



4:45 p.m.

Workshop & Light Refreshments in the County Council Conference Room

5:30 p.m.

Call to order

Opening remarks/Pledge – Brandon Spackman

Review and approval of agenda

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

5:35 p.m.

Consent Items

1. **Ace Acres Subdivision** – A request to create a one-lot subdivision with one agricultural remainder on 15.95 acres located at 3816 North 2400 West, Benson, in the Agricultural (A10) Zone.
2. **Davis Dry Canyon Subdivision** – A request to create a one-lot subdivision with an agricultural remainder on 31.82 acres located at 5450 North 1630 East, Smithfield, in the Agricultural (A10) Zone.
3. **South Spring Ranch Subdivision 1st Amendment** -- A request to change the location of Lots 4 & 5 of an existing subdivision located at 2660 West 5700 South, Wellsville, in the Agricultural (A10) Zone.
4. **Newton Lateral Piping Project CUP** – A request for a minor change to Condition #8 to remove “prior to recordation” and replace with “prior to construction” from the existing condition.

Regular Action Item

5. **Whisper Ridge Conditional Use Permit Revocation Review** – A review of the Whisper Ridge Conditional Use Permit to determine if conditions exist that may result in the revocation of the permit.
6. **Elections for Chair and Vice Chair**

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.



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Present: Angie Zetterquist, Josh Runhaar, Chris Harrild, Brady Christensen, Jason Watterson, Brandon Spackman, Chris Sands, Phillip Olsen, Lane Parker, John Luthy, Megan Izatt

Start Time: 05:33:00

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

2 **05:35:00**

3 **Agenda**

4 Approved with no changes.

5 **05:36:00**

6 **Minutes**

7 *Olsen* motioned to approve the minutes from October 3, 2019; *Watterson* seconded; **Passed 6, 0.**

8 **05:37:00**

9 **Consent Items**

10 **#1 Larsen & Larsen One-Lot Subdivision**

11 **#2 Three Mile Creek Estates Subdivision 1st Amendment**

12 **#3 Richmond Valley Subdivision 4th Amendment**

13 *Watterson* motioned to approve the consent agenda; *Parker* seconded; **Passed 6, 0.**

14 **05:37:00**

15 **#4 Holyoak Airport Conditional Use Permit Revocation Appeal Clarification**

16 **Luthy** reviewed the information for the Holyoak Airport Conditional Use Permit (CUP) Revocation
17 Appeal clarification.

18 **Dan Dygert** stated an objection to the report before the Board from the County Attorney's office and for
19 not being given the opportunity to speak.

20 **Commission** and **Staff** discussed the findings of facts in the staff report and the reason for those findings
21 of facts. Substantial work in the first 12 months needs to be based on what was submitted to the County
22 for the revised runway plan.

23 **Mr. Dygert** again stated an objection to the report from the Cache County Attorney's office.

24 **Commission** and **Staff** discussed if the findings of fact summarized the information from June 2019's
25 meeting to uphold the decision to not revoke the CUP.

1 *Parker* motioned to adopt the recommendation and summary of findings to leave the Holyoak Airport
2 conditional use permit in place; *Olsen* seconded; **Passed 5, 0 (Spackman abstained)**

3 **06:10:00**

4 **#5 Public Hearing (5:45 p.m.): Amendment to Title 17.07 & 17.09**

5 **Zetterquist** reviewed the proposed amendments to Title 17.07 & 17.09 regarding Kennels.

6 06:17:00

7 *Parker* motioned to open the public hearing for Amendment to Title 17.07 & 17.09; *Sands* seconded;
8 **Passed 6, 0.**

9 **Jed Packer** asked if the rural kennel would allow for a kennel on rural agricultural land.

10 **Watterson** responded yes.

11 **Joe Chambers** thanked the commission for their time and commented on why a conditional use
12 permit is required for dogs in an agricultural area where it is recognized by the Department of
13 Agriculture as husbandry.

14 **Christensen** asked Mr. Chambers if he would want a kennel to move in next to him.

15 **Mr. Chambers** stated there has to be a balance for the interests involved.

16 **Christensen** stated the ordinance changes are a step to help those who would like to run a kennel.

17 **Sands** responded that the point Mr. Chambers is making is that he can do it anyway.

18 **Mr. Chambers** responded cases are based on the facts and circumstances to each individual case.
19 Judges apply life experience to their decisions.

20 **Commission** and **Staff** discussed what makes a CUP a CUP. If an application has subjectivity to it, it
21 makes it a CUP.

22 **Mr. Chambers** stated in a revocation of a CUP it becomes a quasi judicial item.

23 **Matt Phillips** introduced himself as the County engineer.

24 **06:30:00**

25 *Watterson* motioned to close the public hearing for Amendments to Title 17.07 & 17.09; *Parker*
26 seconded; **Passed 6, 0.**

27 *Sands* motioned to recommend approval to the County Council for the amendments to Title 17.07 and
28 17.09; *Watterson* seconded; **Passed 6, 0.**

29 **06:31:00**

1 **#6 Public Hearing (6:00 p.m.): Amending Cache County General Plan**

2 *Sands* motioned to open the public hearing for amending the Cache County General Plan; *Olsen*
3 *seconded; Passed 6, 0.*

4 **06:32:00**

5 *Sands* motioned to close the public hearing for amending the Cache County General Plan; *Watterson*
6 *seconded; Passed 6, 0.*

7 **Commission** and **Staff** discussed the need for moderate income housing and there possibly being
8 some overregulation in the code that needs to be addressed.

9 *Sands* motioned to recommend to the County Council to amend the County General Plan to adopt the
10 *Moderate Income Housing Plan; Olsen seconded; Passed 6, 0.*

11 **06:52:00**

12 **#7 2020 Meeting Dates and Application Deadlines**

13 **Zetterquist** reviewed the 2020 meeting dates.

14 *Watterson* motioned to recommend approval to the County Council for the 2020 meeting dates and
15 *application deadlines; Sands seconded; Passed 6, 0.*

16 **06:53:00**

17 **#8 Upcoming: Elections for Chair and Vice Chair**

18 **Harrild** reminded the Commission that elections will be held in December.

19 **Josh Runhaar** informed the Commission of his leaving the County for a new job and thanked the
20 Commission for their time and effort during his time with the County.

21 **Commissioners** expressed their thanks to Josh from his time and efforts for the County.

22 **06:55:00**

23 **Adjourned**

STAFF REPORT: ACE ACRES SUBDIVISION

5 DECEMBER 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: Lexi Provost

Parcel ID#: 04-020-0021

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

3816 North 2400 West

Benson

Current Zoning:

Agricultural (A10)

Acres: 15.95 acres

Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (19)

A. Request description

1. The Ace Acres Subdivision is a request to create a one-lot subdivision an agricultural remainder on 15.95 acres in the Agricultural (A10) Zone. Lot 1 will be 0.96 acres and the agricultural remainder will be 14.57 acres. There is a discrepancy between the total acreage listed on the subdivision plat and the County's GIS data; the actual acreage will be confirmed on the plat prior to recordation.

B. Parcel legality

2. Parcel status: The subject parcel is a legal parcel as it has not changed size or configuration since August 8, 2006.

C. Authority

3. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for a developable lot. The applicant has provided confirmation of an approved water connection with the Benson Culinary Water Improvement District for Lot 1.
5. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant has provided a copy of a septic feasibility letter from BRHD for the proposed Lot 1 that requires the absorption area must be installed on the west side of the property in order to meet a setback distance of 100 feet from the river on the east boundary of the property. *See condition #1*
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - f. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information.

11. A basic analysis of 2400 West is as follows:

- a. Is an existing county facility that provides access to the general public.
- b. Currently provides access to multiple dwellings, vacant lots, gravel pits, and agricultural parcels.
- c. The County Engineer visited the site and determined the road meets the County Standards.
- d. Is maintained year round.
- e. Future development will require review and approval of an Encroachment Permit to improve the access to the site located within the County right-of-way. *See condition #3*
- f. All new above ground utility appurtenances must be placed in the 10-foot Public Utility Easement (PUE) and not located in the County right-of-way. *See condition #4*

F. Service Provision

- 12. §16.04.080 [C] Fire Control – The County Fire District visited the site and confirmed access to the property meets fire code. 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 is provided by hydrants located in the area.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has confirmed that collection services are currently provided on 2400 West and there will be no issues with the proposed lot. The applicant must provide sufficient shoulder space along the road for the refuse and recycling containers to be 3-to-4 feet apart; shoulder improvements may be required to accommodate the containers.

G. Sensitive Areas

- 14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. A canal/waterway runs along the east boundary of Lot 1. Any development in this area will require additional setbacks and may require approval from the canal company, if applicable. *See condition #5*
 - b. Lot 1 is located within an area of high liquefaction potential. In areas determined to contain geologically unstable conditions, development may be permitted upon the review and approval of a geotechnical report that conforms to §17.18.060 of the County Code. The report must be reviewed and approved by the County Engineer prior to recordation. The proponent is responsible for any additional engineering review costs. *See condition #6*
 - c. The properties are located within the Airport Influence Area. Disclosure of airport proximity to future property owners is required per §17.17.060 Schedule of Uses. *See condition #7*

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

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

CONDITIONS (7)

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

- 1. The applicant must show the location of the septic system on the site plan submitted to the Department of Development Services on the Zoning Clearance application to confirm the placement meets the setback requirements of the Bear River Health Department. *(See D-5)*
- 2. A Land Disturbance Permit is required for any future development. *(See D-6)*
- 3. Future development will require review and approval of an Encroachment Permit to improve the access to the site located within the County right-of-way. *(See E-11-e)*

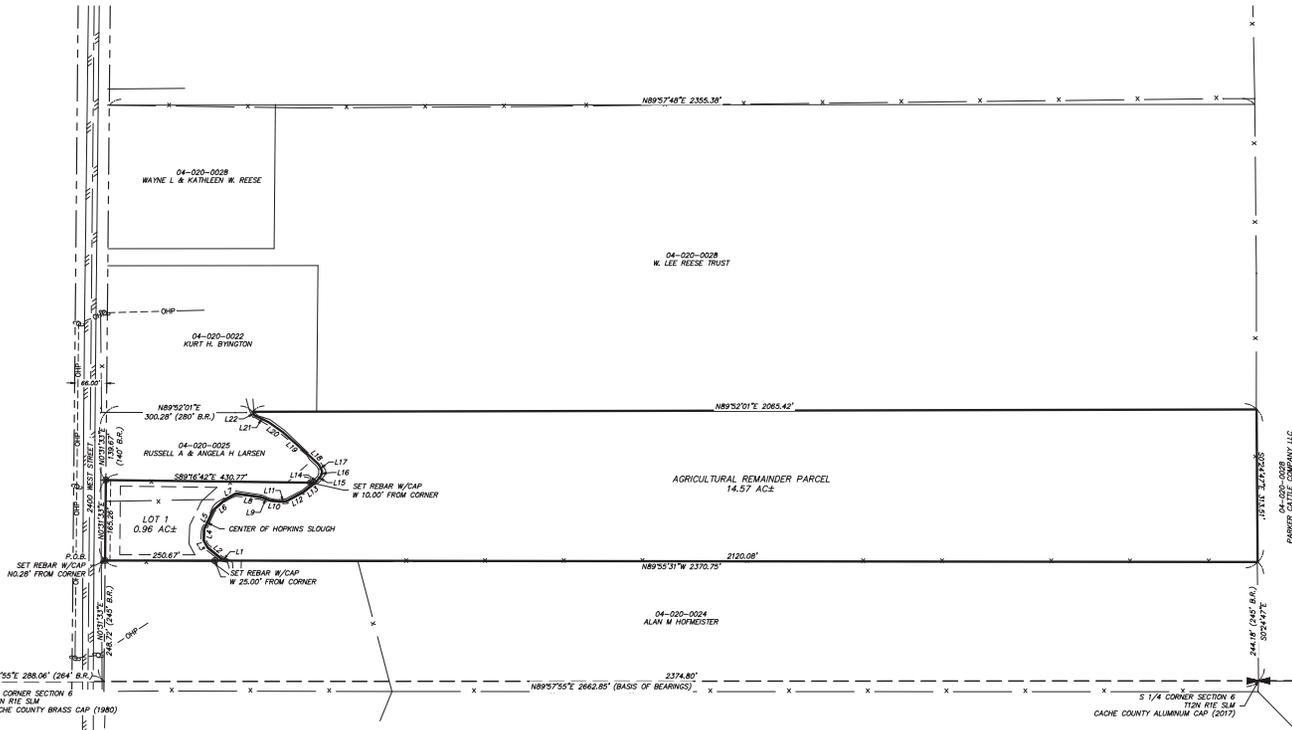
4. All new above ground utility appurtenances must be placed in the 10-foot Public Utility Easement (PUE) and not located in the County right-of-way. *(See E-11-f)*
5. For any development or road improvements located in a sensitive area, additional review and analysis, and setbacks may be required. *(See G-14-a)*
6. Prior to recordation, the applicant must submit a geotechnical report, in compliance with §17.18.060 and prepared by a professional licensed in the State of Utah, to the Department of Development Services for review and approval. Fees for any engineering plan review shall be borne by the proponent. *(See G-14-b)*
7. The applicant must disclose to future property owners that the subdivision is located within the Airport Influence Area. *(See G-14-c)*

CONCLUSIONS (1)

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

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

ACE ACRES SUBDIVISION
PART OF SW 1/4 SEC 6, T12N, R1W, SLM
CACHE COUNTY, UTAH



SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY LEE REESE FOR THE PURPOSE OF SUBDIVIDING THE SUBJECT PARCEL AS SHOWN. PREVIOUS SURVEYS, TOGETHER WITH DEEDS, FENCES, AND OTHER EVIDENCE WERE USED TO RE-ESTABLISH THE BOUNDARY AS SHOWN. NO MAJOR DISCREPANCIES WERE FOUND.

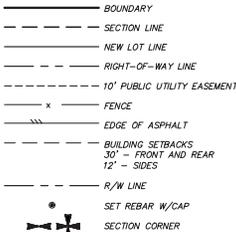
REBARS W/CAPS STAMPED "STEVEN C. EARL PLS 318575" WERE SET AT ALL CORNERS. EXCEPTIONS NOTED.

