13.060 Minimum Requirements.
3. Any expansion of the approved conditional use permit shall require review and approval by the County Planning Commission prior to the expansion.
4. The termination of the specific project as detailed in the master plan and the completion of reclamation of the site shall terminate the conditional use permit and use of the extraction area as a gravel pit.
5. Prior to issuance of the Conditional Use Permit the applicant shall obtain and supply a copy of all necessary Federal, State, and local permits as required. This specifically includes the necessary State of Utah storm water permit.

Expiration: This conditional use permit shall expire and be null and void one (1) year after the Approval Date unless:

1. A County Building Permit has been issued and remains in force until the completion of the approved project;
2. A County Business License is issued and remains current for the approved commercial business;
3. Substantial work shall have been accomplished towards the completion of the approved project.

If at any time any specific condition is not fully complied with, the Planning Commission may revoke the conditional use permit upon a 30-day notice to the applicant/property owner and following a hearing.


 Director of Development Services

9/9/2011
 Date

Agreement of Acceptance

I have read, understand and agree to comply with the Land Use Ordinance and the terms of this permit. I realize that in order to do any construction on the property I will be required to obtain a County Building Permit and that I will need to meet the standards of Cache County for any improvements. I agree to reimburse Cache County for any costs of enforcement including reasonable attorney fees, and/or any other costs of enforcement incurred by Cache County resulting from my failure to comply with the Land Use Ordinance and the terms of this conditional use permit.

[Handwritten Signature]
Applicant and/or Property Owner

9-12-2011
Date

STATE OF UTAH)
)
COUNTY OF CACHE)

Sworn to and subscribed to before me this

12 day of September, 2011.

Marsha Dene Giles
Notary Public



Legal Description(s)

16-040-0003:

BEG 4.7 CHS S OF NE COR OF SE/4 OF SEC 4 T 9N R 1E & TH W 20 CHS TH S 11.35 CHS TH E 20 CHS TH N 11.35 CHS TO BEG CONT 22.60 AC
LESS THAT PT OF ABOVE LYING N & E OF BNDRY LN IN BK 977 PG 456 AS FOLL: BEG AT NE COR OF SE/4 OF SEC 4 & TH S 0° W 301.15 FT TH N 83°33'24" E 150.71 FT TO BEG TH ALG SD BNDRY LN IN 4 COURSES: S 83°33'24" W 1467.2 FT TH N 74°26'34" W 89.71 FT TH N 35°19'54" W 515.73 FT TH S 89°51'42" W 990.41 FT TO END NET 20.59 AC M/L

16-040-0007:

BEG 63.5 RDS S OF NE COR OF SE/4 OF SEC 4 T 9N R 1E & TH S 43.5 RDS TH W 80 RDS TH N 43.5 RDS TH E 80 RDS TO BEG CONT 21.75 AC
SUBJ TO 50 FT R/W IN BK 984 PG 1068

Ent 1049318 Bk 1679 Pg 285




CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT

Attachment B
JOSH RUNHAAR, AICP
DIRECTOR / ZONING ADMINISTRATOR
PAUL BERNTSON
CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1640 ♦ FAX (435)755-1987

Memorandum

To: Chris Harrild
Cache County Planner
From: Lynn Zollinger, PE
Cache County Engineer 
Date: April 26, 2011
Subject: Nelson Resource Gravel Pit Development
Avon

A site review of the proposed development was made on April 25, 2011. The following roadway elements of 10400 South were found to be deficient and need to be addressed as conditions of project approval:

