



4:45 p.m.

Workshop & Light Refreshments in the County Council Conference Room

5:30 p.m.

Call to order

Opening remarks/Pledge – Jason Watterson

Review and approval of agenda

Review and approval of the minutes of the 5 September 2019 meeting

5:35 p.m.

Regular Action Item

1. **Nelson Resource Gravel Pit Conditional Use Permit 1st Amendment** – A request to amend a previously approved Conditional Use Permit for a gravel pit located at approximately 45 West 10500 South, Avon, in the Agricultural (A10) Zone. The requested amendment will decrease the size of the excavation area from 4.06 acres to 2.7 acres.
2. **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. *Continued from August 1, 2019.*
3. **Purser Warehousing, LLC CUP Amended** – A request for a minor change to Condition #8 to remove “prior to recordation” from the existing condition.
4. **Discussion:** Amendment to Title 17.07 regarding Kennels

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

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Regular Agenda Items

- 1. Holyoak Airport Conditional Use Permit 1**

Present: Angie Zetterquist, Chris Harrild, Brandon Spackman, Brady Christensen, Jason Watterson, Chris Sands, Nolan Gunnell, Tony Baird, Megan Izatt

Start Time: 05:32:00

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

2 **05:33:00**

3 **Agenda**

4 Approved with no changes.

5 **05:33:00**

6 **Minutes**

7 ***Gunnell** motioned to approve the minutes with the noted change from Mr. J Parker to Packer; **Sands***
8 *seconded; **Passed 4, 0.***

9 **05:34:00**

10 **Regular Action Items**

11 **#1 Holyoak Airport Conditional Use Permit**

12 **Harrild** reviewed the options available to the Commission regarding the Holyoak Airport Conditional
13 Use Permit including the updated staff recommendation.

14 **Staff** and **Commission** discussed the updated staff recommendation to return the decision back to the
15 Board of Adjustments for clarification.

16 **Dan Dygert** commented on the information from the Board of Adjustments.

17 **Joe Chambers** commented that he is representing the Holyoaks' and felt there was a due process mistake
18 at the last Commission meeting where the Holyoak CUP was discussed.

19 ***Watterson** motioned to approve the updated staff recommendation to return the matter to the Board of*
20 *Adjustments for further clarification; **Gunnell** seconded; **Passed 4, 0.***

21 **05:48:00**

22 **Adjourned**

STAFF REPORT: NELSON RESOURCE GRAVEL PIT CUP 1ST AMEND.

3 October 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: Lee Nelson

Parcel ID#: 16-040-0007

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Planning Commission

LOCATION

Reviewed by Angie Zetterquist

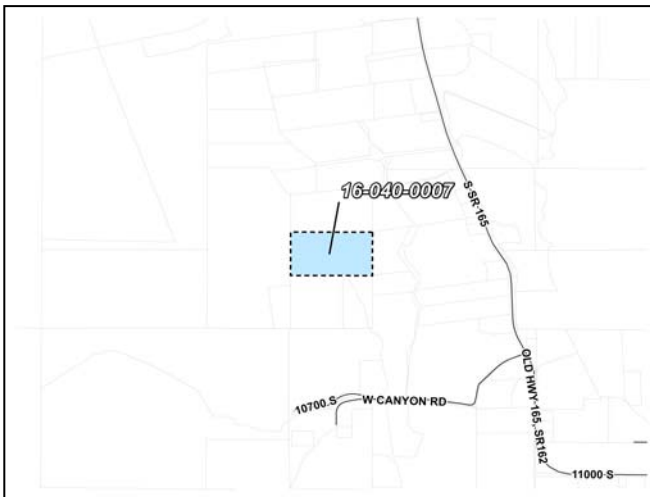
Project Address:

~45 West 10500 South
Avon

Current Zoning: Acres: 2.7 of 21.75 acres
Agricultural (A10)

Surrounding Uses:

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



FINDINGS OF FACT (31)

A. Request description

1. The Nelson Resource Gravel Pit Conditional Use Permit (CUP) 1st Amendment is a request to amend an existing CUP for a minor extraction operation located on a portion of parcel #16-040-0007 in the Agricultural (A10) Zone. The Master Plan submitted with this amendment request states that the extraction area will be reduced from approximately 4.06 acres located on the subject property as well as an adjacent parcel (#16-040-0003) to a 2.7 acre extraction area located solely on the subject parcel. *See conditions #1 & #2*
2. The original CUP was approved by the Planning Commission in August 2011 and the permit was recorded 12 September 2011. The staff report for that approval states that the gravel extraction will occur on 2.0 acres. At the time of the CUP approval in 2011, the minor extraction operation was operated by LeGrand Johnson Construction Company. That company

was sold in 2015 and their operation of the excavation site ceased. A condition of approval of the original CUP was that at the end of the excavation operation, the property must be reclaimed.

3. In April 2019, the Planning Commission approved a one-lot subdivision with an agricultural remainder on the subject property, Hills of Home Subdivision. At that time, the status of the gravel pit was unknown, but a visual inspection confirmed no reclamation has been completed. A condition of approval for the subdivision required that the property owner provide written confirmation of the status of the gravel pit and, if operations have ceased, the property must be fully reclaimed per requirements of the CUP. Alternatively, if the extraction operation was still in use, the CUP must be amended to reflect the boundaries of the proposed subdivision and the required road improvements for the CUP must be completed.
4. After the approval of the subdivision, the applicant provided an agreement between the property owner and Le Grand Johnson Construction Company to terminate the sand and gravel lease for the minor extraction operation. However, the applicant is interested in continuing extraction at the site and finalizing the subdivision, which necessitates this CUP amendment request.
5. The extraction area has high resource potential according to the Sand and Gravel Resource Potential map. See Attachment A. **See conclusion #1.**
6. §17.13 Mineral Extraction and Excavation – Specific requirements for this use type are identified under §17.13 of the County Land Use Ordinance. See Attachment B.
7. §17.13.050 Operation Categories – All mineral extraction and excavation operations must be classified as one of two categories: A. Commercial operations or B. Temporary or minor extraction operations. This request falls into the minor extraction operation category as it is less than five (5) acres. The minor category is allowed to operate within any zone of the county with approval of a CUP and does not require a rezone to add the Mineral Extraction (ME) overlay zone. However, the minor operation is still required to operate under the same standards as a commercial operation and meet the requirements of §17.13.
8. The applicant has provided a master plan/letter of intent (See Attachment C) that details the operation as summarized here: **See conditions #1 & #2**
 - a. Extraction operation
 - i. Active areas of material extraction will occur on approximately 2.7 acres and will be owned and operated by the applicant and his family as part of their current farming operations, with the intent to sell gravel to contractors depending on market conditions over the next five (5) to ten (10) years.
 - ii. The existing gravel resource area consists of partially open excavation areas, with some access/circulation roads and a staging area. The site also has stockpiling areas for gravel and topsoil suitable for restoration. Portions of the existing site are currently being prepared for reclamation and reseeded.
 - iii. The Master Plan includes a table with estimates of gravel extraction for the amended operation area over the next 10 years. The estimated volume to excavate starts at a high of 8,000 tons/4,200 cubic yards of material in 2019 and decreases steadily to zero (0) in 2029.
 - iv. The estimated truck loads remain static at ten (10) truck loads per month over a five (5) month active season for a total of 50 truck loads annually during the estimated 10 year operation of the facility. Haul trucks are anticipated to single dumpers with a 16-17 ton capacity. **See condition #16**

- v. Trucks will follow a route through a portion of the existing farm to exit and enter from State Route 165 due to limited site distance at the access point onto 10500 South directly from S.R. 165.
 - vi. Typical equipment used for excavation includes a large front end loader and backhoe/trackerhoe. There is no crusher located onsite and no crusher necessary for any portion of the operation.
 - vii. Operations will be limited to the hours of 6:00 A.M. to 8:00 P.M. and will not operate on holidays as identified in §17.13.070 of the County Code.
 - viii. As a family operation working directly with contractors, the applicant states that there will be no employees or general public/customer traffic at the location.
 - ix. The Master Plan states that all portions of the gravel extraction operation will be maintained and operated to minimize light, fumes, dust, smoke, and other emissions.
- b. Weed Prevention, Erosion Control, & Reclamation
- i. The applicant states in the Master Plan that invasive weed control and prevention will be managed through bi-monthly Round-Up applications to all exposed gravel and exposed soil surfaces. A noxious weed control plan must be provided for the review and approval of the County Weed Department and must be approved prior to recording the permit. ***See condition #3***
 - ii. Erosion control will employ best management practices including horizontal tracking of exposed surfaces; trenching, diversions, and check dams; and temporary vegetation. Erosion control measures will be provided on all cut-slopes and installed as soon as practicable as defined in Appendix J of the current International Building Code (IBC). ***See condition #4***
 - iii. For reclamation, the applicant is proposing final cut slopes will be graded at an approximate gradient of 4:1 with a minimum of 4-inches of topsoil for revegetation. Additionally, horizontal tracking and broadcast seeding of orchard grass mix is proposed for revegetation. Broadcast seed application occurs after November 1st and prior to April 1st each year. The seed mix to be used for reclamation must be approved by the County Weed Department prior to application of the mix. ***See condition #5***
 - iv. A new reclamation agreement and bond must be in place prior to recording the permit. ***See condition #6.***
- c. Storm water – Prior to operation a Storm Water Pollution Prevention Plan (SWPPP) Notice of Intent must be obtained for the affected areas. ***See condition #7.***
- d. Dust control – This will follow best management practices that include watering the roadway with water trucks, limiting truck speed, and roadway maintenance. ***See condition #8.***

