



**4:45 p.m.**

Workshop in the County Council Chambers

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Phillip Olsen

Review and approval of agenda

Review and approval of the minutes of the 6 June 2019 meeting

**5:35 p.m.**

**Consent Items**

- 1. Petersboro Schoolhouse Subdivision** – A request to create a new two-lot subdivision with two agricultural remainders on 61.79 acres located at approximately 1627 North 6400 West, Petersboro, in the Agricultural (A10) Zone.
- 2. R.C. Ladle Subdivision** – A request to create a new three-lot subdivision with an agricultural remainder on 51.15 acres located at 6920 West 600 North, Petersboro, in the Agricultural (A10) Zone.
- 3. 2600 North Subdivision** – A request to create a new two-lot subdivision with an agricultural remainder on 16.78 acres located at 4211 West 2600 North, Benson, in the Rural 5 (RU5) Zone.
- 4. View of the Valley Subdivision – Extension Request** – A request for a 6-month extension of the effective period of approval for a 3-lot subdivision located at 1600 West 6500 South, near Hyrum, in the Rural 5 (RU5) Zone.

**Regular Action Items**

- 5. Purser Warehousing, LLC Conditional Use Permit** – A request to amend an existing conditional use permit to operate a commercial leasing facility (Use Type 3100) on 2.64 acres located at 1704 South 800 West, near Logan, in the Commercial (C) Zone.
- 6. Kurtis E. Falslev Conditional Use Permit** – A request for approval of a conditional use permit to operate an agricultural manufacturing use (Use Type 2210) that will receive and slaughter livestock, on 1.62 acres located at 4490 North 3880 West, Benson, in the Agricultural (A10) Zone.
- 7. Newton Lateral Piping Project Conditional Use Permit** – A request for approval of a Conditional Use Permit to install and operate a utility facility for a water distribution line. The proposed utility facility will replace open canals with an underground pressurized irrigation pipeline for West Cache Irrigation Company. The project involves multiple properties in the Agricultural (A10) Zone with an approximate address of 800 South 400 West, Trenton.



8. **Public Hearing (6:10 p.m.) – 165 Subdivision Rezone** – A request for a recommendation of approval to the County Council for a rezone of 32.6 acres in a previously approved four-lot subdivision located at 10900 South Hwy 165, Paradise, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
9. **Public Hearing (6:20 p.m.) – Hansen RU2 Rezone** – A request for a recommendation of approval to the County Council for a rezone of 14.59 acres, located at 6600 North 400 West, near Smithfield, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.

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.
- 

### **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.





Item Page

Consent Agenda Items

- 1. West Bench Vista Subdivision 1<sup>st</sup> Amendment ..... 2
- 2. Pisgah Limestone Conditional Use Permit 2<sup>nd</sup> Amendment – Extension Request ..... 2

Regular Action Items

- 3. Advanced Shoring Conditional Use Permit ..... 2
- 4. Kurtis E. Falslev Conditional Use Permit (removed from agenda)..... 2
- 5. Holyoak Airport Conditional Use Permit – Revocation Review ..... 2
- 6. Public Hearing (6:15 p.m.) – Hawkes Rezone RU5..... 3
- 7. Public Hearing (6:25 p.m.) – Applewood Hollow RU5 Rezone ..... 4

**Present:** Angie Zetterquist, Josh Runhaar, Lane Parker, Brady Christensen, Jason Watterson, Chris Sands, Jon White, Lee Edwards, Megan Izatt

1 **Start Time: 05:31:00**

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

3 **05:32:00**

4 **Agenda**

5 Approved with the removal of item #4.

6 **05:33:00**

7 **Minutes**

8 ***Parkinson** motioned to approve the minutes from April 4, 2019; **Watterson** seconded; **Passed 5, 0.***

9 **05:34:00**

10 **Consent Items**

11 **#1 West Bench Vista Subdivision 1<sup>st</sup> Amendment**

12 **#2 Pisgah Limestone Conditional Use Permit 2<sup>nd</sup> Amendment- Extension Request**

13 ***Watterson** motioned to approve the consent agenda; **Smith** seconded; **Passed 5, 0.***

14 **05:36:00**

15 **Regular Action Items**

16 **#3 Advanced Shoring Conditional Use Permit**

17 **Zetterquist** reviewed the staff report for the Advanced Shoring Conditional Use Permit (CUP).

18 **Staff** and **Commission** discussed the conditions and road requirements. Conclusion 2 will need to  
19 reference **C-6** instead of **C-10**.

20 ***Sands** motioned to approved the Advanced Shoring Conditional Use Permit with the findings of fact,  
21 stated conditions, and amended conclusions; **Watterson** seconded; **Passed 5, 0.***

22 **05:47:00**

23 **#5 Holyoak Airport Conditional Use Permit – Revocation Review**

24 **Runhaar** reviewed the code requirements for revocation of a conditional use permit (CUP) and the staff  
25 report for the Holyoak Airport CUP.

1 **Staff** and **Commission** discussed revoking the CUP and what constitutes a nuisance and how a nuisance  
2 is addressed.

3 **Staff** and **Commission** reviewed the CUP and the process that occurred to amend the code to allow for  
4 airstrips. The land use authority is only allowed to deal with an airplane when it has wheels on the  
5 ground; once the plane leaves the ground the FAA is the authority.

6 ***Parker** motioned to not revoke the Holyoak Airport Conditional Use Permit with the written findings of*  
7 *facts and conclusion; **Watterson** seconded; **Passed 5, 0.***

8 **06:16:00**

9 **Smith** left.

10 **Christensen** called for a 5 minute recess.

11 **06:21:00**

12 **#6 Public Hearing (6:15 p.m.) – Hawkes Rezone RU5**

13 **Zetterquist** reviewed the staff report for the Hawkes Rezone RU5.

14 **Staff** and **Commission** discussed the location of the application.

15 **06:31:00**

16 ***Sands** motioned to open the public hearing for the Hawkes Rezone RU5; **Watterson** seconded; **Passed 4,***  
17 ***0.***

18 **Joe Hawkes** commented on the general nature of the area, water and wells, and power already being in  
19 the area.

20 **Jeff Nielsen** commented that the parcel is only 3,000 sq ft. too small to subdivide and that this rezone  
21 wouldn't change the feel of the area.

22 **Christensen** asked about slopes.

23 **Mr. Nielson** commented that the north side is pretty steep but the south side is buildable.

24 **Watterson** asked who the owner to the west is.

25 **Mr. Nielson** stated the LDS Church owns the land.

26 **Mr. Nielson** commented that if the fence line that goes down the west side was the true property line,  
27 there would be enough ground to subdivide the land.

28 **06:40:00**

29 ***Watterson** motioned to close the public hearing; **Sands** seconded; **Passed 4, 0.***

1 **Staff** and **Commission** discussed the history of the land.

2 **Sands** motioned to recommend denial to the County Council for the Hawkes Rezone RU5 based on the  
3 findings of fact and conclusion; **Parker** seconded; **Passed 4, 0.**

4 **06:43:00**

5 **#7 Public Hearing (6:25 p.m.) – Applewood Hollow RU5 Rezone**

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

7 **Staff** and **Commission** discussed written public comment received and if the applicant contacted Nibley  
8 City about mitigating concerns and access.

9 **06:54:00**

10 **Parker** motioned to open the public hearing for the Applewood Hollow RU5 Rezone; **Sands** seconded;  
11 **Passed 4, 0.**

12 **George Daines** commented representing the applicant. He gave a history of the land and talked about  
13 roads.

14 **Christensen** asked about the road and if it is a through road.

15 **Mr. Daines** commented that the road connects the father and son's property but is not a through road.

16 **Sands** asked what homes are served by 4700 South.

17 **Mr. Daines** commented it is the north road that serves Mr. John Daines's home. 4900 Sout is the deeded  
18 right away to access parcel ending in 0033.

19 **Sands** asked to confirm again that 4900 South is the legal road to access the parcel ending in 0033.

20 **Mr. Daines** commented that no one else but John Daines has a legal right to use 4900 South.

21 **Sands** asked if the land for 4900 South is deeded through the other parcels it goes through.

22 **Mr. Daines** confirmed that the road is deeded through all the parcels it goes through for access to the  
23 parcel ending in 0033. The reason for the rezone is to build a home for some special needs members of  
24 the family built next to the two current homes.

25 **Christensen** asked Mr. Daines if he had contacted and spoke to Nibley City with the history and reason  
26 for the rezone.

27 **Mr. Daines** stated he had and Nibley City has not been receptive. Mr. John Daines has no wish to be in  
28 Nibley City. There is only one home that legally can use 4900 South. Water, septic, and gas are already  
29 present on the land. The bridge structure is in place to widen the bridge but has not been completed.

30 **Sands** asked if a boundary line adjustment could be done and then rezone just one parcel.



1 **Mr. Daines** stated that the applicant would like the home to be built not have more than 2 acres.

2 **Sands** stated that there are concerns that after this rezone, eventually the 80 acres of farm land would  
3 come back for a rezone.

4 **Mr. Daines** stated the intent is to leave the 80 acres as farmland. The applicant understands about hauling  
5 trash out to Nibley Hollow Rd., and does not expect buses or anything either.

6 **Larry Jacobsen** stated he is here as a Nibley City Councilmen. He commented on roads, concerns with 3  
7 to 4 lots being created by the rezone, and communication with Nibley City.

8 **Sands** asked Mr. Jacobsen about 4900 South, and the rezoning for one more home.

9 **Mr. Jacobsen** stated the staff report indicated 4 lots.

10 **Sands** pointed out that according to the staff report only 3 lots would be created, and two of those lots  
11 currently have homes.

12 **Brett Skinner** commented in support of the applicant and confirmed that the road is not a through road.  
13 He has never seen John Daines Jr. access his home from 4700 South.

14 **Mr. Daines** commented stated that John Jr. cannot legally access his land from Mr. Skinner's property.  
15 There is no through road from the parcels ending in 0033 and 0017. 4900 South only has one home on it  
16 and this rezone would only add one more home to that road.

17 **Christensen** asked if both homes were located on 0017.

18 **Mr. Daines** stated that John Sr.'s home is on 0017 and John Jr.'s home is on 0033. Combining the lots  
19 allows for the creation of a third lot to allow a home be built for a special needs family member. The  
20 applicant realizes road and bridge improvement could be required as part of the subdivision process for  
21 that home.

22 **Staff** and **Commission** discussed the road.

23 **Mr. Jacobsen** asked about access in the staff report.

24 **Runhaar** responded its county policy adopted via code.

25 **07:30:00**

26 **Watterson** motioned to close the public hearing; **Parker** seconded; **Passed 4, 0.**

27 **Commission** and **Staff** discussed the comments given during the public hearing, access, and the rezone  
28 being on the edge of a municipality,

29 **Parker** motioned to recommend approval for the Applewood Hollow RU5 Rezone with the findings of fact  
30 and conclusions discussed; **Watterson** seconded the motion; **Passed 4, 0.**

31 **07:39:00**

1 **Staff Report**

2 July's meeting has been moved to July 11<sup>th</sup> instead of July 4<sup>th</sup>.

3 **07:40:00**

4 **Adjourned**

DRAFT

### STAFF REPORT: PETERSBORO SCHOOLHOUSE SUBDIVISION

11 JULY 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:** Richard G. Peterson

**Parcel ID#:** 12-022-0008, -0056

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

#### LOCATION

*Reviewed by Angie Zetterquist*

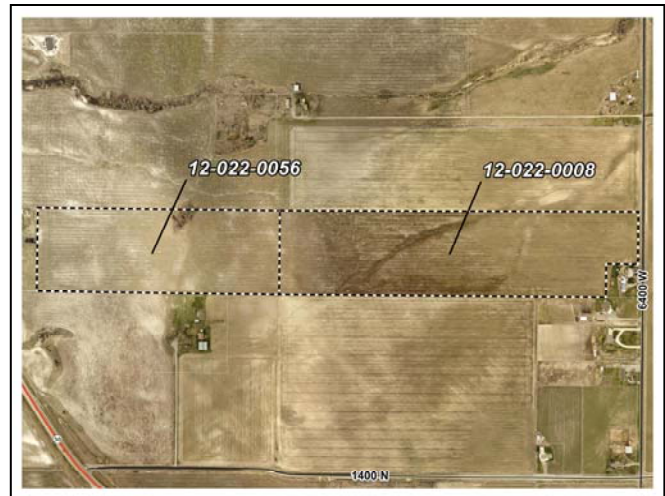
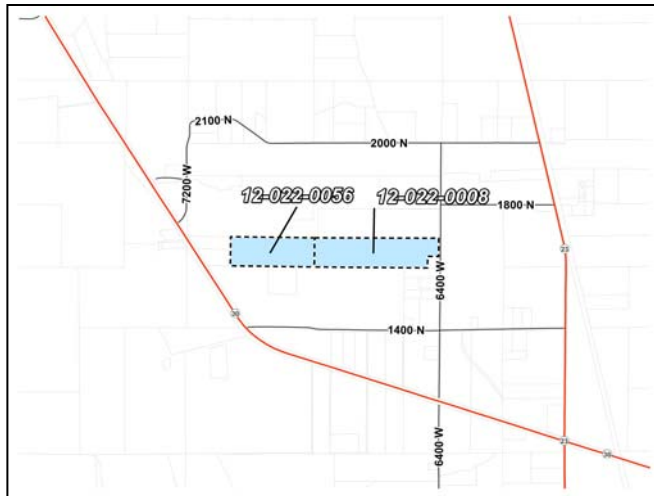
**Project Address:**

1627 North 6400 West  
Petersboro

**Current Zoning:** Agricultural (A10)      **Acres:** 61.79 acres

**Surrounding Uses:**

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



#### FINDINGS OF FACT (19)

**A. Request description**

1. The Petersboro Schoolhouse Subdivision is a request to create a 2-lot subdivision with two agricultural remainders on 61.79 acres in the Agricultural (A10) Zone.
  - a. Lot 1 will be 3.0 acres,
  - b. Lot 2 will be 3.0 acres,
  - c. Agricultural Remainder 1 will be 30.47 acres, and
  - d. Agricultural Remainder 2 will be 25.32 acres.

**B. Parcel legality**

2. Parcel status: The subject properties are legal lots as they have been in the same size and configuration since at August 2006.

**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 approved water rights for both proposed lots (#25-11520/a44010 & #25-11521/a44052).
5. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant provided a copy of a septic feasibility letter from BRHD for the two proposed lots.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1.*

**E. Access**

7. The subject property has frontage along and gains access from 6400 West, a county road.
8. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
9. The Road Manual specifies the following:
  - a. Local Road: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
  - b. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
  - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
  - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
  - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
  - 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.
10. A basic review of 6400 West identifies the following:
  - a. Is an existing county facility that provides access to the general public.
  - b. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
  - c. Consists of an average 22-foot paved width with 2-foot wide gravel shoulders.
  - d. Has an unknown depth and type of material under the surface, however, the County Engineer and the County Public Works Inspector did not identify any existing road or surface deformation that would indicate substandard materials.
  - e. Is maintained year round.

**F. Service Provision**

- 12. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the individual properties must be reevaluated and may require improvements based on the location of any proposed structure on the respective lots. Water supply for fire suppression is provided by the Mendon Fire Department.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the proposed lots will occur on 6400 West for Monday collection. The applicant must provide sufficient shoulder space along the highway for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road for collection trucks to not interfere with passing traffic.

**G. Sensitive Areas**

- 14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. The GIS map shows a Utah Geological Survey (UGS) identified landslide area on a portion of the proposed subdivision. As the landslide area is located within the agricultural remainder parcels, there is no concern with this application. However, future development in this area, as part of a subdivision amendment, would require approval of a geotechnical 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 27 June 2019.
- 16. Notice was published in the Herald Journal on 29 June 2019.
- 17. Notices were posted in three public places on 27 June 2019.
- 18. Notices were mailed to all property owners within 300 feet of the subject property on 27 June 2019.
- 19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONDITIONS (1)**

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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. A Land Disturbance Permit is required for any future development. (*See D-6*)

**CONCLUSIONS (1)**

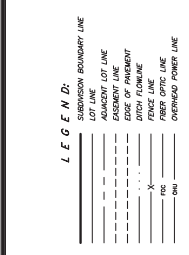
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Based on the findings of fact and conditions noted herein, staff recommends approval of the Petersboro Schoolhouse Subdivision as:

- 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.

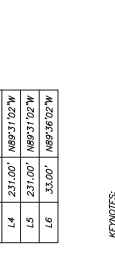
# Petersboro Schoolhouse Subdivision

A PART OF THE SOUTH HALF OF SECTION 19, T12N, R1W, S.L.B.&M.  
CACHÉ COUNTY, UTAH  
Containing 61.79 Acres, Residential Lots and  
2 Agricultural Remainders



**Parcel Line Table**

Line #	Length	Direction
L1	175.59'	S0722°54' W
L2	175.59'	S0722°54' W
L4	231.00'	N89°11'02" W
L5	231.00'	N89°11'02" W
L6	33.00'	N89°29'02" W



**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED PROPERTY DO HEREBY DEDICATE AND CONVEY TO THE PUBLIC THE RIGHT TO USE THE PUBLIC HIGHWAY AND HIGHWAY RIGHT-OF-WAY SHOWN AS 6400 WEST STREET TO THE COUNTY CENTERLINE OF THE ROADWAY SHOWN AS 6400 WEST STREET TO THE COUNTY CENTERLINE OF THE ROADWAY SHOWN AS 6400 WEST STREET FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF SAID ROADWAY.