1. Widen the roadway width to 22 feet from the Paradise – Avon County Road to the gravel pit site. Excavate areas to be widened to a depth of 18 inches and replace with 12 inches of granular borrow material covered by 6 inches of untreated base course. It appears this work can be completed without affecting a buried pressure irrigation line that parallels various sections of 10400 South.
2. Remove various trees along 10400 South that restrict the roadway width.
3. Reconstruct east and west bridge approach sections to attain adequate sight distance for a 30 mph design speed over the bridge. Provide an engineering analysis for Cache County approval that details how the bridge approaches will be modified.
4. In consultation with the Cache County Engineer provide a suitable bridge railing system detail that attaches to the existing bridge deck. The new railing system shall provide adequate vehicle protection for the anticipated typical vehicle usage and be designed by a professional structural engineer with experience in transportation structural design. Confirm that the bridge is structurally adequate to accommodate standard legal axle loadings. The Logan office of JUB Engineers has qualified engineering staff to formulate suitable bridge railing alternatives.
5. Replace an existing pipe culvert placed longitudinally under 10400 South for a length of approximately 250 feet located approximately 300 feet west of the Paradise – Avon County Road. Use a larger pipe culvert to accommodate the anticipated drainage flow. Perform an engineer analysis which predicts flow requirements. A minimum 18 inch pipe culvert is required. Increase the roadway fill height to provide adequate cover over the pipe culvert based on recommended fill height requirements.
6. Provide an elevated approach to the Paradise - Avon County Road that provides a platform with no more than 2% slope where vehicles entering the Paradise – Avon County Road highway can stop and assess approaching traffic conditions. It is not required to relocate the approach as proposed in the initial Development Services submittal.

Improve the status quo

In comparing the amended Option #2 to our current practice, we have noted that the items included in the amended Option #2, among others, are currently provided in the staff report as findings of fact.

To save time and effort moving forward, there may be more value in adjusting our focus to improve or provide more site specific information in the staff report.

To help in that effort, additional pages have been attached including a list of the items typically included in staff reports for rezone requests, and a page identifying proposed changes.

As you review the amendments to Option #2 and the attached pages, please identify any additional recommendations to improve the information that staff provides.

Planning Commission Proposed Option #2 - RU2 and RU5 Rezone Requests

As requested and directed by the County Planning Commission and Council, the Development Services staff has listed the items to be considered when reviewing rezone requests to the RU2 and RU5 Zones. At a minimum, each item must be addressed:

Annexation potential

1. Is the property within the annexation area of a contiguous or adjacent municipality?
2. Has the property owner considered annexation of the property and discussed the same with the municipality?
3. Is the municipality able and willing to annex the property?
4. A copy of the letter from the municipality that reflects the municipality's consideration must be provided as part of a rezone application request.

Development potential

5. Will the proposed zone result in the potential of three (3) or fewer additional building lots on the affected property?

Existing access

6. Is the existing road network to the property adequately maintained by a private entity, county, state, or municipality?
7. Does the existing road network to the property meet the minimum county standards?
8. If access is from a private, municipal, or state road, has the private entity, municipality, or state given express written approval for the access?

Zone and density

9. Same zone? - Are any of the contiguous or adjacent properties in the same zone as the requested zone?
10. Same or greater density? - Is the property that is proposed for rezone contiguous to an incorporated or unincorporated zone that is equal to or greater than the density prescribed by the proposed zone?

Existing Staff Report Information Provided for Rezone Requests

The following reflects the information currently provided by staff in the staff report as findings of fact for Planning Commission and Council consideration of rezone requests:

[Compare to proposed Option #2 list]

Location Character [Zone and density #9-10]

Current and proposed zone

Acreage of property

Surrounding uses (maps also included)

Proximity to existing municipalities

Proximity to annexation areas

Proximity to similar zoning (map also included)

Development pattern within one mile of property (map also included)

Description of request

The history of the land use request and existing land use actions

Development potential

The maximum number of lots [Development potential #5]

Expansion or reduction in possible uses

Annexation possibility [Annexation potential #1-4]

Ordinance

Ordinance language applicable to the proposed zone

Service provision and access

Existing access status [Existing access #6-8]

Minimum access requirements [Existing access #6-8]