NOTES & RESTRICTIONS

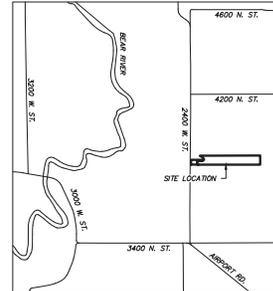
- AGRICULTURAL USES: CURRENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGHTS, SOUNDS, AND SMELLS ASSOCIATED WITH AGRICULTURAL ACTIVITIES WHICH ARE PERMITTED USES IN THE AGRICULTURAL ZONE AND FOREST RECREATION ZONE.
- CULINARY WATER: CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY OR ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF A ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- STORM WATER DRAINAGE: NO INCREASED LEVEL OF STORM WATER DRAINAGE SHALL BE ALLOWED TO FLOW FROM ANY PORTION OF ANY LOT OR REMAINDER PARCEL OF THIS SUBDIVISION TO ANY ADJACENT PROPERTIES, DITCHES, CANALS, OR WATERWAYS NOR MAY ANY EXISTING, HISTORIC, OR NATURAL DRAINAGE BE ALTERED WITHOUT PRIOR WRITTEN AUTHORIZATION PROVIDED BY THE AFFECTED PARTY OR ENTITY (MAY INCLUDING BUT IS NOT LIMITED TO: ADJACENT PROPERTY OWNERS), DITCH OR CANAL COMPANY, CACHE COUNTY, OR THE STATE WATER ENGINEER'S OFFICE.
- COUNTY BUILDING SETBACKS ARE 30' FRONT YARD, 30' REAR YARD, 12' SIDE YARD, 30' SIDE YARD ALONG A ROAD, AND 50' ALONG A WATERWAY. BUILDING SETBACKS ARE FOR PRIMARY BUILDINGS.
- LOTS ARE INTENDED FOR RESIDENTIAL USE.
- NO SURFACES OF 20% OR GREATER SLOPE FOUND ON THIS PROPERTY.
- STREET ADDRESS OF LOT 1 IS 3820 NORTH 2400 WEST.

LINE	LENGTH	BEARING
L1	13.20'	N69°52'32"W
L2	35.57'	N91°00'27"W
L3	16.48'	N28°46'53"W
L4	23.63'	N2°44'48"E
L5	42.90'	N05°23'27"E
L6	33.59'	N48°23'07"E
L7	25.24'	N07°58'28"E
L8	53.59'	S82°52'16"E
L9	17.44'	S68°12'27"E
L10	20.70'	S83°03'38"E
L11	13.86'	N87°07'58"E
L12	39.69'	N61°40'29"E
L13	31.39'	N52°19'40"E
L14	8.17'	N41°41'50"E
L15	11.51'	N38°39'25"E
L16	6.38'	N12°51'32"E
L17	15.09'	N25°58'45"W
L18	32.75'	N46°45'59"W
L19	67.02'	N48°32'49"W
L20	35.64'	N54°49'48"W
L21	32.92'	N44°23'56"W
L22	6.14'	N27°40'31"W

LEGEND



VICINITY MAP



SURVEY CERTIFICATE

I, STEVEN C. EARL, A PROFESSIONAL LAND SURVEYOR, HOLD CERTIFICATE NO. 318575-2201, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, WHICH IS ACCURATELY DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND EASEMENTS TO BE HEREINAFTER KNOWN AS ACE ACRES SUBDIVISION, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

LEGAL DESCRIPTION

PART THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 12, NORTH RANGE 1 WEST, SALT LAKE MERIDIAN, LOCATED IN CACHE COUNTY, UTAH, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION;
THENCE N89°57'55"E 288.06 FEET (264 FEET BY RECORD) ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE EAST LINE OF 2400 WEST STREET;
THENCE N0°31'33"E 248.72 FEET (246 FEET BY RECORD) ALONG THE EAST LINE OF SAID STREET TO THE POINT OF BEGINNING;
THENCE N0°31'33"E 165.26 FEET ALONG SAID EAST LINE TO A FENCE;
THENCE S89°14'42"E 430.77 FEET ALONG SAID FENCE AND ITS EXTENSION TO THE CENTER OF HOPKINS SLOUGH;
THENCE ALONG THE CENTER OF SAID SLOUGH THE FOLLOWING NINE COURSES:
1. N41°41'50"E 8.17 FEET;
2. N38°39'25"E 11.51 FEET;
3. N12°51'32"E 6.38 FEET;
4. N25°58'45"W 15.09 FEET;
5. N46°45'59"W 32.75 FEET;
6. N46°35'49"W 67.02 FEET;
7. N54°48'48"W 35.64 FEET;
8. N64°23'56"W 32.92 FEET;
9. N27°40'31"W 6.14 FEET;
THENCE N89°52'01"E 2065.42 FEET TO A FENCE;
THENCE S02°44'77"E 313.51 FEET ALONG SAID FENCE;
THENCE N89°55'31"W 2370.75 FEET ALONG A FENCE TO THE POINT OF BEGINNING CONTAINING 15.53 ACRES, MORE OR LESS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED HEREON, CAUSE THE SAME TO BE SUBDIVIDED INTO LOTS TOGETHER WITH EASEMENTS TO BE HEREINAFTER KNOWN AS:

ACE ACRES SUBDIVISION
FURTHERMORE WE DEDICATE, AND CONVEY TO ALL PUBLIC UTILITY AGENCIES, THEIR SUCCESSORS AND ASSIGNS, A PERMANENT EASEMENT AND RIGHT-OF-WAY OVER, UNDER, ACROSS, AND THROUGH THOSE AREAS DESIGNATED ON THIS PLAT AS "PUBLIC UTILITY EASEMENTS" FOR THE CONSTRUCTION AND MAINTENANCE OF SUBTERRANEAN ELECTRICAL, TELEPHONE, NATURAL GAS, SEWER, WATER AND DRAINAGE LINES AND APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS THERETO, WHICH WOULD REQUIRE THAT NO SURFACE CONSTRUCTION BE ALLOWED WHICH WOULD INTERFERE WITH NORMAL UTILITY USE. IT IS UNDERSTOOD THAT IF IT BECOMES NECESSARY TO RELOCATE SAID UTILITIES AT THE INSTANCE OR REQUEST OF ANY PUBLIC ENTITY OR THE OWNER, THE COSTS AND EXPENSES INCURRED THEREBY WILL BE BORNE BY THE OWNER OR THE ENTITY REQUESTING OR REQUESTING THE SAME. FURTHERMORE, WE INCORPORATE ALL NOTES AND RESTRICTIONS AS LISTED HEREON.

D'ON REESE REVOCABLE TRUST dated April 23, 1981

W. LEE REESE, Trustee D'ON REESE, Trustee

ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF CACHE }

ON THIS _____ DAY OF _____, IN THE YEAR 2019, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED W. LEE REESE AND D'ON REESE, TRUSTEES OF THE W. LEE REESE REVOCABLE TRUST, DATED APRIL 23, 1981, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THAT THEY HAD THE CAPACITY TO SIGN IN BEHALF OF SAID TRUST, AND THAT THEY SIGNED THIS DOCUMENT IN BEHALF OF SAID TRUST AND THAT SAID TRUST EXECUTED THE SAME.

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

DEPUTY COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY THE COUNTY ORDINANCE AND STATE LAW.

CACHE COUNTY PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 20____.
DATED THIS _____ DAY OF _____, 20____.

CHAIR

COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____, TIME _____, FEE _____.
ABSTRACTED _____
INDEX _____
FILED IN: FILE OF PLATS _____
MICHAEL GLEED, COUNTY RECORDER

COUNTY ATTORNEY APPROVAL

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

DATE _____ CACHE COUNTY ATTORNEY _____

BEAR RIVER HEALTH DEPARTMENT APPROVAL

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

BY: _____ TITLE: _____



FINAL PLAT

ACE ACRES SUBDIVISION

PRODUCT TITLE

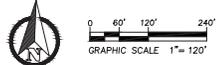


Cache • Landmark
Engineers
Surveyors
Planners
95 Golf Course Rd.
Suite 101
Logan, UT 84301
435.713.0099

DATE: 21 OCTOBER 2019
SCALE: 1" = 60'
CALCULATIONS BY: S. EARL
CHECKED BY: D. ALSTIN
APPROVED BY: S. EARL
PROJECT NUMBER: 19023RES
SHEET: 19023RES

10/21/2019 8:22 AM Z:\2019 PROJECTS\19023RES LEE REESE - PRM - BENSON, UT\ACAD SURVEY\BOUNDARY\19023RES ACE ACRES SUBDIVISION (CIVIL)DWG

OWNER OF RECORD
THE W. LEE REESE REVOCABLE TRUST,
DATED APRIL 23, 1981
W. LEE REESE, TRUSTEE
4443 W. 2400 W.
BENSON, UT 84335-9629



STAFF REPORT: DAVIS DRY CANYON SUBDIVISION

5 DECEMBER 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: Todd Davis

Parcel ID#: 08-047-0003

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

5450 North 1630 East
Smithfield

Current Zoning:

Agricultural (A10)

Acres: 31.82 acres

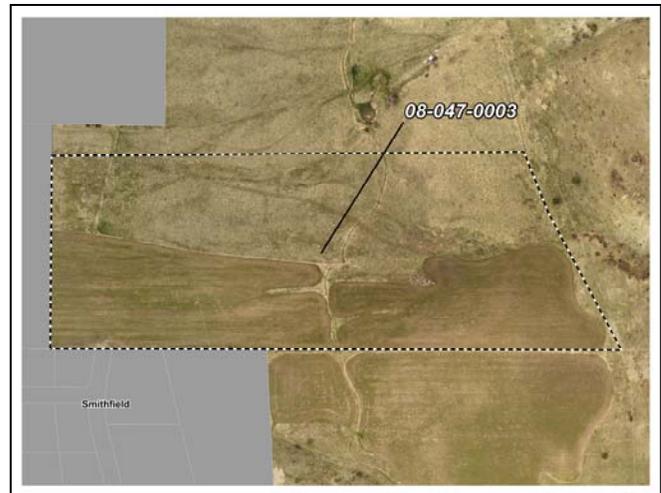
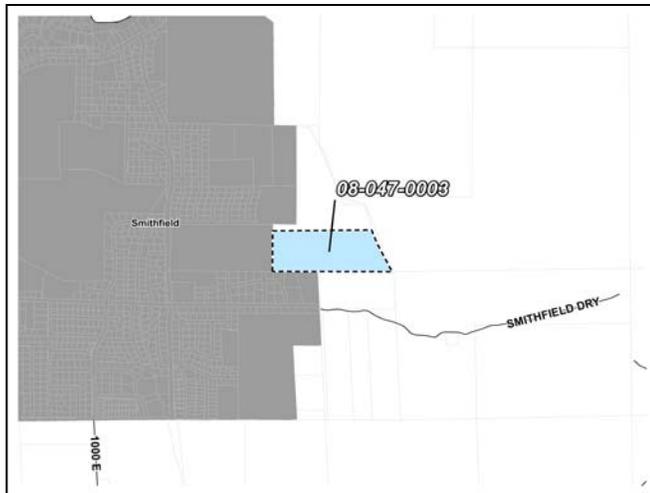
Surrounding Uses:

North – Agricultural/Smithfield City

South – Agricultural/Residential/Smithfield City

East – Agricultural

West – Agricultural/Residential/Smithfield City



FINDINGS OF FACT (19)

A. Request description

1. The Davis Dry Canyon Subdivision is a request to create a one-lot subdivision an agricultural remainder on 31.82 acres in the Agricultural (A10) Zone. Lot 1 will be 11.74 acres and the agricultural remainder will be 20.24 acres.

B. Parcel legality

2. Parcel status: The subject parcel is a legal parcel as it has not changed size or configuration since August 8, 2006.
3. The applicant received approval of a Zoning Clearance in May 2018 for a new single-family dwelling. The home remains under construction.

C. Authority

4. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

5. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for a developable lot. At the time of the Zoning Clearance approval, the applicant provided confirmation from Smithfield City Council that a culinary water service line hookup was granted for the new home by the City.
6. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant has provided a copy of a septic permit from BRHD for the proposed Lot 1 at the time of the Zoning Clearance application.
7. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1.*

E. Access

8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
10. The existing parcel does not have frontage along a county road. The nearest public road is 300 South, a Smithfield City road. At the time of the Zoning Clearance application, the applicant provided a letter from Smithfield City granting access to the city roadway with conditions: 1) recording an easement on parcel #08-207-0012 to allow access to the subject property, and 2) the driveway approach must be improved to meet City standards.
11. The portion of the private driveway within the County that provides access from the Smithfield City road to the subject property was inspected by the County Engineer and meets the County Standards.

F. Service Provision

12. §16.04.080 [C] Fire Control – The County Fire District visited the site and did not have any comments or concerns regarding access. 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 is provided Smithfield City.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has confirmed that collection services are currently provided on 300 South and there are no issues with the proposed lot. The applicant must provide sufficient shoulder space along the road for the refuse and recycling containers to be 3-to-4 feet apart; shoulder improvements may be required to accommodate the containers.

G. Sensitive Areas

14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. The subdivision is located within the Wildland-Urban Interface. Future development may be subject to additional requirements and standards under the 2006 Utah Wildland-Urban Interface Code. The applicant must contact the Cache County Fire District for information on these requirements. *See condition #2*

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

15. Public notice was posted online to the Utah Public Notice Website on 20 November 2019.
16. Notice was published in the Herald Journal on 23 November 2019.
17. Notices were posted in three public places on 20 November 2019.