**ACKNOWLEDGMENT**

State of Utah  
County of Cache

on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me, the undersigned notary public in and for said county of Cache, the following persons, who duly acknowledged to me the fact that they executed the foregoing instrument for the purposes and consideration therein expressed, and for said purposes and consideration they executed the foregoing instrument voluntarily and for the purpose herein mentioned.

Notary Public

**TRUSTEE ACKNOWLEDGMENT**

State of Utah  
County of Cache

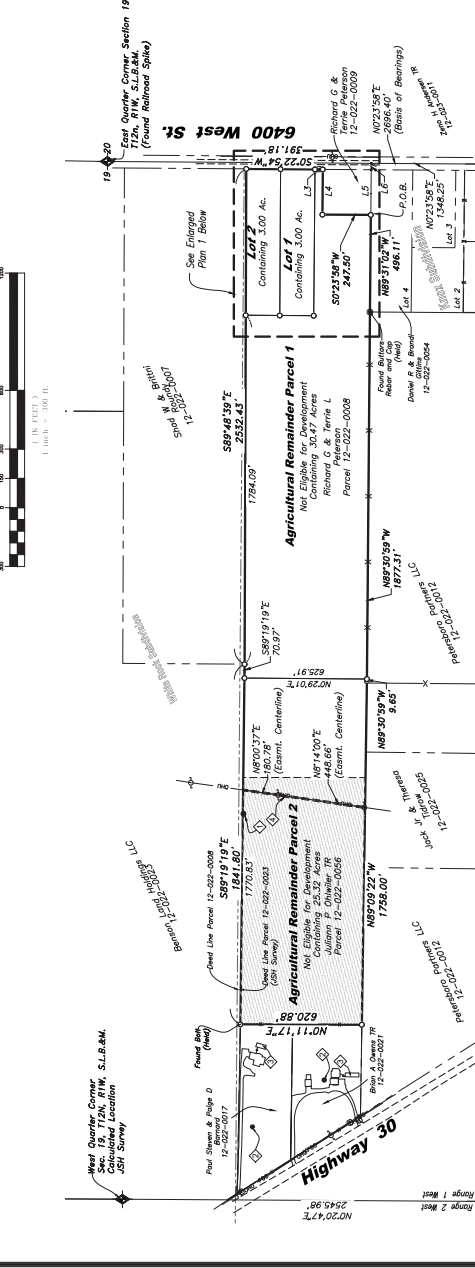
on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me, the undersigned notary public in and for said county of Cache, the following persons, who duly acknowledged to me the fact that they executed the foregoing instrument for the purposes and consideration therein expressed, and for said purposes and consideration they executed the foregoing instrument voluntarily and for the purpose herein mentioned.

Notary Public

**CACHE COUNTY RECORDER'S NO.**

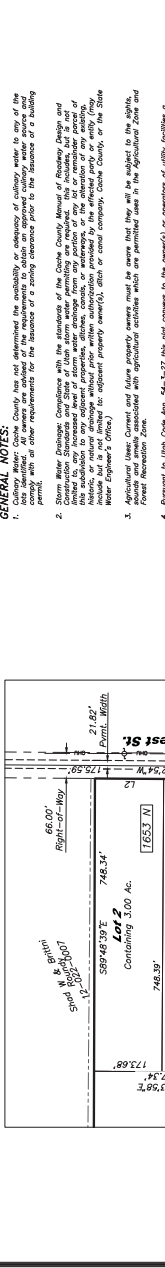
STATE OF UTAH, COUNTY OF \_\_\_\_\_, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

INDEXED \_\_\_\_\_ FILED IN: \_\_\_\_\_ COUNTY RECORDER



**GENERAL NOTES:**

- Cache County has not determined the exact location of any utility lines or easements shown on this plan. The location of any utility lines or easements shown on this plan is for informational purposes only and should not be relied upon for any purpose other than as a general guide.
- Cache County does not warrant the accuracy of any utility lines or easements shown on this plan. The location of any utility lines or easements shown on this plan is for informational purposes only and should not be relied upon for any purpose other than as a general guide.
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**DEPUTY COUNTY SURVEYOR'S CERTIFICATE**

I, \_\_\_\_\_, DEPUTY COUNTY SURVEYOR, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, AND I HAVE EXAMINED AND FOUND THIS PLAN TO BE CORRECTLY DRAWN AND ACCORDING TO THE INFORMATION ON FILE IN THIS OFFICE, AND FURTHER, IT IS THE POLICY OF THIS OFFICE TO ISSUE SURVEYING PLANS FOR PLATS RECORDED BY CACHE COUNTY RECORDER'S NO. \_\_\_\_\_ ON THIS DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**DEPUTY COUNTY SURVEYOR'S CERTIFICATE**

I, \_\_\_\_\_, DEPUTY COUNTY SURVEYOR, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, AND I HAVE EXAMINED AND FOUND THIS PLAN TO BE CORRECTLY DRAWN AND ACCORDING TO THE INFORMATION ON FILE IN THIS OFFICE, AND FURTHER, IT IS THE POLICY OF THIS OFFICE TO ISSUE SURVEYING PLANS FOR PLATS RECORDED BY CACHE COUNTY RECORDER'S NO. \_\_\_\_\_ ON THIS DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**CACHE COUNTY COUNCIL**

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THIS DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

BY: \_\_\_\_\_ CHAIR  
\_\_\_\_\_ COUNTY CLERK

**CACHE COUNTY ATTORNEY**

THIS PLAT WAS EXAMINED AND APPROVED FOR APPROVAL/DENIAL BY THE COUNTY ATTORNEY ON THIS DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_ CHAIR  
\_\_\_\_\_ COUNTY CLERK

**CACHE COUNTY PLANNING COMMISSION**

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THIS DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_ CHAIR  
\_\_\_\_\_ COUNTY CLERK

**BEAR RIVER HEALTH DEPT. APPROVAL**

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_ CHAIR  
\_\_\_\_\_ COUNTY CLERK

**CACHE COUNTY ATTORNEY**

THIS PLAT WAS EXAMINED AND APPROVED FOR APPROVAL/DENIAL BY THE COUNTY ATTORNEY ON THIS DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_ CHAIR  
\_\_\_\_\_ COUNTY CLERK

**CACHE COUNTY ATTORNEY**

THIS PLAT WAS EXAMINED AND APPROVED FOR APPROVAL/DENIAL BY THE COUNTY ATTORNEY ON THIS DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_ CHAIR  
\_\_\_\_\_ COUNTY CLERK

**CACHE COUNTY RECORDER'S NO.**

STATE OF UTAH, COUNTY OF \_\_\_\_\_, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

INDEXED \_\_\_\_\_ FILED IN: \_\_\_\_\_ COUNTY RECORDER

**DEPUTY COUNTY SURVEYOR'S CERTIFICATE**

I, \_\_\_\_\_, DEPUTY COUNTY SURVEYOR, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, AND I HAVE EXAMINED AND FOUND THIS PLAN TO BE CORRECTLY DRAWN AND ACCORDING TO THE INFORMATION ON FILE IN THIS OFFICE, AND FURTHER, IT IS THE POLICY OF THIS OFFICE TO ISSUE SURVEYING PLANS FOR PLATS RECORDED BY CACHE COUNTY RECORDER'S NO. \_\_\_\_\_ ON THIS DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

### STAFF REPORT: R.C. LADLE SUBDIVISION

11 JULY 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:** Paul Cressall

**Parcel ID#:** 12-034-0008

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

6920 West 600 North  
Petersboro

**Current Zoning:**

Agricultural (A10)

**Acres:** 56.32 acres

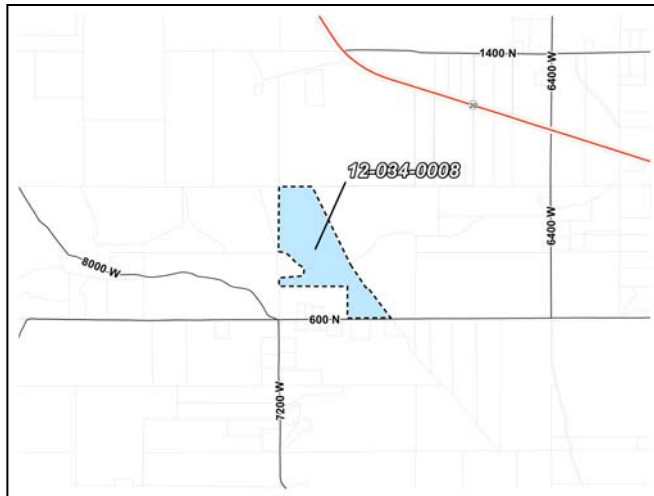
**Surrounding Uses:**

North – Agricultural

South – Agricultural/Residential

East – Agricultural

West – Agricultural/Residential



#### FINDINGS OF FACT (19)

**A. Request description**

1. The R.C. Ladle Subdivision is a request to create a 3-lot subdivision with an agricultural remainder on 56.32 acres in the Agricultural (A10) Zone.
  - a. Lots 1, 2, & 3 will be 2.67 acres each, and
  - b. The agricultural remainder will be 48.03 acres.

**B. Parcel legality**

2. Parcel status: The subject property is a legal lot as it has been in the same size and configuration since at August 2006.

**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 water rights in process for the three proposed lots (#25-11563/a44764, #25-11564/a44765, #25-11565/a44763). Proof of approved water rights for all three lots 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 provided a copy of a septic feasibility letter from BRHD for the three proposed lots.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2*

**E. Access**

7. The subject property has frontage along and gains access from 6400 West, a county road.
8. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
9. The Road Manual specifies the following:
  - a. Local Road: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
  - b. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
  - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
  - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
  - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
  - 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.
10. A basic review of 600 North identifies the following:
  - a. Is an existing county facility that provides access to the general public.
  - b. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
  - c. Consists of an average 25-foot paved width with 2-foot wide gravel shoulders and was recently paved.
  - d. Is maintained year round.

**F. Service Provision**

12. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the individual properties must be reevaluated and may require improvements based on the location of



any proposed structure on the respective lots. Water supply for fire suppression is provided by the Mendon Fire Department.

13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the proposed lots will occur on the south side of 600 North for Monday collection. The applicant must provide sufficient shoulder space along the highway for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road for collection trucks to not interfere with passing traffic.

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

14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area

- a. A waterway identified as Three Mile Creek on the subdivision plat crosses the property north of the developable lots within the agricultural remainder. As the waterway is located within the agricultural remainder, there is no concern with this application.

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

15. Public notice was posted online to the Utah Public Notice Website on 27 June 2019.
16. Notice was published in the Herald Journal on 29 June 2019.
17. Notices were posted in three public places on 27 June 2019.
18. Notices were mailed to all property owners within 300 feet of the subject property.
19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

#### **CONDITIONS (2)**

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

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

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Based on the findings of fact and conditions noted herein, staff recommends approval of the R.C. Ladle 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.

# R.C. Ladle Subdivision

A Part of the Southwest Quarter of Section 30, Township 12 North, Range 1 West, 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 R.C. Ladle Subdivision and the same had been correctly surveyed and all streets are the dimensions shown.

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



## SUBDIVISION BOUNDARY

A Part of the Southwest Quarter of Section 30, Township 12 North, Range 1 West, Salt Lake Base & Meridian.

Beginning of the Southwest Corner of Lot 4 said Section 30 Located 1354.79 Feet North 89°57'33" East 1320 Feet East by Record) from the Southwest Corner of said Section 30 and Running Thence North 00°22'19" East 640.63 Feet (North 660 Feet by Record) to Old Fence Remnants; Thence South 89°59'58" West 1339.47 Feet (West 1320 Feet by Record) Along said Fence Remnants to the West Line of said Section 30; Thence North 00°02'40" West (North by Record), 149.48 Feet Along said West Line Thence North 84°15'04" East 493.24 Feet (North 85°03'05" East 471.13 Feet by Record); Thence North 02°03'39" East (North 02°50'30" East by Record) 163.11 Feet; Thence North 39°16'05" West (North 50°29'04" West by Record) 158.42 Feet Along the North Line of said Southwest Quarter to the West Right-of-Way Line of the Ogden, Logan, and Idaho Railroad (O.L.I.R.); Thence Along said Railroad Right-of-Way the Following Curves: (1) South 27°35'52" East (South 26°36" East by Record) 1636.48 Feet; (2) Southeasterly Along the Arc of a 2943.93 Foot Radius Curve to the Left an Arc Length of 98.65 Feet, Long Chord Bears South 37°01'31" East 98.64 Feet; (3) South 62°00'53" West 33.00 Feet; (4) Southeasterly Along a Non-Tangent 2978.33 Foot Radius Curve to the Left an Arc Length of 516.04 Feet, Long Chord Bears South 32°37'04" East 516.39 Feet; (5) South 37°58'02" East 23.96 Feet; (6) North 52°04'58" East 33.00 Feet; (7) South 37°58'02" East 781.00 Feet (South 38°38" East 799 Feet by Record) to the Intersection with the South Line of said Southwest Quarter; Thence South 89°57'33" West (West by Record) 851.38 Feet Along said South Line to the Point of Beginning, Containing 56.322 Acres.

## OWNER'S DEDICATION

Know all men by these presents that the undersigned owners of the tract of land depicted and described hereon, having caused the same to be subdivided into lots and streets (as parties), the whole to be hereinafter known as the "R.C. Ladle Subdivision". Further we dedicate and/or sell claim as appropriate the portion of property of [12-034-0008] 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. We hereby set our signatures.

Robert C. Ladle Date

## ACKNOWLEDGMENT

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Robert C. Ladle, Personally Appeared before me, The Undersigned Notary Public in and for said County, in the State of Utah, the Signer of the Attached Owners Dedication, whom duly Acknowledged to me he Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

Notary Public

## COUNTY RECORDER

State of Utah  
County of Cache

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

## 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\_\_\_\_.

## COUNTY COUNCIL APPROVAL

Approved & Accepted by the Cache County Council, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## COUNTY PLANNING COMMISSION

This plat recommended for approval by the Cache County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

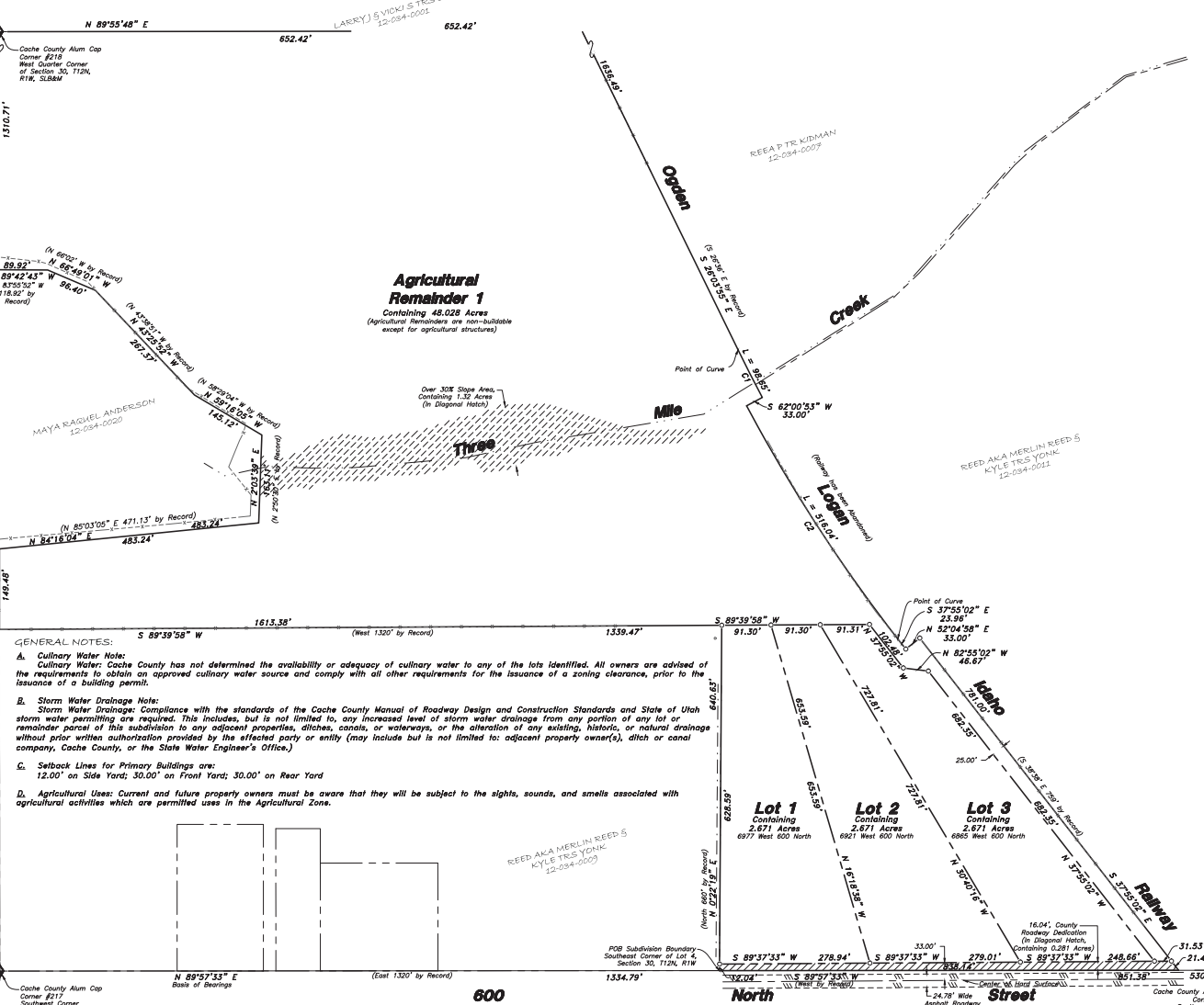
## DEPUTY COUNTY SURVEYOR'S CERTIFICATE

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.