B. Conditional Uses *See conclusion #1*

9. §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;

C. Compliance with law *See conclusion #1*

10. 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*
11. §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*
12. The subject property has not changed size or configuration since August 8, 2006 and is a legal parcel.
13. §17.07.030, Use Related Definitions defines this use as “6400 Mineral Extraction” and includes stone quarries and sand/gravel pits. Per §17.13 Mineral Extraction and Excavation, the proposed use is a minor extraction operation.
14. §17.13.050 Operation Categories, permits a minor extraction operation with a CUP in any zone if reviewed and approved in accordance with the conditional use review procedures of §17.06.

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

15. 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.
16. The primary activity of the use is a gravel pit that was previously approved in 2011.

E. Adequate service provision *See conclusion #1*

17. 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.
18. The subject property does not have frontage on a public road. Rather, the property is accessed from a private road, 10500 South Street, that connects to State Highway 165, that appears to be a UDOT facility maintained by the County.
19. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
20. 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.
- 21.** A basic analysis of 10500 South, private road, identifies that: *See conclusion #1.*
- a. It is located on parcels 16-035-0004 (Lee Nelson Minor Subdivision), 16-035-0025, 16-040-0009 (Tom Nelson Lot Split Subdivision), and 16-040-0007, the subject property. The three properties are currently owned by the same entity (i.e., Lee K & Valeen B Nelson Trust).
 - b. It crosses over the Little Bear River via a 20-wide bridge with a 10-ton weight limit. *See condition #16*
 - c. From S.R. 165, the private road runs approximately 3,000 linear feet to the access for the gravel pit.
 - d. It currently provides access for the gravel pit, one existing single-family residence and one developable lot immediately south of the proposed subdivision, as well as providing farm access to surrounding agricultural properties.
 - e. It varies in width from 14-18 feet and is composed of gravel and dirt. *See condition #9*
 - f. There is limited site distance to the south from 10500 South on to S.R. 165. The applicant has included an alternative routing plan for haul trucks that takes trucks through the farm to access S.R. 165. Signage must be posted on eastbound 10500 South and on S.R. 165 indicating “No Truck Access”. *See condition #10*
- 22.** §16.04.080 [C] Fire Control – The County Fire District visited the site and found the road does not meet the minimum width of 20 feet and that the access is obstructed by overhanging limbs. At the time of the previously approved CUP for the gravel pit, the County Fire District required that the access road meet the minimum fire access requirements of a 20-foot wide all-weather surface and a weight limit sign be posted on the bridge. The current road review indicates that the road no longer meets that minimum requirements and must be brought back into compliance. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development. Water supply for fire suppression would be provided by the Paradise Fire Department. *See condition #9 & #11*
- 23.** §16.04.080 [F] Solid Waste Disposal – Logan City Environmental did not provide comments on this request, but indicated in their review on the proposed subdivision that waste collection occurs from S.R. 165, not the private road. Applicant must work with Logan City on any waste service needs. *See condition #12*

F. Impacts and mitigation *See conclusion #1*

- 24.** 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.”

25. 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.
26. 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 8:00 PM according to the Master Plan. The uses on site have the potential to create detrimental amounts of noise given the extraction use and the equipment needed. However, given the location of the site, the surrounding agricultural uses, and that the closest residential uses are owned and occupied by the family operating the operation, it is not anticipated that the proposed use would create detrimental amounts of noise to neighboring properties.
 - b. Traffic: Conflict between haul trucks and general vehicular traffic is a reasonably anticipated detrimental effect. There is limited site distance to the south from 10500 South on to S.R. 165. To mitigate impacts, the applicant must utilize the haul truck route shown on Figure 4 in the Master Plan which routes trucks through the farm to an access location on S.R. 165 that has increased visibility. Additionally, the applicant must post signage indicating “No Truck Access” on eastbound 10500 South at the point where the alternate truck route diverges from the private road as well as on S.R. 165 at 10500 South. *See condition #11*
The increased heavy truck traffic will also impact the shoulder of S.R. 165. The applicant must work with UDOT and the County as needed on any required improvements for this alternate truck access point off of S.R. 165. *See condition #13*
 - c. Erosion and Storm Water Runoff: Detrimental effects of erosion and storm water runoff are reasonably anticipated as part of the minor extraction operation. A Storm Water Pollution Prevention Plan (SWPPP) for the site must be prepared, reviewed, and approved by the County. The necessary permits with the Utah Division of Water Quality must also be obtained and remain active throughout operations. When operations are not active for more than two weeks, the area must be stabilized through best management practices (BMPs) such as slope tracking. Each year an inspection by a certified storm water inspector must be performed and letter summarizing compliance with the approved SWPPP and maintenance of site BMPs be sent to the County Public Works/Storm Water Inspector. At the time operations cease, a final inspection by the County will be required for compliance with the closure/reclamation plan as indicated in the master plan and storm water permits. All BMPs must be removed at that time. Permits with the Department of Water Quality must be filed for termination. *See condition #14*

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

27. Public notice was posted online to the Utah Public Notice Website on 19 September 2019.
28. Notice was published in the Herald Journal on 21 September 2019.
29. Notices were posted in three public places on 19 September 2019.
30. Notices were mailed to all property owners within 300 feet of the subject property on 19 September 2019.
31. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (15)

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:

