



**4:45 p.m.**

Workshop & Light Refreshments in the County Council Conference Room

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Nolan Gunnell

Review and approval of agenda

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

**5:35 p.m.**

**Consent Items**

1. **Lutz 2-lot Subdivision 1<sup>st</sup> Amendment** – A request to change the boundary between Lot 1 and the Agricultural Remainder of an existing subdivision located at 315 East 7800 North, near Smithfield, in the Agricultural (A10) Zone.

**Regular Action Item**

2. **The Farm in Old Paradise Conditional Use Permit** – A request for approval of a Conditional Use Permit to operate an agritourism business on 32.7 acres located at 10802 South Highway 165, near Paradise, in the Agricultural (A10) Zone.
3. **JRB Holdings LLC Conditional Use Permit Amended (formerly the Intermountain Hydraulics Conditional Use Permit)** – A request to amend an existing Conditional Use Permit for a commercial business on 1.95 acres at 4395 North Highway 91, south of Smithfield, in the Commercial (C) Zone.
4. **Allen Gravel Larsen Pit Conditional Use Permit 1<sup>st</sup> Amendment** – A request to amend the boundaries of an existing Conditional Use Permit for an extraction operation located at 1200 East 12600 North, Cove, in the Agricultural (A10) Zone with a Mineral Extraction (ME) Overlay.
5. **Whisper Ridge Conditional Use Permit Revocation Review Update** – An update on the revocation review of the Whisper Ridge Conditional Use Permit (CUP) to determine if sufficient progress has been made to bring the existing CUP into compliance or if conditions exist to revoke the permit.
6. **Discussion:** Amendments to Title 16.01, 16.02, and 17.02 regarding Land Use Authority and 17.07 regarding Dwelling Unit and Recreational Facility

Board Member Reports

Staff reports

Adjourn

## **PUBLIC PARTICIPATION GUIDE: PLANNING COMMISSION**

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

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### **WHEN SPEAKING ON AN AGENDA ITEM**

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

When it is your turn to speak:

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

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

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

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

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

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### **LIMITS OF JURISDICTION**

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



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**Present:** Angie Zetterquist, Chris Harrild, Brady Christensen, Brandon Spackman, Chris Sands, Nolan Gunnell, Jason Watterson, Jon White, John Luthy, Megan Izatt

1 **Start Time: 05:32:00**

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

3 **05:34:00**

4 **Agenda**

5 Approved with no changes.

6 **05:34:00**

7 **Minutes**

8 *Watterson* motioned to approve the minutes from November 7, 2019; *Gunnell* seconded; **Passed 5, 0.**

9 **05:35:00**

10 **Consent Items**

11 **#1 Ace Acres Subdivision**

12 **#2 Davis Dry Canyon Subdivision**

13 **#3 South Spring Ranch Subdivision 1<sup>st</sup> Amendment**

14 **#4 Newton Lateral Piping Project CUP**

15 *Watterson* motioned to approve the consent items with attached conditions and findings of facts; *Gunnell*  
16 *seconded; Passed 5, 0.*

17 **05:36:00**

18 **Regular Action Items**

19 **#5 Whisper Ridge Conditional Use Permit Revocation Review**

20 **Harrild** reviewed the staff report for the Whisper Ridge Conditional Use Permit Revocation Review.

21 **Staff** and **Commission** discussed the Whisper Ridge Conditional Use Permit (CUP) and what violations  
22 have occurred to cause the revocation review. If the permit is revoked both amendments to the CUP are no  
23 longer valid.

24 **Dayson Johnson** commented that he works for Magleby Construction and is a partner with Whisper  
25 Ridge. He also commented on the removal of the yurts and non-compliance with the heli-biking.

26 **Christensen** asked about what part Magleby Construction plays in the Whisper Ridge operation.

1 **Mr. Johnson** stated the owner of the Magleby Construction is an equity partner and was not aware of  
2 any of these issues and is willing to come into compliance.

3 **Jason Rickards** commented that compliance for the permits and conditional use permit is no longer with  
4 Mr. Lockwood but will be with Mr. Johnson.

5 **Mr. Johnson** stated that Whisper Ridge will be in compliance within 30 days.

6 **Christensen** asked about the yurts.

7 **Mr. Rickards** stated that the yurts are being taken down and will not be put back up for this season.

8 **Mr. Johnson** commented on the removal of the yurts not being able to happen due to there being 60  
9 inches of snow in April.

10 **Gunnell** asked about the disturbed water.

11 **Mr. Johnson** stated commented on the existing beaver ponds creating erosion issues and that no fish  
12 were stocked.

13 **Gunnell** asked who did the work.

14 **Mr. Johnson** stated that a construction company will come in to check the work.

15 **Gunnell** asked about the biking trails.

16 **Mr. Johnson** stated that he has retained an engineer to double check all the work and make sure there is a  
17 plan that will have an NOI and SWPPP.

18 **Staff** and **Commissioners** discussed the water disturbance and what permits would be needed.

19 **Mr. Johnson** stated they are taking responsibility and trying to rectify the problems.

20 **Gunnell** asked questions about the helicopter use.

21 **Mr. Johnson** stated the use for the helicopter was too specific and they are hoping to rectify that.

22 **White** stated there is a pattern of non-compliance and that is an issue.

23 **Mr. Johnson** stated Magleby's is going to be around for the long haul and there has been a failure of  
24 communication with the operations part of the company that will not happen again.

25 **Sands** asked about conditions 7 and 8 and when compliance would happen.

26 **Mr. Johnson** commented on conditions b & c, and how those will be brought into compliance.

27 **Sands** asked if the mountain biking use would be part of a future amendment #3.

28 **Mr. Rickards** stated yes.

1 **Sands** asked about 8a and if it would be part of the future amendment #3.

2 **Mr. Johnson** stated they are operating the helicopter intermittently.

3 **Sands** asked if there was any use of the helicopter that would need to be permitted under amendment 3.

4 **Mr. Johnson** stated no.

5 **Sands** commented on the resources and the Greater Sage grouse and how they may have been impacted  
6 by the use.

7 **Mr. Johnson** stated that as far as he knows that greater sage grouse have not been impacted and they  
8 have been working with the DWR on the Weber County side and will continue to work with them on the  
9 Cache County side.

10 **Sands** asked when compliance with the original CUP could happen.

11 **Mr. Johnson** stated that compliance with the original CUP will happen within 30 days. The second  
12 amendment they are planning to record soon.

13 **Staff** and **Commissioners** discussed ceasing operations until Whisper Ridge is in compliance.  
14 Everything under the second amendment can cease without revoking the first CUP.

15 **White** stated there could be no biking or activities related to the pond until the required applications,  
16 reviews, approvals, and permits are completed.

17 **Mr. Johnson** responded yes.

18 **Christensen** asked about the operations under amendment 2.

19 **Mr. Rickards** stated that no activities listed under amendment 2 will happen until it is recorded.

20 **Staff** and **Commission** discussed what damage has possibly been done to water ways with the  
21 unauthorized earth movement.

22 **White** asked about what money comes back to Cache County why the office is in Eden.

23 **Mr. Johnson** stated that is not for this meeting but he understands the point being raised.

24 **Mr. Rickards** stated there is other development coming that will hopefully alleviate some of those  
25 concerns.

26 **White** commented on the water issues.

27 **Staff** and **Commissioners** discussed whether or not to revoke the permit and on what grounds revocation  
28 could be founded. Questions regarding the use of the helicopter were discussed. The original properties in  
29 in Avon area were part of the original CUP and 1<sup>st</sup> amendment with the La Plata properties included in  
30 the 2<sup>nd</sup> amendment. Heli-skiing is allowed under the 1<sup>st</sup> amendment on the originally properties; the La  
31 Plata properties cannot be used until the 2<sup>nd</sup> amendment is recorded.

1 **Christensen** asked if the applicant has met with the state regarding the remediation of the scarring from  
2 the bike trails and pond and stream adjustments.

3 **Mr. Johnson** stated he has not, but he has met with an engineer.

4 **Mr. Rickards** stated they are working towards remediation and the trails to be properly permitted to start  
5 in the spring.

6 **Gunnell** asked the mileage for the trails is going to be.

7 **Mr. Johnson** stated he can send that plan to staff and give what details are needed.

8 **Commissioners** discussed giving a 30 day time frame to bring the CUP into compliance with the 1<sup>st</sup>  
9 amendment and what would happen if that does not happen.

10 **Mr. Rickards** stated they want to prove to the Planning Commission that they are following the CUP and  
11 trying to come into compliance and bring everything else into compliance.

12 **Gunnell** asked about what equipment was moved for earth movement for the bike trails.

13 **Mr. Johnson** stated he is not sure how the trails were done but the vegetation was still there and the trail  
14 was a single track.

15 **Mr. Rickards** stated the bike trails are not meant to be drivable.

16 **Luthy** stated that equipment much larger than a bobcat had been used on the pond.

17 **Sands** motioned to continue the Whisper Ridge Conditional Use Permit Revocation Review for 30 days;

18 **Gunnell** seconded; **Passed 5, 0.**

19 **Harrild** asked for some clarification on the timeline the Planning Commission is wanting for the  
20 applicant.

21 **Commissioners** discussed the compliance with the pond and the bike trials and how to bring that into  
22 compliance. Compliance for those issues and a third amendment cannot happen until the damage to the  
23 area can be reviewed in the spring.

24 **06:43:00**

25 **#6 Elections for Chair and Vice Chair**

26 **Watterson** motioned to nominate **Nolan Gunnell** as chair and **Chris Sands** as vice chair; **Spackman**  
27 seconded; **Passed 4, 1 (Gunnell voted nay).**

28

1 **Staff Reports**

2 **Luthy** further described the area disturbed to create the pond.

3 **6:55:00**

4 **Adjourned**

DRAFT



### STAFF REPORT: LUTZ 2 LOT SUBDIVISION 1<sup>ST</sup> AMENDMENT

9 JANUARY 2020

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:** Joel B. Hoyt

**Parcel ID#:** 08-016-0018, -0049

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

#### LOCATION

*Reviewed by Angie Zetterquist*

**Project Address:**

315 East 7800 North  
Smithfield

**Current Zoning:** Agricultural (A10)      **Acres:** 57.98 acres

**Surrounding Uses:**

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



#### FINDINGS OF FACT (19)

**A. Request description**

1. The Lutz 2 Lot Subdivision 1<sup>st</sup> Amendment is a request to adjust the boundary lines between Lot 1 and the Agricultural Remainder of an existing subdivision. The boundary line adjustment will increase Lot 1 from 1.98 acres to 2.37 acres and the Agricultural Remainder will be 55.6 acres.

**B. Parcel legality**

2. The original subdivision was approved in 2007 with one developable lot and one remainder parcel. At the time of the original approval, the remainder parcel was not surveyed; information on the current size ranges from 55.75 to 56.75 acres.

**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 water right is in place for the existing dwelling. As no new lots are being created as part of the subdivision amendment, a new 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. §16.04.010 [C] Subdivision Layout – Whenever a tract to be subdivided adjoins or embraces any part of an existing road as claimed by the County...such part of the public way shall be platted and dedicated to the County. *See condition #2*
8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
10. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
  - a. The layout of proposed roads;
  - b. An analysis of existing roadway compliance with the Road Manual requirements;
  - c. Existing maintenance;
  - d. And any additional impacts to the proposed development access roads.
11. The Road Manual specifies the following:
  - a. §2.1-A-4 Rural 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. Gravel or chip & seal road surfacing is typically acceptable.
  - b. Table 2.2 Roadway Typical Sections: Rural roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide gravel travel lanes and 2-foot shoulders on either side of the travel lanes 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.
12. A basic review of the access to the existing subdivision identifies the following:
  - a. Primary access to the Lutz 2 Lot Subdivision is from 7800 North, a county road. The subdivision also has frontage along Highway 91, a UDOT facility, to the east and 8100 North along the north property line fronting the Agricultural Remainder.
  - b. 7800 North:
    - 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. Is classified as a Rural Road at the location of the subject subdivision.
    - iv. Consists of an average 20-foot wide paved road with 2-foot gravel shoulders.
    - v. Has an unknown depth and type of material, but the County Engineer reviewed the road and determined no roadway improvements will be required as part of this subdivision amendment.
    - vi. The required road dedication per §16.04-010 [C] is deficient as the previous dedication only covered the frontage of Lot 1 and not the full frontage of the subdivision. *See condition #2*

- vii. Is maintained year round.
- c. Highway 91:
  - i. Is a state highway that provides access to the general public and is under the jurisdiction of the Utah Department of Transportation (UDOT).
- d. 8100 North:
  - i. Is an existing county facility that provides access to the general public.
  - ii. Currently provides access to three dwellings, vacant lots, and agricultural parcels.
  - iii. The required road dedication per §16.04-010 [C] will be required for the portion of the subdivision that has frontage along this road. *See condition #2*
  - iv. Is maintained year round.

