



4:45 p.m.

Workshop in the County Council Chambers

5:30 p.m.

Call to order

Opening remarks/Pledge – Nolan Gunnell

Review and approval of agenda

Review and approval of the minutes of the 11 July 2019 meeting

5:35 p.m.

Consent Items

1. **Jeff West Subdivision** – A request to create a new two-lot subdivision on 10.21 acres located at 888 West 100 North, Smithfield, in the Rural 2 (RU2) Zone.
2. **Creekside Estates Subdivision – Extension Request** – A request for a 6-month extension of the effective period of approval for a 7-lot subdivision located at approximately 800 West 100 South, Smithfield, in the Agricultural (A10) Zone.
3. **Agriculture Protection Area: Allen** – A request for a recommendation to the County Council to renew and expand a previously approved Agricultural Protection Area with a total of 2,095.5 acres located in the Cove area within the Agricultural (A10) Zone.

Regular Action Items

4. **Windmill Farms Golden Retrievers Conditional Use Permit** – A request to operate a home based kennel (Use Type 3200) on 22.2 acres of agricultural land located at approximately 9400 North 2400 West, near Trenton, in the Agricultural (A10) Zone.

Board Member Reports

Staff reports

Adjourn

PUBLIC PARTICIPATION GUIDE: PLANNING COMMISSION

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

WHEN SPEAKING ON AN AGENDA ITEM

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

When it is your turn to speak:

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

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

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

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

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

LIMITS OF JURISDICTION

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



Item

Page

Consent Agenda Items

1. Petersboro Schoolhouse Subdivision 2

2. R.C. Ladle Subdivision 2

3. 2600 North Subdivision..... 2

4. View of the Valley Subdivision – Extension Request 2

5. 80 Acres Conditional Use Permit – Extension Request 2

Regular Action Items

6. Purser Warehousing LLC Conditional Use Permit 2

7. Kurtis E. Falslev Conditional Use Permit 3

8. Newton Lateral Piping Project Conditional Use Permit 4

9. Public Hearing (6:10 p.m.) – 165 Subdivision Rezone 5

10. Public Hearing (6:20 p.m.) – Hansen RU2 Rezone 6

Present: Angie Zetterquist, Josh Runhaar, Lane Parker, Brady Christensen, Nolan Gunnell, Phil Olsen, Jon White, Aaron Jossie, Megan Izatt

Start Time: 05:32:00

1 **Christensen** welcomed **Olsen** gave opening remarks.

2 **05:35:00**

3 **Agenda**

4 Approved with no changes.

5 **05:36:00**

6 **Minutes**

7 ***Parker*** motioned to accept the minutes from June 6, 2019; ***Gunnell*** seconded; ***Passed 4, 0.***

8 **05:37:00**

9 **Consent Items**

10 **#1 Petersboro Schoolhouse Subdivision**

11 **#2 R.C. Ladle Subdivision**

12 **#3 2600 North Subdivision**

13 **#4 View of the Valley Subdivision – Extension Request**

14 **#5 80 Acres Conditional Use Permit – Extension Request**

15 ***Gunnell*** motioned to accept the consent agenda; ***Olsen*** seconded; ***Passed 4, 0.***

16 Public questions regarding roads were answered by Commission and Staff.

17 **05:44:00**

18 **Regular Action Items**

19 **#6 Purser Warehousing LLC Conditional Use Permit**

20 **Zetterquist** reviewed the staff report for the Purser Warehousing, LLC Conditional Use Permit.

21 **Staff** and **Commission** discussed coordination with the canal company, responsibility for storm water,
22 and screening,

23 **David Hirschi** commented on condition #4 regarding setbacks.

- 1 **Christensen** responded regarding setbacks.
- 2 **Mr. Hirschi** asked another question regarding setbacks for commercial/industrial zoning.
- 3 **Zetterquist** stated that the Code allows for a reduced setback of 15 feet in the Commercial Zone for
- 4 interior property lines adjacent to properties that are commercial/industrial. Condition #4 will be revised
- 5 to clarify that exception.
- 6 **Mr. Hirschi** commented in regards to the proposed trail and that his client has already deeded land for
- 7 the trail.
- 8 **Gunnell** asked about screening along the trail that is planned adjacent to the outdoor storage areas.
- 9 **Mr. Hirschi** stated he will work with staff on appropriate screening.
- 10 **Richard Zollinger** commented in regards to the land and surveying.
- 11 **Mr. Hirschi** stated that the property will be resurveyed to make sure the setback requirements are met.
- 12 **Gunnell** motioned to approve the Purser Warehousing LLC Conditional Use Permit with the findings of
- 13 fact, stated conditions with changes to conditions #4 and # 8, and conclusions; **Olsen** seconded; **Passed**
- 14 **4, 0.**
- 15 **06:00:00**
- 16 **#7 Kurtis E. Falslev Conditional Use Permit**
- 17 **Zetterquist** reviewed the staff report for the Kurtis E. Falslev Conditional Use Permit.
- 18 **Commission** and **Staff** discussed access.
- 19 **Wayman Stodart** asked for clarifications on conditions #2 and #4.
- 20 **Zetterquist** responded that condition #4 allows the building to be built before recordation of the permit.
- 21 **Mr. Stodart** responded that he didn't see the need where the permit is coming from a federal regulatory
- 22 body for condition #4.
- 23 **Runhaar** responded that all is being asked is a copy of the permit.
- 24 **Mr. Stodart** responded his client is concerned that they will have to go through the whole CUP process
- 25 again after receiving the USDA permit.
- 26 **Runhaar** responded that all that is required is a copy of the permit before recordation can happen.
- 27 **Kurt Falslev** responded he was just concerned that he would have to appear before the commission
- 28 again.
- 29 **Runhaar** stated that it would come to staff not the commission again.
- 30 **Mr. Stodart** asked about condition #2.

1 **Runhaar** responded that a normal CUP requires all the conditions to be met before the CUP can be
2 recorded and staff is trying to work with the applicant to allow them to build the building before the CUP
3 is recorded.

4 **Mr. Stodart** asked for clarity regarding condition #11, screening of equipment.

5 **Zetterquist** responded that this condition is more for long term storage of equipment outside.

6 **Runhaar** responded that a 48-hour time limit can be included in the condition for clarification.

7 **Mr. Stodart** asked for clarification of condition #8.

8 **Runhaar** responded it is for clarity.

9 **Kurt Falslev** stated that the harvested animals will be mainly transferred in a 10 wheeler, not a big semi.

10 **Gunnell** asked if it would be slaughter only or if there would be refrigeration.

11 **Mr. Falslev** responded that the USDA requires a 24-hour refrigeration period before the animals can be
12 shipped.

13 *Olsen motioned to approve the Kurtis E. Falslev Conditional Use Permit with the findings of fact, stated*
14 *conditions with amended condition #11, and conclusions; Gunnell seconded; Passed 4, 0.*

15 **06:19:00**

16 **#8 Newton Lateral Piping Project Conditional Use Permit**

17 **Zetterquist** reviewed the staff report for the Newton Lateral Piping Project Conditional Use Permit.

18 **Staff** and **Commission** discussed permitting with UDOT for right of way work.

19 **Steven Wood** asked for clarification on condition #10.

20 **Zetterquist** responded that the condition is required as necessary.

21 **Mr. Wood** asked about the land disturbance permit.

22 **Zetterquist** responded that a land disturbance permit is done in conjunction with the zoning clearance.

23 **Runhaar** stated that if more than acre is going to be disturbed than a land disturbance permit is required
24 and that the permit is the same as storm water permitting.

25 **Mr. Wood** stated that they have talked with the county engineer to do one encroachment permit for
26 various types of road rather than an individual permit for each crossing.

27 **Gunnell** asked about the timeline for the project.

28 **Mr. Wood** responded that the goal is to start digging in October 2019 and have it done in time for
29 irrigation time in 2020. However, he was concerned that if the project takes longer if the CUP will still be
30 valid if the project is postponed until October 2020.

- 1 **Zetterquist** responded that the permit has to be recorded within 1 year but a 6 month extension can be
2 applied for and the permit can be recorded before construction is completed.
- 3 **Gunnell** asked about weed control.
- 4 **Mr. Wood** responded that 90% of the canal will actually be reclaimed by farmers and planted with crops.
5 Some of the steeper areas will be reseeded in the spring after construction is completed.
- 6 **Parker** asked if the pipeline will follow the current canal.
- 7 **Mr. Wood** responded that the pipeline will follow the current canal for the northern portion. South of
8 Newton the original alignment of the canal will be abandoned; a loop system will be put in to help
9 pressurize the system.
- 10 **Olsen** asked about the total acreage of the project.
- 11 **Mr. Wood** responded 880 acres.
- 12 **Gunnell** motioned to recommend the Newton Lateral Pipeline Conditional Use Permit with the findings
13 of fact, 14 stated conditions, and conclusions; **Olsen** seconded; **Passed 4, 0.**
- 14 **06:36:00**
- 15 **#9 Public Hearing (6:10 p.m.) – 165 Subdivision Rezone**
- 16 **Zetterquist** reviewed the staff report for the 165 Subdivision Rezone.
- 17 **06:41:00**
- 18 **Gunnell** motioned to open the public hearing for the 165 Subdivision Rezone; **Parker** seconded; **Passed**
19 **4, 0.**
- 20 **Clint Hansen** representing the applicant commented on the road, water, and cluster development on the
21 lower 14 acres.
- 22 **Olsen** asked about access to the property.
- 23 **Mr. Hansen** responded a private road would be constructed down the middle of the development with a
24 cul-de-sac ending.
- 25 **Olsen** asked about eliminating the existing 3 lots.
- 26 **Mr. Hansen** responded the existing layout for the 3 lots would be altered to allow for the creation of 12
27 lots.
- 28 **06:46:00**
- 29 **Gunnell** motioned to close the public hearing for the 165 Subdivision Rezone; **Parker** seconded; **Passed**
30 **4, 0.**
- 31 **Commission** discussed RU2 zoning.