18. Notices were mailed to all property owners within 300 feet of the subject property and Smithfield City on 21 November 2019.
19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (2)

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

1. A Land Disturbance Permit is required for any future development. (*See D-6*)
2. For any development or road improvements located in a sensitive area, additional review and analysis, and setbacks may be required. (*See G-14-a*)

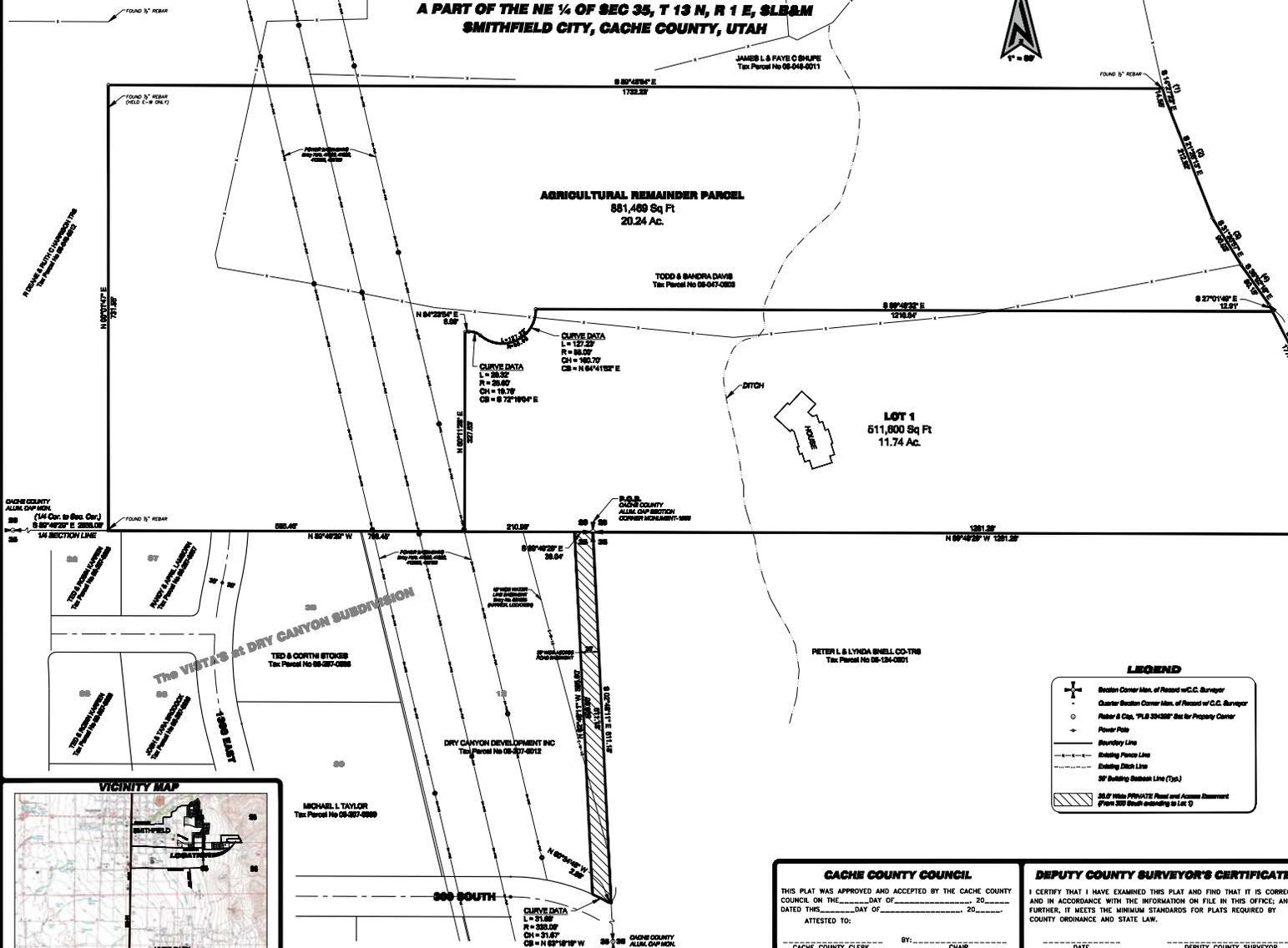
CONCLUSIONS (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Davis Dry Canyon Subdivision as:

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

DAVIS DRY CANYON SUBDIVISION

A PART OF THE NE 1/4 OF SEC 35, T 13 N, R 1 E, SLB&M
SMITHFIELD CITY, CACHE COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Benjamin W. Johnston, do hereby certify that I am a Licensed Professional Land Surveyor and hold Certificate No. 334586 in accordance with Title 58, Chapter 22, of the Professional Engineers and Professional Land Surveyors Licensing Act; and have completed a survey of the property described on this plat in accordance with Section 17-23-17 of the Utah State Code, have verified all measurements, and have placed monuments as represented on this plat.

DESCRIPTIONS

SUBDIVISION BOUNDARY: A PART OF THE SE 1/4 OF SECTION 26 & SW 1/4 SECTION 25, T 13 N, R 1 E, SLB&M DESCRIBED AS FOLLOWS:

Beginning of the Southeast Corner of Section 26, Township 13 North, Range 1 East, SLB&M and running thence S 89°49'29" W 736.45 feet (Rec West) along the south line of said Section 26; thence N 02°01'47" E 731.55 feet (Rec North); thence S 89°48'04" E 1732.23 feet (Rec East 1730.82) to a found rabor in angle point in fence; thence the following seven (7) courses (record three courses) along existing fence line (1) S 14°27'23" E 14.88 feet; (2) S 21°28'13" E 212.82 feet; (3) S 31°30'57" E 90.03 feet; (4) S 39°02'16" E 80.15 feet; (5) S 27°01'49" E 177.15 feet; (6) S 23°16'07" E 121.49 feet; (7) S 21°13'21" E 115.77 feet to an existing fence on the south line of Section 25; thence N 89°49'29" W 1281.28 feet along said fenced south line of Section 25 to the point of beginning. Containing 31.08 acres more or less.

TOGETHER WITH A 30 FOOT WIDE ACCESS ROAD EASEMENT DESCRIBED AS FOLLOWS:

Beginning of the Northeast Corner of Section 35, Township 13 North, Range 1 East, SLB&M and running thence S 02°48'11" E 611.18 feet along the East line of the Northeast Quarter of said Section 35 to the North line of Smithfield City Street known as 300 South; thence N 80°34'46" W 2.89 feet; thence continuing along said north line of said street 31.68 feet along the arc of a 333.00 foot radius curve to the left with chord bearing N 83°18'18" W 31.67 feet; thence N 02°48'11" W 585.60 feet to the north line of said Section 35; thence S 89°49'29" E 30.04 feet to the point of beginning.

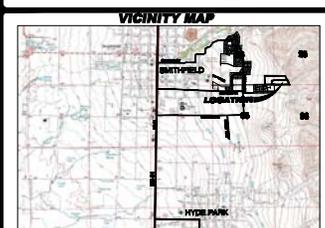
BASE OF BEARING:
The Basis of Bearing is the North Line of the Northeast Quarter of Section 35, Township 13 North, Range 1 East, SLB&M bearing "S 89°49'29" E between the North Quarter Corner of said Section 35, a Cache County Aluminum Cap Monument and the Northeast Corner of said Section 35, a Cache County Aluminum Cap Monument.

NARRATIVE:
The purpose of this survey is to describe a parcel of land to be known as "DAVIS DRY CANYON SUBDIVISION", situate in the Southeast Quarter of Section 26 and Southwest Quarter of Section 25, Township 13 North, Range 1 East, Salt Lake Base and Meridian. This survey is at the request of Todd Davis, owner of said property.

Section Corner Monuments were found in the field as noted hereon. Property Corner Monuments of westerly and southerly adjoining properties found in the field along with records of survey were used to determine adjoining boundaries.

LEGEND

- Section Corner Mon. of Record w/C.C. Surveyor
- Quarter Section Corner Mon. of Record w/C.C. Surveyor
- Rubber & Cap, T.L.B. 204288 Set for Property Corner
- Power Pole
- Boundary Line
- Existing Fence Line
- Existing Ditch Line
- 30' Building Setback Line (Typ.)
- 30.0' Wide Private Road and Access Easement (From 300 South according to Lot 1)



COUNTY ATTORNEY APPROVAL

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

DATE: _____ COUNTY ATTORNEY: _____

HEALTH DEPARTMENT APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS DAY OF _____ 20____.

BY: _____ TITLE: _____

CACHE COUNTY COUNCIL

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

DATED THIS _____ DAY OF _____ 20____.

ATTESTED TO: _____

CACHE COUNTY CLERK: _____ BY: _____ CHAIR

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DATE: _____ DEPUTY COUNTY SURVEYOR: _____

CACHE PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DECISION BY THE PLANNING COMMISSION ON THE _____ DAY OF _____ 20____.

DATED THIS _____ DAY OF _____ 20____.

BY: _____ CHAIR

COUNTY RECORDER

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

FILED AND RECORDED: _____ BOOK: _____ PAGE: _____

DATE: _____ REQUEST OF: _____

TIME: _____ CACHE COUNTY RECORDER

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF _____) ss

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____ 20____.

BY: _____

WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO _____ OF _____ AND IS SAID PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID _____ BY AUTHORITY OF HIS/HERS.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: _____

NO.	DAYS	FEES/CHARGES

JOHNSTON ENGINEERING INC.
CIVIL • SURVEYING • STRUCTURAL

844 EAST MAIN | TREMONTON, UT 84337 | 435.257.1156 | 435.257.1166

1982-0889

STAFF REPORT: SOUTH SPRING RANCH SUB. 1ST AMEND.

5 DECEMBER 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: Steve Kyriopoulos

Parcel ID#: 10-074-0004, -0005

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

2660 West 5700 South
Wellsville

Current Zoning:

Agricultural (A10)

Acres: 2.9 acres

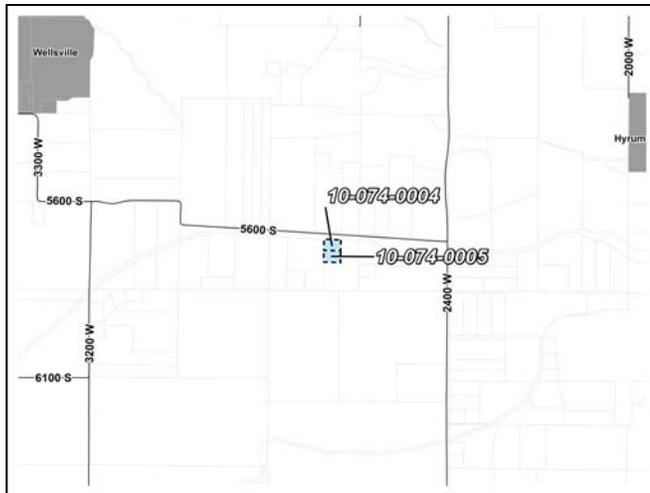
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (19)

A. Request description

1. The South Springs Ranch Subdivision 1st Amendment is a request to change the subdivision boundary and reorient Lots 4 & 5 in an existing 5-lot subdivision. The requested amendments will also result in a boundary line adjustment with the adjacent parcel #10-013-0009 and will increase Lots 4 & 5 from 1.0 acre each to 1.45 acres.

B. Parcel legality

2. In 1998, a Conditional Use Permit (CUP) was approved allowing for a 5-lot subdivision on 17.03 acres consisting of three separate parcels. The Board of Adjustments also approved a variance allowing two lots not to have frontage on a public road. The subdivision plat was recorded in August 1998.

C. Authority

3. §17.02.030 [E] Authority for Land Use Actions – The Planning Commission is authorized to act as the Land Use Authority for subdivision amendments. *See conclusion #1.*

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – As no new lots are being created as part of the subdivision amendment, a domestic, approved water right is not required.
5. §16.04.080 [B] Sewage Requirements – As no new lots are being proposed, the applicant is not required to provide a septic system feasibility letter for this subdivision.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
- a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
- a. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
 - e. §2.1-A-5 Private Road, Table 2.2 - Roadway Typical Sections: Roads with up to 30 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences. These roads are not typically through roads providing public access to points beyond the areas the road is intended to serve.
 - f. Table 2.2 Roadway Typical Sections: Private roads must meet the minimum standards of a 33-foot-wide right-of-way, two 10-foot-wide gravel travel lanes for a total width of 20 feet.
 - g. §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.
 - h. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.

- i. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information.

11. A basic review of the access to the existing lots identifies the following:

- a. Primary access to the subdivision is 5600 South, a county road. Located between the county road and the subdivision is a separate parcel (#10-013-0005) where an irrigation canal runs through. Due to the location of the canal, there is significant drop-off and ditch that requires a bridge to cross over to the subdivision properties.
- b. Lots 1, 2, & 3 share a private driveway access across a bridge off of 5600 South and each have an existing single family dwelling.
- c. On the original plat, Lots 4 & 5 were shown as having a “temporary” access from the bridge providing access to the parcel to the east, not part of the subdivision. A 50-foot right-of-way was provided on the adjacent parcel from the eastern bridge, west and south to Lots 4 & 5 with a turn-around. There was also a note on the plat indicating a future access point via a new bridge pending approval of U.S.A. Canal. There is no indication approval for a new bridge was approved, and a bridge has not been constructed since the original subdivision approval in 1998.
- d. The amended plat shows access to Lots 4 & 5 remains at the existing bridge with the easement now heading straight west across parcel 10-013-0016 to amended Lot 5 and terminates at amended Lot 4. A note about a future access bridge is shown located between Lots 4 & 5, however, since the access is not currently in place, access to amended Lots 4 & 5 must be from the existing bridge located perpendicular to parcel #10-013-0016. **See condition #2**
- e. A maximum number of three dwellings can be accessed from a private driveway. The access for Lots 4 & 5 currently provides access to one dwelling on parcel #10-013-0019 and farm access to 10-013-0009. The development of the two additional buildable lots (i.e., Lots 4 & 5) are permitted, but only agricultural development can occur off this private driveway until a new bridge is approved and constructed at which time this subdivision may require an amendment to address the access. **See condition #3**
- f. The private driveway will need to be improved to meet the County minimum standard of a 20-foot wide all-weather surface as determined by the County Fire District. **See condition #4**
- g. 5700 South:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - iii. The County Engineer visited the site and determined the road meets the County Standards.
 - iv. Is maintained year round.

F. Service Provision

12. §16.04.080 [C] Fire Control – The County Fire District did not have any comment or concerns about the proposed boundary line adjustment.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the proposed subdivision amendment.