**F. Service Provision**

- 13. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access, 7800 North, 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 would be provided by the Smithfield Fire Department.
- 14. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the proposed subdivision amendment.

**G. Sensitive Areas**

- 15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. An irrigation lateral runs along the south boundary of the subdivision. *See condition #3*

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

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

**CONDITIONS (3)**

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

- 1. A Land Disturbance Permit is required for any future development. (*See D-6*)
- 2. Prior to recordation, the subdivision plat must be revised to include the full road dedication required for the subdivision frontage along 7800 North and 8100 North. (*See E-7, E-12-b-I, E-12-d-iii*)
- 3. Prior to any development or improvements that may impact the irrigation lateral located along the southern subdivision boundary, the applicant must obtain approval of the canal company and provide Development Services staff written confirmation from the canal company that the proposed work has been approved and copies of any required permitting. (*See G-15*)

**CONCLUSIONS (1)**

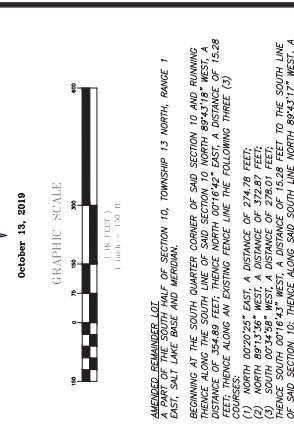
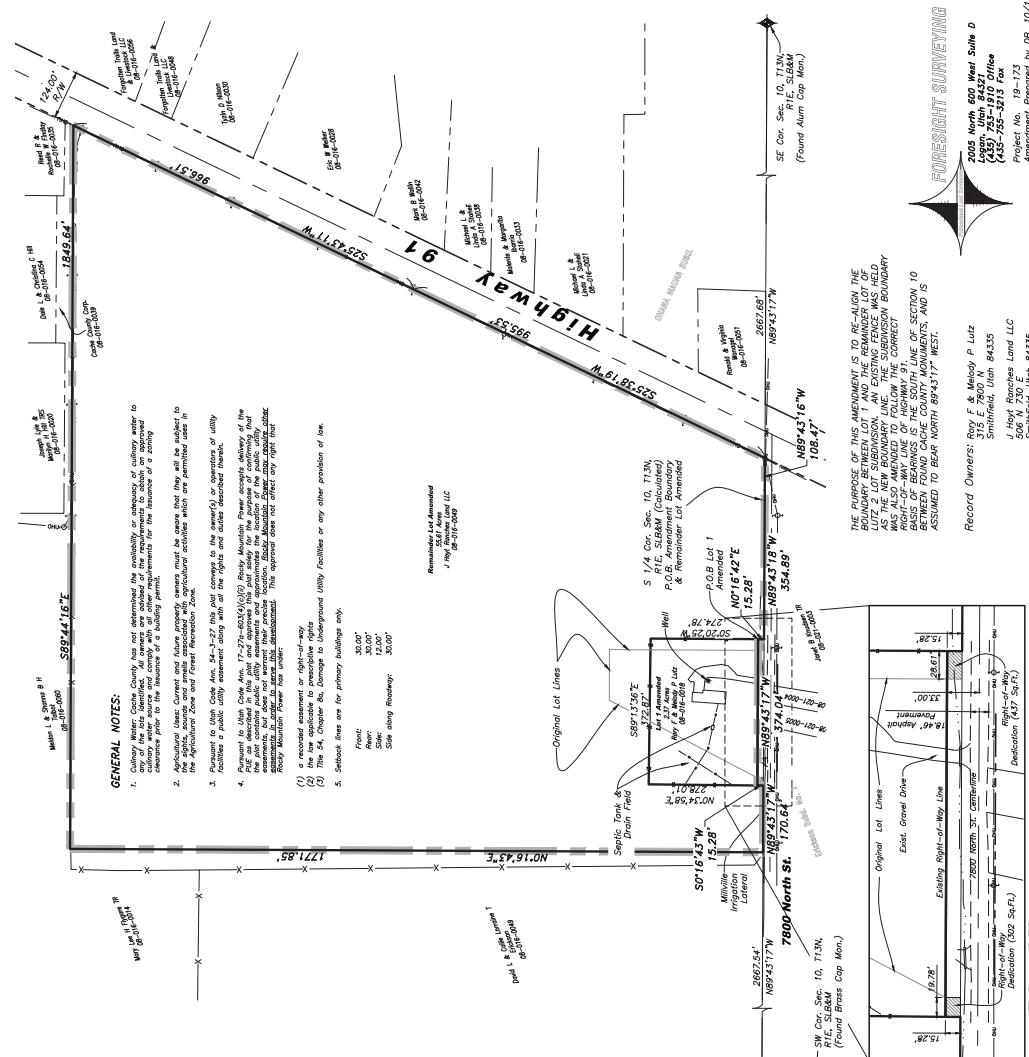
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Based on the findings of fact and conditions noted herein, staff recommends approval of the Lutz 2 Lot Subdivision 1<sup>st</sup> Amendment as:

- 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.

# Lutz 2 Lot Subdivision First Amendment

Amending the Boundary Line Between Lot 1 and the Remainder Parcel  
A PART OF THE SOUTH HALF OF SECTION 10,  
TOWNSHIP 13 NORTH, RANGE 1 EAST OF THE S.L.B.&M.  
CACHE COUNTY, UTAH



### SURVEYOR'S CERTIFICATE

I, MATT C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH. I HAVE CONDUCTED A SURVEY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND THE REMAINDER PARCEL. THE TRACT AND REMAINDER PARCEL LOTS AND STREETS HEREON SHOWN AS BEING CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

### Subdivision Amendment Boundary

A PART OF THE SOUTH HALF OF SECTION 10, TOWNSHIP 13 NORTH, RANGE 1 EAST, SALT LAKE BASIN AND MERIDIAN, BEGINS AT A POINT LOCATED NORTH 89°43'16" WEST, A DISTANCE OF 354.89 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 162.28 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 374.04 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 57.98 ACRES

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

AMENDED LOT 1 NORTH HALF OF SECTION 10, TOWNSHIP 13 NORTH, RANGE 1 EAST, SALT LAKE BASIN AND MERIDIAN, BEGINS AT A POINT LOCATED NORTH 89°43'16" WEST, A DISTANCE OF 354.89 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 162.28 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 374.04 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.37 ACRES

AMENDED LOT 2 NORTH HALF OF SECTION 10, TOWNSHIP 13 NORTH, RANGE 1 EAST, SALT LAKE BASIN AND MERIDIAN, BEGINS AT A POINT LOCATED NORTH 89°43'16" WEST, A DISTANCE OF 354.89 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 162.28 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 374.04 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET, THENCE NORTH 07°16'43" EAST, A DISTANCE OF 1771.85 FEET, THENCE NORTH 89°43'16" WEST, A DISTANCE OF 1208.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 56.61 ACRES

**LEGEND**

- AMENDED BOUNDARY
- ADJACENT LOT LINE
- EXISTING ADJACENT BOUNDARY
- DITCH FLOWLINE
- FENCE LINE
- UTILITY LINE
- OVERHEAD POWER LINE

Power Pole  
Section Corner  
5/4" Near 4/8"

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE ADJACENT LOTS AND STREETS OF THE LUTZ 2 LOT SUBDIVISION HAVE HEREBY GRANTED TO THE PUBLIC FOREVER, AND HEREBY GRANTED TO THE COUNTY THE RIGHT TO THE USE AND MAINTENANCE OF THE ABOVE DESCRIBED DEDICATED PUBLIC HIGHWAY 91 FOR THE REPAIR OF SAID ROADWAY.

NAME \_\_\_\_\_  
NAME \_\_\_\_\_  
NAME \_\_\_\_\_

DATE \_\_\_\_\_  
DATE \_\_\_\_\_  
DATE \_\_\_\_\_

STATE OF UTAH )  
COUNTY OF CACHE )

**ACKNOWLEDGMENT**

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME BY \_\_\_\_\_ WHO PROVED ON BASIS OF \_\_\_\_\_  
I, \_\_\_\_\_ A NOTARY PUBLIC, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH AND THAT I AM NOT A PARTY TO THIS INSTRUMENT.

STATE OF UTAH )  
COUNTY OF CACHE )

STATE OF UTAH )  
COUNTY OF CACHE )

STATE OF UTAH )  
COUNTY OF CACHE )

### GENERAL NOTES:

- Catchment Basin: Catchment Basin has not determined the availability of customary water to the catchment basin. The catchment basin owner shall be responsible for obtaining all necessary permits and approvals for the catchment basin.
- Adjacent Lines: Current and future property owners must be aware that they will be subject to the provisions of the Utah Uniform Condominium Act. The provisions of this act shall apply to the catchment basin and the remainder parcel.
- Precast Concrete Piers: Precast concrete piers shall be installed in accordance with the specifications of the Utah Department of Transportation. The approved does not affect any right that may exist.
- Utility Lines: Utility lines shall be installed in accordance with the specifications of the Utah Department of Transportation. The approved does not affect any right that may exist.

Record Owners: Ray F. & Melody P. Lutz  
315 E. 7800 N.  
Smithfield, Utah 84335  
J. Royl Anonies Land LLC  
1911 E. 7800 N.  
Smithfield, Utah 84335  
Amendment Prepared by DB, 10/13/19  
Project No. 19-123  
432-755-2315 Office  
432-755-2313 Cell

**Director of Development Services**  
THIS PLAN HAS BEEN APPROVED AND ACCEPTED BY THE DIRECTOR OF DEVELOPMENT SERVICES OF THE BEAR RIVER HEALTH DEPARTMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.  
BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

**County Attorney Approval**  
I CERTIFY THAT I HAVE EXAMINED THIS PLAN AND APPROVED THE PLAN AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.  
BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
CACHIE COUNTY ATTORNEY

**Deputy County Surveyor's Certificate**  
I CERTIFY THAT I HAVE HAD THIS PLAN EXAMINED AND FOUND IT TO BE IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.  
DEPUTY COUNTY SURVEYOR

**County Recorder's No.**  
STATE OF UTAH, COUNTY OF \_\_\_\_\_, RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ FEE: \_\_\_\_\_  
INDEXED \_\_\_\_\_ FILED IN \_\_\_\_\_ PLATS \_\_\_\_\_ COUNTY RECORDER

**Enlarged Plan**  
Scale: 1" = 60'

**STAFF REPORT: THE FARM IN OLD PARADISE CUP**

9 January 2020

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:** Casey Snider

**Parcel ID#:** 16-046-0003, -0010

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

**LOCATION**

*Reviewed by Angie Zetterquist*

**Project Address:**

10802 South Highway 165  
Paradise

**Current Zoning:**

Agricultural (A10) Zone

**Acres:** 32.7

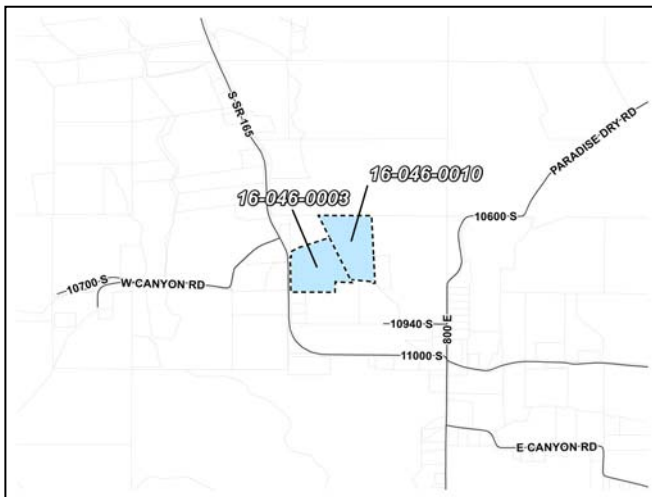
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural

West – Agricultural/Residential



**FINDINGS OF FACT (31)**

**A. Request description**

1. The Farm at Old Paradise Conditional Use Permit (CUP) is a request to operate an agritourism business (Use Type 6140) on two adjoining lots totaling 32.7 acres located in the Agricultural (A10) Zone.
2. Per the Letter of Intent (Attachment A), the applicant is proposing to add new agritourism components to bolster the existing primary agricultural operations. The agritourism use will include: pick-your-own produce, sale of farm-raised beef and other farm commodities; pumpkin patch, corn mazes, and farm tourism including wagon rides; group events centered around a farm experience including private events, receptions, and weddings; farm educational events (e.g., workshops, classes, competitions) and seasonal events such as “Christmas at The Farm” and “Spring at The Farm” both with farm-centered activities such as sleigh rides,

skating, and baby animals. The applicant further states in the Letter of Intent that food sold or served during these events will be produced primarily on-site meeting the agritourism requirement of more than 51% of products produced on-site. **See condition #1**

**a. Construction**

- i.** The subject property has a number of existing structures including a single-family residence located toward the south end of the property. Most of the proposed agritourism operations will be located on parcel #16-046-0003 and will utilize an existing milk barn and another barn, which will either be remodeled/retrofitted or replaced with a new structure (See site plan as part of Attachment A). **See condition #2**
- ii.** The existing milk barn was constructed in the 1960's, according to the Letter of Intent, and is approximately 1,200 square feet and has utilities in place currently including power, culinary water, and a septic system. The milk barn will provide the restroom facilities, commercial kitchen, and food preparation area for the agritourism activities. **See condition #2**
- iii.** The applicant is also proposing to relocate the farm access road to better align with the agritourism facilities and provide better access to guests entering and leaving the facility. **See condition #3**
- iv.** The applicant anticipates parking needs will be between 10 to 200 vehicles. The site plan shows the proposed parking area. **See condition #4**
- v.** Proposed signage will be minimal and will likely include a painted sign on the barn structure for the facility and directional signage on-site. **See condition #5**

**b. Operation**

- i.** The agritourism operations will utilize multiple areas of the properties and will provide venues for activities including, but not limited to, pick-your-own produce, weddings/receptions, educational activities, seasonal events, and the like.
- ii.** The applicant does not anticipate the need for additional employees beyond the property owners who reside on one of the properties.
- iii.** Hours of operation will vary according to season and demand. Generally, the applicant expects the facility will operate weekday afternoons/evenings from approximately 4:00 pm to 10:00 pm, and be available for bookings anytime on Saturdays during the summer and fall and then on-demand during the "holiday" season.
- iv.** Equipment that will be used as part of the operations include, but are not limited to: owner's personal vehicles, farm tractors for agricultural use, small tractor and wagon for transporting guests or items such as tables, chairs, backdrops, needed for specific activities/events.