1 **Gunnell** motioned to recommend denial to the County Council for the 165 Subdivision Rezone based on
2 the findings of fact and conclusions; **Gunnell** seconded; **Passed 4, 0.**

3 **06:50:00**

4 **#10 Public Hearing (6:20 p.m.) – Hansen RU2 Rezone**

5 **Zetterquist** reviewed the staff report for the Hansen RU2 Rezone and noted the applicant was not in
6 attendance, but submitted a written statement in support of the rezone that had been emailed to the
7 Commissioners and a hard copy had been distributed prior to the meeting.

8 **06:55:00**

9 **Gunnell** motioned to open the public hearing for the Hansen RU2 Rezone; **Parker** seconded; **Passed 4, 0.**

10 **Rhett Nielsen** asked about the width and maintenance/snow removal for the road and possible
11 annexation into Smithfield City.

12 **Christensen** asked about concerns regarding the width.

13 **Mr. Nielsen** responded the existing width is 15 feet.

14 **Christensen** stated that if approved, the developer would have to meet the county standards; for snow
15 removal the county does its best.

16 **Mr. Nielsen** asked about the likelihood of annexation.

17 **Runhaar** responded that laws have changed regarding annexation and it is property owner driven.

18 **06:59:00**

19 **Gunnell** motioned to close the public hearing for the Hansen RU2 Rezone; **Parker** seconded; **Passed 4,**
20 **0.**

21 **Commission** and **Staff** discussed the development patterns north of Smithfield and roads.

22 **Gunnell** motioned to recommend denial to the County Council for the Hansen RU2 Rezone based on the
23 findings of fact and conclusions; **Parker** seconded; **Passed 4, 0.**

24 **07:05:00**

25 **Runhaar** informed the Commission that an appeal has been filed on the Holyoak Airport CUP and staff
26 was working on processing the appeal with the Board of Adjustments.

27 **07:06:00**

28 **Adjourned**

STAFF REPORT: JEFF WEST SUBDIVISION

1 AUGUST 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: Matt Larsen

Parcel ID#: 08-091-0004

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

888 West 100 North
Smithfield

Current Zoning:

Rural 2 (RU2)

Acres: 10.21

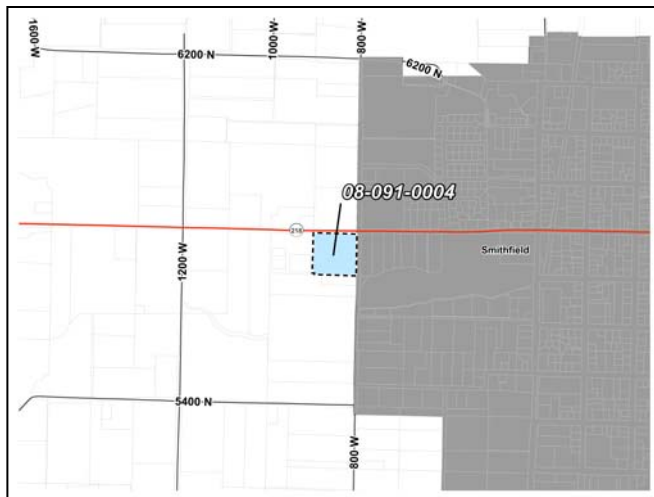
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential/Smithfield City

West – Agricultural/Residential



FINDINGS OF FACT (18)

A. Request description

1. The Jeff West Subdivision is a request for a 2-lot subdivision.
 - a. Lot 1 will be 9.46 acres, and
 - b. Lot 2 will be 0.75 acres.
2. The subject property was rezoned from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone in February 2018 (Ord. No. 2018-03). The RU2 Zone allows for a development density of 1 lot for every 2 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 for Lot 2 (#25-11510/a43883); Lot 1 has an existing residential structure and water right (#25-8906/a63262).
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. A basic review of the access to the existing lots identifies the following:
 - a. The proposed lot will gain access from 800 West.
 - b. 800 West:
 - i. Is a Smithfield City road that provides access to the general public and is under the jurisdiction of Smithfield City.
 - ii. Per §5.6(A) of the Road Manual, no development within the unincorporated County shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.
 - iii. The applicant has provided a letter from the Mayor of Smithfield, Jeffrey H. Barnes, dated June 13, 2019, stating the City approves of the subdivision request as the applicant has posted a cash bond for the required road improvements off of 800 West. (Attachment A) *See condition #2*

F. Service Provision

11. §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 Smithfield City Fire Department.
12. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental Department currently provides service in this area along the 800 West for Friday 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

13. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. A canal is located along the south and east subdivision boundaries. Additional setbacks are required from waterways. Any development and/or road improvements required in this area will require approval from the canal company. *See condition #3*
 - b. The subdivision is located within the Airport Influence Area. Disclosure of airport proximity to future property owners is required per §17.17.060 Schedule of Uses. *See condition #4*

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

14. Public notice was posted online to the Utah Public Notice Website on 18 July 2019.
15. Notice was published in the Herald Journal on 20 July 2019.

16. Notices were posted in three public places on 18 July 2019.
17. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 18 July 2019.
18. 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 recordation, the applicant must improve 800 West to meet the requirements of Smithfield City. The applicant must obtain any required Smithfield City permitting for access from 800 West and provide a copy of said requirement and permitting, and confirmation of improvement completion to the Development Services Office. (*See E-10*)
3. Prior to any development or road improvements that impact the canal located on the eastern or southern subdivision boundary, the applicant must obtain approval of the canal company and provide Development Services staff written confirmation from the canal company that the proposed work has been approved, and copies of any required permitting. (*See E-12*)
4. The applicant must disclose to future property owners that the subdivision is located within the Airport Influence Area. (*See G-13-b*)

CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Jeff West 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.

SMITHFIELD CITY CORPORATION

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

OFFICIALS

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

COUNCIL MEMBERS

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

June 13, 2019

Cache County Corporation
179 North Main
Logan, UT 84321

RE: Jeff West Subdivision

To Whom It May Concern:

Jeff West has met the requirements of the Smithfield City Subdivision Ordinance by providing a cash bond in the amount of \$12,000 for the required improvements.

Smithfield City gives permission for the subdivision to be recorded.

If you have questions, I can be reached by email at jbarnes@smithfieldcity.org or by phone at (435) 881-2610.

Sincerely,



Mayor Jeffrey H. Barnes





FINAL PLAN

JEFF WEST SUBDIVISION

PROJECT TITLE



95 Golf Course Rd.
Salt Lake City, UT 84119
435-713-0999

DATE: 17 MAY 2019
SCALE: 1" = 40'

CREATED BY: D. ARNST
APPROVED BY: S. EARL
PROJECT NUMBER: 180887
SHEET: 1 of 1

SURVEY CERTIFICATE
I, STEVEN C. EARL, A PROFESSIONAL LAND SURVEYOR, HOLD CERTIFICATE NO. 318578-2201, AS PREScribed BY THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THIS PLAN, WHICH IS ACCURATELY DESCRIBED HEREON, AND HAVE SUBMITTED SAID PLAN TO THE COUNTY OF UTAH FOR RECORDATION AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAN.

LEGAL DESCRIPTION

PART OF THE EAST HALF OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, LOCATED IN CACHE COUNTY, UTAH, DESCRIBED AS FOLLOWS:
THENCE N03°09'46"W 200.85 FEET TO THE POINT OF BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF STATE ROAD 218 AND WEST THENCE S17°49'W 674.27 FEET ALONG THE WEST LINE OF SAID 800 WEST STREET TO THE NORTH LINE OF THE TOM PITCHER LOT SPALT SUBDIVISION SUBDIVISION;
THENCE N1°40'02"E 22.00 FEET;
THENCE N1°40'02"E 65.11 FEET ALONG SAID EAST LINE TO THE SOUTH SUBDIVISION;
THENCE S89°27'33"E 666.22 FEET TO THE POINT OF BEGINNING, CONTAINING 10.21 ACRES, MORE OR LESS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF SAID LOTS, DO HEREBY DEDICATE AND CONVEY TO THE PUBLIC THE SAID SUBDIVISION TO BE USED FOR PUBLIC PURPOSES, TO BE HEREINAFTER KNOWN AS: JEFF WEST SUBDIVISION.
FURTHERMORE, WE DEDICATE, GRANT, AND CONVEY TO ALL PUBLIC UTILITY COMPANIES, THEIR SUCCESSORS AND ASSIGNS, ALL PERMANENT EASEMENTS AS DESCRIBED ON THIS PLAN AS "PUBLIC UTILITY EASEMENTS" FOR THE INSTALLATION, MAINTENANCE, REPAIR, REPLACEMENT, OPERATION AND TELEPHONE, NATURAL GAS, WATER, WASTE WATER AND DRAINAGE LINES AND APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS THERE TO, WHICH WOULD INTERFERE WITH NORMAL UTILITY USE. IT IS UNDERSTOOD THAT THIS DEDICATION IS INTENDED TO BE A PUBLIC DEDICATION OF THE OWNERS' COSTS AND EXPENSES INCURRED THEREBY WILL BE BORNE BY THE PUBLIC UTILITY COMPANIES. THIS DEDICATION IS SUBJECT TO ALL LAWS AND FURTHERMORE, WE INCORPORATE ALL NOTES AND RESTRICTIONS AS LISTED HEREON.