G. Sensitive Areas

14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. An irrigation canal with a significant drop-off runs along the north boundary of the subdivision. **See condition #5**

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

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

CONDITIONS (5)

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

1. A Land Disturbance Permit is required for any future development. *(See D-6)*
2. Amended Lots 4 & 5 must take access from the existing bridge to the east located perpendicular to parcel 10-013-0016. *(See E-11-d)*
3. A maximum of three dwelling units can be accessed from a private driveway. If a future bridge access for amended Lots 4 & 5 is approved, the subdivision may require an amendment to show the new access. *(See E-11-e)*
4. The private driveway from 5600 South to Lots 4 & 5 must be improved to meet or exceed the County Road Standards. *(See E-11-f)*
5. Any development located adjacent to the canal requires approval of the owner of the canal with written confirmation provided by the canal company to the Department of Development Services. *(See G-14)*

CONCLUSIONS (1)

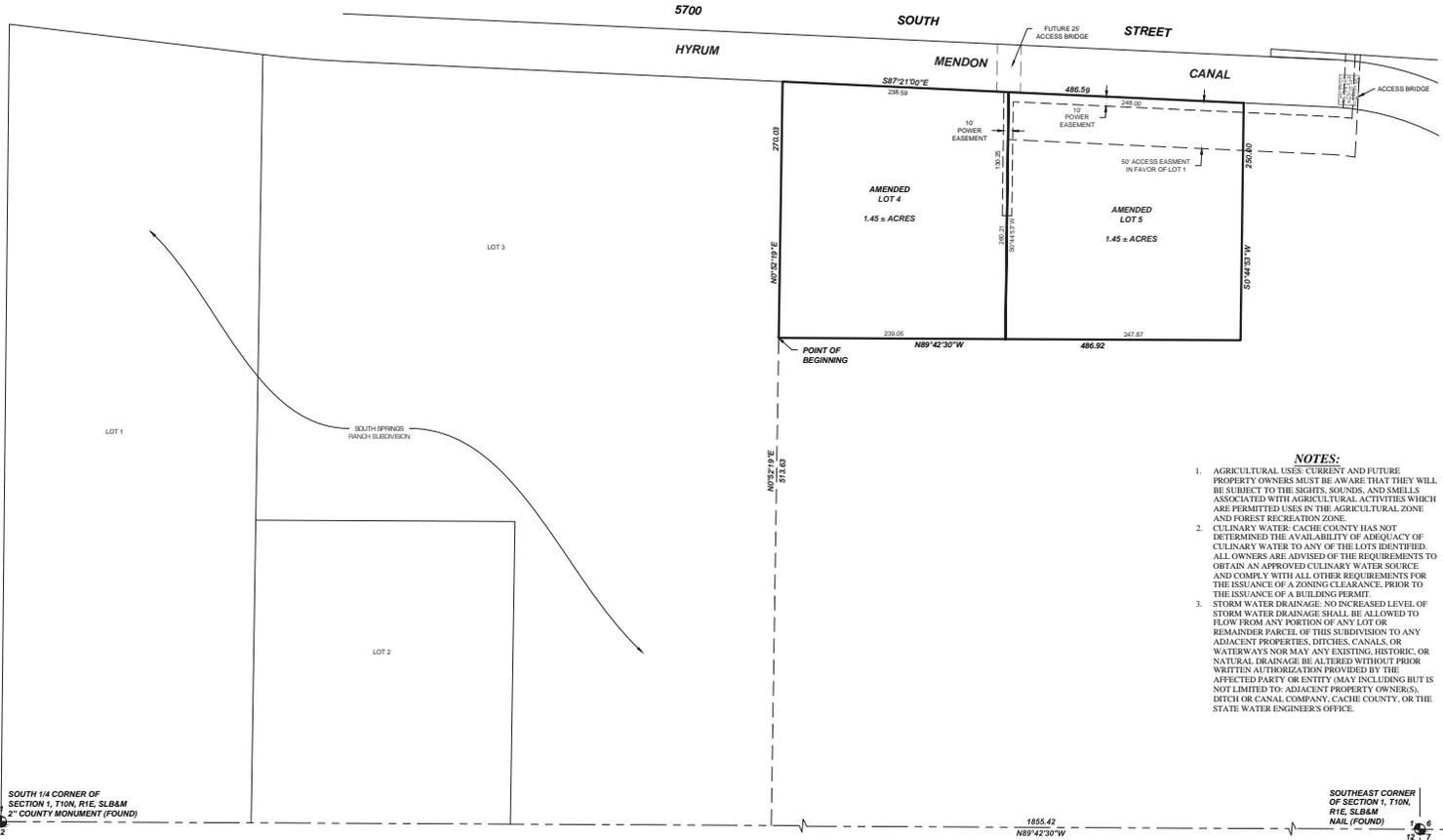
Based on the findings of fact and conditions noted herein, staff recommends approval of the South Spring Ranch Subdivision 1st Amendment as:

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



VICINITY MAP
N.T.S.

**FINAL PLAT
OF
SOUTH SPRING RANCH SUBDIVISION
1ST AMENDED**
(THE AMENDMENT & EXPANSION OF LOTS 4&5, SOUTH SPRING RANCH SUBDIVISION)
LOCATED IN THE SE1/4 OF SECTION 1, T10N, R1W, SLB&M
CACHE COUNTY, UTAH



NOTES:

1. AGRICULTURAL USES: CURRENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGHTS, SOUNDS, AND SMELLS ASSOCIATED WITH AGRICULTURAL ACTIVITIES WHICH ARE PERMITTED USES IN THE AGRICULTURAL ZONE AND FOREST RECREATION ZONE.
2. CULINARY WATER: CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY OF ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF A ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
3. STORM WATER DRAINAGE: NO INCREASED LEVEL OF STORM WATER DRAINAGE SHALL BE ALLOWED TO FLOW FROM ANY PORTION OF ANY LOT OR REMAINDER PARCEL OF THIS SUBDIVISION TO ANY ADJACENT PROPERTIES, DITCHES, CANALS, OR WATERWAYS NOR MAY ANY EXISTING, HISTORIC, OR NATURAL DRAINAGE BE ALTERED WITHOUT PRIOR WRITTEN AUTHORIZATION PROVIDED BY THE AFFECTED PARTY OR ENTITY (MAY INCLUDING BUT IS NOT LIMITED TO: ADJACENT PROPERTY OWNERS), DITCH OR CANAL COMPANY, CACHE COUNTY, OR THE STATE WATER ENGINEERS OFFICE.

SURVEYOR'S CERTIFICATE
I, DENNIS P. CARLISLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172675 IN ACCORDANCE WITH TITLE 88, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS(S) THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF SAID CODE, AND HAVE ALSO SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS, OR WILL, BE CORRECTLY SURVEYED, STAKED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DENNIS P. CARLISLE
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 172675

BOUNDARY DESCRIPTION
A portion of the SE1/4 of Section 1, Township 10 North, Range 1 West, Salt Lake Base & Meridian, located in Cache County, Utah, more particularly described as follows:
Beginning at a point on the easterly line of Lot 3, SOUTH SPRING RANCH Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder located N89°42'30"W along the Section line 1,855.42 feet and N0°52'19"E 511.49 feet from the Southeast Corner of Section 1, T10N, R1W, SLB&M; thence N0°52'19"E along said easterly line 270.03 feet to the southerly right-of-way line of the Dymus-Meridian Canal; thence S87°21'00"E along said southerly line 486.59 feet; thence S0°44'53"W 250.00 feet; thence N89°47'25"W 486.92 feet to the point of beginning.
Contains: 2.90+/- acres

OWNER'S DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, EASEMENTS, PARKS, OPEN SPACE AND/OR STREETS OR OTHER PARCELS INTENDED FOR PUBLIC USE, TO BE HEREAFTER KNOWN AS:

**SOUTH SPRING RANCH SUBDIVISION
1ST AMENDED**
DO HEREBY WARRANT AND SAVE CACHE COUNTY, UTAH, HARMLESS FROM ANY EASEMENTS AND ENCUMBRANCES THEREON AND ANY OTHER FEE SIMPLE TITLE FLAWS OR CLAIMS, AND DO HEREBY DEDICATE, GRANT AND CONVEY THE SAME TO CACHE COUNTY, FOR THE PERPETUAL USE OF THE PUBLIC, WHETHER THE PARCELS ARE INTENDED TO BE USED FOR EASEMENTS, STREETS, PARKS OR OTHER PUBLIC USE.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR SIGNATURES THIS DAY OF _____, 20____.

(SIGNATURE)

(SIGNATURE)

PERSONAL ACKNOWLEDGMENT
ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME STEVEN KYRKOPOULOS, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORE/AFFIRMED, DID SAY THAT HE IS THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC (SIGNATURE)
RESIDING IN _____ COUNTY
MY COMMISSION No. _____ PRINTED FULL NAME OF NOTARY

CACHE COUNTY SURVEYOR
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE, AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY THE COUNTY ORDINANCE AND STATE LAW.

DEPUTY COUNTY SURVEYOR _____ DATE _____

CACHE COUNTY PLANNING COMMISSION
THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 20____, DATED THIS _____ DAY OF _____, 20____.

CHAIR

FINAL PLAT
OF
**SOUTH SPRING RANCH SUBDIVISION
1ST AMENDED**
(THE AMENDMENT & EXPANSION OF LOTS 4&5,
SOUTH SPRING RANCH SUBDIVISION)
LOCATED IN THE SE1/4 OF SECTION 1, T10N, R1W, SLB&M
CACHE COUNTY, UTAH

RECORDED # _____
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
\$ _____ FEE _____
CACHE COUNTY RECORDER

civilsolutionsgroup inc.
CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

BEAR RIVER HEALTH DEPARTMENT APPROVAL
THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 20____.

BY: _____ TITLE: _____

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

BY: _____ CHAIR
ATTESTED TO: _____ CACHE COUNTY CLERK

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

CACHE COUNTY ATTORNEY
DATE _____

STAFF REPORT: NEWTON LATERAL PIPING PROJECT CUP

5 December 2019

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

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

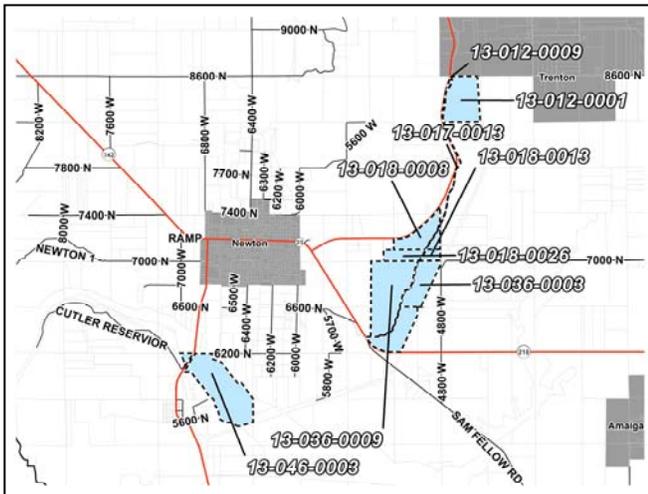
Parcel ID#: Multiple (Attachment A)

PROJECT LOCATION

Reviewed by Angie Zetterquist

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

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



FINDINGS OF FACT (28)

A. Request description

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

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

- ii. During the off-season, the pipeline and pump stations will be inactive, however, stations will be available for storm water conveyance for any possible emergencies that may arise.
- iii. The existing open canals have also historically conveyed storm water runoff from the surrounding areas. Per the Letter of Intent, most of the existing canal will be enclosed after the pipeline is completed, but storm water runoff will still be accommodated by leaving the existing culverts that run beneath SR-23 intact. *See condition #7 & #8*

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

B. Conditional Uses *See conclusion #1*

- 6. §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
 - a. Compliance with law;
 - b. Health, safety, and welfare;
 - c. Adequate service provision;
 - d. Impacts and mitigation.

C. Compliance with law *See conclusion #1*

- 7. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
- 8. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
- 9. The parcels located in unincorporated county and included as part of CUP request have been determined to be potentially legal based on a preliminary parcel review and were found to be in the same configuration as of August 8, 2006.
- 10. §17.07.030, Use Related Definitions. The proposed use is best defined under “Use Type 5610, Utility Facility, Distribution, Water Transmission Line”. Per the definition in §17.07, Utility Facility, Distribution is a general term for uses including a water/waste water transmission line, which is defined as a transmission line for water (culinary or irrigation water) or wastewater greater than 18” in diameter. This type of use is not required to comply with the minimum lot size requirement for the district in which it is located.
- 11. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

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

- 12. The County Land Use Ordinance stipulates that:
 - a. Proposed CUP uses must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
- 13. The primary activities as identified within the Newton Lateral Piping Project CUP Letter of Intent are proposed to only occur on the subject parcels and will not cause unreasonable risks

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

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

E. Adequate service provision *See conclusion #1*

14. The County Land Use Ordinance stipulates that:

- a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

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

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

16. The Road Manual specifies the following:

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

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

18. Parking:

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

19. Refuse:

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

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

F. Impacts and mitigation *See conclusion #1*

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

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

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

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

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

CONDITIONS (14)

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

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

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

CONCLUSIONS (3)

Based on the findings of fact and conditions noted herein, the Newton Lateral Piping Project CUP is hereby approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *See B,C, D, E, F*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *See C-10*
3. As per §2.4-A-1-c-iii, unmanned utility facilities are exempt from meeting roadway standards, and, as per §17.22.020-C-2, are also exempt from parking standards. *See E-18, E-20-a*

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

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



Development Service Department
179 North Main, Suite 305
Logan, Utah 84321
devservices@cachecounty.org

Re: Letter of Intent for Conditional Use Permit

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regards,

Steven D. Wood



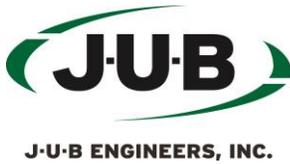
Date: 6-5-2019

Project Manager, EIT

Owner's Agent

(435)-573-0769

sdwood@sunrise-eng.com



J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

MEMORANDUM

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

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

Plan and Site Comments

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

SUMMARY

A. Purpose

1. The purpose of this review is to allow the Planning Commission (Commission) to either revoke the existing Whisper Ridge Conditional Use Permit (CUP) or allow it to continue. This review does not provide the Commission the opportunity to amend the approved, recorded CUP and associated conditions, or the approved amendment to the CUP that has not been recorded.

B. Ordinance

2. Section 17.06.050, item E, of the Cache County Land Use Ordinance (Ordinance) states,
“If there is cause to believe that grounds exist for revocation of an approved Conditional Use Permit, the Land Use Authority shall schedule the item for consideration at a public meeting. A minimum notice of thirty (30) days prior to the meeting shall be provided to the property owner at the location of the approved Conditional Use Permit.
 1. A Conditional Use Permit may be revoked by the Land Use Authority if the Land Use Authority finds that one or more of the following conditions exist:
 - a. The Conditional Use Permit was obtained in a fraudulent manner.
 - b. The use for which the Conditional Use Permit was granted has ceased for a minimum of twelve (12) consecutive calendar months.
 - c. The nature of the use for which the Conditional Use Permit was granted has changed or the intensity of use has increased beyond that originally approved.
 - d. The use constitutes a nuisance as defined by County Code.
 - e. One or more of the conditions of the Conditional Use Permit have not been met.”

C. Background

3. Staff has reviewed the existing CUP based on the conditions of the approved, recorded CUP, and the Land Use Code.
4. The original CUP was approved by the Commission on January 7, 2016 and recorded on January 8, 2016. The first amendment to that permit was approved by the Commission on October 6, 2016 and recorded on November 4, 2016. The second amendment to the permit was approved by the Commission on February 7, 2019, but has not been recorded. The applicant is working to meet the conditions of the approved February 7th CUP prior to recording it.
The CUP 1st Amendment is the current and active permit. Copies of that CUP and associated staff report have been included as Attachment 1.
5. The county has received complaints regarding activities occurring on the site such as helicopter landing and lift off associated with heli-biking and heli-fishing, the creation of a pond with water routed from an existing stream, the use of existing cabins within the CUP boundary as part of the CUP, and that the yurts have not been removed from the site following the ski season.
6. It also appears that land disturbance requiring storm water permitting may have occurred in the creation of mountain biking facilities.