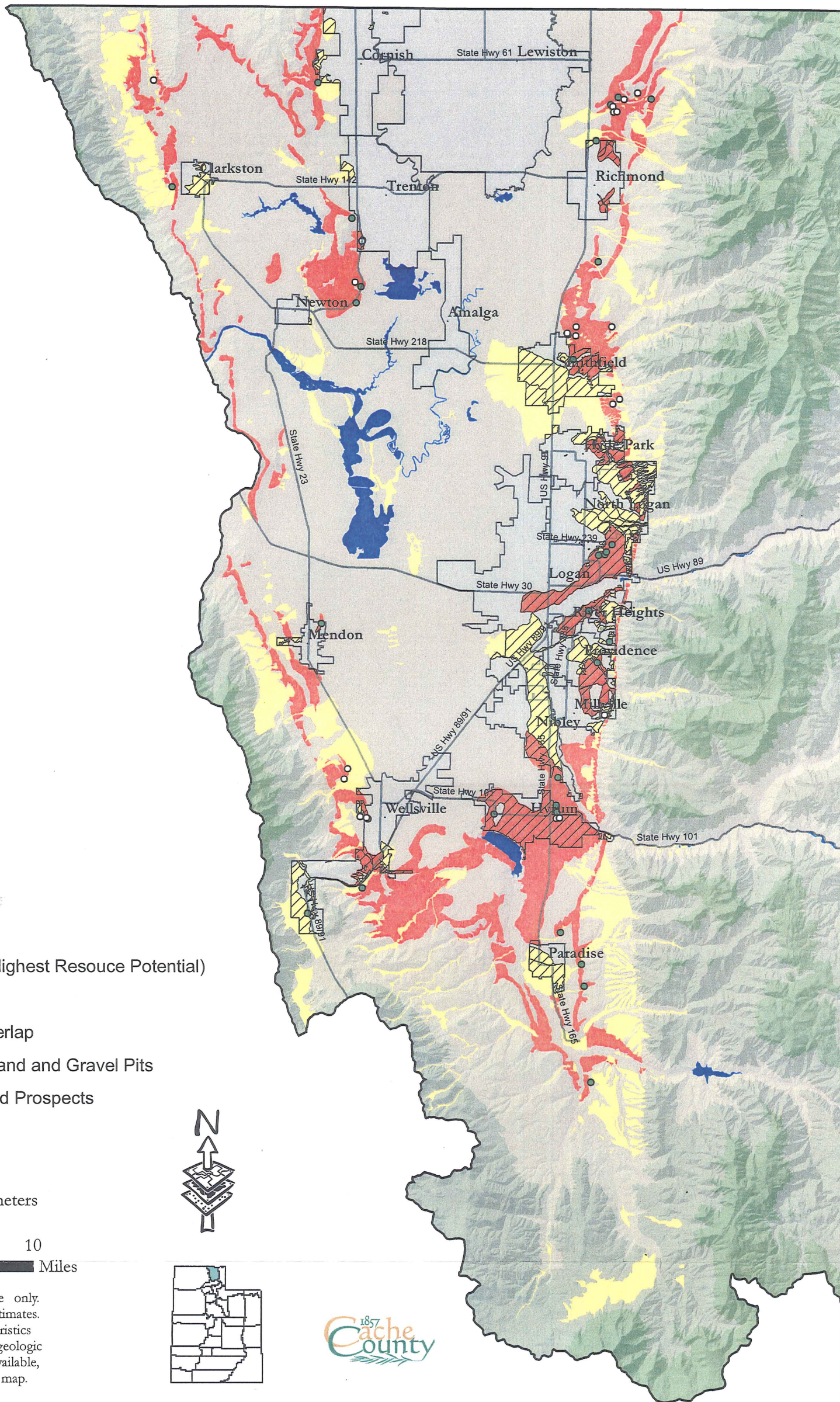
1. The proponent and operator(s) must abide by the information as provided in the application and the information as identified in this report. *(A-1, A-8)*
2. Any expansion or modification of the proposed use outside of any requirements imposed by these conditions must obtain the approval of the Land Use Authority. *(A-1, A-8)*
3. 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. *(A-8-b-i)*
4. Applicant must employ best management practice for erosion control measures and must conform to Appendix J of the current International Building Code (IBC). *(A-8-b-ii, F-26-c)*
5. The seed mix to be used for reclamation must be approved by the County Weed Department prior to application of the mix. *A-8-b-iii, F-26-c)*
6. Prior to recording the permit a new reclamation agreement and bond that meets the requirements of §17.13.080 Reclamation Agreement must be in place. *(A-8-b-iv, F-26-c)*
7. Prior to operation a Storm Water Pollution Prevention Plan (SWPPP) Notice of Intent must be obtained for the affected areas. *(A-8-c, F-26-c)*
8. Dust control must follow best management practices that include watering the roadway with water trucks, limiting truck speed, and roadway maintenance *(A-8-d, F-26-c)*
9. Prior to recordation, the private road, 10500 South, must be improved to meet the minimum 20-wide all-surface material required at the time of the original CUP approval, 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 and County Engineer for compliance with applicable codes. The applicant must pay all engineering costs associated with the road review. *(E-21-e, E-22)*
10. Prior to recordation, the applicant must post signage on eastbound 10500 South and on S.R. 165 at 10500 South indicating "No Truck Access" and directing trucks to the alternate route through the farm. *(E-21-f, F-26-b)*
11. Prior to recordation, the applicant must remove overhanging limbs obstructing access on 10500 South. The Fire Code states that access needs an unobstructed clearance of 13 feet 6 inches. *(E-22)*
12. Garbage collection must be coordinated with Logan City Environmental. *(E-23)*
13. Prior to recordation, applicant must meet with UDOT and determine if any improvements are required to S.R. 165 for the alternate truck route access. Written confirmation of any required permits and approvals from UDOT must be provided to the Development Services Office. *(F-26-b)*
14. A copy of any required state permitting must be submitted to the Development Services Office. *(F-26-c)*
15. Prior to recordation, the extraction area no longer a part of this minor operation must be fully reclaimed and approved by the County Public Works Inspector and County Engineer. The existing bond will be released once the new bond is in place and any required reclamation has been completed and approved.
16. Prior to recordation, the Master Plan must be revised to reflect the conditions of approval, including, but not limited to, changing the type of haul truck that will be used for the operation as the bridge is not rated to support the weight of trucks currently identified in the Master Plan. *(A-8-a-iv, E-21-b)*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Nelson Resource Gravel Pit Conditional Use Permit 1st Amendment 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*)

Sand & Gravel Resource Potential Cache County, Utah

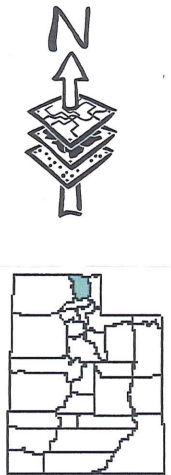


- Lakes
- State Roads
- Municipalities
- Delta & Shoreline Deposits (Highest Resource Potential)
- Alluvial Deposits
- Municipal, Sand & Gravel Overlap
- Significant, Recently Active Sand and Gravel Pits
- UMOS Sand & Gravel Pits and Prospects

Scale 1: 220,000

0 1.5 3 6 9 12
Kilometers

0 1.25 2.5 5 7.5 10
Miles



This is not an official map but for reference only. Spatial attributes and tabular data reflect rough estimates. Resource potential is based on physical characteristics and number of sand and gravel pits located in the geologic areas. The data was compiled from the best sources available, so various errors may be inherent on the map.



SYMBOL	UNIT	MUNICIPAL ACRES	COUNTY ACRES	MAX THICK (FEET)	SORTING	ROUNDING	NUM_PITS
	Deltaic deposits, Provo level (regressive)	5791	4984.23	82.02	mod. to well	subrounded to round	23
	Lacustrine gravel and sand, Provo shoreline (regressive)	889	3953.86	16.4	well	subrounded to round	9
	Deltaic deposits, Bonneville level (transgressive)	665	416.35	16.4	mod. to well	subrounded to round	1
	Lacustrine gravel and sand, Bonneville shoreline (transgressive)	9	10402.73	65.62	well	subrounded to round	12
	Younger stream alluvium	3066	5649.82	32.81		-----	0
	Stream alluvium, Provo phase	3	119.57	16.4	moderately	subangular to rounded	0
	Stream alluvium, Bonneville phase	0	498.17	16.4	moderately	subangular to rounded	0
	Fan alluvium 1	2478	5730.01	16.4	poorly	angular to subround	0
	Fan alluvium 2	1558	2862.06	16.4	poorly	angular to subround	0
	Younger fan alluvium	1783	5791.91	16.4	poorly	angular to subround	0
	Fan alluvium (Provo shoreline)	243	100.24	16.4	poorly to moderate	angular to well	0
	Older fan alluvium	256	6973.7	32.81	poorly	angular to well	0

17.13 MINERAL EXTRACTION AND EXCAVATION

17.13.010 Purpose	1
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17.13.030 Schedule of Uses	1
17.13.040 Site Development Standards	1
17.13.050 Operation Categories	1
17.13.060 Mineral Extraction and Excavation Master Plan	2
17.13.070 Minimum Requirements	2
17.13.080 Development and Reclamation Agreement	3
17.13.090 Compliance by Existing Operations	3
17.13.100 Areas of Potential Sand and Gravel Deposits	3

17.13.010: Purpose

(Repealed by Ord. 2009-07)

17.13.020: General Requirements

The following are the general requirements for mineral extraction and excavation operations:

- A. Property shall be rezoned through the county rezone process (section 17.02.060 of this title) prior to a master plan submittal except in the case of temporary operations as specified in this chapter.

17.13.030: Schedule of Uses

For a schedule of uses for the mineral extraction and excavation zone, refer to chapter 17.09, "Schedule of Zoning Uses", of this title. All commercial mineral extraction or excavation projects and associated accessory uses shall be allowed with a conditional use permit issued to the owner and/or operator of the property in accordance with the procedures set forth in section 17.06.050 of this title.

17.13.040: Site Development Standards

Site development standards for any mineral extraction or excavation operation shall conform to the base zoning district requirements as listed in Table 17.10.040 of this title. In the instance of conflicting or multiple base zoning districts on a single parcel, the more restrictive zone shall be applied across the entire parcel. Base zoning districts may be combined with an overlay zoning district on all or a portion of a parcel to alter, restrict, or allow specific development regulations.

17.13.050: Operation Categories

All mineral extraction and excavation operations shall be classified as one of the following two (2) categories:

- A. Commercial operations must be a minimum of 5 acres in size, and are operations that supply materials to the public on a continual, long term basis. All commercial mineral extraction and excavation operations shall file an operations and progress report with the Planning Commission every three (3) years. The report will summarize activities in fulfillment of the requirements for excavation and rehabilitation in compliance with the rehabilitation plan previously submitted to the Planning Commission. The conditional use permit shall remain in effect until such time that full reclamation has been made on the site.

- B.** Temporary mineral extraction and excavation operations and associated uses, which may include, but not limited to, asphalt or concrete plants which are necessary to supply material for a specific project (i.e., road construction), or a minor extraction operation of less than five (5) acres. These operations shall be allowed within any zone of the county as a conditional use. These operations will have to operate under the same standards as a commercial operation; the termination of the specific project shall also terminate the conditional use permit and the use of the pit. Once the project is complete, the owner or operator shall begin closure and reclamation operations within six (6) months.