ACKNOWLEDGMENT

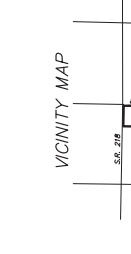
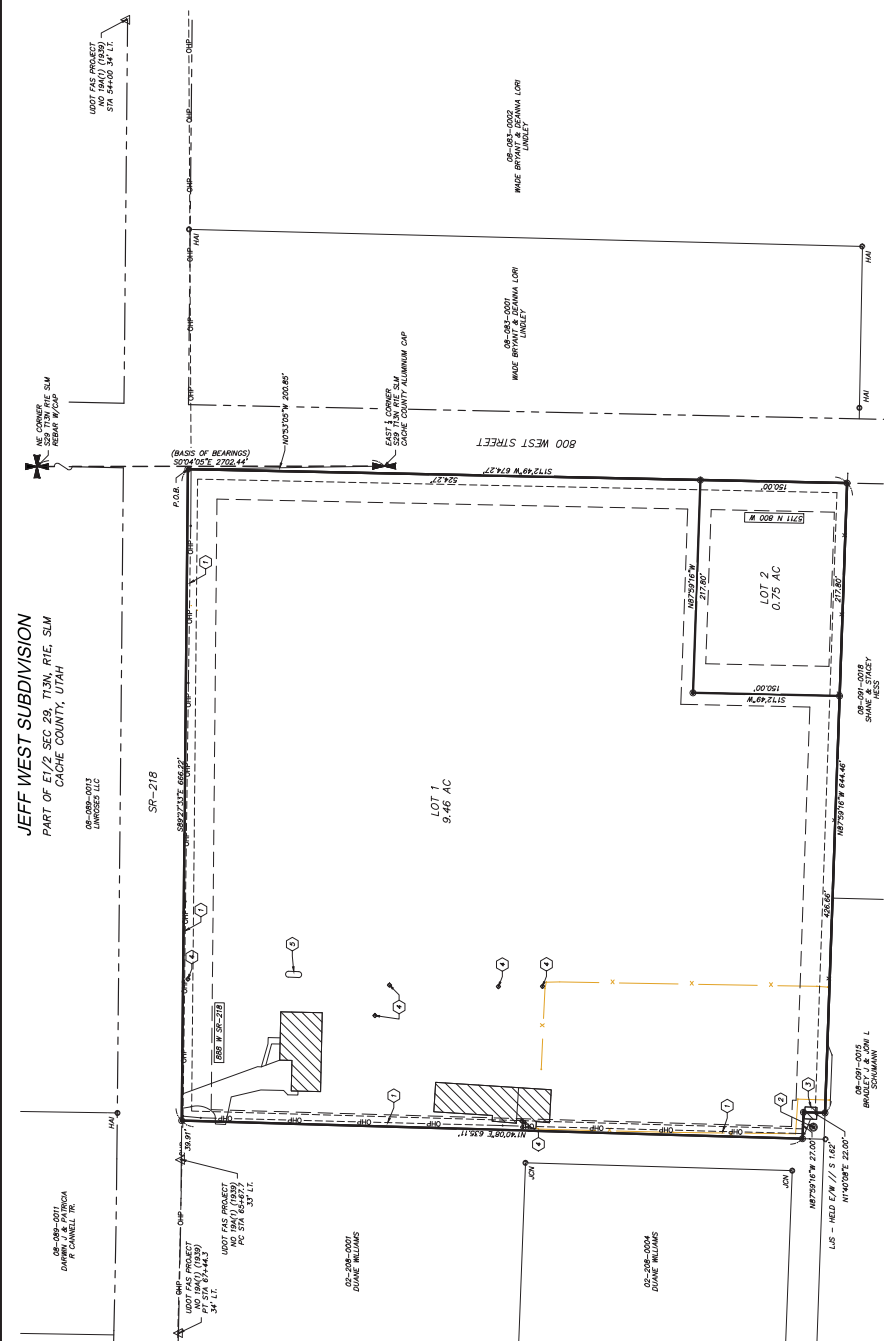
STATE OF UTAH }
COUNTY OF CACHE } §
ON THIS ____ DAY OF _____, IN THE YEAR 2019, BEFORE ME JEFF WEST AND ANNETTE S. WEST, APPEARED ON THE BASIS OF PERSONAL KNOWLEDGE AND NOT IN THE PRESENCE OF OTHER WITNESSES, SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME.
NOTARY PUBLIC SIGNATURE: _____
NAME: _____
COMMISSION NUMBER: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

DEPUTY COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED THIS PLAN AND FIND THAT IT IS ACCURATELY DESCRIBED HEREON, AND THAT IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY THE COUNTY ORDINANCE AND STATE LAW.
DATE: _____ DEPUTY COUNTY SURVEYOR

CACHE COUNTY PLANNING COMMISSION
THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE ____ DAY OF _____, 2019.

COUNTY RECORDER'S NO.
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE OFFICE OF THE COUNTY CLERK, ON THE ____ DAY OF _____, 2019.
ABSTRACTED TIME _____ FEE _____
INDEXED _____
FILED IN: FILE OF PLATS _____
MICHAEL GLEED, COUNTY RECORDER



KEY NOTES

- 1 OVERHEAD POWER
- 2 WELL
- 3 PUMP HOUSE
- 4 HARD HYDRANT
- 5 PROPANE TANK

LEGEND

- BOUNDARY
- SECTION LINE
- NEW LOT LINE
- RIGHT-OF-WAY LINE
- 10' PUBLIC UTILITY EASEMENT
- FENCE
- EDGE OF ASPHALT
- BUILDING SETBACKS AND REAR
- 12' - SIDES
- 8' W/ LINE
- SET REBAR W/ CAP
- FOUND REBAR WITH SMITH CAP
- FOUND REBAR WITH HANSEN CAP
- FOUND REBAR WITH HEISEN CAP
- STATE R/W MONUMENT
- SECTION CORNER
- EXISTING BUILDING
- STREET ADDRESS

SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY JEFF WEST FOR THE PURPOSE OF SUBDIVIDING LOT 1 AND LOT 2. THE SURVEY WAS CONDUCTED ON MAY 17, 2019. THE BOUNDARY, AS SHOWN, NO MAJOR DISCREPANCIES WERE FOUND. REBARS W/ CAPS STAMPED "STEVEN C. EARL PLS 318578" WERE SET AT ALL CORNERS, EXCEPTIONS NOTED.

NOTES & RESTRICTIONS

- AGRICULTURAL USES, CURRENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT WITH AGRICULTURAL ACTIVITIES WHICH ARE PERMITTED USES IN THE AGRICULTURAL ZONE AND FOREST RECREATION ZONE, NOT DETERMINED THE AVAILABILITY OF ALL OWNERS' ADJACENCY OF QUARRY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS SHALL MAINTAIN AND COMPLY WITH ALL OTHER REGULATIONS FOR THE INSTALLATION, MAINTENANCE, REPAIR, REPLACEMENT, OPERATION AND TELEPHONE, NATURAL GAS, WATER, WASTE WATER AND DRAINAGE LINES AND APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS THERE TO, WHICH WOULD INTERFERE WITH NORMAL UTILITY USE. IT IS UNDERSTOOD THAT THIS DEDICATION IS INTENDED TO BE A PUBLIC DEDICATION OF THE OWNERS' COSTS AND EXPENSES INCURRED THEREBY WILL BE BORNE BY THE PUBLIC UTILITY COMPANIES. THIS DEDICATION IS SUBJECT TO ALL LAWS AND FURTHERMORE, WE INCORPORATE ALL NOTES AND RESTRICTIONS AS LISTED HEREON.
- LOTS ARE INTENDED FOR RESIDENTIAL USE.
- NO SLOPES OF 20% OR GREATER WERE FOUND ON THIS PROPERTY.

BEAR RIVER HEALTH DEPARTMENT APPROVAL
THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS ____ DAY OF _____, 2019.
BY: _____ TITLE: _____

COUNTY ATTORNEY APPROVAL
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THIS PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.
DATE _____ CACHE COUNTY ATTORNEY

OWNER: JEFF WEST
666 W 1000 W, N
SALT LAKE CITY, UT 84119
435-713-0999

MEMORANDUM

1 August 2019

To: Planning Commission

Subject: 6-month time extension request for the proposed Creekside Estates Subdivision

A request has been made by Duane Williams, the agent for the Creekside Estates Subdivision, for a 6-month extension of the effective period of approval for a 7-lot subdivision located at 800 West 100 South, west of Smithfield, in the Agricultural (A10) Zone (Attachment A).

The 7-lot subdivision was approved by the Planning Commission on 6 September 2018. The effective approval date for a subdivision approval is one year; subsequently, the current expiration date for the approval is 6 September 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 subdivision will take access from 800 West, which is a Smithfield City road. The County Road Manual states that no development within unincorporated County will be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from that municipality. Prior to the approval of this subdivision, the applicant obtained approval from Smithfield City to use the road so long as the necessary road improvements have been made. Since the approval, the applicant and the City have been working to finalize the scope and details of the road improvements.

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. Actively negotiated with Smithfield City for 9 months to finalize scope of required road improvements, including a possible bridge replacement. Accepted a final agreement with Smithfield City in June 2019. The road plans were subsequently approved by the Smithfield City Engineer on June 11th and an encroachment permit was issued the same day; however, the road improvements 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 **6 March 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.