Fire suppression and solid waste disposal access requirements

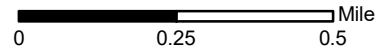
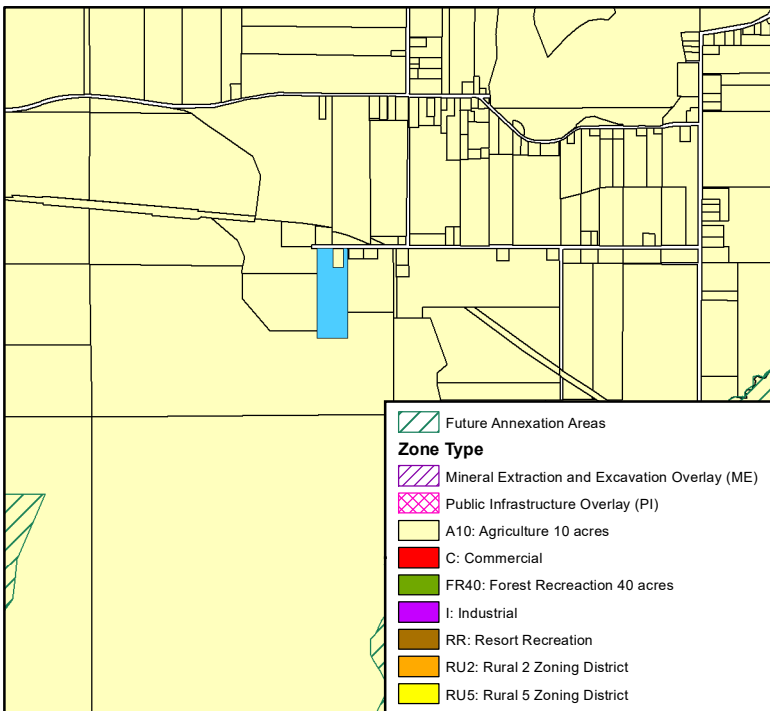
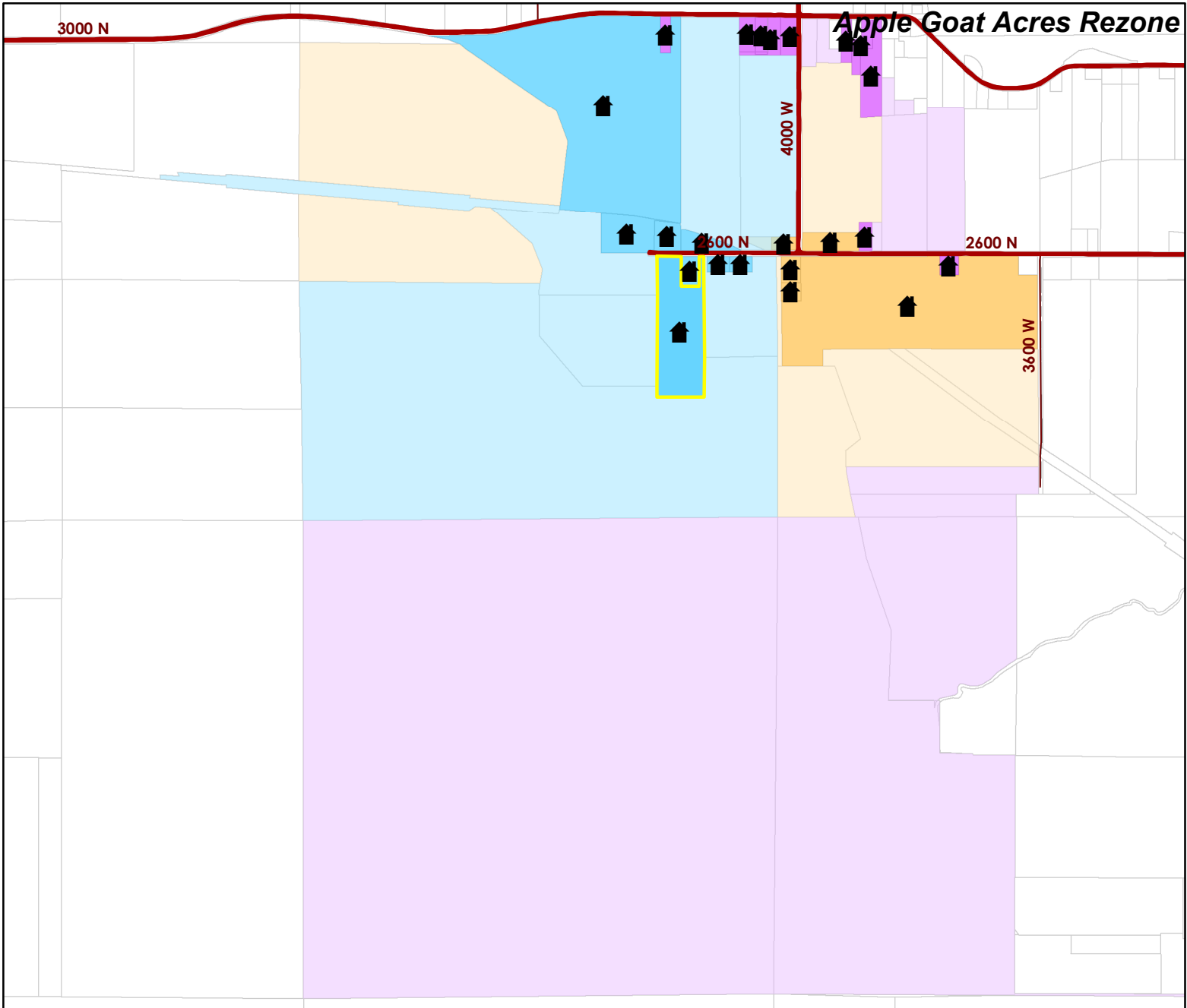
Noticing