## COUNTY ATTORNEY APPROVAL

I certify that I have examined this plat and approve this plat as to form as required by State law and County ordinance.

Cache County Attorney \_\_\_\_\_ Date \_\_\_\_\_ Deputy County Surveyor \_\_\_\_\_ Date \_\_\_\_\_ Chairman \_\_\_\_\_ County Clerk \_\_\_\_\_



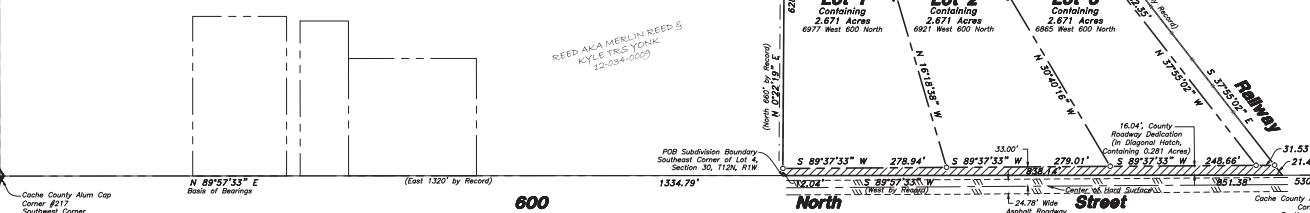
**GENERAL NOTES:**

A. **Culinary Water Note:** Cache County has not determined the availability or adequacy of culinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of a building permit.

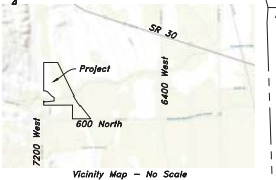
B. **Storm Water Drainage Note:** Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot 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).

C. **Setback Lines for Primary Buildings are:** 12.00" on Side Yard; 30.00" on Front Yard; 30.00" on Rear Yard

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



CI = 1°35'12" A = 9°25'55"  
R = 2943.93" P = 2976.93"  
L = 98.65" L = 516.04"  
LC = 98.64" LC = 515.39"  
S 27°01'31" E S 32°57'04" E



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

**NARRATIVE**

The purpose of this survey was to subdivide the parcel as shown and described hereon. The survey was ordered by Paul Cressall. The control used to establish the property corners was the existing monumentation and fence within Section 30, Township 12 North, Range 1 West, Salt Lake Base & Meridian. The base of bearing is the South line of said Section 30, which bears North 89°57'33" East, Utah Coordinate System 1983 North Zone."



**RECORD OWNER'S**  
(12-034-0008)  
Robert C. Ladle  
161 North Main  
Mendon UT 84322

**DEVELOPER**  
Paul Cressall  
PO Box 337  
Mendon UT 84325  
435-7215-5426

**ADVANCED LAND SURVEYING**  
1770 Research Park Way #111  
Logan Utah 84341  
(p) 435-779-1985 (f) 435-514-5883  
www.advancedland.com

**STAFF REPORT: 2600 NORTH SUBDIVISION**

11 JULY 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:** Jeff Watterson

**Parcel ID#:** 12-018-0011

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

**LOCATION**

*Reviewed by Angie Zetterquist*

**Project Address:**

4211 West 2600 North  
Benson

**Current Zoning:**

Rural 5 (RU-5)

**Acres:** 16.78

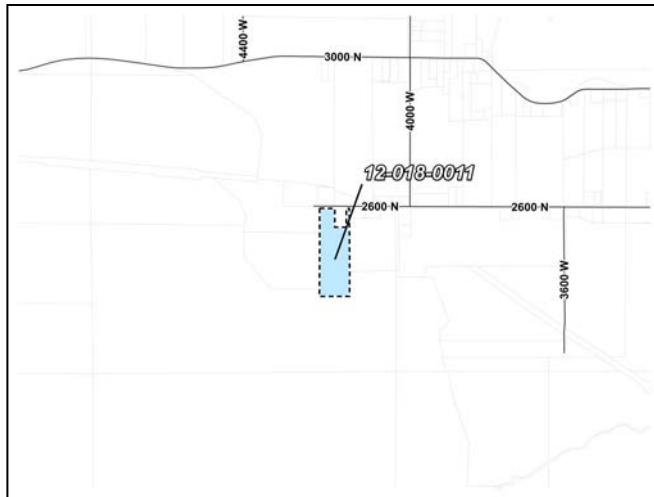
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



**FINDINGS OF FACT (20)**

**A. Request description**

1. The 2600 North Subdivision is a request for a 2-lot subdivision with an Agricultural Remainder.
  - a. Lot 1 will be 0.75 acres;
  - b. Lot 2 will be 0.5 acres; and
  - c. The Agricultural Remainder will be 14.8 acres.
2. The subject property was rezoned from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone in October 2018 (Ord. No. 2018-12). The RU5 Zone allows for a development density of 1 lot for every 5 acres.

## **B. Parcel legality**

3. The subject parcel is considered a legal parcel as it has not changed size or configuration since August 2006.

## **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.

## **D. Culinary water, septic system, and storm water**

5. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The applicant has provided confirmation of an approved water connection with the Benson Culinary Water Improvement District for Lot 2; Lot 1 has an existing residential structure and water connection.
6. §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 Lot 2.
7. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1*

## **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-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
  - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
  - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
  - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
  - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
  - 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.

12. A basic analysis of the paved portion of county road 2600 North is as follows:
  - a. Is an existing county facility that provides access to the general public.
  - b. Stretches approximately 1.25 miles west from 3200 West and terminates west of the subject property, providing access to two other properties before it ends.
  - c. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
  - d. Is considered a local road from 3200 West to the access to proposed Lot 1 of the subdivision and a rural road from the Lot 1 access to the terminus.
  - e. Consists of an average 15-foot paved width with 1-2-foot wide gravel shoulders.
  - f. Has an unknown depth and type of material under the surface.
  - g. Is maintained year round. *See condition #2 & #3*

#### **F. Service Provision**

13. §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 Logan City Fire Department.
14. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department currently provides service in this area along the 2600 North for Monday collection. Shoulder improvements may be required by the applicant to provide sufficient shoulder space to place refuse and recycling containers 3-to-4 feet apart as to not interfere with passing traffic.

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

15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. Areas of potential wetlands are located within the subdivision boundary. Development is not permitted in wetland areas.
  - b. An area of moderate to high liquefaction potential covers the entire subdivision. In areas determined to contain geologically unstable conditions, development may be permitted upon the review and approval of a geotechnical report that conforms to §17.18.060 of the County Code. *See condition #4*

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

16. Public notice was posted online to the Utah Public Notice Website on 27 June 2019.
17. Notice was published in the Herald Journal on 29 June 2019.
18. Notices were posted in three public places on 27 June 2019.
19. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 27 June 2019.
20. 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. A Land Disturbance Permit is required for any future development. (*See D-7*)
2. Prior to recording the plat, the applicant must work with the County Engineer to improve the substandard portions of 2600 North providing access to the proposed 2600 North Subdivision must be built to meet and/or exceed county roadway standards as found in the County Code and County Road Manual. (*See E-12*)
3. Prior to recording the plat, the design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, base preparation and construction, and surfacing for the road. Fees for any engineering plan review shall be borne by the proponent. (*See E-12*)

4. Prior to recordation, the applicant must submit a geotechnical report, in compliance with §17.18.060 and prepared by a professional licensed in the State of Utah, to the Department of Development Services for review and approval. (*See G-15-b*)

#### CONCLUSIONS (1)

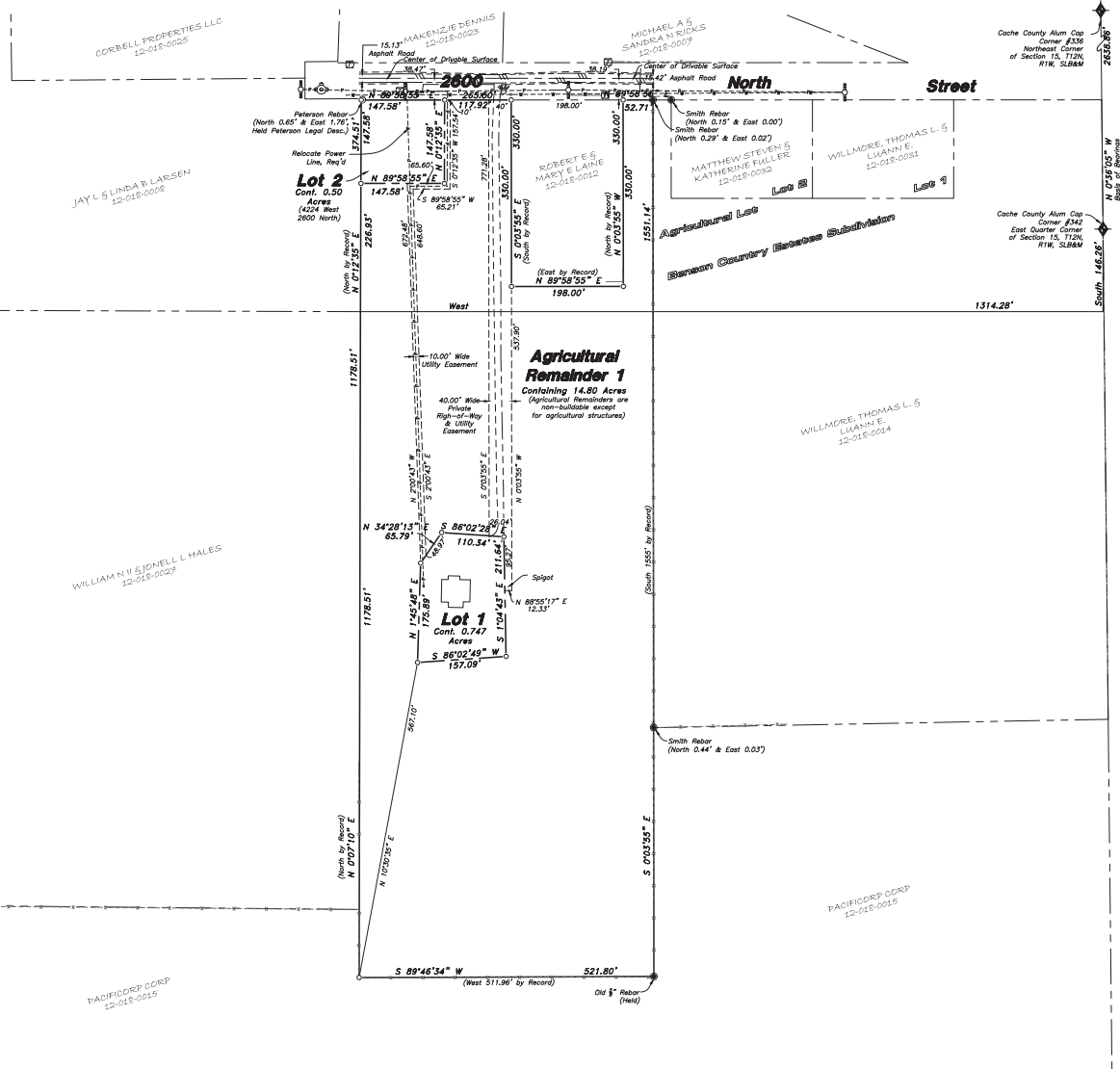
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Based on the findings of fact and conditions noted herein, staff recommends approval of the 2600 North Subdivision as:

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 as conditioned.

# 2600 North Subdivision

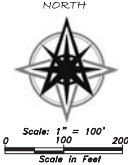
A Part of the Southeast Quarter of Section 15, Township 12 North, Range 1 West, Salt Lake Base & Meridian, Cache County, Utah



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

**NARRATIVE**

The purpose of this survey was to subdivide the parcel as shown and described hereon. The survey was ordered by Jeff Watterson. The control used to establish the property corners was the existing monumentation and fences within Section 15, Township 12 North, Range 1 West, Salt Lake Base & Meridian. The basis of bearing to the East line of the Northeast Quarter of said Section 15, which bears North 00°56'05" West, Utah Coordinate System 1983 North Zone.



**RECORD OWNER'S**  
(12-018-0011)  
James Jeffery & Terri Lyn Watterson  
4211 West 2600 North, Benson UT 84335

**DEVELOPER**  
James Jeffery Watterson  
4211 West 2600 North, Benson UT 84335  
435-757-9532

**COUNTY ATTORNEY APPROVAL**

I certify that I have examined this plot and approved this plot as to form as required by State law and County ordinance.

Cache County Attorney \_\_\_\_\_ Date \_\_\_\_\_

**DEPUTY COUNTY SURVEYOR'S CERTIFICATE**

I certify that I have had this plot 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 plot recommended for approval by the Cache County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Chairman \_\_\_\_\_

**COUNTY COUNCIL APPROVAL**

Approved & Accepted by the Cache County Council, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Chairman \_\_\_\_\_  
Aldress \_\_\_\_\_  
County Clerk \_\_\_\_\_

**BEAR RIVER HEALTH DEPARTMENT APPROVAL**

This subdivision described in this plot has been approved by the Bear River Health Department on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**FILED AND RECORDED:**

Filing No.: \_\_\_\_\_  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Book: \_\_\_\_\_  
Page: \_\_\_\_\_  
Request of: \_\_\_\_\_

Cache County Recorder

**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 2600 North Subdivision and the same had been correctly surveyed and all streets are the dimensions shown.

Clinton G. Hansen  
L.S. No. 7881387

Date \_\_\_\_\_

**SUBDIVISION BOUNDARY**

A Part of the Southeast Quarter of Section 15, Township 12 North, Range 1 West, Salt Lake Base & Meridian

Beginning 146.26 Feet South and 1314.28 Feet West from the East Quarter Corner of said Section 15 and Running Thence North 00°12'35" East 374.51 Feet to the South Right-of-Way Line of 2600 North Street; Thence North 89°58'55" East (East by Record) 255.50 Feet Along said South Right-of-Way Line; Thence South 00°03'55" East (South by Record) 330.00 Feet; Thence North 89°58'55" East (East by Record) 198.00 Feet; Thence North 00°03'55" West (North by Record) 330.00 Feet to said South Right-of-Way Line; Thence North 89°58'55" East (East by Record) 52.71 Feet Along said South Right-of-Way Line to the Northwest Corner of Benson County Estates Subdivision, Entry Number 1,071,051; Thence South 00°03'55" East 1551.14 Feet (South 1555 Feet by Record) Along the West Line of said Subdivision; Thence South 89°44'54" West 521.80 Feet (West 511.56 Feet by Record); Thence North 00°07'10" East (North by Record) 1178.51 Feet to the Point of Beginning, Containing 17,000 Acres.

**OWNER'S DEDICATION**

Know all men by these presents that we the undersigned owners of the tract of land depicted and described hereon, having caused the same to be subdivided into lots and streets (as parting), the whole to be hereinafter known as the "2600 North Subdivision", further we dedicate and/or quit claim as appropriate the portion of property of [12-018-0011] 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. Further we hereby create a 40 foot wide Private Right-of-Way and Utility Easement as shown hereon. Further we create a 10 Foot Wide Utility Easement as depicted hereon. We hereby set our signatures. We hereby set our signatures.

James Jeffery Watterson \_\_\_\_\_ Date \_\_\_\_\_ Terri Lyn Watterson \_\_\_\_\_ Date \_\_\_\_\_

**ACKNOWLEDGMENT**

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, James Jeffery Watterson and Terri Lyn Watterson, Husband and Wife, Personally Appeared before me, the Undersigned Notary Public in and for said County, in the State of Utah, the Signer of the Attached Owners Dedication, whom duly acknowledged to me they Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

Notary Public \_\_\_\_\_

**GENERAL NOTES:**

**A. Culinary Water Note:**  
Culinary Water: Cache County has not determined the availability or adequacy of culinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of a building permit.

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

**C. Seaback Lines for Primary Buildings are:**  
12.00' on Side Yards; 30.00' on Front Yards; 30.00' on Rear Yard

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

**COUNTY RECORDER**

State of Utah  
County of Cache

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

**ADVANCED LAND SURVEYING INC.**  
1770 Research Park Way #111  
Logan Utah 84341  
(p) 435-779-9585 (f) 435-514-5883  
www.advancedland.com





MEMORANDUM

11 JULY 2019

**To:** Planning Commission

**Subject:** 6-month time extension request for the proposed View of the Valley Subdivision

A request has been made by Doug Bassett, the owner of the View of the Valley Subdivision, for a 6-month extension of the effective period of approval for a 6-lot subdivision located at 1600 West 6500 South, near Hyrum, in the Rural 5 (RU5) Zone (Attachment A).