Dear Development Services Office/Planning and Zoning,

6/17/2019

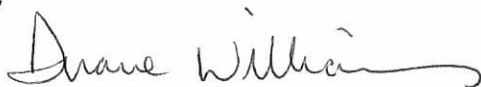
received
20 June 19 \$225
Rept # 12659
Ck # 1300

Re: Creekside Estates Subdivision

We are writing to ask for a 6 month extension of the subject subdivision application. We have been negotiating with Smithfield City for the past 9 months on road improvements. We have met with the Smithfield City planning and zoning multiple times as well as with the Smithfield City council. We have also been negotiating with Smithfield City on the bridge expansion of the 800 W. bridge that borders the subject subdivision.

We finally received a proposal from Smithfield Cities' attorney on June 4th 2019 that we have accepted. In essence, we will not be doing any expansion to the 800th west bridge. Our subdivision will be contributing towards the cost of the bridge expansion to be set aside for the city to use later on when they deem the bridge expansion is necessary. We immediately applied for an encroachment permit and approval of our road improvement design. We received the approval of the plans from Smithfield's City engineer this past Tuesday June 11th. We also received the encroachment permit that same day. We are now getting final bids for the work to be performed. We have met with Smithfield Irrigation Co. several times to get an irrigation plan approved. We have completed the moving of a major irrigation line off of the 800 W. road easement in June 2019. We just finished one of the two wells that will service the 6 homes. The second well is being drilled this week. We have made substantial progress but would like to ask for an extension of 6 months to allow for us now to complete the curb/ gutter / sidewalk, road expansion, etc. for Smithfield City.

Thanks,



Duane Williams

Creekside Estates Subdivision



STAFF REPORT: ALLEN AGRICULTURE PROTECTION AREA

1 August 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: Chris Allen

Parcel ID#: Multiple - See Attachment A

Staff Determination: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

PROJECT LOCATION

Reviewed by: Angie Zetterquist, Planner

Multiple - See Attachments A & B

PROJECT PURPOSE

The Cache County Development Services Office has forwarded an application to the Planning Commission for a review and recommendation to the County Council regarding the request to renew and expand an existing Agriculture Protection Area. The existing Agriculture Protection Area was approved in 1999 and consisted of 48 parcels and 1,377.19 acres. Over the years, there have been some changes to the parcels in the existing area and the current number is 46 parcels with 1,328.48 acres as determined by the County GIS maps. Under State Law, Agriculture Protection areas must be reviewed every 20 years. In addition to reviewing and renewing the existing protection area, the applicant is also requesting to expand it by adding 18 parcels with 718.3 acres. All the parcels are zoned Agricultural (A10), and are generally located in the Cove area (Attachment B).

FINDINGS OF FACT

1. Portions of multiple county roads border the Allen Agriculture Protection Area as proposed including, but not limited to: 11800 North, 12600 North, 12700 North, 13000 North, 13300 North, 13400 North, 14200 North, 1200 East, 1600 East, & 2000 East (Attachment B).
2. As per State Code §17-41-305 and County Code §2.70, the following criteria have been reviewed and addressed:
 - a. *Is the area proposed greater than 5 acres in size?* Yes.
 - b. *Is the land currently being used for agriculture production?* Yes.
 - c. *Is the land zoned for agricultural use?* Yes.
 - d. *Is the land viable for agriculture production?* Yes.
 - e. *What is the extent and nature of the existing or proposed farm improvements?* The growth of agricultural crops.
 - f. *What are the anticipated trends in the agricultural and technological conditions?* This is agricultural property, has functioned as such in the past, and will likely continue to function in that manner into the future.
3. Notice to surrounding property owners has been provided as per State and County Code. At this time, no public comment regarding this proposal has been received by the Development Services Office.

4. Notice to the Agriculture Advisory Board has been provided as per State and County Code. The advisory board has 45 days to submit a written report and their recommendation will be presented to the County Council at the duly noticed public hearing to review the proposal.

CONDITIONS (1)

1. The Allen Agriculture Protection Area must not include any portion of the 66-foot-wide Cache County rights-of-way, reflecting 33 feet of each side from the existing center line, for any county roads adjacent to the properties identified in Attachments A & B.

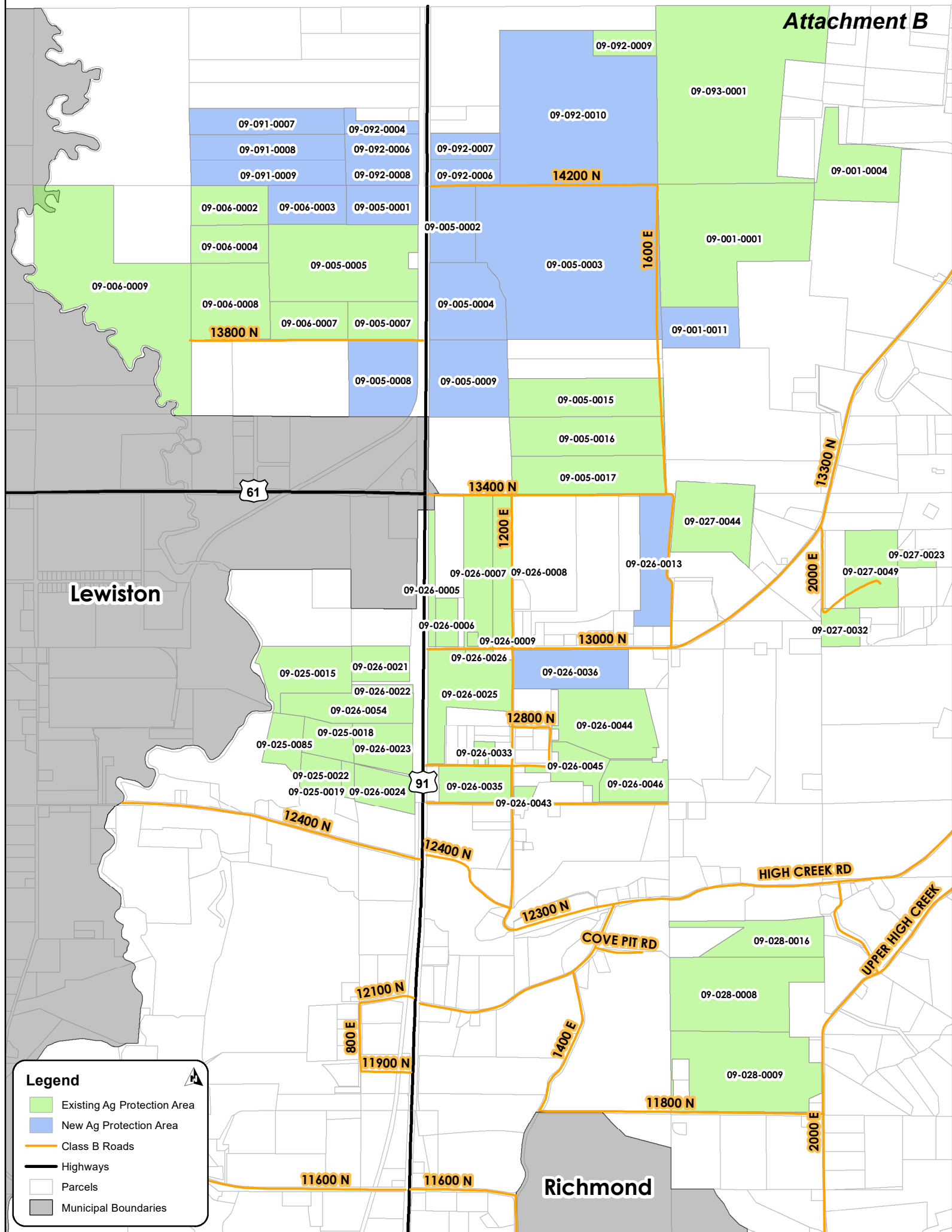
CONCLUSIONS (1)

1. The proposed Allen Agriculture Protection Area has been reviewed in conformance with, and meets the requirements and criteria of, §17-41-305 of State Code and §2.70 of the County Code and is hereby recommended for approval. This conclusion is based on the findings of fact and conditions.

Attachment A

EXISTING APA PARCEL #'S		46 PARCELS – 1,328.48 ACRES	
09-001-0001	09-025-0018	09-026-0025	09-027-0032
09-001-0004	09-025-0019	09-026-0026	09-027-0044
09-005-0005	09-025-0022	09-026-0033	09-027-0049
09-005-0007	09-025-0085	09-026-0035	09-028-0008
09-005-0015	09-026-0005	09-026-0043	09-028-0009
09-005-0016	09-026-0006	09-026-0044	09-028-0016
09-005-0017	09-026-0007	09-026-0045	09-092-0009
09-006-0002	09-026-0008	09-026-0046	09-093-0001
09-006-0004	09-026-0009	09-026-0054	<i>*combined with</i>
09-006-0007	09-026-0021	<i>09-026-0058*</i>	<i>09-026-0045 11/03</i>
09-006-0008	09-026-0022	09-026-0059	<i>**combined with</i>
09-006-0009	09-026-0023	<i>09-026-0060**</i>	<i>09-026-0006 8/03</i>
09-025-0015	09-026-0024	09-027-0023	

NEW APA PARCEL #'S		18 PARCELS – 718.3 ACRES	
09-005-0002	09-091-0008	09-092-0008	09-026-0036
09-005-0003	09-091-0009	09-092-0010	09-026-0013
09-005-0004	09-092-0004	09-005-0008	09-001-0011
09-005-0009	09-092-0006	09-005-0001	
09-091-0007	09-092-0007	09-006-0003	



Legend

- Existing Ag Protection Area
- New Ag Protection Area
- Class B Roads
- Highways
- Parcels
- Municipal Boundaries

Lewiston

Richmond

61

91

09-091-0007 09-092-0004
09-091-0008 09-092-0006
09-091-0009 09-092-0008
09-006-0002 09-006-0003 09-005-0001
09-006-0004 09-005-0005
09-006-0008 09-006-0007 09-005-0007
09-006-0009 09-005-0008
09-005-0009