**B. Conditional Uses**

- 3.** §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
  - a.** Compliance with law;
  - b.** Health, safety, and welfare;
  - c.** Adequate service provision;
  - d.** Impacts and mitigation.

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

- 4.** The County Land Use Ordinance stipulates that:
  - a.** The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use. **See conclusion #1**

- b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity. *See conclusion #1*
- 5. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #1*
- 6. The subject properties are legal lots and are each part of an existing subdivision. Parcel #16-046-0003 is Lot 2 of the R Rafter L Subdivision which was recently amended in 2018. The other parcel, #16-046-0010, is the Agricultural Remainder of the One Sixty Five Subdivision that was approved by the Planning Commission in July 2018 and recorded in March 2019.
- 7. §17.07.030, Use Related Definitions defines this use as “6140 Agritourism.”
- 8. §17.07.040, Definitions, defines this use as:
  - a. “6140 Agritourism: a use or activity for the on-site recreation, retail purchase, education, or participation of the general public. Any such use/activity may include, but is not limited to a: farm tour; farm stay; educational class; corn maze; group event or competition; U-pick operation; farmers market; farm museum; cider mill; petting farm/zoo; retail sales facility (e.g. meat shop; dairy or creamery; nursery; gift shop; flower, herb, or spice store; bakery; restaurant; or café); small-scale food processing (e.g., process pumpkins grown on premise into pumpkin pies), and other similar uses/activities as determined by the Land Use Authority. Any such use or activity must meet the minimum requirements as follows:
    - i. Any such use/activity must be accessory to a primary Agricultural Production use. The primary and accessory uses must:
      - a. Be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, UCA 59-2-5, and;
      - b. Be located on a legal parcel, five (5) acres or larger in size; or on contiguous legal parcels that are a total of five (5) acres or larger in size.
      - c. Consist of 51% or more products produces on site.
    - ii. The use/activity occurs for more than twenty-one (21) consecutive or non-consecutive days per year, and provides agriculturally related, and in some instances, non-agriculturally related products and events to the general public.
    - iii. Must obtain Land Use Authority review and approval prior to operation.
    - iv. Overnight accommodation is permitted as follows:
      - a. Guest rooms must be located within an owner occupied dwelling or seasonal cabin that meets the minimum Building and Fire Code standards;
      - b. No more than a total of four (4) guest rooms with a maximum occupancy of two per rooms; not counting children 15 years of age and under.”
- 9. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
- 10. §17.10.040 Site Development Standards – The required setback from the front and rear property lines in the Agricultural (A10) Zone is 30’; side yard setbacks are 12 feet. The storage of material or placement of structures or parking within the setback areas is not permitted. The required setback from the top of the canal bank is 16.5 feet.

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

**11.** The County Land Use Ordinance stipulates that:

- a.** Proposed CUP's must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
  - i.** It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
  - ii.** It unreasonably interferes with the lawful use of surrounding property.

**12.** All activities as identified within The Farm at Old Paradise CUP Letter of Intent are proposed to occur on Lot 2 of the R Rafter L Subdivision and the Agricultural Remainder of the One Sixty Five Subdivision. Guests will access the parking area and the property via a private access driveway that will be required to meet the minimum County standards in the Road Manual. With the required conditions of approval, the operation that the applicant is proposing will not cause unreasonable risks to the safety of persons or property and it will not unreasonably interfere with the lawful use of surrounding properties.

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

**13.** The County Land Use Ordinance stipulates that:

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

**14.** The subject property has frontage along Highway 165.

**15.** §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

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

- a.** §5.5 – Access to State Roads: Any new access, existing access that is being altered, change in land use that utilizes an existing access, or any work within the right-of-way of a State facility is required to obtain the appropriate permits from the Utah Department of Transportation (UDOT) – Region 1.
- b.** If Highway 165 is determined to be within Cache County jurisdiction, the Road Manual also specifies:
  - i.** Table 2.2 – Roadway Typical Sections, Footnote #6 indicates that development of a commercial or industrial nature must meet the minimum requirements of a local road.
  - ii.** §2.1-A-4 Collector Road: Roads with approximately 1600 to 5000 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds (generally to a speed range of 40 mph or less) and moderate to high traffic volumes. This category provides service to through traffic movements and allows more direct access to occur. These facilities move traffic across multiple communities or jurisdictions, typically connection facilities of system importance.
  - iii.** Collector Roads must meet the minimum standard of two, 11-foot wide paved travel lanes with 6-foot wide shoulders: 3 feet paved, 3 feet gravel (34 feet total width with a paved width of 28 feet), 14-inches depth of granular borrow, a 6-



inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 80-foot wide right-of-way (ROW).

- iv. §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.
- v. 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.

**17. A basic analysis of Highway 165 is as follows:**

- a. Based on available documentation, this appears to be a UDOT (Utah Department of Transportation) facility that provides access to the general public and is maintained year round by the County.
- b. If Highway 165 becomes a County facility, the analysis is as follows:
  - i. Is a collector road based on the County standards.
  - ii. Consists of an average 28-foot paved width (11-foot travel lanes and 3-foot shoulders) with gravel shoulders varying in width from 3.5-6.5 feet.
  - iii. Has an unknown depth and type of material under the surface. However, the County Engineer and the County Public Works Inspector did not identify any existing road or surface deformation that would indicate substandard materials.
  - iv. Road improvements to Hwy 165 may be necessary if the conclusions of the required parking analysis show an increase in average daily trips (ADT) that would warrant adding a median lane. **See condition #4**
  - v. An encroachment permit will be required to relocate the private driveway access. **See condition #6**

**18. Parking and Access:**

- a. §17.22 Off Street Parking Standards – All uses included under Use Index 6000, Resource Production and Extraction, require a Parking Analysis be conducted to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. The Parking Analysis must conform to §17.07.040 General Definitions and §17.22 Off Street Parking Standards. **See condition #4**
- b. A detailed site plan must be submitted to confirm the location of the required parking and access meets minimum standard requirements and does not conflict with other uses on the property. The parking lot improvement plan and private access driveway plans must be prepared by a licensed professional and will be reviewed and approved by the County. The applicant is responsible for additional costs associated with the review of these plans. **See condition #7**

**19. Refuse:** Logan City Environmental Department, Solid Waste Collection, reviewed the proposed use and did not have any comments on the proposed agritourism facility. The applicant must work with the Logan City Environmental Department on any future waste collection issues. **See condition #8**

**20. Fire:** §16.04.080 [C] Fire Control – The County Fire District visited the site and reviewed the Letter of Intent. The Fire District stated a plan review will need to be conducted to determine the fire department access and water supply for suppression. **See condition #9**

**21. Water:** The applicant stated that the existing milk barn has culinary water. The current water right associated with the property (#25-931) indicates there is one domestic water right

associated with parcel #16-046-0003. The applicant must provide confirmation from the Utah Division of Water Rights that the existing water rights are sufficient for the proposed agritourism use. If additional water rights are required, the applicant must provide proof of the approved water rights prior to recordation. *See condition #10*

22. Septic: Applicant must provide confirmation from the Bear River Health Department that the proposed use under this CUP can be accommodated by the existing septic system and does not require any upgrades. *See condition #11*
23. §15.32.030 Land Disturbance Permits – A Land Disturbance Permit may be required as specified by County and State Code. *See condition #12*

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

24. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”
25. The County Land Use Ordinance stipulates that:
  - a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
  - b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.
26. Known or reasonably anticipated detrimental effects of the use are as follows:
  - a. Traffic: An agritourism facility has the potential to generate additional traffic and may negatively impact the surrounding residential uses and add increased trips to the existing roads. Currently, Highway 165 is the primary access to the subject property. This road currently does not require any improvements based on the County Engineer’s assessment, but may require improvements including adding a median depending on the conclusion of the required parking analysis. The applicant has also proposed constructing a private access driveway for guests to access the barn facility. The applicant is required submit plans for review and approval for the private access and to construct the access prior to the recordation of the CUP. *See condition #5, #8*
  - b. Parking: Uses classified under Use Code 6000, Resource Production and Extraction Uses, require a Parking Analysis to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. To mitigate any reasonably anticipated detrimental effects of the proposed use, a revised Parking Analysis must be submitted that conforms to §17.07.040 General Definitions and §17.22 Off Street Parking Standards to the County Engineer. *See condition #5, #8*
  - c. Lighting: The proposed hours of operation will extend into the evening hours and may require exterior lighting to provide guidance for guests navigating the parking area to the location of the agritourism activities. As the surrounding area is primarily residential and agricultural, the impacts caused by parking lot lighting and exterior lights may be detrimental to surrounding uses. The applicant must provide a detailed lighting design plan to identify how lighting impacts will be mitigated. *See condition #13*

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

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

**CONDITIONS (13)**

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

1. The applicant and operator(s) must abide by the information as provided in the application and the information and conditions as identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *(A-2)*
2. Prior to recordation, the applicant must work with the Building Department to ensure the existing structures proposed for the agritourism use meet Building Code requirements for the type of use, the new structure(s) have had all inspections completed, and a Certificate of Occupancy has been issued. The applicant must also obtain approval from the Fire Department that the structures adhere to the requirements of the fire code. The applicant must provide written confirmation from both departments to the Department of Development Services. *(A-2-a-i, A-2-a-ii)*
3. Prior to recordation, the applicant must improve the private access driveway off of Highway 165 to meet the minimum county requirements based on the ADT findings of the Parking Analysis. The design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, and base preparation and construction. Fees for any engineering plan and construction review above the base fee collected for road review must be borne by the proponent. *(A-2-a-iii)*
4. Prior to recordation, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Office for review and approval. Evidence of professional licensure must also be provided by the person preparing the analysis. *(A-2-a-iv, E-17-e, E-18-a, E-25-a, E-25-b)*
5. Proposed signage, must meet the minimum standards of §17.23 Sign Standards and obtain approval of a Zoning Clearance and may require a building permit prior to installation. *(A-2-a-v)*
6. The applicant must obtain approval for an encroachment permit from the jurisdictional authority, either Cache County or UDOT, prior to starting work within the public right-of-way. *(E-17-f)*
7. Prior to recordation, the applicant must provide a detailed site plan to the Development Services Office for review and approval that includes the location of the private access drive, required parking, loading and unloading area, turn-arounds, etc, which confirms that all required elements meet the minimum development standards. *(E-18-b)*

8. The applicant must work directly with the Logan Environmental Department, Solid Waste Collection, on any future waste collection needs. *(E-19)*
9. Prior to issuance of a zoning clearance and building permits, the applicant must work with the Fire Department through the plan review process to ensure fire department access and water supply for fire suppression meet minimum safety requirements. *(E-20)*
10. Prior to recordation, the applicant must confirm with the Utah Division of Water Rights that the existing water rights for the property are sufficient for the proposed use. Written confirmation must be provided to the Department of Development Services from the state. Alternatively, the applicant must provide proof of an additional, approved water right prior to recordation. *(E-21)*
11. Prior to recordation, the applicant must provide confirmation from the Bear River Health Department that the existing septic system will accommodate the proposed use as indicated in the Letter of Intent. Written confirmation from the Bear River Health Department must be provided to the Department of Development Services. Alternatively, a copy of any additional septic permits required must be provided to the Department of Development Services. *(E-24)*
12. A Land Disturbance Permit may be required as specified by County and State Code. *(E-23)*
13. Prior to recordation, a detailed design plan shall be submitted for the parking lot landscaping and lighting for review and approval by the Director of Development Services, or designee. The design plan must specify the method for minimizing light from negatively impacting neighboring properties. *(F-26-c)*

## CONCLUSIONS (2)

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Based on the findings of fact and conditions noted herein, staff recommends approval of The Farm in Old Paradise Conditional Use Permit as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *(See C, D, E, F)*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *(See C-5)*

Letter of Intent - Conditional Use Permit - The Farm in Old Paradise

1.