A list of noticed entities, dates of notice, and any submitted written comment

Proposed Changes to Staff Report Information Provided for Rezone Requests

The following reflects the information to be added or amended to the staff report as findings of fact for Planning Commission and Council consideration of rezone requests:

1. Expand review of development patterns to include more localized development patterns.
Localized areas to include properties:
 - a. Contiguous or directly adjacent to the requesting property.
 - b. As groupings within $\frac{1}{4}$, $\frac{1}{2}$, $\frac{3}{4}$, and 1 mile (or similar) of the requesting property.



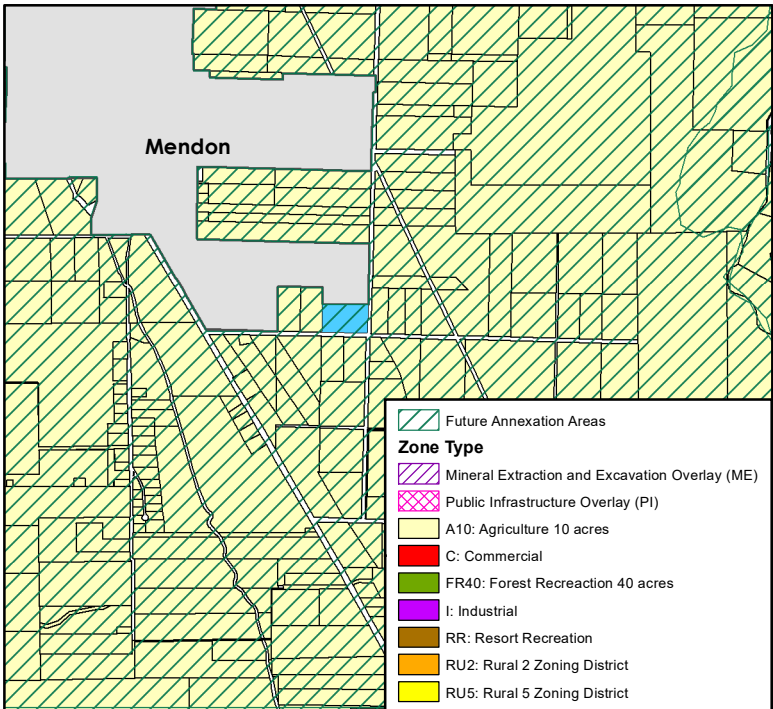
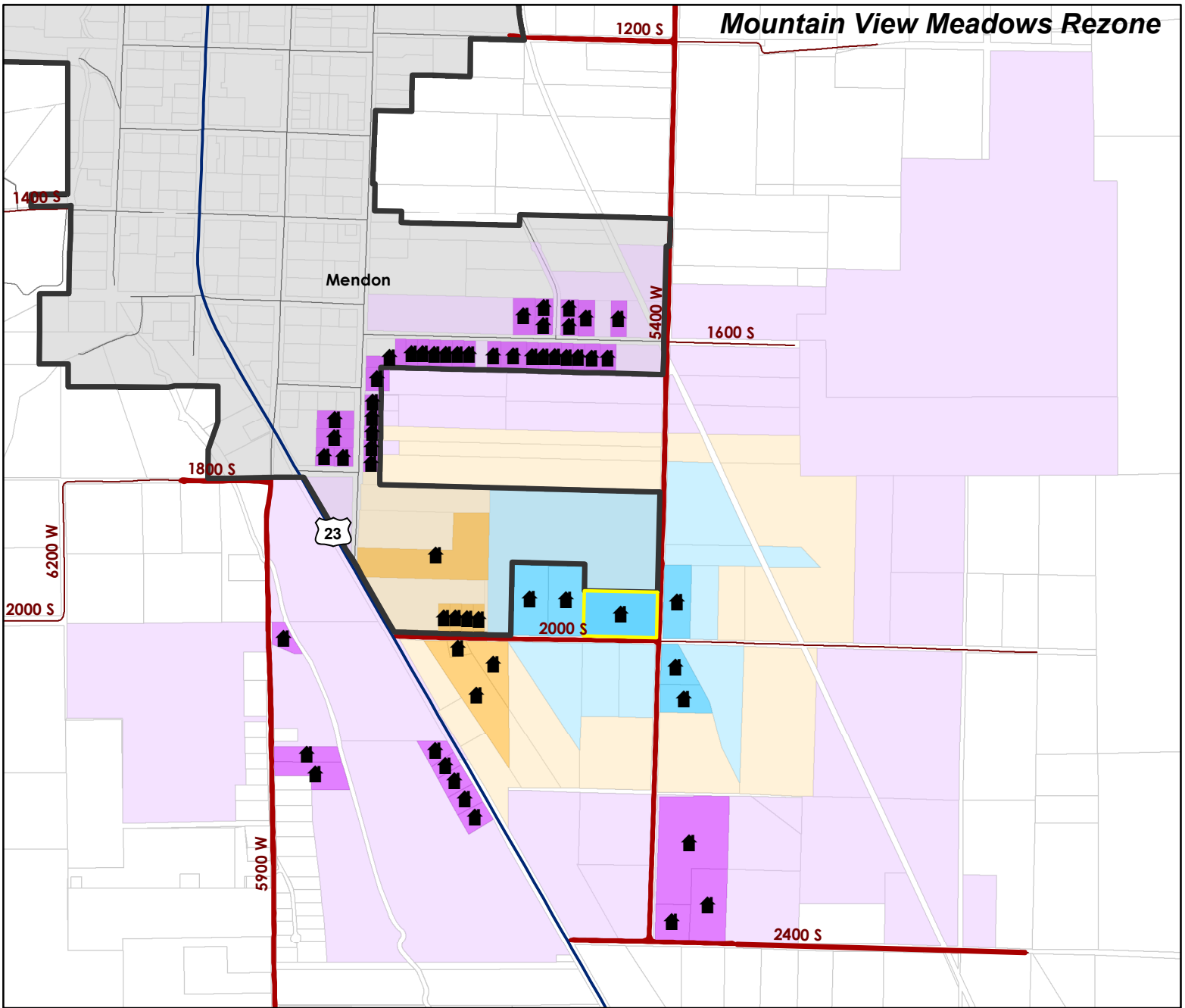
Legend

- Proposed Rezone
- Municipal Boundaries
- Parcels
- Winter Maintenance
- County Roads
- Highways

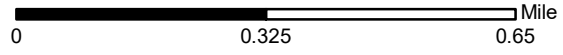
| Average Parcel Size | |
|---------------------|---|
| Adjacent Parcels | With a Home: 13.4 Acres (8 Parcels) |
| | Without a Home: 23 Acres (8 Parcels) |
| 1/4 Mile Buffer | With a Home: 13.6 Acres (13 Parcels) |
| | Without a Home: 29.3 Acres (13 Parcels) |
| 1/2 Mile Buffer | With a Home: 8.4 Acres (23 Parcels) |
| | Without a Home: 20.2 (26 Parcels) |