7. The operator appears to be out of compliance with conditions 1, 2, 3, and 8 of the CUP.
 - a. Condition #1 specifies that the proponent and property owner(s) must abide by the information provided in the application and the information as provided in the staff report, and condition #2 specifies that any expansion or modification of the proposed use must obtain the approval of the Land Use Authority.
 - b. Condition #3 specifies that the existing cabins within the CUP boundary must not be used to accommodate the proposed use.
 - c. Condition #8 specifies that if future use disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention plan (SWPPP) are required.
8. The operator may also be out of compliance with conditions #9, #11, and #12 of the CUP, however, this has not yet been verified.
 - a. Condition #9 reflects the parameters for helicopter operations.
 - b. Condition #11 reflects the requirements for development in the Greater Sage Grouse habitat area.
 - c. Condition #12 reflects requirements for compliance with the County Fire and Building codes.
9. The operator of the CUP, Mr. Lockwood, has previously confirmed in discussion with staff and with the Commission that the condition(s) of the existing permit have not been met, and that these activities have, or are occurring.
10. As required, the property owner has been noticed of the meeting for revocation review a minimum of 30 days prior to the meeting (Attachment 2).

D. Findings

11. Staff has reviewed the known activities against the requirements of the CUP, and the Land Use Code conditions as directed by the Ordinance as follows:
 - a. Was the CUP obtained in a fraudulent manner?
 - i. No.
 - b. Has the use for which the CUP was granted ceased for a minimum of twelve (12) consecutive calendar months?
 - i. No.
 - c. Has the nature of the use for which the CUP was granted changed, or has the intensity of use increased beyond that originally approved?
 - i. Yes.
 - d. Does the use constitute a nuisance as defined by County Code?
 - i. No. Staff has no evidence to substantiate that the use is a nuisance.
 - ii. Within the purview of the Planning Commission, the County Land Use Ordinance defines nuisance as:
 “Any use or activity which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.”
 Chapter 8.24 Nuisances from the County Code also addresses nuisances. Any complaint made under this chapter must be addressed to the County Fire Chief and is outside the purview of the Planning Commission.
 - e. Have all the conditions of the Conditional Use Permit been met?
 - i. No.

CONCLUSIONS

The CUP may be revoked by the Land Use Authority as conditions that justify revocation exist as follows:

1. The nature of the use for which the CUP was granted has changed; and
2. Multiple activities occurring on the site are not in compliance with the conditions of the CUP.

RECOMMENDATION

To allow the Commission sufficient time to consider this issue, and to allow the CUP operator additional time to address the noted issues, staff recommends the Commission postpone final action on this revocation review until the Commission's January 2020 meeting. If the operator fails to come into compliance, or fails to continue to comply with the conditions of their permit, staff will prepare an updated report and recommend that the CUP be revoked at that time.



CONDITIONAL USE PERMIT (This permit does not give clearance for a Building Permit.)

LEGAL DESCRIPTION(S) ATTACHED

Ent 1159717 Bk 1924 Pg 1487
Date: 4-Nov-2016 01:43 PM Fee \$28.00
Cache County, UT
Michael Gleed, Rec. - Filed By MLG
For WHISPER RIDGE

PURPOSE

To allow the amendment of the use defined as 5100 Recreational Facility that will consist of guided skiing.

PROJECT NAME: Whisper Ridge

APPROVAL DATE: 06 October 2016

ADDRESS: Blacksmith Fork/Scare Canyon

TAX #: Multiple (79) See attached

OWNER NAME: Coldwater Ranch Inc., Dee's Inc.,
and Anthony and Margaret Ward

ZONE: FR40

AGENT'S NAME: Delaney Stephens

ACRES: 32,332.36

CONDITIONS OF APPROVAL (14)

These conditions are based on the Cache County Land Use Ordinance, Road Manual, and on the findings of fact as noted in the staff report, are appurtenant to the properties as identified, and supersede the previous approval.

1. The proponent and property owner(s) must abide by the information as provided in the application and the information as identified in this report.
2. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority.
3. The existing cabins within the CUP boundary must not be used to accommodate the proposed use.
4. Prior to recordation, an analysis, performed by a licensed traffic engineer, identifying the average daily trips (ADT) generated by the proposed use must be submitted to the Development Services Department for the review and approval of the Director.
5. Prior to recordation, if the ADT analysis as specified in condition #2 indicates that the ADT on the existing roads (i.e. the gravel portion of 800 East, 10600 South, and Paradise Dry Road) exceeds allowable levels as per the County Road Manual, additional county review is required, and as necessary, the proponent must improve the substandard sections of roadway in compliance with the roadway standards as found in the County Code.
6. Prior to recordation, MUTCD compliant safety signage or barrier must be placed at the location of the steep drop-off on 800 East.

7. Prior to recordation, if the ADT analysis as specified in condition #2 identifies more than 30 ADT, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Department for the review and approval of the Director.
8. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required.
9. As defined under FAA Title 14, Part 157 regarding helicopter activity and temporary or intermittent use of a site, helicopter activity is limited to the following:
 - a. Flight operations conducted under visual flight rules (VFR) and which use is used or intended to be used for a period of less than 30 consecutive days with no more than 10 operations per day on an annual basis, or;
 - b. The intermittent use of a site that is not an established airport, which is used or is intended to be used less than one year and at which flight operations will be conducted only under VFR. Intermittent use means:
 - i. for no more than 3 days in any one week, and;
 - ii. No more than 10 operations will be conducted in any one day at that site.
10. A geotechnical report must be submitted to the Development Services Office for any structure of habitation located within a Sensitive Area.
11. The eastern portion of the CUP area includes a portion of the Greater Sage Grouse habitat area. Any future activities or development within this area must meet the minimum standards of §17.18 of the County Code.
12. Compliance with the Cache County Fire District and Building Department requirements is mandatory.
13. Parcels 17-006-0005, and 17-010-0003 are not part of this request, and therefore, operation of skiing or related activities is not permitted on these parcels.
14. If the county roads are damaged or deteriorate due to the activity of the Whisper Ridge conditional use, the proponent must repair the damage as identified by the county.

Expiration: This conditional use permit shall expire and be null and void twelve (12) months after the approval date unless:

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

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


Director of Development Services

11/2/2016
Date

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AGREEMENT OF ACCEPTANCE

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

[Signature] _____ 11/4/16 _____
Agent or Property Owner Date

STATE OF UTAH)
)
COUNTY OF CACHE)



Sworn to and subscribed to before me this

04 day of November, 2016.

[Signature]
Notary Public

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LEGAL DESCRIPTIONS (79)

01-091-0002

ALL OF SEC 25 T 10N R 1E EXCEPT: BEG NW COR SD SEC & TH E 1700 FT TH N 88*56'30" E 341.24 FT TH S 12*37' 19" W 668.5 FT TH S 5*34'27" E 311.5 FT TH S 32*12'19" W 583.98 FT TH S 60*40'43" W 163.4 FT TH S 79*24'05" W 545.11 FT TH N 82*10'48" W 342.93 FT TH N 63*39'26" W 135.56 FT TH N 0*57'17" E 16.8 FT TH N 67*25'52" W 513.28 FT M/L TO W LN OF SEC 25 TH N 1364.84 FT M/L TO BEG LESS TWO PARCELS DEEDED TO MT FUEL SUPPLY IN BK 328 PG 397 & 399 NET 574.32 AC M/L

01-111-0001

ALL OF SEC 36 T 10N R 1E 640 AC A727

16-031-0001

THE N/2 OF SEC 1 T 9N R 1E CONT 320.24 AC A67

16-031-0002

THE S/2 OF SEC 1 T 9N R 1E CONT 320 AC A67A

16-076-0002

THE SW/4 & S/2 OF THE NW/4 SEC 3 T 9N R 2E 240 AC

16-076-0004

THE N/2 OF NW/4 SEC 3 T 9N R 2E 81.28 AC A237

16-076-0005

ALL OF SEC 4 T 9N R 2E 640 AC

16-086-0001

ALL OF SEC 1 T 9N R 3E CONT 640 AC

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16-086-0003

THE SE/4 OF SEC 2 T 9N R 3E CONT 160 AC M/L

16-086-0006

THE NW/4 & W/2 OF SW/4 SEC 11 T 9N R 3E CONT 240 AC
LESS: THAT PT OF ABOVE LYING WEST OF CL OF ANT FLAT ROAD CONT 0.41 AC NET
239.59 AC M/L

16-086-0007

NE/4, E/2 OF SW/4, SE/4 SEC 11 T 9N R 3E
LESS: BEG 3168 FT E OF INTERSEC OF N LINE SE/4 SD SEC & CENTER LINE OF SHEEP CREEK
E 1023 FT S 80 RDS W 254 RDS N'LY 60 RDS E 3168 FT N 20 RDS TO BEG CONT 375 AC

16-086-0009

SEC 12 T 9N R 3E EXCEPT SE/4 OF SE/4 & FOLL TRACT BEG 3168 FT E OF INTERSEC OF N
LINE SE/4 SD SEC & CENTER LINE SHEEP CREEK E 1023 FT S 80 RDS W 254 RDS N'LY 60 RDS
E 3168 FT N 20 RDS TO BEG 562 AC

16-086-0010

BEG AT INTERSEC OF N LNE OF SE/4 SEC 11 & THE CENTER LNE OF SHEEP CREEK E ALG E-W CENTER LNE OF SEC 11 & 12, 254 RDS S 80 RDS W 254 RDS N'LY IN SD CREEK 80 RDS TO BEG

EXCEPTING: BEG AT INTERSEC OF N LNE OF SE/4 SD SEC & CENTER LNE OF SHEEP CREEK E 3168 FT S 330 FT W 3168 FT N'LY 330 FT TO BEG T 9N R 3E CONT 103 AC

16-086-0012

LOTS 2 & 3, SW/4 OF NE/4; S/2 OF NW/4; W/2 OF SW/4; NE/4 OF SW/4 OF SEC 2 T 9N R 3E LESS: THAT PT OF ABOVE LYING W OF THE EAST SIDE OF ANT FLAT ROAD SD ROAD BEING WEST OF MILLCREEK (ENT 1099998) NET 206.78 AC M/L

16-087-0001

NE/4 OF NE/4 SEC 3 T 9N R 3E SUBJ TO R/W'S CONT 40 AC A283B

16-087-0002

THAT PT OF LOT 3 W OF ROAD W OF MILL CREEK ABT 35 AC. THAT PT OF SE/4 OF NW/4 SD SEC W OF RD W OF MILL CREEK ABT 30 AC THAT PT OF NE/4 OF SW/4 W OF RD W OF MILL CR ABT 15 AC ALSO ALL LOT 2 & W/2 OF SW/4 SEC 3 T 9N R 3E 120 AC TOTAL 200 ACRES A281

16-087-0003

LOT 4, SW/4 OF NW/4 SEC 3 T 9N R 3E 80 ACRES A283A

16-087-0004

SE/4 SE/4, SW/4 NE/4, S/2 NW/4 ALSO LOTS 2, 3 & 4 SEC 4 T 9N R 3E CONT 280 AC ALL LOT 1, SE/4 OF NE/4, NE/4 OF SE/4 CONT 120 AC SW/4 OF SE/4, S/2 OF SW/4 CONT 120 AC TOTAL 520 AC SEC 4-9-3E A284

16-087-0005

THE N/2 OF SW/4, THE NW/4 OF SE/4 SEC 4 T 9N R 3E 120 AC A285

16-087-0006

N/2 OF NW/4 SEC 9 T 9N R 3E 80 AC A293A

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16-087-0007

S/2 OF NW/4, SW/4 OF SE/4, THAT PT OF NE/4 OF NE/4 LYING W OF ROAD & WOF MILLCREEK, NW/4 OF NE/4, THAT PT OF SW/4 OF NE/4 LYING W OF ROAD & WOF MILLCREEK, THAT PT OF NW/4 OF SE/4 LYING W OF ROAD W OF MILLCREEK SEC 9 T 9N R 3E 210 AC A292

16-087-0009

THE NE/4 OF SE/4 & ALL TH FOLL LYING E OF RD ON W SDE OF MILL CRK THE S/2 OF NE/4 & NW/4 OF SE/4 SEC 9 9N R 3E 92 AC NET 74.40 AC A293B

16-087-0015

THE N/2 OF S/2 OF NE/4 OF SEC 10 T 9N R 3E ALSO THE N/2 OF S/2 OF SW/4 OF NE/4 SD SEC ALSO THE S/2 OF NW/4 SD SEC & THE N/2 OF N/2 OF N/2 OF SW/4 SD SEC 150 AC A294C

16-087-0020

THE SE/4 OF SE/4 OF SEC 9 T 9N R 3E CONT 40 AC

16-087-0021

THE SW/4 OF SW/4 OF SEC 10 T 9N R 3E CONT 40 AC

16-087-0022

BEG AT NE COR SEC 3 T 9N R 3E & TH N89*22'37"E 269.03 FT TO CL OF ANT FLAT ROAD TH ALG CL OF SD ROAD IN 22 COURSES: S4*17'12"W 77.62 FT S1*07'07"W 263.41 FT S1*56'15"E 401.44 FT S3*42'34"E 502.79 FT S1*35'24"W 213.45 FT S6*37'33"W 557.42 FT S5*03'15"W 189.89 FT S12*38'24"W 195.4 FT S10*26'21"W 176.8 FT S8*30'08"W 398.38 FT S10*43'01"W 210.66 FT S11*06'58"W 108.68 FT S15*32'24"W 135.56 FT S27*28'23"W 435.64 FT S25*49'17"W 193.03 FT S22*37'45"W 299.61 FT S30*47'52"W 350.21 FT S34*13'08"W 266.40 FT S27*05'55"W 242.29 FT S35*25'40"W 356.07 FT S37*05'40"W 224.32 FT S34*35'02"W 155.16 FT TO E LN SEC 10 TH N0*16'50"W 225.58 FT TO SE COR SEC 3 TH N87*30'17"W 2629.64 FT TO S/4 COR SEC 3 TH S0*01'13"E 1300.25 FT TO SE COR N/2 NW/4 SEC 10 TH N89*15'32"W 2637.8 FT TO W LN SEC 10 TH W 678.42 FT TO CL ROADWAY W OF MILL CREEK TH N18*12'46"E 27.79 FT N9*28'57"E 154.52 FT N10*41'20"E 58.88 FT N10*41'20"E 58.88 FT N26*49'28"E 130.72 FT N19*25'03"E 104.39 FT N40*25'24"E 98.47 FT N39*02'30"E 185.85 FT N49*22'05"E 189.58 FT N34*35'49"E 326.78 FT N21*15'10"E 45.53 TO W LN SEC 10 TH N0*05'35"W 124.0 FT TO SW COR SEC 3 TH S89*31'45"E 1319.6 FT TO E LN W/2 SW/4 SEC 3 TH N0*24'23"W 2330.95 FT TO CL ROAD W OF MILL CREEK TH N38*16'25"E 36.71 FT N44*54'17"E 120.85 FT N40*43'59"E 115.6 FT N56*13'37"E 120.51 FT N48*57'16"E 59.04 FT N36*30'59"E 52.72 FT N11*10'51"E 115.29 FT N17*57'08"E 127.19 FT N13*50'55"E 106.37 FT N22*23'44"E 114.41 FT N32*22'39"E 104.74 FT N25*38'17"E 62.56 FT N17*03'03"E 102.47 FT N20*31'34"E 69.13 FT N26*22'22"E 69.86 FT N39*33'37"E 102.9 FT N28*12'39"E 87.56 FT N15*28'36"E 370.47 FT N21*19'19"E 242.86 FT N12*47'41"E 167.26 FT N26*34'32"E 171.69 FT N33*05'33"E 153.56 FT N29*42'47"E 124.2 FT N33*00'40"E 91.57 FT N31*16'46"E 68.40 FT TO W LN NE/4 SEC 3 TH S0*27'01"E 1058.24 FT TO SW COR N/2 NE/4 SEC 3 TH N89*34'22"E 2603.01 FT TO E LN SEC 3 TH N89*39'41"E 1322.29 FT TO SE COR NW/4 NW/4 SEC 2 TH N0*41'31"E 1327.87 FT TO TRUE POB CONT 546.97 AC BY SVY