09-092-0009
09-092-0010
09-092-0007
09-092-0006
14200 N
09-005-0002
09-005-0003
09-005-0004
09-005-0009
09-005-0015
09-005-0016
09-005-0017

09-093-0001
09-001-0004
09-001-0001
09-001-0011

09-025-0015 09-026-0021
09-026-0022
09-026-0054
09-025-0018 09-026-0023
09-025-0085 09-026-0024
09-025-0022 09-026-0019
09-025-0019 09-026-0024

09-026-0005 09-026-0007 09-026-0008
09-026-0013
09-026-0006 09-026-0009
09-026-0026 09-026-0036
09-026-0025 09-026-0044
09-026-0033 09-026-0045
09-026-0035 09-026-0046
09-026-0043

09-027-0044
09-027-0023
09-027-0049
09-027-0032

12400 N

12400 N

12300 N

12100 N

800 E

11900 N

1400 E

COVE PIT RD

HIGH CREEK RD

UPPER HIGH CREEK

11800 N

11600 N

11600 N

2000 E

STAFF REPORT: WINDMILL FARMS GOLDEN RETRIEVERS CUP

1 August 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: Jed Packer

Parcel ID#: 14-053-0037

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

PROJECT LOCATION

Reviewed by Angie Zetterquist

Project Address:

~9400 North 2400 West
east of Trenton

Current Zoning:

Agricultural (A10)

Acres: 22.2

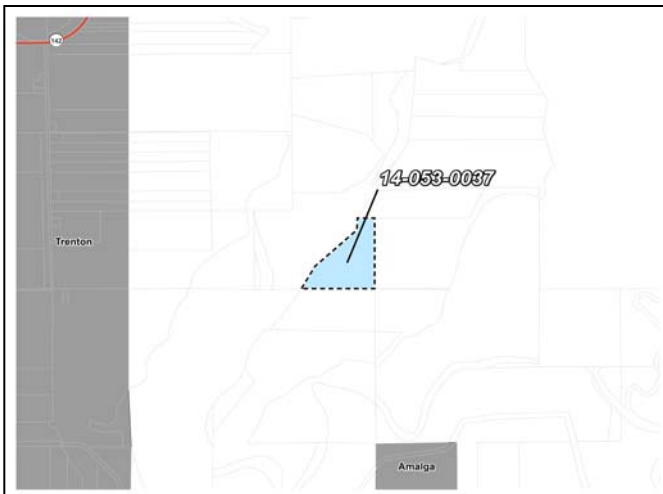
Surrounding Uses:

North – Agricultural

South – Agricultural

East – Agricultural

West – Bear River/UP&L property



FINDINGS OF FACT (28)

A. Request description

1. The Windmill Farms Golden Retrievers Conditional Use Permit (CUP) is a request to operate a home based kennel, Use Type 3200, on a 22.2 acre property located in the Agricultural (A10) Zone.
2. Per the Letter of Intent (Attachment A), the applicant has been breeding, raising, and training golden retrievers for a variety of uses including search and rescue, impaired service dogs, therapy dogs, hunting gods, and the like. The applicant currently operates a similar type of facility in Smithfield City where they are licensed for a kennel with five (5) dogs. The applicant has stated they are seeking an expanded training location that will provide the environment and topography needed for their facility. In this request, the applicant is proposing to operate a kennel with up to 12 adult dogs in an area approximately 864 square feet in size

with a 368-square-foot building with attached open kennels on the subject property. *See condition #1*

a. Construction

- i.** The applicant has provided a site plan that shows a general layout of the subject property (Attachment B).
- ii.** The subject property is currently used for agricultural use and under this request, the applicant states that would remain the primary use; the applicant is not proposing to build a single-family residence on the property. The only structure currently on the property is a barn located along the north property line. In the Letter of Intent, the applicant states the 864-square-foot concrete pad for the kennel will be located east of the barn and include an open area as well as a 368-square-foot enclosed structure. *See condition #2 & #3*
- iii.** Per the Letter of Intent, the kennel will consist of climb resistant modular steel kennels with a retreat access to the enclosed structure, which will be a wood-framed, insulated building with metal roof and siding. A chain link fence will surround the facility.
- iv.** The applicant states in the Letter of Intent that no water or septic will be provided as part of the facility and estimates the construction timeline to be 45-90 days.

b. Operation

- i.** The applicant states that the proposed kennel facility will operate as a private training area for their dogs. The applicant has a website that provides information as to their current operation in Smithfield (www.windmillfarmsgoldens.com).
- ii.** The website is active and provides information about the current operation including: available litters, prices, breeding pairs, expected litters, and training methods.
- iii.** In the letter of intent, the applicant states there will be no employees other than the family who manages and operates the current facility in Smithfield. Customers will not visit the property and there will be no deliveries or signage on-site.
- iv.** No additional equipment is required for the facility beyond the farm equipment already on site, per the letter of intent.
- v.** Kennel waste will be collected and recycled as fertilizer. *See condition #4*

B. Parcel Legality

- 3.** The subject property has not changed size or configuration since August 8, 2006 and is a legal parcel.

C. Conditional Uses *See conclusion #1*

- 4.** §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
 - a.** Compliance with law;
 - b.** Health, safety, and welfare;
 - c.** Adequate service provision;
 - d.** Impacts and mitigation.

D. Compliance with law *See conclusion #1*

- 5.** The County Land Use Ordinance stipulates that:
 - a.** The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b.** The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.

6. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
7. The parcel that is the subject of the conditional use permit request is a legal parcel zoned Agricultural (A10).
8. §17.07.030, Use Related Definitions defines this use as:
 3200 HOME BASED KENNEL: Any establishment, accessory to a dwelling unit and/or adjacent to a neighboring parcel under the same ownership, at which seven (7) or more adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes a single, incidental litter in a twelve (12) month period. A home based kennel must comply with the following requirements:
 1. A home based kennel shall consist of no more than twelve (12) adult dogs. More than twelve (12) dogs may be permitted as a home based kennel if it is otherwise shown by the applicant that:
 - a. Impacts can be mitigated by distance, vegetation, geography, and/or structures.
 - b. The kennel is secondary to the home and the use of the property is not primarily for commercial purposes.
 2. All kennel facilities must be a minimum of fifty feet (50') from the property boundary.
 3. Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same. *See condition #2*
9. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

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

10. The County Land Use Ordinance stipulates that:
 - a. Proposed CUP's must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
11. The primary activity of the proposed kennel is to train and house up to 12 adult dogs in a 368-square-foot structure located on the same property as an operating farm adjacent to neighboring properties under the same ownership. There are no employees and customers do not visit the property.
12. The proposed kennel facility will be located on a 22.2-acre property and is surrounded by agricultural properties to the east and south and Utah Power & Light properties and the Bear River to the north and west. The closest residences are located to the west in Trenton approximately 1.0 mile away as the crow flies.

F. Adequate service provision *See conclusion #1*

13. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law

enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

14. Access: The subject property does has frontage along a private farm access road.
 - a. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
 - b. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
 - c. The Road Manual specifies the following:
 - i. Private Road: Allowed for a maximum of 30 average daily trips (ADT), which is equivalent to 3 houses with a minimum 20-foot wide gravel surface.
 - ii. §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.
 - iii. 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.
 - d. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - i. The layout of proposed roads;
 - ii. An analysis of existing roadway compliance with the Road Manual requirements;
 - iii. Existing maintenance;
 - iv. And any additional impacts to the proposed development access roads.
15. A basic review of the access to the subject property identifies the following:
 - a. The proposed kennel facility will gain access from 2400 West, a private farm access road.
 - i. The private access road crosses multiple properties before connecting to SR 142 to the north at the southern boundary of Lewiston. *See condition #5*
 - ii. Is a 16-foot gravel road with an unknown depth and type of material.
 - iii. Is not maintained by the County.
 - iv. The proposed use requires it to be secondary to a single-family dwelling, which must meet the requirements of a private road as per the Road Manual. *See condition #6*
16. Parking:
 - a. §17.22 Off Street Parking Standards – All uses included under Use Index 3000, Sales and Services, require either one parking space per 250 square feet or a Parking Analysis be conducted to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. Additionally, if the use requires more than 5 parking stalls, a Parking Analysis that conforms to §17.07.040 General Definitions and §17.22 Off Street Parking Standards must be completed and include evidence of licensure from the State of Utah for the licensed professional who prepares the document.
 - i. Based on the square footage of the proposed kennel structure (368 square feet), 2 parking spaces would be required.
 - ii. The applicant has stated in his letter of intent that no customers at the property and they are closed to visitors at all times.
 - iii. Given that the proposed use, both based on the square footage of the kennel structure and the letter of intent, will require less than 5 parking spaces, a parking analysis prepared by a licensed professional is not required. In lieu of a parking analysis, the applicant must submit a site plan that demonstrates a parking area for two vehicles is available in the driveway for the residence or another permitted location. *See condition #7*

17. Solid Waste Disposal – Logan City Environmental does not provide collection services in this remote location. Applicant will be required to remove all refuse from the property generated from the proposed use. **See condition #8**
18. Fire Control – The County Fire District has reviewed the proposed use and stated the access road to the property meets code. Any future development, including a single family dwelling, on the property must be reevaluated and may require improvements based on the location of the proposed access and development. Water supply for fire protection will be provided by the Trenton Fire Department.
19. Water Requirements – Kennel facilities do not require confirmation of water rights and the applicant has stated no water will be provided for the facility. However, proof of a domestic culinary water right is required for the single family dwelling that is required for a home-based kennel.
20. Septic – A septic feasibility analysis is not required for kennel facilities. A septic system is required for the new residence associated with the home based kennel.