17.13.060: Mineral Extraction and Excavation Master Plan

All applications for a mineral extraction and excavation master plan shall be accompanied by the following materials:

- A.** A completed application form for a conditional use permit;
- B.** Evidence of ownership or control over the land and a legal description of the property where the extraction operation will be located;
- C.** A site plan showing the following:
 - 1. Dimensions of the excavation site and of the parcel;
 - 2. Locations of clearances, rights of way, easements, utility lines, existing watercourses and drainage;
 - 3. Property lines with names and parcel tax identification numbers of adjoining property owners;
 - 4. Proposed ingress and egress;
 - 5. A contour map based on the USGS 7.5 minute quadrangle and estimate of materials to be removed, and;
 - 6. The location of the sand and gravel overlay area on the site.
- D.** Excavation operations plan that outlines the following:
 - 1. Traffic arrangements proposed on existing roads and streets adjoining the site;
 - 2. The location, arrangement and dimensions of loading and processing facilities; and
 - 3. On site control of surface and storm water drainage.
- E.** A reclamation plan addressing the following:
 - 1. Closure of the extraction operation stating the phasing, acreage and duration of the operation; and
 - 2. Financial guarantee for the rehabilitation and reclamation extraction operation.

17.13.070: Minimum Requirements

All mineral extraction and excavation operations shall comply with the following requirements:

- A.** Warning signs, fences, trees and berms may be required;
- B.** The operation shall obtain all necessary federal, state and local permits;
- C.** The hours of operation for an extraction operation shall be limited based on the following:
 - 1. Extraction operation may operate from six o'clock (6:00) A.M. until eight o'clock (8:00) P.M.;
 - 2. The operation of the crusher to be allowed only from seven o'clock (7:00) A.M. to five o'clock (5:00) P.M.;
 - 3. No operation shall occur within the extraction operation on the following holidays:
 - a. Memorial Day;
 - b. July 4 and 24;

- c. Labor Day;
 - d. Thanksgiving;
 - e. Christmas; and
 - f. New Years.
4. The Planning Commission may allow for variation to the above hours and days of operation based on need and effect.
- D. All activities shall be maintained and operated in such a way as to minimize light, fumes, dust, and smoke emissions.

17.13.080: Reclamation Agreement

After the applicant has obtained approval of the mineral extraction and excavation master plan as described above, the approval shall be put in the form of a reclamation agreement negotiated by the County Attorney and executed by the County Executive pursuant subject to the direction of the Planning Commission. The agreement shall include the following:

- A. A legal description of the land;
- B. A copy of the conditional use permit;
- C. A copy of the approved mineral extraction and excavation master plan;
- D. All final grading and slope for reclamation of the extraction operation shall meet the requirements of appendix J of the currently adopted international building code;
- E. A financial guarantee for the rehabilitation and reclamation;
- F. Other specific requirements, rights and peculiarities pertinent to the project.

17.13.090: Compliance by Existing Operations

Compliance and enforcement under this chapter shall be subject to constitutional protections and state law regarding existing nonconforming uses. Requirements shall not be imposed that are unreasonable with respect to operations related to a nonconforming excavation that is legally proven to have occurred prior to the enactment of this chapter.

17.13.100 Areas of Potential Sand and Gravel Deposits

- A. Areas containing potential sand and gravel deposits have been identified and mapping is available when reviewing mineral extraction requests.

Master Plan

for a

**Temporary Gravel
Extraction Operation**

Prepared for:
Lee K Nelson
10375 South Highway 165
Avon, Utah 84325

Prepared by:
Cache Landmark Engineering, Inc
95 West Golf Course Road
Suite 101
Logan, Utah 84321

September 4, 2019

History & Background

The Nelson Family Gravel Resource Operation consists of an existing gravel resource located on privately owned land that is farmed and operated by Lee Nelson.

The gravel resources area identified herein was a part of a larger operation originally permitted and operated by Legrand Johnson Construction Company in 2010. The original operation was estimated to contain nearly 200,000 cubic yards of gravel material and covered an area of approximately 4.06 acres in size that extended across two parcels, parcel #016-040-0003 and #016-040-0007.

This previously permitted gravel operations plan was abandoned when Legrand Johnson Construction Company was sold in 2015.

Project Location & Intent

The applicant is requesting approval to continue operations on an existing gravel resource located at approximately 10375 South Old Highway 165 (See Figure 1.0). The existing gravel resource areas is located in the Agricultural Zone (A-10).

The Nelson Family Gravel Resource Operation consists of a much smaller resource area (approximately 2.7 acres) that is owned by Lee Nelson and intended to be operated by Lee Nelson & Family as part of the current farming operations, with intent to sell gravel to contractors as necessary and dependent upon market conditions over the next 5 to 10 years.

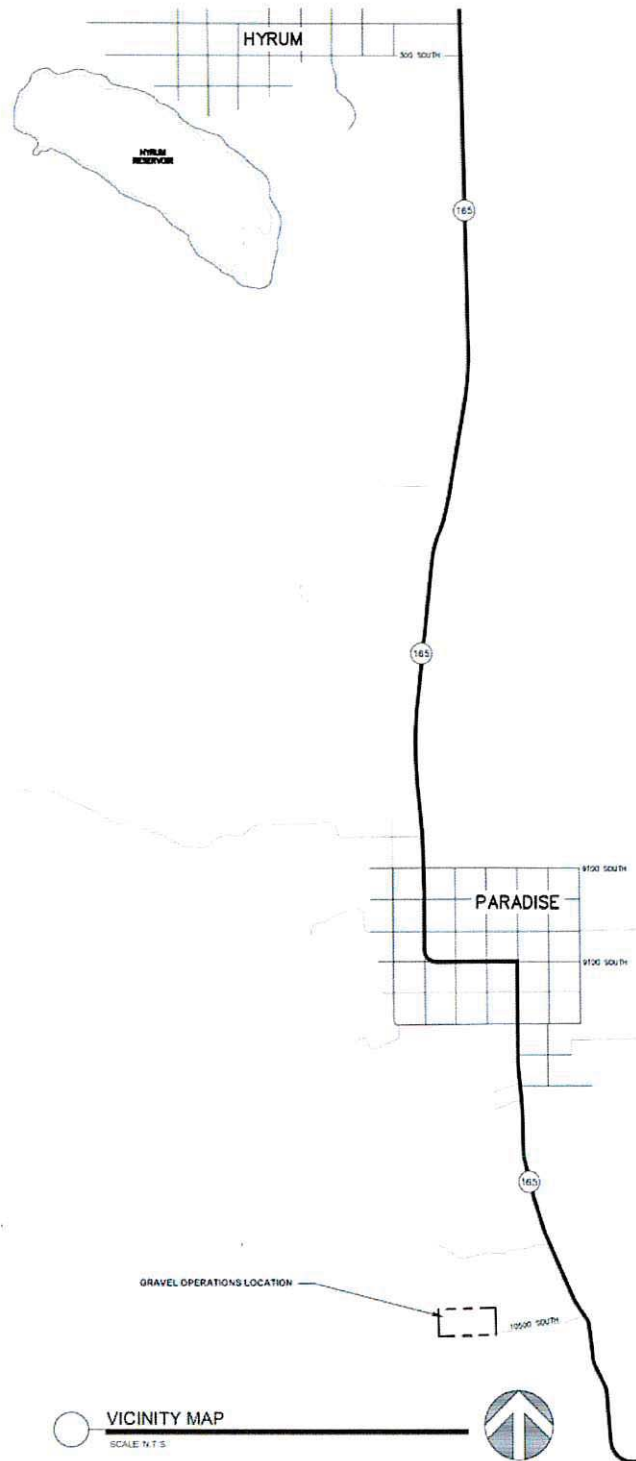


Figure 1 - Vicinity Map - Gravel Operations Location

The current resource area proposed to be permitted lies entirely on parcel #016-040-0007, owned



Figure 2 - Property Ownership & Parcel Dimensions

by Lee & Valeen Nelson Family Trust.

Existing Gravel Resource

The existing gravel resource area consists of a partially open excavation areas, with some access/circulation roads and a staging area. The site currently contains a gravel stockpile and topsoil stockpiles suitable for use on restoration areas. There is one portion of the existing



Figure 3 - Existing Gravel Resource

open resource area that has been graded to the final slopes and covered with topsoil, ready for restoration seeding.

The existing gravel resource area has had the majority of the resource removed with only minor areas remaining for final contouring and restoration. Estimates of the remaining resource within the proposed permit area can be found in Table 1.