A) Proposed use:

"The Farm" is proposed as a new agritourism enterprise in Avon Utah. New components which will bolster an existing farm operation are proposed to include: Pick-Your-Own produce, sale of farm raised beef and other farm commodities, pumpkin patch, corn mazes, farm tours including wagon rides, farm related group events such as private events, receptions, or weddings centered around a farm experience, farm educational events (workshops, classes, competitions) and seasonal events such as "Christmas at The Farm" or "Spring at the Farm" which would include farm centered activities (sleigh rides, skating, baby animals), or sale of seasonal commodities (Christmas trees, etc) Food sold or served during these events will be produced primarily on site (greater than 51%) and contribute to the gross receipts of the farm.

There are existing facilities on site that will serve this purpose. There is currently a milk barn on site that was constructed in the 1960s. This barn has power, culinary water and septic already established that served its prior use. The barn is approximately 30 x 40 and will serve as the site for restroom facilities, on site commercial kitchen for events or the preparation for the farm products produced on site. It is also proposed that an existing hay barn be retrofitted or removed/replaced with a new barn (see item 3).

B) It is proposed that this Agritourism Enterprise will continue to be family run as is the farm. It is proposed that at this time the primary employees will be Casey and Kelli Snider, owners, whom also reside on the property.

C) Hours of operation will vary according to season and demand. In general, weekday afternoons/evenings (4-10) and Saturdays will be available for booking in the summer months, possibly into early autumn, dependent upon weather. Also possibly open for bookings would be Saturdays during the "holiday season" (December).

D) There will be no employee traffic for the facility as owners/employees reside on premises. Anticipated parking needs may range from 10 to a maximum of 200 vehicles. The site map documents the proposed location for parking. Additionally, the site map requests a small adjustment of an existing farm access road, and proposes to move the road approximately 50 feet to the south to better align and accommodate guest access and egress.

E) Signage will be minimal. Notation of the farm will be painted on existing facilities, with additional small scale signage denoting parking, restrooms, pick your own etc.

F) Equipment required for maintenance of facility includes owner's personal vehicles: cars, farm tractors, associated with operation of the existing farm, small tractor and wagon for transporting guests or equipment such as tables, chairs, backdrops, etc.

G) Garbage disposal (particularly as it applies to facilities as an event venue) will be handled independently by owners. The Farm is currently served by Logan City for waste disposal.

2.

Site Plan (Attached)

3.

Proposed new construction or retrofit:

Attached is a drawing of the proposed new or retrofit of an existing barn to be constructed spring/summer 2020.

A) Elevation of proposed new construction, 35' to the peak of barn roof.

B) Barn will be constructed pole barn style with engineered trusses, sheet metal siding and roof, and a concrete floor and foundation as outlined.

C) Dimensions of proposed building: 30' wide x 60' long x 35' tall. (See attached building plans.)

D) Note\* No water or restroom facilities are proposed in this structure as those amenities are located in the existing building located immediately adjacent.



HWY 165

Proposed new/renewed

existing dairy barn

Proposed new alignment

s 20801

Produce your own!  
Pick-your-own  
Porch-maze location

Parking

Google Earth

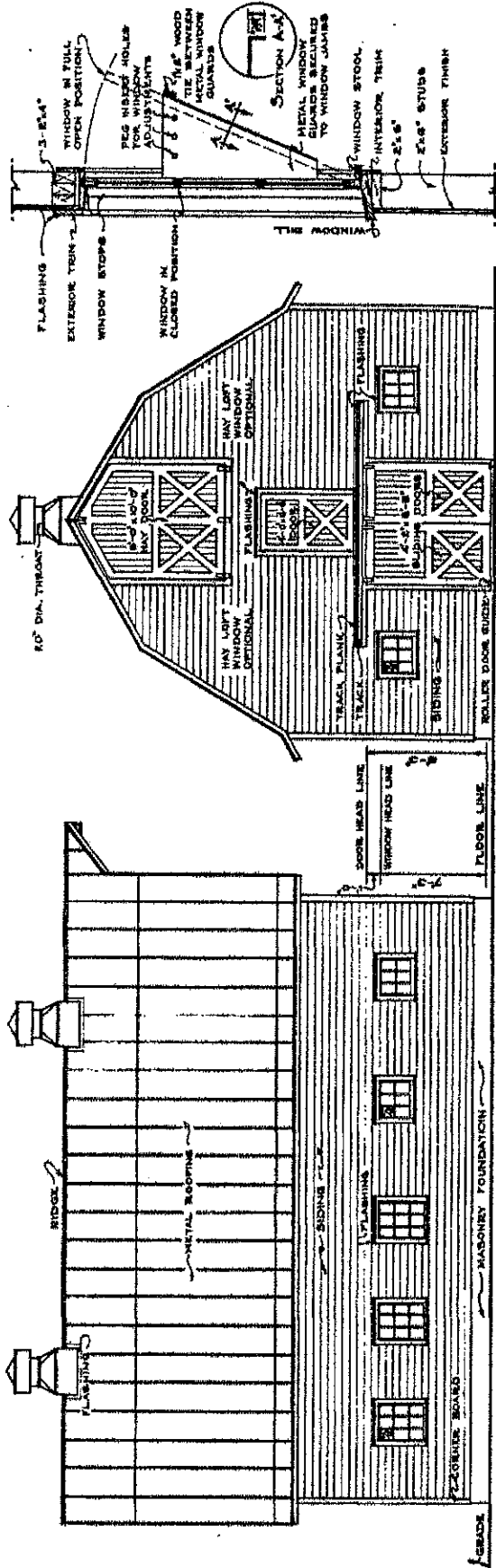
Imagery Date: 9/14/2018 41°32'12.44" N 111°49'09.20" W elev 5054 ft eye alt 6396 ft

1993

Map outlining location of two parcels



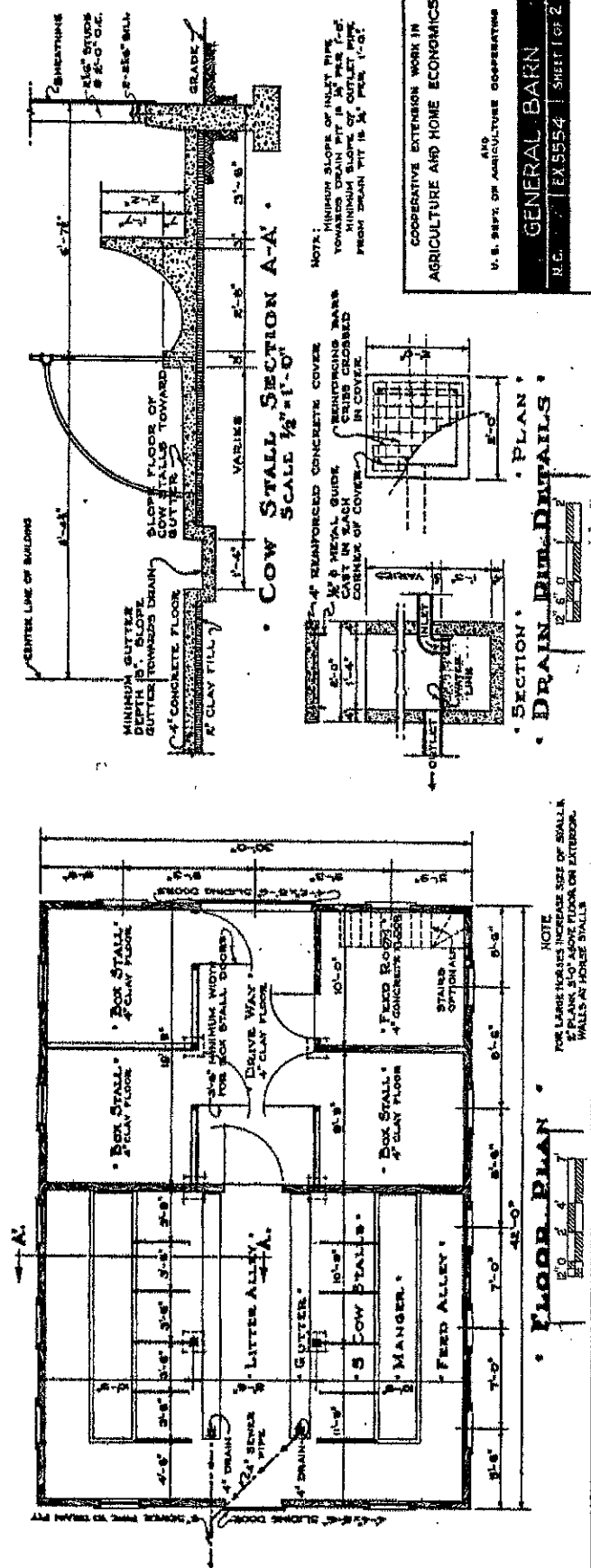




• SIDE ELEVATION •

• END ELEVATION •

• WINDOW SECTION •



• FLOOR PLAN •

• COW STALL SECTION A-A •

• SECTION •

• DRAIN PIPE DETAILS •

NOTE: MINIMUM SLOPE OF INLET PIPE TOWARDS DRAIN PIT IS 1/8" PER 1'-0" MINIMUM SLOPE OF GUTTER TOWARDS DRAIN PIT IS 1/4" PER 1'-0".

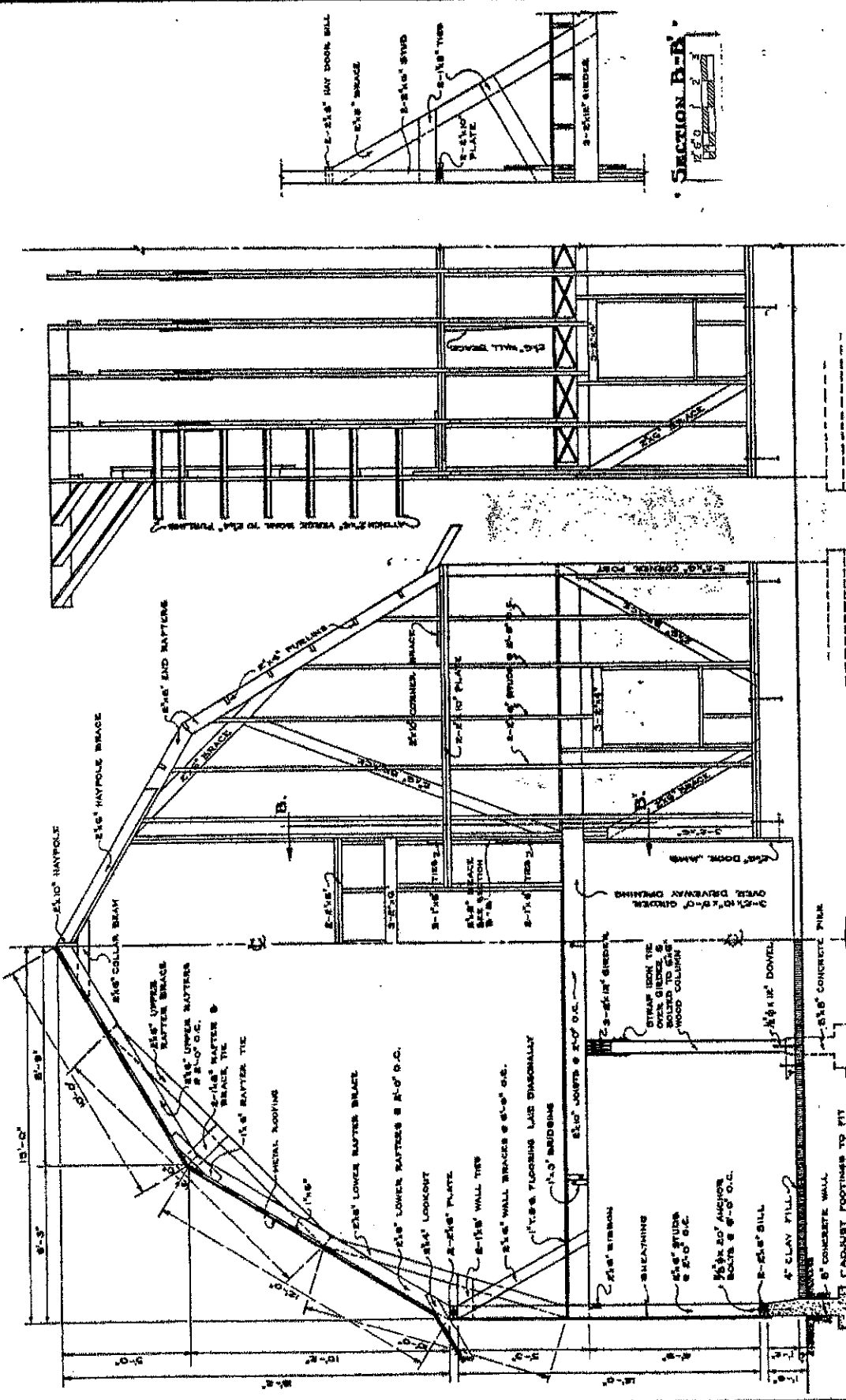
COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS

AND U.S. DEPT. OF AGRICULTURE COOPERATING

GENERAL BARN

N.C. EX-5554 SHEET 1 OF 2

NOTE: FOR LARGER HORSES INCREASE SIZE OF STALLS 2" PLANK 5/8" ABOVE FLOOR ON EXTERIOR WALLS AT HORSE STALLS



END & SIDE FRAMING

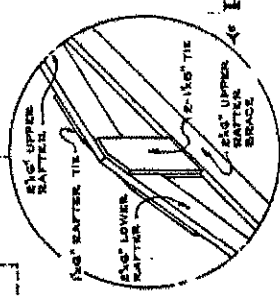
SECTION B-B

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS

U.S. DEPT. OF AGRICULTURE COOPERATING

GENERAL BARN

EX. 5554 SHEET 2 OF 2



RAFTER CONNECTION DETAIL

SECTION A

CONCRETE WALL

ADJUST FOOTINGS TO FIT EXISTING SOIL CONDITIONS

**STAFF REPORT: JRB HOLDINGS, LLC, CUP AMENDMENT**

9 January 2020

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:** Jay Baugh

**Parcel ID#:** 04-006-0026

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

**LOCATION**

*Reviewed by Angie Zetterquist*

**Project Address:**

4395 North Highway 91  
Smithfield

**Current Zoning:**

Commercial (C) Zone

**Acres:** 1.95

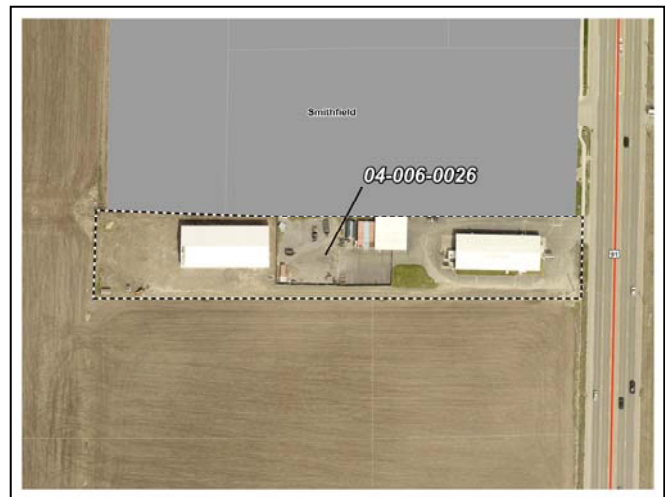
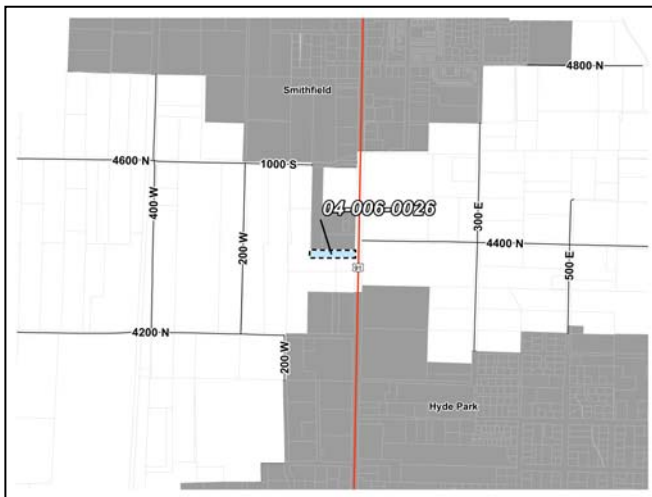
**Surrounding Uses:**

North – Smithfield City

South – Agricultural

East – Hwy 91/Agricultural

West – Agricultural



**FINDINGS OF FACT (36)**

**A. Request description**

1. The JRB Holdings LLC, Conditional Use Permit (CUP) Amendment (formerly known as the Intermountain Hydraulics CUP) is a request to amend the existing commercial business and allow non-commercial, personal storage on the property 1.95 acre property located in the Commercial (C) Zone.
2. The original request for a CUP was approved in 1984 for a building to house hydraulic components for storage, wholesale, and resale.
3. In 1997, the CUP was amended and approved to allow the expansion of the commercial business for the construction of a 24-foot by 45-foot building to house inventory storage for the existing business.

4. The business expanded again with approval of a CUP in 2001 to increase the size of the storage building and add office space in the main building.
5. In June 2017, another amendment was approved to add a new 7,500-square-foot building to accommodate another business expansion.
6. The applicant recently sold the business to another entity. The new business owners do not need the newly built 7,500-square-foot warehouse building as part of their commercial operation, but would like to utilize storage containers instead. Storage containers were not included in the 2017 CUP Amendment request. In addition, the applicant, who is the property owner, would like to use the new warehouse building for private, non-commercial storage.
7. The current amendment request will reduce the size of the commercial business and convert the 7,500 sq.ft. commercial storage building to personal/private storage use. The request has been fully described in the Letter of Intent (Attachment A) and site plan. The applicant has labeled the individual structures on the site plan and submitted a separate letter of intent to describe the proposed use for each structure. *See condition #1*
  - a. Construction
    - i. There is no new construction proposed as part of the current CUP amendment request, but the applicant is requesting to use cargo containers for storage: one container (identified as #4 on the site plan) to support the existing business and two for private/personal use (#6). Each cargo container measures 8' x 8' x 45' (2,880 cubic feet). *See condition #2*
  - b. Operation
    - i. The building identified on the site plan as #1 is used for the existing commercial business and there are no changes proposed to the building or operation. *See condition #3*
    - ii. Building #2 is a 3,000-square-foot storage structure used to support the commercial business in building #1. There are no changes proposed to the building or operation of this storage structure. *See condition #3*
    - iii. The structure labeled as #3 is an existing frame structure with a canvas covering used to protect items associated with the commercial business left outdoors from the weather. There are no changes proposed to this structure or operations. *See condition #3 & #4*
    - iv. The 7,500-square-foot storage building located towards the rear of the property was built as part of the business expansion approved in the June 2017 CUP amendment. As part of this request, the structure will no longer be affiliated with the commercial business and will be utilized for non-commercial, personal/private use of the property owner only. *See condition #5*

## **B. Conditional Uses**

8. §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***

9. The County Land Use Ordinance stipulates that:
  - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use. *See conclusion #1*

- b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity. *See conclusion #1*
- 10. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #1*
- 11. The subject property is a legal lot. A boundary line adjustment (BLA) was recorded on 12 December 2016 that expanded the parcel to its current configuration of 1.96 acres. Prior to the BLA, the parcel (1.0 acre) was established in 1996 and validated by issuance of Conditional Use Permits in 1997 and 2001 as well as building permits between 1997 and 2002. Recently in April 2019, the applicant divided the lot into two parcels without land use authority in April 2019, but recombined them after it was brought to his attention that it was an unpermitted division that placed a restriction on both properties.
- 12. §17.07.030, Use Related Definitions defines this use as “3100 Commercial Business” and as “Commercial sales and services” and as “1130 Accessory Structure”.
- 13. §17.07.040, Definitions, defines “3100 Commercial Business” as: “Any commerce endeavor to engage in the purchase, sale, lease, or exchange of goods, and/or the provision of services. This includes the following specific uses:” #1 Commercial sales and services and #2 Professional Services.
- 14. Item #1 “Commercial sales and services” is further defined as, “An establishment that provides products or services directly to a consumer, and where such products are available for immediate purchase and removal from the premises by the purchaser.”
- 15. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Commercial (C) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
- 16. §17.07.040, Definitions, defines “1130 Accessory Structure” as: “A use or a structure subordinate to the primary use of a lot, or of a primary building on the same lot, and serving a purpose clearly incidental to a permitted primary use of the lot or of the building and which accessory use or structure is compatible with the primary permitted uses or structures authorized under land use regulations applicable to the property.”
- 17. §17.09.030, Schedule of Uses by Zoning District, permits this use as an allowed use in the Commercial (C) Zone with approval of a Zoning Clearance.
- 18. §17.10.040 Site Development Standards – The required setback from the property line in the Commercial (C) Zone is 30’, but the side and rear setbacks can be reduced per Table §17.10.040, if applicable. The storage of material or placement of structures within the setback area is not permitted. *See condition #6*

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

- 19. The County Land Use Ordinance stipulates that:
  - a. Proposed CUP’s must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
    - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
    - ii. It unreasonably interferes with the lawful use of surrounding property.
- 20. All activities as identified within the JRB Holdings, LLC CUP Amendment Letter of Intent and site plan are proposed to occur on the subject property. As there is a reduction of the commercial business use, no operational changes, and the use has been previously approved by

the Planning Commission, with the required conditions of approval, the use of the property as proposed will not cause unreasonable risks to the safety of persons or property and it will not unreasonably interfere with the lawful use of surrounding properties.

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

**21. 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.

**22. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.**

**23. Access: The property gains access from U.S. Highway 91.**

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

b. U.S. Highway 91 exceeds the requirements of the County Road Manual.

c. U.S. Highway 91 is a Utah Department of Transportation (UDOT) facility and there is an existing access point for the business; the proposed amendment does not include a change to the access point.

d. UDOT provides year round maintenance on U.S. Highway 91.

**24. Parking:**

a. §17.22 Off Street Parking Standards – All uses included under Use Index 3000, Sales and Service, require a minimum of one parking space per 250 square feet, or a Parking Analysis conforming to §17.07.040 General Definitions and §17.22 Off Street Parking Standards.

b. Although the use is classified under Use Index 3000 for Sales and Services, the operation and functioning of this particular use is not that of a traditional retail/commercial service and the required parking per code appears to be excessive (i.e., 30 spaces for a 7,500-square-foot building). The original CUP and the subsequent amendments did not require on-site parking at the commercial sales and service parking ratio based on the square footage of the proposed structures.

c. The June 2017 CUP amendment required a Parking Analysis, as defined by §17.07 and described in §17.22.020(B), be submitted to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. That analysis was submitted, reviewed, and approved. Parking on-site was increased to meet the requirements and no additional parking is required under this amendment request. *See condition #7*

**25. Refuse: Logan City Environmental Department, Solid Waste Collection, reviewed the proposed use and did not have any comments on the CUP amendment request.**

**26. Fire: §16.04.080 [C] Fire Control – The County Fire District visited the site and reviewed the Letter of Intent. The Fire District did not have any issues with the requested amendment.**

**27. Water: If culinary water facilities are provided, an approved, domestic water right is required.**

**28. Septic: If the proposed building includes restrooms, the Bear River Health Department will review the plans for compliance with septic requirements when a Zoning Clearance application has been submitted.**

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

29. 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.”
30. 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.
31. Known or reasonably anticipated detrimental effects of the use are as follows:
  - a. Noise: Hours of operation for the use are 8:00 a.m. to 5:30 p.m, Monday through Friday. It is not anticipated that the existing or proposed use would create detrimental amounts of noise.
  - b. Sensitive Areas:
    - i. The subject property is within the Airport Overlay Zone. Any future development within the overlay must meet current Code requirements and be in compliance with FAA (Federal Aviation Administration) rules and regulations. *See condition #8*

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

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

**CONDITIONS (8)**

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

1. The applicant and operator(s) must abide by the information as provided in the application and the information and conditions as identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *(A-7)*
2. Prior to recordation, the applicant must obtain Zoning Clearances, and Building Permits if necessary, for the three (3) cargo containers as shown on the approved site plan. Structures must meet all applicable setbacks and distances from other structures. *(A-7-a-i)*
3. Per this amendment request, there are no structural or operational changes to the primary commercial business operating (buildings #1, 2, 3, & 4). All conditions from the previous CUP approvals are still in effect for the primary commercial business use. Any expansion or modification of the existing use must obtain approval of the Land Use Authority. *(A-7-b-i, A-7-b-ii, A-7-b-iii)*

4. Prior to recordation, the applicant must obtain a Zoning Clearance, and Building Permits if necessary, for the existing frame structure with canvas covering. Structures must meet all applicable setbacks and distances from other structures. *(A-7-b-iii)*
5. The 7,500-square-foot storage building (#5) previously associated with the commercial business is restricted for use as a personal/private accessory structure for the property owner. No business activities may be conducted from this structure and it cannot be rented out or used by a third party. *(A-7-b-iv)*
6. The applicant must comply with the required setbacks for the Commercial (C) Zone as per Chapter 17.10 Development Standards of the County Code. The storage of material or placement of structures within the setback area is not permitted. Proposed storage areas that meet the required setback must be shown on the revised site plan prior to recordation. *(C-18)*
7. The number of parking spaces approved per the June 2017 CUP Amendment must be maintained; no removal of spaces is permitted. *(E-24-c)*
8. Any future development within the airport overlay must meet current Code requirements and be in compliance with FAA (Federal Aviation Administration) rules and regulations, as applicable. *(See F-31-b)*

## CONCLUSIONS (2)

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

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *(See C, D, E, F)*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *(See C-10)*



Letter of Intent – Conditional Use Permit Building #1

Explain Request in Detail:

- 1) The intent of the building is for business. 6000 sq ft building. The building was built in 1984. The building has been used for the operation of Intermountain Hydraulics until October 2017 when the business was purchased by MFCP. There was no change in the use of the building as MFCP continued with the existing operation.
- 2) There are six employees. No one resides on the property.
- 3) Business hours are Monday – Friday 8:00am – 5:00pm.
- 4) Parking is more than adequate for the use of the building for customers and employees (See Drawing.) Deliveries are made by UPSP, parcel freight services and LTL services. This has been the same since the building was built.
- 5) No change in current signage.
- 6) Computers, hose assembly equipment, tube bending equipment, Jib Crane small hand tools, lathe and mill.
- 7) There is a 3yd waste container and 4yd recycling container that are regularly emptied by Logan City.