G. Impacts and mitigation See conclusion #1

21. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”
22. The County Land Use Ordinance stipulates that:
 - a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
 - b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.
23. Known or reasonably anticipated detrimental effects of the use are as follows:
 - a. The definition for a home based kennel requires that the kennel be secondary to a dwelling unit and limits the number of adult dogs to 12 unless impacts can be mitigated by distance, vegetation, geography, and/or structures.
 - i. The applicant has stated in the letter of intent that the primary use of the land is agricultural and the adjacent property shares ownership.
 - ii. The subject property is 22.2-acres in size and is surrounded by agricultural uses and major waterway areas owned by Utah Power & Light. The closest residences appear to be located in Trenton west approximately 1.0 mile from the subject property as the crow flies.
 - iii. The proposed kennel structure will be a separate building and is required to be located a minimum of fifty feet (50’) from the property line.
 - b. Noise: Kennels have the potential to generate negative noise impacts. However, given the remote location it is not anticipated that the use will have an impact on the surrounding properties. A sound level impact and assessment report has been provided (Attachment C). This report identifies that measurement were taken to establish the ambient noise level and will be referenced if noise becomes an issue to determine if the noise levels at the site due to the presence of a dog kennel exceed 10 dBA (Leq) over ambient conditions at any time of the day or night. **See condition #9**

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

24. Public notice was posted online to the Utah Public Notice Website on 18 July 2019.
25. Notice was published in the Herald Journal on 20 July 2019.
26. Notices were posted in three public places on 18 July 2019.
27. Notices were mailed to all property owners within 300 feet and cities within one-mile of the subject property on 18 July 2019.
28. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (9)

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

1. The applicant and operator(s) must abide by the information as provided in the application and the information as identified in this report and must comply with the conditions of approval. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See A-2*
2. As relates to the operation of the home based kennel, the following must occur and applies to the use as proposed:
 - a. The home based kennel must be secondary to a home. A dwelling unit, in this case a residence, also referred to as a home or domicile, must exist on the subject property. Therefore, a certificate of occupancy must be issued for a single family dwelling on the subject property prior to the operation of the home based kennel.
 - b. Alternatively, a home based kennel may be built on the subject property if an adjacent property with a dwelling unit remains under the same ownership as the subject property. *See A-2-a-ii, D-8*
3. The kennel must meet the required setback of 50-feet from the property. Based on the County GIS data, the parcel lines have been updated and show the existing barn is immediately on or just crossing over the parcel line. The applicant must confirm the location of the parcel lines with a licensed surveyor prior to approval of a Zoning Clearance for the kennel. *See A-2-a-ii*
4. Prior to recordation, the applicant must submit a plan for the collection and recycling of the kennel waste into fertilizer including how it will be collected, where it will be stored, and how it will be recycled to confirm it will not negatively impact storm water runoff into the adjacent river/floodplain area. *See A-2-b-v*
5. A copy of the recorded easements across the parcels used to access the subject property must be provided to Development Services staff. *See F-15-a-i*
6. Prior to recordation, the private road, 2400 West, must be improved to meet the minimum 20-wide all-surface material with a turnaround at the end of the private road, per the County Fire District's requirements. The design of all roads providing access to the development must be reviewed and approved by the County Fire District for compliance with applicable codes. *See F-15*
7. Prior to recordation, the applicant must submit a site plan that identifies a parking area for two vehicles. *See F-16*
8. Applicant is responsible for remove all refuse from the property generated from the proposed use and properly dispose of it. *See F-17*
9. The kennel must not exceed the 10 dBA (Leq) over the ambient conditions at any time of the day or night as established by the June 26, 2019 Noise study by Western Technologies, Inc. submitted with the application. *See G-23-b*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Windmill Farms Golden Retrievers CUP is hereby approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *See B,C, D, E, F, G*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *See D-6*



Letter of Intent

To: Cache County Development Services Department
Date: July 2, 2019

Company Information

Windmill Farms Golden Retrievers
Jed Packer
325 South 700 East
Smithfield, UT 84335
435-770-1276

Website: <http://www.windmillfarmsgoldens.com/>

Facebook: https://www.facebook.com/pg/WindmillFarmsGoldenRetrievers/reviews/?ref=page_internal

We are a leader in providing, trained, healthy, field titled, service animals to clients throughout the United States of America. We are 5 star service rated and have dogs in many usage applications throughout the United States. Golden Retrievers have excellent temperaments and are easy to train.

We currently have a kennel license from Smithfield City for up to 5 dogs. No problems or issues have been reported. We are seeking an expanded training location that will provide the environment and topography needed. We are NOT looking to be a large kennel or a puppy farm. We concentrate on quality with increased training time.

Over the last 15 years, we've been breeding, raising and training Golden Retrievers for a variety of usages such as: Search and Rescue, Impaired service dogs, Therapy dogs, Field trial, Hunt Test, Hunting dogs and like usages. Field bred Golden retrievers provide excellent prospects for these usages and are currently excelling. Our clients include Park City Ski resort, Alpine Meadows Ski Resort, Hearing impaired couples, veterinarians, other breeders and other like usages. We have a strong reputation for quality field Goldens bred for a purpose.

Proposal

We would like to pour a 48' x 18' x 5" concrete pad directly east of an existing hay and farm implement barn. Then place modular steel kennels on the pad which would be attached to a 46'x 8' x 8' metal, insulated building for indoor and outdoor dog housing. The kennel would be located in Trenton, Utah on land whose primary use is agriculture.

The kennel location is ideally located for its distance from residential homes or dairies. In addition, it's surrounded by UP&L land and near river bottoms for training with water. The road through this property is private and not a through road. It is used by those farming the land. It is gated at the entry and posted. This ideal location provides an environment conducive to our training needs. Which are; search and rescue, therapy, hunting and other like functions. The Gibbons family owns approximately 100 conjoined acres surrounded by the Little Bear River, none farmable land and UP&L land on the west and east.

The location is south of the Oakdale Egg Plant and West of the Elk Farm. The primary use of the land is farming. That would continue to be the primary use. The kennel and building would use less than 1% of the owned farm land. The kennel would be built east of the existing barn structure. Partially enclosed, partially open air. A chain link fence will surround the kennel. No more than 12 adult dogs at any time.

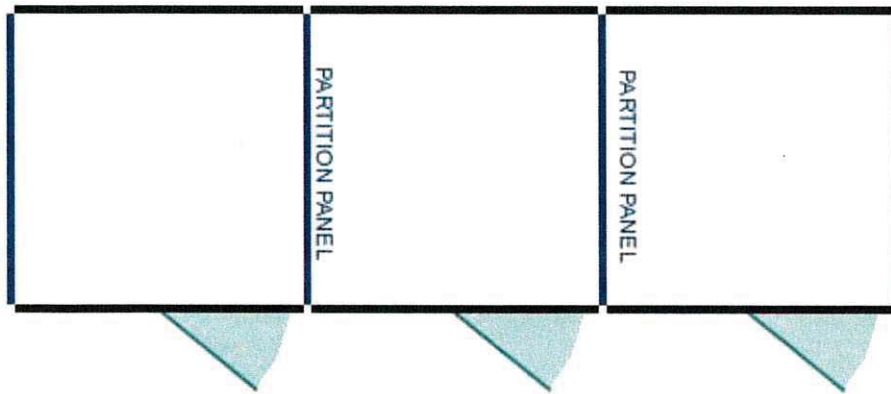
- Approximate Location: 41.906612 – 111.895500.
- Nearest dairy farm is about 1 mile.
- Main contribution of area noise is farm implements & bellowing cows . Idle tractor = 85 db.
- Dog waste would be recycled as fertilizer.

Base Zone: A10 – No change
Parcel Number: 14-053-0037
Primary Use: Farming

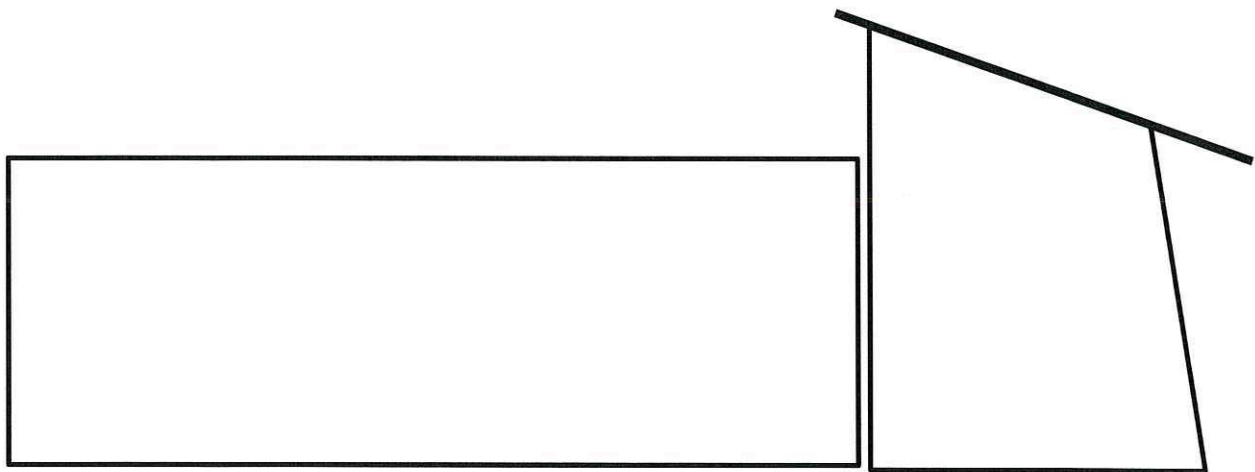
1. Use Type: Private training of our own dogs.
 - a. No retail
 - b. No wholesale
 - c. No services
 - d. No manufacturing
2. Employees:
 - a. No hired employees required.
 - b. It would be managed and run by our family.
3. Hours of Operation:
 - a. Not applicable as we are not providing sales or services at this location.
 - b. The dogs would be fed and trained at this location.
 - c. No deliveries at this location.
 - d. No electrical signage at this location.
 - e. No garbage pick-up at this location.
 - f. Outside of the farming implements already used to farm the crops, there are no additional vehicle or machinery needs.
 - g. No additional parking needed. An existing farm truck will be used to drive to and from this location.
4. Unique Characteristics.
 - a. The area is surrounded by 100's of UPL land acreage. No one currently lives within about one mile of the location. Farming is the main usage of the land. The river and open fields provide adequate training and the working of field bred golden retrievers.