Property Ownership & Access

The subject parcel is bound on all sides by property owned and operated by the applicant. The parcel is accessed by an existing private gravel road (10500 South). The private gravel road is used for farming operations and connects the farmstead, the residence and the large agricultural parcels. The gravel road to the resource area has been improved for the purpose of providing large haul truck access to the resource area. Access onto the Paradise/Avon road is intended as



Figure 4 - Property Location and Access

shown in Figure 4 allowing ingress/egress through the farm yard area.

Excavation & Operations

Excavation Area - Staging/Storage - Access - Material Estimates

The current operation consists of an existing general excavation area of approximately 2.7 acres (See Figure 5 & Figure 6). The general excavation area has had the majority of gravel resource removed, but there is still some resource that has been identified and quantified for removal (See Table 1).

The excavation operation and working area is relatively small, it has been set up by the operator, the area is functional and adequate for the equipment used to excavate and load the gravel resource material. The current operation areas consists of a staging stockpile area at the base of

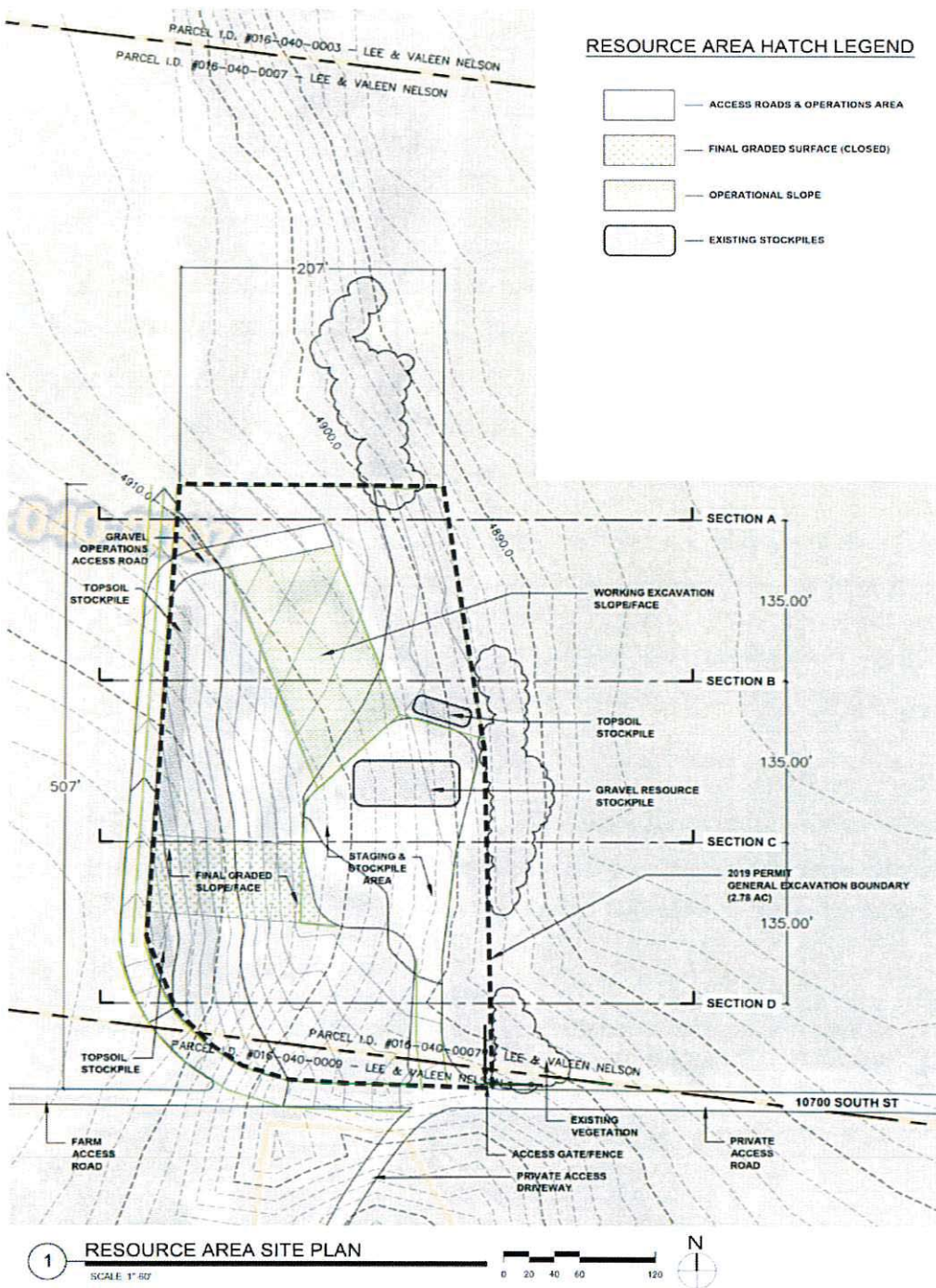


Figure 5 - Resource Area Site Plan

the slope, a final graded face, a working excavation face and some perimeter access roads that connect to the private access road. Access to the gravel resource area can be controlled through a series of gate panels located near the resource area entry.

The gravel resource quantity has been estimated through on-site measurements and by comparing

GRAVEL EXTRACTION ESTIMATES FOR NELSON GRAVEL RESOURCE			
YEAR	ESTIMATED VOLUME TO EXCAVATE	ESTIMATED TRUCK LOADS PER MONTH (ASSUMED 5 MONTH ACTIVE SEASON)	ESTIMATED TONS PER YER
2019	8,000 TON	10	825 TON
2020	7,175 TON	10	825 TON
2021	6,350 TON	10	825 TON
2022	5,525 TON	10	825 TON
2023	4,700 TON	10	825 TON
2024	3,875 TON	10	825 TON
2025	3,050 TON	10	825 TON
2026	2,225 TON	10	825 TON
2027	1,400 TON	10	825 TON
2028	575 TON	10	575 TON
2029	0 TON		

Table 1 - Gravel Extraction Estimates

existing topography to a proposed final graded surface once all the gravel resource material has been excavated.

In summer 2019, the remaining gravel resource within the general excavation area was estimated at approximately 8,000 tons or 4,200 cubic yards of material. The owner operator has estimated that a total of 50 truck loads of material will be removed annually, dependent upon market conditions, over the course of 10 years. A detailed schedule of estimated material removal can be seen in Table 1.

The excavated material is suitable as is for stockpiling and transport. Typical equipment used for excavation include a large front end loader and backhoe/tracker + hauling trucks. Haul trucks are anticipated to be single dumpers with a 16-17 ton capacity. There is no crusher located on-site and no crusher anticipated to be necessary for any portion of the gravel extraction operation.

Excavation operations shall be limited to the hours of 6am to 8pm and shall not operate on the holidays identified in Cache County Ordinance Section 17.13.070. All portions of the gravel extraction operation shall be maintained and operated to minimize light, fumes, dust, smoke and other emissions.

The proposed gravel extraction is not proposed to have any employees or customer traffic.

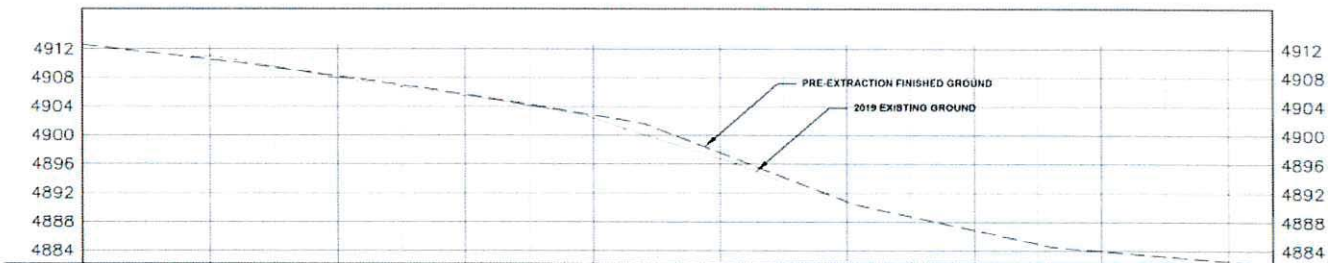
Weed Control & Prevention

Invasive weed control is conducted by the owner through bi-monthly Round-Up applications to all exposed gravel and exposed soil surfaces.