Mountain View Meadows Rezone



- Zone Type**
- Future Annexation Areas
 - Mineral Extraction and Excavation Overlay (ME)
 - Public Infrastructure Overlay (PI)
 - A10: Agriculture 10 acres
 - C: Commercial
 - FR40: Forest Recreation 40 acres
 - I: Industrial
 - RR: Resort Recreation
 - RU2: Rural 2 Zoning District
 - RU5: Rural 5 Zoning District



Legend

- Proposed Rezone
- Winter Maintenance
- Municipal Boundaries
- County Roads
- Parcels
- Highways

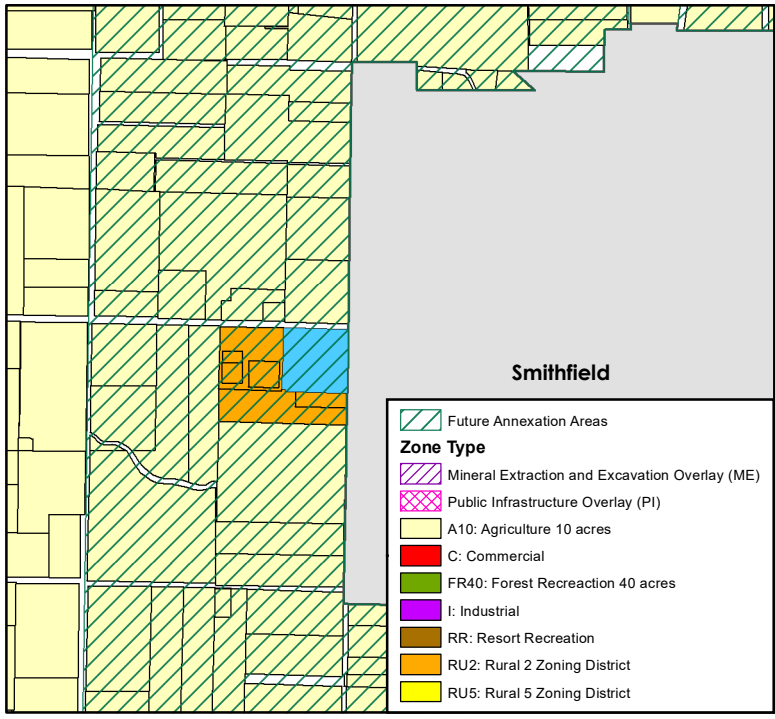
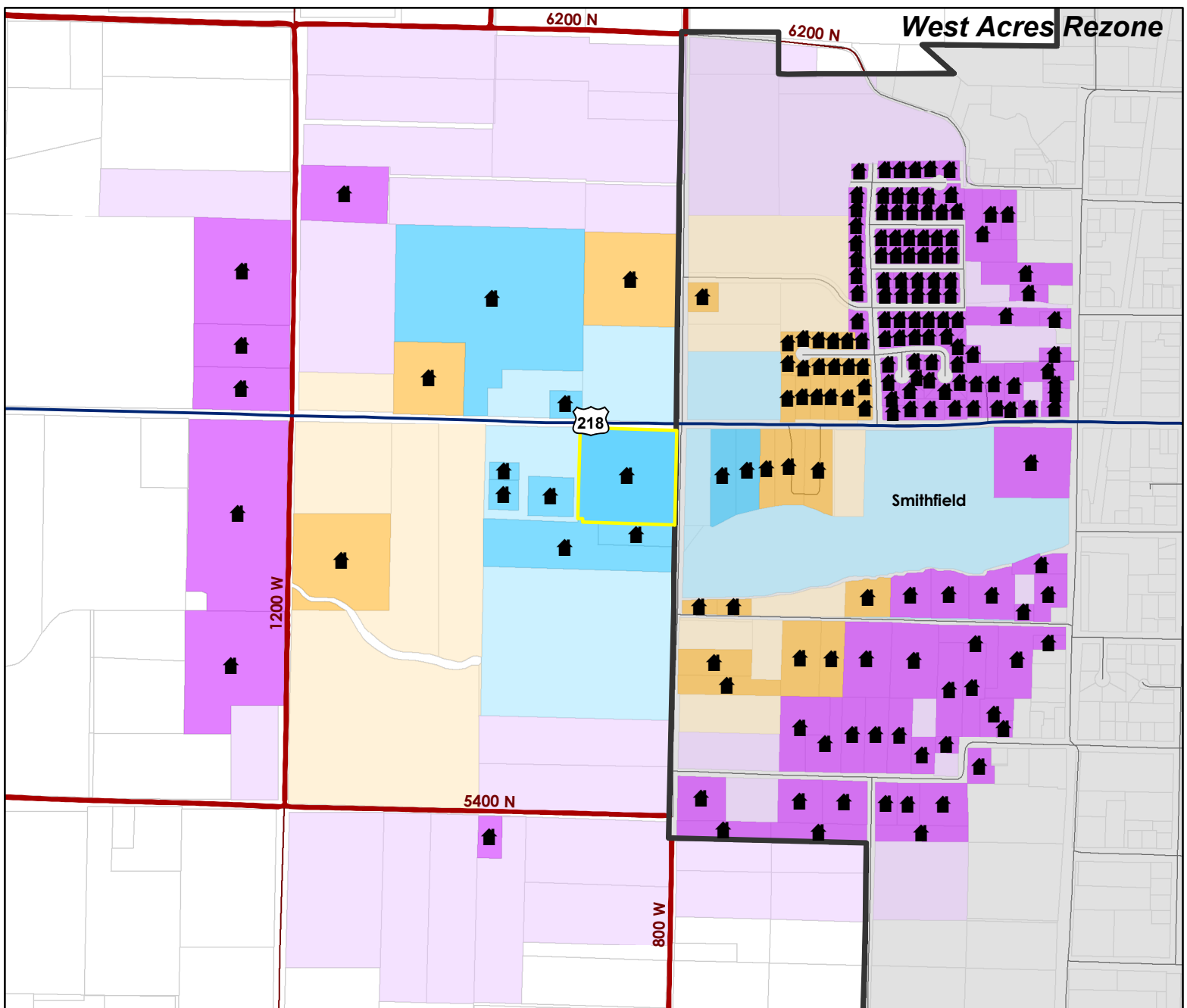
Average Parcel Size