The 3-lot subdivision was approved by the Planning Commission on 12 July 2018. The effective approval date for a subdivision approval is one year; subsequently, the current expiration date for the approval is 12 July 2019. If the plat is not recorded by the expiration date, the approval and plat is void and the file closed.

Before a plat can be recorded, all conditions of approval must be met or, as necessary, an improvement agreement for required infrastructure must be in place. As of this date, the applicant still has outstanding conditions of approval related to road improvements. The applicant has submitted design exceptions for the road, but experienced delay due to a split vote from the County Council followed by a close denial (i.e., 3-4). The applicant also worked with the Utah Property Rights Ombudsman's Office regarding the required road improvements in an attempt to find a solution. The applicant is now working with a geotechnical engineer from the CMT Engineering Laboratories in Box Elder County to assist him with the outstanding conditions.

In 2018, §17.02.050, Effective Period of Land Use Authority Approval, was amended to allow an approval of an administrative land use decision to be extended up to six (6) months at the discretion of the land use authority (§17.02.050(F)). The same code update to Title 17.02 also changed the land use authority for subdivision approvals from the County Council to the Planning Commission in §17.02.030 (Establishing Land Use Authority Duties, Authorities, and Powers). Consequently, the Planning Commission is the land use authority with the power to consider this extension request.

Section 17.02.050(F)(2), specifies that the applicant bears the burden of proving the conditions justifying an extension have been met and the land use authority may approve an extension request only if:

- a. The reason for the request is not economic.
- b. The applicant has shown a clear pattern of working to record the plat or permit throughout the entirety of the approval period."

The submitted request for a time extension provides the following reasoning:

1. Attempted to obtain design exceptions from the County Council which were ultimately denied and worked with Ombudsman's Office to attempt to find a solution.
2. The remaining conditions related to the required road improvements are in process with the assistance of the geotechnical engineer he hired, but it cannot be completed prior to the expiration date.

Staff recommends that the Planning Commission approve this request to extend the effective date of approval to **12 January 2020**, the full 6-month time extension allowed per code, as:

1. The request for a time extension complies with the requirements of §17.02.050(F) and the applicant has shown a clear pattern of working to record the plat through the approval period.

## View of the Valley Subdivision

May 31st 2019.  
**Attachment A**

The design exception that was previously granted for the county road leading to my property on a previous approval, was not granted on my last submission which could cause a significant burden for me to bear for the 3 lots that have been modified and approved. I have sought relief from the Ombudsman Jordan Cullimore at the State of Utah but have not been granted any relief to this point regarding the possible effect of having not an design exception. I have located and have been using in Box Elder County a good Geotechnical Engineer his name is Andy Harris he the Senior Geo. Engineer for the CMT Engineering Laboratories. [www.cmtlaboratories.com](http://www.cmtlaboratories.com). I apologize I have not been familiar with this specialty type of Engineering. I have tried to catchup and understand this level of Engineering. It has been so frustrating and difficult for me to go through the rezoning from 10 to 5 acre change to be granted a design exception previously. Have the staff recommend a design exception and be turned down by the committee on a 3 to 4 vote. Please allow me an extension of 6 months so I can use Mr. Harris to obtain the information concerning the road leading to my ground. I have donated over 1 acre to make the turnaround possible that was desired by the county to reduce long term maint of the road. Thank you for your consideration. Sincerely Doug Barrett

**received**  
31 May 19

### STAFF REPORT: PURSER WAREHOUSING, LLC CUP AMENDED

11 July 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:** Roger Purser

**Parcel ID#:** 02-089-0013, -0022

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

1704 South 800 West

Logan

**Current Zoning:**

Commercial (C) Zone

**Acres:** 2.64

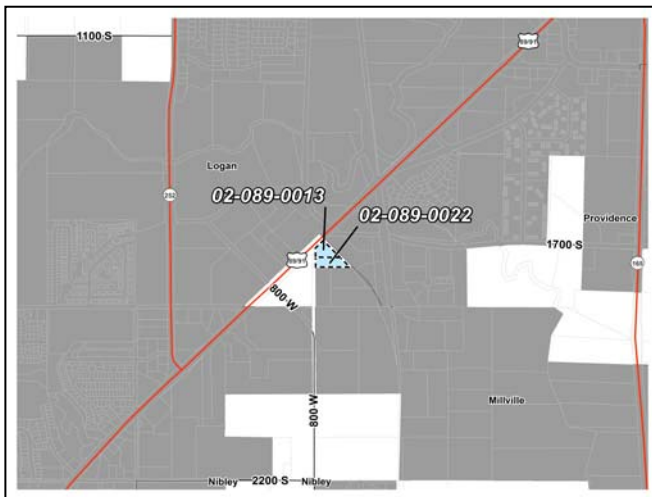
**Surrounding Uses:**

North – Logan City/Commercial/Industrial

South – Millville City/Commercial/Industrial

East – Logan City/Commercial/Industrial

West – US Hwy 89-91/Logan City



### FINDINGS OF FACT (35)

#### A. Request description

1. The Purser Warehousing, LLC Conditional Use Permit (CUP) Amended is a request to amend an existing CUP for a commercial leasing facility on a two lots with a total of 2.64 acres located in the Commercial (C) Zone.
2. The original CUP was approved in 1982 in conjunction with a zone change from M-1 (manufacturing) to C-3 (commercial). In 1983, another CUP was issued under the C-3 Zone for the two parcels allowing for a number of commercial businesses to be located in the existing warehouses. Over the subsequent years, there has been some confusion as to the zoning on the two parcels with storage and warehousing being a conditional use subject to approval. Some CUPs at the location have been issued for individual tenants/businesses under the

Manufacturing/Industrial Zone. However, a recent search of the history of the properties indicates that the current zoning is Commercial (C).

3. Per the Letter of Intent (Attachment A), the applicant is proposing to amend the existing CUP to allow the use of the space between and at the ends of buildings to be used for storage areas for tenants, allow stacked outdoor storage up to fifteen (15) in height in specified areas, and allow for the current setbacks requirements to apply instead of setbacks approved in the original CUP approval (i.e., 100 feet). *See condition #1*

- a. Construction

- i. The two subject properties each has an existing building on-site. The building on north parcel #02-089-0013 is approximately 8,000 square feet and the building on the south parcel (#02-089-0022) is approximately 13,000 square feet. As part of the 1983 CUP, firewalls were required to be installed by the Building Department to separate uses. The work was finalized in April 1984.
- ii. Per the Letter of Intent, no new construction is planned with the exception of physical barriers to divide the outdoor storage located in the center of the properties.

- b. Operation

- i. The applicant states that there are currently ten (10) different tenants occupying the two structures with an average of seventeen (17) employees. New tenants will be required to obtain approval from the Department of Development Services, so that impacts of each type of business can be evaluated individually. *See condition #2*
- ii. The Letter of Intent states the property owner wants to convert the open, unpaved space between the two existing buildings to a more structured storage area for tenants to store equipment and materials that are accessory to and used in connection with their commercial business on-site. This area will be organized into spaces divided by bollards and chains or other physical barriers to ensure area is organized and easy to monitor. Per the Letter of Intent, this area will remain unpaved. *See condition #3*
- iii. The applicant also wants to use four outdoor areas, one on each end of the existing buildings, as additional outdoor storage areas for the tenants/businesses occupying the buildings. Currently, only the area on the north end of the building on parcel #02-089-0013, which faces US Hwy 89/91, has screening: a 6-foot tall slatted chainlink fence. In the letter of intent, the applicant states there are no other plans to provide new or improved screening to these outdoor storage areas. *See condition #4 & #5*
- iv. Access to the properties is from 800 West, which is identified as a county road at this location. This portion of 800 West does not connect to the highway but connects to 1800 South to the south for a short jog before reconnecting to 800 West where it connects to the highway. On the site plan, the proposed outdoor storage area fronting this road is setback 10 feet from the property with no screening. *See condition #4 & #5*
- v. Utilities including water, septic systems, and power are currently in place for the existing structures.
- vi. Any new signage for the facility or individual businesses must obtain approval of a zoning clearance and building permit as necessary. *See condition #6*

## B. 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.

**C. 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. *See conclusion #1*
  - 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. *See conclusion #1*
- 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 #1*
- 7. The subject properties have not changed size or configuration since August 8, 2006 and are legal parcels.
- 8. §17.07.030, Use Related Definitions defines this use as “3100 Commercial Business.”
- 9. §17.07.040, Definitions, defines “3100 Commercial Business” as, “Any commerce endeavor to engage in the purchase, sale, lease, or exchange of good, and/provision of services. This includes the following specific uses: 1. Commercial sales and services: an establishment that provides products or services directly to a consumer, and where such products are available for immediate purchase and removal from the premises by the purchaser. 2. Professional services: An administrative, professional, research, laboratory, or personal service, which requires as a condition precedent to the rendering of such service, the obtaining of a license or other legal authorization. These typically include, but are not limited to, services rendered by: certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents. Merchandise or merchandising services must not be sold on the premises except such as incidental or accessory to the principal use.”
- 10. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Commercial (C) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
- 11. §17.10.040 Site Development Standards – The required setback from the property line in the Commercial (C) Zone is 30’. The storage of material or placement of structures within the setback area is not permitted. *See condition #4*
- 12. §17.10.030 Development Density and Standards Specific to the Base Zoning Districts – Additional site development standards apply to development in the Commercial (C) Zone. *See condition #5*

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

- 13. 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.
- 14. The primary activity of the proposed use is a commercial leasing facility for multiple tenants.

15. The proposed use will be located on two parcels totaling 2.64 acres and is surrounded by other similar uses as well as the boundaries of Logan City and Millville. The applicant provided letters from Logan City, Millville, and Nibley City indicating each jurisdiction has no current plans to annex the parcels and had no objection to the proposed CUP amendment.

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

16. 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.
17. The subject property has frontage along US Hwy 89/91, a UDOT facility, and 800 West, a County Road.
18. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
19. The Road Manual specifies the following:
  - a. Table 2.2 – Roadway Typical Sections, Footnote #6 indicates that development of a commercial or industrial nature must meet the minimum requirements of a local road.
  - b. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
  - c. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot wide right-of-way, two 10-foot wide paved travel lanes with 2-foot wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
  - d. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
  - e. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
20. A basic analysis of US Hwy 89/91:
  - a. Is a UDOT facility.
  - b. There is not direct access to the subject properties from US HWY 89/91 to the subject properties.
  - c. Applicant must confirm with UDOT whether or not an additional setback is required along this corridor and provide the information to the Department of Development Services. *See condition #7*
21. A basic analysis of 800 West is as follows:
  - a. Is an existing county facility that provides access to the general public.
  - b. Currently provides access to multiple commercial, industrial, vacant, and agricultural parcels.
  - c. Consists of an average 24-foot paved width with 4-foot wide gravel shoulders.
  - d. Does not appear to have the full 66-foot right-of-way dedicated to the County.

- e. Has an unknown depth and type of material under the surface, however, the County Engineer and the County Public Works Inspector did not identify any existing road or surface deformation that would indicate substandard materials.
  - f. Is maintained year round by Logan City. *See condition #8*
22. It is staffs' understanding that there are plans to enclose the canal and make the area part of a trail network. It is recommended that the applicant work with the canal company and County Trails Planner to ensure development on the subject properties does not interfere with the planned trail.
23. Parking:
- a. §17.22 Off Street Parking Standards – All uses included under Use Index 3000 require a minimum of one parking space per 250 square feet, or a Parking Analysis conforming to §17.07.040 General Definitions and §17.22 Off Street Parking Standards.
  - b. According to the applicant's Letter of Intent, the two existing structures have a total area of 21,000 square feet, which at one parking space per 250 square feet, would require 84 parking spaces under the current development standards. However, as the applicant is not proposing any new structures with leasable square footage, the existing number of parking spaces meets the requirements of the original CUP and this amendment will not require the applicant to meet the current standard. However, the need for additional required parking will be evaluated as new tenants apply for approval.
24. Refuse: Logan City Environment Department, Solid Waste Collection, reviewed the CUP request and confirmed that the facility is using existing commercial front-load dumpster and service levels can be increased if needed.
25. Fire: §16.04.080 [C] Fire Control – The County Fire District visited the site and reviewed the Letter of Intent. The Fire District had no issues with the CUP request.
26. Water: The applicant is not planning on installing facilities that will require additional water rights.
27. Septic: If individual buildings add restrooms, the Bear River Health Department will review them when a Zoning Clearance application has been submitted.

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

28. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”
29. The County Land Use Ordinance stipulates that:
- a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
  - b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.
30. Known or reasonably anticipated detrimental effects of the use are as follows:
- a. Noise: Hours of operation vary for each of the tenants, but generally the tenants operate Monday through Friday and some Saturdays. The uses on site have the potential to create detrimental amounts of noise, however, given the location of the site and the surrounding industrial uses it is not anticipated that the proposed use would create detrimental amounts of noise to neighboring properties.

- b. Potential contamination: Outdoor storage of equipment, vehicles, and materials has the potential to have detrimental effects on the soil and groundwater if the equipment or vehicles have leaks that are not prevented from entering the permeable surface. Applicant must provide a plan for containment of potential leaks to the Department of Development Services and indicate any areas on the site that will be improved with impermeable surfaces for the proposed uses. Applicant must also work with the State and County Public Works Inspector to determine if there is a need for an industrial storm water permit and necessary site best management practices (BMPs). *See condition #9*
- c. Visual: The storage of equipment, materials, and the like with stacking heights up to 15 feet high may negatively impact the views from the surrounding roads and properties. Screening will be required for outdoor storage areas visible from a public road. A detailed plan showing the locations identified for storage as well the height and materials of any existing or proposed fences will aid in determining whether screening will be required for review and approval from the Department of Development Services. *See condition #5*
- d. Sensitive Areas:
  - i. Based on USFWS identified Wetlands mapping wetlands may be present on a portion of the subject properties. However, the entirety of the site has been developed since the original permit was issued and no wetlands are present.
  - ii. A canal runs along the property line parallel to US Hwy 89/91, the applicant must ensure development in the area does not impact the canal and obtain any required permission from the canal company prior to doing work in this area. *See condition #10*

**G. Public Notice and Comment—§17.02.040 Notice of Meetings**

- 31. Public notice was posted online to the Utah Public Notice Website on 27 June 2019.
- 32. Notice was published in the Herald Journal on 29 June 2019.
- 33. Notices were posted in three public places on 27 June 2019.
- 34. Notices were mailed to all property owners within 300 feet of the subject property and cities within 1-mile on 27 June 2019.
- 35. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONDITIONS (10)**

Based on the Cache County 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 revised site plan to the Cache County Development Services Office that reflects the information as contained in the Letter of Intent and meets the minimum Code requirements and conditions of approval. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *(A-3)*
- 2. As required under the previous CUP, any new tenants/businesses must apply for a zoning clearance to confirm the proposed use meets the requirements of this CUP and that parking and building occupancy meet minimum standards. This review may also be required in order to obtain a business license. *(A-3-b-i)*
- 3. Prior to recordation, the applicant must either combine the two parcels into one, or provide a site plan indicating that the required setbacks from property lines are being met for the central storage area and indicate how the area will be divided. *(A-3-b-ii, A-3-b-iii )*



4. The required setback from the property line in the Commercial (C) Zone is 30'. The storage of material or placement of structures within the setback area is not permitted. Proposed storage areas that meet the required setback must be shown on the revised site plan prior to recordation. *(A-3-b-iii, A-3-b-iv, C-11, C-12)*
5. Prior to recordation, the revised detailed site plan must comply the additional site development standards in §17.10.030 that apply to development in the Commercial (C) Zone. Outdoor storage must be screened from public view. *(A-3-b-iii, A-3-b-iv, C-12, F-30-c)*
6. Any proposed signage must obtain approval of a Zoning Clearance and, if necessary, a building permit prior to installation. *(A-3-b-vi)*
7. Prior to recordation, the applicant must confirm with UDOT whether or not an additional setback from US Hwy 89/91 is required. Applicant must provide written confirmation of UDOT's requirements and revise the site plan as necessary to comply with any additional setbacks for the proposed outdoor storage area that fronts on US Hwy 89/91. *(E-20-c)*
8. Prior to recordation, the applicant must dedicate the portion of property within the 33-foot right-of-way from the centerline of 800 West to the County. *(E-21)*
9. Prior to recordation, the applicant must provide a plan to the Department of Development Services for the prevention and containment of potential leaks from equipment and vehicles related to the proposed uses. Applicant must also coordinate with the County Public Works Inspector to determine if there is need for industrial storm water permits and assist with any required best management practices (BMP). *(F-30-b)*
10. The applicant must coordinate with the canal company to avoid any conflicts with the canal including adjusting grading as necessary to allow for storm water containment and routing. *(F-30-d-ii)*

## CONCLUSIONS (2)

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Based on the findings of fact and conditions noted herein, staff recommends approval of the Purser Warehousing, LLC Conditional Use Permit as:

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 C, D, E, F)*
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 C-6)*

**LETTER OF INTENT**  
**(PURSER WAREHOUSING CUP)**

**Parcel Nos:** 02-089-0013  
02-089-0022  
**Address:** 1704 South 800 West, Logan, Utah 84321

The above described property (the "Subject Property") is owned by Purser Warehousing, LLC, Utah limited liability company ("Purser"). The Subject Property consists of approximately 2.64 acres, upon which two buildings (collectively, the "Buildings") have been constructed. The northerly Building contains approximately 8,000 square feet, and the southerly Building contains approximately 13,000 square feet. A Site Plan of the Subject Property and the existing Building is incorporated in this Application and is attached to this Letter of Intent as Exhibit A. All access to the Buildings and all utilities to the Buildings are currently in place. Water for the Buildings is provided by an approved well situated on the Subject Property and is more particularly described as Water Right: 25-7110. The Buildings are serviced by an approved septic system located on the Subject Property. Garbage is currently collected in commercial dumpsters located on the Subject Property that are emptied regularly. The current number of tenants on the Subject Property is ten (10), and the approximate number of tenants and tenants' employees utilizing the Subject Property varies with the season and tenant, but averages approximately seventeen (17). The equipment and materials located on site consist primarily of tenant and employee vehicles and tenants' accessory equipment, machinery and materials. All signage located on the Subject Property has been approved, and no new signage on the Subject Property is anticipated other than tenant signage constructed or erected in accordance with current County sign ordinances and the leases.