16-087-0025

THE SW/4 OF SEC 9 T 9N R 3E 160 AC

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16-088-0001

THE S/2 OF NE/4 SEC, ALSO LOTS 1-2-3-4, THE S/2 OF NW/4 & THE NE/4 OF SW/4 SEC, SE/4 OF SW/4 & W/2 OF SW/4 SEC 5 T 9N R 3E 480 AC ALSO S/2 SE/4 SD SEC 5 80 AC TOTAL 560 AC A286

16-088-0002

THE N/2 OF SE/4 SEC 5 T 9N R 3E 80 AC A286A

16-088-0004

THAT PT OF SECTIONS 6 & 7 T 9N R 3E LYING EAST OF THE EAST LINE OF MAIN DIRT ROAD THROUGH SD SECS WITH A R/W FOR INGRESS & EGRESS (ENT 939432) NET 846 AC M/L

16-088-0008

ALL OF SEC 8 T 9N R 3E CONT 640 AC M/L

16-092-0001

THE NE/4 OF NE/4 & THAT PT OF NW/4 OF NE/4 LYING E OF FENCE SIT ON W SIDE OF MILL CREEK IN SEC 16 T 9N R 3E CONT 54 AC IN ALL

16-092-0003

THAT PT OF W/2 OF NE/4 SITUATED W OF FENCE NOW ON W SIDE OF MILLCREEK,
ALSO: THAT PT OF E/2 OF SE/4 SIT W OF FENCE NOW ON W SIDE OF MILLCREEK,
ALSO: THE W/2 OF SE/4 AND THE W/2 OF SEC 16 T 9N R 3E CONT 465 AC

16-092-0007

N/2 OF NE/4, NE/4 OF NW/4, SE/4 OF SW/4, S/2 OF NE/4 , SE/4 SEC 21 T 9N R 3E CONT 400 AC
ALSO W/2 OF NW/4 W/2 OF SW/4 SEC 21 CONT 160 AC TOTAL 560 ACRES A309

16-092-0008

W/2, W/2 OF E/2 SEC 22 T 9N R 3E CONT 480 ACRES A310

16-093-0001

THAT PT OF SECS 17 & 18 T 9N R 3E LYING E OF THE E LN OF MAIN DIRT ROAD THROUGH SD SECTIONS CONT 602 AC NET WITH R/W RESERVED IN ENT 939433

16-093-0008

ALL THAT PT OF SEC 20 T 9N R 3E LYING EAST OF THE EAST LINE OF MAIN DIRT ROAD THROUGH SD SEC 20 WITH A R/W FOR INGRESS & EGRESS (ENT 939432) NET 254 AC M/L

16-097-0001

BEG NE COR SEC 27 T 9N R 3E N 89° 59'50" E 53.69 FT S 1°35'15" W 791.90 FT S 9°13'15" W 524.33 FT N 88°24'16" W 1250.98 FT N 26°33" W 1310.71 FT S 88°24'19" E 1313.38 FT TO BEG 40 AC A319B

16-097-0003

W/2 OF NE/4 AND THE NW/4 SEC 27 T 9N R 3E CONT 240 AC LESS: BEG SW COR NE/4 SD SEC & TH N 63°55'09" E 393.42 FT TH S 79°51'26" E 982.17 FT TH W 1320 FT TO BEG CONT 2.62 AC NET 237.38 AC

16-097-0008

E/2 OF NE/4, W/2 OF NE/4 SEC SEC 28 T 9N R 3E 160 AC A321

17-002-0011

THE E 20 CHS OF SEC 9 T 10N R 2E CONT 160 ACRES A1857A

17-002-0013

SE/4 OF NW/4, THE NE/4 OF SW/4, THES/2 OF SW/4 & S/2 OF SE/4 OF SEC 10 T 10N R 2E CONT 240 ACRES A1858A

17-005-0001

ALL OF SEC 13 T 10N R 2E 640 AC

17-005-0002

SEC 14 T 10N R 2E CONT 640 AC A1863

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17-005-0003

ALL SEC 23 T 10N R 2E 640 AC A733

17-005-0004

ALL SEC 24 T 10N 2E 640 AC A736

17-006-0001

ALL SEC 15 T 10N R 2E 640 AC A1865

17-006-0004

THE E 20 CHS OF S .75 OF SEC 16 T 10N R 2E CONT 120 AC A1865A

17-006-0006

ALL SEC 22 T 10N R 2E 640 AC A732

17-008-0001

ALL SEC 25 T 10N R 2E 640 AC A737

17-008-0002

ALL SEC 26 T 10N R 2E 640 AC A738

17-008-0003

ALL SEC 35 T 10N R 2E 640.32 ACRES A750

17-008-0004

ALL SEC 36 T 10N R 2E 640 AC A750A

17-009-0001

ALL SEC 27 T 10N R 2E 640 AC A740

17-009-0002

ALL SEC 28 T 10N R 2E 640 AC A741

17-009-0003

ALL SEC 33 T 10N R 2E 639.94 ACRES A747

17-009-0004

ALL SEC 34 T 10N R 2E 640 AC A748

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17-010-0002

ALL SEC 29 T 10N R 2E CONT 640 AC+-

17-010-0004

S/2 OF NE/4, S/2 OF NW/4, N/2 OF SE/4, & N/2 OF SW/4 SEC 30 T 10N R 2E 314.72 AC A744

17-010-0005

ALL OF SEC 31 T 10N R 2E 596.65 AC A745

17-010-0006

ALL SEC 32 T 10N R 2E 605.60 AC A746

17-014-0004

THE NW/4 OF NW/4 SEC 23 T 10N R 3E 40 AC A757A

17-014-0005

THE W/2 OF NE/4, THE S/2 OF NW/4, NE/4 OF NW/4, THE W/2 OF SE/4, & SW/4 OF SEC 23 T 10N R 3E CONT 440 AC IN ALL

LESS: BEG AT NW COR NE/4 NE/4 SEC 23 & TH S0*29'58"W 1317.31 FT TH S0*29'06"W 1317.63 FT TH S0*29'07"W 457.503 FT TH N38*11'53"W 578.56 FT TH N30*54'53"W 214.764 FT TH N20*23'42"W 916.247 FT TH N14*02'10"W 181.588 FT TH N26*33'54"W 123.1 FT TH N0*00'E 99.0945 FT TH N21*48'05"E 118.586 FT TH N19*26'24"E 595.479 FT TH N18*15'36"E 562.589 FT TH N89*36'51"E 494.521 FT TO BEG CONT 43 AC M/B (PT 0010) NET 397 AC

17-015-0004

THE S/2 OF N/2; THE N/2 OF S/2; THE SE/4 OF SW/4 OF SEC 21 T 10N R 3E CONT 360 AC

17-015-0006

ALL SEC 22 T 10N R 3E CONT 640 AC

LESS: THE N/2 N/2 N/2 OF SD SEC 22 CONT 80 AC NET 560 AC

17-016-0009

THE SE/4; LOTS 8 THRU 16, THE S/2 OF LTS 1, 5, 6, 7 SEC 19 T 10N R 3E CONT 518.15 AC IN ALL

17-016-0010

THE S 3/4 OF S/2 OF SEC 20 T 10N R 3E CONT 240 AC M/L

17-017-0007

E/2 OF NW/4, SW NW/4, NW/4 SW/4, NW/4 NW/4 SEC 35 T 10N R 3E 200 AC A774

17-017-0008

NE/4 OF SW/4, S/2 OF SW/4 SEC 35 T 10N R 3E 120 AC A775

17-018-0001

ALL SEC 27 T 10N R 3E CONT 640 AC

17-018-0002

ALL SEC 28 T 10N R 3E 640 AC

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17-018-0003

ALL SEC 33 T 10N R 3E 640 AC

17-018-0004

NW/4 OF NE/4, NE/4 OF NW/4 SEC 34 T10N R 3E 80 AC

17-018-0005

S/2 OF NW/4, NW/4 OF NW/4, S/2 OF NE/4, NE/4 OF NE/4, N/2 OF S/2, S/2OF SW/4, SW/4 OF SE/4 SEC 34 T 10N R 3E CONT 520 AC

17-018-0006

SE/4 OF SE/4 SEC 34 T 10N R 3E 40 AC

17-019-0001

N/2 OF NE/4, NW/4 OF NW/4, NE/4 OF SE/4 SEC 29 T 10N R 3E 160 AC

ALSO S/2 OF NW/4, SW/4 SEC 29 240 AC

ALSO W/2 OF SE/4, SE/4 OF SE/4 SEC 29 120 AC TOTAL 520 AC

17-019-0002

ALL OF SEC 30 T 10N R 3E CONT 829.12 AC M/L TAX DESC

17-019-0004

LOTS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 & 16 & THE NE/4 & SE/4 SEC 31 T 10N R 3E CONT 808.58
AC IN ALL

17-019-0005

ALL SEC 32 T 10N R 3E 640 AC A771A

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STAFF REPORT: WHISPER RIDGE CONDITIONAL USE PERMIT

06 October 2016

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: Delaney Stephens, Dan Lockwood
Staff Determination: Approval with conditions
Type of Action: Administrative
Land Use Authority: Cache County Planning Commission

Parcel ID#: Multiple
 (See Exhibit A)

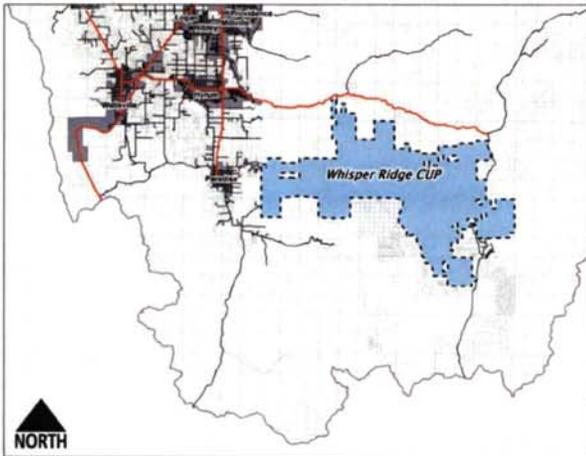
PROJECT LOCATION

Reviewed by Chris Harrild

Project Address:
 Blacksmith Fork and Scare Canyon Area

Surrounding Uses:
 North – Forest/Recreation/Hwy 101
 South – Forest/Recreation
 East – Forest/Recreation/Ant Flat Road
 West – Forest/Recreation/Paradise City

Current Zoning: Forest Recreation (FR-40) **Acres:** 32,332.36



SUMMARY

This is a request to expand the existing Whisper Ridge CUP. The existing use provides guided snow skiing via snow cat and helicopter. The specific amendments do not affect all parcels (see Exhibit A). Additional details regarding the expansion of the CUP are found in the findings of fact.

FINDINGS OF FACT (30)

Letter of Intent Summary—See Exhibit B

1. The total acreage and number of involved properties is unchanged. The most affected properties are identified in Exhibits A. The expansion request reflects the following:

	Existing	Proposed
a. Employees (FTE)	i. 15	ii. 21
b. Structures	<p>i. 1 Mobile shop with fuel and maintenance operations – 16-031-0001</p> <p>ii. 2 ATF “bomb boxes”</p> <p>*The three cabins present within the CUP boundary were excluded from the original CUP request and are also excluded from this request - <i>See condition #3.</i></p>	<p>iii. 1 Mobile shop with fuel and maintenance operations – 16-031-0001</p> <p>iv. 2 ATF “bomb boxes”</p> <p>v. 10 yurts with stand-alone decks and mobile shower/restroom facilities as necessary for the occupants of each site:</p> <p>vi. 1 yurt – 16-031-0001 (base)</p> <p>vii. 3 yurts – 17-006-0006</p> <p>viii. 3 yurts – 17-006-0010</p> <p>ix. 3 yurts – 17-008-0002</p> <p>x. 1 Radio repeater w/~6’ tall transmitter – 17-010-0005</p>
c. Customers	i. Typically 12-16 guests per snow cat per day; 3 snow cats.	<p>ii. Typically 12-16 guests per snow cat per day; 3 snow cats.</p> <p>iii. 3-36 persons per site; this will vary depending upon the requested accommodation.</p>
d. Equipment	<p>i. 3 Snow cats</p> <p>ii. 1 Rescue snow cat</p> <p>iii. 3 Snowmobiles</p> <p>iv. 2 ATV’s</p>	<p>v. 5 Snow cats for passengers (12-16 guests per snow cat)</p> <p>vi. 3 operational snow cats</p> <p>vii. 5 Snowmobiles</p> <p>viii. 2 ATV’s</p> <p>ix. Some skier drop-offs by helicopter</p>
e. Days/Hours of Operation	i. Ski operations on an approximate basis; weather, dependent; typically ~5 months from December through April; 7 days a week including holidays; 24 hours a day. Maintenance and improvement of the site e.g. brush clearing, throughout the year.	<p>ii. Ski operations on an approximate basis; weather, dependent; typically ~5 months from December through April; 7 days a week including holidays; 24 hours a day. Maintenance and improvement of the site e.g. brush clearing, throughout the year.</p> <p>iii. Yurts will be erected in the fall (mid-October) and be taken down in the spring (end of April). Ski operations will continue with the same hours, but will now include overnight accommodation.</p>

Compliance with Law—§17.02.060; §17.07.030; §17.09.030; §17.06.050-B; UCA §17-27a-506-2-a; §17.20

2. The County Code 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.
3. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a conditional use permit (CUP).
4. All parcels included in the request (Exhibit A) have been found to be legal parcels as per the “Policy for Determination of Parcel Legality” dated 29 August 2013.
5. §17.07.030, Use Related Definitions defines this use as “5100 Recreational Facility”.
6. §17.09.030, Schedule of Uses by Zoning District, permits 5100 as a conditional use in the Forest Recreation (FR40) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses.
7. §17.06.050-B, Conditional Uses directs the Land Use Authority to review CUP requests based on the standards and criteria that include and are defined therein: Health, safety, and welfare; compliance with law; adequate service provision; impacts and mitigation.
8. 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.”
9. The existing Whisper Ridge CUP was reviewed and approved by the Planning Commission on January 7, 2015 and recorded on January 8, 2016.