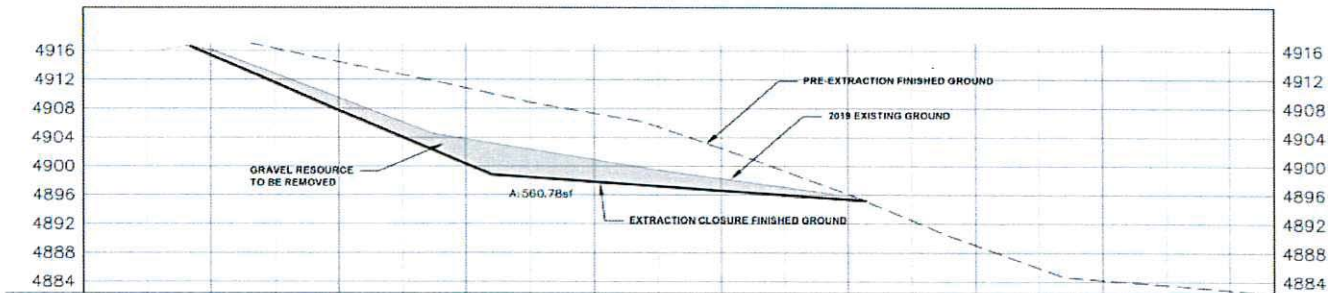
Erosion Control

Erosion control best management practices are applied throughout the general excavation area to prevent erosion of open exposed soils. Typical best management practices identified for use are:

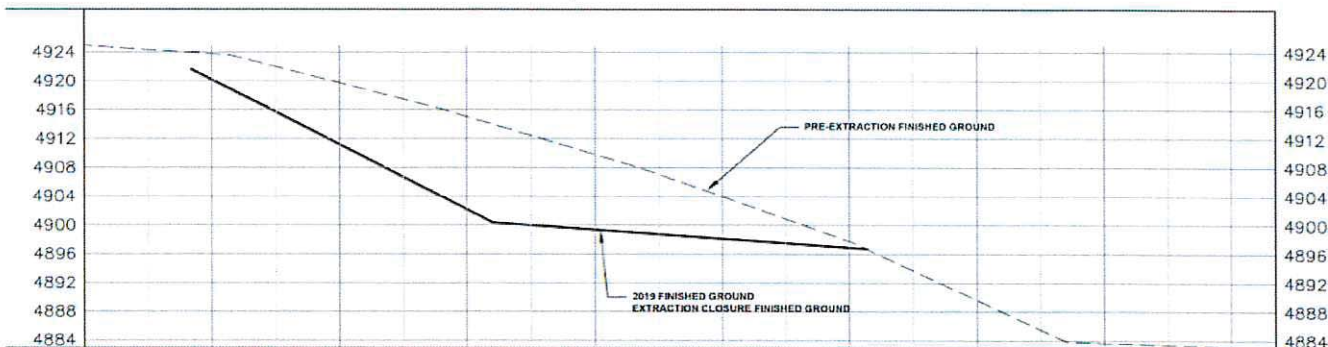
- Horizontal tracking of exposed surfaces
- Trenching, diversions and check dams
- Temporary vegetation



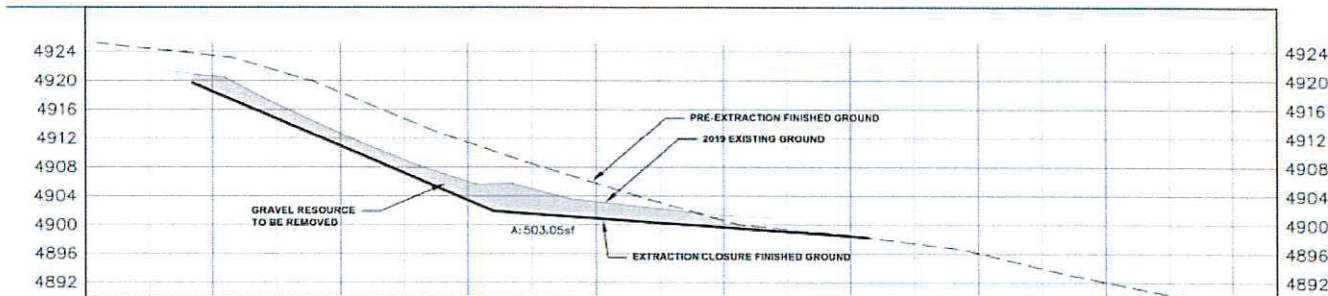
A RESOURCE SECTION A
SCALE 1"=30'



B RESOURCE SECTION B
SCALE 1"=30'



C RESOURCE SECTION C
SCALE 1"=30'



D RESOURCE SECTION D
SCALE 1"=30'

Figure 6 - Resource Area Sections for Material Estimates

Erosion control measures shall be provided on all cut-slopes and shall be installed as soon as practicable as defined in Appendix J of the current International Building Code (IBC).

Reclamation and Restoration

A portion of the general excavation area has been graded to final slopes and capped with topsoil. Final cut slopes are anticipated to be graded at an approximate gradient of 4:1 with a minimum 4" deep topsoil cap for re-vegetation.

Horizontal tracking and broadcast seeding of orchard grass mix is the proposed method for revegetation. Non-irrigated seeding windows are limited. Broadcast seed applications shall happen after November 1 and prior to April 1 each year. If final slopes are graded and ready for final restoration outside of the seeding window the operator shall apply erosion control and invasive weed prevention through the remaining season until the seeding can take place.

In no instance shall excavation slopes exceed a gradient of 1.5:1 and all final excavation slopes must be adequately protected against erosion as soon as practicable as identified in Appendix J of the current International Building Code (IBC).

STAFF REPORT: WINDMILL FARMS GOLDEN RETRIEVERS CUP

3 October 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

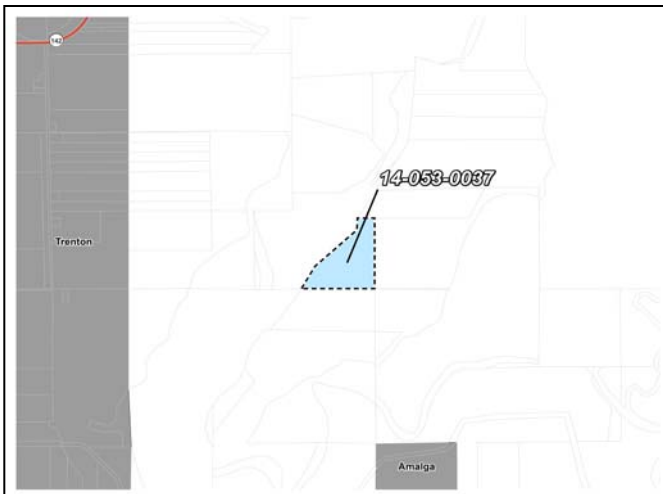
Surrounding Uses:

North – Agricultural

South – Agricultural

East – Agricultural

West – Bear River/UP&L property



FINDINGS OF FACT (28)

This request was originally scheduled for the August 2019 Planning Commission meeting, but was continued for up to 90 days for the applicant to work with staff on next steps. Staff is currently working on revisions to the Code. However, the 90 day continuance is ending for this request and it must be brought back to the Commission for action as the applicant has not withdrawn the application.

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 dogs, 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.

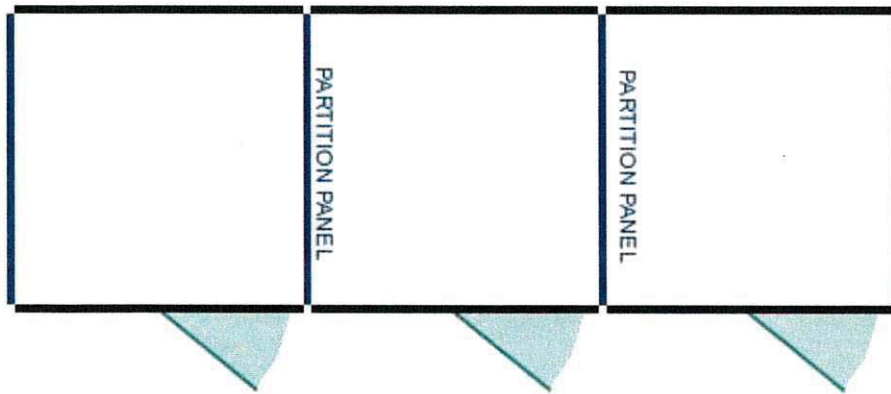
- Approximate Location: 41.906612 – 111.895500.
- Nearest dairy farm is about 1 mile.
- Main contribution of area noise is farm implements & bellowing cows . Idle tractor = 85 db.
- Dog waste would be recycled as fertilizer.