Building & Kennel

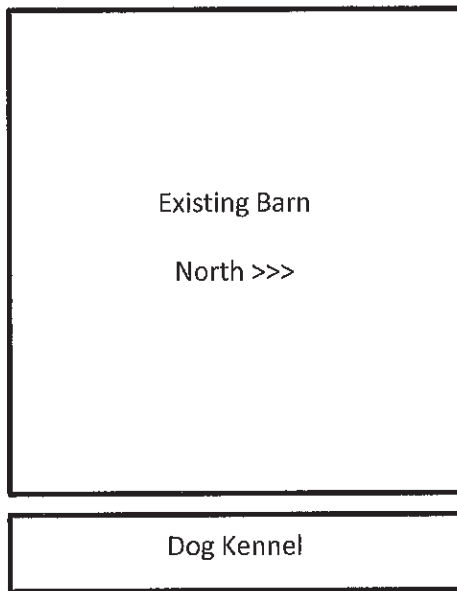
1. Concrete sloped pad 48' x 18'
2. Modular steel kennels with building retreat access. The wood framed building will have metal roof and siding. 8' x 46'
3. We will put a chain link fence around the facility.
4. Climb resistant diamond kennels.6' high.
5. Estimated completion time is 45-90 days.
6. No water or sewer needed.
7. No septic needed.



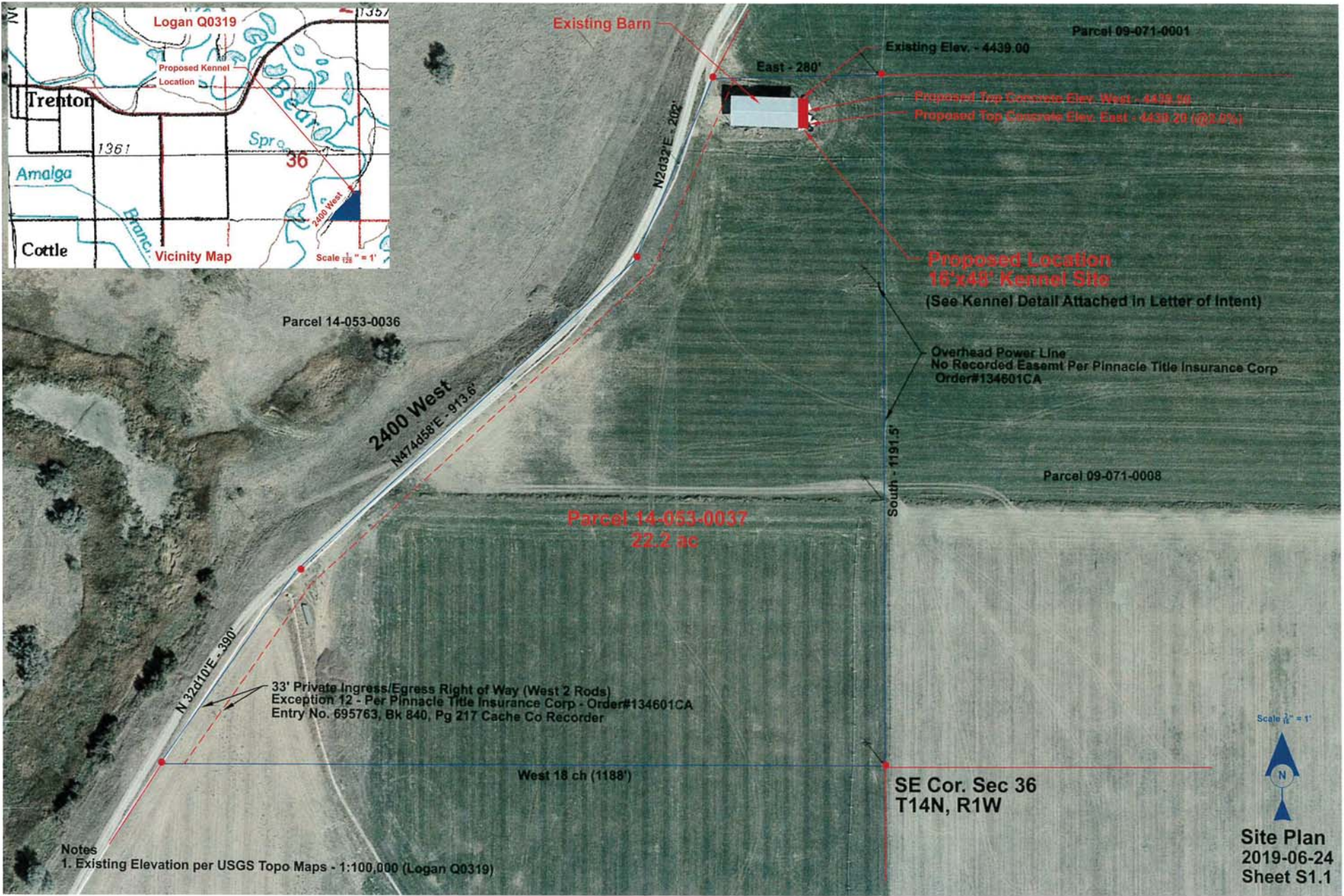
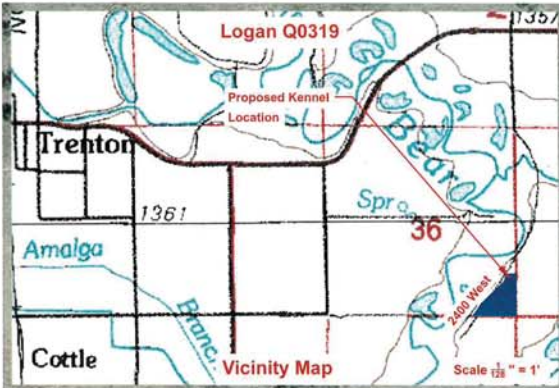
Side View
Outdoor Kennel = 8' x 4'
Building Retreat = 8'x 8' x 46'



Aerial View



See attached maps and topo's



Notes
1. Existing Elevation per USGS Topo Maps - 1:100,000 (Logan Q0319)

Scale 1/40000 = 1'

N

Site Plan
2019-06-24
Sheet S1.1



June 26, 2019

Windmill Farms Golden Retrievers Co.
325 South 700 East
Smithfield, Utah 84335

Attn: Mr. Jed Packer

Re: Limited Sound Monitoring
Windmill Farms Golden Dog Kennels
Highway 142
Trenton, Utah 84664

WT Job No. 6129JA109

Western Technologies Inc. has completed a limited sound monitoring survey of the above Property at the request of Jed Packer with Windmill Farms Golden Dog Kennels. WT visited the site on June 25, 2019 and monitored for 4 hours between approximately 10:00 AM and 2:00 PM with a Larson Davis Sound Track LxT1 Environmental & Occupational Noise Meter. The average decibel levels (Laeq A-weighted) during the time measured were found to be:

- Measurement 001 – Average Level – 44.3 dB
- Measurement 002 – Average Level – 40.9 dB
- Measurement 003 – Average Level – 36.7 dB

Measurement 001 was taken at the center western Property line, measurement 002 at the northwestern Property corner, and measurement 003 near the northeastern Property corner. The average readings from the three measurements provide the ambient noise level of the Property, which is a baseline reference for the maximum allowable level. Readings between 50 to 70 dB would be equivalent to a quiet office or conversational speech. Readings near 80 dB would be equivalent to garbage disposal (US Department of Transportation).

According to the Home Kennels definition (3200) in Title 17.07.030 of Cache County Codes, the noise levels from the kennel must not exceed 10 decibels above the ambient noise levels at the Property line; therefore, the site-specific maximum is **50.6 dB**, as allowed by the county code.

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

Sincerely,
WESTERN TECHNOLOGIES INC.

Reviewed by:

Sarah Reddinger
Environmental Scientist

Vicki Aullman
Environmental Project Manager

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

Limited Noise Monitoring
Windmill Farms Golden Dog Kennels
Highway 142, Trenton, Utah 84664
Photographic Log

WESTERN TECHNOLOGIES INC.