The Buildings were initially constructed in accordance with a Conditional Use Permit and Building Permit issued by Cache County in 1982 (the "1982 CUP"). At the time of the issuance of the 1982 CUP, zoning of the Subject Property was changed from M-1 (manufacturing) to C-3 (commercial). Once zoning had changed, a revised Conditional Use Permit was issued to Purser (the "1983 CUP"), which permit is currently in effect. A copy of the 1983 CUP is attached to this Letter of Intent (See Exhibit B). When the Buildings were constructed, the Cache County Planning Commission approved the 1982 and 1983 CUPs under the 1970 Cache County Municipal Code as amended by Cache County Zoning Ordinance 75-14 (see Exhibit C). The Code designated that in

the C-3 zone, storage and warehousing was a conditional use subject to approval by the Cache County Planning Commission.

The purpose of this current Application is to update the uses to which the Subject Property is being put and to which it may be put in the future. A secondary purpose of this Application is to update the set-backs from public roads affecting the Subject Property from those set-backs existing in 1983 to those set-backs currently applicable to the Subject Property.

The current zoning applicable to the Subject Property is "C" (general commercial). Under the 1983 CUP, issued under the 1970 ordinance, each tenant of commercial space on the Subject Property is required to obtain an occupancy permit from the Building Inspector through a process that requires (1) zoning clearance, (2) parking allocations, (3) a determination of occupancy rating, and (4) construction and maintenance of appropriate firewalls. It is the intent of the Owner that these conditions remain in place with respect to the Subject Property and uses made thereof. In addition, through this new Application, Owner desires the following:

1. Organization of Center Space between Buildings. It is the intent of Owner to convert the open, unpaved space between the two existing Buildings to a more structured storage area for tenants to store equipment and materials accessory to and used in connection with their commercial business on site. The accessory equipment and materials shall be organized into spaces divided by bollards and chains or other physical barriers to ensure that the space remains organized and easy to monitor. This space will remain unpaved.
2. Accessory Equipment Storage. There currently exist spaces at the ends of each Building (as depicted on the Site Plan) that can be, and in some cases, have been used by tenants for the storage of equipment accessory to such tenants' approved commercial uses. The storage of accessory equipment is allowed by current zoning regulation under Cache County Ordinance 17.07.030 but was not provided for in the 1983 CUP. Owner desires that these uses be adopted as part the Conditional Use Permit applied for herein. Only the most northwesterly storage area shown on the Site Plan is fenced at this time. This fence is slatted chain link and is approximately six (6) feet high. No other screening is in place or anticipated at this time.

3. Storage height in any of the storage areas shall be limited to fifteen (15) feet. Any automobiles stored on site will require current registrations and all equipment stored on site will be monitored regularly for leakage or spillage.
  
4. Set-Backs from Public Roads. When the 1983 CUP was issued to Owner, current zoning required a set-back of 100 feet from any adjacent public roads. The ordinances applicable to the Subject Property have since changed under Cache County Ordinance 17.10.040 to require 30-foot set-backs from public roads. Owner desires that the newer ordinance requiring the 30-foot set-backs be made specifically applicable to the Subject Property. The purpose for this request is to allow Owner some flexibility in the future to expand the existing buildings to fit the allowed space. No current plans for expansion are currently prepared or contemplated.





### STAFF REPORT: KURTIS E. FALSLEV CUP

11 July 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:** Brad Bearson

**Parcel ID#:** 12-002-0026

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

4490 North 3880 West  
Benson

**Current Zoning:**  
Agricultural (A10) Zone

**Acres:** 1.62

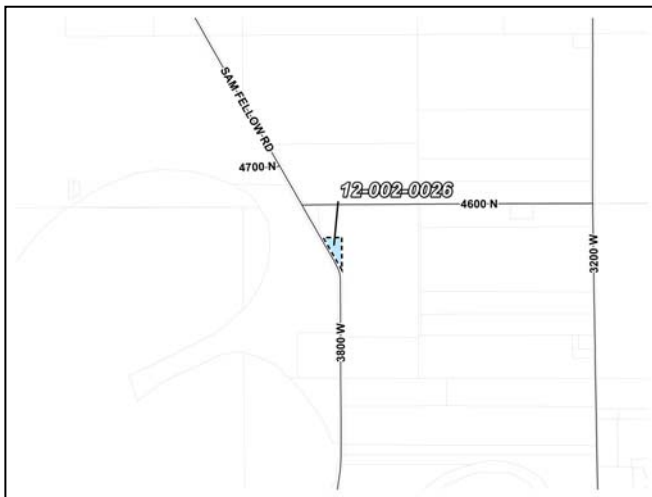
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural

East – Agricultural

West – Agricultural



#### FINDINGS OF FACT (34)

##### A. Request description

1. The Kurtis E. Falslev Conditional Use Permit (CUP) is a request to operate an agricultural manufacturing facility (Use Type 2110) on a 1.62 acre parcel located in the Agricultural (A10) Zone.
2. Per the Letter of Intent (Attachment A), the applicant is proposing to operate an agricultural manufacturing facility that will receive and slaughter livestock. The animals are raised by the owner on an adjacent property, transported to the proposed facility, and, after processing at the proposed facility, the meat will be shipped to various markets outside the State. *See condition #1 & #2*

a. Construction

- i. The subject property has an existing single-family residence located toward the north end of the property. The proposed slaughter facility will be 4,200 square feet located approximately 90 feet south of the existing residence with access from 3800 West. *See condition #3*
- ii. As part of the application packet, the applicant submitted a set of architectural and engineering plans for an agricultural structure that would be used for the facility. However, it is not clear if those plans meet the requirements of the USDA. The USDA requirements are in place to ensure the facility is sanitary to control pathogens and prevent foodborne illness. Examples of areas under their regulation include ground maintenance, pest control, lighting, ventilation, plumbing, sewage disposal, water supply, ice, and solution reuse, and dressing rooms and lavatories for employees. If a facility is not in compliance with these requirements it could lead to unsanitary conditions, adulteration of the food products that enter the commercial markets, and could interfere with federal inspections. However, after discussions with the applicant and state officials from the Utah Department of Agriculture and Food, the USDA does not review building plans prior to construction. Consequently, it is only after a structure is built that it is inspected to confirm that it meets requirements. If the structure does not pass the inspection, the applicant will not be authorized to operate the facility. *See condition #2 & #4*
- iii. The owner of the facility initially submitted a zoning clearance application for an agricultural building, which normally does not require a building permit. However, given the use of the facility to slaughter livestock for commercial sales/public consumption, the building will not qualify as an exempt agricultural structure and will require a building permit for a structure with commercial occupancy. *See condition #5*
- iv. The applicant provided a septic permit for the proposed facility, but the permit indicates it is for use by the employees of the facility and does not address drainage of or discharge of liquid and animal waste from the operation. The Bear River Health Department does not require a septic permit for agricultural waste.
- v. As for the disposal of agricultural waste from the proposed facility, the Letter of Intent does state that: "Once the livestock has been processed, the offal will be stored in waterproof, odor proof drums within the facility until such time as it can be picked up by an offal processing company (this removal is intended to occur at least once a week)." *See condition #6*
- vi. Any compost operations associated with the slaughter facility must follow best practices and reach temperatures sufficient to kill pathogens and contain runoff equal to storm water retention standards. *See condition #7*

b. Operation

- i. The applicant stated in their Letter of Intent that the livestock processed at the proposed slaughter facility will be from the owner's adjacent farm. To qualify as Use Type 2110 -Agricultural Manufacturing, the owner must process 75% or more of its own livestock grown directly on the property or an adjacent property also operated by the owner of the agricultural manufacturing facility. If the owner does not meet that requirement, the use will be in violation of this approved CUP and would fall under the "General Manufacturing" use type, which is not permitted in the A10 Zone. *See condition #8*
- ii. The applicant states there will be between five (5) to ten (10) employees.



- iii. Hours of operation are listed as 6:00 a.m. to 4:00 p.m., three (3) to five (5) days a week.
- iv. Livestock will be delivered to the northeast corner of the proposed facility via tractor and trailer from the owner's adjacent properties. *See condition #9*
- v. It is anticipated that two (2) semi-trucks will arrive and depart from the southwest corner of the proposed facility once a week. One truck will be picking up and transporting livestock carcasses; the other will pick up and transport the offal. *See condition #9*
- vi. A small sign will be attached to the west side of the building to assist in the identification of the proposed facility. *See condition #10*
- vii. Equipment needed for the operation of the proposed facility includes: de-hairing machine, scalding, band saw, meat grinder, smokehouse, vacuum packing machine, washer and dryer, and related equipment. *See condition #11*

**B. Conditional Uses**

- 3. §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.

**C. Compliance with law *See conclusion #1***

- 4. 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. *See conclusion #1*
  - 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. *See conclusion #1*
- 5. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #1*
- 6. The subject property has not changed size or configuration since August 8, 2006 and is a legal parcel. There are existing single family dwelling was constructed in 1987.
- 7. §17.07.030, Use Related Definitions defines this use as "2110 Agricultural Manufacturing."
- 8. §17.07.040, Definitions, defines "2110 Agricultural Manufacturing" as, "The processing of agriculturally based products where 75% or more of the goods are grown directly on the property or on adjacent property that is operated by the owner of the Agricultural Manufacturing business. Includes any value added agricultural processing including but not limited to: honey processing, juice production from orchards or berries, meat or fish processing (smoking, jerky, cured meats, etc.), processing of vegetables, etc."
- 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. §17.10.040 Site Development Standards – The required setback from the front and rear property lines in the Agricultural (A10) Zone is 30'; side yard setbacks are 12 feet. The storage of material or placement of structures or parking within the setback areas is not permitted. *See condition #9*

**D. 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 use is an agricultural manufacturing, specifically a livestock slaughter facility.

13. Although the property is zoned agricultural and the structure will be used for agricultural purposes, the use of the building is commercial and must meet the occupancy requirements for the Building and Fire Departments. *See condition #5*

14. The proposed use will be located on the 1.62 acre property with an existing single-family dwelling. The property is surrounded by other agricultural land. The nearest single-family home is approximately 422 feet north of the subject property, owned by an owner of the proposed facility, with the next closest approximately ½ mile to the south.

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

15. 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.

16. The subject property has frontage along 3800 West, a county roads.

17. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

18. The Road Manual specifies the following:

- a. Table 2.2 – Roadway Typical Sections, Footnote #6 indicates that development of a commercial or industrial nature must meet the minimum requirements of a local road.
- a. §2.1-A-4 Collector Road: Roads with approximately 1600 to 5000 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds (generally to a speed range of 40 mph or less) and moderate to high traffic volumes. This category provides service to through traffic movements and allows more direct access to occur. These facilities move traffic across multiple communities or jurisdictions, typically connection facilities of system importance.
- b. Collector Roads must meet the minimum standard of two, 11-foot wide paved travel lanes with 6-foot wide shoulders: 3 feet paved, 3 feet gravel (34 feet total width with a paved width of 28 feet), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 80-foot wide right-of-way (ROW).
- 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.
19. A basic analysis of 3800 West is as follows:
- a. Is an existing county facility that provides access to the general public.
  - b. Is a collector road.
  - c. Currently provides access to multiple vacant and agricultural parcels, with some residential access.
  - d. Consists of an average 26-foot paved width with 8-foot wide gravel shoulders.
  - e. Has an unknown depth and type of material under the surface. However, the County Engineer and the County Public Works Inspector did not identify any existing road or surface deformation that would indicate substandard materials.
- a. Is maintained year round.
20. Parking and Access:
- a. §17.22 Off Street Parking Standards – All uses included under Use Index 2000, Manufacturing Industries, require a minimum of one parking space per 1,000 square feet, or a Parking Analysis conforming to §17.07.040 General Definitions and §17.22 Off Street Parking Standards. **See condition #11**
  - b. According to the Letter of Intent, the proposed structure will be approximately 4,200 square feet, which at one parking space per 1000 square feet, would require 5 parking spaces. Additionally, an area for truck loading and unloading and turn arounds should be designated on a detailed site plan to confirm the required parking does not conflict with other uses on the property. **See condition #9**
  - c. The proposed facility is limited to one 30-foot wide access (i.e., driveway) to the county road. Vehicles cannot access the roadway at any other point along the frontage. **See condition #9**
21. Refuse: Logan City Environment Department, Solid Waste Collection, reviewed the proposed use and confirmed that the facility will use a commercial front-load dumpster for trash, but animal byproducts will need to be handled separately. Any composting operations on the subject property must follow best practices and reach temperatures sufficient to kill pathogens. Any compost facility must contain runoff equal to storm water retention standards. **See condition #7**
22. Fire: §16.04.080 [C] Fire Control – The County Fire District visited the site and reviewed the Letter of Intent. The Fire District stated a plan review will need to be conducted to determine the fire department access and water supply for suppression. **See condition #12**
23. Water: The applicant provided a letter from the Benson Culinary Water Improvement District indicating the district has approved a new industrial water connection for the proposed facility. A backflow protection must be installed on the culinary water connection. **See condition #13**
24. Septic: A septic permit from Bear River Health Department (BRHD) was submitted by the applicant for a 1,000 gallons one day per week for employees of agriculture business. The applicant has stated in the letter of intent that the proposed facility will operate three (3) to five (5) days a week with five (5) to ten (10) employees. Applicant must confirm with BRHD that the permit provided will accommodate the proposed hours and days of operation. **See condition #14**

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

25. 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.”
26. 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.
27. Known or reasonably anticipated detrimental effects of the use are as follows:
  - a. Noise: Hours of operation for the use are between 6:00 AM and 4:00 PM three (3) to five (5) days a week. The uses on site have the potential to create detrimental amounts of noise. However, given the location of the site and the surrounding agricultural uses it is not anticipated that the proposed use would create detrimental amounts of noise to neighboring properties as the nearest residential structures are occupied by the owners of the proposed facility.
  - b. Traffic: Due to the type of business, number of employees, and truck deliveries, an increase in traffic has the potential to create detrimental impacts. Additionally, a detailed site plan is required to confirm access is sufficient and located to ensure the traffic entering and existing the proposed facility does not create conflicts with other users on the county roads. *See conditions # 9*
  - c. Potential contamination: Handling animal byproducts and the liquid waste resulting from the operation of the proposed facility has the potential to create detrimental impacts. Liquid waste from the slaughter operations must be stored in animal waste containment facilities that will contain them without discharge. Drains from the slaughter facility cannot be plumbed into a septic tank leach field or to natural drainage ways. *See condition #11*

**G. Public Notice and Comment—§17.02.040 Notice of Meetings**

28. Public notice was posted online to the Utah Public Notice Website on 27 June 2019.
29. Notice was published in the Herald Journal on 29 June 2019.
30. Notices were posted in three public places on 27 June 2019.
31. Notices were mailed to all property owners within 300 feet of the subject property on 27 June 2019.
32. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONDITIONS (14)**

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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. 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. (A-2)

2. Prior to operation, this facility must follow all local, state, and federal laws and guidelines for a slaughter facility, including, but not limited to, regular inspections by the United States Department of Agriculture (USDA) or Utah Department of Agriculture and Food (UDAF). The applicant must provide a copy of all state and federal permits and approvals for the operation of the proposed facility. *(A-2, A-2-a-ii)*
3. Due to the size of the facility and other construction disturbance, a land use disturbance permit and other storm water permits are required. *(A-2-a-i)*
4. Prior to recordation, the facility must be inspected and approved by the USDA to operate as a slaughter facility. *(A-2-a-ii)*
5. The applicant must obtain a Zoning Clearance, Building Permit, and Fire Department approval for the proposed structure, which must meet commercial occupancy requirements. *(A-2-a-iii, D-13)*
6. Liquid wastes from the slaughter facility must be stored in animal waste containment facilities that will contain it without discharge and cannot be drained into a septic tank leach field or to natural drainways. A professional disposal company must be utilized to remove the offal, liquid waste, and other animal byproducts from the site on a regular basis. *(A-2-a-v, F-27-c)*
7. Prior to recordation, if the applicant utilizes any compost operations associated with the slaughter facility on the property, documentation must be provided to the Department of Development Services that the composting will follow best practices and reach temperature sufficient to kills pathogens and contain runoff equal to storm water retention standards. *(A-2-a-vi, E-21, F-27-c)*
8. Applicant must abide by the definition of Use Type 2110 Agricultural Manufacturing including, but not limited to, processing 75% or more of its own livestock grown directly on the property or an adjacent property also operated by the owner of the facility. The facility must cease operation if more than 25% of livestock processed at the facility is not grown directly on the property or an adjacent property owned by the owner of the facility. *(A-2-b-i)*
9. Prior to issuance of a zoning clearance or encroachment permit for the structure, the applicant must provide a detailed site plan to the Development Services Office for review and approval that includes the location of the single 30-foot maximum access point along the county road, required parking, loading and unloading area, turn-arounds, et cetera, which confirms that all required elements are meeting the minimum development standards including setbacks. *(A-2-b-iv, A-2-b-v, E-20-b, E-20-c, F-27-b)*
10. Any proposed signage must obtain approval of a Zoning Clearance and, if necessary, a building permit prior to installation. *(A-2-b-vi)*
11. Any equipment utilized for the operation that is stored outside must be screened from view of the public road. *(A-2-b-vii)*
12. Prior to issuance of a zoning clearance and building permits, the applicant must work with the Fire Department through the plan review process to ensure fire department access and water supply for fire suppression meets their requirements. *(E-22)*
13. Backflow protection must be installed on the culinary water connection. *(E-23)*
14. Prior to issuance of a zoning clearance and building permit, the applicant must confirm with the Bear River Health Department that the septic permit provided with the application will accommodate the proposed hours and days of operation as well as the number of employees indicated in the Letter of Intent. *(E-24)*

### CONCLUSIONS (3)

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Based on the findings of fact and conditions noted herein, staff recommends approval of the Kurtis E. Falslev Conditional Use Permit as:

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 C, D, E, F*)
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 C-5*)
3. The regulation of animal slaughter for commercial purposes (i.e., non-personal) use is also under the jurisdiction of the State and Federal governments.