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

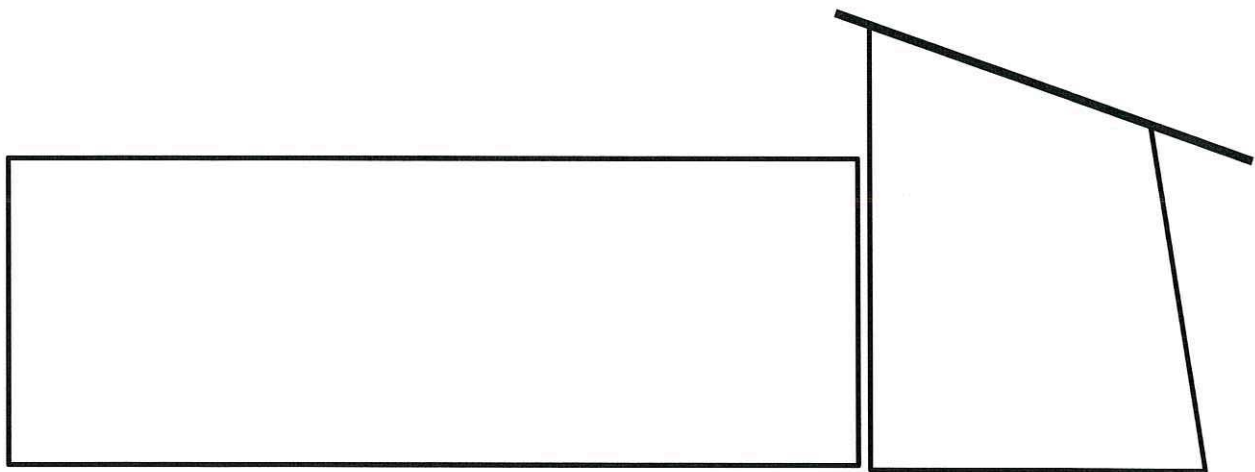
1. Use Type: Private training of our own dogs.
 - a. No retail
 - b. No wholesale
 - c. No services
 - d. No manufacturing
2. Employees:
 - a. No hired employees required.
 - b. It would be managed and run by our family.
3. Hours of Operation:
 - a. Not applicable as we are not providing sales or services 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

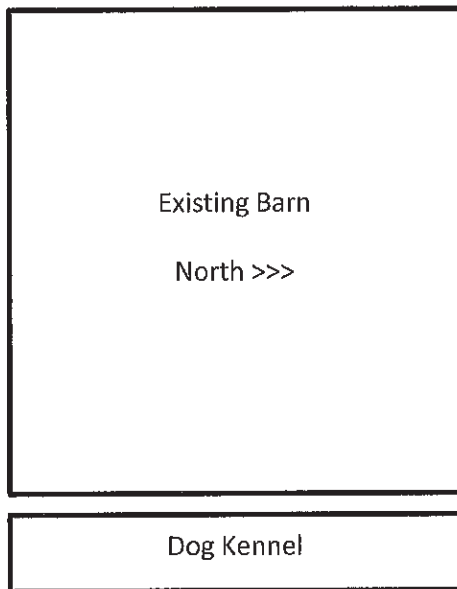
1. Concrete sloped pad 48' x 18'
2. Modular steel kennels with building retreat access. The wood framed building will have metal roof and siding. 8' x 46'
3. We will put a chain link fence around the facility.
4. Climb resistant diamond kennels.6' high.
5. Estimated completion time is 45-90 days.
6.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



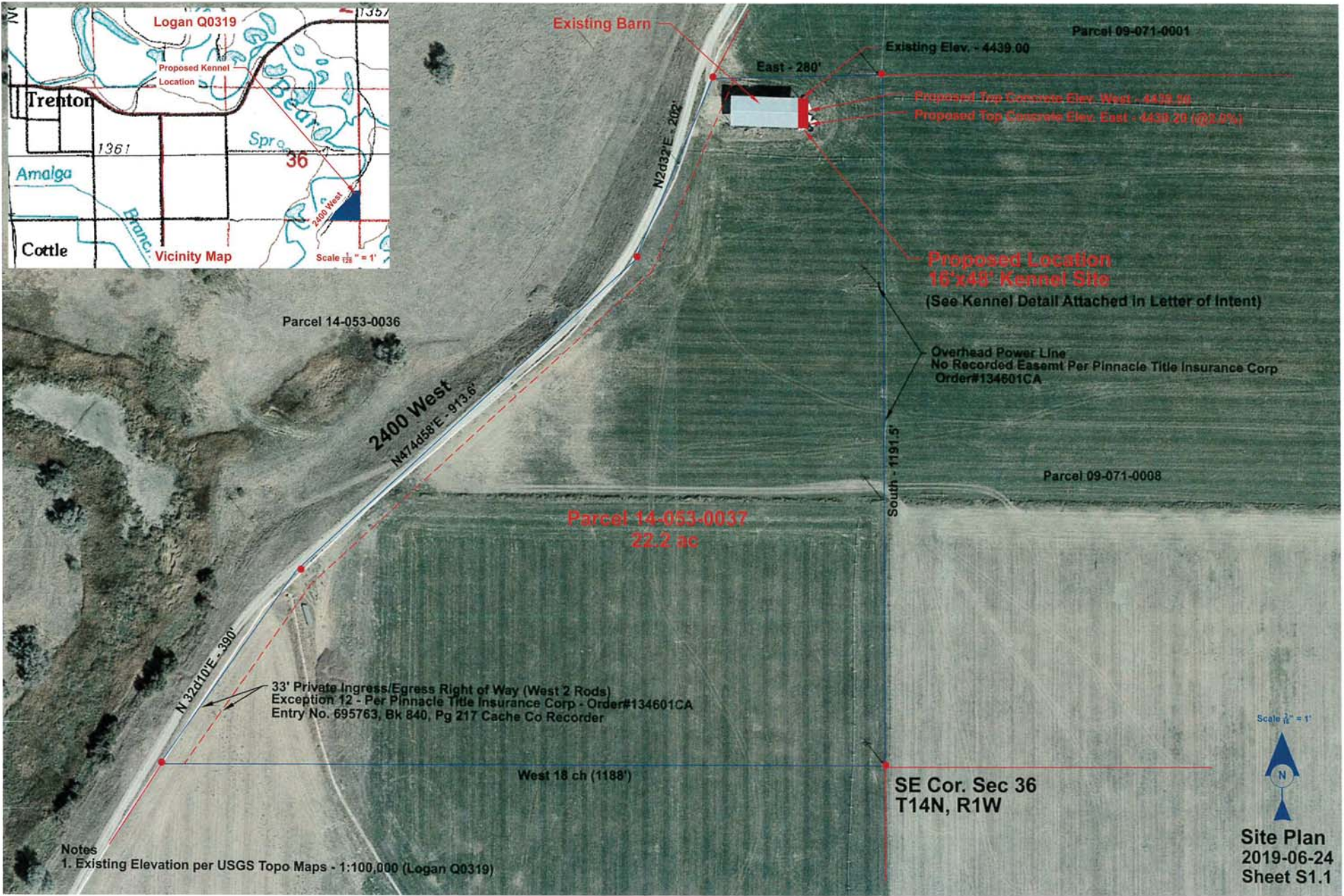
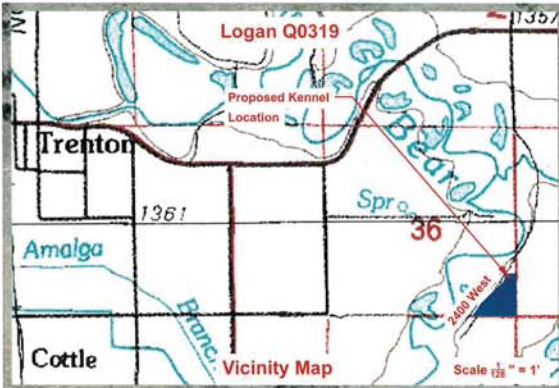
Side View
Outdoor Kennel = 8' x 4'
Building Retreat = 8'x 8' x 46'



Aerial View



See attached maps and topo's



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

Scale 1/250000 = 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

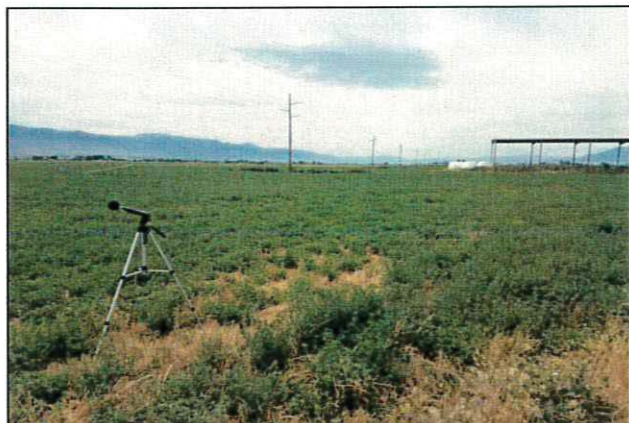
Date: June 25, 2019



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



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



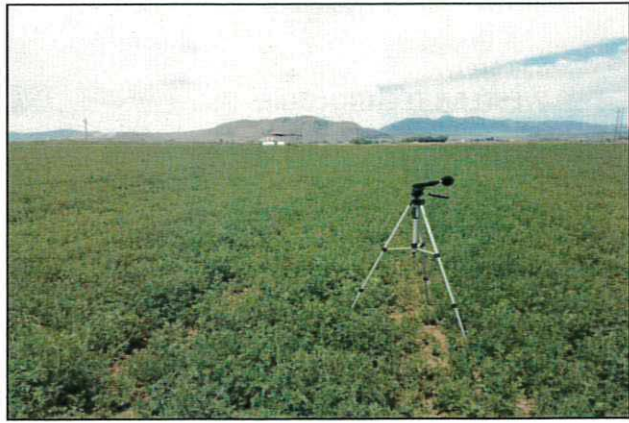
Picture 3 – View of Measurement 002 near the northwestern Property corner.