| | |
|-----------------------------|---|
| Adjacent Parcels | With a Home: 6.3 Acres (6 Parcels) |
| | Without a Home: 4 Acres (6 Parcels) |
| | Without a Home in Mendon: 29.8 Acres (1 Parcel) |
| 1/4 Mile Buffer | With a Home: 3.9 Acres (9 Parcels) |
| | With a Home in Mendon City: 2.4 Acres (5 Parcels) |
| | Without a Home: 8.3 Acres (21 Parcels) Without a Home in Mendon City: 10.1 Acres (5 Parcels) |
| 1/2 Mile Buffer | With a Home: 3.2 Acres (20 Parcels) |
| | With a Home in Mendon City: 0.9 Acres (38 Parcels) |
| | Without a Home: 15.9 (49 Parcels) Without a Home in Mendon City: 5.2 Acres (16 Parcels) |



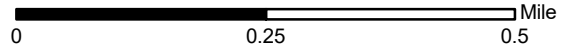
3/27/2019

West Acres Rezone



Legend

- Proposed Rezone
- Winter Maintenance
- Municipal Boundaries
- County Roads
- Parcels
- Highways



Average Parcel Size

| | |
|-----------------------------|---|
| Adjacent Parcels | With a Home: 6.7 Acres (8 Parcels) |
| | With a Home in Smithfield City: 2.7 Acres (2 Parcels) |
| | Without a Home: 12.9 Acres (4 Parcels) |
| 1/4 Mile Buffer | Without a Home in Smithfield: 4.9 Acres (4 Parcel) |
| | With a Home: 7.2 Acres (11 Parcels) |
| | With a Home in Smithfield City: 1 Acre (31 Parcels) |
| 1/2 Mile Buffer | Without a Home: 14 Acres (11 Parcels) |
| | Without a Home in Smithfield City: 4 Acres (16 Parcels) |
| | With a Home: 7.7 Acres (18 Parcels) |
| | With a Home in Smithfield City: 0.8 Acres (159 Parcels) |
| | Without a Home: 9.8 (36 Parcels) |
| | Without a Home in Smithfield City: 3.7 Acres (34 Parcels) |



3/27/2019