**LETTER OF INTENT – CONDITIONAL USE PERMIT  
KURTIS E. FALSLEV/CENTRAL VALLEY MEAT**

Listed below are the details for the proposed Falslev Livestock Farm (“Facility”):

**1. Explain your request in detail.**

- a. The proposed Facility will receive and slaughter livestock, not less than seventy-five percent (75%) of which will be raised on the property or on an adjacent property operated by the owners of the Facility, to be shipped to various markets outside the State of Utah pursuant to Manufacturing Industries 2110 – Agricultural Manufacturing in the A10 Zone.
- b. There are no employees that will be required to reside at this Facility.
- c. Prior to operation, the Facility will be inspected by the UDAF or the USDA to ensure compliance with the USDA certification process. The Facility will not be in operation until such time as the USDA certification process is complete.
- d. The Facility will be operating 6:00 a.m. to 4 p.m. each day, three (3) to five (5) days a week.
- e. This Facility requires anticipated limited employee traffic and parking for five (5) to ten (10) employees. The livestock will be delivered to the northeast corner of the facility via tractor and trailer from adjacent properties. Once the livestock has been processed, the offal will be stored in waterproof, odor proof drums within the facility until such time as it can be picked up by a offal processing company (this removal is intended to occur at least once a week). At present, it is anticipated that one (2) semi-truck will arrive and depart from the southwest corner of the Facility one (1) day per week, one of which will pick up and transport the livestock carcasses, the other of which will pick up and transport the offal.
- f. There will be a small sign attached to the west side of the building to assist in the identification of the Facility.
- g. In addition, employee parking will be provided as indicated in the attached amended site plan with access to the facility as indicated in the amended site plan.
- h. The equipment needed for the operation of this project is a de-hairing machine, scalding, band saw, meat grinder, smokehouse, vacuum packing machine, washer and dryer, and other equipment typically used in this type of a facility.
- i. A septic tank will be utilized along with a grey water holding tank that is located offsite. (See copy of septic tank permit attached hereto at Tab 7.)
- j. At all relevant times, the Facility will follow best practices in containing all waste products, noise, light, and odor resulting from the operation of the facility.

**2. Site plan.**

See site plan maps attached hereto at Tab “5A”.

**3. Building Elevations**

- a. See elevation specifications attached hereto at Tab “5B”.
- b. See Ag Building Specifications, Ag Building Structural Calculations, Innovative Structural Solutions Price Quote, and Innovative Structural Solutions Introduction to the Innstruct Smart Panel EVG-3D Construction System attached hereto at Tab “5C”.  
All other building materials are also standard in the industry.
- c. See floor plan attached hereto at Tab “5D”.
- d. None.







**STAFF REPORT: NEWTON LATERAL PIPING PROJECT CUP**

11 July 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:** Steven Wood  
**Staff Determination:** Approval with conditions  
**Type of Action:** Administrative  
**Land Use Authority:** Planning Commission

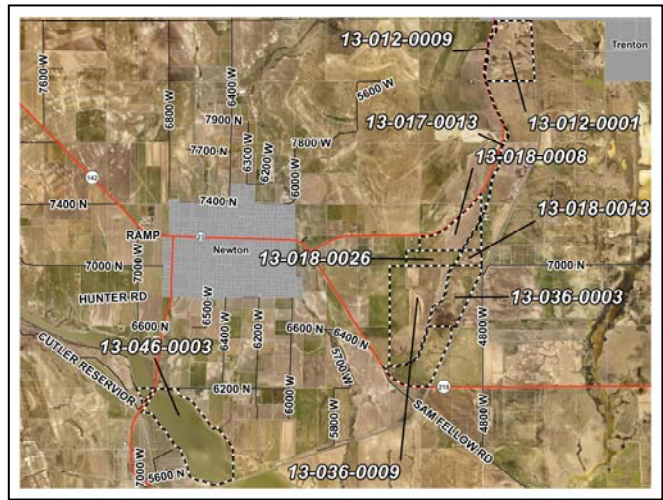
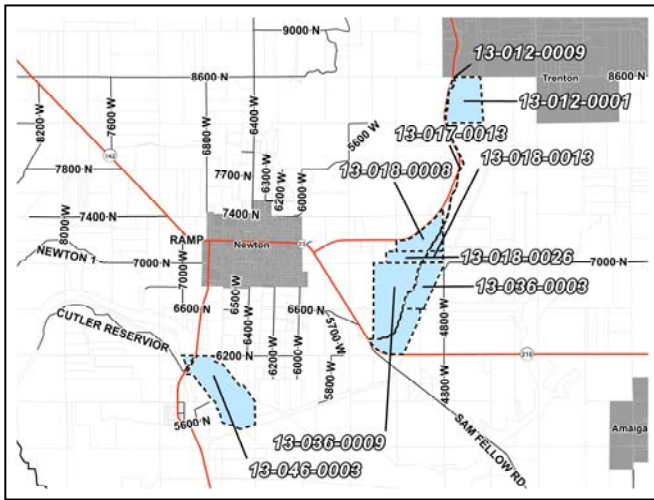
**Parcel ID#:** Multiple (Attachment A)

**PROJECT LOCATION**

*Reviewed by Angie Zetterquist*

**Project Address:**  
 West Cache Canal  
 ~800 South 400 West, Trenton  
**Current Zoning:** Agricultural (A10) **Acres:** 880

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



**FINDINGS OF FACT (28)**

**A. Request description**

1. The Newton Lateral Piping Project Conditional Use Permit (CUP) is a request to replace existing open irrigation canals with an underground pressurized irrigation pipeline for the West Cache Irrigation Company (“the project”). The project will replace approximately 7.5 miles of the West Cache Canal with 10.5 miles of pipeline and includes the construction two at-grade pumping stations at the origin and terminus of the pipeline. Portions of the project are located outside the jurisdiction of the County and are not included as part of this request. Approval for the project from the effected municipalities must be obtained separately. *See condition #1*

2. As per the definition of the proposed use type, 5610 Utility Facility, Distribution, Water Transmission Line, the CUP request only applies to the portions of the proposed irrigation pipeline with a diameter greater than 18-inches.
3. The application was not submitted with recorded easements or notice of prescriptive easements for each of the parcels included under this CUP. All easements must be submitted prior to recordation of the CUP. **See condition #2**
4. The project is described in the applicant's Letter of Intent (Attachment B).
  - a. The West Cache Canal provides secondary water to shareholders in the Trenton, Amalga, Newton areas for irrigation purposes.
  - b. According to the Letter of Intent, the current use of the open canal results in significant water losses each year due to seepage, evaporation, and vegetation uptake. The applicant states that with the implementation of the pipeline, water losses will be eliminated conserving a precious resource in an area where many are dependent on water for their livelihoods.
  - c. In addition to minimizing this loss of water each year, the project will also result in considerable energy savings according to the applicant. The current open canal system relies on over 30 small, inefficient pumps, which will be replaced with six larger, more efficient pumps that are capable of conveying the same volume and flow of water. In the letter of intent, the applicant states that the new pumps will result in significant energy savings for shareholders and a lighter demand on the power grid in the area.
  - d. New Construction
    - i. As stated above, 7.5 miles of open irrigation canals will be replaced with 10.5 miles of pipeline. Preliminary plans were submitted with the application, but a complete set of plans must be submitted for review and approval by the County Engineer prior to the recordation of the permit. **See condition #3**
    - ii. Two at-grade pumping stations will also be constructed to pressurize the system. One station will be constructed near the Newton and Amalga canal diversion and the second pump will replace an existing pump station near Cutler Reservoir. The new pump station near Cutler Reservoir is located on parcel #13-046-0003, which is located in the County and must obtain a zoning clearance and building permit from the Department of Development Services. The other pump station is located on parcel #14-047-0021, located within the Trenton Town boundary, which will require review and approval from Trenton.
    - iii. The applicant did not include a tentative construction schedule, but a draft Environmental Assessment is currently under review by the Bureau of Reclamation. Additionally, the applicant has identified areas for parking and staging of construction equipment and materials stating they are isolated areas located in agricultural fields along the pipeline alignment. Final confirmation of staging and parking areas along with the required approvals from property owners must be reviewed and approved by the Department of Development Services prior to recordation of the permit. **See condition #4 & #5**
    - iv. Ground disturbed during the construction period must be revegetated at the conclusion of the construction in each area. **See condition #6**
  - e. Operation
    - i. The operation is an unmanned utility facility and, based on the Letter of Intent, operation of the pipeline system would remain essentially unchanged from the open canal system. Operation of the pipeline for agricultural use will occur 24-hours a day daily from about April to October annually.

ii. During the off-season, the pipeline and pump stations will be inactive, however, stations will be available for storm water conveyance for any possible emergencies that may arise.

iii. The existing open canals have also historically conveyed storm water runoff from the surrounding areas. Per the Letter of Intent, most of the existing canal will be enclosed after the pipeline is completed, but storm water runoff will still be accommodated by leaving the existing culverts that run beneath SR-23 intact. *See condition #7 & #8*

5. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See condition #9*

**B. Conditional Uses *See conclusion #1***

6. §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.

**C. Compliance with law *See conclusion #1***

7. 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.

8. §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*

9. The parcels located in unincorporated county and included as part of CUP request have been determined to be potentially legal based on a preliminary parcel review and were found to be in the same configuration as of August 8, 2006.

10. §17.07.030, Use Related Definitions. The proposed use is best defined under “Use Type 5610, Utility Facility, Distribution, Water Transmission Line”. Per the definition in §17.07, Utility Facility, Distribution is a general term for uses including a water/waste water transmission line, which is defined as a transmission line for water (culinary or irrigation water) or wastewater greater than 18” in diameter. This type of use is not required to comply with the minimum lot size requirement for the district in which it is located.

11. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

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

12. The County Land Use Ordinance stipulates that:

- a. Proposed CUP uses 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.

13. The primary activities as identified within the Newton Lateral Piping Project CUP Letter of Intent are proposed to only occur on the subject parcels and will not cause unreasonable risks

to the safety of persons or property and it does not unreasonably interfere with the lawful use of surrounding properties.

- a. Based on the information submitted by the applicant, the proposed pipeline improvements located on private property within unincorporated county do not require approval of a zoning clearance or building permits. However, the at-grade pumping station, if located within a structure, near Cutler Reservoir may require a zoning clearance or buildings permits and any work in the County rights-of-way requires approval of encroachment permits. Should the plans change, or for structures proposed on private property within unincorporated county, approval of a zoning clearance and building permits will be required to ensure compliance with the applicable codes. *See condition #9*

**E. 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: Access to the project will occur on multiple County roads.

- a. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

**16.** The Road Manual specifies the following:

- a. §2.4-A-1-c-iii – Unmanned utility facilities are exempt from meeting roadway standards. *See conclusion #3*

**17.** The project scope will involve work on multiple County roads and within county rights-of-way. Prior to construction on county roads or within county rights-of-way, the applicant must obtain approval of the necessary Encroachment Permits, which are reviewed and approved by the County Engineer. Construction within the county rights-of-way will require MUTCD compliant traffic control plans as required by the County Engineer. *See condition #11*

**18.** Parking:

- a. §17.22 Off Street Parking Standards – Uses included under Use Index 5000, Public, Institutional, and Utility Uses, require a Parking Analysis be conducted to determine the required number of parking spaces needed. However, under §17.22.020 [C], use type 5610 Utility Facility, Distribution, is exempt from the parking analysis requirement. *See conclusion #3*
- b. Parking needs for this project will be limited to the construction period and occur on private property or along county roads. During construction, the applicant must ensure that construction vehicles do not impede traffic on county roads. *See condition #12*
- c. After construction, the applicant indicated that there will be no parking needs as there are no employees regularly onsite; employee visits will occur during site maintenance.

**19.** Refuse:

- a. Any refuse generated on site during construction will be removed by the employees. Logan Environmental had no comments on this request.

**20.** Fire: §16.04.080 [C] Fire Control – The County Fire District did not have concerns or comments on the project.

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

**21.** Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the

reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

22. The County Land Use Ordinance stipulates that:
  - a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
  - b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.
23. Known or reasonably anticipated detrimental effects of the use are as follows:
  - a. Stormwater: Replacing open canals with an underground pipeline can have a known or reasonably anticipated detrimental effect of removing a conduit for stormwater; another purpose served by the open canals. In the Letter of Intent, the applicant states that although the open canals will be enclosed, existing culverts will remain that run beneath SR-23 to accommodate continued storm water conveyance. Further, areas immediately surrounding the culverts will be left open and graded in a manner that will allow runoff conveyed by the culverts to be diffused before ultimately sheet flowing across the agricultural fields and into the barrens area. *See condition #7*
  - b. Air Quality: During the construction period, it is anticipated that the activities will cause detrimental effects to surrounding users including dust. Review of the EA will be required to confirm that BMPs must be followed to mitigate for the temporary impacts on air quality during construction including: application of dust suppressants and watering to control fugitive dust; minimizing the extent of disturbed surfaces; and restricting earthwork during high wind periods. *See condition #9 & #14*
  - c. Reclamation/invasive species: Construction activities can introduce invasive species that can reasonably be anticipated to have a detrimental effect on the surrounding properties. The EA must be reviewed to ensure that appropriate steps will be required to prevent the spread of undesirable plants and animals within areas affected by construction activities including: equipment inspection and decontamination and use of certified “noxious weed free” seed for restoration and reclamation. Applicant must work with the County Weed Control Department on a noxious weed control plan. *See condition #6*
  - d. Sensitive Areas: The parcels proposed as part of the CUP request contain the following sensitive areas as recognized by the County. Additional sensitive areas may have been analyzed as part of the Environmental Assessment provided by the U.S. Department of the Interior, Reclamation Bureau. The sensitive areas as recognized by the County are as follows:
    - i. Cultural Resources: Historic canal systems are typically identified as potential cultural resources. A review of the EA is required to confirm whether the West Cache Canal has been identified as such. Cultural resources are defined as physical or other expressions of human activity or occupation that are over 50 years in age. Based on the findings in the EA, the project may have an adverse effect on the identified historic site. A positive determination by the State Historic Preservation Office (SHPO) will require a Memorandum of Agreement (MOA) between the SHPO and the proponent to address and minimize adverse effects of the project. The MOA must be executed prior to project implementation. *See condition #14*
    - ii. Portions of the project are located adjacent to an Agriculture Protection area.
    - iii. The proponent must comply with all requirements identified in the EA addressing additional sensitive areas identified as part of that analysis. *See condition #9 & #14*

**G. Public Notice and Comment—§17.02.040 Notice of Meetings**

24. Public notice was posted online to the Utah Public Notice Website on 27 June 2019.
25. Notice was published in the Herald Journal on 29 June 2019.
26. Notices were posted in three public places on 27 June 2019.
27. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 27 June 2019.
28. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONDITIONS (14)**