Health, Safety, and Welfare—§17.06.050-B-2-a

10. The County Code 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. All activities as identified within the Whisper Ridge CUP expansion request occur within the identified boundary of the approved CUP.
12. Members of the snow cat staff have search and rescue training. In emergency/trauma situations air evacuation will be used. Life Flight and Air Med have been notified of the proposed operation. A smaller, rescue snow cat will also be present with a trauma pack and backboards if necessary. Emergency services for back country areas are handled by Cache County Search and Rescue.

Adequate Service Provision—§17.06.050; Manual of Roadway Design and Construction Standards (Road Manual); Site visit; 17.22

13. The County Code 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:** Primary access to the base site on parcel 16-031-0001 is via county roads 800 East (Local and Rural Road), 10600 South (Mountain Road), and Paradise Dry Road (Mountain Road). Access to the ski areas from the base site will be on Paradise Dry Road and then over back country private property within the CUP boundary to the ski areas and yurt sites via snow cat.
- a. The county performs winter maintenance on these roadways with the exception of Paradise Dry Road.
 - b. The county performs summer maintenance on these roadways with the exception of Paradise Dry Road where only the first ~0.5 mile portion of the roadway is graded on an annual basis.
 - c. The estimated, existing average daily trips (ADT) including all existing uses and reflecting the Whisper Ridge CUP, and 1 cabin is equal to ~30 ADT. The level of ADT due to recreational access is unknown.
 - d. Agriculture structures are exempt from meeting roadway standards and are not considered when calculating ADT.
 - e. The first review and approval of the Whisper Ridge CUP estimated an increase of ~18 ADT, and did not require roadway improvement due to the seasonal and controlled nature of the proposed use as the proponent indicated that customers would typically be transported in a carpool.
 - f. Typical traffic to the site under the amended request will consist of employees and catering services on a daily basis, and guests typically every three days.
 - g. The resultant ADT of the proposed amendment is unknown - *See conditions #4 and #5.*
 - h. Specific to roadway width and structural values, the Cache County Manual of Roadway Design and Construction Standards (Road Manual) stipulates that:
 - i. Mountain Road: Roads with up to 30 ADT. This includes forest access roads, mountain roads, back roads, and other special use facilities. Gravel roads (14" depth of granular borrow, and a 6" depth of road base) are most typical, but some roads have limited improvements or are "two-track" in nature. Single lane roads (12' total width) may be permitted for Mountain Roadways.
 - ii. Rural Road: Roads with up to 30 ADT. This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences. Gravel or chip & seal road surfacing is typically acceptable and must meet the minimum standard of two, 10' wide gravel travel lanes with 2' wide gravel shoulders (24' total width), 14" depth of granular borrow, a 6" depth of road base, and chip-seal requirements as applicable.
 - iii. Local Road: Roads with more than 30 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, may provide access to proposed commercial or industrial development, and must meet the minimum standard of two, 10' wide paved travel lanes with 2' wide shoulders; 1' paved, 1' gravel (24' total width), 14" depth of granular borrow, a 6" depth of road base, and 2.5" of bituminous surface course (asphalt).
 - i. Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the

intent of the roadway standards, and including any other relevant information - *See conclusions #2 and #3.*

- j. The paved portion of Local Roadway 800 East has a dedicated right-of-way, an average travel lane width of 10.5' with 5' wide gravel shoulders (31' total width), and currently provides residential, agricultural, and recreational access - *See conclusion #3.*
 - k. The gravel portion of Rural Roadway 800 East has a dedicated right-of-way, an average travel lane width of 9' with 1' wide shoulders (20' total width), sight distance concerns, an area with a steep drop-off, and currently provides residential, agricultural, and recreational access. Reflector posts or a medium barrier are recommended by the Public Works Inspector at the location of the steep drop-off - *See condition #6.*
 - l. Mountain Roadway 10600 South is a gravel, public road by use, has an average travel lane width of 10' with 1' wide shoulders (22' total width), and currently provides agricultural and recreational access.
 - m. Mountain Roadway Paradise Dry Road is a gravel/dirt, public road by use, has an average travel lane width of 6' with 1' wide shoulders (14' total width), and currently provides agricultural and recreational access.
 - n. The private driveway providing access from Paradise Dry Road to the Whisper Ridge parking area must meet any applicable requirements of the County Fire District.
15. **Parking:** The existing CUP recognized that 8-10 vehicles would be present at the site at any one time, and the initial staff review identified that parking areas would accommodate more than 50 vehicles. Snow cat parking was identified separately. A Parking Analysis was not required at that time, but the permit did identify that a Parking Analysis and improvements may be required with future development and/or expansion - *See condition #7.*
16. **Refuse:** Any refuse will be handled with a zero impact policy. All garbage will be packed out daily.
17. **Fire:** As the proposed structures are not accessible by the Cache County Fire District in the case of fire suppression, the Fire District requires that a fire extinguisher and carbon monoxide detector must be placed in each of the proposed structures - *See condition #12.*
18. **Water:** Evidence of an approved, domestic-use water right is not required for this use. Water will be hauled in.
19. **Septic:** Restrooms will be mobile and consist of units containing two compostable toilets, two low volume showers, and two sinks. These facilities are completely self-contained and will not release waste or waste water. More than one unit may be placed at the yurt areas or base site to accommodate the guests as necessary.
20. **Storm Water:** If future development disturbs land area greater than 5,000 sf., a State of Utah Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required - *See condition #8.*

Impacts and Mitigation—§17.06.050; §17.18.040; §17.18.060; §17.07.030; FAA Title 14, Part 157

21. The County Code 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.
22. **Explosives:** The "bomb boxes" are stocked and utilized by ATF certified/approved technicians. A blasting permit from the Utah State Fire Marshall for avalanche control has been submitted

to the Development Services Department, a copy of ATF certification has been provided to the Development Services Department, and the location of the “bomb boxes” has been disclosed to the Cache County Fire District. The use of the explosives is overseen by the ATF and the State Fire Marshall. An updated ATF Federal Explosives License has been provided.

- 23. Heli-skiing:** The proponent has not explored or provided details regarding the extent of helicopter use and activity. The County Land Use Ordinance §17.07.030, 6310 Private Airport references the definition under Federal Aviation Administration (FAA) Title 14, Part 157 regarding helicopter activity and temporary or intermittent use of a site, helicopter activity is limited to the following - *See condition #8*:
- a. Flight operations conducted under visual flight rules (VFR) and which use is used or intended to be used for a period of less than 30 consecutive days with no more than 10 operations per day on an annual basis, or;
 - b. The intermittent use of a site that is not an established airport, which is used or is intended to be used less than one year and at which flight operations will be conducted only under VFR. Intermittent use means:
 - i. for no more than 3 days in any one week, and;
 - ii. No more than 10 operations will be conducted in any one day at that site.
- 24. Signage:** The proponent has identified that the property will be signed with general “No Trespassing” signs, and with “Warning” signs in avalanche control areas.
- 25. Sensitive Areas:** The Sensitive Areas within the CUP boundary consist of Non-Developable areas and Potentially Developable Areas as follows:
- a. Non-Developable
 - i. Wetlands – Not affected by the existing CUP or proposed amendment. Known wetlands as identified by the U.S. Fish and Wildlife Service appear to be present on parcel 17-10-0004, but no activities or development is proposed at or near this location. Any development within mapped or unmapped wetland requires full wetland delineation.
 - ii. Steep Slopes – Steep Slopes cover the majority of the property within the CUP area. The development of structures or roadways is not permitted within Steep Slope areas.
 - iii. Natural Waterways – Not affected by the existing CUP or proposed amendment. A portion of the Blacksmith Fork River is present on parcel 17-014-0005 in the northeast corner of the CUP area. An intermittent stream called Third Fork is also present across parcels 17-008-0003 and 17-009-0004.
 - b. Potentially Developable:
 - i. Moderate Slopes – Not affected by the existing CUP or proposed amendment. The development of structures or roadways is permitted within Steep Slope areas if supported by a geotechnical report as specified by §17.18 of the County Code - *See condition #10*.
 - ii. Ridgelines – The placement of the radio repeater is within the Ridgeline area. To the maximum extent possible, development is not permitted within 100 vertical feet of ridgelines unless approved as an exception by the Land Use Authority. Exceptions are permissible if the impact is minimized, and/or in keeping with the Purpose and Standards of §17.18 of the County Code - *See conclusion #2*.
 - iii. Floodplain – Not affected by the existing CUP or proposed amendment. A small portion of Floodplain is identified on the western boundary of parcel 01-091-0002 outside of proposed activity and development areas.

- iv. Important Habitat Areas – Not affected by the existing CUP or proposed amendment. The eastern portion of the CUP area includes a portion of the Greater Sage Grouse habitat area approximately 3.5 miles from the nearest activity area. Any future activities or development within this area must meet the minimum standards of §17.18 of the County Code - *See condition #11.*
- v. Geologic Hazards – *See condition #10.*
 - 1) A Geotechnical Report is required for habited, permanent structures in landslide areas or within the immediate proximity of mapped faults.
 - 2) Landslides: There are various landslide areas as identified by the Utah Geological Survey (UGS). The UGS has also provided an update regarding the inaccuracy of that mapping layer and it is therefore used strictly as a reference tool.
 - 3) Fault Lines: There are mapped fault lines on both the east and west ends of the CUP area.
- vi. Wildfire Hazards – A Medium Wildfire Hazard area is present on the northern boundary of the CUP area on parcels 17-006-0001 and 0006 and on the southern boundary on parcels 16-031-0002 and 16-076-0005. Measures to mitigate wildfire hazards and risks may be required based on the recommendation and review of the Cache County Fire District - *See condition #12.*
- vii. Historic, Prehistoric, and Cultural Resources – There are no known sites or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah within the CUP area.

26. General ski areas appear to extend onto two parcels that are not included as part of the CUP application. These parcels are 17-006-0005 and 17-010-0003 - *See condition #13.*

Public Notice and Comment—§17.02.040

- 27. Public notice was posted online to the Utah Public Notice Website on 22 September 2016.
- 28. Notice was published in the Herald Journal on 25 September 2016.
- 29. Notices were posted in three public places on 22 September 2016.
- 30. Notices were mailed to all property owners within 300 feet of the subject property on 23 September 2016.
- 31. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (14)

These conditions are based on the Cache County Land Use Ordinance, Road Manual, and on the findings of fact (F) as noted herein, and are appurtenant to the properties as identified in Exhibit A and supersede the previous approval.

- 1. The proponent and property owner(s) must abide by the information as provided in the application and the information as identified in this report.
- 2. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority.
- 3. The existing cabins within the CUP boundary must not be used to accommodate the proposed use. *See F-1-b.*
- 4. Prior to recordation, an analysis, performed by a licensed traffic engineer, identifying the average daily trips (ADT) generated by the proposed use must be submitted to the Development Services Department for the review and approval of the Director. *See F-14.*
- 5. Prior to recordation, if the ADT analysis as specified in condition #2 indicates that the ADT on the existing roads (i.e. the gravel portion of 800 East, 10600 South, and Paradise Dry Road)

- exceeds allowable levels as per the County Road Manual, additional county review is required, and as necessary, the proponent must improve the substandard sections of roadway in compliance with the roadway standards as found in the County Code. *See F-14.*
6. Prior to recordation, MUTCD compliant safety signage or barrier must be placed at the location of the steep drop-off on 800 East. *See F-14-k.*
 7. Prior to recordation, if the ADT analysis as specified in condition #2 identifies more than 30 ADT, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Department for the review and approval of the Director. *See F-15.*
 8. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required. *See F-17.*
 9. As defined under FAA Title 14, Part 157 regarding helicopter activity and temporary or intermittent use of a site, helicopter activity is limited to the following *See F-23.*:
 - a. Flight operations conducted under visual flight rules (VFR) and which use is used or intended to be used for a period of less than 30 consecutive days with no more than 10 operations per day on an annual basis, or;
 - b. The intermittent use of a site that is not an established airport, which is used or is intended to be used less than one year and at which flight operations will be conducted only under VFR. Intermittent use means:
 - i. for no more than 3 days in any one week, and;
 - ii. No more than 10 operations will be conducted in any one day at that site.
 10. A geotechnical report must be submitted to the Development Services Office for any structure of habitation located within a Sensitive Area. *See F-25-b-i and v.*
 11. The eastern portion of the CUP area includes a portion of the Greater Sage Grouse habitat area. Any future activities or development within this area must meet the minimum standards of §17.18 of the County Code. *See F-25-b-iv.*
 12. Compliance with the Cache County Fire District and Building Department requirements is mandatory. *See F-17 and F-25-b-vi.*
 13. Parcels 17-006-0005, and 17-010-0003 are not part of this request, and therefore, operation of skiing or related activities is not permitted on these parcels. *See F-26.*
 14. If the county roads are damaged or deteriorate due to the activity of the Whisper Ridge conditional use, the proponent must repair the damage as identified by the county.

CONCLUSIONS (3)

Based on the findings of fact and conditions noted herein, the Whisper Ridge CUP 1st Amendment is hereby approved as follows:

1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Land Use Ordinance.
2. An exception for the radio repeater in the Sensitive Area - Ridgelines is hereby extended due to the minimal size, and therefore minimal associated impact, of the repeater. *See F-25-b-ii.*
3. The paved portion of county road 800 East does not meet the minimum county standards. *See F-14.* A design exception is hereby extended for the travel lane width of this county roadway as:
 - a. The total roadway width exceeds the minimum county requirements, and;
 - b. The addition of a 1' wide strip of pavement is not practical and may create future maintenance and structural issues on the roadway.