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

Geotechnical
 Environmental
 Inspections
 Materials

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 $\mu\text{Pa}^2\text{h}$		
EA8	14.9 $\mu\text{Pa}^2\text{h}$		
EA40	74.6 $\mu\text{Pa}^2\text{h}$		
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

Exceedance	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}	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	Duration
0	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 $\mu\text{Pa}^2\text{h}$		
EA8	86.8 $\mu\text{Pa}^2\text{h}$		
EA40	434.0 $\mu\text{Pa}^2\text{h}$		
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	LNight
--- dB	--- dB	--- dB	--- 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

STAFF REPORT: PURSER WAREHOUSING, LLC CUP AMENDED

3 October 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

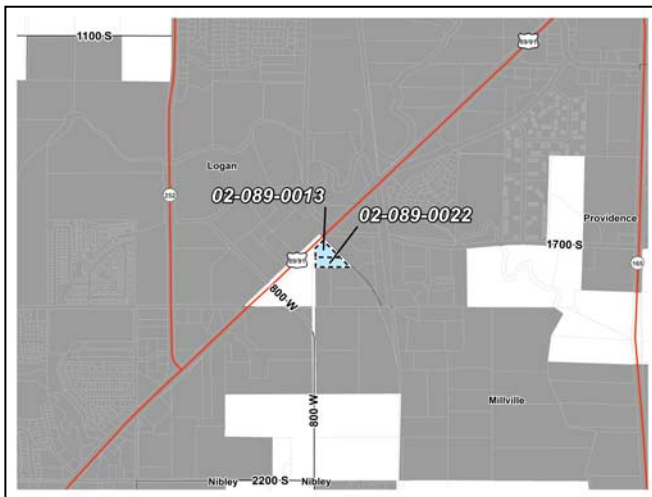
Reviewed by Angie Zetterquist

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 applicant must comply with the required setbacks for the Commercial (C) Zone as per Chapter 17.10 Development Standards of the County Code.~~ 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) Revised per Planning Commission 11 July 2019**
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. ~~If the road is not vacated, 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) Revised per Planning Commission 11 July 2019; Revised 3 October 2019**
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)

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.

Currently the code allows for two types of kennels for an establishment where adult dogs are boarded, groomed, bred, raised, and/or otherwise kept:

- Home Based Kennels – accessory to a dwelling unit in the RU2, RU5, A10, RR, & C zones where seven (7) or more adult dogs are kept; and
- Commercial Kennels/Animal Shelter – where 13 or more adult dogs or cats are kept and the requirements of a Home Based Kennel cannot be met. These are allowed only in the Commercial & Industrial zones.

Both classifications of kennel require a conditional use permit (CUP) review and approval by the Planning Commission in order to operate.

ISSUES & PROPOSED CHANGES:

The definition of a Home Based Kennel states the maximum number of adult dogs permitted is twelve (12), but allows for more if impacts can be mitigated and the kennel is not the primary use of the property. This flexibility to have more than 12 dogs is based on ill-defined terms that have caused multiple issues and subjective interpretations for the county and applicants. Staff is recommending that the definition for Home Based Kennel restrict the number of adult dogs to 12, remove language allowing additional dogs, and prohibit the use in the Commercial Zone.

In a situation where a kennel has more than twelve (12) dogs and/or cannot meet the requirements of the Home Based Kennel, the code currently requires that the applicant apply as a Commercial Kennel/Animal Shelter. However, a Commercial Kennel is only permitted in Commercial (C) and Industrial (I) Zones, which requires approval of a rezone in areas of the county where those zones may not be compatible with the surrounding area (i.e., more rural, agricultural areas).

In addition to drawing a bright line for Home Based Kennels by limiting the number to 12 adult dogs, staff is recommending that a new use type for kennels be adopted into Section 17.07.030 Use Related Definitions: 3210 Rural Kennel. The Rural Kennel would add to the current Home Based Kennel and Commercial Kennel definitions by allowing a kennel with a maximum of 12 dogs on a legal property with a minimum of 5 acres that is not accessory to a dwelling unit, but is accessory to an Agricultural Production use. This use type would be allowed with approval of a CUP in the A10 & FR40 zones.

Given that the new Rural Kennel would be allowed on agricultural properties without a dwelling unit resulting in a lack of 24-hour supervision, staff is also recommending that the code require a structure and/or containment areas to confine the dogs to the subject property. Dogs would be prohibited from running free and crossing onto adjacent properties when unsupervised. In the past, there have been issues with kennel dogs attacking neighboring chickens and concerns from farmers about pets/animals interfering with agricultural operations and the like. Staff believes the requirement to contain the dogs when unsupervised will address these types of issues and concerns for all kennel types, especially kennels located in more rural areas of unincorporated County.

Existing definitions with proposed changes:

17.07.030: Use Related Definitions

3200 HOME BASED KENNEL: Any establishment, ~~accessory to a Single Family Dwelling dwelling unit and/or adjacent to a neighboring parcel under the same ownership,~~ at which seven (7) ~~to twelve (12) or more~~ adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes ~~a single, two~~ incidental litters in a twelve (12) month period. A ~~h~~Home ~~b~~Based ~~k~~Ken~~n~~el must comply with the following requirements:

1. A ~~h~~Home ~~b~~Based ~~k~~Ken~~n~~el 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. ~~The kennel must include a structure and/or containment area to confine the dogs to the subject property. Dogs are prohibited from crossing onto adjacent properties unsupervised.~~
- ~~2.3.~~ All kennel facilities must be a minimum of fifty feet (50') from the property boundary.
- ~~3.4.~~ 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~~ prior to recordation to establish the existing ambient noise levels. ~~support the same.~~

3300 COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment ~~at which~~ where the boarding, grooming, breeding, raising, and/or otherwise keeping of thirteen (13) or more adult dogs or cats ~~occurs is the primary use of a legal parcel as determined by the Director or Planning Commission,~~ or the requirements of a ~~h~~Home ~~b~~Based ~~k~~Ken~~n~~el or Rural Kennel cannot be met. A ~~e~~Com~~m~~er~~c~~ial ~~k~~Ken~~n~~el/~~a~~Anim~~a~~l ~~s~~Shel~~l~~ter must comply with the following requirements:

1. ~~The kennel must include a structure and/or containment area to confine the dogs to the subject property. Dogs are prohibited from crossing onto adjacent properties unsupervised.~~
- ~~1.2.~~ All kennel facilities must be a minimum of fifty feet (50') from the property boundary and a minimum of twenty feet (20') from a ~~e~~Caretaker's ~~r~~Residence, if present.
- ~~2.3.~~ 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~~ prior to recordation to establish the existing ambient noise levels. ~~support the same.~~

Proposed definition

17.07.030: Use Related Definitions

3210 RURAL KENNEL: Any establishment not accessory to a Dwelling Unit at which seven (7) to twelve (12) adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes two incidental litters in a twelve (12) month period. A Rural Kennel must comply with the following requirements:

1. A Rural Kennel shall consist of no more than twelve (12) adult dogs.
2. The kennel is accessory to an Agricultural Production Use.
3. The kennel must be located on a Legal Parcel, five (5) acres or larger in size.
4. The kennel must include a structure and/or containment area to confine the dogs to the subject property. Dogs are prohibited from crossing onto adjacent properties unsupervised.
5. All kennel facilities must be a minimum of fifty feet (50') from the property boundary.
6. 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 prior to recordation establish the existing ambient noise levels.

Amendments to 17.09 Schedule of Zoning Uses

17.09.020: Permitted and Land Use Applications by Zoning Districts:

Section 17.09.030, table 17.09.030 of this chapter lists the ~~primary~~-uses within all Cache County zoning districts. All of the use categories listed in the table are defined in chapter 17.07 of this title.

17.09.030: Schedule of Uses by Zoning District

Index	Description	Base Zone							Overlay Zone	
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
3000	Sales and services:									
3200	Home b Based k Kennel	C	C	C	N	C	€ N	N	-	-
<u>3210</u>	<u>Rural Kennel</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>-</u>	<u>-</u>
3300	Commercial k Kennel/ a Animal s Shelter	N	N	N	N	N	C	C	-	-