WT Job No.: 6129JA109

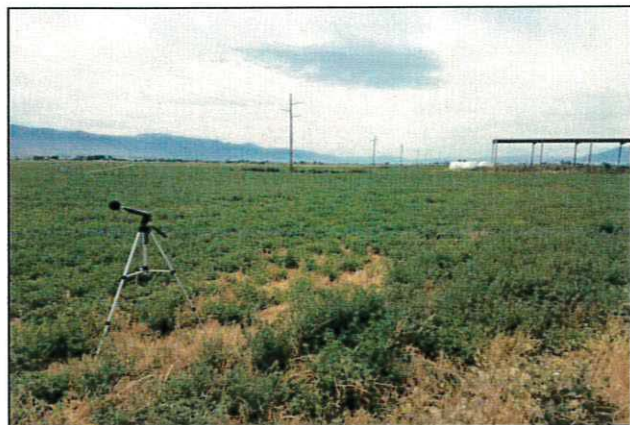
Date: June 25, 2019



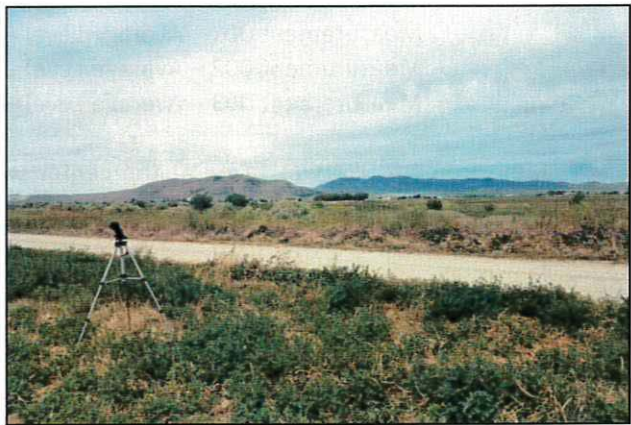
Picture 1 – View of Measurement 001 near the existing structure.



Picture 2 – View of Measurement 001 near the existing structure.



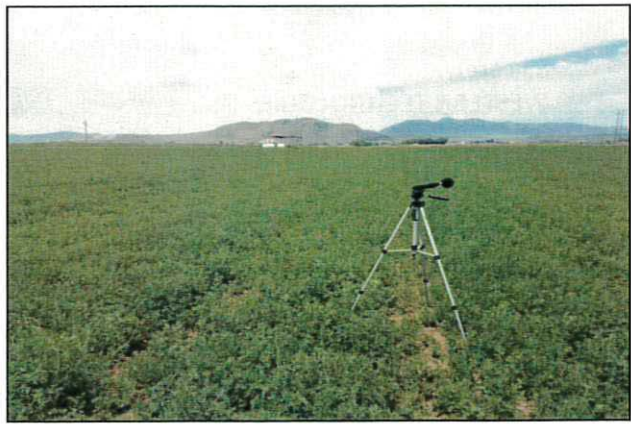
Picture 3 – View of Measurement 002 near the northwestern Property corner.



Picture 4 – View of Measurement 002 near the northwestern Property corner.



Picture 5 – View of Measurement 003 at the eastern Property edge.



Picture 6 – View of Measurement 003 at the eastern Property edge.



PROJECT: Windmill Farms Golden Dog Kennels, Highway 142, Trenton, Utah 84664

JOB NO.: 6129JA109

Figure 1: Limited Sound Monitoring

Western Technologies Inc.
 The Quality People
 Since 1955



wt-us.com

Measurement Report

Report Summary

Meter's File Name	LxT_Data.008	Computer's File Name	SLM_0005532_LxT_Data_008.01.ldbin
Meter	LxT1 0005532		
Firmware	2.302		
User		Location	
Description			
Note			
Start Time	2019-06-25 12:46:32	Duration	0:58:22.1
End Time	2019-06-25 13:44:54	Run Time	0:58:21.0
		Pause Time	0:00:01.1

Results

Overall Metrics

LA _{eq}	36.7 dB		
LAE	72.1 dB	SEA	--- dB
EA	1.8 μPa²h		
EA8	14.9 μPa²h		
EA40	74.6 μPa²h		
LZ _{peak}	90.8 dB	2019-06-25 13:12:43	
LAF _{max}	60.9 dB	2019-06-25 13:44:52	
LAF _{min}	28.5 dB	2019-06-25 13:34:47	
LA _{eq}	36.7 dB		
LC _{eq}	55.7 dB	LC _{eq} - LA _{eq}	19.0 dB
LAI _{eq}	40.9 dB	LAI _{eq} - LA _{eq}	4.2 dB

Exceedances

	Count	Duration
LAF > 85.0 dB	0	0:00:00.0
LAF > 115.0 dB	0	0:00:00.0
LZ _{peak} > 135.0 dB	0	0:00:00.0
LZ _{peak} > 137.0 dB	0	0:00:00.0
LZ _{peak} > 140.0 dB	0	0:00:00.0

Community Noise

LDN	LDay	LNight
--- dB	--- dB	0.0 dB
LDEN	LDay	LEve
--- dB	--- dB	--- dB
		LNight
		--- dB

Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L _{eq}	36.7 dB		55.7 dB		--- dB	
LF _(max)	60.9 dB	2019-06-25 13:44:52	--- dB		--- dB	
LF _(min)	28.5 dB	2019-06-25 13:34:47	--- dB		--- dB	
L _{Peak(max)}	--- dB		--- dB		90.8 dB	2019-06-25 13:12:43

Overloads

Count	0
Duration	0:00:00.0

Statistics

LAF 5.0	41.7 dB
LAF 10.0	40.0 dB
LAF 33.3	32.8 dB
LAF 50.0	30.9 dB
LAF 66.6	30.0 dB
LAF 90.0	29.2 dB

Measurement Report

Report Summary

Meter's File Name	LxT_Data.007	Computer's File Name	SLM_0005532_LxT_Data_007.01.ldbin
Meter	LxT1 0005532		
Firmware	2.302		
User		Location	
Description			
Note			
Start Time	2019-06-25 11:35:56	Duration	1:06:52.2
End Time	2019-06-25 12:42:48	Run Time	1:06:50.1
		Pause Time	0:00:02.1

Results

Overall Metrics

LA _{eq}	40.9 dB		
LAE	76.9 dB	SEA	--- dB
EA	5.4 $\mu\text{Pa}^2\text{h}$		
EA8	38.9 $\mu\text{Pa}^2\text{h}$		
EA40	194.6 $\mu\text{Pa}^2\text{h}$		
LZ _{peak}	87.6 dB	2019-06-25 11:55:57	
LAF _{max}	71.9 dB	2019-06-25 11:55:57	
LAF _{min}	29.2 dB	2019-06-25 12:38:48	
LA _{eq}	40.9 dB		
LC _{eq}	45.5 dB	LC _{eq} - LA _{eq}	4.6 dB
LAI _{eq}	45.7 dB	LAI _{eq} - LA _{eq}	4.8 dB

Exceedances

	Count	Duration
LAF > 85.0 dB	0	0:00:00.0
LAF > 115.0 dB	0	0:00:00.0
LZ _{peak} > 135.0 dB	0	0:00:00.0
LZ _{peak} > 137.0 dB	0	0:00:00.0
LZ _{peak} > 140.0 dB	0	0:00:00.0

Community Noise

LDN	LDay	LNight	
--- dB	--- dB	0.0 dB	
LDEN	LDay	LEve	LNight
--- dB	--- dB	--- dB	--- dB

Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L _{eq}	40.9 dB		45.5 dB		--- dB	
LF _(max)	71.9 dB	2019-06-25 11:55:57	--- dB		--- dB	
LF _(min)	29.2 dB	2019-06-25 12:38:48	--- dB		--- dB	
L _{Peak(max)}	--- dB		--- dB		87.6 dB	2019-06-25 11:55:57

Overloads

Count	Duration
0	0:00:00.0

Statistics

LAF 5.0	40.6 dB
LAF 10.0	37.3 dB
LAF 33.3	33.2 dB
LAF 50.0	32.2 dB
LAF 66.6	31.5 dB
LAF 90.0	30.5 dB

Measurement Report

Report Summary

Meter's File Name	LxT_Data.006	Computer's File Name	SLM_0005532_LxT_Data_006.01.ldbin
Meter	LxT1 0005532		
Firmware	2.302		
User		Location	
Description			
Note			
Start Time	2019-06-25 10:24:16	Duration	1:09:40.3
End Time	2019-06-25 11:33:56	Run Time	1:09:39.1
		Pause Time	0:00:01.2

Results

Overall Metrics

LA _{eq}	44.3 dB		
LAE	80.5 dB	SEA	--- dB
EA	12.6 μPa²h		
EA8	86.8 μPa²h		
EA40	434.0 μPa²h		
LZ _{peak}	88.1 dB	2019-06-25 10:24:36	
LAF _{max}	68.1 dB	2019-06-25 10:37:35	
LAF _{min}	31.6 dB	2019-06-25 11:33:09	
LA _{eq}	44.3 dB		
LC _{eq}	46.4 dB	LC _{eq} - LA _{eq}	2.1 dB
LAI _{eq}	47.3 dB	LAI _{eq} - LA _{eq}	2.9 dB

Exceedances	Count	Duration
LAF > 85.0 dB	0	0:00:00.0
LAF > 115.0 dB	0	0:00:00.0
LZ _{peak} > 135.0 dB	0	0:00:00.0
LZ _{peak} > 137.0 dB	0	0:00:00.0
LZ _{peak} > 140.0 dB	0	0:00:00.0

Community Noise	LDN	LDay	LNight
	--- dB	--- dB	0.0 dB
	LDEN	LDay	LEve
	--- dB	--- dB	--- dB
			LNight
			--- dB

Any Data	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L _{eq}	44.3 dB		46.4 dB		--- dB	
LF _(max)	68.1 dB	2019-06-25 10:37:35	--- dB		--- dB	
LF _(min)	31.6 dB	2019-06-25 11:33:09	--- dB		--- dB	
L _{Peak(max)}	--- dB		--- dB		88.1 dB	2019-06-25 10:24:36

Overloads	Count	Duration
	0	0:00:00.0

Statistics

LAF 5.0	46.9 dB
LAF 10.0	46.4 dB
LAF 33.3	44.4 dB
LAF 50.0	41.5 dB
LAF 66.6	40.3 dB
LAF 90.0	38.4 dB