01-091-0002	17-002-0011
01-111-0001	17-002-0013
16-031-0001	17-005-0001
16-031-0002	17-005-0002
16-076-0002	17-005-0003
16-076-0004	17-005-0004
16-076-0005	17-006-0001
16-086-0001	17-006-0004
16-086-0003	17-006-0006
16-086-0006	17-008-0001
16-086-0007	17-008-0002
16-086-0009	17-008-0003
16-086-0010	17-008-0004
16-086-0012	17-009-0001
16-087-0001	17-009-0002
16-087-0002	17-009-0003
16-087-0003	17-009-0004
16-087-0004	17-010-0002
16-087-0005	17-010-0004
16-087-0006	17-010-0005
16-087-0007	17-010-0006
16-087-0009	17-014-0004
16-087-0015	17-014-0005
16-087-0020	17-015-0004
16-087-0021	17-015-0006
16-087-0022	17-016-0009
16-087-0025	17-016-0010
16-088-0001	17-017-0007
16-088-0002	17-017-0008
16-088-0004	17-018-0001
16-088-0008	17-018-0002
16-092-0001	17-018-0003
16-092-0003	17-018-0004
16-092-0007	17-018-0005
16-092-0008	17-018-0006
16-093-0001	17-019-0001
16-093-0008	17-019-0002
16-097-0001	17-019-0004
16-097-0003	17-019-0005
16-097-0008	

Yurt Locations

No Name Yurt Area: 17-008-0002

Rosenson Yurt Area: 17-006-0006

Hyrum Meadow Yurt Area: 17-010-0006

General Ski Areas

Paradox: 17-008-0003

POF (Plenty of Freshies): 17-008-0003

Nuemans: 17-008-0003

No Name: 17-008-0002

Cornice: 17-008-0002

Rosenson Bowl: 17-006-0006

Big Hollow Landing: 17-006-0006

Polaris Point: 17-009-0002

Hyrum Dry Point (Repeater Location): 17-010-0005

Landing Zones (LZ) - For emergency response and heli-skiing

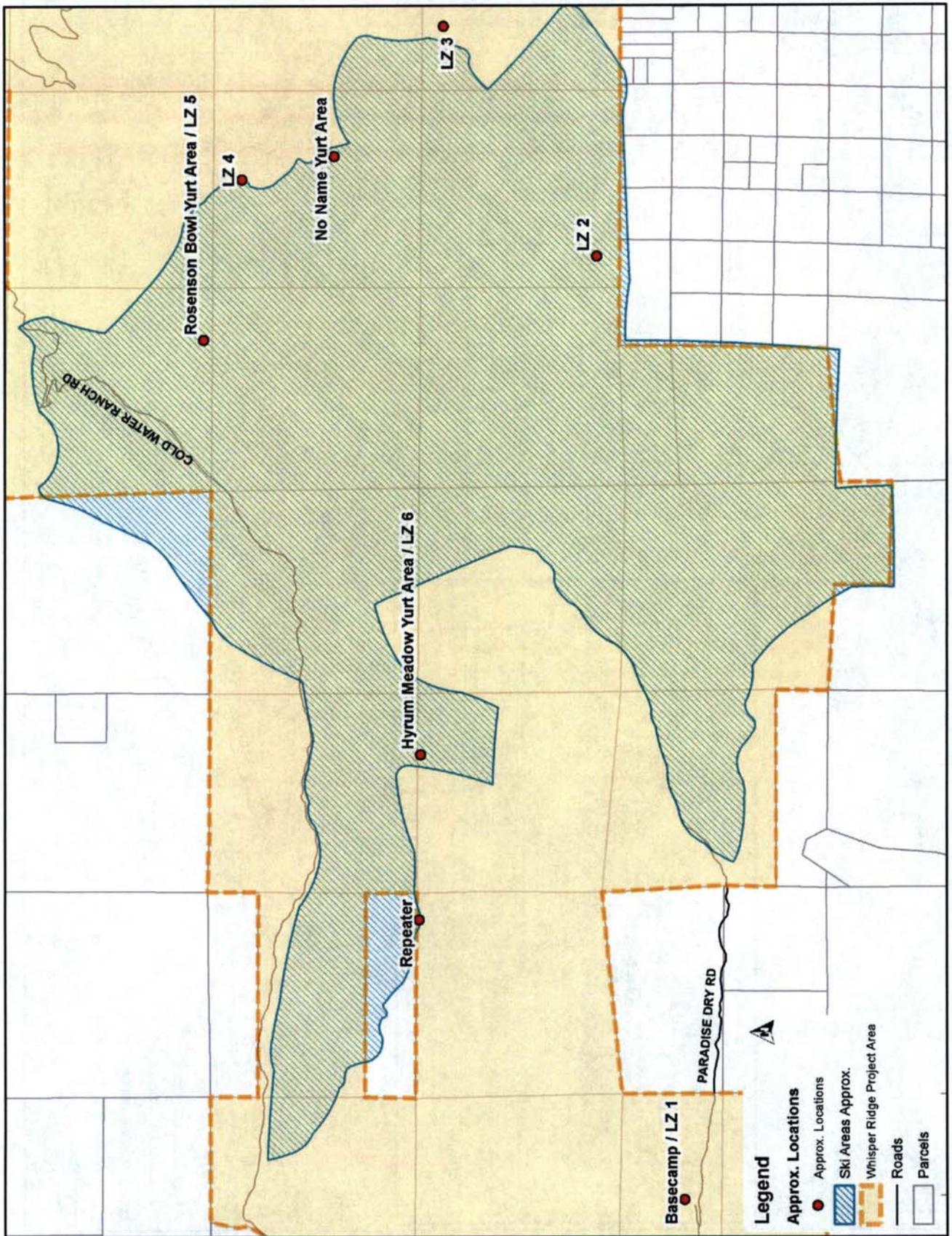
LZ 1 (Basecamp): 16-031-0001

LZ 2 (Paradox): 17-008-0003

LZ 3: 17-008-0004

LZ 4: 17-008-0002

LZ 5 (Rosenson Bowl): 17-006-0006



Chris Harrild - Revocation Review of Whisper Ridge CUP - 30 day notice

From: Chris Harrild
To: dan@whisperridgeutah.com
Date: 11/6/2019 5:26 PM
Subject: Revocation Review of Whisper Ridge CUP - 30 day notice
Attachments: WhisperRidge CUP 1st Amend 2016.pdf

This is a 30 day notice regarding the consideration of the revocation of an existing conditional use permit (CUP).

Please be advised that the Development Services Department is in the process of reviewing the compliance of the Whisper Ridge CUP with the conditions of the active Whisper Ridge CUP 1st Amendment. A copy of the current recorded permit has been attached as reference. The approval issued by the Commission on February 7, 2019 for the Whisper Ridge CUP 2nd Amendment has not been recorded.

This review will be presented to the Cache County Planning Commission at the Commission's December 5, 2019 meeting. The Commission will review the Whisper Ridge CUP to determine if a condition to revoke the permit exists as specified in the Cache County Land Use Code section 17.06.050 - E as follows:

"Revocation: If there is cause to believe that grounds exist for revocation of an approved conditional use permit, the land use authority shall schedule the item for consideration at a public meeting. A minimum notice of thirty (30) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.

- 1. A conditional use permit may be revoked by the land use authority if the land use authority finds that one or more of the following conditions exist:*
 - a. The conditional use permit was obtained in a fraudulent manner.*
 - b. The use for which the conditional use permit was granted has ceased for a minimum of twelve (12) consecutive calendar months.*
 - c. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.*
 - d. The use constitutes a "nuisance" as defined by this title.*
 - e. One or more of the conditions of the conditional use permit have not been met.*

Staff will address each of the noted conditions of revocation and forward their findings to the Commission for their review. A copy will also be provided to you.

If you have questions regarding this notice, please contact me.

Thank you,
Chris



Chris Harrild, AICP
Planning Manager
Development Services
179 North Main, Suite 305
Logan, UT 84321
[435-755-1640](tel:435-755-1640)
chris.harrild@cachecounty.org

ARTICLE 1 - OBJECTIVES

1-1. This commission, established in conformance with the motion adopted by the Cache County Commission on the 20th day of December, 1950, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of State Code Ann. §17-27a Part 3.

1-2. The official title of this Commission shall be the "Cache County Planning Commission".

ARTICLE 2 - MEMBERS

2-1. The Cache County Planning Commission shall consist of (7) voting members. A member of the County Council shall be appointed as an ex-officio member of the Planning Commission and shall be a non-voting member. The Director of Development Services shall serve as an ex-officio member of the Planning Commission and shall be a non-voting member.

2-2. The term of the member from the County Council shall be a one year term or as otherwise designated. As the term of the members first appointed to this Commission, or their replacements, expire, their successors shall be appointed for terms of three (3) years or to fulfill the previously designated term. Each member shall be recommended by the County Executive and evaluated and confirmed by the County Council prior to their appointment or reappointment to the Planning Commission.

2-3. The Council may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not County employees.

ARTICLE 3 - OFFICERS AND THEIR SELECTION

3-1. The officers of the Planning Commission shall consist of a Chair, a Vice-Chair, and a Secretary. If no Secretary is elected from among the serving Planning Commissioners, the Director of Development Services, or their designee, will serve as Secretary of the Commission.

3-2. Nomination of officers shall be made by the general membership of the Planning Commission at the regularly scheduled December meeting of the Commission each year. The election of officers shall follow immediately.

3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He/She shall take office January 1st, the following year and serve for one (1) year or until their successor shall take office.

ARTICLE 4 - DUTIES OF OFFICERS

4-1. The Chair shall be an appointed member of the Commission and shall:

4-1-1. Preside at all meetings.

4-1-2. Appoint committees, special and/or standing and liaisons.

4-1-3. Rule on all procedural questions (subject to a reversal by a majority vote of the members present).

4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.

4-1-5. Represent the Commission before the County Council and other public bodies except when this responsibility has been delegated to an appropriate official or Commission member.

4-1-6. Carry out other duties as assigned by the Commission.

4-1-7. Fill any vacancies in the offices of Vice-Chair or Secretary by appointment lasting through January 1st of the following year.

4-2. The Vice-Chair shall be an appointed member of the Commission and shall:

4-2-1. Act in the absence or inability of the Chair to act.

4-2-2. Have the powers to function in the same capacity as the Chair in cases of the Chair's inability to act.

4-2-3. Fill immediately any vacancy in the office of Chair through January 1st of the following year.

4-2-4. Be responsible for the orientation of new members of the Commission.

4-3. The Secretary shall:

4-3-1. Keep a written record of all business transacted by the Commission.

4-3-2. Keep a file of all official records and reports of the Commission.

4-3-3. Certify all minutes of the Commission.

4-3-4. Give notice of all hearings and public meetings.

4-3-5. Attend to the correspondence of the Commission.

4-3-6. Keep a set of minutes.

4-3-7. Prepare and be responsible for the publishing of all advertisements relating to public hearings.

4-3-8. If the Secretary is an appointed member of the Commission, the Secretary may, with the consent of the Commission, delegate any of the above responsibilities of the Secretary to the Director of Development Services (or similar official), except that the certification of minutes of the Commission may not be delegated.

ARTICLE 5 - STANDING AND SPECIAL COMMITTEES

5-1. Any standing committees may be appointed by the Chair.

5-2. Any special committees may be appointed by the Chair and shall function for a duration as set by the Chair. The duties and responsibilities of any special committee shall be clearly defined and outlined at a regularly schedule Planning Commission meeting.

5-3. Each standing and special committee shall prepare a written report of meetings held to become a part of the permanent records of the Commission.

ARTICLE 6 - MEETINGS

6-1. Regular meetings of the Commission shall be held on the first Thursday of each month, commencing at 5:30pm and ending at 8:00pm. Meetings may be extended beyond 8:00 p.m. with the approval of a majority of the members present. When a meeting date falls on a legal holiday, the meeting shall be held on the week following unless otherwise designated by the Commission.

6-1-1 Commission public hearings shall be held during the regular meeting on the first Thursday of each month.

6-2. Special meetings shall be called at the request of the Chair or at the request of any three members of the Commission. Written notice which states the time and purpose of the special meeting shall be given to each member at least five (5) days prior to such meetings. Noticing of special meetings shall be made in compliance with State Code Ann. §17-27a Part 2 and §17-53 Part 4.

6-3. A majority of the membership of the Commission shall constitute a quorum. When a quorum is present, a majority vote of the members present is sufficient for the adoption of any motion. Voting may be a roll call, in which case a record shall be kept as part of the minutes. Any member shall have the right to demand a roll call vote.

6-4. Meetings shall be open to the public except when deemed necessary, in which case the Commission may go into Executive (closed) Session, when the provisions of the Utah Open and Public Meetings Act, State Code Ann §17-53 Part 4, shall be in effect.

6-5. The rules contained in the current edition of Roberts Rules of Order Newly Revised shall govern the Planning Commission in all cases to which they are applicable and in which they are not inconsistent with the Bylaws, any special rules of order the Planning Commission may adopt, and County or State code that regulates the Planning Commission or its meetings.

ARTICLE 7 - ORDER OF BUSINESS

7-1. The order of business for a Regular Meeting shall be:

7-1-1. Call to Order by the Chair

7-1-2. Roll call by the Secretary

7-1-2-1. Determination of a quorum

7-1-3. Approval of agenda

7-1-4. Approval of minutes

7-1-5. Report of the Secretary

7-1-6. Consent Agenda

7-1-9. Agenda Items

7-1-9-1. Public Comment

7-1-9-2. Public Hearings

7-1-10. Report of Special Committees

7-1-11. Liaison Reports

7-1-12. Zoning Administrator's Report

7-1-13. Adjournment

7-2. The Zoning Administrator is authorized to prepare for each meeting a consent agenda for consideration by the Commission. The consent agenda may include any item believed by the Zoning Administrator to meet all required ordinances, be routine, and not controversial in nature.

7-2-1. A single motion and vote in favor thereof shall approve all items on the consent agenda.

7-2-2. Any member of the Commission may request to have any item removed from the consent agenda. Such request need not be seconded. Such item shall then be taken up for discussion by the Commission as a regular agenda item.

7-3. Public Comment portion of the meeting will be limited to 30 minutes for each agenda item unless otherwise specified by the Chair.

7-3-1. The agent for the agenda item will be limited to a 5 minute period of open discussion, with additional time allowed to respond to questions of the Planning Commission.

7-3-2. Individual speakers from the public will be limited to 3 minutes each unless prior approval is obtained from the Chair.

ARTICLE 8 – COMMUNICATION AND CORRESPONDENCE

8-1. To ensure that the decision-making process is fair and impartial, the Planning Commission is to abide by certain standards regarding "ex parte" communication on cases under review.

8-1-1. Ex parte communication is defined as "oral or written, off-the record communication made to or by commissioners or commission decision-making personnel, without notice to parties, that is directed to the merits or outcome of an on-the-record proceeding."

8-1-2. If prohibited ex parte communication is attempted, the Commissioner involved should first attempt to stop the party from engaging in prohibited behavior, then document the attempt and notify the Secretary. The Secretary will then enter a statement into the public file and make copies of the statement available to other parties in the case.

8-2. If the Planning Commission and/or a Commissioner determines that there is a conflict of interest on an agenda item, that Planning Commissioner shall not participate in the discussion or action on that agenda item. In such event, the Planning Commissioner shall seat themselves in the audience or leave the room. For purposes of determining the existence of a quorum, that Commissioner shall not be counted.

8-3. It shall be the duty of the Secretary to communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

8-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Chair or Vice-Chair.

ARTICLE 9 - AMENDMENTS

9-1. These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire Planning Commission and approval by the County Council.