There is no change with the use of this building as it has been used during the last 35 yrs.

Letter of Intent – Conditional Use Permit Building #2

Explain Request in Detail:

- 1) The intent of the building is for support of the business operating out of building # 1. Inventory of hose, fittings and snow plow parts. The building has been used for that purpose since it was built. 3000 sq ft.
- 2) No employees operate out of this building. No one resides in the building.
- 3) Business hours are Monday – Friday 8:00am – 5:00pm.
- 4) Parking is more than adequate for the use of the building for customers and employees (See Drawing.) Deliveries are made to building # 1
- 5) No signage.
- 6) There is no equipment operated in the building.
- 7) There is a 3yd waste container and 4yd recycling container that are regularly emptied by Logan City.

There is no change with the use of this building as it has previously been used.

**Letter of Intent – Conditional Use Permit Building #3**

**Explain Request in Detail:**

- 1) The intent of the canvas covered structure is to protect items from the weather that are left outside in support of the operations of building # 1.
- 2) No employees operate out of this building. No one resides in the building.
- 3) Business hours are Monday – Friday 8:00am – 5:00pm.
- 4) Parking is more than adequate for the use of the building for customers and employees (See Drawing.) Deliveries are made to building # 1
- 5) No signage.
- 6) There is no equipment operated in the building.
- 7) There is a 3yd waste container and 4yd recycling container that are regularly emptied by Logan City.

There is no change with the use of this building as it has previously been used.

Letter of Intent – Conditional Use Permit Building #4

Explain Request in Detail:

- 1) The intent of the cargo container is to provide support for snow plow inventory in support of the operations in building # 1.
- 2) No employees operate out of this building. No one resides in the building.
- 3) Business hours are Monday – Friday 8:00am – 5:00pm.
- 4) Parking is more than adequate for the use of the building for customers and employees (See Drawing.) Deliveries are made to building # 1
- 5) No signage.
- 6) There is no equipment operated in the building.
- 7) There is a 3yd waste container and 4yd recycling container that are regularly emptied by Logan City.

There is no change with the use of this building as it has previously been used.

Letter of Intent – Conditional Use Permit Building # 5

Explain Request in Detail:

- 1) The intent of the building is for personal, business and storage. 7000 sq ft building.
- 2) No employees will operate out of the building.
- 3) No fixed hours. No day to day operations out of the building.
- 4) There will be no parking needed. There will be no deliveries sent or received from the building.
- 5) No additional signage is anticipated.
- 6) No equipment will be operated within the building.
- 7) There will be no waste or garbage generated in the building or containers.

Intermountain Hydraulics was sold after the completion of the building and the new tenant is only leasing the original parcel 04-006-0026 as it existed prior to the construction of the new building. There is no change in the use of the other buildings

**Letter of Intent – Conditional Use Permit Building #6**

**Explain Request in Detail:**

- 1) The intent of the cargo container(s) (2ea) is for personal, business and storage.
- 2) No employees operate out of this building. No one resides in the building.
- 3) No fixed hours. No day to day operations out of these cargo containers.
- 4) There will be no parking needed. No deliveries will be sent or received.
- 5) No signage.
- 6) There is no equipment operated in the building.
- 7) There is a 3yd waste container and 4yd recycling container that are regularly emptied by Logan City.

There is no change with the use of this building as it has previously been used.







**STAFF REPORT: ALLEN GRAVEL LARSEN PIT CUP 1<sup>ST</sup> AMEND.**

9 January 2020

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:** Troy Allen

**Parcel ID#:** 09-029-0009

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Planning Commission

**LOCATION**

*Reviewed by Angie Zetterquist*

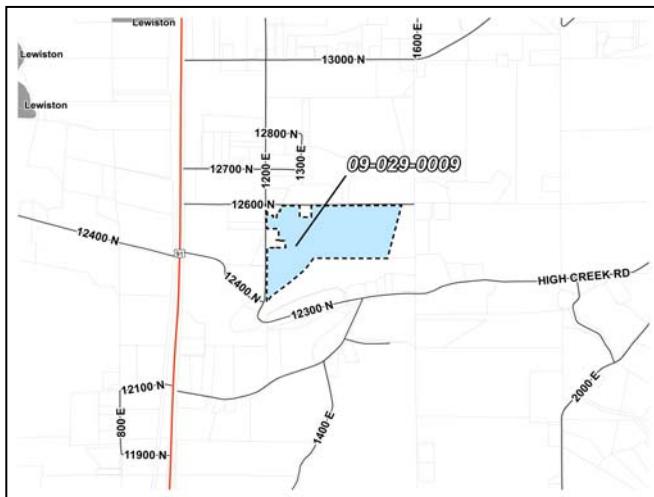
**Project Address:**

1200 East 12600 North  
Cove

**Current Zoning:** **Acres:** 50.77  
Agricultural (A10) and Mineral Extraction and  
Excavation (ME) Overlay Zones

**Surrounding Uses:**

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



**FINDINGS OF FACT (28)**

**A. Request description**

1. The Allen Gravel Larsen Pit Conditional Use Permit (CUP) 1<sup>st</sup> Amendment is a request to amend an existing CUP for an extraction operation located on parcel #09-029-0009 in the Agricultural (A10) Zone with the Mineral Extraction (ME) Overlay Zone. *See conditions #1 & #2*
2. The original CUP was approved in February 2007, the Allen Gravel Larsen Pit CUP (Attachment A) was approved to allow a gravel pit to operate on parcel #09-029-0009. According to the Master Plan submitted by the applicant for the gravel pit, the operation would be limited to mining "...no more than two acres at any one time, with the remainder either undisturbed or reclaimed and reseeded" (Attachment B). A recent aerial image of the gravel

pit (Attachment C) indicates the scope of the Master Plan has been exceeded and the gravel pit is out of compliance.

3. In November 2019, the Planning Commission approved a one-lot subdivision with an agricultural remainder on the subject property, Larsen & Larsen One-Lot Subdivision. At that time, it was discovered that the original approval for the gravel pit included the area where the new developable lot for the proposed subdivision was located and that the pit was out of compliance with the approval. A condition of approval for the subdivision required that the CUP for the gravel pit be amended to change the boundary to exclude the subdivision lot and brought back into compliance or amended to reflect the current status. The CUP for the gravel pit must be amended and brought into compliance prior to the recordation of the subdivision
4. In the Letter of Intent (Attachment B) for the subject CUP amendment request, the applicant states the high-quality gravel resource at the site is 95% depleted with low quality gravel still available (Attachment C). As the facility works through the low quality gravel, a screen will be used to separate the rock from the fine material with the fine material used to reclaim and make the land suitable for a non-excavation use. There is top soil stockpiled on the site for reclamation, but it also contains a high percentage of rocks, so it will also be screened and used to restore the property. *See condition #3*
5. The extraction area has high resource potential according to the Sand and Gravel Resource Potential map. See Attachment A. *See conclusion #1.*
6. §17.13 Mineral Extraction and Excavation – Specific requirements for this use type are identified under §17.13 of the County Land Use Ordinance.

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

7. §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
  - a. Compliance with law;
  - b. Health, safety, and welfare;
  - c. Adequate service provision;

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

8. The County Land Use Ordinance stipulates that:
  - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use. *See conclusion #1*
  - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity. *See conclusion #1*
9. §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*
10. The subject parcel is not in the same size and configuration as on August 6, 2006, making it a restricted parcel. In June 2007, a Boundary Line Adjustment was approved between parcel #'s 09-029-0009 & -0044, changing the configuration of the subject parcel but resulting in two legal parcels. Then in October 2007, parcel #09-029-0009 was divided without Land Use Authority to create parcel #09-029-0053 at 0.49 acres, making them both restricted parcels. The subdivision request will clear up the restriction on the subject property, but the CUP must be amended and recorded prior to the subdivision being recorded.

11. §17.07.030, Use Related Definitions defines this use as “6400 Mineral Extraction” and includes stone quarries and sand/gravel pits. Per §17.13 Mineral Extraction and Excavation, the proposed use is a minor extraction operation.
12. §17.13.050 Operation Categories, permits a commercial extraction operation with a CUP in the Mineral Extraction (ME) Overlay Zone if reviewed and approved in accordance with the conditional use review procedures of §17.06.

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

13. The County Land Use Ordinance stipulates that:
  - a. Proposed CUP’s must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
    - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
    - ii. It unreasonably interferes with the lawful use of surrounding property.
14. The primary activity of the use is a gravel pit that was previously approved in 2011.

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

15. The County Land Use Ordinance stipulates that:
  - a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.
16. The subject property takes access from 12600 North, a County road.
17. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
18. A basic analysis of 12600 North, identifies that: ***See conclusion #1.***
  - 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. Consists of an average 24-foot paved width with 2-foot wide gravel shoulders.
  - d. Is classified as a Rural road. Under the current code, commercial or industrial uses are not permitted on any road classification less than a Local road, but as the facility is operating under a previous approval and the use is not proposing to expand, there is no need to improve the road to a Local standard at this time.
  - e. Has an unknown depth and type of material under the surface, however, the County Engineer Inspector did not identify any existing road or surface deformation that would indicate substandard materials.
  - f. The County Engineer has determined that no roadway improvements will be required.
  - g. Is maintained year round.
19. §16.04.080 [C] Fire Control – The County Fire District visited the site and has no issues with the proposed CUP amendment.
20. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental did not have any comments or issues with this request.

**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. Noise and Dust: The uses on site have the potential to create detrimental amounts of noise and dust given the extraction use and the equipment needed. However, given the location of the site, the surrounding extraction and agricultural uses, and that the closest residential uses are owned and occupied by the property owner (including the proposed new subdivision lot), it is not anticipated that the proposed use would create detrimental amounts of noise and dust to neighboring properties.

**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 December 2019.
25. Notice was published in the Herald Journal on 28 December 2019.
26. Notices were posted in three public places on 27 December 2019.
27. Notices were mailed to all property owners within 300 feet of the subject property on 27 December 2019.
28. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

**CONDITIONS (5)**

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

1. The applicant and operator(s) must abide by the information as provided in the application and the information as identified in this report and must comply with the conditions of approval. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *(A-1)*
2. Prior to recording the permit, the applicant must provide the Department of Development Services a revised legal description for the gravel extraction operation that excludes Lot #1 of the proposed Larsen and Larsen One-Lot Subdivision from the Allen Gravel Larsen Pit CUP. *(A-1)*
3. Prior to recording the permit, the applicant must bring the extraction operation back into compliance with the originally approved CUP including the master plan and approved reclamation strategy. All conditions of the originally approved CUP remain in full effect with this amendment. Documentation of compliance must be submitted for review to, and be approved by the County Engineer. *(A-4)*
4. Applicant must employ best management practice for erosion control measures and must conform to Appendix J of the current International Building Code (IBC).