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

1. This CUP approval does not include any properties located outside of Cache County's jurisdiction. The applicant must obtain separate approvals for the portions of the project located in adjacent municipalities. *(See A-1)*
2. Prior to recordation, the applicant must provide a copy of all easements required for the construction and operation of the project to the Department of Development Services. *(See A-3)*
3. Prior to recordation, a complete set of plans must be submitted for review and approval by the County Engineer. The complete set of plans must address all comments and conditions of JUB's June 17, 2019 initial review (Attachment C). The proponent must pay all engineering review costs associated with the review of plan sets. *(See A-4-d-i)*
4. Prior to recordation, the applicant must provide a construction schedule that includes a site plan with the location of parking and staging areas as well as authorization from the impacted property owners during the construction period. Equipment and material storage staging areas are not permitted on public rights-of-way or on county owned property. *(See A-4-d-ii, A-4-d-iii)*
5. Prior to recordation, the applicant must provide a copy of the approved Environmental Assessment (EA) to the Department of Development Services. All conditions and requirements listed in the EA are incorporated into this approval. *(See A-4-d-iii, F-23-d-iii)*
6. Prior to recording the permit a noxious weed control plan must be provided for the review and approval of the County Weed Department and must be approved. The seed mix to be used for reclamation must be approved by the County Weed Department prior to application of the mix. *See (See A-4-d-iv, F-23-c)*
7. Prior to recordation, the applicant must work with the County Engineer and Public Works Inspector to ensure that the proposed plan for enclosing the canals and utilizing existing culverts will be sufficient to accommodate storm water runoff. If the culverts will not be sufficient, the applicant must work with the County Engineer to revise the plans to meet minimum storm water requirements. *(See A-4-e-iii, F-23-a)*
8. Prior to recordation, a copy of the Storm Water Pollution Prevention Plan (SWPPP) Notice of Intent for the affected areas must be provided to Development Services Department. *(See A-4-e-iii)*
9. The applicant shall operate the utility facility in accordance with the Letter of Intent and Environmental Assessment provided and any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *(See A-5, F-23-b, F-23-d-iii)*
10. The applicant must obtain the required zoning clearances and building permits for proposed structures prior to construction. A Land Disturbance Permit is required for any future development. *(See D-13-a)*



11. The applicant must obtain the required encroachment permits for work on county roads or within county rights-of-way prior to construction. *See D-13-a, E-17)*
12. Construction or maintenance vehicles parked along County roads must not impede or block traffic. *(See E-18-b)*
13. Prior to recordation, if the canal is identified as cultural resource in the EA, the applicant must execute and comply with the requirements of the Memorandum of Agreement with the State Historic Preservation Office. A copy of the MOA must be provided to the Development Services Office. *(See F-23-d-i)*
14. The applicant must comply with all regulations of the State and Federal governments for reclamation, cultural resources, et cetera, and submit a copy of any required permitting to the Development Services Office. *(F-23-b, F-23-d-iii)*

### CONCLUSIONS (3)

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Based on the findings of fact and conditions noted herein, the Newton Lateral Piping Project 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*
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 C-10*
3. As per §2.4-A-1-c-iii, unmanned utility facilities are exempt from meeting roadway standards, and, as per §17.22.020-C-2, are also exempt from parking standards. *See E-18, E-20-a*

**NEWTON LATERAL PIPING PROJECT CONDITIONAL USE PERMIT  
PARCELS WITHIN UNINCORPORATED CACHE COUNTY  
WITH PIPELINE OVER 18-INCHES IN DIAMETER**

- 13-012-0009
- 13-017-0013
- 13-012-0001
- 13-018-0008
- 13-018-0026
- 13-018-0013
- 13-036-0009
- 13-036-0003
- 13-046-0003



Development Service Department  
179 North Main, Suite 305  
Logan, Utah 84321  
[devservices@cachecounty.org](mailto:devservices@cachecounty.org)

Re: Letter of Intent for Conditional Use Permit

To Whom It May Concern:

The purpose of this letter is to satisfy the requirements for the Letter of Intent necessary to complete the Conditional Use Permit Application for the Newton Lateral Piping Project.

The scope of the proposed project consists of replacing approximately 7.5 miles of the West Cache Canal with a pressurized, underground pipeline measuring roughly 10.5 miles in length. To pressurize the pipeline, two at-grade pump stations will be constructed at the origin and terminus of the pipeline. The first pump station will be constructed near the Newton and Amalga canal diversion, while a second pump station will be implemented near Cutler Reservoir to replace an existing pump station.

The size of the proposed pipeline will range from 27" to 8" in diameter. As stipulated in the Cache County Code, only pipelines with diameters that exceed 18" are required to secure a Conditional Use Permit before implementation. As such, only the proposed pipeline lengths that exceed 18" in diameter have been included in this application.

Historically, the designated use of the canal has been the conveyance of secondary water to shareholders along the West Cache Canal for irrigation purposes. The proposed pipeline will maintain this designated use and continue to service shareholders in the area. In this regard, the use of secondary water conveyed by the canal will remain unchanged.

The canal has also historically been used to convey storm water runoff from the surrounding area. While most of the existing canal will be enclosed after the pipeline is completed, this prescriptive use will be accommodated by leaving the existing culverts that run beneath SR-23 intact and capable of continued storm water conveyance. Areas immediately surrounding the culverts will be left open and graded in manner that will allow runoff conveyed by the culverts to be diffused before ultimately sheet flowing across the agricultural fields and into the barrens.

Due to the open nature of the canal, significant water losses occur each year due to seepage, evaporation, and undesired vegetation uptake. Through the implementation of the proposed pipeline, these water losses will effectively be eliminated. By eliminating these seasonal

losses, precious water resources will be conserved in an area where many are dependent on water for their livelihoods.

Through the implementation of the proposed pipeline, considerable energy savings will also be achieved. Currently, the existing irrigation system relies on over 30 small, inefficient pumps to convey water downstream to shareholders for irrigation. These inefficient pumps will be replaced with six larger, more efficient pumps that are capable of conveying the same volume and flow of water. Doing so will result in significant energy savings for shareholders and a lighter demand on the power grid in the area.

Intuitively, the water conveyed through the proposed pipeline will be secondary water for irrigation purposes. As such, project constraints will not address standards associated with culinary water. The water right for the water conveyed through the canal is an Idaho water right, WR #13-974. Because no wastewater will be produced as a result of the proposed project, septic tanks will be unnecessary.

After project completion, the pipeline will operate 24 hours a day, 7 days a week throughout the irrigation season, which typically ranges from April to October. During the off-season, the pipeline and associated pump stations will be inactive; however, the stations will be available for storm water conveyance for any possible emergencies that may arise.

It is anticipated that the proposed project will have minimal effect on local traffic in the Newton and Trenton areas. In as much as the project area is sufficiently removed from neighboring roads, impact on traffic due to transportation of construction equipment and material will be negligible. Construction of new access roads will be unnecessary for project implementation as many already exist for farmland access. Additionally, no signage will be necessary for the project as presently constituted.

Temporary and permanent easements for pipeline construction, pipeline operation, and necessary road accesses are currently being obtained through the appropriate channels and processes. Parking and staging of construction equipment and materials will occur in specific, isolated areas located in agricultural fields along the pipeline alignment (See Exhibit 1). These areas, together with other relevant easements, were professionally surveyed by a licensed archaeologist for possible cultural resources, wherein it was determined that no cultural resources are located within the area of impact. An Environmental Assessment and a Class III Cultural Report expounding on these findings were submitted to the Bureau of Reclamation and are pending approval.


After project completion, the only equipment necessary for pipeline operation will be the pumps needed for pipeline pressurization. The ditch rider that maintains the canal will continue to drive the length of the pipeline easements to manage individual water turnouts; however, this will not occur any more frequently than is currently the case.

Due to the nature of the project, it is anticipated that there will be no waste generated by the pressurized pipeline. Any waste that may be generated during project construction will be disposed of in accordance with established standards, and any subsequent site clean-up that is necessary will be carried out.

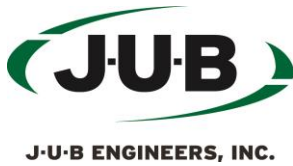
If there are any questions or concerns pertaining to the project, please feel free to contact us.

Regards,

Steven D. Wood

  
\_\_\_\_\_  
Project Manager, EIT  
Owner's Agent  
(435)-573-0769  
[sdwood@sunrise-eng.com](mailto:sdwood@sunrise-eng.com)

Date: 6-5-2019



J-U-B COMPANIES

THE  
LANGDON  
GROUPGATEWAY  
MAPPING  
INC.

## MEMORANDUM

DATE: June 17, 2019  
 TO: Cache County Development Services  
 CC: Jonathan Bingham P.E. County Engineer  
 FROM: Sam Powell, PE – J-U-B Engineers, Inc.  
 SUBJECT: Newton Lateral Piping Project – Conditional Use Permit

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We have completed a high-level review of the Letter of Intent for Conditional Use Permit dated June 5, 2019 and the associate plans for the Newton Lateral Piping Project. Prior to final approval of the Conditional Use Permit a new plan set addressing the following items will need to be reviewed.

### Plan and Site Comments

1. Provide plans for all new pressure irrigation lines regardless of size.
2. On the Index Sheet label existing roadways, streams, waterways, railroads, callout location of pump stations and provide north arrow
3. Identify street names, ditches, drainage channels that intersect canal/ditches, and any other items pertinent to evaluate impacts to existing drainage scheme.
4. Provide details of roadway crossing, including existing culverts, utilities, new pipe location, etc. Details should include profile of the pipes and existing ground surface that show roadway surface, shoulders, and borrow ditches.
5. Provide details including elevation views of the Newton/Amalga Pump Station showing overflow structure for canal.
6. How will flows of existing drainage channels and pipe that currently intercepted by the canal be conveyed? From a site review it appears that many of the existing ditches intercept and convey storm water runoff. Historic runoff patterns must be maintained after the project is complete.
7. Are there any drains associated with the piping network? If so, where are they located and what protections will be made at the outlet locations?
8. On the plans there are multiple labels for existing utilities and utility easements. Label what the utilities are.
9. Work within UDOT right-of-way will need to be coordinated with UDOT. Provide a copy the approved encroachment permits prior to beginning construction.
10. Identify items that will be removed, this includes diversion structures, pipes, siphons, etc.
11. What will the final condition of existing ditches be.
12. All plans need to be stamped by a licensed engineer in the State of Utah.

### STAFF REPORT: 165 SUBDIVISION REZONE

11 July 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:** David Bess

**Parcel ID#:** 16-046-0010, -0035, 0062, 0063, 0064

**Staff Recommendation:** Denial

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

10900 South Hwy 165  
Paradise

**Acres:** 32.64

**Surrounding Uses:**

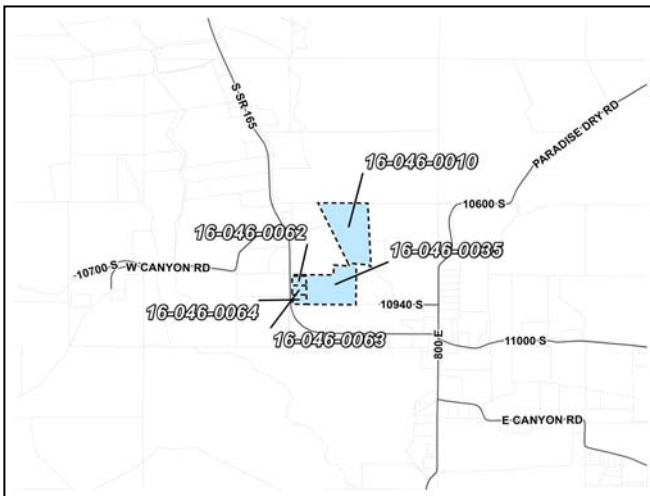
North – Agricultural/Residential  
South – Agricultural/Residential  
East – Agricultural/Residential/Cemetery  
West – Agricultural/Residential

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Rural 2 (RU2)



### FINDINGS OF FACT (16)

#### A. Request description

1. A request to rezone 32.64 acres in an existing four-lot subdivision from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of sixteen (16) separate lots as part of a subdivision amendment process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:
  - a. Land Use Context:

- i. Parcel status: In July 2018, the Planning Commission approved a four-lot subdivision with an agricultural remainder on the original parent parcels (i.e., 16-046-0010, -

0035). Although the original total acreage, 32.64 acres, of the two parent parcels would allow only a maximum of three lots under the existing Agricultural (A10) Zone, a four-lot subdivision was allowed because it was two separate lots with one exceeding 30 acres.

- ii. Average Lot Size: Of the parcels immediately adjacent to the proposed rezone, including the properties in the rezone boundary, there are nine (9) parcels with a home with an average lot size of 11.3 acres. The average lot size of the seven (7) parcels immediately adjacent with no home is 21.1 acres.

Within a ¼ mile of the proposed rezone the average size of parcels (32 parcels) with a dwelling is 6.6 acres; the average size of parcels (12 parcels) without a dwelling is 67.1 acres.

When the buffer is expanded to a ½ mile of the proposed rezone, the average size of parcels with a home (62 parcels) is 5.0 acres and without a home is 38.0 acres (28 parcels). (Attachment A)

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 32.64 acres of property, the subject subdivision cannot be divided into any additional lots under the current A10 Zone; a rezone to RU2 may allow up to sixteen (16) buildable lots.

- iii. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:

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

- iv. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agricultural and single family dwellings with the Avon Cemetery immediately east of the subdivision.

- v. Annexation Areas: The subject properties are not located in any future annexation area. Paradise is the nearest municipality and is approximately 1.35 miles north of the subdivision at its closest point.

- vi. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. As mentioned previously, the closest point to a municipal boundary is 1.35 miles north.

The nearest RU2 zone is approximately 2.63 miles away from the subject properties by the most direct road route. This RU2 zone, the Reed & Joan Baldwin Rezone, includes a total of 4.18 acres and was approved in 2017. The Baldwin property had been divided without Land Use Authority approved in February 2013 and the two parcels were restricted (i.e., unable to obtain nonagricultural development permits). The approval of the rezone allowed them to legally separate the property into two (2)



parcels and remove the restriction, but, to date, the property owner has not gone through the subdivision process and the properties remain restricted. The next closest higher density zone is the View of the Valley Subdivision, which is zoned RU5, located near Hyrum Dam approximately 6 miles northwest as the crow flies. The rezone for the View of the Valley Subdivision was approved in June 2011 and the current subdivision approved in July 2018.

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

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

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

7. The Road Manual specifies the following:
  - a. Collector Road: Roads with approximately 1600 to 5000 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds (generally to a speed range of 40 mph or less) and moderate to high traffic volumes. This category provides service to through traffic movements and allows more direct access to occur. These facilities move traffic across multiple communities or jurisdictions, typically connection facilities of system importance.
  - b. Collector Roads must meet the minimum standard of two, 11-foot wide paved travel lanes with 6-foot wide shoulders: 3 feet paved, 3 feet gravel (34 feet total width with a paved width of 28 feet), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 80-foot wide right-of-way (ROW).
8. A basic review of the access to the subject property identifies the following:
  - a. Primary access to the 165 Subdivision is from Old Highway 165.
9. Highway 165:
  - a. Was formally a facility under the jurisdiction of the Utah Department of Transportation (UDOT), but it was understood that it was transferred to the county. Since the approval of the subdivision, the ownership of the road is unclear. The County Engineer and UDOT are working on resolving the inconsistencies with the road ownership.
  - b. Consists of an average 26-foot wide paved width with 4-foot shoulder.

- c. Has an unknown type and depth of material. However, the County Engineer and the County Public Works Inspector did not identify any existing road or surface deformation that would indicate substandard materials.
- d. Is an existing county facility that provides access to the general public.
- e. Has year round county maintenance at this location.

**D. Service Provisions:**

- 10. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subject property and found that it meets their requirements. Water supply for fire protection will be provided by the Paradise Fire Department.
- 11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental did not have any comments on the rezone itself but did identify that collection for the subdivision lots will occur on Old Highway 165 for Wednesday collection. The applicant must provide sufficient shoulder space along Old Highway 165 for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road so as not to interfere with passing traffic.