5. A copy of any required state permitting must be submitted to the Development Services Office.

## CONCLUSIONS (2)

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Based on the findings of fact and conditions noted herein, staff recommends approval of the Allen Gravel Larsen Pit Conditional Use Permit 1st Amendment as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; (*See C, D, E, F*)
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. (*See C-9*)

# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



**JOSH RUNHAAR, AICP**  
DIRECTOR/  
ZONING ADMINISTRATOR

**PAUL BERNTSON**  
CHIEF BUILDING  
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1630 ♦ FAX (435)755-1987

## CONDITONAL USE PERMIT

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

Date issued 9-9-09 Receipt # 2694 Permit # 1201-10

<b>OWNERS' NAME</b>	<b>Randy Larsen</b>	<b>ZONE</b>	<b>ME</b>
<b>PROJECT NAME</b>	<b>ALLEN GRAVEL LARSEN PIT</b>	<b>TAX #</b>	<b>09-029-0009</b>
<b>AGENT'S NAME</b>	<b>Troy Allen</b>	<b># of ACRES</b>	<b>53.26</b>
<b>PROJECT ADDRESS</b>	<b>1200 East 12600 North, Cove, UT 84320</b>	<b>APPROVAL DATE</b>	<b>2-1-07</b>

### LEGAL DESCRIPTION ATTACHED

**CONDITONAL USE PERMIT:** For a Master Plan to allow approximately 30 acres of the 53.26 acre parcel to be used for the extractoon of gravel.

**This conditional use permit is subject to the following specific conditions:**

1. Current and future property owners must be aware that they will be subject to the sights, sounds and smells associated with agriculture activities which are the permitted uses in the Agricultural Zone (Ag) and Forest Recreation Zone (FR-40).
2. Any expansion of the approved conditional use shall require review and approval by the County Planning Commission prior to the expansion.

**ADDITIONAL STIPULATIONS:** 1. Prior to the commencement of any site development activities or gravel extraction on this site, the Master Plan, including the site plan, shall be reviewed for compliance with applicable county ordinance by the County Engineer. The applicant shall pay the cost of any and all engineering reviews. 2. A site plan and access to the county road shall be reviewed for compliance with applicable county ordinance by the County Engineer prior to commencement of excavation. The applicant shall pay the cost of any and all engineering reviews. 3. The site plan shall include the following: locations of clearances, rights-of-way, easements, utility lines, existing water courses and pipelines, drainage on the property, property lines with names and parcel ID numbers of adjoining property owners, ingress and egress, and the cemetery. 4. The site plan shall be on a contour map based on a USGS 7.5 minute quadrangle or other more detailed contour map. 5. The applicant shall submit a plan for onsite control of surface and storm water drainage to be reviewed by the County Engineer. The applicant shall pay the cost of any and all engineering reviews. 6. All activities shall be maintained and operated in such a way as to minimize light, fumes, dust, and smoke. 7. After approval of the site plan the approval shall be put in the form of a development agreement as required by Cache County Code §17.13.070. The agreement shall include a legal description of the land, a copy of the conditional use permit, a copy of the approved mineral extraction and excavation master plan, all final grading and slope for reclamation of the extraction operation that meets the requirements of Appendix J of the currently adopted International Building Code, a financial guarantee for the rehabilitation and reclamation, and other specific requirements, rights, and peculiarities pertinent to the project. 8. The applicant shall obtain all necessary Federal, State, and local permits as requires by Cache County Code §17.13.060(B). 9. Hours of operation shall be held in compliance with those stated in Cache County Code §17.13.060(C).

Ent 1032723 Bk 1645 Pg 599  
 Date: 9-Nov-2010 04:35 PM Fee \$.00  
**Cache County, UT**  
 Michael Gleed, Rec. - Filed By SA  
 For CACHE COUNTY CORPORATION

# CACHE COUNTY CORPORATION DEVELOPMENT SERVICES DEPARTMENT



**JOSH RUNHAAR, AICP**  
DIRECTOR/  
ZONING ADMINISTRATOR

**PAUL BERNTSON**  
CHIEF BUILDING  
OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1630 ♦ FAX (435)755-1987

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

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

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

Dated

*[Signature]* 9/9/09  
\_\_\_\_\_  
CACHE COUNTY ZONING ADMINISTRATOR

### 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.

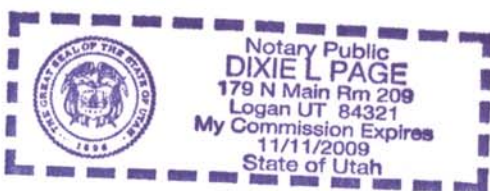
Dated 9/8/09

*[Signature]*  
\_\_\_\_\_  
Applicant/Property Owner

STATE OF UTAH            )  
  )  
COUNTY OF CACHE        )

Sworn to and subscribed to before me this  
9 day of August, 2009

*[Signature]*  
\_\_\_\_\_  
Notary Public



Ent 1032723 Bk 1645 Pg 600

**Allen Gravel LLC**

1015 E 12600 N  
Cove, UT 84320

**Master plan for the Larsen pit in Cove**

The reason for opening this pit is to provide pit run aggregate for the operations of Allen Gravel thereby conserving the high quality resource located in the Allen Pit.

Currently Allen Gravel processes and wholesales a wide variety of sand and rock products from the Allen pit in Cove. These products are loaded onto customers trucks and sold on site. Allen Gravel does not operate any trucks or deliver any products. All sales are on site. Our customers include Cache and Franklin counties, many local cities, all the concrete and asphalt companies in the valley, the Forest Service, and dozens of large and small contractors.

Due to the good economy of Cache Valley, there is a great demand for sand and gravel products. Our business has increased dramatically in the past few years, depleting our resource in the Allen pit significantly. Our number one product quantity wise is pit run which requires no processing.

Since all of the county, state, and federal permits for processing equipment are already in place at the Allen pit, we would like to conserve that resource for processing. For this reason we have entered into an agreement with Randy Larsen to extract pit run gravel from his land.

This parcel is immediately adjacent to a depleted pit owned by Staker Parson Co. on the south. On the east side is a parcel purchased by Cache Co. for the purpose of extracting gravel. On the north and west sides are farm fields with a few scattered houses.

Because of the proximity of the houses in the area, we are proposing a very limited operation in size and scope. We plan to have no more than two acres of this parcel being mined at any one time, with the remainder either undisturbed or reclaimed and reseeded. The only exceptions to this would be the area used for an access road and a stockpile of topsoil for the final reclamation process.

The only product sold from this location will be pit run and the only processing at this site will be the use of a grizzly to remove large rocks from the pit run.

Traffic will vary from zero trucks on some cold winter days to over a hundred on the busiest of days. In any case, all traffic will be the same as currently travels to the Allen Pit. The effect of this pit on traffic will be to reroute a portion of the traffic currently on High Creek Road to 12600 north. The distance to the Larsen pit from highway 91 is roughly half the distance to the Allen Pit from highway 91. There are six homes along this rout and there are six homes along the High Creek Road to the Allen pit.

Equipment used on this site will include a front end loader, an excavator and a scraper. Usually only one piece of equipment will be used at a time although there may be times when all three are used together.

We plan on beginning extraction in the north east corner of the parcel and removing gravel in a 300 ft section moving west. When we reach the western boundary of our agreement we will remove another 300 ft section from the west to the east, completing the extraction adjacent to the beginning point and using the stockpile of topsoil located there for the final reclamation.

The best available estimate of gravel on this site is around 250,000 ton. Pit run sales in the Allen pit this year have exceeded 100,000 ton. Given current circumstances and estimates, the life of this pit would only be three years. However, with changing circumstances, differences between estimates and reality, and unforeseen events we would appreciate a conditional use permit allowing up to ten years to complete the extraction.

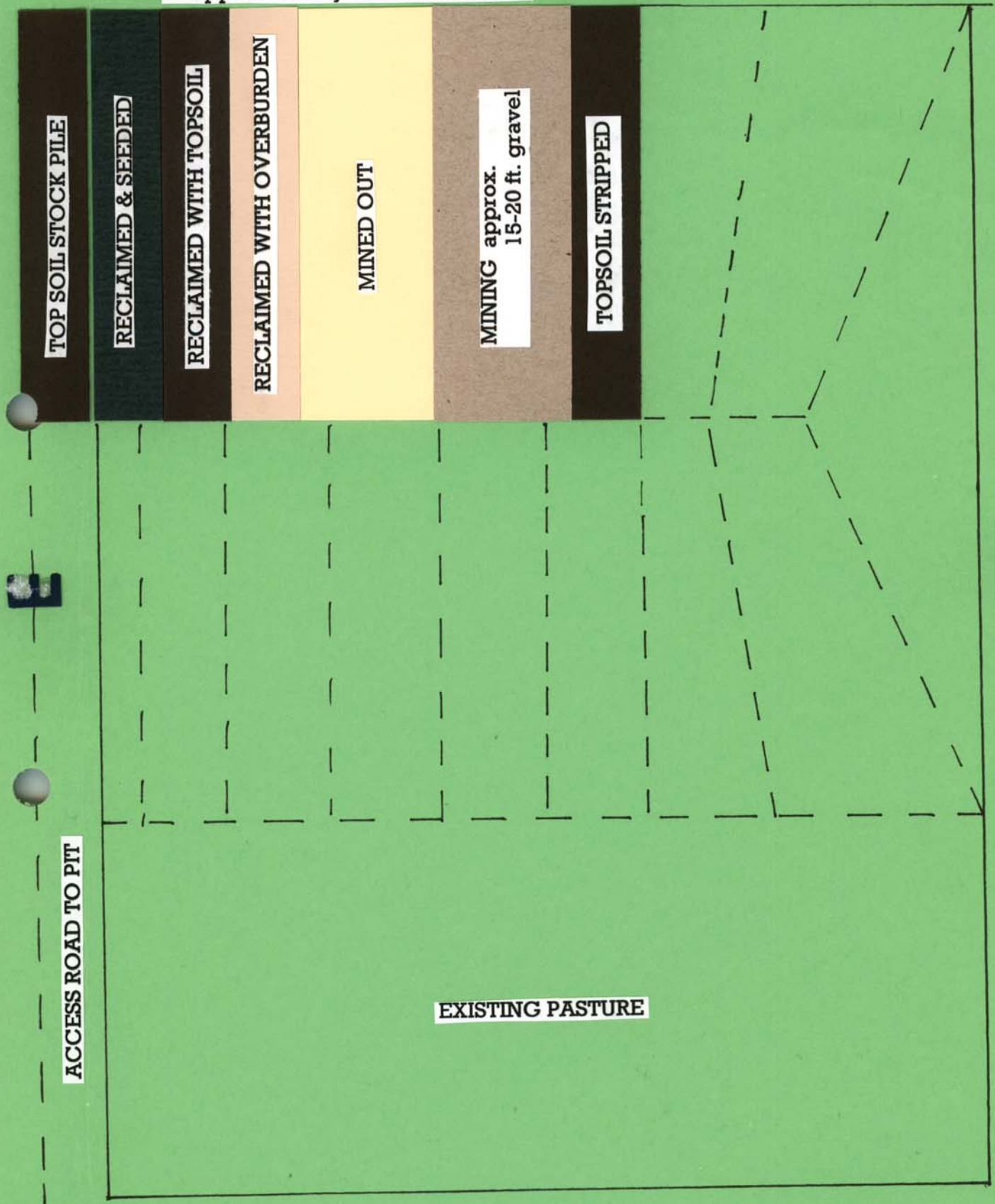
The approval of this conditional use permit will allow Allen Gravel to conserve some of the best quality gravel in this valley. This gravel can then be used for purposes for which it is better suited.

REVIEW w/ COMMENTS  
USGS QUAD MAP



From reclaimed to stripped topsoil  
approximately 300 ft. X 300 ft.

S



TOP SOIL STOCK PILE

RECLAIMED & SEEDED

RECLAIMED WITH TOPSOIL

RECLAIMED WITH OVERBURDEN

MINED OUT

MINING approx.  
15-20 ft. gravel

TOPSOIL STRIPPED

ACCESS ROAD TO PIT

EXISTING PASTURE

N

W

**Allen Gravel LLC**

1015 E 12600 N  
Cove, UT 84320

**Letter of intent and master plan for Larsen pit in Cove**

The Larsen pit has served its purpose for the past 10 years and has conserved the high quality resources in the Allen Pit. The good quality gravel in the Larsen pit is 95% depleted, however there is some low quality gravel still available.

Allen Gravel continues to provide a variety of sand and rock products to dozens of customers throughout the valley. Our customers include many cities in northern Cache County, as well as Geneva Rock, Edge excavation, Facer trucking, Savage conveying and many smaller contractors and companies. We sell direct to the public on a very limited scale. All our sales are still on site. We do not operate trucks or deliver products off site.

As the remaining gravel in the Larsen pit is mostly of poor quality, we intend to operate a screen to separate the rock from the fine material. The fine material will then be replaced and graded to suit the purposes of the land owner. The top soil stock piled on site also contains a high percentage of rock, making it undesirable for farming or most other purposes. Therefore, we plan on screening the top soil before replacing it. This land was a poor sagebrush pasture and was unusable for farming because of the hard gravel base. By this process this land will be suitable for whatever use the owner decides.