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

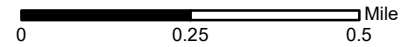
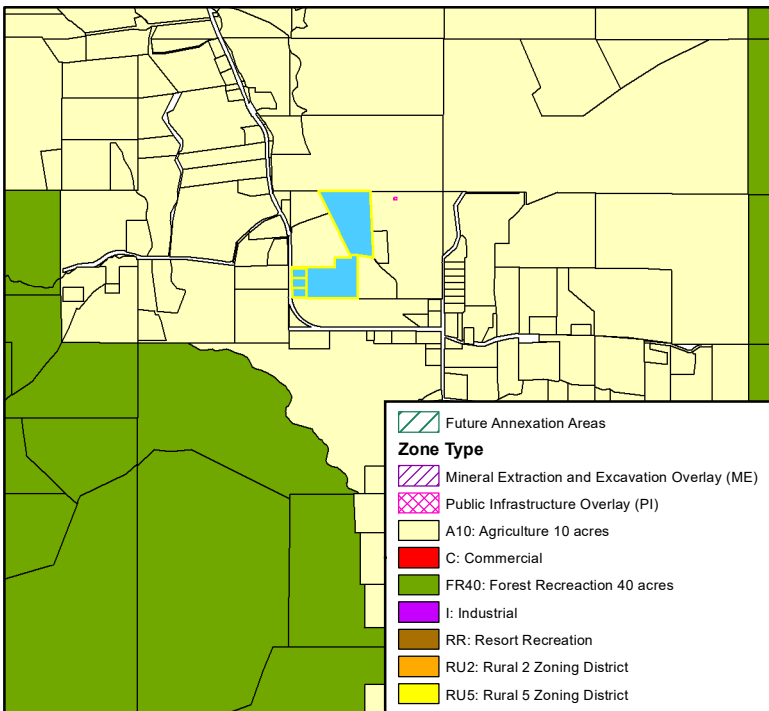
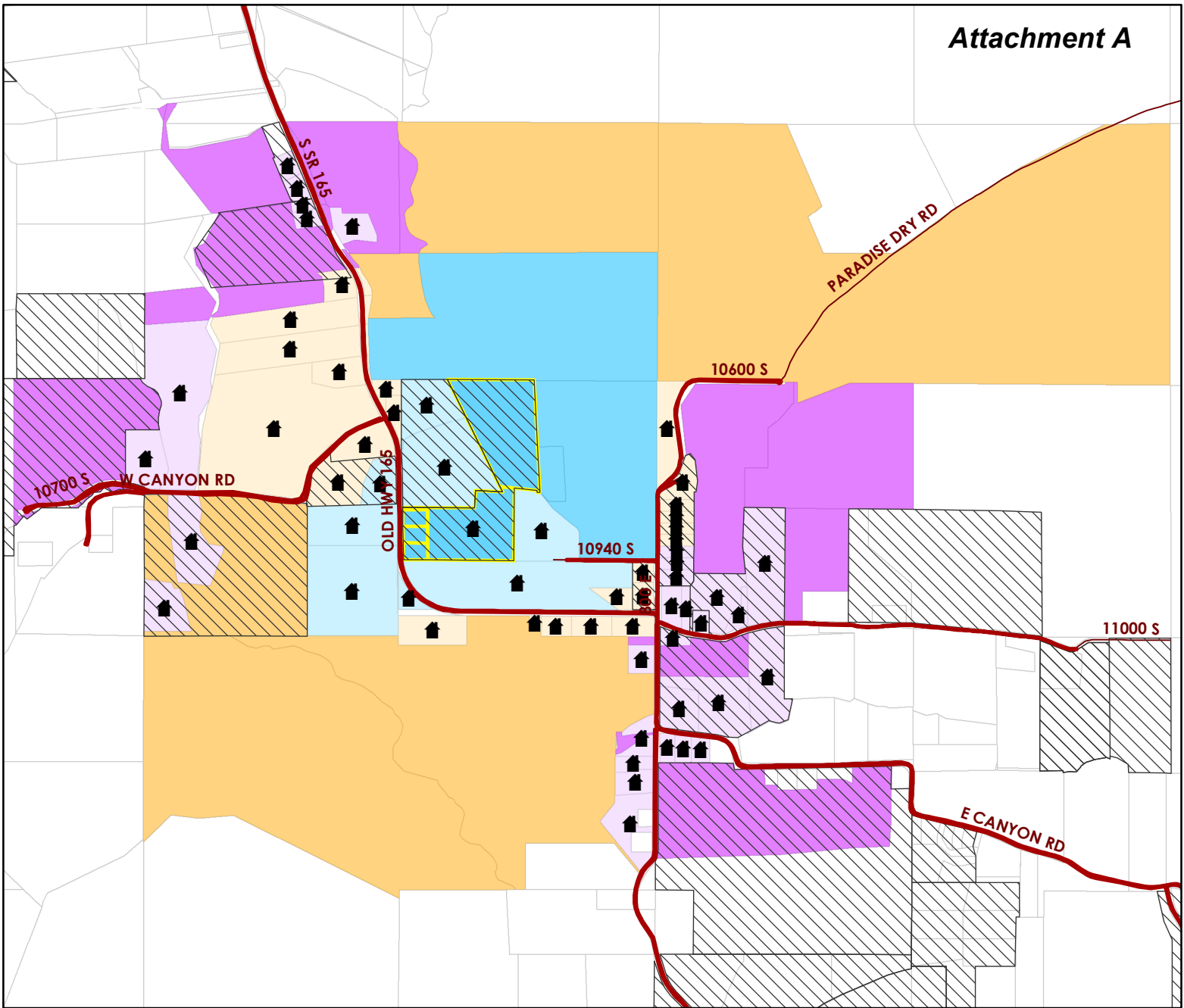
- 12. Public notice was posted online to the Utah Public Notice Website on 27 June 2019.
- 13. Notice was published in the Herald Journal on 29 June 2019.
- 14. Notices were posted in three public places on 27 June 2019.
- 15. Notices were mailed to all property owners within 300 feet on 27 June 2019.
- 16. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONCLUSIONS (4)**

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Based on the findings of fact noted herein, the 165 Subdivision Rezone is hereby recommended for denial to the County Council as follows:

- 1. The location of the proposed rezone is not in close proximity to an adjacent municipality where a higher density development is more appropriate.
- 2. The location of the proposed rezone would set a precedent for increased density and development along this corridor
- 3. The Cache County Comprehensive Plan does not specifically address the Rural 2 (RU2) Zone and does not make recommendations as to where the zone should be located. An update to the County's General Plan is necessary to better determine appropriate locations for this higher density zone in unincorporated county areas not adjacent to a municipality.
- 4. The existing road does not meet the minimum requirements for a collector road.



**Legend**

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

**Average Parcel Size**

<b>Adjacent Parcels</b>	With a Home: 11.3 Acres (9 Parcels)
	Without a Home: 21.1 Acres (7 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 6.6 Acres (32 Parcels)
	Without a Home: 67.1 Acres (12 Parcels)
<b>1/2 Mile Buffer</b>	With a Home: 5 Acres (62 Parcels)
	Without a Home: 38 Acres (28 Parcels)

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





### STAFF REPORT: HANSEN RU2 REZONE

11 July 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:** Brooks Hansen

**Parcel ID#:** 08-043-0001

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**  
6600 North 400 West  
Smithfield

**Acres:** 14.59

**Surrounding Uses:**

North – Agricultural/Residential

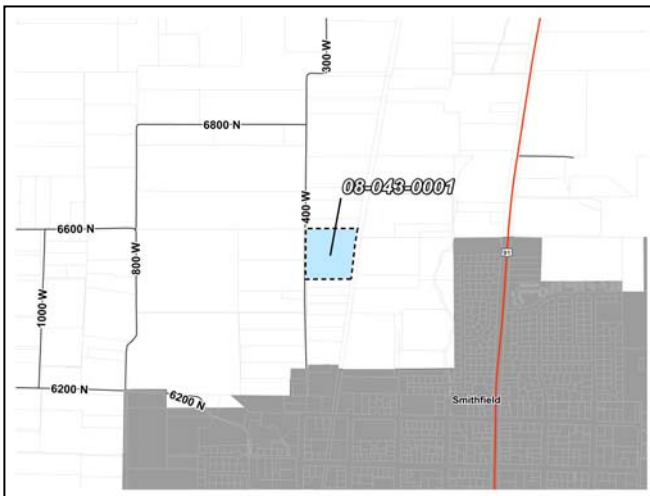
South – Residential

East – Agricultural

West – Agricultural/Residential

**Current Zoning:**  
Agricultural (A10)

**Proposed Zoning:**  
Rural 2 (RU2)



#### FINDINGS OF FACT (16)

##### A. Request description

1. A request to rezone a 14.59 acre property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of seven (7) separate lots as part of a subdivision amendment process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:
  - a. Land Use Context:

- i. Parcel status: In 2014, the subject property was 14.21 acres but was adjusted to its present size and configuration after parcels to the south were merged and gap parcels absorbed into the subject property and the property to the south. The parcel is legal.
- ii. Average Lot Size: Of the parcels immediately adjacent to the proposed rezone, including the subject property, there are five (5) parcels with a home and an average lot size of 4.6 acres. The average lot size of the eight (8) parcels immediately adjacent with no home is 14.4 acres.  
 Within a ¼ mile of the proposed rezone the average size of parcels (10 parcels) with a dwelling increases to 6.0 acres; the average size of parcels (27 parcels) without a dwelling is 14.3 acres. One parcel within the Smithfield City boundary is located within the ¼ mile buffer without a home, it has a lot size of 1.6 acres.  
 When the buffer is expanded to a ½ mile of the proposed rezone, the average size of parcels in unincorporated county with a home (14 parcels) increases to 6.6 acres. There are 165 parcels with a home located in Smithfield City within the ½ mile buffer with an average lot size of 0.4 acres. Parcels in unincorporated county without a home in the ½ mile buffer have an average lot size of 13.1 acres (51 parcels), and the average size for parcels without a home in Smithfield City is 1.7 acres (31 parcels). (Attachment A)  
 The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 14.59 acres of property, the subject subdivision cannot be divided into any additional lots under the current A10 Zone; a rezone to RU2 may allow up to seven (7) buildable lots.
- iii. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- iv. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agricultural with single family dwellings located primarily to the south and east within Smithfield City.
- v. Annexation Areas: The subject property is located within the Smithfield City future annexation area. However, as the property is not contiguous to the city boundary, a letter from the City was not required as part of the application submittal.
- vi. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The Smithfield City boundary, at its closest point, is approximately 0.27 miles south of the subject property on 400 West.

The nearest RU2 zone is immediately south of the subject property. This RU2 zone, the Hansen Rezone, includes a total of 8.76 acres and was approved in 2016. Since the rezone approval, a four-lot subdivision (i.e., Hansen 400 West Subdivision) has been approved and homes have been constructed.

The next closest RU2 zoned properties, approximately 1.4 miles away via the most direct road route, are on the west side of Smithfield City on the corner of 800 West and SR 218: the Birch Hollow, Birch Hollow South, and West Acres rezones approved in 2017 & 2018.

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

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

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

7. The Road Manual specifies the following:
  - a. Local Road: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
  - b. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
8. A basic review of the access to the subject property identifies the following:
  - a. Primary access to the subject property is from 400 West, a County road at the location of the subject property, but changes to a Smithfield City road approximately ¼ mile south of the property.
9. 400 West:
  - a. Is an existing county facility that provides access to the general public.
  - b. Is also identified as 400 West as it passes through Smithfield City approximately ¼ mile south of the subject property.
  - c. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.

- d. Consists of an average 15-foot paved width with 1-foot wide gravel shoulders, which does not meet the requirements of a Local Road per the Road Manual.
- e. Has an unknown depth and type of material under the surface.
- f. Is maintained year round.

**D. Service Provisions:**

- 10. §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subject property and found that it meets their requirements, but future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process. Water supply for fire protection will be provided by the Smithfield Fire Department.
- 11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental did not have any comments on the rezone itself but did identify that collection for the subdivision lots will occur on 400 West for Friday collection. The applicant must provide sufficient shoulder space along 400 West for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road so as not to interfere with passing traffic.

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

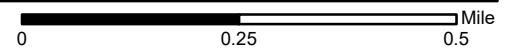
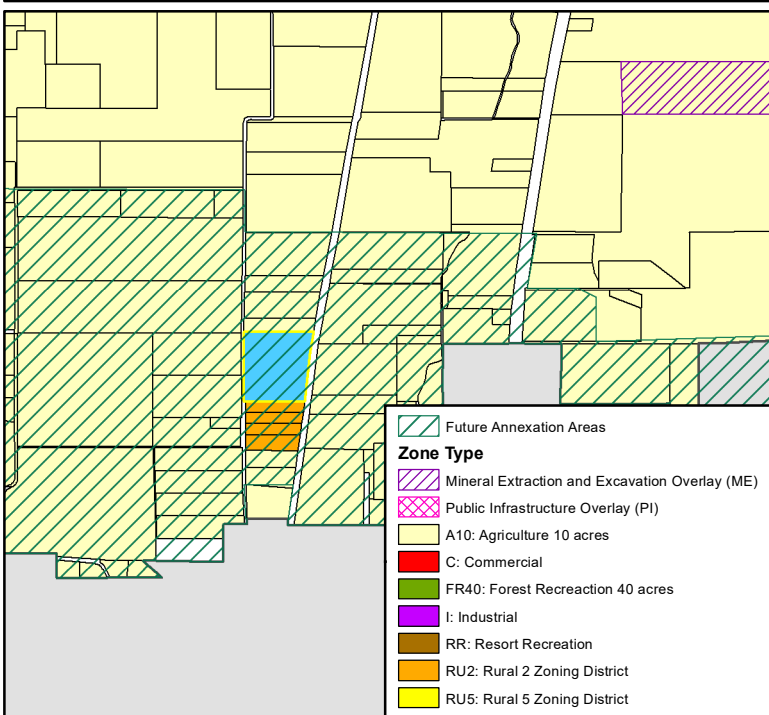
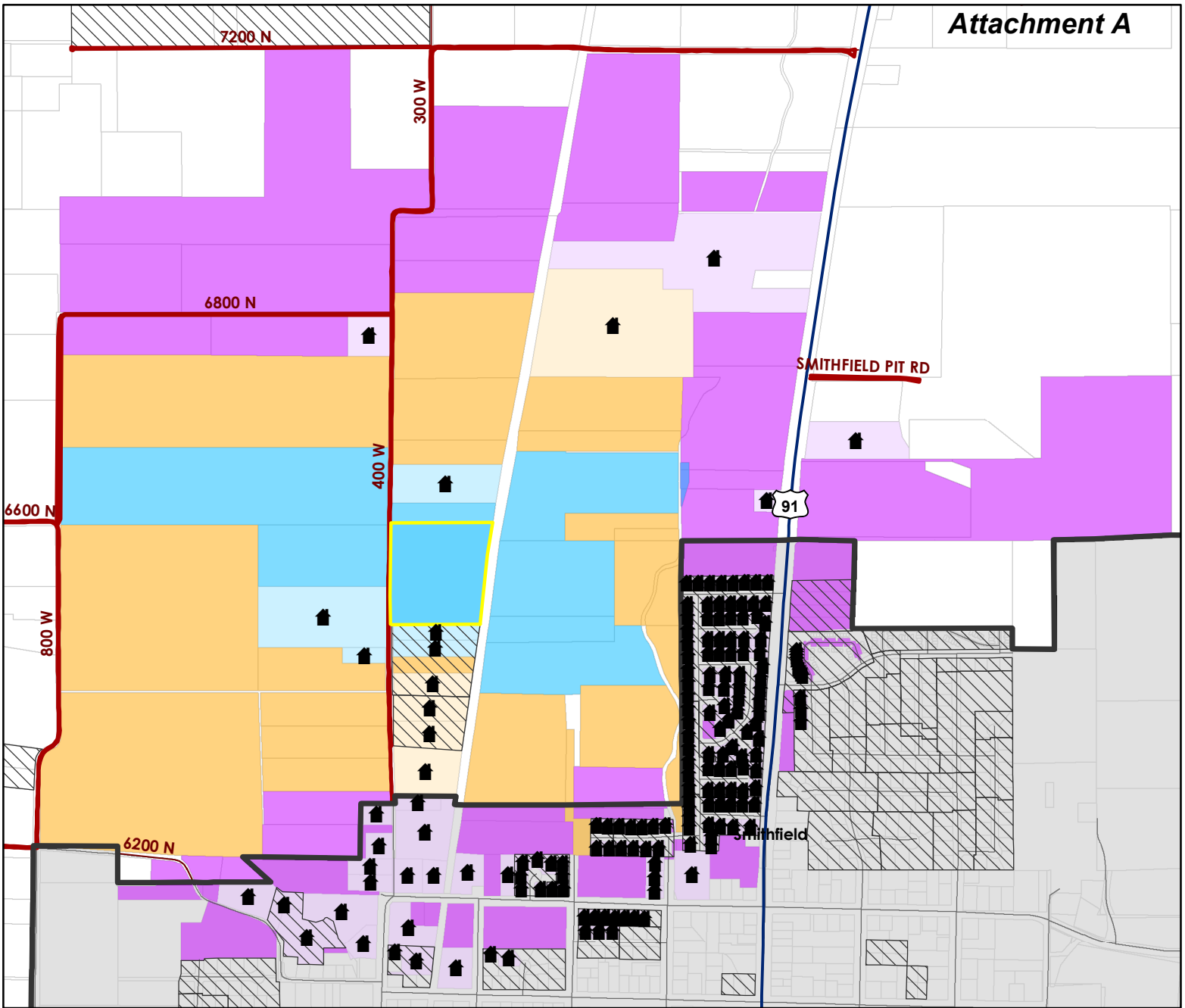
- 12. Public notice was posted online to the Utah Public Notice Website on 27 June 2019.
- 13. Notice was published in the Herald Journal on 29 June 2019.
- 14. Notices were posted in three public places on 27 June 2019.
- 15. Notices were mailed to all property owners within 300 feet and Smithfield City on 27 June 2019.
- 16. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONCLUSION**

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The Hansen RU2 Rezone, a request to rezone 14.59 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.





**Legend**

- Proposed Rezone (Blue outline)
- Municipal Boundaries (Black outline)
- Subdivisions (Grey hatched)
- Parcels (White)
- Winter Maintenance (Red outline)
- County Roads (Brown line)
- Highways (Blue line)

**Average Parcel Size**

<b>Adjacent Parcels</b>	With a Home: 4.6 Acres (5 Parcels)
	Without a Home: 14.4 Acres (8 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 6 Acres (10 Parcels)
	Without a Home: 14.3 Acres (27 Parcels)
	Without a Home in Smithfield City: 1.6 Acres (1 Parcel)
<b>1/2 Mile Buffer</b>	With a Home: 6.6 Acres (14 Parcels)
	With a Home in Smithfield City: 0.4 Acres (165 Parcels)
	Without a Home: 13.1 (51 Parcels)
	Without a Home in Smithfield City: 1.7 Acres (31 Parcels)