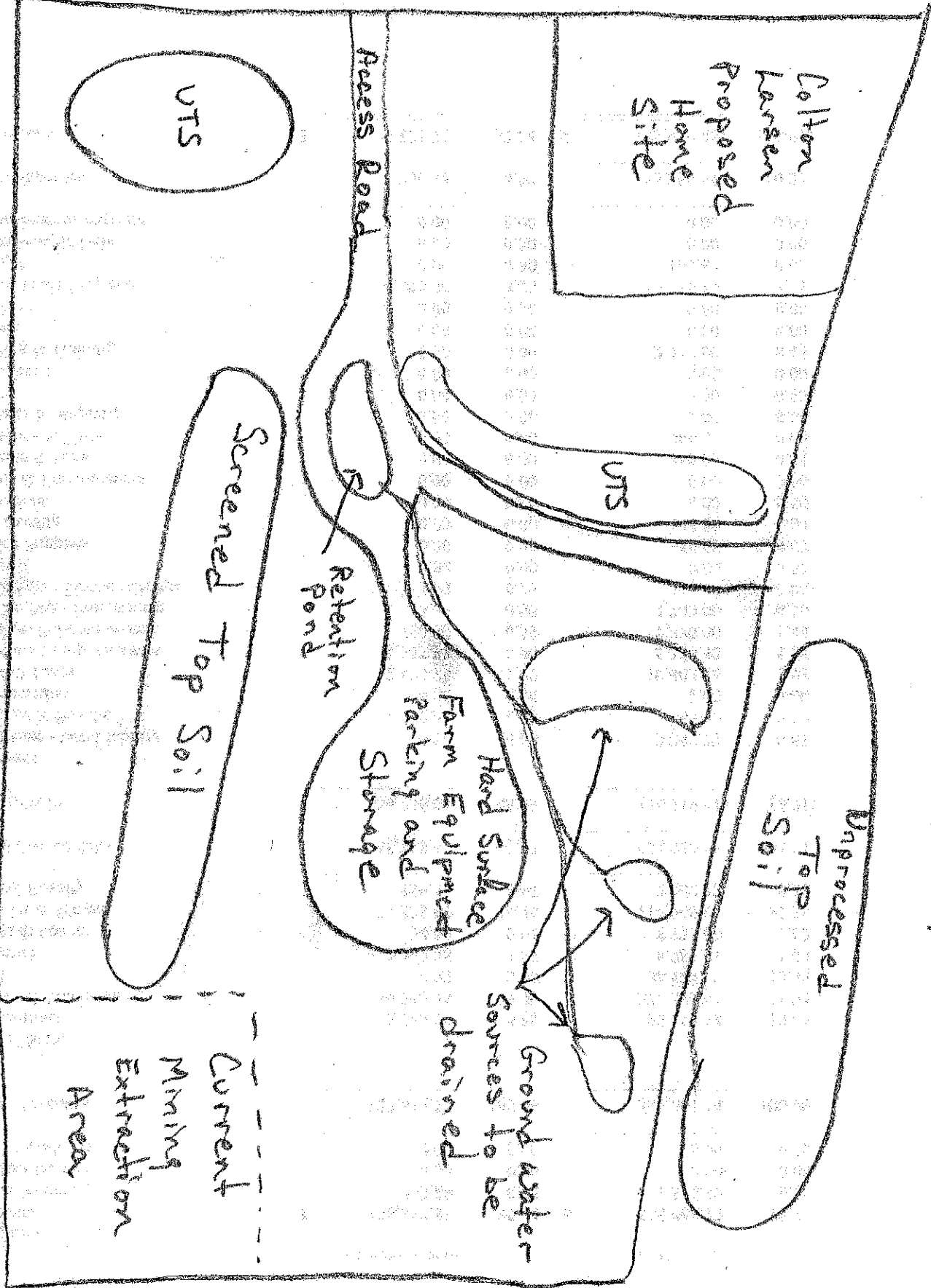
N

12600 N

Cache Co. Property

111

3



N









### SUMMARY

#### A. Purpose

1. The purpose of this report is to review the proponent's progress in complying with the existing Whisper Ridge Conditional Use Permit (CUP), and to assist the Planning Commission (Commission) in their decision 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. Sections from the previous staff report including Ordinance, Background, Findings, and Conclusions have been included, and an updated Recommendation has been provided.

#### 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 7<sup>th</sup> CUP prior to recording it.  
The CUP 1<sup>st</sup> 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**

At the time of the drafting of this report, no information has been submitted to our office to address the conclusions that support the revocation of the permit, and it appears that the operator has failed to come into compliance with the conditions of their permit. If the proponent fails to provide additional information that indicates compliance with the noted requirements, staff recommends that the Whisper Ridge Conditional Use Permit 1<sup>st</sup> amendment and the Commission approval for the 2<sup>nd</sup> amendment be revoked based on the noted findings and conclusions.





**MEMORANDUM – CODE AMENDMENTS**

9 January 2020

The Development Services staff has prepared code amendments (attached) for the review and recommendation of the Planning Commission to the County Council. The proposed amendments will add consistency and clarity to the code.

Specifically, the proposed changes to Title 16 Subdivisions are related to changes made last year regarding parcel legality and Land Use Authority. Suggested amendments include removing references to “1970 parcels”, which no longer exist under the Code, and making the Land Use Authority designations consistent with changes made to Chapter 17.02 Administration in 2019.

A proposed amendment to Chapter 17.02 will allow the Development Services Department to prepare application forms, which reflect the requirements of the County Code, for required permits and approvals and place those applications into effect immediately without having to obtain approval of the County Council for each revision. Due to the current language in the Chapter 17.02, any change to an application must go to the County Council for approval, which is a time-consuming process and rarely results in any changes to the application as presented by staff.

Finally, the Development Services Department has fielded questions from different developers regarding Use Type 4100 Recreational Facility. Staff feels the intent of the definition is best clarified by the Planning Commission and County Council. Specifically, the question is how “room” is defined for the incidental transient lodging allowed as part of a Recreational Facility. Staff has drafted a proposed definition for “room” that would only apply to Recreational Facilities, since it is a unique use type that allows for incidental lodging up to a maximum of 15 rooms, but can be interpreted differently depending on the point-of-view. For instance, developers typically equate a “room” in a transient lodging setting as a “key”, which may allow for multiple sleeping quarters in a single, rentable area. The developer understanding of room/key likely differs from what the intent of the Planning Commission and County Council was when the original definition was adopted. Staff is anticipating that there will be new applications for recreational facilities submitted in the next few months, subsequently, staff is seeking a clarification of this term and has proposed a definition of “room” that they believe reflects the original intent of the Code.

**Amendments to 16.01  
General Provisions and Administration**

**Existing language with proposed changes:**

**16.01.060: General Responsibilities:**

~~E. The Planning Commission shall act as an advisory agency to the County Council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the Cache Countywide Comprehensive Plan and Cache County Zoning Ordinance, and other pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary and final plats to the County Council.~~

~~FE.~~ The Development Services Department shall approve the form of the final plat, that the developer dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.

~~GF.~~ The County Council Planning Commission has final jurisdiction in the approval of subdivision plats; the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication.

**16.01.070: Site Preparation Work Prohibited:**

No excavation, grading or regrading, or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the ~~Cache County Council~~ Planning Commission and the subdivision has been recorded in the office of the Cache County Recorder, as required herein.

**Existing language with proposed changes:**

**16.02.020: Natural Barrier:**

- B. An application may be made for any lot that is clearly separated by a natural or manmade barrier within the Agricultural Zone. ~~Natural barrier determinations do not create new 1970 parcels.~~
3. The ~~Director of Development Services~~Planning Commission is the land use authority for natural barrier determinations. In the event that the ~~Director~~Planning Commission or applicant requires further review of a proposed natural barrier, the County Council shall be the land use authority. Any appeal of the ~~Director's~~Planning Commission's decision ~~shall~~ must be reviewed by the Board of Adjustments.
- C. Each parcel created by a natural barrier determination ~~made prior to October 11, 2005,~~ may be allowed to be further divided in compliance with this ~~¶~~Title and Title 17 of this code. ~~Each parcel created prior to October 11, 2005, by the natural barrier determination shall be allowed to develop as if it were a 1970 parcel.~~

**16.02.040: Approval Process:**

- B. Preliminary Plat: Applicants ~~shall~~ must submit to the Director a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this code or by the Director. This information shall be reviewed by the Planning Commission ~~and a recommendation for action shall be forwarded to the County Council.~~
- C. Final Plat: The ~~County Council~~Planning Commission ~~must~~ shall review the application, proposed plat, and any recommendations by staff ~~and/or the Planning Commission.~~ The Planning Commission ~~Council~~ may approve, approve with stipulations or alterations, or deny any subdivision plat.

**16.02.060: Cluster Subdivision Option:**

- G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the ~~county council~~Planning Commission. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.
- H. The maximum density, or number of lots allowed, is based on the total amount of developable land. "Developable land" is defined as land that is not restricted by hill slopes (grades greater than 20 percent), wetlands, floodplains, natural water features, or other lands that may be deemed undevelopable in conformance with title 17, chapter 17.18 of this code or as determined by the ~~p~~Planning ~~e~~Commission ~~or county council.~~

**Existing language with proposed changes:**

**16.03.030: Preliminary Subdivision Plat Requirements:**

H. The preliminary subdivision plat shall show the following:

4. Signature blocks prepared, as required and provided by the county, for the dated signatures of the ~~county council chair attested to by the county clerk~~, planning commission chair, deputy county surveyor, county attorney, county recorder and Bear River board of health director;

**16.03.040: Final Subdivision Plat Requirements:**

The final subdivision plat is required for the recordation of a subdivision plat as approved by the planning commission ~~and county council~~. The final plat shall reflect any changes to the preliminary plat as required by the ~~county council~~, Planning Commission, and ~~must shall~~ be reviewed by the director of development services for completeness prior to recordation.

A. A final subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Cache County recorder for recordation. The final subdivision plat shall contain all of the information required in the preliminary subdivision plat, with the exception of setbacks, and shall be presented to the director in the following form: One twenty four by thirty six inch (24 x 36") copy of the final subdivision plat, in ink, on reproducible mylar along with one digital copy (type to be specified by the director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps). All revision dates must be shown as well as the following:

1. Notation of any self-imposed restrictions, or other restrictions, if required by the planning commission ~~or county council~~ in accordance with this title or title 17 of this code;
2. Other final subdivision plat notes, as required by the planning commission ~~or county council~~.

B. All of the required signature blocks shall be signed prior to the recordation of the final plat.

C. All other requirements of this title, title 17 of this code, or of the ~~county council~~ Planning Commission shall be met prior to the recordation of the final plat.

**Amendments to 16.04  
General Requirements For All Subdivisions**

**Existing language with proposed changes:**

**16.04.060: Utilities and Easements:**

Utility easements shall be provided within the subdivision as required for public utility purposes. Easements shall be dedicated along all front, rear, and side setbacks as deemed necessary by the ~~county council~~Planning Commission and/or utility providers.

**16.04.080: Suitability Requirements for Subdivisions:**

F. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of service area no. 1, a garbage or refuse plan shall be provided for review by the ~~county council~~Planning Commission.

**16.04.090: Redesign:**

The ~~county council~~Planning Commission may require that a subdivision be redesigned based on a recommendation from either staff or the planning commission. The redesign may be required based on either site constraints that may include, but are not limited to: topography, floodplain or waterways, historic or culturally significant elements, access issues, or other natural features. A redesign of a subdivision may also be required based on land use planning external to the site.

**16.04.100: Completion of Development Improvements**

A. Improvements: The ~~county council~~Planning Commission may require on site and off site improvements as outlined within this code or as otherwise determined necessary by the land use authority based on the record as required to protect the public health, safety, and welfare

**Existing language with proposed changes:**

**17.02.020: Rules of Procedure:**

A. The Development Services Department shall adopt rules of procedure establishing the application and decision making process for required permits and approvals. These policies and procedures, including preparation of applications, must reflect the requirements of the County Code., but not limited to, applications and Permitting fees, must be approved by resolution by the County Council. The collected fees must be used to defray the costs of administering land use requests or appeals.

**17.02.030: Establishing Land Use Authority Duties, Authorities, and Powers:**

A. Director:

4. The Director must:

a. Adopt procedures for land use application processes. ~~These procedures must be approved by the County Council~~; and



**Existing definitions with proposed changes:**

**4100 RECREATIONAL FACILITY:** A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than 30 days per year and may also include incidental transient lodging accommodations for up to 15 rooms. Room: For the purposes of a Recreational Facility only, "room" is defined as a self-contained area within a structure that has a maximum of two sleeping areas, one bathroom, and no provision for cooking. The room provides sleeping accommodations for the general public utilizing the associated recreational facility. All rooms associated with the recreational facility must be contained within a single structure and access to rooms is primarily from interior lobbies or halls. A central kitchen and dining room catering to guests and the general public can be provided within the same structure. This use type definition also includes, but is not limited to, the following examples of specific recreational facilities:

1. Ski Facility: A recreational use, with associated facilities and improvements, for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated facilities and improvements include, but are not limited to: ~~transient lodging~~; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a ~~resort~~ recreational facility.
2. Golf Course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.
3. Campground: Any area with more than three (3) ~~sites~~ and a maximum of fifteen (15) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.